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**THE 'BUSINESS' OF RESCUE, REHABILITATION AND RE-INTEGRATION IN SEX TRAFFICKING.**

**Abstract** – The global movement of women has created a panic across borders in the 21<sup>st</sup> century, when it is suspected that they have been forced against their will to engage in sex work, which has manifested in the formation of what has come to be called the Rescue Industry (Augustin, 2007). Governmental agencies and efforts have been directed at ‘rescuing’ victims of trafficking from an assumption of coercion, force and victimhood. However, a closer look at the profiling of these individuals, the process of victim construction and the problematization of trafficking being equated to prostitution reveals that a significant number of so called ‘rescued’ women, do not wish to engage in or have no other choice in employment other than sex work and return to it soon after being released or ‘rescued’. Who are the ‘rescuers’ and what are their motivations to rescue women who do not wish to be rescued? What is their role in immigration policy and law enforcement? Indeed, how does ‘rescue’ serve the purposes of immigration? This thesis aims to explore and question the foundation of humanitarian governance through what has come to be called the ‘rescue industry’ – the plethora of organizations, governmental, non-governmental, international and humanitarian agencies and associated employees who are engaged in activities to rescue and rehabilitate these ‘victims’ of trafficking. An analysis of the reasons behind the activities of these efforts demonstrates that motivations range from curbing female and irregular migration, providing employment for a certain social elite (referred to in Laura Augustin’s work later), to links with capitalism and profit. The visa and residence programs of the USA and the UK targeting victims of trafficking will be analyzed as will the

websites of several anti-trafficking organizations, to illustrate the language, content and rationale behind their efforts and whether these 'efforts' are indeed as altruistic as they seem. It is hoped that uncovering the role of personal agency and choice in these women's lives in light of broader structural factors such as economic and social disadvantage will demonstrate that a significant proportion of 'rescue' efforts are unwarranted, and that a form of self serving humanitarianism is often in operation due to agendas other than the 'victim' in mind.

Subsequently, this thesis will also make an original contribution to the body of existing literature, by attempting to investigate links between the 'rescue industry' and capitalism – to assess how the machinery of rescue positions women in 'rehabilitation' to meet the ends of a capitalist system, whether it is through the production and sale of consumer goods and services or through cheap labor; and finally, alternative modes of sex worker protection is viewed from the perspective of labor law and workers' rights.

## CHAPTER 1

### Introduction /Background

“Unless compelled by poverty, past traumas, or substance addiction, few women would voluntarily engage in prostitution and are thus victims of trafficking.”

(Hughes, as cited in Aradau, 2008; p.111).

### “RESCUE” -- Meaning

The Oxford English Dictionary defines ‘rescue’ as –

Verb – To save someone from a dangerous or difficult situation

Synonyms – save, save the life of, come to the aid of, set free, release, liberate, extricate, redeem, relieve, emancipate.

Informal – to keep from being lost or abandoned; retrieve

Noun – An act of saving or being saved from danger

Synonyms – redemption, deliverance, liberation, extrication, freeing, help, aid, assist, bail out.

Judging from the definitions above, it seems that the word rescue is mostly used in the third person and sounds substantially one sided, as if occurring without the permission or

request of the 'other'. Was the request for 'rescue actually solicited or asked for, we may ask. Take a few moments to reflect on the relationships between people you have encountered, where some have found partners in need of rescuing, from anything ranging from financial struggle, an abusive past, or depression – perhaps those you identified, recognized a core vulnerability or neediness in the 'other'. Some of these people may seek out those in need of rescue in every relationship or context in their lives. Psychology has long touted the 'disorder' of the 'White Knight Syndrome' where those who are constantly trying to rescue others, are in effect attempting to resolve or repair their own damaged sense of self. The role of the rescuer has immense appeal due to being upheld as carrying out an act of heroism. It is no surprise to be reminded that we often become the captive audience of any number of individuals who propose to be rescuers of a given danger, instead of trying to eradicate it; but those who propose rescuing others, possibly face a dilemma – what if the person in danger refuses to cooperate with the signal of alert? How is it possible to rescue someone who is adamant not to contribute to his/her own 'salvation'? Will the rescuer in that case still be idolized as a hero? Or is the failure to rescue his fault? And so, our discussion of 'rescue' in the context of the sex industry shall unfold within the discourse of humanitarian governance, female migration and the ways in which the hegemonic discourse that commenced in the 19<sup>th</sup> century (as we shall explore in subsequent sections), became grounded in the modern day workings of immigration, labor law and politics.

### **Statement of the Research Problem –**

It is acknowledged that while sex trafficking is a reality, this thesis only focuses on the part of sex trafficking where victims refuse to be given the identity of a voiceless victim and are forced into programs of rehabilitation which mimic older forms of incarceration. That is, we are

only focusing on that part of 'trafficking' which has occurred out of 'consensual migration', where the women agree to be taken abroad for the purposes of sex work and they are aware of it. There is a segment of trafficked individuals who have consented and choose to engage in sex work out of their own personal agency – however, this fact is often overlooked in the current model of raid-rescue-rehabilitate (Soderlund, ). Evidence also points to the fact that a significant part of 'rescued' victims, choose to return to sex work on release from rehabilitation programs. What does this say about the dynamics underlying the entire industry of so called 'helping professions' and women who demand rights rather than rescue? It has also been documented that employees in the field of humanitarianism operate out of personal agendas based on employment, financial security, and morality, by labeling certain 'others' as a societal problem, to enable continuation of their own ends. Moreover, sex trafficking has been seen as a problem of illegal immigration and not a human rights or employment based issue. While admitting that sex trafficking is a problem spanning the domains of international migration and crime, this thesis attempts to analyze only that part of the phenomenon where governments and aid agencies use immigration control to 'force' rescue, rehabilitation and other agendas on victims. Indeed, it is proposed that the 'rescue industry' has been birthed from and is a machinery of the immigration policies of governments.

### **Literature Review**

In recent times, there has been a movement towards what is known as global governance – a term that comprises how world affairs ought to be managed in an era of globalization; because a consensus is difficult to reach on its exact definition, Keohane (2003, as cited in Obokata, 2010) suggests that a good starting point would be to understand the very

notion of governance – the formation and implementation of rules and the exercising of power within a certain realm of activity. Governance consists of rule systems, and of maneuvering mechanisms which enable systems to retain their inherent coherence and move towards expected goals. Put simply, the essence of governance is the exercise of authority. Authority translates into recognition and at the end of the chain, total subjugation on the part of the governed. Woods (1999, cited in Obokata, 2010) has suggested that good governance consists of the twin characteristics of participation and accountability – the first involves the right to present one’s views and be heard in decision making, ranging from those who formally make decisions to those who may not be directly affected by them, such as NGOs and lobby groups. The right to participate in theory, should extend to all concerned with a specific issue. The second principle of accountability holds that there has to be a process whereby the flow of information is relayed to stakeholders and requires transparency for good governance. In effect therefore, participation is dependent on the flow of information and transparency in any system of governance. However, the extent to which these principles are adhered to at the level of global governance, is a matter of great debate and concern (but beyond the scope of our thesis here). What is essential to note, is that there is no centralization of authority in global governance but rather, a fragmentation or “disaggregation of authority” (Rosenau, as cited in Obokata, 2010). There is a complex way in which authority is relocated or reconfigured between different layers of infrastructures of governance – the supra-state (United Nations), the regional (EU, African Union), the transnational (civic society), and the sub-state (local governments, community associations). Between all these, are national governments. At the global level, thus, systems are much more disorganized with little coordination between all levels.

It would be beneficial to understand the relationship between global governance and trafficking laws – generally transnational organized crime is ascribed to the failure of national governments to address it (Baudin-O’Hayon, as cited in Obokato, 2010). By its very nature, trafficking activity is transnational in nature and law enforcement at the domestic level cannot ensure impact. If the concept of global governance is applied to trafficking, it should achieve three main objectives – the prosecution of perpetrators, protection of victims and the prevention of the underlying causes of trafficking. Principles of counter trafficking are found in various sources, the most pertinent being the Trafficking Protocol attached to the Organized Crime Convention. In addition to legal instruments, there are non state actors, the realm of International Human Rights Law and other soft law instruments relevant to counter trafficking such as the Recommended Principles and Guidelines on Human Rights and Human Trafficking (UN Doc. E/2002/68/Add.1, 20 May 2002, as cited in Obokata, 2010).

In his book *Managing the Undesirables: Refugee Camps and Humanitarian Government* Michael Agier (2011) has uncovered how the international humanitarian regime operates as a gatekeeper to those deemed ‘undesirable’ behind a façade of protection and rescue, and manifests policies based on control and policing, keeping the ‘undesirables’ out. Agier proposes that there are two tiers to the present world order – the visible and clean, and the hidden, diseased, indeed, the “residual remnants” (p.4). Complex mechanisms of control therefore exist within what is called ‘humanitarian governance’, where there is a close partnership between the humanitarian world (the hand that cares) and state law enforcement agencies (the hand that strikes) (p.5). According to Agier, the beginning of humanitarian government commenced when the function of control came to support the necessity of protection as envisaged by the 1951 Geneva Convention; in this mixture, categories which should have been taken for granted (such as refugees), were rejected in favor of an active construction of categories and standards of

measurements which drew upon the partnership of humanitarianism and force (police and military). Agier's work raises several questions for reflection – ones that we shall return to through the course of this thesis – for example, is an impartial commitment to humanitarianism possible? What transforms humanitarianism into mechanisms of control and why, and does protection and rescue serve any other purpose other than the inherent values of humanitarianism?

From the structure of global governance, the international community is intricately organized to protect, preserve and promote human life, with the underlying notion of paternalism (Barnett, 2012). Ethics of care and concern are underscored to reflect the fostering of greater good. I would like to argue that wherever there is 'care', *control* as Agier described, is never very far. The global governance of humanity is a phenomenon that has gained significant ground in the last century, in the development of a managed international humanitarian order, with the claim to alleviate the suffering of others, the world's most vulnerable and often distant strangers. Its activities include offering food aid, emergency relief, reintegrating refugees, vocational training for child soldiers, giving development assistance, offering psychological counseling to victims of sexual violence and a host of other assistance activities undertaken in the name of "compassion, care and responsibility" (Barnett, 2013). The evolution of humanitarian governance can be traced back to the need for Western civilizations to civilize poorer societies and if a theoretical line of thought be employed, sociological accounts illustrate the concerns of the international community with the issues of reducing harm (Linklater, 2011). Together with these two strands, Pinker (2011) has added a third – the rise of economic forces which have rendered some individuals with greater capacity for reason, empathy and resources. Interestingly, once a "norm of compassion" (Pinker, 2011) is set, every actor in the field will compete to show the maximum compassion, in case they are labeled as not being

compassionate at all. The role of global ethics therefore, not only dictates compassion, but also the significance of the 'human' in humanitarianism. It is more of a social than a biological construct. The concept of 'humanity' began to circulate in the late 18<sup>th</sup> century in Europe and North America, where people subscribed to the idea that all individuals had equal worth and deserve an equal chance to be saved. Ever since, the term 'human' has come to signify universal solidarity (Laqueur, 2009 et al., as cited in Barnett, 2013). Put another way, humanity did not exist but had to be created – for backward populations, humanity was a feasible option with the proper education, religion and civilization (Mcarthy, 2009, cited in Barnett, 2013); and by default, humanitarians are those who own humanity depends on “creating, protecting or restoring someone else’s humanity”. Geopolitical explanations of the rise of humanitarianism suggest that formation and proliferation of nation states has treated humanitarianism as part of their “foreign policy arsenal” (Chomsky, 2011). Humanitarian governance therefore may be summed up as the organized effort of states to reduce human suffering—however, this claim cannot be said to be unequivocal as humanitarianism is often not seen as innately good – it may be linked to freedom or domination, with power and subordination; and although it claims to help the victims of the world, governance is about rules and regulations and rules derive from power. Therefore, in an academic critique of humanitarianism, it is of paramount importance not to neglect the presence of power relations in the global governance of managing vulnerable populations.

The humanitarian community may believe that their efforts contribute to a better world order but closer analysis reveals issues that warrant greater attention, such as an effect of depoliticizing conflicts making it difficult to ascertain where the actual causes of conflicts lie (Feldman, 2009); it creates the illusion that a part of the world is political while another is ethical (Kennedy, 2005); it creates a world of saviors and victims giving the impression that anyone who

faces a disaster or humanitarian emergency must be voiceless, helpless and powerless, without individual agency – this has in turn created an entire discourse of victim-hood and has obscured the possibilities that these populations may have exploited, if given autonomy, without the dictates of external interventions. It has also given rise to a gendered-driven distinction of who is a legitimate victim and thus deserving of protection (Carpenter, 2003, cited in Barnett, 2013).

Set within the backdrop of the discourse of this modern day humanitarianism, we have the image of the third world sex worker enslaved in shady brothels, which has captured global emotion and imagination – contemporary western crusaders battle against what they call ‘modern slavery’. Lesser developed nations feature prominently in the “landscape of sexual humanitarianism” (Mai, 2014, as cited in Kotiswaran, 2014). Some refer to this time as one of ‘global sexual panic’ (Doezema, 2010). In fact, as we shall see later in this thesis, the work of the journalist Nicholas Kristof, exhibits the confluences between trafficking, trafficking for sex work and sex work, all coming under the notion of modern day slavery. This moral urgency seen explicitly in raid and rescue strategies is symbolic of the current state of most anti trafficking interventions today. In fact, Galusca (2012) has observed the emergence of a certain anti-trafficking humanitarianism which focuses on 19<sup>th</sup> century cultural journalism of exposing ‘the regime of truth’ which has found a grounding in modern day governmental policies and discourses. We would like to propose that there may be little correlation between the sex trade and humanitarianism, yet the phenomenon of sex trafficking is somehow forced to find a place within current humanitarian discourse; it could very simply, be reduced to an accusation of the failure of international migration policies and labor frameworks.

We later debate how the mainstream discourse on trafficking is little more than a severe attempt to curtail or reduce the international migration of women, rather than a humanitarian emergency.

‘Rescue as a business’ as the title of this thesis suggests, is nowhere more pronounced than in what is termed “consumer humanitarianism” (Wilkins, 2008, as cited in Bernstein, 2010, p.63) – a political engagement which is consumer and media friendly, where depictions and imagery of a sexual culture that is supposedly *opposed*, is brought to the fore – by opposition, Wilkins means the juxtaposition of the ‘rescuer’ and ‘rescued’, for instance, activists pictured with sex workers, or first world social workers with ‘victims’ of trafficking – all representations of:

“a feminine consumptive counterpart to the masculine politics of militaristic rescue”  
(Wilkins, 2008, as cited in Bernstein, 2010, p.63).

Wilkins (2008, as cited in Bernstein, 2010) also states that consumer humanitarianism is seen where missionary visits to brothels are set against a backdrop of adventure tourism in exotic settings such as Thailand, which serve to reinforce a sense of freedom and adventure for Westerners – social justice ‘reality tours’ are sponsored by Christian and secular groups, such as ‘Global Exchange’ and the ‘Not for Sale Campaign’ which involve a sex trafficking tour of Cambodian red light zones. The concept of business as mission, draws links between rescue and global capital – first rescuing women and then bringing them into the labor market in some capacity, either through vocational training or domestic labor. Ethnographic research by Shih (2009) shows that in several ‘rescue’ projects in China and Thailand, most of the rescued women chose to engage in sex work as the highest paid employment option available to them, and were non Christian – yet, rescue projects with a Christian slant, encouraged them to participate in

Christian religious activities such as ‘prayer work’, which they considered to be part of their job description. Moreover, life in ‘rescue’ is characterized by significantly less freedom than their former lives, including disciplinary action taken by employers for under performance. Ironically therefore, ‘rescue’ did not offer more freedom than their previous life choices (Shih, 2009). Therefore, it is evident that the coalition between the feminist movement and various faith based ideologies have served to reinforce the formation and continuation of the ‘rescue industry’, serving the agendas of each party involved, but not contributing much to the addressing of underlying structural factors. Bernstein (2010), asks whether the call for the downsizing of prisons is one of the reasons for the over reliance on the so called ‘rescue industry’, with the dependence on different forms of ‘treatment’ programs – whether it be the compulsory psychological rehabilitation and counseling, trauma interventions or feminist and faith based ‘humanitarian’ programs. One thing however is clear – that the alliances between ‘rescue’ actors and the state, “ensure that only those humanitarian issues that advance a larger set of “geopolitical interests” such as border control, controlling ‘illegal’ migration, or using restrictions on the domestic underclass, are more likely to gain momentum in the realm of policy making.

Aradau (2008) has argued that trafficking is a product of illegal migration, prostitution and organized crime, or a combination of all three variables with women being seeing as ‘victims’ of human rights abuses, warranting ‘rescue’ and ‘rehabilitation’ and an eventual ‘return’ to their countries of origin. Euphemisms and distortions in the terms of reference abound, from ‘voluntary return’ (deportation), rehabilitation centers (detention) and the construction of the term ‘victim’ itself. If trafficking is an outcome of the locus of prostitution, illegal migration and organized crime, which give rise to connotations of threat, and its associated security discourse, contemporary anti-trafficking discourse obliterates the

plethora of other social and structural phenomena that account for its incidence. As Foucault (2006, as cited in Aradau, 2008), states, the regulation of “the truth about human trafficking” is often ‘obscured’. It is instead, in the words of Huysmans (1998a, as cited in Aradau, 2008), portrayed as a part of the larger ‘domain of insecurity’. Aradau (2008) offers a compelling account of the myriad contradictions, inconsistencies and ‘silences’ that surround the subject of trafficking with an emphasis on the construction of trafficking as a problem of security, that is, how trafficking is problematized. The aim of this thesis is to examine the reasons leading to the formation of the ‘rescue industry’, the rationale behind the various actors and organizations involved in the realm of trafficking, mainly in ‘rescue’ and ‘rehabilitation’ initiatives; a look at their processes of problematization, and what ends these ‘reasons’ aim to achieve politically. As Coward (2003) puts it, a simple explanation of human rights abuses fails to “arouse crusading zeal”. Hence, trafficking as a problem of human rights, does not suffice as an explanation of the zeal of the ‘rescue industry’.

For the purposes of this thesis, the ‘rescue industry’ will be taken to mean the plethora of non-governmental and international non-governmental organizations that direct efforts towards assisting in trafficking based issues, with the dual aims of prevention and rehabilitation. Anti-trafficking discourse is replete with a wide range of activists, organizations and institutions that have translated trafficking to being equated to prostitution, which in turn illustrates global crusades and struggles against it, as Lindquist (2013) puts it – “everyone is trying to make a difference”. There is an “urge to help or even save migrant women” and in Laura Augustin’s words, this has “spawned a veritable Rescue industry” (Augustin, 2007). Augustin calls this the ‘social sector’ where various actors claim to be working to help others improve their circumstances, providing services to this end and even encouraging those in need of rescue, to live their lives in ways other than they were before being ‘rescued’. Social agents include social

workers, policy makers, funding professionals, counselors, religious personnel and NGO staff. Augustin argues that this demarcation between themselves as the rescuers against the 'rescued', automatically reinforces the very same marginalization they claim to condemn and that this separation is false once the inner dynamics of it are revealed. If we look at the historical antecedents of the 'rescue industry', it may be suitable to start with Augustin's account of how the middle classes of the 19<sup>th</sup> century in Europe, saw themselves as particularly suited to assist, advise, control and discipline the 'unruly poor' with regard to their sexual behavior. Parallels are evident from this line of thought to what we are witnessing today in the realm of rescuing and social programming –the category of the 'prostitute' is forever perpetuated through the activities of the phenomenon of what Augustin refers to as the 'Rise of the Social' – an empowered bourgeoisie whose mission was to set parameters for social norms and to define how citizens should conduct their lives within it. Therefore the construction of 'prostitution' through this and the fashioning of philanthropy found its roots in what became an effort at reformation, management and philanthropy; however, inconsistencies are detected in this milieu, where the needs and desires of these 'helpers' were entwined with those they were attempting to 'help'. For instance, Augustin's work illustrates accounts of how charitable activities united middle and upper classes in their pursuit of autonomy and the desire for financial independence, aside from the 'charitable impulse'. The desire to "manage human life", was metamorphosed into an 'art of government' where the population was seen to have problems that warranted solving. The new missionary duty of the middle classes was manifested in their 'duty' to civilize the working class. Towards the latter part of the nineteenth century, a complex combination of demographic and social factors led to more educated women with time to spare, or the need to find a livelihood, with emphasis on what kind of work was considered respectable – social work was seen as having prestige and being a suitable career option for

middle class women. Therefore, middle class women were seen as superior to 'poor' women with a natural duty "to care for the incapable poor" (Augustin, p.116), "reclaiming, restoring, rehabilitating, redeeming and reintegrating them into society" (p.117). Rescue projects at the time, were called 'homes', and 'therapeutic communities', while rescue work was also justified along the religious ideology of the 'parable of lost sheep'; new professional vocations included the matron, adult education teacher, probation officer, fundraiser, rent collector, settlement house worker, social investigator and Poor law guardian. Augustin shows that these professional categories rose with the proliferation of social causes – and charity work was a means for social mobility. Both the French and English response to prostitution was that of incarceration – efforts to combine the activities of the brothel (where sex was sold), hospital (where venereal diseases were treated), prison (for prosecuting perpetrators) and the refuge (for rehabilitating repentant women) were undertaken, with the rationale that incarceration would improve working class women, with reformers establishing relationships based on "constraint and coercion" with 'wrongdoers', but escape attempts were common among those being 'rescued'. Augustin calls the category of 'prostitute' a 'slippery' one, which undoubtedly provided wide scale employment for all those intending to eradicate it. Social agents were compelled to ignore those who did not see themselves as victims and did not want to be rescued and since the 'prostitute' of the middle class imagination did not really exist, the center of the discourse was themselves – the middle classes believed they were better able to help, due to their education, social position and sex; but like other law enforcers such as the police and courts, their employment was dependent on constructing 'others' as wrong, deviant and vulnerable. The refusal to admit that they were not needed to rescue others, is what Augustin has accused as completely self serving – "after all, without people to rescue, they could be out of a job" (p. 127). Therefore, our argument here, is that the modern Rescue Industry relies on an image of an

uncivilized, barbaric Other. Doezema (2001), has argued that the construction of the third world prostitute by the Coalition Against Trafficking in Women (CATW) is part of the agenda of western feminism to construct a damaged 'other' as a reason to further certain feminist interests which cannot be those of the sex workers themselves. Brown (1995, as cited in Doezema, 2001), has coined the term '*ressentiment*' to describe how feminism, being a 'politicized identity', has the tendency to "reproach power with moral arguments rather than to seek out power for itself" (Brown, 1995, as cited in Doezema, 2001,p.20). Brown (1995,as cited in Doezema, 2001) feels that it is Nietzsche's contention that the cause of *ressentiment* is *suffering* and that this suffering searches for scapegoats to blame for the hurt as well as to "revenge itself upon the hurter" (Brown, 1995, as cited in Doezema, 2001,p.20). In a way, therefore, *ressentiment* is an "investment in powerlessness". In this context, the 'suffering body' was female, which feminists were able to identify with and therefore to represent politically. Another significance of the 'suffering body' was that it was usually working class, black or colonial, while the 'saving body' was, in contrast, white and middle class. Prostitution is seen as an injury to women, where 'pain' becomes the foundation of female identity which makes all women vulnerable. Women thus become an identity that at its most fundamental level, is constructed as the result of the 'injury' of male sexual power. Brown (1995, as cited in Doezema, 2001) argues that claiming protection for injured identities, also leads to "collusion with an intensification of disciplinary regimes of power". The process of identity formation is not a simple one – it is the result of both identifying with the 'suffering body' of the 'prostitute' as well as through the "neo-imperial opposition" to the 'backward' third world sex worker (Brown, 1995, as cited in Doezema, 2011). It is with regret that Doezema states the stance of many governments today, in that they sympathize with the feminist position; and that at the time her

thesis was written, there were indications that the UN would “opt for an approach that aims to ‘protect’ women from prostitution by limiting their freedom” (p.33).

Accounts abound with reports of how the master narrative of trafficking fails to address key points in the trafficking debate such as the engaging in prostitution voluntarily, and the indebtedness to family or friends (Blanchette & da Silva, 2012). Horning (as cited in Lindquist, 2013), states that general anti-trafficking policy may be detrimental to those it seeks to protect, by not focusing and addressing underlying factors such as freedom of mobility and labor rights within employment practices. A focus on victims and their rehabilitation, draws attention away from the more pertinent issues at stake. Lindquist (2013) has coined the interesting term ‘*anti anti-trafficking*’ (Article title, 2013) – which illustrates the point that though trafficking may be seen as a ‘problem’, it nevertheless needs to be addressed from an angle other than that which current anti-trafficking discourse engages with; indeed the word ‘trafficking itself may be problematic as it shifts attention away from personal agency.

It is only by an analysis of the portrayal of human trafficking as a risk, that we can begin to conceptualize how initiatives directed at prevention, intervention and management that is, for our purposes, the rescue industry, come into being. The concept of risk is also imperative in understanding how practices of security are manifested. It is appropriate at this point to consider the concept of risk as proposed by Dean (1999), and Ewald (1986, as cited in Aradau, 2008). They argue, that ‘risk’ allows a certain extent of objective calculation regarding the governance and management of societal ills. It somehow adds a dimension of prevention, a promise to prevent “dangerous irruptions”. Building on Aradau’s *dispositif* of security, it would be expedient at this point to document the notion that the entire concept of *prevention* rests on the representation of certain individuals as ‘dangerous’ or ‘risky’, and that the disciplines or

psychology and psychiatry play a crucial role in transforming social, economic and political problems, leading to new ways of comprehending these issues and finally to new forms of governance pertaining to them (Rose, 1989). It has also been mentioned that the foundation of preventative strategies is the assumption that a certain amount of 'risk' and danger exist and that this perception is attached to certain groups and individuals, believed to be 'high risk'. Usually, this is manifested in cases where the danger is perceived rather than actual. In response to this, Aradau (2008), is vehement in underscoring that risk technologies therefore, have a double function of "individualizing and categorizing' and is most clearly operationalized through the practice of clinical risk management which is based on psychological expertise to create risk profiles – these risk profiles are nothing but the product of "therapeutic interventions, pathological categorizations and statistical calculation of the incidence of certain factors in a population group". Accordingly, the judgment of clinical risk depends on a large degree upon abstract variables which are thought to determine certain patterns of behavior and those thought to be 'at risk' to the wider community are subjected to therapeutic interventions (counseling, support groups) or disciplinary practices (training, retraining) – the eventual aim being, to lessen the dangers presented by their risk or to ostracize them completely from shared spaces (detention, confinement) (Dean, 1999). Aradau argues that in the field of security, knowledge acquisition and sharing is not similar to other fields where change occurs through the interactions between different actors – instead, the "institutional knowledge" held by security professionals is the standard to which all other actors in the field must comply. Therefore, non-governmental organizations, associations, faith based humanitarian institutions and spokespeople, are compelled to engage in this aforementioned script if they wish to enter the field. Indeed, they have been able to enter the field only by proposing the kind of knowledge that is productive to law enforcement and the management of trafficking.

Of paramount importance in the workings of the rescue industry, is also the issue of how victim construction takes place – the victimization approach in governing human trafficking. Trafficking has witnessed a move away from state securitization towards a more humanitarian approach; however, in the context of the security *dispositif*, it is seen that this phenomenon is not without pragmatic implications – by enmeshing pity with the prevention of risk, trafficked women are seen as risky, rather than being exposed to risk. Humanitarian efforts then become a vehicle for managing social problems and this way of victim construction illustrates the abuses suffered due to vulnerability, which in turn mobilizes what Aradau refers to as “technologies of prevention” (p.98). NGOs are urged to team with law enforcement and provide comprehensive knowledge of the perpetrators involved; and NGOs are encouraged to hand trafficked women back to law enforcement agencies (Danish Red Cross, 2005, as cited in Aradau, 2008).

It is interesting to notice how the ‘rescue industry’ upholds the wider security *dispositif* though the processes of victim profiling – trafficked women are identified as victims of coercion, fraud, deceit and vulnerability (Council of the European Union, 2002, as cited in Aradau, 2008). However, these terms are not satisfactorily explained – if they are to be ascribed to poverty, the search for a better life and larger structural factors, the ‘rescue industry’ reduces these determinants to the level of the individual – the result being that the act of migration is indirectly pathologized and criminalized. Indeed, issues of inequality such as negative employment trends in countries of origin that lead to migration decisions, are being equated with ‘vulnerability’ (El Cherkeh, Stirbu, Lazaroiu & Radu, 2004). The authors also believe that psychological attempts to re-frame the decision to migrate, locate that within an individual model of psycho-pathology. Hopes and expectations are translated to signify the ‘vulnerabilities’ that are exploitable by traffickers. Even if structural factors such as poverty are acknowledged as ‘push’ factors, it is the individual psychological reaction to these variables that warrant action –

as Aradau succinctly states – “Prevention will be deployed by action upon the actions of individuals” (p.99). It is reasonable to argue that because the economic and social inequalities that spur women to migrate in the first place are more challenging to address and reform, the ‘rescue industry’ finds it comparatively easier to engage with the psychologization of the phenomenon, namely through rehabilitation and recovery. Psychological counseling is perceived to be the optimum method for the re-integration of ‘victims’.

A further aspect of risk profiling is the ascription of trauma to the experience of being trafficked, or trauma associated in the ‘victim’s past. A consideration of certain predispositions in the characters of trafficked women are thought to be predictors of risky behaviors – victims of child abuse, exposure to violence and past traumatic experiences are some of the mental health variables associated with the experience of being trafficked. The concept of “double trauma” has been introduced to describe a continuum of trauma, which is thought to explain both “the cause and origin of trafficking”. If certain predispositions put women in high risk categories for being exploited, trafficking is then, a repetition – victim profiles are then manufactured to include and emphasize past trauma (IOM, 2001, 2003, as cited in Aradau). Brownlie (2001), therefore points out that the implication here is that past trauma is an indicator not only of further personal abuse but also of presenting future risk. As well as raising the possibility of being re-victimized, the abused can also become perpetrators themselves, according to Romano and De Luca (1997) -- they suggest that abused children show symptoms of anti-social behavior at later stages in their lives; they are also accused as deliberately seeking more risk taking behavior (Zimmerman, 2003, cited in Aradau). We see, how the past is construed in a way of justifying a further category of psychotherapeutic interventions directed towards these so called ‘victims’. It is tempting to draw a direct connection here between this kind of ‘victim’ profiling by the ‘rescue industry’ and the mobilization of what Aradau calls the “technologies of risk

management” (p.102). The rescue industry here is directly contributing to the whole machine of security and risk management, the aim of which is to limit re-offense in any capacity. Eventually, the humanitarian façade of NGOs and other ‘rescue’ actors, merges with the “politics of risk” to become initiatives geared towards “containment and minimization” (p.102). Those ‘at risk’ are suddenly transposed to the category of ‘high risk’ and the rescue industry then acts as a cover for the deployment of ‘risk technologies’; trauma and suffering take a backseat to the agenda at the forefront, which is to decrease the possibility and incidence of future risky behaviors.

Added to the mix of ‘problematization’, risk and security discourses, ‘the problem of gender’ in migration literature and policy also has to be addressed – Calvo (2013) has explored the representation of the ‘problem’ of gender in EU policy for example and noticed that there was a startling lack of definitions related to the concept of gender, but made some references to the ‘gender dimension’ or to ‘gender issues’. The 1996 Commission Communication entitled “Incorporating Equal Opportunities for Women and Men into all Community Policies and Activities”, was indeed a milestone for introducing the concept of gender mainstreaming into EU policy, however, gave no definition of ‘gender’. It simply stated the importance of including men and women into the labor force to account for an ageing population. Generally, Calvo found that the category of women in EU documents, was usually referred to when describing social exclusion, poverty, discrimination, violence, gender inequality, human rights and vulnerable persons. The term was sometimes related to the labour market as well and to terms such as efficiency, economic independence and employment. The 2006 Report on Equality between Men and Women acknowledged severe gaps between the participation of men and women in the labour force and that women were concentrated in lower paying sectors of the economy and that to counteract an ageing population in Europe, women’s employment at all ages should be encouraged, especially amongst immigrant women (European Commission 2006a:11, as cited

in Calvo, 2013). It is important to also refer to the 'others' beyond the labour market argument – the other women who help with domestic duties if the primary female is employed outside the home. These 'others' are responsible for childcare, home maintenance and domestic work, and in Europe, are undervalued and unproblematized. This marginal group is seen as more vulnerable to poverty, victimization and generally disadvantaged. Gender mainstreaming at the EU level involved a dual approach – targeting and addressing specific categories of women on the one hand and establishing measures to help them towards employment. In practice however, Calvo is disappointed that gender mainstreaming is deemed as complex and infeasible in practical policy making especially when policy makers have no interest in gender questions. At best, gender mainstreaming in migration and labour policy comprises of an acknowledgement that there are women who may be utilized for the betterment of the work force.

Female Migration is also handled in relation to gender based violence, sex trafficking, sexual violence and other traditional forms of harmful practices such as genital mutilation and honour crimes. The link between gender equality in migration *and* women's rights and employment participation, along with the connection between migration and gender based violence help demonstrate the complexity of the question of migration and gender (Calvo, 2013).

## **METHODOLOGY**

This thesis critically analyses and interprets various secondary sources – peer reviewed journal articles, books, government published data, online sources such as blog sites / publications and news papers and websites of relevant NGOs. The thesis would be more accurately described as a critical engagement of a body of work published on the immigration

predicament and political manipulation of ‘victims’ of sex trafficking, spanning migration literature, contemporary feminist migration work, especially focussing on the works of Claudia Aradau (2008), Laura Augustin (2007) and Jo Doezema (2010, 2011). The theoretical underpinnings of this thesis, is based on a combination of Aradau’s security/ risk studies/ international relations and Doezema’s feminist literature in a post neoliberal security context. The thesis attempts to analyze different political and social vocabularies to examine the contemporary phenomenon of sex trafficking. The thesis is also a critique of the discourse of modern humanitarianism and numerous sources that I have used, such as those related to Nicholos Kristoff, individual sex worker accounts (Molli Desi) and Laura Augustin’s online blog called *Counterpunch*, are to demonstrate the *exploitation* of the term *humanitarianism* and its modern day discourse. In order to set the stage for this critique, I begin with a review of relevant literature in humanitarian governance and gender geo-politics to demonstrate the perpetuation of colonial and imperial sentiments from the late nineteenth century (Augustin, 2007) up to this present day in the context of aid/development or what we shall term the ‘rescue’ of trafficking victims. This is followed by a discussion of Aradau’s security/risk literature in the context of sex trafficking followed by an engagement of contemporary feminist migration work. In subsequent chapters, the thesis critiques the discursive framing of immigration and humanitarianism, and humanitarianism with capitalism. Critical engagement with relevant literature also questions the desire of ‘assistance’ to act impartially; thus, to highlight this disjuncture, the thesis turns to a discussion of the correlation between assistance and gain – where gain encompasses every conceivable form-- economic profit, fame, the winning of grants, the perpetuation of employment security (in the case of NGOs) and even the precipitation of narcissism (see chapter 3).

I have selected several organizations in the 'rescue industry' within the context of sex trafficking, 3 of which are NGOs and 1 faith based, and have attempted to highlight the link between 'rescue' and capital (showcasing products, sales, prices, payment options).

The Government of the countries I examined were the USA and the UK. Both countries publish comprehensive data online that is relevant to this research topic. I analyzed the UK Home Office /Border Agency online documents and the United States Citizenship and Immigration Services (USCIS) websites, including the official online sites for various European Treaties and Conventions related to trafficking and the treatment of victims / immigration protocol for detaining or granting residency periods.

The way in which we extracted information about sex workers own opinions and recommendations to government and NGOs was by using the search term 'rights or rescue' and 'forced rehabilitation'. Since this thesis focuses on the euphemism of 'rescue', it was deemed appropriate to decipher the voice of the individuals most affected and influenced by it. Therefore, the topic of 'rights and rescue' is engaged through illustrations of sex worker rights organizations, NGOs and sex worker accounts to demonstrate these diametrically opposed debates over the rhetoric of trafficking 'victims'.

## **AREAS OF FOCUS**

This thesis is divided into 4 sections -- It would be appropriate to start this section with an analysis of the anti-trafficking rhetoric of immigration policy in the United States of American (USA) and the United Kingdom. The reason for choosing the USA and the UK is for the scale and diversity of their sex industries and for the significant migrant populations in these countries

which offer a great potential to demonstrate a variety of links between migration and sex work. I also wanted to get a generalized view of this topic across the Atlantic, in two English speaking countries, so that no inconsistencies in government document language or published research and translation were barriers to our research. In understanding how the 'rescue' industry works, we first have to look at who they are accountable and answerable to, which is the Federal government in the USA and the Home Department in the UK. Invariably, trafficking policies are invariably at the crossroads of refugee and immigration policy. As will be demonstrated in the chapters that follow, 'rescue' actors are invariably employed at various capacities by the state, to protect state / political interests, which directly feeds into our research question, as to whether the term 'rescue' is indeed appropriate in this context. Chapter 2 begins with an analysis of the USA and UK immigration systems in addressing 'victims of trafficking' and their rationales for the methods they utilize (a detailed account has been provided for each country to demonstrate not just their rationales for employing the means they do, but to also illustrate how the governments first and foremost serve their own purposes under the guise of 'victim rescue'); this is followed by analyzing how 'rescue' and rehabilitation is viewed by those that it affects – i.e. sex workers, NGO actors and the observations of various scholars who choose to address the subject; the third group of findings involve what is termed as 'consumer humanitarianism', and how the concept of humanitarianism is 'sold' or marketed to various audiences in a post modern technological era where social media controls most elements of life, and where certain individuals claim to advance 'rescue' causes to enhance their own public profiles (see section 3 on the Cult of Personality, Celebrity Humanitarianism and Social Media); the final group of findings investigates the correlations between 'rescue' and economics and highlights how the cause of 'rescue' is employed for financial gain by those involved, indeed raising questions and confirming our provocative hypothesis of rescue being a business.

## Chapter 2

### **THE NEXUS OF IMMIGRATION, TRAFFICKING AND RESCUE**

This chapter discusses how trafficking is dealt with within the framework of immigration policy in the United States and Britain. Both countries have incorporated trafficking into formal immigration policy and as Aradau (2008) posits, trafficking cuts across the realms of migration, crime and prostitution. This chapter exposes how governments address the issue of trafficking within immigration policy. For the USA, this involves an in dept analysis of the T visa program specially formulated for 'victims of trafficking', but on closer examination, is used as a prosecutorial tool against traffickers. There are numerous discrepancies between the intended uses of the T visa and its implementation. Britain is seen as using a multi agency approach to address sex trafficking – a Competent Authority is based in the UK Human Trafficking Center (UKHTC) which acts as a central point of contact for all agencies likely to encounter trafficking victims; meanwhile, the Border Agency is a separate authority that deals with trafficking cases that are raised as part of asylum claims or in other immigration contexts. The correlation between the UK 45 day reflection period and the granting of resident permits is also discussed in a bid to expose the government's agenda to control trafficker prosecutions and discourage irregular migration. The relationship between immigration enforcement and anti trafficking efforts is complex but the former is invariably cited as an all encompassing remedy for the latter – however, the invocation of the vulnerability of the 'victim' for the justification of immigration enforcement, can be a mechanism by which governments succeed in creating the imagery of humanitarian responsibility for both sides of an equation that could otherwise be accused of positioning the disadvantaged migrant against an unsympathetic and unrelenting State.

It would be interesting to see where ‘rescue’ fits into the wider machinery of the State –

Diagrammatically, this may be represented as follows –

<u>Prevention</u>	<u>Protection</u>	<u>Prosecution</u>
	<i>Rescue</i>	
	Rehabilitation	
	Reintegration	

The table above illustrates the fundamental framework used by governments around the world in combating trafficking, is referred to as the “3P” Paradigm, comprising of **Prevention, Protection and Prosecution**. Prevention encompasses all efforts that include labor law protection, enforcement and implementation; strengthening partnerships between law enforcement and NGOs and enforcing business standards in the recruitment of personnel. The ‘prosecution’ element incorporates the prescription of prison sentences and the loss of liberties of traffickers and judicial punishment (Office to Monitor and Combat Trafficking in Persons, 2011). ‘Rescue’ falls under the third element ‘Protection’, and effective victim protection consists of the following formula – rescue + rehabilitation + reintegration.

#### **A) The case of the USA**

In 2000, Congress passed the Victims of Trafficking and Violence Protection Act (VTVP) in response to the Convention Against Transnational Organized Crime. Interestingly, while the European mandate emphasizes protection, the US model elevates prosecution as the highest priority. Sustained criticism of this aspect of the US framework against trafficking, led to several pieces of reauthorizing legislation in 2003, 2005 and 2008. Collectively, these alterations have aided in addressing some of the more stringent requirements of the initial legislation that have

leant too heavily on prosecutorial aspects. An example of the mitigating effects of the reauthorizations was the creation of the T visa -- the only one of 31 US visa categories specifically targeted solely at victims of trafficking. The US is the only country in the world to have a visa category only for this group. However, as will be seen from subsequent analysis, the granting of a T visa is still subject to rigid terms and conditions even after so called ameliorative changes to the original legislation. As Chacon has commented, none of the subsequent changes have impacted the “fundamental balance of the law which still prioritizes prosecution over victim protection” (Chacon, 2010, p.1625). The T nonimmigrant status (T Visa) is solely for those who have been trafficked into the US or are currently in such a situation, it allows those individuals to remain in the US to “assist in an investigation or prosecution of human trafficking” (USCIS, 2011). According to the Immigration Center for Women and Children, this law was passed to combat trafficking in persons, especially into the sex trade, and to “reauthorize certain federal programs to prevent violence against immigrant women and children. Beneficiaries receive similar immigration benefits available to refugees, with an added pathway to permanent residence status (ICWC, 2013). In the language of the USCIS, the T visa is said to first and foremost, “provide immigration protection” for victims.

Before engaging in a discussion on the intersection of immigration and trafficking, it is interesting to point out the USA’s institutional approach to trafficking – the fact that the implementation of all anti trafficking endeavors by the Department of Homeland Security (DHS) has been placed under the Immigration and Customs Enforcement (ICE) branch of the Department and *not* the US Citizenship and Immigration Services, unequivocally illustrates the issue that the DHS considers “capture and prosecution” of traffickers, the main mechanism by which to address trafficking. The first order priority of the US government is thus immigration control (Chacon, 2010). Under the TVPA of 2000, the Department of Health and Human Services

(HHS) is designated as the agency responsible for assisting victims become eligible to receive benefits and services – towards this endeavor, the HHS has initiated the ‘Rescue and Restore Victims of Human Trafficking Campaign’. This campaign has coalitions in several cities, aimed at addressing the issue from a grassroots level, and in helping civilians and the police identify signs of human trafficking. Other federal efforts include the US Department of Justice, responsible for prosecuting traffickers and investigating cases of trafficking; the US Department of Labor, which oversees job placements, education, training and support services such as transportation, childcare and housing for victims; the US Department of State, responsible for international anti trafficking efforts through the President’s Interagency Task Force and the Office to Monitor and Combat Trafficking in Persons. Then, there is the Department of Homeland Security comprising of Immigration and Customs Enforcement (ICE), an important partner in victim identification and the US Citizenship and Immigration Services which grants the T and U visas for victims of Trafficking; and finally the Department of Defense, responsible for implementing a zero tolerance policy towards trafficking. Notice how this interagency approach in the US treats trafficking within a strict and rigid frame of law enforcement (Office of Refugee Resettlement, 2012).

To be eligible for a T visa an individual must have been or is a victim of trafficking as defined by law, be physically present in the US, American Samoa, the Northern Mariana Islands, or at a port of entry as a result of trafficking; most importantly, they must “comply with any reasonable request from a law enforcement agency for assistance in an investigation or prosecution of human trafficking”. In applying for the T visa, an applicant is strongly encouraged to submit Form I-914 Supplement B, which is a Declaration of Law Enforcement Officer for Victims of Trafficking in Persons, to illustrate law enforcement agency support. Form I-914 Supplement B is the ultimate evidence that an individual is a victim of trafficking and that they

have complied with “reasonable requests from law enforcement” (USCIS, 2011). There are also derivative visas offered to family members of the primary victim (T2, T3, T4 and T5). All derivative categories are allowed to live, work, and study in the US and apply for permanent residency in time (Bureau of Consular Affairs, US Department of State, 2014).

A sister to the T visa, is the U-visa category which is available to individuals who are victims of certain kinds of criminal activity or “who possess information concerning such activity”. To be eligible, one must demonstrate that he/she is a direct, indirect victim or qualifying bystander of any one of 27 crimes mentioned, of which 8 make mention to coercive sexual suffering such as “rape, trafficking, incest, sexual assault, abusive sexual contact, prostitution, sexual exploitation, and female genital mutilation”. Examples of other non sexual crimes include obstruction of justice, perjury, kidnapping, murder and blackmail. The applicant must demonstrate that he/she had or has information regarding the criminal activity and law enforcement must *formally certify* that the applicant, is, was or will be helpful in future in any investigation or prosecution of criminal activity. Further, the criminal activity should have occurred on US soil and violated a US law. Applicants are exempt from attending an immigration interview, are eligible for work permits on approval, for legal permanent residence after the grant of a U visa and derivative visas are available to dependents, spouses, siblings and parents. In the case of delays, the applicant is granted temporary immigration status and work authorization.

A shorter term immigration solution is also offered which offers a potential witness to remain in the US during the course of an investigation. This is termed as Continued Presence (CP); it is made available as soon as law enforcement identifies a victim. CP is only requested by

law enforcement connecting directly with US Immigration and Customs Enforcement (Department of Homeland Security, 2014).

The USCIS mentions that the main purpose of immigration relief is to create an atmosphere conducive to victims feeling encouraged to report crimes and cooperate with law enforcement – they are to serve as “tools” to assist law enforcement to “eliminate human trafficking and fight crime”. USCIS also advertises its training programs to law enforcement and community based organizations on the various “forms of relief” offered to victims of human trafficking (USCIS, 2014). Similarly, the Department of Homeland Security (DHS) claims that it uses a thorough ‘victim centered approach’ to combat trafficking which places equal emphasis on the identification and recovery of victims as well as on the prosecution of traffickers. The DHS acknowledges that victims are of paramount importance to investigations and prosecutions and that it is committed to helping victims “feel stable, safe and secure” and insists that a fast and immediate connection to support services can help the victim avail all the help they need in bringing “traffickers to justice” (DHS, 2014). Named the Blue Campaign, the DHS offers comprehensive victim assistance resources and connects them to community services such as victim assistant specialists, who help with medical, mental health and legal assistance. During investigations, these specialists assess a victims’ special needs and incorporate victim assistance into law enforcement concerns; indeed, it is the precarious integration of these two elements, that raise questions about the motives of help and rescue—is it truly victim centered? Or is the victim being used as a means to an end? In addition to victim assistant specialists are forensic interview specialists who help with developmentally and culturally appropriate ways of questioning that can impact investigations, while community and local service organizations provide a network of services ranging from psychological rehabilitation to any other support services. Federal public benefits are also available to victims. Tied to this mix, is the belief that

immigration relief or stabilizing legal status provides a sense of safety and security for victims in the US without which they would not be able to avail of support services or aid in investigations. In every instance, law enforcement endorsements are required and mandatory as part of the evidence supplied by applicants to any of the immigration categories. Even in filing for the status of lawful permanent residency, the T visa holder must demonstrate that they have continuously complied with “reasonable requests from law enforcement or prosecutors” (Angel and Orloff nd). If the victim is not eligible for lawful permanent residency, she can still apply for an extension of the T visa on the condition that the victim’s presence is needed for an ongoing investigation or prosecution. It is our contention here, that this can be directly related back to Bernstein’s proposal (in our introductory section under humanitarian governance), that the alliances between ‘rescue’ actors and the state, “ensure that only those humanitarian issues that advance a larger set of geopolitical interests” such as border control, controlling ‘illegal’ migration etc are targeted to the detriment of a holistic human rights approach.

## **B) Parallels in the United Kingdom**

The UK Border Agency (now UK Visas and Immigration), has long been accused of basing staff performance indicators on “how many people they get to leave the country”. This statement was made in an article (Jones, 2013) by a former Detective Inspector of Police, as a fatal flaw in the process of victim identification. Immigration staff are under pressure to reduce influxes of all natures. Identifying victims of trafficking is in conflict with processing asylum claims and the UK has been criticized for an overlap between the duties of the UK Border Agency responsible for implementing immigration policy and the UK Human Trafficking Center (a subsidiary of the Serious Organized Crime Agency); therefore, the immigration status of a

trafficked individual can take precedence over the fact that it is essentially a human rights violation. Indicators of trafficking are unduly suppressed when UK Border officials treat potential victims first and foremost as illegal immigrants. In the case of forged documents, or the complete absence of any thesis presented by suspected victims, the immigration offense overrides a victim centered approach, and immigration penalties are applied before any facets of victimization are even identified.

Unlike the USA, residence permits do not exist in the UK, and immigration policy calls it either (1) discretionary leave, (2) humanitarian protection or (3) refugee status. Discretionary leave is encouraged only to be granted “in line with existing policy” (Jones, 2013). The term has a high threshold and is described as a rare form of immigration relief only in the most dire circumstances where it is absolutely essential to allow someone to remain in the UK when there is no other available option. There is also no right of appeal in trafficking cases where a negative conclusion has been reached, unlike in asylum cases – a victim of trafficking in the UK thus, is not a victim unless identified as such by the Border Agency; trafficking victims cannot avail of legal aid like their asylum counterparts and are only eligible for it when there are reasonable grounds to believe that he / she is a victim of trafficking and legal aid can be revoked at any time thereafter if a negative decision is made on their behalf. The UK government has therefore failed victims by treating them as violators of immigration laws. In 2012, only 20% of cases had been accepted by The UK Border Agency and the agency justified this as being attributable to differences between EU and non EU nationals. To further compound the bias, a study termed ‘Hidden in Plain Sight’ analyzed 40 rejection letters, of which 36 were found to have errors and doubtful decisions (Walker, 2013). Concerns are therefore legitimate when it is asserted that UK Border Agency staff are “encouraging the immigration status of trafficked individuals instead of the crime committed against them” (Townsend, 2011).

However, let us take a closer look at the structure of immigration policy as applied to trafficking in the UK – a list of organizations (the referring authority) are called First Responders, which have the authority to refer potential victims into the National Referral Mechanism (NRM). When a First Responder suspects a case of trafficking, they are bound to contact the Human trafficking centre (UKHTC) which logs the referral and if it is appropriate for Home Office use as well, will send it to the Asylum Routing Team (ART). First Responders in the UK include the police forces, UK Border Force, Home Office Immigration and Visas, Gangmasters Licensing Authority, Local Authorities, Health and Social Care Trusts (Northern Ireland), the Salvation army, Poppy Project, Kalayaan, Migrant Help, Barnados, the Medaille Trust, Unseen, TARA project (Scotland), the NSPCC (CTAC), BAWSO, New Pathways and the Refugee Council. First Responders must complete a referral form to pass on to one of two Competent Authorities -- these are the Home Office Immigration and Visas which deals with referrals identified as part of the UK immigration process ( for instance, where trafficking may be part of an asylum claim); the second CA is the UK Human Trafficking Center (UKHTC). Once a referral has been made, CA personnel assess the case to determine whether an individual is indeed a victim of trafficking. There are several steps to this process which begins with the “reasonable grounds” method which should lead a case manager being able to state that “from the evidence available so far he believes but cannot prove” that trafficking actually occurred. If the decision is a positive one, the individual is given safe government housing and granted a 45 day recovery and reflection period to recover from their ordeal and to decide whether they would like to cooperate with the police for investigations. The second stage involves finding additional conclusive evidence to determine whether the person is a bona fide victim of trafficking. The case manager’s threshold for a conclusive decision is based on the rule of ‘balance of probabilities’ or being able to state that “more likely than not”, the individual is a victim of trafficking. The stages that follow are

based on the choices of the victim – he/she may wish to cooperate with law enforcement, in which case a discretionary leave to remain in the UK will be issued for a year; this may be extended to serve the purposes of investigation/prosecution. If the victim is not involved in the criminal justice system, the discretionary leave may not be granted, depending on personal circumstances. If the individual is not an EEA or EU national, he or she may be given assistance to return home through the Home Office Assisted Voluntary Return of Irregular Migrants (AVRIM) process. If however, they are EU or EEA nationals, the Home Office will put them in touch with support organizations or their embassy and relevant NGO actors.

The Home Office Visas and immigration department operates under the guidance of the Council of Europe Convention on Action against Trafficking in Human Beings. In the Home Office Manual for handling claims related to trafficking, it mentions that potential victims are under no obligation to cooperate with the police at any stage in the National referral Mechanism process, although, an active police investigation or Crown Prosecution Service (CPS) or Crown Office and Procurator Fiscal Service (COPFS) prosecution may give weight to a claim of trafficking. Home Office staff are urged not to penalize a victim for not cooperating. However, it is the police who must make the request for individuals being granted any form of leave to remain in the UK, if he/she has agreed to cooperate in criminal proceedings. This leave to remain can even be subject to extensions if investigations so warrant – this seems to be contradictory in itself, if we observe that the Home Office manual (Competent Authority Guidance) on the one hand urges staff not to penalize candidates for not cooperating, and that they are not obliged to cooperate at any stage, but it is only through cooperating, that residence permission is guaranteed. In practice therefore, residence is conditional on cooperation with law enforcement. Persons who are conclusively found to be victims of trafficking but who are not aiding police investigations and do not qualify for any kind of leave to remain in the UK, are then to be subject to normal

immigration procedures as there will be no barriers to removal and immigration personnel must explain reasons why they do not qualify for remaining.

There are also provisions in place when an individual is suspected to have entered the UK on a valid visa or through irregular means. The authority that Home Office personnel are encouraged to report to in these cases is the Risk and Liaison Overseas Network (RALON). It is the duty of the Home Office to notify RALON immediately in any suspected case of unlawful entry. Interestingly, the Home Office Manual used for guidance in this subject has frequent classified and restricted information for internal use at crucial junctures – for instance, a restricted information box is found directly found under the section “Criminal investigations and procedures” (p.38), and under the section detailing ‘Abuse of a UK visa route” (p.41). Moreover, the Home Office Manual instructs staff to rely on objective indicators of trafficking and not on a person’s individual identification.

So far, we have undertaken an analysis of the forms and conditions upon which immigration relief is based in the USA and the UK -- It may be appropriate to trace how national laws are founded and guided by overarching international treaties and conventions – for example, the Trafficking in Persons Protocol has addressed the immigration status of victims as follows -- Article 7 of the Protocol urges states to consider granting measures to allow victims to remain in their territory on humanitarian or compassionate grounds; states are not obliged to adopt any of these legislative measures but where they have done so, it has demonstrated a strong correlation with victims stepping forward to testify against their traffickers. Long term residence permits have a high correlation to the willingness of the trafficked person to cooperate with the law (GATTW, 2007). Moreover, Article 14(1b) of the Council of Europe Convention against Trafficking in Human Beings states that –

“the competent authority considers that their stay is necessary for the purpose of their cooperation with the competent authorities in investigation or criminal proceedings”.

At yet another level, in the Council of the European Union directive 2004/81/EC of 29 April 2004, it is explicitly stated that the purpose of this directive is solely to –

“strengthen the European Union’s legislative framework for combating human trafficking and illegal immigration by granting residence permits of limited duration to victims of human trafficking”.

Article 6 of this directive stipulates that –

“Member states shall ensure that trafficked people are granted a reflection period allowing them to recover ....so that they can take an informed decision as to whether to cooperate with the competent authorities”.

Article 7 of the directive goes on to encourage states that during the reflection period, member states are obliged to provide victims with –

“medical treatment and shall attend to the special needs of the most vulnerable, including, where appropriate, psychological assistance”.

It is interesting to see how supra national directives such as these have been manifested at not only the national level, but amongst individual NGOs – Anti Slavery International (2002) in Recommendation 10, has stated that States should instruct their law enforcement machinery to:

“refer such persons to a specialized center or non-governmental organization that can address or assess their mental and physical health needs, inform them of their rights to a reflection delay ”.

The International Centre for Migration Policy Development states that the purpose of the reflection period is to give victims time to “recover and stabilize”, and that after the expiration of it, a residence permit should be granted. A reflection period has a twofold aspect – to raise the victims’ confidence level in the State and its ability to protect their interests by offering them the chance to recover to eventually --

- 1) Assist in criminal proceeding
- 2) Pursue legal proceedings for compensation claims
- 3) Enter a social protection program
- 4) Opt for immediate return home

The second aspect is to allow authorities to identify victims of trafficking including determining if the person is a bona fide victim (ICMPD, 2006). Finally, it is stated that if victims are unable to speak about their experience and therefore unable to present themselves as victims, they should be afforded legal status and protection from detention/deportation proceedings. During this period they should be offered psychological counseling, safe housing, social services, health care legal counseling and professional advice. The reflection delay is also to urge them in a less coerced manner, to decide whether they wish to testify against perpetrators. Anti trafficking and victim protection experts encourage a reflection delay of not less than 3 months, since victim testimony can have wide reaching consequences for them and their dependents in their countries of origin (OSCE, 2004). The Competent Authority guidance notes in the UK stress that the reflection period is –

“a legal concept that triggers certain rights and measures under the Council of Europe Convention on Trafficking of Human Beings...” ,

which should not be denied under any circumstance. If the victim is in any kind of immigration detention they will have to be under the conditions of ‘Temporary Admission’ or ‘Temporary Release’. The UK also has a category of ‘incarceration’ called “Detained Fast Track” (DFT).

### **C) Discrepancies within The US Model**

There is evidence to suggest that most anti trafficking efforts in the US have been used to justify the prosecutorial framework to all facets of immigration policy and not just restricted to anti trafficking policy. It could therefore be argued that any immigration policy that depends too heavily on migrant criminalization cannot be effective for trafficking objectives. The term ‘border security’ has become a catchphrase to include anything ranging from immigration control to customs and excise. Anti trafficking is one of the goals of ‘border security’ comparable to drugs and narcotics trafficking, and is thus presented as a problem that exists due to insufficient screening and monitoring along the border. Efforts to reduce ‘illegal migration’ have risen in recent years with the US government prosecuting more immigration offenses than before (Chacon, 2010); immigration crimes account for half of “the federal criminal docket” (Schwartz, 2009, as cited in Chacon, 2010). However, trafficking prosecutions are “a miniscule subset of total prosecutions. Trafficking offenses do not even make the list of the top ten categories of immigration prosecutions” (Chacon, 2010, p. 31).

Inherent to the Trafficking Victims Protection Act (TVPA), are certain conditions that make it difficult for ‘victims’ to avail of its protection, or the conditions that need to be satisfied in order for a ‘victim’ to qualify, are challenging to meet. For instance, the TVPA provides relief to only “severe trafficking victims”, those who can prove that they were subject to commercial sexual services through some kind of ‘force, fraud or coercion’. Needless to say, this can be a

major challenge for many, who may willingly agree to migrate to the US and then find themselves in situations of exploitation – immediately therefore, a whole category of ‘other’ women are denied by narrowing its client base to a small proportion of trafficked women. To prove “severe trafficking”, one must be certified from the Department of Health and Human Services (DHHS). Identification and certification are colossal barriers to receiving any assistance. Certification may be delayed or denied due to bureaucratic processes such as staff not wishing to “hand out green-cards” very easily or viewing victims as undeserving criminals, thus erring on the side of non certification. Moreover, victims must have already petitioned a T visa themselves before applying for certification. Migrant sex workers have the least rights and protection under the TVPA as they cannot prove ‘force, fraud or coercion’. It has been argued that a severe drawback of the implementation of the TVPA as compared to other UN Treaties is that the TVPA concentrates more on coercion rather than exploitation – the requirement of “severe trafficking” is at odds with other definitions that emphasize *exploitation*. Perhaps the most problematic issue for the TVPA is the requirement for victims to assist with prosecution, making many potential claimants ineligible for assistance – consider the following -- it would be unethical in the eyes of most, if a rape victim was denied access to housing, safety and medical treatment if she did not choose to assist in the prosecution of the trafficker – yet this is exactly what occurs if that victim is not a lawful immigrant engaged in sex work. Discrimination is rampant between citizens and immigrants in the issue of prosecuting perpetrators. Moreover, the requirements for qualifying for a T visa are stringent such as demonstrating a severe form of trafficking, cooperation with prosecutorial actions *and* in being successful in proving “extreme hardship” on deportation. The standard for ‘extreme hardship’ in trafficking cases is substantially higher than for asylum cases and there are numerous grounds for inadmissibility if the Attorney General is unable to grant a waiver – one of these being that any woman engaged

in sex work in the past within 10 years of applying, cannot be granted a waiver of inadmissibility; this automatically excludes many (Rieger, 2007). In our analysis, it may be reasonable to state that the TVPA and the T visa therefore, is in reality a tool exercised for the purposes of prosecution with the intent of reducing or deterring an organized form of 'illegal' migration.

Rieger (2007) suggests three solutions to the above – first, to transform the legal focus of trafficking cases from a criminal to a civil form where 'victims' have more control and from beginning to end. Success is more tangible as the burden of proof required in civil suits is traditionally less than in criminal proceedings. The route of financial compensation in civil proceedings may help victims more while simultaneously deterring traffickers if they have to compensate in damage awards. Two other remedies involve Tort Law and Breach of Contract clauses – Tort law, as defined by the legal dictionary (Legal Dictionary; see references) is --

“a body of rights, obligations and remedies that is applied by courts in civil proceedings to provide relief for persons who have suffered harm from the wrongful acts of others”.

In Trafficking claims, commonly used Tort laws include the clause -- *'Intentional Infliction of Emotional Distress and False Imprisonment'*. Usually claims have to be initiated within a year of occurrence. The third avenue draws upon the 'Breach of Contract' clause which can be used by those women who consensually arrived to the US and then found themselves in situations of slavery and exploitation. Fake contracts or misrepresentation for legitimate employment such as those night clubs and brothels that employ these women, can be made accountable for failing to act in accordance with a certain code of employment ethics. Breach of contract remedies are designed to be compensatory as well as punitive (unlike Tort claims). Another tool for civil redress of sex trafficking can be utilizing the Federal Racketeer Influenced and Corrupt Organizations Act (RICO) – RICO makes any action pertaining to the use or investment of funds

generated through any kind of racketeering whether in the US or of external origin. The TVPA was reauthorized in 2003 with an amendment allowing “human trafficking as a predicate offense upon which to base a RICO claim”. RICO claims demand that the victims are entitled to “treble damages, attorneys fees and costs” (Rieger, 2007).

Horstmann (2012) offers an interesting alternative concerning the inefficiency -- she has analyzed reasons for why the T visa has been under subscribed to since its inception in 2000. The under subscription is noticed in number of total applicants and those who are eventually approved for the T visa. However, there are key reasons for this and also reflects America’s conceptualization of human trafficking and consequential policy implementation. Horstmann’s argument centers around a marketing model and the way the T visa is ‘sold’ to potential audiences – her research suggests that ineffective branding, a failure to reach out to victims, a lack of applicants and strict visa requirements are some of the reasons. More covert mechanisms at play include the discourse portraying women as choice-less victims, and its conflict with the feminist argument of understanding sex trafficking within the wider conceptualization of sex work – Horstmann argues that the branding of the T visa by the State department to NGOs and by NGOs to victims, are the main shortcomings of the T visa program. The language used by the State, the NGOs and victims themselves in relation to trafficking, are all discrepant – moreover, the framing of the T visa by 3 organizations, namely, the state department, the Polaris Project and the Coalition for Anti Slavery and Trafficking (CAST), all contributed to its under-subscription. Interestingly, Horstmann’s study focuses on the intersection of governmental and non-governmental actors where the State department is responsible for immigration policy and the prevention humanitarian crisis, while the Polaris Project and CAST work in partnership with the State to brand and frame the T visa as a toll for assisting victims and prosecuting traffickers.

Theoretical critiques that can be directed at the T visa include frameworks present in literature – it may be viewed within a feminist critique such as that of Doezema (2010) which argues that sex work should be seen as a choice consciously made by some women; it may also be viewed as a conflict between a humanitarian / emancipatory framework, which sees the T visa as freeing people from the bondage of coercion; or, it may be seen within the framework of a prosecutorial tool versus a humanitarian solution. Authors have criticized the T visa and the Trafficking and Violence Protection Act (TVPA) as failing to “uphold humanitarian ideals by treating victims more as tools for prosecution than as entities unto themselves” (Pollock, 2010). Hence, the T visa may not be effective when framed as a prosecutorial tool for the benefit of the State department rather than as a humanitarian solution. Hendrix (2005) has argued that one of the problems with the TVPA, is that it deals with both national and international law – it hold other developing nations accountable for trafficking while completely overlooking the root structural causes leading to it. Unique to the T visa, is an inherent conflict between immigration and humanitarian policy – if an applicant is refused a T visa, the risk is deportation. Like visas given to asylum seekers, trafficking visas combine “humanitarianism with pragmatism” (Horstmann, 2012, p.14).

The T visa allocates up to 5000 visas to be filled per year but is the only visa program in the entire US immigration portfolio that is under subscribed; it is also one of the few that has a dearth of applicants (Pendleton, 2006). Horstmann (2012) states that in the context of the USA, the Polaris Project and CAST are NGOS which do the majority of work in recruiting, contacting and informing and educating potential candidates about the T visa program. None of them have any power to change or influence the State department’s policy implementation. However, the two are different in their approach – while CAST is more abolitionist in its approach to trafficking, Polaris is more open to engaging with the feminist critique of legalizing sex work,

thereby not pushing it further underground. With regards to branding and framing, it may be said that the main audience of the State department are not the victims, but the NGOs and the wider international community which directly affects how they decide to brand the T visa. As we saw previously, from the USCIS sources, the State department's mission framing suggests that the T visa "allows victims of human trafficking to remain in the US to assist in investigations or prosecutions of human trafficking violators" (Horstmann, 2012, p.20). This suggests some assistance to victims but only within the context of prosecuting traffickers. The mission of the State department therefore, is to create more security, democracy and prosperity for the benefit of the American people and the international community. Therefore, the T visa is less a victim assistance resource and more a prosecutorial tool. Moreover, nowhere in Trafficking in Person reports (TIP), is the T visa ever mentioned (Horstmann, 2012) and it is suggested that this is so because the State Department does not and has no intention of using the T visa to counter trafficking on an international scale. The primary work that the State department in combating trafficking is not centered around the T visa. In all this, we may argue that Doezema's feminist critique is not absent in the framing of the T visa by the State department.

CAST on the other hand, frames the T visa for the purpose of assisting those who have been trafficked; their activities revolve around "victim centered approaches" that promote the rights of trafficked persons. CAST claims its primary clients to be the survivors of trafficking. Divergent from Doezema's viewpoint, CAST asserts that its mission is not just to assist victims but to abolish trafficking as modern day slavery. For CAST therefore, the T visa is one of many tools to improve the lives of survivors – it does not market the T visa as a prosecutorial tool. Interestingly, CAST spends the most time dealing directly with the T visa as they are tasked to assist victims through the procedures necessary for the T visa applications and are thus solely client focused. Horstmann (2012) cites 5 documents that CAST uses to frame the T visa to clients

– The New Client Legal Orientation Handbook; The T visa Interview Guide; The T visa checklist; A Guide to Immigration Status; and the Lawyer’s Guide to Outline for T visa Interviews. Notice how all documents directly apply to the T visa. CAST offers three immigration choices to those who wish to remain in the US – Continued Presence, The T visa and the U visa. CAST’s handbook never portrays any of the above for the prosecution of traffickers, but rather as a means to stay in the US. However, the prosecutorial nature of the T visa is mentioned throughout the other documents, more than CAST’s own mission statement indicates.

Polaris calls into question the fact that abolishing all sex work cannot be the answer to ending trafficking and frames the T visa as a resource for law enforcement to use against traffickers. There is however, adequate emphasis on victim protection, but Polaris’s documents as researched by Horstmann (2012) never makes mention of the overlap between immigration law and the T visa. The majority of Polaris’s work is in urging law enforcement to recognize the signs of trafficking in individuals in order to decipher cases of human trafficking. In line with this mission, Polaris has gone on record in setting up a hotline for victims of trafficking to call in. Polaris also advises how law enforcement should follow up case management in terms of immigration and legal work. Overall, Polaris far more open to the feminist critique of the T visa than either the State department or CAST. Polaris’s branding is only partially for victims, while it also appeals to the US government to lobby for change in trafficking policy.

As we can see, all three organizations have particular ways in which they frame and promote the T visa to respective audiences. All three recognize the T visa as a prosecutorial tool, whether for the benefit of the victims themselves or for government interests. However, it may this very issue that explains the under subscription of the T visa by those who may need it most – the State emphasizes the prosecutorial nature of the T visa by stating its mission to reduce

trafficking through prosecution and victims are told of the terms and conditions that must be met before being issued with the visa. None of the three organizations in Horstmann's study indicate that this under subscription is a problem – neglecting this may be due to several reasons – indeed, each organization believes that the T visa is good policy and adequately performing as an effective measure within the scope of their missions, and hence only so many people need it every year – we may question this by arguing that both the NGOs and the State department cannot be ignorant of the considerable higher number of trafficked individuals into the US each year and so the under subscription may be reflective of a fundamental flaw within the T visa's implementation and design and that the under subscription is chosen not to be addressed by the authorities due to reasons pertaining to framing.

Horstmann argues that the only possible solution to improve the under-subscription is to adopt a comprehensive immigration reform -- what victims are most afraid of is deportation if their application is refused or they are not given permanent residence (Siskin & Wyler, 2010). Reforms may be targeted at visa regulation, deportation procedures and how humanitarianism is dealt with within immigration. It may also be proposed that a rebranding of the T visa for the benefit of victims more than as a prosecutorial tool, or as a means for authorities to free victims from coercions, victims may better understand the implications of the T visa. A better understanding of the T visa may encourage more applications and may make the T visa a better all round tool for policy makers, the NGOs and victims themselves.

#### **D) Comparing the UK to the US – Parallels and Divergences**

The Polaris Project list several reasons why victim self identification may be low – some of the barriers include captivity, being guarded, curtailing freedom of movement, the use or

threat of violence, fear of harm to extended family, debt bondage, language/social barriers, distrust of law enforcement agencies, isolation, hopelessness and resignation, drug addiction, trauma, ignorance of available resources, lack of awareness of the elements of the crime and a belief that no one cares (Polaris Project, n.d.).

Hoyle, Bosworth and Dempsey (2011) argue that the anti slavery rhetoric of the 21<sup>st</sup> century is an oversimplification of our understanding of the entire experience of trafficking—for instance, the ideal construction of the victim—someone coerced, forced, deceived, unknown to the perpetrator, and uneducated. However conceptions of coercion or consent within dominant trafficking discourse should not be misconstrued as ‘social reality’ (O’Connell-Davidson, 1999, as cited in Hoyle, Bosworth & Dempsey, 2011). Comparatively little attention has been paid to the “incongruity between the notion of the ideal trafficking victim and current accepted definitions of trafficking in the Palermo Protocol – for example, the Protocol articulates a definition referring to an ‘abuse of power’ or an ‘abuse of the position of vulnerability’ independently of fraud, coercion, deception, abduction etc. By implication therefore, according to the Protocol definition, trafficking can occur even when the victim is neither coerced, nor forced, nor abducted—there is no categorical distinction between the methods used and all count as trafficking under the Palermo Protocol’s definition. An interesting point made here is that the victims consent to prostitution is legally irrelevant under Article 3(b). Hence, a ‘victim’ who consents to prostitution is no less a victim than one who did not. Decision makers then find that the individual was trafficked *with* consent. In this sense, the Palermo Protocol transcends the dichotomy between ‘women as victims’ and ‘women as agents’. However, this broad categorization of trafficking has been criticized by those who believe that the role of personal agency was consistently undermined (Doezema, 2005, as cited above). Workers from the Poppy Project in the UK suggest that a victim’s failure to construct a typical trafficking narrative and fit

in to the 'ideal victim' category can have far reaching consequences such as the denial of residence and repatriation to the same structurally exploitative environment that she was recruited from. The Poppy Project staff described choice as being 'coerced' choice, meaning that within the context of the individual's environment, the decision to migrate was a rational one, even if consequent outcomes did not match expectations. The rhetoric of slavery was evident in police accounts of 'rescuing' women. They are more inclined to refer to 'victims' of trafficking being 'rescued' but current anti immigration sentiment in the UK means that a significant number of those 'rescued' are either detained because of lack of documentation or deported. Victims of trafficking in detention are often treated as immigration violators and for these women, the slavery discourse shifts to one of law, order and border control – a discourse that interprets them not as victims but as offenders. Perhaps we can draw a link between the way these women are 'rescued' and then handed over to immigration authorities. So, on the one hand, we have law enforcement officers who claim that at the heart of law enforcement, lies the saving of the vulnerable (the human rights approach), but at the other end, the fates of these so called victims are controlled by immigration.

The above has also been corroborated by evidence from Davidson's research in 2006, where she states that extremely few individuals fit the criteria of VoT in the UK. According to work undertaken by the author, police and immigration officials confirmed that upon immediate contact with the authorities, a woman must demonstrate a particular set of experiences such as fraud, coercion, forced imprisonment and physical trauma, without which they will not qualify as a VoT. A specific set of abuses needs to be demonstrated to authorities such as rape and extreme physical force. The Asylum and Immigration Bill of 2004 in the UK states that –

“a person who facilitates travel to or within the UK is guilty of the criminal offense of trafficking if an individual so facilitated: ‘is the victim of behavior that contravenes Article 4 of the Human Rights Convention (slavery and forced labour)’, ‘or is subjected to force, threats or deception designed to induce him – (i) to provide services of any kind; (ii) to provide another person with benefits of any kind, or (iii) to enable another person to acquire benefits of any kind’.”

Unfortunately, this legislation, like the UN Trafficking Protocol fails to establish parameters of the degree of deceit, the type of force or threats that must be present for the individual to be classified as a VoT. Following this, Davidson (2006) cites the example of a police officer in her study who claims that the production of such few VoTs can be attributed to the remarkable narrow package of abuses – one that combines facilitating illegal immigration, *with* forced prostitution *and* forced/false imprisonment. In other words, the standard for ‘victimhood’ is indeed a high one, which is not open to questioning.

### Chapter 3

#### **RESCUE, REVIVAL, REHABILITATION AND RETENTION – THE TRAJECTORY FROM RESUE TO SELF SUFFICIENCY – ACOUNTS FROM CONTEMPORARY SCHOLARS, NGOs, AND SEX WORKERS.**

This chapter investigates the overlap of immigration, rights based approaches to sex trafficking, and sex worker rights – indeed, we shall try and find answers to the question “do the rescued want to be rescued?”. It is my contention and indeed the argument of this thesis that many sex workers choose to make an economic decision as to which industry they participate in

and that salary is a prime factor in choosing which type of employment one chooses to engage in. An initiative run by the National Health Service in the United Kingdom, called Open Doors, offers free services to sex workers such as distributing safe sex materials and offering vocational training advice which are subscribed to by sex workers but they do not necessarily wish to be rescued – of the obligations that sex workers say they prefer to work towards, are student loans, family support, and debts (Rothschild, 13 March, 2009).

Mention was made in the introduction and background, of Western feminists' construction and perception to the 'suffering body' or the 'wounded body' of the Third World prostitute – this conception of the body as the site of intervention has also been documented and elaborated by Fluri (2011). Her account of 'bare life' in conflict zones such as in Afghanistan can be paralleled with our topic at hand here – Fluri introduces the notion of the gendered body as the pivotal point for capital accumulation and monetary value through aid/development. In effect, the phenomenon of development in the context of modern capitalism, reduces functioning human life to 'bare life' which warrants rescue. But how is bare life framed? Fluri argues that the desire to save Afghan women stemmed from the identification of them as 'victims' of 'their enemy' (Afghan men) and therefore deserved to be exalted to the status of 'victims'. In other words, Afghan women occupied a space that Fluri calls 'victimized distinction'. It is my contention that if Fluri's Afghan woman were seen as a site for "Western secular salvation", our victims of sex trafficking are seen through the same lense of passivity/docility and victimhood which could conversely be molded for the purposes of exploitation, namely, a new bargain with capitalism. Minca (2007, cited in Fluri, 2011), says that "bare life is life on the precipice of potentiality – as a living corpse in need of rebirth to bios through outside intervention " (p.12).

And, it is not unsurprising then, that multiple political and economic assumptions create the reduction from 'proper' life (bios) to zoe (bare life) and the forced construction of victimhood, the precursor to humanitarian bio-politics.

Often, human trafficking has been condemned as “nothing less than modern day slavery” (AntiSlavery International, 2005, as cited in Davidson, 2006); and though it may sound like a strong piece of rhetoric, it does open a difficult debate between the concepts of autonomy and slavery and free and un-free labor. According to Brace (2004, as cited in Davidson, 2006), these are “oppositional categories” (Brace, 2004, as cited in Davidson, 2006, p.6). The term 'slavery' implies a list of 'unfreedoms' that are not unique only to it – for example, the right of ownership can be imposed on individuals who would not be categorically called 'slaves', such as wives, children, paid employees and even professional athletes (Patterson, 1982; Brace, 2004; & Davidson, 2005, as cited in Davidson, 2006). In fact there is no clear demarcation between slavery and 'free' wage labor in terms of labor exploitation. As Lott (1998, cited in Davidson, 2006), has observed, slavery is only one extreme of the exploitation continuum. The term that has been coined in more recent times is 'New slavery' and Bales (2005, as cited in Davidson, 2006) proposes that it is a phenomenon separate from other types of exploitation and oppression –

“New slavery is part of a shadowy, unregulated economic realm in which people can be treated as completely disposable tools for making money” (Bales, 2000:4, as cited in Davidson, 2006, p.7); Davidson(2006)describes it as “the dark and lawless underside of globalization” (p.7). Bales cannot be opposed in his conviction that what differentiates wage slavery from new slavery is the “total control of one person by another for the purpose of economic exploitation” (2000:6, as cited in Davidson, 2006, p.7) and that regardless of the level of misery and hardship

faced by wage slaves, they are not completely controlled by another, nor are they completely devoid of choice. However, this angle of “total control” could change every traditional definition of slavery, and insists on delineating between degrees, extents and types of choice.

Rehabilitation is a term usually reserved for the physically incapacitated or mentally dysfunctional. It is a state of being restored to one’s original state after being considered divergent from the standards of ‘normal’ behavior. The Latin origins of the word mean “to make fit again”. In health care, rehabilitation goes further and beyond medical treatment to help patients re-establish themselves as productive and socially integrated citizens. In my opinion, there has always been a moral imperative about re-habilitation, that to keep people alive is not enough but that their lives must be worth living and perhaps it is also accurate to claim that there is also an economic imperative for rehabilitation – to reduce the economic dependence of incapacitated individuals on the tax-paying population. Therefore it is not surprising that interest in rehabilitation is heightened in the modern world. To rehabilitate sex workers or those in voluntary prostitution therefore, suggests that sex work or prostitution is an abnormal state of being and that those engaging in such a choice must be lacking in fundamental powers of reason, judgment and logic. Aborisade and Aderinto (2008) argue that the social rehabilitation of so called victims of sex trafficking run counter to human rights perspectives of rehabilitation. Indeed, there is a recognized dearth of research on the psychosocial effectiveness of rescue and rehabilitation programs if in the context of victims not needing or wanting these services voluntarily, as ‘rehabilitation’ is a relatively recent method of professed to reduce the growing incidence of sex trafficking. Moreover, it has been argued that from a human rights perspective, ‘rehabilitation’ is a rather inappropriate term as it is the direct consequence of law enforcement and immigration decisions operating within a total institution, which in the end favors techniques of detention and repatriation instead – how then, is the term ‘rehabilitation’

applicable to these individuals, if not as an euphemism for traditional detention, albeit in a comparatively relaxed atmosphere? (Jeffreys, 2002). Moreover, it has been argued that 'rehabilitation' is a process more appropriate to be used in conjunction with criminals, suggesting a process through which individuals are assisted to be integrated back to society, after digressing away from it -- it implies an attempt to reform a mindset or influence behavior seen as negative or to transform certain behavioral patterns to become more positive. All these objectives are more in line with the treatment of criminals (Aborisade & Aderinto, 2008). Scholars such as Loconto (2002), have gone as far as documenting the pathways to rehabilitation as involving some kind of coercive process of arrest, detention, repatriation and even sexual exploitation by foreign and local immigration authorities which makes the phenomenon of 'rehabilitation' even more of a misnomer.

Booth (21 November 2013, *The Guardian*) cites the Salvation Army in the UK as "holding the government contract to help trafficking victims for the first 45 days of their release". We may take the phrase 'holding the government contract' to have a number of implications – there may be profit involved, the government may be responsible for staff salaries and / or the Salvation Army and other 'rescue' actors may indeed be open to private bidding wars for these 'government contracts'. The Salvation Army organizes interview rooms in churches where victims are put at ease, given food and are offered medical attention. The charity tries to create "a soft edge to the operation" to ease the apprehension of victims. The next step is to place them in one of 15 safe houses in England or Wales which are "run by subcontractors" – these may be residential homes with meals provided, where case workers oversee a "recovery and reflection" period of 45 days, along with the expertise of doctors, psychologists, lawyers and language teachers. So, the 15 safe houses in the UK are run by 'sub contractors', with the services of a host of ancillary professions that the 'victims' are thought to need – all reminiscent

of Augustin’s argument that “everyone is trying to make a difference”, and Aradau’s account of victim profiling with psychological connotations of abnormal pathologies.

The section in the literature review discussed the concept of risk and the likely occurrence of future risky behaviors – it is tempting to pose the question of what exactly constitutes risky or offensive behavior by trafficked individuals? European Union accounts of the answer point to the fact that future risk and offense falls into one dominant category – that of immigration or being ‘re-trafficked’. Citing the European Council Proposal to combat trafficking, it is noticed that by assisting ‘victims’ of trafficking, illegal immigration is either deterred or delayed (Council of the European Union, 2002, cited in Aradau). According to the IOM, attempts at victim integration, is a method of reducing the risk of re-trafficking (IOM, 2000, as cited in Aradau). In the wider configuration of the security dispositive, therefore, rehabilitation programs and the entire ‘rescue industry’, fall into the preventive strategies deployed by states in an effort to curb ‘illegal’ migration, and in the case of the European Union, such individuals are to be returned to their countries of origin. A direct correlation therefore appears between the kinds of measures afforded by governments, and the link to curbing irregular migration.

### **RIGHTS VESUS RESCUE**

Raid and rescue efforts are usually the tactics used by abolitionists who refuse to delineate between sex work and trafficking – several sex workers rights organizations believe that the best way to improve outcomes for sex workers is through a rights based approach and to classify it as an occupation like any other. However, the abolitionist approach has been witness to organized ‘raids’ on places where women sell sexual services with accompanying faith based groups or non governmental organizations. These women are then removed and

'imprisoned' in rehabilitation centers or prisons. Sex worker rights groups claim that sex work needs to be decriminalized and regulated by occupational law and policy like other forms of work and labor. The risk to women is lowest when they are able to assert control over their working environments and highest when they have no power to demand safe practices (VAMP, 2013).

A comprehensive study of the nature of consent has been conducted (Cianciarulo, 2008), where the lack of cohesive policy in this area has been cited as the main reason for the continuing debate over trafficking – nothing draws more conflict than differing perspectives surrounding the issue of consent. Current legislation states that an element of force, coercion and fraud must be present in order for an offense to be regarded as a form of trafficking. There are those who wish to expand the definition of trafficking based on coercion, and those who believe that any form of prostitution should be classified as trafficking with no demarcation between those who consented and those who do not; indeed any expansion in definitions is thought to render 'ending' trafficking less effective. Opponents of legalizing prostitution believe that it legitimizes the exploitation of women and their rights and that no one ever 'chooses' to be a sex worker which leads to the question of whether a choice or consent is ever possible in the context of severe economic and financial hardship or the spillover of childhood sexual abuse (Cianciarulo, 2008). Attitudes towards not being wanting to be rescued also include the attachment to a more affluent lifestyle, new found independence and the desire not to return to environments where they would be subject to economic deprivation (Magar, 2012). It has also been documented that because women are often repatriated to their sources of origin and are thereby exposed to the very factors that instigated their out migration, there are generally repeated cycles of migration with intermittent episodes of incarceration, rehabilitation and bondage to the authorities (Magar, 2012).

Vargas (2014) reports that a significant social media campaign has been started to give voiceless sex workers a voice in the context of the American Super Bowl event professed to be a catalyst for the biggest trafficking event across the US. Sex workers have however, interrupted this narrative by asserting that they do not wish to be rescued and that 'rescue' was the biggest impediment to their work. In January this year, a coalition of sex workers and supporters united to decide on a social networking 'hash-tag' that would afford this issue more visibility – they came up with the hash-tag "Not Your Rescue Project". An examination of more than 100 social media correspondence illustrate that sex workers have two main themes – that sex work is a personal choice (for whichever reason) and that a distinction must be made between who needs rescuing and who does not. Indeed, these women are sympathetic to genuine incidences of trafficking and advocate intervention for them, but the general debate seems to be that of decriminalizing sex work.

The media has been criticized for confusing the phenomenon of trafficking with adult women's migration choices and sex work, contributing to the violation of women's right of movement and livelihood options. It is assumed that a woman migrating for sex work is a victim of trafficking. Consider the account of the Denver, Colorado Police force which highlights our case in point – like other Police Departments in the US, they receive funding from the Federal Government. When they cannot find women to confess to being forced, they construct stories of victimization where none exists, so as to not lose Federal grants ([www.blogs.westword.com/latestword/2011/10/human\\_trafficking\\_denver.php](http://www.blogs.westword.com/latestword/2011/10/human_trafficking_denver.php)). Moreover, a defense attorney in Denver, Colorado stated that in cases where a sex worker is voluntarily engaging in business, she has the choice to incriminate the 'pimp' in an effort to avoid charges herself. However, 'pimping' cannot be equated to trafficking either ([www.denverpost.com/news/ci](http://www.denverpost.com/news/ci)).

Similarly, in the United Kingdom, there have been accounts of the Metropolitan Police conducting 'raids' accompanied by television and film crews to witness the moment when 'slaves' were liberated. O'Neill states that –

“In recent years, a motley crew of government and police forces in America and Europe, feminist activists, fundamentalist Christian outfits and celebrity campaigners has turned human trafficking into one of the biggest issues of our time”

O'Neill goes a step further to propose that “these are just the typical lies that regularly emanate from those who seek to grow their 'abuse' empires”.

An account of Birmingham police in 2005 in the UK, demonstrates that a 'rescue' mission on 19 foreign trafficked women ended in 13 of them being released when it was seen that they were voluntarily engaging in sex work. The remaining 6 who also denied being trafficked, were detained and threatened with deportation. Indeed, they could have avoided deportation if they had claimed to be trafficked – which shows that women in these circumstances are told by law enforcement that confessing to being trafficked is a way to obtain a comprehensive benefits package. We can extrapolate from this, that there is a system of compensation in place to state that one is a 'victim' – in O'Neill's words, this is an example of how the 'abuse' industry operates and that perhaps these women are already being rewarded for the way they 'construct' their narratives of victimhood. In most cases, community based organizations have argued that both the police and NGOs engage in interventions that are fundamentally flawed, where the main motivation is inspired by failed attempts by governments to combat trafficking through means of rescue (Magar, 2012).

Augustin (2011) points to the fact that unwanted 'rescue' efforts have the following detrimental aspects – the women lose their savings and any financial independence as well as

their belongings; they are forcefully locked up, interrogated by numerous people; forced to be witnesses; held in custody till the court date or till deportation; forced to undergo re-training; not given compensation; deported; their families are in a panic; the problem of family debt and finally, they must make a fresh start after being sent home. Augustin does not discredit the genuine rescue of some individuals, but that rescue agents consistently fail to consult with the sex workers they want to save, to find out whether they want and need to be helped and if they do, then what type of assistance would be appropriate.

A study in the UK conducted by the London Metropolitan University, in conjunction with the Institute for the Study of European Transformations aimed to draw links between migration and the sex industry in the UK—interviews with 100 migrant sex workers found that female migrants to the UK joined the sex work industry after experiencing considerably less rewarding remuneration in other sectors. Other key findings of the study reported that the majority of migrant participants interviewed in the course of the study in the UK sex industry were not forced or trafficked and that immigration status in the UK was the single most important factor while exercising rights over their professional and personal lives; migrant sex workers chose to work in the UK sex industry to maintain a more dignified standard of living both for families in their countries of origin and for themselves in the UK; migrant sex workers stated that the combination of a lack of legal immigration documentation with social stigmatization made them most vulnerable to violence and crime. Furthermore, the inabilities of the UK government to grant indefinite leave to remain status in the UK undermined the efforts of law enforcement agencies against organized forms of trafficking crimes. Evidence from this study points to the fact that attempts to reduce trafficking and exploitation by criminalizing the women or their clients, will only push the issue underground and would discourage migrant sex workers from cooperating with law enforcement to prosecute genuine cases of trafficking and exploitation.

## **SEX WORKER ACCOUNTS OF RESCUE**

A first hand account of the ‘rescue’ experience and operation from a sex worker, is given by an Indian sex worker who uses the alias of Molly – the account was published by Maggie McNeil (2014) a retired sex worker, activist and guest columnist. The account presents the story of a young ‘rescued’ Indian sex worker named Molly.

Molly is a young Indian woman who was taken into a ‘rescue’ shelter in India on the pretext that her sex worker friends may ‘traffick’ her. Molly states that ‘rescue’ is a euphemism for detention where shelters claim to hold custody over the girls from the courts. They are warned against leaving and held against their will, indeed ‘in custody’. According to her, most anti trafficking programs must have three Ps – Prevention, Protection and Prosecution – without enough legal cases, NGOs cannot meet their minimum prosecution quotas, and without enough women and girls, they cannot meet their ‘protection’ quotas. Prosecution is prioritized at the expense of being rights based, with the implication, that traffickers may be brought to justice, and released on bail, while the ‘victims’ are continuously held in detention which may last several years, if the court process is slow. If the women escape, NGOs claim that they have been trafficked or kidnapped by traffickers. Molly claims that NGOs in India can also be called traffickers, as they utilize the women as commodities to buy and sell – in order to secure grants from USAID, NGOs must pledge to be anti-prostitution; and to avail of grants from other donors, they use the women to put on shows. Women are then given false ages to show they are younger than they are and even those who were not active sex workers and undocumented migrants, were said to be at “risk of being trafficked”. To discourage running away from their premises, NGOs tell the families of these girls that they have been trafficked and have joined the sex trade, which makes

it impossible for the girls to go back home due to severe social stigmas associated with sex work in India. It also prevents families from filing missing persons reports or First Instance Reports with the Police, and even if they are filed, they are cancelled with the knowledge that the woman has entered the sex trade. Women in these centers were forced to dance and sing for donors and allow visitors to take pictures of them. Molly says that one particular occasion when two Western donors came to the 'rescue' center, she was locked upstairs till the donors left, as she could speak in English and the staff feared their operations being disrupted if Molli started uncovering certain facts. She claims that these 'rescue' centers have complete control over those they claim to rescue and there is no such thing as 'protection' when even rescue center staff have the power to rape these girls and perpetuate injustices inside their premises. The reality is that the Indian Government lacks the resources to oversee and supervise these centers, which enables the NGOs to resist all external accountability. There are widespread accounts of how these NGOs constantly bribe government and police officers to produce 'clean report' of their activities and progress. This power and impunity allows all forms of unjust consequences to flow free in so called 'rescue centers', and Molli cites the case of how the night guard who helped them escape, charged others for 'access' to the girls. What was worse, is that the NGO staff acted with great disrespect towards the girls by forcing them into domestic servitude or forced marriages with 'lower caste men'. Molli now lives in the UK and is an established sex worker (escort) charging 150 sterling pounds (GBP) for an hour of her services, 225 GBP for 90 minutes; 300 GBP for 2 hours; 400 GBP for 3 hours; 500 GBP for 4 hours and 925 GBP for overnight customers. At the end of her website is a disclaimer that says she is paid for 'compensated dating', that she is not controlled by anyone, nor does she need rescuing because she is 'brown' or an 'escort', and that being an ethnic minority sex worker does not make her weak, vulnerable or powerless. She also requests the public to "check the privilege

and leave her alone” and asks law enforcement officers and media personnel not to contact her (<http://mollidesidevadasi.com>) .

## Chapter 4

### **HUMANITARIANISM DILUTED – COMMODITY ACTIVISM, CELEBRITY MARKETING AND THE CULT OF PERSONALITY IN RESCUE PUBLICITY**

A new phenomenon has been witnessed in the last two decades, which has strongly been accused of perpetuating, promoting and professing neoliberal capitalism and global inequality—this is none other than the rise of what has come to be called ‘celebrity’ humanitarianism and charity work. There are several manifestations of this, especially through entertainment stars, billionaire philanthropists and even some NGOs that have gained significant reputations and become celebrities in their own right. It has been proposed that any humanitarian work emanating from these sources is far from altruistic, but is contaminated by a deep seated origin in the global capitalist order. Kapoor (2012) has argued that celebrity humanitarianism is self serving with the purpose of “institutional aggrandizement” and to promote the “celebrity brand”. Both consumerism and corporate capitalism are promoted which perpetuates the very inequity they seek to redress. Inevitably, it can only pretend to be ethical activism which may appear consensual outwardly, but in reality is managed and monopolized by a sliver of “unaccountable elites”.

Wan (2013) has cited the theorist Lillie Chouliaraki who has contributed an interesting angle to the modern day business of humanitarianism, where ‘doing good’ has never been easier – amidst a technological landscape of social networking, consumer culture and glamorous

celebrity, solidarity in assisting the vulnerable, has been reduced to a consumer choice rather than a moral conviction and is more about how consumers feel about themselves, than about the actual act of being humane. All one has to do to 'help', is to click a button online, "wear a wristband to show support" or run a mile to sponsor a cause. This kind of "effortless engagement" has been called 'slacktivism' or 'clicktivism' which is essentially narcissistic and celebrity focused. Chouliaraki criticizes the consumerist marketing strategies of modern day humanitarian engagement and communication in everything from charity appeals, celebrity activism and news reporting. The issues that arise here include how suffering and vulnerability are conveyed and communicated in a consumer culture, the focus on the consumer, a complete sanitization of the message, and the non visibility of the sufferer. In essence, therefore, how is vulnerability represented? Our solidarity to help others has almost become an individual choice – the choice to click to donate, or the choice to partake in an online opinion poll, or to follow a specific celebrity on a social media website. *Helping*, has thus become akin to a lifestyle choice, one of the many lifestyle choices we may choose from, to make us "feel good". Chouliaraki uses the term 'post humanitarianism' to connote the shift away from core human values of caring and social justice which were defining features of humanitarianism in the past. Hence, an individual with a regular standing order to donate to a cause each month may 'feel good' about himself, and Chouliaraki states that people are giving more but do not seem to care (Wan, 2013).

Neoliberal consumer culture has also led to humanitarian communications becoming increasingly professional, through the modes of web marketing, social networking and determine the representation of new forms of humanitarian visual culture – the age old method of representing the plight of sufferers has given way to a culture of representing glamorous and youthful embodiments of the new humanitarian *donor-as-consumer* (Brough, 2009). Aggressive

marketing has led to the consumption of social causes “through commodity and brand driven practices”, with humanitarianism being ‘consumed’ in Western popular culture. To engage in this debate is beyond the scope of this thesis, but Brough raises pertinent questions – for instance, does this kind of representation immunize us against fundamental structural inequalities? And is it leading to a burgeoning type of entrepreneurial activism, thereby creating a new generation of cosmopolitans? The aesthetics and glamour of modern day humanitarian campaigns certainly overshadows and even deletes the victimhood of those they seek to empower. The new phenomenon of donor-as-consumer is set inside the rationale of neo-liberalism and *brand culture*. There is an ‘innate narcissism’ in Brough’s words, in this unabashed *consumption* of humanitarianism.

We now turn to an account of how media, celebrity status and publicity also claim to use ‘rescue’ for its own ends – in an online site name ‘*Counterpunch*’ where Laura Augustin is a featured columnist, she names the ‘self styled slave rescuer’ and New York columnist Nicholas Kristof as representing “the rescue industry at its well intentioned worst” – individuals like Kristof become figureheads through a ‘cult of personality where those who are uninformed about a subject, look up to an inspiring individual crediting them with expertise, knowledge and leadership. It would be appropriate at this juncture to mention why Kristof was chosen – First, we must draw upon the contribution made by Galusca (2011), in the term ‘humanitarian entertainment’ – the emergence of the humanitarian approach within the culture industry, or the crossroads at which the culture industry and humanitarian ethics meet. Put simply, humanitarian entertainment is both a cultural and economic practice that uses historical discourses of gender vulnerabilities and utilizes entertainment as a resource for humanitarian interventions. Within this, is the testimonial and visual genre which, Galusca argues, is pivotal to the “articulation of a humanitarian approach to womens’ trafficking, premised on notions of

suffering and trauma (widely featured in Kristof's work). The second reason for selecting Kristoff as an illustration, is to help portray the limits of humanitarianism in corruption -- that humanitarianism is a modern phenomenon that is utilized as an 'umbrella concept' to perpetuate self interest. The question therefore arises whether or not most brands and forms of humanitarianism and humanitarian governance are mechanisms of control and representation. In our attempt to show how Kristoff 'represents' rescue through his own 'brand' of humanitarianism, including who the 'victims' are and his motivations to 'rescue' them, we hope to demonstrate that the entire critique of humanitarianism may be fundamentally flawed with respect to the sex trafficking industry.

Arguably, these cults of personality rely on an uncritical belief from the masses that the 'hero' has the correct feelings about an issue, and therefore are largely unquestioned. In her words, Kristoff is "an apologist for a soft form of imperialism" and that through his "approach to journalistic advocacy, makes himself a celebrity". Kristof has been described as needing to protect his 'humanitarian image', being awarded a Pulitzer Prize for 'giving the voiceless a voice' and for *speaking* for women and girls and showing how grateful they are in media campaigns. He is accused of currently venturing into the world of creating online games with a moral conscious, highlighting the plight of refugees, victims and the vulnerable. Augustin argues that an underlying current of paternalism is evident, and to prove his humanitarian ethic, these games generate real money if one plays well, which is said to be donated to special 'causes'. Augustin bitterly welcomes us in to the Rescue Industry, "where characters like Kristof get a free pass to act out fun imperialist interventions masked as humanitarianism".

If imperialists have claimed to have the interests of the conquered at heart, then the 'rescue industry' today demonstrates another form of colonialism where the imposition of

external value systems on the daily lives of others, claims to perpetually maintain an upper hand in changing cultures with the belief that their own is superior. Kristoff has been criticized for posing with cameramen to capture key moments in his brothel raids and rescues, and using the social networking program Twitter to update viewers on live ‘rescues’ – Augustin refers to these as the “cavalry moments” that ignore the most fundamental question of what would happen to the women after the raids and rescue? Surely, if brothel closures left the women more vulnerable to trafficking, Kristof just managed to perpetuate the very phenomenon he was claiming to rescue them from. Therefore, his negligence of the negative effects of these raids and allegiance to the 19<sup>th</sup> century model of forced moral regeneration is compounded by his focus on a well funded program for photo opportunities – one that prefers to portray complacent looking docile girls. Indeed, Augustin states that Kristof “poses for photos with the wretched of the earth and Hollywood celebrities in the same breath and they are a perfect fit”. From posing with African children, to smiling with motion picture celebrities, Kristof himself is the news story and Augustin says it is all about his media persona – “Kristof is visiting, Kristof is doing something”. To criticize the Rescue Industry, is not to say that undocumented migration, slavery and trafficking does not occur, but rather prompts the question in Augustin’s words –

“did anyone rescued in his recent brothel raid want to be saved like that, with the consequences that came afterwards? That is what we do not know and will not find out from Kristof”.

Augustin also cites the case of Cambodian sex trafficking activist, Somaly Mam, for being forced to resign from her foundation after investigative confirmations that she had attracted donors and supporters out of fraud. To be accountable for something, according to Augustin, means that there is a verifiable phenomenon to be accountable *about*, and that the dominant narrative

about a subject is based in quantifiable reality. However, in the case of migrant sex trafficking, discourses by the government, social media and moral entrepreneurs are all less than reliable. The use of celebrities in the NGO world is worth mention in an examination of the rescue industry. Regular field visits by celebrities have been used to demonstrate empathy and NGOs regard it as essential strategy for their continuance and survival in the hope that “flattering reports will reach donors’ eyes”. Even the ‘objects of pity’ have rehearsed their lines and know how to pose for the camera. Often these narrations are exaggerated in performance and Augustin proposes that –

“NGOs operate in a world of precarious funding in which they are forced to write proposals for projects in vogue with donors, even projects that contradict their own beliefs”. ([www.jacobinmag.com/2014/06/somaly-mam-nick-kristof-cult-of-personality/](http://www.jacobinmag.com/2014/06/somaly-mam-nick-kristof-cult-of-personality/))

Moreover, NGOs are accused of “making theatre for visitors” (Augustin, 2012), but even despite their tax status which may be non profit, these are organizations with employees who are career driven like any other industry, and are equally ambitious for adequate salaries, security and the abilities to secure themselves with decent lives “with houses, cars and everything employees of profit making businesses want”.

The result is that the anti-trafficking movement is now structurally mainstreamed in both national and international domains, its machinery is said to be “well oiled” and it is said to “churn out salaries and prestige for thousands worldwide caught up in a movement based on fraud” (Augustin, 2014).

The most disturbing aspect of the ‘rescue industry’ according to Augustin, is its dehumanizing view of migrants that form the basis of these charitable organizations to rescue migrants not just from abusers but from themselves. Once again, she refers to the rescue

industry as a 'colonialist operation' where migrants are equated to "passive receptacles and mute sufferers who must be saved and helpers become saviors".

Connections are drawn between sex trafficking 'rescuers' and other forms of a "corrupted humanitarianism" that justifies enforced interventions in the name of voiceless victims, where victims need to be listened to "and not ventriloquized" (Rothschild, 2008).

Indeed, for those who work in the 'rescue industry' being a social worker and earning a living through helping others is seen as prestigious and noble—but it is argued that these individuals are motivated by self interest and gain and 'rescue' certainly bestows benefits on the rescuers. Self interest is therefore inseparable from these professions. What is of greater tragedy, is that anyone from a Third World country is associated with coercion, while those from the First World are seen as independent and able to choose; hence, if all developing world female migrants are seen as primitive and helpless, it is easier to justify seeing them as victimized and the easiest thing to do is to repatriate them (Rothschild, 2008). Therefore, whether it is NGOs and charitable organizations or 'cults of personality', the 'rescue industry' illustrates an 'inflation of ego' and the obliteration of historical realities, both which perpetuate into modern day practices of humanitarianism and human rights (Paper Bird, 2012).

It is our opinion in this thesis, that in all of the above accounts of humanitarian consumption and representations of 'rescue', there is something pertinent in the way that the racial and gendered positioning of both 'victims' and humanitarians is represented (visually, through online contexts) or narrated in the media. We may have the right to comment that these narrations and media representations only perpetuate and possibly even champion the unequal relationships of power differentials from the past (colonialism, imperialism) into our culture today. It is as if through the portrayals of the suffering of others, the racial and moral

superiority of ‘rescuers’ or ‘donors’ is preserved at every instance. We may be justified in stating that it is indeed a complicated and perhaps even a twisted relationship between the representation of sympathy and the visible humane efforts to alleviate it.

## Chapter 5

### **CAPITALIZING ON RESCUE ?**

No analysis would be complete without a consideration of the relationship between a phenomenon and capital /economic forces. This section, explores the connections between sex work and economics. It has been said that sex workers are the antithesis of the capitalist model because they do not need capital and have the ability exist in a pre capitalist kind of way, without ever needing capital input

(<http://sometimesitsjustacigar.wordpress.com/2013/10/05/why-capitalism-hates-consensual-sex-work> ). Therefore, in an interesting derivation of economic analysis, it has been argued that the only forms of sex work that capitalism can approve of, are the ones that incur the system some gain. Capitalized elements of the sex industry would then be tolerated and even encouraged (Just a Cigar, 2013). It is our aim in this section, to illustrate how different organizations and actors have used ‘rescue’ and ‘rehabilitation’ in a way so as to generate profit.

While it is not the intention of this chapter to accuse or incriminate any of the case studies undertaken, it is an attempt to demonstrate the concept of ‘consumer humanitarianism’ and that it is existent as a commercial endeavor in the realm of sex trafficking.

An example of this can be seen in the organization Global Girlfriend, founded by Stacey Edgar in 2003 as a way to support women in economic insecurity by creating a sustainable

market for their products. Edgar is referred to as a social entrepreneur and has been honored with several awards for merchandising, business start ups and even to participate through a university initiative in formulating future US foreign policy. On the one hand, Global Girlfriend promises economic security for under privileged women, and on the other, she promises “unique products” for the consumer market – products such as stylish apparel, gifts and accessories. The rationale behind the initiative is that women in need do not have access to and cannot find adequate market opportunities to sustain themselves. When women have an income, they are able to reinvest in themselves and in their children, health care and education, thereby creating stronger families. Global Girlfriend brings artisan quality work to us, the consumers and every purchase made in their online stores gives a charity royalty from 5% to 30%. Global Girlfriend is said to be part of the Greater Good store network, trademarked, owned and operated by CharityUSA.com, LLC. Funds are paid by the Greater Good organization to benefiting organizations as a grant. Moreover, 100% of funds are passed from Greater Good.org to their partner charities. Greater Good.org has the ultimate discretion in the allocation of its funds. Moreover, all expenditures made are consistent with the exempt purposes of the organization. The founder of Global Girlfriend Stacey Edgar herself, is a sought after speaker on various topics on women in the global economy, fair trade, sex trafficking, enterprise development, cause marketing and ‘parlaying your passion into your career’; and much like Nicholas Kristof’s case above, one can follow Edgar on Twitter and Facebook and be part of her latest ‘adventures’ ([www.Globalgirlfriend.com](http://www.Globalgirlfriend.com)). On the first page of their website, they advertise a link to their catalogue and like every bona fide online business, they have a comprehensive support system for customer service, current promotions and phone orders. The website even boasts a link for wholesale.

A Similar example is the organization 'Made by Survivors', founded in 1995 by Sarah Symons, who states in their mission statement that her goal is to "empower them to rescue and protect others". Also included in their mission and vision statement is the phrase that one of their goals is to "transform their identity and social status" (which forces us to question the process of victim construction). The charity provides shelter, jobs and education to survivors of slavery in India, Nepal, Cambodia and Thailand and is a US tax-exempt nonprofit agency. Training and job creation is generated through their Jewelry Program, that is said to generate business and entrepreneurial skills amongst the 'rescued women'. Metal-smithing in many developing countries is a male only profession and by engaging in a male dominated vocation, these girls are said to be breaking traditional gender stereotypes ([madebysurvivors.com](http://madebysurvivors.com)). A speculation, but a pertinent question none the less, would be whether these girls are being utilized in a way, for this purpose, by female entrepreneurs who may have their own personal unwritten feminist agendas. Therefore, by placing 'rescued' victims in the forefront, NGOs and social entrepreneurs may be serving purposes other than the wishes of the 'victims'.

Another jewelry making organization claiming to give these rescued women a sustainable livelihood, is Relevee, an up-market commercial jewelry brand produced by survivors or rescued women – four pairs of earrings showcased on 28/09/2014, on their website, sell for a basic cost price of \$120, \$85, \$98 and \$88. As with all online stores, there is a full array of products for online shopping, shipping, payment, product descriptions and a short story with personal picture of the girl who made it. As part of their advertising, there are also numerous pictures of Hollywood celebrities sporting jewelry made by Relevee as a way to boost sales. If one is to examine the sales and marketing strategies of these organizations, it is seen that products are regularly interspersed with personal stories of survival, pictures of the girls

and then a description of the product, the metal used, and the price (<http://relevee.com>, 2014).

It may be argued that by placing personal anecdotes of trafficking and survival, along with commercial material, these websites of charities are perfect illustrations of “the business of rescue” and consumer humanitarianism.

‘Hope for Justice’ is a charity that spans the Atlantic, being registered both in the USA and the UK. What is different about this organization, is that they claim to have a practical working relationship with law enforcement agencies and training frontline professionals such as the police, care homes, doctors and outreach programs is cited first on their website under ‘what they do’. The second activity they undertake is ‘rescue’, while the third is ‘advocacy’ consisting of securing criminal (prosecutorial) and civil justice for victims and last comes the ‘restoration’ of victims with vocational training, trauma therapy and ‘rebuilding their lives’ (<http://hopeforjustice.org/what-we-do/>). If the public wish to ‘get involved’, it is through donations, fundraising or shopping. They also have a section advertising jobs and internships, and are a charity registered under Section 501(c)3 in the US (which we shall examine shortly).

Our final citation of an organized monetary system around sex trafficking is the Christian Mission entitled ‘Sower of Seeds International Ministries Inc.’ (SOS). The project attempts to rescue and rehabilitate ‘victims’ of trafficking after rescue. Their website comprises of an account of what trafficking is; it is portrayed as a gross violation of human rights and unabashedly encourages the public to “get involved” and that by being involved in their mission with them, one can achieve lasting impacts on the lives of victims – ‘being involved’ includes donations of \$1,800 that can rescue and provide 12 months of care for a ‘rescued’ girl; \$900 provides six months of care; \$450 provides three months and \$150 supports a girl for a month. SOS is however, extremely understanding for those who cannot spare \$150, and asks for only

\$75 to combine with another person's donation to rescue a girl or woman. Woven into the main text of the website, are passages from the Bible quoting scripture –

“He will rescue the poor when they cry to him.....he feels pity for the weak and the needy, and he will rescue them...” (Psalm 72:12-14, New Living Translation, as cited in <http://sowerofseeds.org/project.php?id=25>),

And, “The Lord says I have seen violence done to the helpless and I have heard the cries of the poor. Now I will rise up and rescue them as they have longed for me to do”(Psalm 12:5 as cited above).

Interestingly, SOS is also sympathetic for those who may have busy lifestyles and may not be able to donate online, by encouraging donations instantly through mobile phones, boasting affiliations with four US network providers – AT&T, Verizon Wireless, Sprint and T-Mobile for a one-time \$10 donation through cell phones. Donations are collected for the benefit of SOS Ministries by the Innogive Foundation subject to the terms of a non-profit organization.

If we perform a critical analysis of the cases above, there are several questions that arise without answers – first, it is said that qualifying charities get between 5% and 30%. How much do the artisans earn out of this? How do the benefiting charities spend the royalties they are given? What are the salaries of their employees? What conditions do the artisans work under? Moreover, the umbrella organization is registered as an LLC – a limited liability cooperation in the USA. What is the tax status of an LLC? What is the tax status of a non profit? Moreover, it is mentioned on the website that “expenditures made are consistent with the exempt purposes of Greater Good.org” – what are their ‘exempt purposes’? Do employees earn special benefits?

According to the Internal Revenue Service Code (IRS, 2014), the term 'Exempt Purposes' under Section 501(c)(3) states --

The exempt purposes set forth in section 501(c)(3) are charitable, religious, educational, scientific, literary, testing for public safety, fostering national or international amateur sports competition, and preventing cruelty to children or animals. The term *charitable* is used in its generally accepted legal sense and includes relief of the poor, the distressed, or the underprivileged; advancement of religion; advancement of education or science; erecting or maintaining public buildings, monuments, or works; lessening the burdens of government; lessening neighborhood tensions; eliminating prejudice and discrimination; defending human and civil rights secured by law; and combating community deterioration and juvenile delinquency. (IRS Code, 2014, Section 501(c)(3).

Moreover, the IRS code (2014) states that no profit shall be incurred by any individual or shareholder in a charity or non profit organization--

A section 501(c)(3) organization must not be organized or operated for the benefit of private interests, such as the creator or the creator's family, shareholders of the organization, other designated individuals, or persons controlled directly or indirectly by such private interests. No part of the net earnings of a section 501(c)(3) organization may inure to the benefit of any private shareholder or individual. A private shareholder or individual is a person having a personal and private interest in the activities of the organization (IRS, 2014).

To protect and maintain a non profit's tax exempt status, it must not benefit members in any way except through "reasonable salaries and expense reimbursements"(Mancuso, 2014, [www.nolo.com/legal-encyclopedia/protecting-nonprofit-corporation-tax-exempt-status-29895.html](http://www.nolo.com/legal-encyclopedia/protecting-nonprofit-corporation-tax-exempt-status-29895.html) )

It is not possible to conjecture about the loopholes that many non profits use to avoid tax, or the salaries of its employees or how much is 'reasonable'; however, it is evident that as long as non profits do not show a profit at the end of the financial year, their tax exempt status is guaranteed (Guidelines for Non profit organizations -- [org.enom.com/guidelines-non-profit-organizations-396.html](http://org.enom.com/guidelines-non-profit-organizations-396.html) ). Christina Bush, a wealth manager and certified Estate and Trust Specialist states that non profit and faith based organizations are frequently in the news for financial fraud, corruption and embezzlement, that many non profits use grant funding inappropriately, fraud is often committed by individuals with financial or accounting knowledge who manage the treasury or bookkeeping activities of the organization and that those in positions of authority are most amenable to financial fraud ([www.cbwealthadvisory.com/nonprofits.php](http://www.cbwealthadvisory.com/nonprofits.php)).

A final consideration in this chapter will be the relationship between the sex work and real estate through the rental market. It has not been possible to locate any formal published research on this, but drawing on Davidson's work in 2006, where she provided a detailed account of London's 'working flats' (properties that are used for the purpose of prostitution), we may insist that it is possible to extrapolate and reach the conclusion that sexual labor is a significant commercial activity that pays for the rent in several prime (and not prime) real estate locations in metropolitan cities. Davidson found that these flats were open and in operation for 24 hours a day, every day of the year except Christmas day and New Year's Day and the sex workers work 12 hour shifts on a roaster system. In a case study of one such premise operated by a 'madam', Davidson found that each women on her books, worked 4-5 shifts per week, being the only one on the premises at any one time – therefore, each sex worker would average about 48-60 hours per week. Rather than paying a set weekly or monthly wage to the sex workers, they were required instead, to pay the 'madam' 350 British Sterling pounds per shift (in 2006, at the time of conducting this study;

in 2014, the rates are significantly higher). This sum was in lieu of renting the premises, cleaning, secretarial services for appointments, and the provision of other supplies and services (clean sheets, tissues, safety equipment, CCTV etc). In this sense, sex work is an independent contract between two separate entrepreneurs, devoid of any coercion, or employment relationship. The sex workers in Davidson's study averaged about 700 Sterling pounds a week, taking home, a net amount of 350 sterling pounds. Though this study did not specifically mention migrant sex workers in these 'working flats', or how many of them were working to pay off debt incurred during migration, it is safe to say that there must be several in that position, who are trapped within a situation of repaying debt, along with the pressure to pay for rental accommodation and to support dependants back home. Added together, it provides a strong incentive to want to keep working.

It is imperative to ask the following questions at every step -- How important is it for the 'rescue' industry to have a tangible commodity or marketable object between themselves and those they claim to be responsible for? Is it possible to assist those truly in need, without transforming the 'rescue' project somewhere along the line into a means for economic gain? Is it justifiable to use 'rescue' and a noble cause, to raise funds, request donations and not be accountable or transparent about how that income is allocated or utilized? Are we using the misfortune and suffering of 'others' for economic gain? How are old systems and models of intervention (colonialism, imperialism by the First world on the Third World) perpetuated, supported and maintained in modern capitalism? And once again, the question of personal agency for those whose rights have been overshadowed in finding a resolution to the problems rooted in unequal relations of power.

**A SEARCH FOR ALTERNATIVES**

So far, I have argued about and supported the stance that the international discourse surrounding trafficking has shifted from an abolitionist stance to one that emphasizes the dichotomy between free and forced prostitution (Doezema, 2011). However this split is also deemed too simplistic to corroborate the realities of sex worker experience, and may be as ineffective in garnering sex worker rights as the abolitionist view. In Doezema's view, the over emphasis by international law (and indeed the 'rescue industry') on the coercive element, summarily neglects the predicament of how to address voluntary prostitution rights. This dichotomy becomes even more harmful when it portrays sex workers as falling into what she calls "the Madonna/whore dichotomy", where the forced prostitute is the 'ideal' victim who deserves protection, and the voluntary prostitute is guilty and undeserving of rights or protection. We argue that while *both* groups need protection, forced sexual exploitation needs to be eradicated while voluntary prostitution needs to be regulated. In the light of this argument however, a labor approach may be easier to implement than ideological arguments surrounding the coercion-freedom dichotomy.

It may be possible to consider sex trafficking within a labor market paradigm as suggested by Shamir (2012), who argues that a labour approach may succeed where the human rights or 'shelter' model fails. A labor framework is based on the assumption that any trafficked person is exploited in a market context but genuinely seeks gainful employment and thus addresses the lack of rights that such individuals face, weak bargaining power and substandard work conditions. The extent of exploitation in the labor paradigm is dictated by

several factors such as undocumented status, being of a certain race or minority, lack of access to a legal system, limited market mobility due to immigration restriction etc. The labor approach focuses on the power disparities that this pattern of inequalities produce and with respect to the context of sex trafficking, we may argue that instead of treating trafficking as a system of exploitation, victimhood and passivity, if sex workers could themselves be encouraged to form unions, claim workers' rights and adopt labor strategies to mitigate exploitation because the human rights approach does not provide the possibility of proactive action by the worker or any empowerment in the situation. It is beyond the scope of this thesis to offer an appreciation of the labor approach, but its application in the context of sex trafficking may provide a solution, to the problem of 'rescue'. The absence of a labor approach to trafficking is usually ascribed to the moral outrage over granting sex workers formal social and economic rights, therefore, anti trafficking policies have continued focusing on the sex industry instead of wider structural factors. Moreover, the shift to a more human rights approach and away from the labor movement has diminished the power of organizations such as the International Labor Organization and trade unions that are in the position to help implement such a framework.

In a controversial report published in 1998, the International Labour Organization called for the official economic recognition of the sex industry but economic regulation, by implication has to follow legal acceptance of the industry first. Countries such as those in parts of Southeast Asia which have suffered from economic crisis in recent years, would have the most to gain from this ILO recommendation by encouraging entry to the sex sector and then taxing women's earnings. In theory then, this would foster a greater dependence on the sex sector in such countries for raising much needed capital. However, Raymond (2003) argues that this will never be possible, and will always be ethically arguable. The first reason she cites is

because of the incidence of extreme violence and brutality not to mention the devaluing of women work and positioning women as commodities in the marketplace. In effect, this would remove women further away from the labour force as a specific group set aside for sexual servitude thereby perpetuation gender inequality. The argument that the sex industry contributes substantially to national economies and should therefore be legalized, has been compared to an argument for legalizing the narcotics industry, which also significantly contributes foreign currency to the GDP of countries such as Columbia and Burma where large numbers of individuals are dependent on it for survival. Raymond also contradicts efforts to economically recognize prostitution by arguing that if sex work is thought to be the best paying alternative to other categories of low and unskilled labour, then this would suggest the final surrender of the gender/political battle for women's right to decent and sustainable work and become complacent with the perspective that women's bodies are only for sale. According to Raymond, the ILO report shows no qualms of institutionalizing the male entitlement to buy sexual services, but by implication this would rule out the regulation of sex worker rights if men are given an unquestioning license to purchase a woman's body thereby manifesting gender inequities.

Cruz (2013) conducted a study to better comprehend the demand for sex worker rights in the UK. In her view, the 'liberal' and 'materialist' are the two dominant perspectives in activism and scholarship – the liberal view posits that the main challenge in sex work in the insufficient mainstreaming of commercial sexual services in the labour market, while the materialist perspectives argues for more efficient means of protection and freedom within the labour market and the need to reform rigid immigration and criminal law. Cruz suggests that rather than seeing these two perspectives as juxtaposed to each other, better outcomes would be achieved by amalgamating the two. However, the author proposes that while labour laws

can to some extent improve the functioning of the sex industry, it is ultimately unmanageable and that securing individual labor rights has several limitations.

A study published by the London Metropolitan University in conjunction with the Institute for the Study of European Transformations proposed that any attempts to curb demand and close down commercial sex establishments will not be efficient as it will only render the whole industry even more hidden and clandestine – instead, the study proposed several other changes. The project included 100 migrant sex workers in the UK – 67 women, 24 men and 9 transgender individuals, using a participative ethical approach. Participants were drawn from several sectors of the sex industry in London and consisted of nationals of Eastern Europe, South America, South East Asia and the European Union. Main recommendations of the project include making it easier for migrants to obtain documents in the UK and guaranteeing the certainty of obtaining undetermined leave to remain in the UK regardless of whether or not they agreed to testify in prosecutions, or cooperate with law enforcement and to allow the sex industry to operate legally by decriminalizing it. The possibility of legally recruiting sex workers was also proposed as a measure was also discussed, both in national markets and in the global labour market. The option of encouraging peer based forms of work organizations such as the concept of ‘mini brothels’ was also proposed – this is when a small number of sex workers share a working premise on an equal basis. The report also stated it would be in the best interests of migrants if they were given adequate long term support in integrating within UK society or in their countries of origin if they so wish, the implication being that these migrants are not forced to relinquish their choice of working in the sex industry in order to receive assistance. Integration programs would thereby facilitate migrants in terms of recreational, educational and employment support. Other possibilities for interventions also could be tested out such as supporting education and training both in host and countries of

origin, and tackling unemployment in order to offer migrant sex workers the a wider range of skills and choice of work opportunities (including the sex sector if they so wish). Subsidized or free language lessons would also assist these women in better negotiating with clients and position them with better bargaining power. Rather than concentrating solely on policy or economic reform, the study also included a psychological/emotional angle for consideration – interestingly, sex workers’ attitudes and reflections on love, exploitation and dignity were cited as important areas to develop sex worker awareness in order for them to be able to negotiate the best terms of employment and personal situations. Finally, investing more resources on the exposure of extreme forms of exploitation as well as the rights and legal instruments available to migrant sex workers is paramount to educating youth, migrant women and sex workers about the possibilities of exploitation, and this would be part of wider harm reduction / prevention campaigns in the UK and in countries of origin.

The above have been implemented successfully, which reaffirms the paramount importance and indispensability of sex work support projects, peer based initiatives and networking – these ventures have collectively produced long term relationships of trust between the sex industry and key services. However, in time, if these relationships and successes are further built upon, a host of other progressive developments (in theory) could be envisioned such as the identification of indicators of exploitation and shared minimum working standards (O’Connell Davidson, 2006, as cited in ESRC Project). These standards could be used as common denominators by the practitioners, police and sex workers and form the basis of interventions at the national, regional and global levels. The study also recommended better cooperation between native UK sex workers and migrant sex workers could also be fostered through support networks and anti trafficking initiatives. Moreover, providing both UK and

migrant sex workers with skills training and employment opportunities both within and outside the sex industry would non discriminately give them several options to choose from.

Innovative alternative approaches to 'rescue' also exist outside mainstream legislation - for example the SAGE Program in San Francisco has designed a program to educate men prosecuted for soliciting women in prostitution about the far reaching impacts of their behaviors. This is an innovative demand reduction based strategy. This is officially called the First Offender Prostitution Program (FOPP) and functions as a court diversion program by allowing those convicted of soliciting prostitutes but without any previous criminal convictions, to bypass the court system by attending a one day course where buyers of sexual services have to listen to the accounts of prostitution survivors for eight hours – accounts that center on the degradation, disease, trauma and dangers of what they leave behind them. The SAGE program is based on the premise that men can change and choose to engage in certain behaviors rather than being servants to their own biology. The program addresses the reorientation of male clients rather than addressing sex workers themselves, but does this through the interaction of client and supplier with the aim of attitudinal change. The FOPP program does not engage in guilt or shame based approaches but engages offender with a range of different experts on the subject of prostitution and trafficking, thus educating solicitors from various angles. It is based on "a restorative justice principle" that all individuals have the capacity to take responsibility for any behaviors that are harmful to others in their community. Taking responsibility requires that consumers are taught how behaviors affect other human beings, they must acknowledge that the behavior was the result of a choice that could have been made differently, thus with a different outcome; taking action to repair damage where possible; making decisions about not engaging in the same behavior in future and acknowledging to all those affected and concerned

that their behavior was harmful to some. Consumers are exempt from passing through the court system but have to pay a sliding scale administrative fee of \$350 and \$1000.

If we judge the effectiveness of this kind of an intervention measured against the raid and rescue model, some may assume that a program may be judged by the value of impact and change it causes and that SAGE's FOPP program may have a longer lasting impact than many of the forced rescue and rehabilitation programs. It would be interesting to draw parallels between the number of men soliciting prostitutes who may go back to the same activity for which they were convicted, against the number of women who choose to return to sex work after being 'rescued'. Whichever way we choose to evaluate addressing the demand side of the sex industry, it is reasonable to state that measuring something related to broader power relations in society (i.e. in this example, men's education, attitudinal shifts towards women and sex) may be at best challenging, and at worst, completely ineffective. However, the SAGE program was chosen to highlight our entire critique of humanitarianism.

It is reasonable to state that approaches that equate all migration for sex work with 'trafficking' and exploitation are over-simplistic and only serve to complicate efforts to provide any standard of care or health/social services for sex workers. The participation of NGOs in forced rescues serves to deepen suspicion among sex workers that any service targeting sex workers is motivated by efforts to impose changes without examining wider structural issues associated with it. Busza (2004) has argued that adopting an empowerment approach is the most effective framework as it aims to give sex workers maximum skills and opportunities to manage their own work environment. Inevitably debates have to turn towards debates surrounding the global sex industry addressing the endemic structural inequities such as poverty, gender inequalities and regional sustainable development including international

labor market demand. Indeed, increasing opportunities for legal migration and the decriminalization of sex work would further protect women's labor market and human rights. It is our belief that the intense global preoccupation with creating definitions of victim construction, labeling, categorizations and qualifying criteria, only serve to distract attention and resources away from more important underlying priorities.

With respect to the 'rescue industry' in particular, it may be proposed that more stringent legislation requiring transparency of fund allocation and tax payments. The introduction of the UK Bribery Act in 2010 requires NGOs to ensure they have robust anti bribery programs in position to comply with its legal requirements. Failure to do so increases the chances of prosecution under the Act. Two organizations in particular run regular anti bribery workshops for Humanitarian and development NGOs – they are Mango and transparency International UK. The Bribery Act is one of the toughest pieces of legislation in the world with some provisions that go further than the US Foreign Corrupt Practices Act (FCPA). Penalties include 10 years imprisonment and an unlimited fine or both. The UK Government's focus on aid effectiveness and transparency will lead to closer scrutiny of NGO operations especially when in receipt of public funds, with a marked increase in the auditing of aid and development expenditure (UK Bribery Act, 2010).

Moreover, the reputational consequences of a corruption scandal should be made a significant concern for NGOs. NGOs that may be involved in any kind of corruption should be exposed and threatened with the consequence of reduced future donations. NGOs and those who claim to be in the 'business of rescue' should be monitored and held accountable for conducting regular risk assessments into their own organizations if there is any exposure to high risk environments such as through affiliations and activities in countries with weak

governance. Strong internal anti corruption measures with a zero tolerance for bribery and corruption may also reduce NGO corruption.

Maintaining this paradoxical relationship between the State, immigration policies and law enforcement with humanitarian actors, and manifesting the effects of that alliance in 'rescue' efforts, only serves to perpetuate the ambivalence of the term 'rescue' with a sense of moral outcry, social obligation, psychological narcissism and personal gain. This thesis has attempted to demonstrate that the 'business of rescue' is not just an action taken by some but a kind of relationship that connects those in charge of formulating policy (the State) with those who are most vulnerable across borders, where the mere action of 'rescuing' is a trickle down from the higher powers that be. Agier (2011) in his book *Managing the Undesirables*, used the term "the shores of precarious life" (p.45) in the context of refugee camps/inhabited spaces. We may not be mistaken in comparing the construction of sex trafficking as efforts to curb undocumented migration (especially female migration), and attempts to keep these individuals 'out' – hence, whether it is spatial containment (regional camps) or legislation to prevent / reduce entry, we may be partaking in the same discourse, that is, managing any social force that challenges the status quo or threatens to ruin the equilibrium of the prevalent form of governance.

In the context of legal migration, the main question remains – how is the problem of migrant women represented in migration policies concerned with legal labour. Most policy texts do not include a gender perspective. There may be two main approaches with which women are represented in the context of legal migration – as dependents, wives or mothers (family based), or as being integrated into society where they are seen as participating members. Trafficking is an illegal form of migration but it is also defined as a form of gender

based violence. How the problem of trafficking is represented is important because there is an intersection between migration, human rights and crime discourses. As we have seen, women are the universal victims and therefore the target of policies – they are ‘used’ for the prosecution of traffickers (crime argument) and simultaneously, they ought to be protected and assisted (human rights argument). However, the wider gender structures at play in the representation and reproduction of women as victims usually goes unanalyzed and policy texts within trafficking use the terms ‘gender’ and ‘women’ interchangeably. The underlying notion that gender means women further perpetuates the lack of analysis as to how the gender machinery operates to produce gender inequalities. However, Risman (2004, as cited in Calvo, 2013) has noted, there are numerous gender structures at play at the individual, relational and institutional levels through various social mechanisms such as socialization, internalization, othering and legal arrangements, that in the case of female migration, regulate the sexual economy as well as domestic and care work, which in turn produce particular gendering dynamics around trafficking, seen as gender crime. Trafficking for domestic servitude is also gendered. Calvo recommends not talking about ‘agency’ issues in trafficking as it is a result of “the effects of ‘problem’ representations”, that is, the way in which subject positions are created in trafficking discourses. Women are repeatedly represented as dependents, victims of violence / war or exploited in the sex industry. Women as migrants in their own right are hardly referred to in policy at all; vulnerable and victimized, they are ‘utilized’ in the labour market. The ones who migrate for economic reasons or flee persecution in countries of origin are almost never referred to in policy texts. Following this backdrop, we cannot be blamed for asking the next set of logical questions – why are women invisible? And why are they relegated to a subservient position in the labour markets? Why is a comprehensive gender approach to migration nearly absent? Calvo attempts to answer this by suggesting that for migration policy

to be gender sensitive, it is imperative to acknowledge the diversity of women's experiences in migration and the gender contexts in which they are undertaken. In policy circles, gender is not understood as a process or an action verb – it is understood as a noun (Connell, 1987; Eveline & Bacchi, 2005, as cited in Calvo, 2013); because of this, gender is presented as something ascribed, something given, and does not account for the role of power relations in the process of doing or becoming. It therefore ignores power structures and keeps inequality unchanged. Oishi (2002) has gone as far as claiming that emigration policies for women are value driven whereas for men, it is economically driven. Women are not a value neutral commodity in the workforce and therefore, governments discourage their movements and produce restrictive emigration policies (examples, Bangladesh, Pakistan, India). Social legitimacy is a pre-requisite for international migration in many societies but those women who are in dire need, ignore these norms and are forced to locate irregular channels.

In the beginning of this thesis, we remarked that humanitarianism has inherent limits. If the spirit of doing good has been replaced with political manipulations, social digressions and personal self interest, what is the exact nature of humanitarianism as it stands today? Hugo Slim (n.d.) has offered 3 views about what the system may be capable of achieving, and where its limitations may lie – the optimists may hope and believe that the international community is will and able to extend effective and impartial assistance; the pessimists believe that a fair and just global order may be hypothetical at best and that governments prioritize it for the wrong reasons, while a myriad different agencies attempt to establish humanitarian work as a legitimate profession (as if it is an obligation); and finally, those in the middle perceive the humanitarian system as making slow but incremental progress towards achieving a just global order. I would like to comment that the formal humanitarian system today has many features of Western welfare states in their attempts to establish best practice principles and the quality

of services to receiving populations. To achieve this end, it has adopted a bureaucratic model of organization and management to mold its ever growing list of organizations and agencies whose original formation was (or should have been) simpler notions of social service, volunteerism and charity. The humanitarian profession is now crowded – even commercial contractors for humanitarian services have established working credentials. However, the ‘system’ has remained parochial at its core, i.e. the Western Europe and North America, which have shown no interest in involving newer states to join its member’s only club. Progressive efforts on the part of some NGOs have proven insufficient to match the power and resources of the core humanitarian states. In our case, we may argue that ‘rescue’ continues to be a paradox because even if issues of relief, recovery and integration may not be problems in themselves, but may become challenging when approached by outsiders. Perhaps regional or local informal systems of aid, relief and rescue ought to be trusted more with addressing and managing issues specific to them.

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