

# Popular Claims vs. Evidence-Based Conclusions in Human Trafficking

wordpress.com

## Popular Claims vs. Evidence-Based Conclusions in Human Trafficking

Ronald Weitzer, “Popular Claims vs. Evidence-Based Conclusions in Human Trafficking”: talk given at Queens University Belfast School of Law, 11th April 2013, as part of the one-day conference *New Frontiers of the Dark Figure: Measuring Hidden Crimes*. Audio available at YouTube. Transcribed by us and posted here with the kind permission of QUB School of Law.

*(Note: As the commentary during the Q&A session was sometimes difficult to understand, there are a few gaps in the transcript. Please leave a comment below or use the contact form if you can help fill any of them in.)*

Chair: Ron Weitzer is Professor of Sociology at George Washington University in Washington DC. He is a well-known writer and academic dealing with various issues. Those pertaining to our discussions today are a number of articles that he’s written examining the American campaign against trafficking beginning in the early 1990s, and so has been at it for some time, and the institutionalisation of official state discourse, policy-making and enforcement practices with regards to trafficking. He’s currently co-editing a special issue on human trafficking for the annals of the American Academy of Social and Political Science, and so I would invite Ron to the dais to give us a talk on “Popular Claims vs Evidence-Based Conclusions in Human Trafficking”. Cheers.

Ron Weitzer: Thank you very much, and thank you to the organisers for sponsoring this very unique panel. Let’s see, OK. You mentioned earlier that there is some controversy regarding trafficking in general, and sex trafficking, and I think I’ll try to explain why that is today, as well as suggest some alternatives to what I consider to be the dominant discourse and policy regarding human trafficking in general and sex trafficking in particular. Most of what I’m talking about today is sex trafficking but some of it does apply to human trafficking more generally, other types of trafficking, into other labour arenas, and most of what I say is focused on the US but I think a lot can also apply to other countries and internationally as well. And I want to give some history and background to this problem and issue, it did arise in the late 1990s in the US as an issue – frequent media reporting, the proliferation of anti-trafficking groups around the country and throughout the world, an increasing amount of state and international funding and enforcement efforts, and quite a lot of money is being spent in dealing with the problem.

I think there are four major claims that are made frequently about human trafficking, and I want to evaluate each one of those claims, and suggest that some of them – maybe all of them – are based on fairly thin ice. The first is that the magnitude of trafficking is huge – some people use the term “epidemic”. The second is that the problem is growing, there are increasing cases of victims over time. Third, that it’s the second or third largest organised crime enterprise in the world, after drug trafficking and arms trafficking. And fourth, that sex trafficking is much more prevalent than other types of trafficking – labour trafficking, agricultural, industrial and so on. So

those are the four, I think, core claims that have been made frequently, both in research and by activists and government officials.

Are these claims evidence-based? Well, I would argue that they *may* be true. Each one of those four. But, so far, I've seen no compelling evidence to support any of the four claims. And one could even question whether those claims *can* be substantiated at the macro level – and when I say macro I mean at the national level or internationally. There was a study done by Sheldon Zhang at San Diego State University, who examined over a hundred academic articles based on trafficking, and found that very few of them used any original data, and most of them treated the claims of government organisations and NGOs as evidence. Very little in the way of empirical data collection to address these claims.

In terms of the history in the US, the Trafficking Victims' Protection Act in 2000 criminalises the recruitment, harbouring, transportation, provision or obtaining of a person for the purpose of a commercial sex act. And anyone who's under 18 is by definition a victim, and any adult who's been induced by force, fraud or coercion would be considered a victim in the US. That's a somewhat narrower law than some other countries and some international conventions. So adults who sell sex willingly, with assistance, would not be considered trafficking victims under US law.

The paper critiques what I call this dominant paradigm regarding both sex trafficking and prostitution more generally, looks at the core claims in terms of the magnitude, the profits, and the experiences that people who are trafficked endure; it critiques government policies based on the paradigm, and I try to recommend what I think is a superior alternative to the dominant one.

There are two different – maybe more than two, but at least two – *types* of anti-trafficking organisations. Type 1 and Type 2. Type 1 are those organisations that do not condemn prostitution or other types of sex work, and focus on coercion and deception and are, perhaps, committed to assisting victims in those particular kind of cases. Type 2 organisations equate sex trafficking with sex work, condemn prostitution, and these Type 2 organisations are the ones that have been dominant in public debates; they've had the most influence on public policy, certainly in the US, under the Bush administration; they're very influential and they're extremely well-funded compared to the Type 1 organisations which have been marginalised, and have not been – their voices have not been heard.

Type 2 organisations subscribe to what I call the “oppression paradigm” regarding sex work, and I'll detail what that means in a minute. Again, by way of background, I think this movement began in earnest in the late 1990s. Prior to that there wasn't much discussion or either the use of the term “human trafficking” except for about a century earlier during the “white slave trade” discussion. It does involve an interesting coalition between left and right organisations, the religious right in the US along with some leftist groups, often what I would call maybe radical feminist groups, and the concerns with regarding trafficking trumped the differences between these very different left/right coalition partners. In this very same coalition with a few of the same

members fought pornography in the United States in the 1980s – with a degree of success, until the internet came along and changed everything.

Just a few examples of movement members on the right – I'm not listing everyone here – as you can see there's a religious characteristic to many of them, faith based. And a few of the movement members on the left. I think in Europe, the European Women's Lobby would fit here. And what's interesting is the mainstream women's rights organisations in the US, like the National Organisation for Women, have not really been active participants in this debate. If you go to their web page, there's very little discussion of trafficking.

So back to the oppression paradigm. It has a number of aspects – and this regards all types of sex work – that violence is omnipresent in both prostitution and sex trafficking, that sex workers are victims by definition, that most of them if not all of them lack agency, that trafficking and prostitution are linked and for many advocates equated, and I'll give a few examples of that in a second. And that legalisation of prostitution would only make the problem worse, because it would normalise the trade and expand trafficking into sex work venues. Just a few examples of some movement activists and their claims that illustrate the oppression paradigm:

- Donna Hughes, professor at University of Rhode Island: “Most sex workers are or originally started out as trafficked women and girls”, and she calls for a re-linking of trafficking and prostitution in order to combat the commercial sex trade as a whole.
- Melissa Farley: “A false distinction between prostitution and trafficking has hindered efforts to abolish prostitution” – suggesting that it's prostitution, not so much trafficking *per se*, that is to be targeted.
- And I just threw in feminist icon Catharine MacKinnon, who brings pornography into the equation, and a very interesting formulation here where I've sort of highlighted some of the key words: “Pornography creates the demand for prostitution hence for trafficking, because it is itself a form of prostitution and trafficking”. And you can read the rest.

A lot of conflation here between key terms, unfortunately. And definitions by fiat.

So that's the oppression paradigm that I think has coloured many people's understandings of sex trafficking and sex work in the United States and throughout the world. During the Bush government they fully embraced this paradigm, and individuals like Melissa Farley and Donna Hughes had pretty good access to the Bush administration – participated in conferences frequently, lobbied, and people of their persuasion had a lot of influence on policy and practice. And according to the US State Department in 2004, these kinds of claims were being made in one of the key documents that the State Department produced – “There is no doubt that prostitution fuels trafficking and has led to the growth of modern-day slavery”, according to the Bush administration.

And during this period individuals in these Type 2 organisations, not Type 1, had open access to the Bush government; the government endorsed their basic claims, both in pronouncements and in published documents. It funded these Type 2 organisations quite lavishly, and denied funding

to Type 1 organisations if they refused to sign an anti-prostitution pledge. And denied funding to researchers who wanted to study trafficking if they would not sign an anti-prostitution pledge. So even when they put out a request for proposals for a literature review on trafficking, you would have had to have signed an anti-prostitution pledge to get money to simply do a literature review during the Bush administration.

So, that's by way of background. So what I want to do is go through each of these major claims and assess the degree to which they stand up to the evidence. And I'll begin with claim number one. It is in advocates' interest to claim that the numbers are huge and growing. It attracts media attention; it attracts public attention; and it attracts funding. This does not mean that that's their only interest; many of them do have humanitarian interests as well. But clearly, inflating the size of the problem, and the trajectory of the problem as increasing dramatically over time, is to the benefit of these organisations. But the claimed number of victims vacillates – fluctuates – tremendously. And what we see in government reports and other estimates are *declines*, decreases in the number of alleged victims. In the United States, the State Department and CIA originally estimated 50,000 individuals who were trafficked into the United States every year, but by 2004-7 that number was scaled down dramatically, and a meta-analysis conducted by Amy Farrell and her colleagues of 207 studies found a *huge* range in the estimates regarding both labour trafficking and sex trafficking. Worldwide, the estimates range from 600,000 to millions.

Now, no one would claim that there should be an equivalence between the number of victims identified and assisted, and the number of victims out there. But we do have to raise questions about the disconnect between the number of victims located and assisted and the number of people who are *claimed* to be victims. So in 2010, 0.4% of victims worldwide – and these are *all* human trafficking victims – had been officially identified and assisted, according to the State Department. That assumes that the total number of victims is known. And there's no metric in the report of where that figure comes from and how they arrived at it. The Justice Department in the US in 2005 made this intriguing comment: "The government must address the incongruity between the estimated number of victims trafficked into the US, and the number of victims found, between 2001 and 2004." Updating those figures a bit, between 2001 and mid-2008 about 1,400 trafficking victims had been identified in the US, and from 2008 to 2010, 206 sex trafficking victims and 39 labour trafficking victims had been officially identified as confirmed cases. This is a tiny fraction of what we might expect based on the 14,500 and 17,500 number of "new victims" each year. These are annual figures.

You could say the number of victims identified, assisted, confirmed, is just the tip of the iceberg. And I think many people would subscribe to that view. And I might as well. But this quote from Louise Shelley who has a major book called *Human Trafficking*, some of you have read it, so she's a major figure in the debate, academic, estimated half a million to four million victims trafficked annually – "these statistics reflect a massive impunity for traffickers". There we see an uncritical acceptance of the official statistics – something all criminologists are cautioned not to do. It's possible that the number of prosecutions are more consistent with the reality, the magnitude of the problem, than the extremely high estimates. So it's at least possible that the

*bottom* of the iceberg is a better reflection of the number of victims than the “tip of the iceberg” conception. Just want to throw that out as a possibility.

Other analysts, including the Government Accountability Office in the US, which conducts annual reviews of different policies, wrote a very damning report in 2006 criticising the numbers that the government itself and others had been throwing around. They were critical of many reports that lumped smuggling – voluntarily assisted migration – with trafficking, coercive or deceptive trafficking; critical of reports that do not distinguish sex from labour trafficking from all human trafficking. And so when you read books like Louise Shelley’s book, she goes back and forth between the different types of trafficking; it’s not always clear which one she’s talking about. And this GAO report was also very critical of the poor data and data analysis procedures that have been used by many researchers and others. They concluded that there was no effective mechanism at that point – 2006 – for estimating the number of victims. Domestically or internationally.

So my argument, and I’ll be real interested to see what the presenters this afternoon have to say, as well, is that it’s *impossible* to count the number of people involved in any illicit clandestine activity at the macro level. And I would include arms trafficking, drug trafficking, human trafficking. And the wildly varying estimates show the futility of counting numbers at the macro level. When I say “macro” I mean internationally or within a particular society.

The second argument is that it is possible at the micro level – but only at the micro level, meaning a particular city or perhaps a region of a country – to count the number of victims but only if the data collection is solid and systematic and rigorous and if the quality of the data are high. And that unfortunately doesn’t happen very often. So I’m arguing in favour of micro-level research and avoiding macro-level numerical estimates and claims.

Claim 2: That human trafficking is steadily increasing as a problem throughout the world. Well, the numbers I showed earlier suggest that the US government has been scaling down its figures every year, so that’s one issue. But here we’ve got three major authors; each has written a book on human trafficking: Louise Shelley, Kathryn Farr, Siddharth Kara – and here you can see that their claims about a rapidly spreading problem are stated quite adamantly. Kara has two assumptions here, or two claims – that both the demand for sex services has increased and therefore the increased use of sex slaves. He has no good data to support either of those. My argument here would be that these claims cannot be documented, for three reasons. It’s a clandestine, underground, black market; that there’s no good baseline to measure changes over time, so we cannot know what’s then happening and what the trends are if we have no good data on what the original – let’s say 1990-2013 – trends are. So it’s clandestine; there’s no baseline. And, it’s possible that there could be market saturation, particularly regarding sex trafficking – that in a particular society or city, the number of people providing sex for sale maxes out at some level and doesn’t continually increase over time. So for those three reasons, I think, we have to critically evaluate the claim that it’s steadily increasing and becoming a more widespread problem. Again, I’m focusing on sex trafficking, but I think much of what I say could be applied to

other arenas as well. But for now I'm gonna stay with sex trafficking. And as I said before, NGOs and governments have been consistently reducing their estimates over time – and why would they be doing that if the problem is growing in terms of prevalence?

So claim 2 rests on pretty thin ice.

Claim 3, that it's the second or third largest organised crime enterprise, and produces the second or third greatest profits for those involved, behind drugs and arms trafficking. The United Nations, the USA and other organisations, NGOs, make these claims. The minimum number I've seen is by the IOM: 5-7 billion a year. But then we have Siddharth Kara claiming that 36 billion has been derived from trafficked sex slaves. He also makes some other questionable claims – with very precise figures, which raise questions in my mind as to how those were arrived at. He equates, if you read his book – he slips between “brothel workers” and “sex slaves”. Very flippantly. Flippantly, that's not the right word for that, but – casually. And foreign sex workers and trafficked victims – he alternates between them as well. So there's a lot of definitional questions I would have when looking at his book, and given those definitional problems, we have to raise questions about the numerical conclusions he draws as well. The 5-7 billion figure was deconstructed by two authors in a very well-conducted analysis of where those figures came from, how they were arrived at, and they concluded that it was simply guesswork, based on a number of unknowns. And that's the minimum figure. So if that applies to the minimum figure, we can probably also say similarly for those higher figures. And even though the UN is one of the organisations that makes these kinds of claims, “second or third largest criminal enterprise in the world”, itself claims that it's “impossible to prioritise human trafficking as an issue relative to other threats”. So then why is it making that claim? And I would agree with this quotation.

Claim number four, that sex trafficking eclipses labour trafficking. The position of the Bush administration, was that yes that's very much the case, that the majority of trafficking victims in the US and internationally fall prey to the commercial sex trade, in the State Department's TIP [Trafficking in Persons] Report 2004. And I'm not sure how many academics, researchers and NGOs subscribe to that view today, but the Obama administration takes a radically different view in its State Department's recent report. The majority of human trafficking in the world takes the form of forced labour. And if you read the TIP reports, the recent ones, there's much more attention to labour trafficking than to sex trafficking. So there appears to be a shift within the US State regarding which is considered most serious and which deserves the most attention. They also, unlike the Bush administration, distinguish prostitution from trafficking. You would never find a comment like this in any of the TIP reports under the Bush administration; even though the law is consistent with this later point, the discourse during the Bush administration was much broader and equated the two. From what I can tell – and I don't have a lot of data on this, but despite the change in discourse between the two governments, Bush and Obama, that most of the institutional apparatus that was set up during the Bush administration is still in place; most of the official claims are similar to the Bush administration's; the key law has not been modified in major respects between the two administrations, and government anti-trafficking funding remains pretty much the same, from what I can tell. But I would like a little bit more information on what's

actually going on in the Bush [sic] administration and to what degree has there been a shift in not just discourse but also practice and enforcement patterns from one to the other. Maybe some people here can help me with that. You can? Great. I'd like to know a little bit more about that, for sure. I think some of the key personnel in the TIP office have been carry-overs from the Bush administration to Obama, but some of them have left.

So, those are the claims and that's my assessment of the claims. I think there is a solution to part of the problem and I want to make a pitch for micro-level research – conducted in a non-ideological way, a way that does *not* equate sex work with trafficking, and I think there's two advantages, both quantitatively and qualitatively, to micro-level research – at the city level, and perhaps at the regional level. Tom Steinfatt is going to be talking about this later today with regard to Cambodia, I think, where he's done some extremely interesting ground-level micro research. I think we get more reliable numbers at the micro level, and we can also get richer data on the lived experiences of people who were involved in migration, and coercive and deceptive trafficking as well.

I think micro-level studies can illustrate the defects in the dominant paradigm by showing where the evidence supports it and where it doesn't, and would in the aggregate highlight the continuum of experiences, patterns, that some individual experiences fit very well with that dominant paradigm and others don't at all.

So I want to just give a few examples of some fairly recent studies that are all micro-level based that seem to support my basic argument. I won't describe these in detail but each one of these studies, all of which are published, does sort of support the point I'm trying to make:

- Goździak's study of 142 minors who were trafficked into the US from Latin America
- Nick Mai's study in 18 European cities of young men who sell sex in those cities – 16, 17 years old often. Now remember, minors by definition would be considered trafficking victims.
- Neil Howard's recent research in Benin, young people who migrate from villages to work in the mines and quarries in Nigeria. He's done a lot of ethnographic research there, observations, in-depth interviews.

All would be trafficking victims by virtue of age – I accept that. But each study documents a high degree of agency among the people who are being trafficked. A lack of coercion, a lack of deception. And shows that the lived experiences of these individuals are much more complex than the conventional wisdom suggests.

There's also a study – Leite and Da Silva, who did three studies in Brazil – of prostitutes who have been prosecuted under Brazil's trafficking law. Prostitution by independent workers is legal in Brazil and in most cases there was no coercion, deception or exploitation in any of these three studies. But the law has been used to crack down on sex work, not trafficking per se. So that again I think complicates the picture a bit. According to the authors, the Brazilian government is cracking down on – using the trafficking law to crack down on prostitution, which is legal if it's

independently done.

A few more examples:

- Belanger's study of 646 labour migrants in Vietnam. And she did in-depth interviews and a survey with them. Big study. It's about ready to be published in the issue of the annals that you mentioned, annals of the American Academy of Political and Social Science. Two-thirds reported no deception, abuse or exploitation. These were in-depth interviews and they did try to probe – these were people who had returned to Vietnam from other countries in the region. So they weren't working in Cambodia or Thailand at the time the study was done, they were returnees. One third however did report abuse and this included confiscating passports, being confined at a workplace, denied sick leave, denied any kind of phone communication with the outside world, being prevented from leaving the job, and receiving wages that were much lower than what had been promised at the outset. 60% assessed their experience positively and would do it again. 40% did not and they cited the income that they earned, the ability to get better housing in Vietnam after they returned, and the benefits for their family. So 40% had negative experiences overall.
- A book that just came out by Ko-Lin Chin and James Fickenauer, *Selling Sex Overseas*. Fascinating book on 159 Chinese female migrants who migrated to seven cities within Asia as well as to Los Angeles and New York City for the purpose of engaging in sex work. They look at two stages: the transit stage and what happens at the destination. 149 of these 159 were assisted by intermediaries, most of whom were other prostitutes who had recruited them to work in Taipei, Bangkok, Kuala Lumpur, Hong Kong, Macau. The women – none were coerced into the work, and these were again in-depth interviews that the two authors conducted; few felt that they'd been unfairly treated by a facilitator during the transit stage; and one, only one, reported violence, by a male Taiwanese facilitator. They tended to display a strong sense of agency during the migration process; they worked; they returned home; they migrated again; they returned home again, often because of visa requirements limiting their stay – for instance someone from mainland China can only stay in Macau or Hong Kong for two weeks, and then has to go back and then re-apply. At the destination, we find these kinds of results: 15% reported that they were not free to move around, or quit work because of debt or the employer retained their travel documents; 26% were classified as exploited by Chin and Fickenauer using the measure of the woman receiving only half, or less than half, of the client fees – that's one measure of exploitation; 8% had experienced client violence, but yet 80% did not regret the decision to engage in sex work, largely for the amount of money that they made in these other cities compared to what they could make in China. Many of them had worked in the sex industry in China prior to migrating, but not all of them.

That went faster than I expected. So that leaves some time for questions. Basically, we've got the discourse, the different types of organisations involved. I think that these data from various recent studies show how complex some of these experiences can be, and tend to challenge some of the conventional wisdom, certainly with regard to the macro-level numbers that are propounded. So

maybe I'll stop there and open it up.

Chair: Thank you very much for that.

[Applause]

Chair: So, questions from the floor? Graham.

Graham: Well, thanks very much. I liked your point about agency. As you know, I've been doing study on male sex work for a number of years now and I'm not aware of any real coercion. [indecipherable] Just a couple questions about the presentation. How do you explain the predominance of religious groups in these anti-trafficking endeavours? [indecipherable] I told you about Northern Ireland, you know, it's the same, there are certain groups here. How do you explain the alignment of a certain strand of feminism with those same religious groups even though objectively they may be antithetical to their interests in terms of opposing reproductive rights and so on and so forth? And finally how would you explain the almost total absence of any discussion of male sex work within this dominant trafficking discourse? They're all related questions.

RW: All three questions. I'm not sure exactly how we understand, let's see – these radical feminist organisations that are adamantly opposed to all kinds of sex work but also support abortion rights, women's rights, lots of other things that many of these groups on the radical right are adamantly opposed to – I guess I would conclude that they are suspending their differences on those issues because trafficking trumps all of those other issues. They're more committed to trafficking perhaps than the other issues, and they put them aside. That's one explanation. I don't know anyone who's done research on those organisations – the leaders of those organisations – and how they make sense of their alignment and coalition with groups that, on other issues, would be opponents. Except to say that trafficking trumps everything else, and becomes the dominant concern. Male sex workers, why are they left out of the discussion? Very good question. I think in general, victimisation is seen to be more serious for women than men, more of a risk, more of a threat, exploitation as well, and there's an assumption in the public, in government and even in academia that male sex workers have more agency and so therefore their involvement in sex work, and even in trafficking, is not problematised in the same way that it is for women. And there's much less research on male sex workers in general than on female sex workers. And almost nothing on transgender sex work. The religious groups in the coalition, they also are willing to suspend their opposition on these other issues because trafficking trumps everything else.

Chair: Tom.

Thomas Steinfatt: Just one comment on that. In my work in Thailand from 1989-1999, I published a book called *Working at the Bar*, a 2002 publication. We studied over 2000 sex workers, most of them were female. However, we did get some numbers on the approximate proportion of people who were working as males and the people who were working as females. And the people

working as males were certainly no more than 9% of the total, probably less. If you speak to males who are into that kind of thing, they will estimate the number of homosexuals generally at around 12-14%, male homosexuals, lesbians are usually left out, but the actual numbers appear closer to 7-9%. I don't know that that's the explanation, you could say "well it's smaller, so maybe they didn't" but that's not a good explanation. But maybe that's part of it.

Graham: My own experience is only a very small percentage of male sex workers would actively identify as homosexual anyway –

Tom: True, true, true.

Graham: Most would say they're either straight or bisexual but they say gays will pay more.

Tom: [Indecipherable]

RW: If you look at the discourse of those Type 2 organisations, it's always about women and girls. Those are the victims. Men are never mentioned. You in the back?

Woman: How are you yourself distinguishing sex work and trafficking? Because a number of points when you were criticising Shelley, you were sort of saying, well she talks about sex vs labour vs trafficking, and you sort of said Obama distinguishes sex from labour, which would, I would assume, would either indicate you're making a distinction between sex work and trafficking for labour. So I just want to know how you're actually – what your understanding is of the difference between sex work and trafficking. And the second question is, I just wanted to maybe problematise a bit, the way that you discuss the term, or notion of coercion and also the way that you just talked about this [Indecipherable], because I think that – and this is what I think that we can take from this strand of feminist thinking and also much a more complex and nuanced understanding in writing on this, of which there is a vast amount, which is the way that coercion, for a number of victims, whether you identify them or not, is tied up in a really complex dynamic of gender and power. And I just wonder, when you were talking about your micro-analysis, how you intend to kind of recruit these victims, many of whom will not even identify themselves as victims but who might, under this definition, or even a definition that has some kind of coercion in it, actually come under that definition. I mean we see similar problems with the notion of consent, for example, in rape cases. [Indecipherable] or how do we actually decide if somebody has the capacity to consent? I mean it's very problematic. So I'm just wondering if you can speak to those things.

RW: I'll start with the first one. The distinction I make between sex work and sex trafficking, good question. Sex work can be coercive, done under deceptive circumstances, without consent; it can be [Indecipherable] engaged in by people with full consent – there's a continuum of consent, I think. So much research has been done on street level prostitution, and a lot of that's been generalised to prostitution. We know much less about indoor prostitution, especially in the first world. But what we're learning, the trend in research, is that there's a lot of indoor workers who've never worked on the street; a lot of them are independent; they work alone; they decide their

working hours, their prices, who they will see; there's some cottage industry models where 2 or 3 people work together out of one flat – a lot of agency there, at that end of the continuum, versus the other end. Unfortunately a lot of the street prostitution findings have been extrapolated to prostitution in general, so that's part of the problem in the literature. But I would think that there are variations and significant ones between, at the different ends of that continuum and everything in between. Mixed experiences. It might not begin as consent but later develop into a more consensual relationship. Someone might begin working for an escort agency but then go independent. That happens quite often, because escort agencies take about 40-60% of the earnings. But once you learn the ropes, the tendency is for people to go independent. So there's less consent or less control over your working conditions if you're working for an agency than if you're working by yourself, pretty obviously. Not sure if that's answering your question?

Woman: So, your understanding of sex work is that it is like that, that it is work.

RW: Yes. I would look at it as a type of labour.

Chair: So there is a false distinction in this sense between “sex work” and “labour”, sexual exploitation and labour exploitation. There's a false dichotomy there.

RW: Mm-hmm.

Chair: Kevin?

RW: I'm sorry, I don't think I answered the second part of the question there, which had to do with how we conduct research on sex workers who have a lot of reasons not to participate in research. They're invisible for the most part; that's a great question, and I think the studies that have done that have tried to build rapport, have worked through third parties who introduced them to sex workers. Ko-Lin Chin, James Fickenauer, worked through intermediaries to get access to people. They also hung out in red light districts in these various cities, got to know some of the managers and then independently interviewed some of the workers. Going through the managers is probably not the best strategy, because you might self-select or the manager could cherry pick those who [indecipherable]. It's difficult to get access to sex workers and to get valid responses from them, but it can be done. There's a ton of studies out there but the researchers have to work extremely hard to make sure that the data collection – that they've gained the confidence of the workers, which is a big if – and that the material that's been provided, the information is valid. It takes more work than maybe in some areas of criminology, because of the stigma and the vested interests that people who work in this industry have in remaining in the shadows. So I don't know if that responds fully but ...

Kevin Bales: Ron, this is fascinating for me and a little eerie, in that I was living through everything you were describing over the last 15 years. I was actually involved in those debates and the fights and the government actions and so forth. I feel like the soldier who's taken part in the American Civil War and marched through all the battles and campaigns and then ended up in a seminar where the war was being discussed. So there's a lot of little things that I'd love to share

with you. For example, some of your left-wing groups that you said were not religious – in fact, *are* religious groups, they have very deep religious foundations but they're just not explicitly stated.

RW: Like the Coalition Against Trafficking in Women.

Kevin: Like Polaris. Oh yeah, absolutely, CATW, but Polaris in particular I was thinking. People that I've known for a very long time, and I know some of the back stories, and I've also got some back stories that would lead you to a Freedom of Information enquiry that might find some very interesting things for you in the Bush administration. But I wanted to give you something like having someone fall out of the past who can actually corroborate – I wanted to tell you why your claim about number 3 - I wanted to give you the absolute foundation answer. So,

Chair: Let's just remind us of Claim 3 again?

Kevin: This is the one about this is the third largest or second largest of all organised crime. I know exactly where that came from and exactly how it happened, because I said it. In a meeting, at the United Nations Office of Drugs and Crime, I was the consultant on human trafficking for the establishment of the "trafficking" part of ODC in the year 2000. It was a closed meeting and someone said "so where do you think this lands in terms of other types of organised crime that we're working on here at the Office on Drugs and Crime, drugs and arms, like that?" And they turned to me because I was the data guy and I said, "Listen, no one knows the answer to that question, it's *impossible* to answer that question. If I *had to guess* I would say it was third, but no one could answer that question." And it was a closed meeting – we were just having a discussion. But there was an internal reporter, who wrote it down and then about nine months later it came out as a report in which it said "Trafficking expert consultant explained to group that..."

Male voice: Unnamed?

Kevin: Unnamed. And then – and I never admitted it. I said "I'm going to keep shtum on this."

Male voice: We're recording you now [audience laughs]

Kevin: [indecipherable] and it was almost like I had to watch this falsified, false claim but it was UN and I couldn't do anything to blow the cover. So, everyone said it's the third largest. And I thought this is nuts, everyone in the meeting involved, we all understood that you couldn't do this. What was then very fascinating to me was, over the next three or four years, watching it climb up as the groups that you were talking about decided to inflate the claim that was previously falsely stated anyway. And it began to be pushed up to number two. And there are actually, and I actually tried to document this by searching the web to see how many groups had been bumping it up, because they wanted it to bump up, and then we began to see just in the last two years, people trying to bump it up to number one. So it was falsehood based upon falsehood based upon another falsehood, it was translated to another falsehood.

RW: A case study on how a claim becomes a conviction.

Kevin: Precisely. In fact, it wasn't those on the left side of the battlefield, it was the ones on this other side that [indecipherable]. I know it's an anecdotal, but that's precisely where that came from and precisely how it all imploded.

RW: Are you willing to go public with that?

Kevin: Yeah. Now I am.

Chair: Questions? Go ahead.

Man: I find it all absolutely fascinating, and to me you've made it very clear what the advantage to the micro-level approach is. What I'm interested to know, with using that approach, are you able to then compare other regions or is that something we shouldn't be doing because we should just focus completely on the micro? Essentially the macro level really is so that there can be a comparison country to country and across the border?

RW: Good question. You could imagine micro level studies of various cities within a country, like Cambodia, or Thailand, and then using those micro-level findings to reach conclusions about the national level patterns. But that would leave out all those small towns – anything that wasn't in the sample, rural areas – and there is trafficking in rural areas. But that's not quite the question. You're interested in comparing, let's say, Bangkok with Saigon. Should we be doing that? I hadn't given much thought to that. I think if there are solid, well-conducted ground-level studies – that's a lot of ifs – that we can compare cities. I wouldn't see why not. You might learn some very interesting things about how Saigon compares to Taipei, or Los Angeles to New York [interruptions] and also supply issues. I don't know much about that, where to go with that micro level stuff–

Woman on panel: I think informing theory, by doing very strong rigorous micro-level work. I mean the purpose is really to understand the phenomenon, right? So if you have that kind of data it will at least tell you what your theories need to be sensitive to, in more of an aggregate way.

RW: Right, and I think the work that I was citing shows the complexities on the ground.

Chair: One final question.

Tom: I'll just make a very final point. I studied Bangkok very thoroughly, I studied Phnom Penh very thoroughly, and all of Cambodia – all 24 provinces. I've been there. [indecipherable] Saigon is so completely different to any of the others [indecipherable] Communists are some of the most puritan people, puritanical people. If you look at the writings of Lenin, it's like "Prostitutes are not part of the proletariat, they're the bourgeois, let's get rid of them" – they sound like Christian ministers. And so Communists and Christian ministers have exactly the same line on that. And when you start going in there, and you see police vans coming all around, blocking off streets,

whoever happens to be working that particular night, because they have to run from the police in Saigon. Whereas they don't have to run in other places to try to protect themselves. The cops going in beating those poor women over their heads and let the customers escape. These people are doing it up against trees because they can't do that elsewhere. How do you compare that, outside of what I just said, with these other places where it's at least [indecipherable] legal. It's very difficult.

Chair: So holding the legal structure constant, holding within a particular [indecipherable]

Tom: You just can't. It exists everywhere. It's always going to exist, it always has existed. But it depends on how you're going to treat it and for what reasons, what are you trying to accomplish.

Chair: So would you argue there are far too many variables to compare?

Tom: I don't know, I would never be in a position to say "there are too many variables so we can't say". That's not my fault. But it's a difficult thing to ask certain types of questions. What can you [indecipherable]

Woman in audience: I'm going to ask a strange question, apologies to Noel and my colleagues here in the room. If you're interested in micro-level studies, for example you want to go out and study in Belfast people to go out and study people who might have been trafficked or be sex workers, how do you negotiate this with the university Ethics Committee?

RW: That's a good one. I think there is some evidence that people who have tried to do that have met with blockages, barriers, questions that they couldn't answer about safety, purity, anonymity and everything else. Less about the validity issues, ok. And so I am aware of some studies that have been blocked because they're studying sex workers. Not necessarily trafficking, but sex work. I'm just kind of thinking off the top of my head here. I think if the protocol in your proposal identifies a set of safeguards, myriad safeguards that you will employ in gaining access, doing interviews, safeguarding the material, using pseudonyms – all of those kinds of strategies that we would use in any sensitive research topic – you're more likely to get IRB approval. Sometimes it depends on who's on the IRB. At my university it's been difficult for people to get even fairly innocuous criminological research studies approved – PhD students, MA students and faculty. So I think that's a great question, maybe some others have good answers for that.

Chair: Are there any insights from the field?

Graham: Ron and I actually just got a grant to do a multi-city study on sex work and we're currently in the process of doing that.

RW: We haven't been denied yet [laughter]

Graham: I have it written but [indecipherable]. But one of the ways we're gonna approach sex workers is through a third party, a sex worker rights group, as opposed to.... In terms of victims of trafficking, I'm not sure what a victim of trafficking is, or at what point someone becomes a

victim of trafficking, but [indecipherable] I'm happy to discuss it later.

Tom: I would give two possibilities. One, sometimes depending on the particular IRB, not only the university or institution or whatever, but also the people on that IRB, you can say, well this is a purely observational study in the sense that anyone can walk around and do anything else. Some IRBs are [indecipherable] if I talk to my Aunt Gertie over the back fence according to the IRB and then later use that for anything I had to get their approval first, I can't talk to Aunt Gertie over that fence, which is absurd. I have been arguing against IRBs for quite some time, I consider them [indecipherable] in restraint of research, intentionally, and I don't think they have any business existing in most places in most cases. Because of that view, at the University of Miami, I was sentenced to five years on an IRB [laughter] [indecipherable]. For the entire two years I took 90% of the things I was looking at and said "we have no business looking at this". [indecipherable] The IRB finally got tired of me doing that and said thank you, we don't need your services. [laughter] But really, I don't know how you deal with that. There was no reason to have those kinds of IRBs. Yes, some kinds of research needs to be looked at, good collegial kinds of things where you look at somebody else's research and say "Do you want to do this? You know you might get in trouble for that." But how many people are killed in traffic accidents? What do we do with people who drive cars? We license them ahead of time, we don't make them go every time they want to drive a car in front of some board and say "Hey, can I drive the car today?". You know? We license people, ok? So license researchers, if you make a mistake, do what we always do in legal situations – this is a law school – we punish people after the fact, not before. What are IRBs even doing in existence? Sorry, I'm slightly prejudiced [laughter]

Chair: Kevin

Kevin: When we proposed that work on the trauma caused to academics by IRBs to document this kind of mental health issue, we were effectively denied permission to do it because we were getting into psychological trauma. No, the real answer to the question, I'm joking here, is that there are two ways in the past that I've dealt with it, there are workarounds. One is through a group like the National Institute of Justice in the United States which is used to funding work on research into all sorts of dicey situations, where you might have a problem. If you're working with their guidelines in front of you at least it allows you to go to the Ethics Board and say "look, we're going with the best guidelines according to those who normally fund and support this kind of work". And the other way, which is usually acceptable, in many situations is that you work with an EG department so that you offload the dangerous stuff onto the EG department and you keep – you have a certain responsibility, that you say, there's a demarcation, a partnership, and you let them handle the parts that you know that the ethics board might be a little concerned about. But of course, they're in there all the time anyway, they work in that space, they're working as a service provider, they're also providing their own oversight. But they also know... the people on an ethics board don't have a sense of what it's like to work with people who are in slavery, for example. They're just clueless in many ways, and so they're very nervous, as they should be – that's a reasonable response to that lack of knowledge. But if you have experts, then you can offload it onto the experts, [indecipherable].

RW: That's a great response and Tom, you're exactly the kind of person who *should* be serving on an IRB. I'm going to recommend you be reappointed.

Kevin: For your sins.

Chair: With that, I'd like to do two things, first is to thank Ron for the presentation and second to invite you to lunch.

☺