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## ABSTRACT

Sex trafficking is a global phenomenon that involves the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act. According to the U.S State Department, 600,000 to 800,000 individuals are trafficked across international borders every year. While globalization has inadvertently facilitated the trafficking of women, it has also allowed for an international awareness and consensus about the atrocities underlying sex trafficking. Yet, despite the proliferation of international institutions, conventions and agents united by a common agenda to combat trafficking, sex trafficking still a growing, transnational process. While it is easy to assert that developing countries lack the political and legal infrastructures to combat trafficking, how do we account for developed cities that serve as destination countries for similar rights violations? Why are women and children still being exploited as sex slaves despite the existence of domestic and international laws that are meant to protect them? Through an analysis of three developed global cities of today, Tokyo, Dubai and New York, this paper will reveal the legal, social and political factors patterns that directly and indirectly facilitate sex trafficking.

[http://depts.washington.edu/chid/intersections\\_Spring\\_2009/Janice\\_Phaik\\_Lin\\_Goh\\_Deterritorialized\\_Women\\_in\\_the\\_Global\\_City.pdf](http://depts.washington.edu/chid/intersections_Spring_2009/Janice_Phaik_Lin_Goh_Deterritorialized_Women_in_the_Global_City.pdf)

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# Deterritorialized Women in the Global City

## An Analysis of Sex Trafficking in Dubai, Tokyo and New York

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### Introduction

In the context of women as transnational migrants, “common to all is the desire and hope to find a decent means of improving their own and families living conditions.”<sup>1</sup> Sadly, the reality is that not all women safely migrate across borders; rather, some are forced across borders through the “recruitment, transportation, transfer, harboring or receipt of persons by force, abduction, fraud, or coercion for forced or coerced labor, servitude, slavery, or sexual exploitation.”<sup>2</sup> Like the transnational migrant, victims of sex trafficking are like Arendt’s *stateless man*, an “anomaly for whom there is no appropriate niche in the framework of the general law.”<sup>3</sup> They are cast as “illegal migrants” in their destination countries, with no rights to remedy or recourse. Yet, unlike transnational migrants, victims of trafficking do not choose to move. They are coerced into migrating, only to find themselves in destinations that exploit their bodies. Threatening with violence, force, deportation, traffickers control their victims psychologically and physically to exploit and earn a profit by selling them as sexual commodities. As such, sex trafficking is modern day slavery, which involves the transaction of women as sexual objects all over the world. Sex trafficking is a form of modern day slavery that involves the transaction of women and capital.<sup>4</sup> It is a global system of apartheid wherein women are subjugated to forced labor and sexual exploitation through the confiscation of travel documents, psychological and physical violence, as well as debt bondage.<sup>5</sup>

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<sup>1</sup> Theresa Lawson, “Sending Countries and the Rights of Women Migrant Workers: The Case of Guatemala,” *Harvard Human Rights Journal* 18 (2005): 234.

<sup>2</sup> As defined by the United States’ Trafficking Victims Protection Act. Quoted in “Trafficking of Women: U.S. Policy and International Law,” [http://feminist.org/global/wedo\\_factsheets/traffickingFS1.pdf](http://feminist.org/global/wedo_factsheets/traffickingFS1.pdf) (accessed March 10, 2009).

<sup>3</sup> Hannah Arendt, *The origins of totalitarianism* (New York: Harcourt, Brace & World, 1996), 282.

<sup>4</sup> Coalition Against Trafficking in Women, “Japan,” <http://www.catwinternational.org/factbook/Japan.php> (accessed March 12, 2009).

<sup>5</sup> U.S. Department of State, *Trafficking in Persons Report* (Washington, D.C.: Office of the Under Secretary for Democracy and Global Affairs; Bureau of Public Affairs, 2005), 12; <http://www.state.gov/g/tip/rls/tiprpt/2005/> (accessed March 6, 2009).

Because sex trafficking clearly violates the basic human rights of victims, there has been a growing international consensus to end sex trafficking by international organizations, local governments and numerous non-government organizations. Yet despite the proliferation of international organizations, treaties, and a growing international awareness about the horrors of sex trafficking, why is sex trafficking still a growing phenomenon in every part of the world? Who protects the rights of victims when there is “no appropriate niche” for them under the general law? While it is easy to assert that sex trafficking is a result of the lack political, legal and economic infrastructures in developing countries, how do we account for developed cities that serve as destination countries for similar rights violations?

To address these questions, I consider as case studies Dubai, Tokyo and New York City and analyze sex trafficking in each city. These case studies show, first, that sex trafficking is not a phenomenon unique to the developing world. Sex trafficking is a growing transnational process that takes place even in the most developed cities, facilitated by global processes today. Second, women are objectified and commoditized, deprived individual rights, and they are seen as an “anomaly” by the state, law, and society.<sup>6</sup> Third, sex trafficking is still a growing trade because of the forces of demand and supply for women as sexual commodities. Women are dehumanized when sold and purchased.

Although sex trafficking also involves the exploitation of men and children, I focus on women, as they are disproportionately affected in the trade. According to the U.S State Department, 600,000 to 800,000 individuals are trafficked across international borders every year, 80 percent of which are women.<sup>7</sup> There are two important distinctions that should be observed at the outset: the distinction between trafficking and smuggling, and the difference between a ‘sex slave’ and a prostitute. Sex trafficking is commonly associated with prostitution, which conflate the difference between a victim of trafficking and a prostitute. Trafficking, however, involves the intent to exploit an individual through coercion. Victims of trafficking do not choose to work in the sex industry; they are coerced or deceived instead.<sup>8</sup> The distinction is significant because it affects the nature of rights protection for victims. If the law does not recognize women as victims of trafficking, but as prostitutes or illegal aliens, they will be subject to deportation or punishment. Without legal protection or a recognition of rights

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<sup>6</sup> Arendt, 282.

<sup>7</sup> *Trafficking in Person Report*, 2005, 5.

<sup>8</sup> *Ibid.*

victims will continue to be subjugated and under the control of their traffickers as they perceive themselves as being illegal ‘others’ in the eyes of the law.

The basis for choosing Dubai, Tokyo and New York as case studies is to demonstrate that sex trafficking does occur in the most developed global cities today. I also demonstrate that despite the existence of anti-trafficking laws, agents of trafficking are able to manipulate the legal and physical infrastructures of the global city to facilitate sex trafficking. The global city is the strategic site in which the transnational processes involved in sex trafficking converge and materialize. I first introduce the existing literature surrounding sex trafficking and then I provide a theoretical framework of the global city, to demonstrate how the internal dynamics and structures within the global city facilitate sex trafficking. Following a theoretical analysis, I analyze the nature of sex trafficking and victim protection in the global cities of Dubai, Tokyo and New York, and conclude with a discussion of the patterns and trends between the three cities.

#### Review of the Literature

The rhizome itself assumes very diverse forms, from ramified surface extension in all directions to concretion into bulbs and tubers. A rhizome ceaselessly establishes connections between semiotic chains, organizations of power and circumstances relative to the arts, sciences and social sciences.<sup>9</sup>

Deleuze & Guattari

Like the *rhizome*, sex trafficking is a multifaceted, dynamic process addressed by scholars in various academic fields. As such, it cannot be reduced to simple narratives and numbers, nor analyzed through the binary logic of ‘good’ and ‘bad’.<sup>10</sup> To fully understand the global complexities that contribute to sex trafficking, we must treat it like the rhizome, as a process that constitutes linear multiplicities and spans multiple processes, actors, and spaces. The individual frameworks proposed by scholars from varying disciplines each represent different dimensions of sex trafficking. Although research surrounding sex trafficking stems from multiple disciplines, every scholar seeks to provide an answer as to why and how sex trafficking is still a growing phenomenon today. In addition, scholars have identified a significant correlation between the advent of globalization and the proliferation of sex trafficking.

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<sup>9</sup> Gilles Deleuze, Felix Guattari, and Brian Massumi, *A thousand plateaus: capitalism and schizophrenia* (London: Continuum, 1988), 7.

<sup>10</sup> *Ibid.*, 5.

The different frameworks surrounding sex trafficking include socio-economic frameworks, human rights frameworks, business models, socio-legal analyses, and anthropological accounts. I seek to discuss here the various root causes of sex trafficking and demonstrate how each framework reveal certain aspects of the transnational phenomenon.

#### Sex Trafficking as a Component of Economic Globalization

Although cross border flows of capital, labor, goods and raw materials predate the modern, transnational capitalist economy, the striking difference between the past and the globalized present lies in the dramatic growth of the international economic system as a result of privatization, establishment of liberal economies, deregulation, and growing participation of national economic actors in global markets.<sup>11</sup> Expanding on this framework of economic globalization, scholars have identified how the global diffusion of neo-liberal economic ideologies has produced gendered effects of globalization in terms of impoverishment, inequality and marginalization.<sup>12</sup> The gendered effects of globalization create the conditions in which women are disadvantaged economically, and therefore vulnerable to being trafficked as sex slaves.

The socioeconomic devastation in developing countries associated with economic globalization creates gendered circuits that exploit women for profit or revenues.<sup>13</sup> Sex trafficking, according to Sassen, is a global circuit that involves illegal traffickers, contractors, and women, which has emerged as a significant source of profit due to the structural economic inequalities created by globalization.<sup>14</sup> These socio-economic and structural inequalities are produced

<sup>11</sup> Saskia Sassen, *The global city: New York, London, Tokyo* (Princeton, N.J.: Princeton University Press, 2001), xviii.

<sup>12</sup> Janie Chuang, "Beyond a Snapshot: Preventing Human Trafficking in the Global Economy," *Indiana Journal of Global Legal Studies* 13, no. 1 (2006): 137; See also:

Obi N. Ignatius Ebbe and Dilip K. Das, *Global trafficking in women and children* (Boca Raton, FL: International Police Executive Symposium, 2008), 11.;

Siddharth Kara, *Sex trafficking: inside the business of modern slavery* (New York: Columbia University Press, 2009), 4;

Kamala Kempadoo, Jyoti Sanghera, and Bandana Pattanaik, *Trafficking and prostitution reconsidered: new perspectives on migration, sex work, and human rights*. (Boulder, Colo: Paradigm Publishers, 2005), 17;

Saskia Sassen, "Womens's Burden: Counter geographies of Globalization: The Feminization of Survival," *Journal of International Affairs* 53 (2000): 503-524.

Jean L. Pyle, "How Globalization Fosters Gendered Labor Networks and Trafficking," (Honolulu, HI: Globalization and Trafficking Conference, November 13-15, 2002), [http://www.hawaii.edu/global/projects\\_activities/Trafficking/Pyle.doc](http://www.hawaii.edu/global/projects_activities/Trafficking/Pyle.doc) (accessed December 8, 2008), 7.

<sup>13</sup> Sassen, "Women's Burden", 503.

<sup>14</sup> *Ibid.*, 27.

by four major trends that characterize today's phenomenon of economic globalization; the increased emphasis on the free market, a shift to export-oriented economies, the rise of multinational corporations, and the implementation of Structural Adjustment Programs by international lending institutions such as the IMF and World Bank.<sup>15</sup> Pyle argues that these four key trends in economic globalization have created unsafe and harsh working conditions for women, a loss of jobs, and unequal economic opportunities.<sup>16</sup> As Siddharth Kara asserts, sex trafficking is the "ugliest contemporary actualizations" of economic globalization that directly produces and reproduces inequalities such as the deepening of rural poverty, disenfranchisement of the poor, exploitation of wealth and resources from poorer economies to richer ones and the erosion of human rights throughout the developing world.<sup>17</sup>

The gendered effects of economic globalization heighten the economic vulnerability of women, providing an environment that fosters trafficking. Under social and economic constraints, women are easily deceived by traffickers who promise them decent jobs, such as factory work and waitressing, that later turns out to be sex work.<sup>18</sup> In particular, two significant, widely discussed effects of globalization facilitate the recruitment of women in sex trafficking: poverty and migration. Ebbe and Das recount the situation of a woman representative of the realities that many women and children find themselves in, having fallen into the hands of traffickers:

Sherifat was sold by her parents to a trafficker in Nigeria, who promised them that she would be given a decent job in Italy. Upon arrival however, she was confronted with the reality of her situation; she had been trafficked for 'sex work', 'Ashawo' (prostitution) and was told she could not return until she paid her debt.<sup>19</sup>

Sherifat's fate is by and large a result of the debt trap created by the economic globalization of neo-liberal ideologies.<sup>20</sup> A significant component of economic globalization is the widespread diffusion of neo-liberal ideologies, such as the proliferation of Structural Adjustment Programs, which have created a debt crisis

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<sup>15</sup> Pyle, 4.

<sup>16</sup> Ibid., 7.

<sup>17</sup> Kara, 4.

<sup>18</sup> Pyle, 7.

<sup>19</sup> Ebbe and Das, 88.

<sup>20</sup> Saskia Sassen, "Governance Hotspots: Challenges We Must Confront in the Post-September 11 World," *Theory, Culture & Society* 19, no. 4 (2002): 234.

in many of the countries in the global south.<sup>21</sup> Structural Adjustment Programs have become the new norm for development — wherein states accept loans from the World Bank and the IMF to restructure previous debt, but must comply with strict domestic fiscal constraints and repayment schedules required by these institutions.<sup>22</sup> To comply with the World Bank and the IMF, countries have compromised their social welfare policies, especially programs for women. This has created incentives for trafficking: poor working conditions, threats of unemployment, and the growth of informal sector work.<sup>23</sup>

According to Sassen, 33 out of 41 highly indebted countries pay three U.S. dollars for every one dollar in development assistance, as well as between 20 and 25 percent of their export earnings toward debt service.<sup>24</sup> The debt trap compels governments to cut education, health and social budgets, which are necessary in empowering women to prevent them from being easily deceived by traffickers. This places women in extremely vulnerable situations, subject to procurers, employment agencies, artist agencies, marriage agencies and all other kinds of middlemen.<sup>25</sup> Africa, for example, has a debt-to-GNP ratio of 1.23 to 1. With the debt in Africa surpassing its national income, countries such as Nigeria, Kenya and Ethiopia are hot spots for recruiting victims of trafficking.<sup>26</sup> The vicious cycle of debt caused by the globalization of neo-liberal economic practices therefore creates the structural conditions that facilitate the recruitment of women by traffickers. By identifying poverty as a root cause of sex trafficking, scholars have advocated the expansion of job opportunities for women, the promotion of socioeconomic rights in developing countries as well as educational campaigns to raise an awareness of the dangers and risks that women may encounter.<sup>27</sup>

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<sup>21</sup> Ibid., 238; Pyle, 8. See also Sassen, “Women’s Burden”, 504; 510.

<sup>22</sup> Sassen, “Governance Hotspots”, 238.

<sup>23</sup> Kempadoo, Sanghera, and Pattanaik, 17.

<sup>24</sup> Sassen, “Women’s Burden”, 513. All dollar amounts stated in this article are in U.S. Dollars.

<sup>25</sup> Marjan Wijers, “Women, Labor and Migration: The Position of Trafficked Women and Strategies for Support, *Global sex workers: rights, resistance, and redefinition*, ed. Kamal Kempadoo and Jo Doezema (New York: Routledge, 1998), 71.

<sup>26</sup> Ebbe and Das, 82.

<sup>27</sup> Andrea Parrot and Nina Cummings, *Forsaken females: the global brutalization of women* (Lanham, Md: Rowman & Littlefield Publishers, 2006), 181.

## The Human Toll of Globalization: Migration

My story begins in May of 1997 in Veracruz, Mexico, when I was approached by an acquaintance about some jobs in the United States. She told me that there were available jobs available in restaurants and that I would earn enough money to support my daughter and parents in Mexico. I accepted the offer and a coyote brought me to Texas. I was transported to Florida and there, one of the bosses told me that I would be working in a brothel as a prostitute.<sup>28</sup>

The anonymous testimonial, provided to the U.S House of Representatives Committee on International Relations, introduces another hallmark of globalization that is correlated with sex trafficking: migration. With economic globalization in the global south, women are increasingly pressured to migrate in search of better economic opportunities.<sup>29</sup> Economic globalization is therefore increasingly characterized by a “feminization of migration”, comprised of women of ethnic minorities and other relatively powerless groups.<sup>30</sup> Due to the lack of opportunities in their own countries and more lucrative employment opportunities abroad, the numbers of women migrants have increased dramatically.<sup>31</sup> With structural conditions creating economic burdens on women, women have the proclivity to migrate and are easily deceived by traffickers who promise to facilitate the migratory process and provide job offers abroad. Within the dislocation and movement of female migrants, traffickers offer false hopes by providing women with fraudulent contracts, fake documents and by facilitating illegal border crossings.<sup>32</sup>

According to Chuang, sex trafficking is ‘labor migration’ gone wrong, and is a global migratory response to current globalizing socioeconomic trends.<sup>33</sup> Economic globalization thus creates push factors for migration, which allows traffickers to take advantage of in order to lure women into the international sex industry.<sup>34</sup> Coupled with economic push factors, established migration routes,

<sup>28</sup> The Protection Project, “Survivor Stories,” [http://www.protectionproject.org/programs/us\\_training/survivor\\_maria.htm](http://www.protectionproject.org/programs/us_training/survivor_maria.htm) (accessed February 14, 2009).

<sup>29</sup> Sassen, “Governance Hotspots”, 238; Chuang, 140; See also Richard Poulin, “Globalization and the sex trade: trafficking and the commodification of women and children,” *Canadian Woman Studies* 22, no. 3/4 (2003): 38.

<sup>30</sup> Poulin, 39.

<sup>31</sup> Edward J. Schauer and Elizabeth M. Wheaton, “Sex Trafficking Into The United States: A Literature Review,” *Criminal Justice Review* 3, no. 2 (2006): 150; See also D. R. Hodge and C. A. Lietz, “The International Sexual Trafficking of Women and Children: A Review of the Literature,” *Affilia* 22, no. 2 (2007): 167.

<sup>32</sup> Schauer and Wheaton, 152; Kempadoo, Sanghera, and Pattanaik, 18.

<sup>33</sup> Chuang, 139.

<sup>34</sup> Chuang, 141; Schauer and Wheaton, 153.



along with the active presence of recruiters willing to facilitate jobs or travel as well as the promise of higher salaries abroad act as pull factors that foster high hopes and expectations of women from poor, unskilled backgrounds and lead them into the clutches of traffickers.<sup>35</sup> The norm of migration acts as a cover for traffickers to transport women to and from different regions. In Guatemala, for example, women have fewer educational, economic and employment opportunities, and are mostly confined to working in Maquiladoras (factory assemblies set up by multinational companies).<sup>36</sup> Traffickers take advantage of the massive exodus of Guatemalan women seeking political or economic security, luring them with the pull factors of migration to entrap them in sex work.<sup>37</sup> The push and pull factors of migration allow traffickers to recruit women on false pretenses of job opportunities abroad and later exploit them for immense profits.

#### Sex Trafficking as a Development Policy: The 'Feminization of Survival'

While economic globalization creates the structural conditions that make women vulnerable to trafficking, it also drives the formation and strengthening of sex trafficking as a global circuit.<sup>38</sup> Sex trafficking, as a result, is an alternative economic circuit that relies on the exploitation of women to earn a living, reap profits and secure revenue.<sup>39</sup> Sex trafficking as a circuit is emblematic of an enterprise where traffickers (and to a certain extent governments) rely on the sale of women as sexual commodities for survival.<sup>40</sup> This explains the growth of shadow economies and transnational criminal networks through transnational linkages of migration, as well as the privatization and liberalization of markets.<sup>41</sup> Sex trafficking circuits involve not only the supply of women but also *johns* who demand sexual services and agents of sex trafficking who demand profits.<sup>42</sup> Sassen has described the proliferation of the transnational sex tourism industry as a "feminization of survival",<sup>43</sup> wherein the sex trade has become a strategic

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<sup>35</sup> Chuang, 145.

<sup>36</sup> Lawson, 233.

<sup>37</sup> Ibid.

<sup>38</sup> Sassen, "Women's Burden", 523.

<sup>39</sup> Ibid., 23.

<sup>40</sup> Ibid. Kara has estimated that sex-trafficking as a whole generates more than one billion dollars annually (x).

<sup>41</sup> Ibid. See also Donna M. Hughes, "The "Natasha" Trade: The Transnational Shadow Market of Trafficking in Women," <http://www.uri.edu/artsci/wms/hughes/natasha.htm> (accessed March 20, 2009).

<sup>42</sup> Andrea M. Bertone, "Sexual trafficking in women: International political economy and the politics of sex," *Gender Issues* 18, no. 1 (1999): 7; See also Janice G. Raymond, Donna M. Hughes, and Carol J. Gomez, *Sex trafficking of women in the United States: international and domestic trends* (Kingston, R.I.: Coalition Against Trafficking in Women, 2001), 86.

<sup>43</sup> Sassen, "Women's Burden", 506.

development tool in impoverished countries.<sup>44</sup> Studies of sex tourism in places such as Thailand, Cambodia and Mexico demonstrate how governments rely on the eroticization and sexualization of women for profit. We see, again, the impact of neoliberal globalization at work; under obligations of debt repayment, countries in Asia, Latin America and African states were encouraged to develop their tourism and entertainment industries.<sup>45</sup> The development of these sectors led to the development of sex tourism as an industry that feeds on the commodification of women as sexual objects. Women, as commodities, are highly profitable, reusable and mobile.<sup>46</sup>

Thailand is a commonly studied sex tourist industry that draws about 5.1 million sex tourists each year and reaps more than 100 million dollars each year.<sup>47</sup> Women from neighboring Burma, Cambodia and Vietnam, as well as within the rural areas of Thailand are constantly trafficked, sold and resold in the sex industry. Like Thailand, governments have developed sex tourism as a developmental strategy since the mid-1970s, which include live sex shows, sex shops and sex clubs to create 'one of the booming markets in the New World Order'.<sup>48</sup>

The 'feminization of survival' is not just witnessed through the development of sex tourism as a national economic strategy, it is also seen through the proliferation of organized crime networks that traffic women for profit. These organized criminal networks can be small scale, medium scale, or large scale, working with hotel chains, airlines, escort services, pimps, etc. to transport and sell women.<sup>49</sup> One of the prominent trafficking networks is the Russian Mafia. The political and economic instability that followed the fall of the Soviet Union led to the growth of criminal networks such as the Mafia in Eastern Europe and Russia.<sup>50</sup> Similarly, the displacement of farm workers in the agricultural sector in Mexico following the institution of North Atlantic Free Trade Agreement (NAFTA) created ideal conditions for smuggling networks such as Los Lenones.<sup>51</sup>

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<sup>44</sup> Saskia Sassen, "Global Cities and Survival Circuits," in *Global woman: nannies, maids, and sex workers in the new economy*, eds. Barbara Ehrenreich and Russel Hochschild (New York: Henry Holt and Company, 2002), 268.

<sup>45</sup> Poulin, 39.

<sup>46</sup> *Ibid.*, x.

<sup>47</sup> Kara, 10.

<sup>48</sup> Kempadoo, Sanghera, and Pattanaik, 16.

<sup>49</sup> Phil Williams, *Illegal immigration and commercial sex: the new slave trade* (London: Frank Cass, 1999), 1; Bertone, 8.

<sup>50</sup> Hughes, "The "Natasha" Trade".

<sup>51</sup> Marta Chiappe and Emma Martelo, "Sustainability of Rural Communities in a Global Perspective: Limitations and Opportunities," in *Unpacking globalization: markets, gender, and work*, ed. Linda E. Lucas (Lanham: Lexington Books, 2007), 81.

Los Lenones lures Mexican migrant workers to embark on perilous journeys across the desert, and later sells them as sex slaves in the United States.<sup>52</sup>

Analyzing sex trafficking as a development strategy, profitable industry, and as a response to socioeconomic devastation tells us about the supply of women as commodities in the global sex trade, but neglects an emphasis on a significant driving force: demand. Additionally, the focus upon the supply side of sex trafficking does not reveal the flaws in anti-trafficking legislation. To better understand the magnitude of sex trafficking, I focus here on the bodies of literature that analyze the demand for sex trafficking, and the successes and limitations of international, legislative efforts to contain its growth, prosecute the perpetrators, and penalize consumers.

#### Demand for Bodies

The socioeconomic analyses of sex trafficking contextualizes the globalized circuit of trafficking in terms of the commodification of women and the opportunistic nature of traffickers without analyzing a significant catalyst of the trade: consumer demand for sexual services. The demand side of sex trafficking is made up of four components; the consumers of commercial sex acts (who are predominantly men), the financiers, who earn profits from the sale of sex, the states that are destination countries, and the social environments that tolerate or promotes sexual exploitation.<sup>53</sup> It is the demand from *johns* — male customers for sexual services and sexual objects — that creates opportunity for traffickers.<sup>54</sup> Without johns willing and able to pay for commercial sex, sex trafficking would not be the billion-dollar industry it is today. In addition, by failing to recognize the significance of johns in global sex trafficking circuits, anti-trafficking legislations and policies focus on criminalizing the traffickers, while ignoring the fact that johns perpetuate and drive the global exploitation of women.<sup>55</sup>

The dominant, and recent, medium where the demand side of sex trafficking is expressed is the Internet, which globalizes and normalizes sex trafficking. With the availability of online information, the upsurge in online market places and

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<sup>52</sup> Ibid.

<sup>53</sup> Donna M. Hughes, “The Demand for Victims of Sex Trafficking,” (2005), 5, [http://www.uri.edu/artsci/wms/hughes/demand\\_for\\_victims.pdf](http://www.uri.edu/artsci/wms/hughes/demand_for_victims.pdf) (Accessed March 10, 2009).

<sup>54</sup> Raymond and Hughes, 26; Raymond, 1157; See also Iris Yen, “Of Vice and Men: A New Approach to Eradicating Sex Trafficking by Reducing Male Demand Through Educational Programs and Abolitionist Legislation,” *The Journal of Criminal Law & Criminology* 98, no. 2 (2008): 656.

<sup>55</sup> Raymond, 1160.

integration of communication networks, the Internet is now a globalized information superhighway used to engage the buying and selling of women.<sup>56</sup> The demand for sex services is normalized through the online information made available about sex tourism along with newsgroups and forums that have been established to post information. In addition, the Internet serves as an online marketplace for johns to interact with traffickers and pimps who sell sexual services by women.<sup>57</sup> The real identities of johns and traffickers are masked in the virtual world and their transactions are made private through online payment systems.<sup>58</sup> The Internet thus normalizes the victimization and exploitation of women for sex and allows traffickers to continue recruiting women to meet the demands of consumers.<sup>59</sup> With the Internet establishing itself as an online forum for men to express and pursue their sexual desires, agents of trafficking are kept in business, and therefore constantly in need of recruiting women into the sex industry.

#### Legal Efforts to Constrain Demand

Despite global forces perpetuating the demand side of sex trafficking, no international law has addressed or penalized the demand from men for sex.<sup>60</sup> Sweden has received widespread attention and praise for enacting anti-trafficking legislation that criminalizes the act of purchasing sexual services from women. Sweden also prosecutes Swedish citizens who engage in 'sex tourism'.<sup>61</sup> Sweden passed the Act Prohibiting the Purchase of Sexual Services in 1998, which defines prostitution as a form of male sexual violence. These regulatory efforts are correlated with a significant decrease in both the number of women who engage in street prostitution and a decrease in the number of men who purchase sexual services.<sup>62</sup>

Conversely, anti-trafficking laws enacted by the United Nations and the United States, such as the U.N. Palermo Protocol<sup>63</sup> and the U.S. Victims of Trafficking

<sup>56</sup> Hughes, "The Demand for Victims of Sex Trafficking", 8; See also Ian Taylor and Ruth Jamieson, "Sex trafficking and the mainstream of market culture: Challenges to organised crime analysis," *Crime, Law, and Social Change* 32, no. 3 (1999): 265.

<sup>57</sup> *Ibid.*; Taylor and Jamieson, 294.

<sup>58</sup> Raymond and Hughes, 83.

<sup>59</sup> Taylor and Jamieson, 265.

<sup>60</sup> Yen, 663; Hodge and Lietz, 169.

<sup>61</sup> Hodge and Leitz, 170.

<sup>62</sup> Hughes, 32.

<sup>63</sup> The 'Palermo Protocol' is shorthand for the "United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime."

and Violence Protection Act of 2000 (TVPA) construct an enforcement framework that emphasizes criminalizing and penalizing traffickers.<sup>64</sup> The Palermo Protocol, established under the umbrella of the United Nations Convention Against Organized Transnational Crime, frames sex trafficking as an organized criminal activity and therefore links state efforts to emphasize punishing traffickers instead of johns.<sup>65</sup> Although the United States has taken the lead in assessing and policing itself and other countries in their efforts to combat trafficking, the TVPA similarly focuses on criminalizing “alien smuggling” and individuals who profit from sex trafficking.<sup>66</sup> It was only in 2005 that the United States Victims of Trafficking and Violence Protection Reauthorization Act added the End Demand for Trafficking Bill to arrest and punish men who purchase commercial sex acts.

Scholars have critiqued certain anti-trafficking legislation for its overemphasis on law enforcement while neglecting a redress of the rights violations incurred by victims of trafficking. The positive facet of globalization is that it has allowed for an increase in international awareness, cooperation and the legislation of anti-trafficking laws. At the same time, the increase in anti-trafficking rhetoric and legislation has not correlated with a decrease in the magnitude of sex trafficking. As mentioned earlier, this is partly due to the fact that the demand side of sex trafficking has not been thoroughly enforced in anti-trafficking legislation. However, a wide range of literature identifies a significant flaw in anti-trafficking rhetoric; the lack of a rights-based, victim-centered approach.<sup>67</sup> The growing body of anti-trafficking legislation has prioritized crime, punishment and immigration control instead of concerns with social justice and human rights.<sup>68</sup> In the 1980s and 1990s, sex trafficking received widespread international attention, and governments worked toward developing a new anti-trafficking protocol to prevent trafficking, protect victims and promote international cooperation among state parties.<sup>69</sup> The concern, however, was expressed in the language of ‘national security’ in relation to implications of labor migration and

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<sup>64</sup> Yen, 663; Kempadoo, Sanghera, and Pattanaik, xv.

<sup>65</sup> Gallagher, 975; Chuang 152.

<sup>66</sup> Jennifer M. Chacon, “Misery and Myopia: Understanding the Failure of U.S. Efforts To Stop Human Trafficking,” *Fordham Law Review* 74 (2006): 7; See also Chuang, 151. And Anne Gallagher, “Human Rights and the new UN Protocol on Trafficking and Migrant Smuggling,” *Human Rights Quarterly* 23 (2004).

<sup>67</sup> Gallagher, 974, Kempadoo, Sanghera, and Pattanaik, x; See also Elizabeth Bruch, “Models Wanted: The Search for an Effective Response to Human Trafficking,” *Stanford Journal of International Law* (2004): 19.

<sup>68</sup> Kempadoo, Sanghera, and Pattanaik, xiv; Bruch, 12; Hodge and Lietz, 169.

<sup>69</sup> Chuang, 147; Gallagher 976. See the text of the Palermo Protocol [United Nations, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime* (2000)], [http://www.osce.org/documents/odih/2000/11/1718\\_en.pdf](http://www.osce.org/documents/odih/2000/11/1718_en.pdf) (accessed June 25, 2009).

transnational crime, hence the Palermo Protocol came into force in 2003 under the United Nations Convention Against Transnational Organized Crime (UNCTC) and is meant to be interpreted together with the Crime Convention.<sup>70</sup> The language of the Palermo Protocol indicates the prioritization of law enforcement, which obligates states to adopt legislative measures to ‘establish as criminal offences’<sup>71</sup> the actions of traffickers on one hand, and on the other hand, to simply ‘consider’, ‘endeavor’ measures to protect victims.<sup>72</sup> The trend in anti-trafficking legislation, therefore, greatly emphasizes the criminalization of traffickers and organized crime, instead of a rights based approach to extend protections to victims of trafficking.<sup>73</sup> As Ratna Kapur states, “the fact that the Palermo Protocol was negotiated within the framework of the UNCTC and outside the human rights system highlights the criminal justice and security approach and states’ interests in maintaining border integrity.”<sup>74</sup>

While the Palermo Protocol has been ratified by 124 countries, the United States government has assumed a global policing role, and itself assesses the efforts of other countries to combat trafficking.<sup>75</sup> On October 28, 2000, the United States Congress passed the TVPA that emphasizes a three-pronged approach that mirrors the Palermo Protocol: the prevention of trafficking, prosecution of traffickers and the protection of victims.<sup>76</sup> The prevention of trafficking is in the form of economic, educational and public awareness programs domestically and abroad; protection is in the form of reintegration programs, immigration relief and victim assistant programs; prosecution assisted by a redefinition of what constitutes a crime, and stricter penalties for those that are successfully prosecuted.<sup>77</sup> The annual *Trafficking in Persons Report* (TIP) is potentially a powerful tool to hold countries accountable for their efforts to combat trafficking. The report, issued the by State Department, ranks countries into tiers — Tier 1, Tier 2, Tier 3 — with Tier 1 the most effective government response to trafficking and Tier 3 the least.<sup>78</sup> The rankings are based on the number of successful prosecutions of traffickers each year, demonstrating the

<sup>70</sup> Chuang, 147; Gallagher, 977; Palermo Protocol.

<sup>71</sup> See Palermo Protocol, Article 5.

<sup>72</sup> Ibid. See Articles 6, 7, and 10.

<sup>73</sup> Bruch, 194; Chuang, 148; Gallagher, 977; See Also Ratna Kapur, "Travel Plans: Border Crossings and the Rights of Transnational Migrants," *Harvard Human Rights Journal* 18 (2005): 116.

<sup>74</sup> Kapur, 119.

<sup>75</sup> Chacon, 6; Schauer and Wheaton, 159; See also Jennifer Wetmore, "The New T Visa: Is the Higher Extreme Hardship Standard Too High for Bona Fide Trafficking Victims?" *The New England Journal of International and Comparative Law* 9, no. 1 (2002): 163.

<sup>76</sup> Yen, 663.

<sup>77</sup> Chacon, 7; Wetmore, 167.

<sup>78</sup> Chacon 8; Wetmore, 167.

emphasis the report places on the ability of governments to enforce a criminal justice approach to trafficking.

The TIP has been widely criticized because of this emphasis. It is viewed as a ‘lost opportunity’ to render assistance to victims of trafficking by emphasizing and promoting a criminal justice approach abroad.<sup>79</sup> Similarly, there is widespread criticism that the TVPA fails to effectively provide relief to victims of trafficking in the United States and therefore fails to serve as an international role model for victim protection.<sup>80</sup> As part of its mandate to protect victims of trafficking, 5,000 temporary Visas are issued annually for victims of trafficking. The ‘T-Visa’ is a three-year visa that allows victims of trafficking to stay in the United States permanently and to bring their spouses and children with them.<sup>81</sup> However, instead of advocating victim protection, the T-Visa reinforces the law enforcement approach by placing prerequisites and standards that victims have to meet before they can qualify for it.<sup>82</sup>

Before victims can qualify for a T-visa, they have to identify their traffickers and serve as prosecution witnesses. The criteria that a trafficked victim must meet includes “being a victim of a severe form of trafficking in persons”, “is physically present in the United States”, “has complied with any reasonable request for assistance in the investigation or prosecution of acts of trafficking” and that the victim “would suffer extreme hardship involving unusual and severe harm upon removal.”<sup>83</sup> The “extreme hardship” standard imposed by the United States strikingly mirrors the conditions a refugee must meet in claim of asylum, and like the refugee, victims of trafficking must shoulder the burden of proof prior to obtaining a T-visa. In addition, scholars and human rights activists have criticized the need for victims to serve as prosecution witnesses.<sup>84</sup> The need to serve as a prosecution witness obscures the trauma and psychological distress victims face and compels victims to relive their trauma.<sup>85</sup> Further, trafficking victims are often poorly equipped to serve as witnesses as they are unable to think clearly and unable to provide details due to their state of trauma.<sup>86</sup>

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<sup>79</sup> Hughes, “The Demand for Victims of Sex Trafficking”, 6.

<sup>80</sup> Chacon, 1; Wetmore, 168; See Also, Wendy Chapkis, “Trafficking, Migration, and the Law,” *Gender & Society* 17, no. 6 (2003): 924.

<sup>81</sup> Chacon, 14; Wetmore, 167.

<sup>82</sup> *Ibid.*; Wetmore, 161.

<sup>83</sup> Department of Justice, “Department of Justice Issues T-Visa to Protect Women, Children and all Victims of Human Trafficking,” January 24, 2002, [http://www.usdoj.gov/opa/pr/2002/January/02\\_crt\\_038.htm](http://www.usdoj.gov/opa/pr/2002/January/02_crt_038.htm) (accessed March 12, 2009).

<sup>84</sup> Chapkis, 926; Wetmore, 162.

<sup>85</sup> Chacon, 21; Chapkis, 925.

<sup>86</sup> Chacon, 21.

Very few victims have been granted T-visas; in 2004, out of 520 T-visa applications, only 136 had been approved, 292 were denied, and 92 remained under consideration.<sup>87</sup> There is little doubt that the United States has taken a leadership role in monitoring trafficking through the TIP and implementing victim protections through the T-visa. However, with a focus on criminalizing traffickers, and setting standards for victims of trafficking to qualify for T-visas, the United States government clearly fails to set an effective international standard to enforce an all-encompassing anti-trafficking regime.

Like the rhizome, when sex trafficking is approached from a specific framework or approach, it will not solve the problem, rather, it will redirect and reshape patterns of trafficking. The literature demonstrates the complexity and magnitude of sex trafficking, and, like the rhizome, it is comprised of various dimensions and multiplicities that cannot be understood from a single focus. I turn here to a theoretical framework for this analysis which introduces the role of the global city within the complex of sex trafficking. This adds another dimension to the existing literature about sex trafficking, and shifts the focus from discussing sex trafficking as a phenomenon in the global south to analyzing the impact and influence of the global north.

#### Theoretical Framework(s)

As the literature has shown, sex trafficking is a global circuit that has proliferated in the shadows of economic globalization. The focus of most scholarly literature surrounding the effects of economic globalization, however, emphasizes the detrimental effects of economic globalization on countries in the global south and in doing so neglect an analysis of sex trafficking in the global north. As scholars have proposed, economic globalization perpetuates sex trafficking by exacerbating socioeconomic conditions such as poverty, migration and the proliferation of organized crime. However, focusing on the gendered effects of globalization in the global south does not account for the pervasive incidence of sex trafficking in developed countries in the global north. In order to fully conceptualize the vast scope of sex trafficking, it is crucial to also analyze how and why sex trafficking occurs in the global north, in particular, the most developed, global cities of today. By conceptualizing sex trafficking in the framework of the global city we can add a new dimension of analysis to the growing salience of sex trafficking, and demonstrate the role of global cities in

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<sup>87</sup> Ibid., 17.



the global circuit of sex trafficking.<sup>88</sup> This reveals the range of activities and organizational arrangements within the global city that facilitate sex trafficking, and in particular the internal dynamics within the global city that create new spatialities and identities.<sup>89</sup> By drawing from the work of Sassen, Deleuze and Guattari, Agamben and Michel Foucault, I attempt to construct a theoretical framework that reveals the central role that the global city plays in the phenomena of sex trafficking.

As we have seen, Sassen depicts trafficking as the “feminization of survival”, whereby developing states and traffickers exploit and depend on women, as commodities, for profit.<sup>90</sup> This argument, however is confined to the realm of the global south, wherein Sassen demonstrates the disparate effects of economic globalization on the global south that give rise to trafficking as an alternate survival circuit for traffickers and governments.<sup>91</sup> I do not contest Sassen’s depiction of trafficking within this specific scope, but instead I wish to reveal another dimension, (developed by Sassen among others) that relates sex trafficking to the functions and processes of globalization set within the context of the global city.<sup>92</sup>

The global city is a specific place whose spaces, internal dynamics and spaces situate the key structures of the world economy.<sup>93</sup> It functions as a highly concentrated command point in the organization of the world economy and serves as the key locations for finance, specialized service firms, and sites of production. As the central market for the products and innovations produced, the global city is a site where global economic processes converge.<sup>94</sup> At the same time, sex trafficking is one of the networks, or circuits, that unfold in the global city, and it too is formed and strengthened by the structure of the global city. Sex trafficking operates outside, and in violation of specific laws and treaties, yet is associated with the key programs and conditions of the global economy. Sassen describes this as one of the “countergeographies of globalization”. Sex trafficking operates as one of the countergeographies of globalization; a part of the shadow economy, but at the same time it is maintained and facilitated with the help of the urban institutional infrastructures, internal dynamics and social structures. I

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<sup>88</sup> Saskia Sassen, “Whose City is it? Globalization and the Formation of New Claims,” *Public Culture* 8, no. 2 (1996): 208.

<sup>89</sup> *Ibid.*

<sup>90</sup> Sassen “Global Cities and Survival Circuits,” 265.

<sup>91</sup> *Ibid.*, 263.

<sup>92</sup> Sassen, “Whose City is it?” 209.

<sup>93</sup> Sassen, *The global city*, 4.

<sup>94</sup> *Ibid.*, 3.

argue that the contradictory spaces generated by globalization are exemplified in the interaction between sex trafficking and the global city and that the global city creates the conditions in which sex trafficking successfully operates.<sup>95</sup>

#### New Spatialities

In order to localize the growth of the global economy, the global city institutionally equipped to facilitate cross border flows of capital, labor and goods.<sup>96</sup> The global city is where resources for global economic activities are embedded in place to allow for the convergence of markets and information.<sup>97</sup> With integrated transport networks, a high concentration of capital and production of new information technologies, the global city produces the framework within which sex trafficking operates. As aforementioned, sex trafficking is driven by the demand for johns for sexual services coupled with the demand for profit by traffickers.<sup>98</sup> With the explosion of wealth and power in the global city, traffickers are able to profit off the sexual exploitation of women by selling them in urban centers.

Like the rhizome, sex trafficking operates upon multiple dimensions and actors that constantly engage in a process of deterritorialization and reterritorialization.<sup>99</sup> As Sassen argues, countergeographies such as sex trafficking are dynamic and changing in their locational features. They are part of the shadow economy but exist by adapting to the institutional infrastructures of the regular economy. Sex trafficking networks therefore establish the illegal market for sexual services by utilizing existing infrastructures in the global city through the deterritorialization and reterritorialization of virtual and physical spaces. This is part of the larger process of informalization in the global city,<sup>100</sup> which has emerged in relation to the expansion of high priced urban spaces.<sup>101</sup> With the explosion of wealth, and concentration of capital in the urban centers of the global city, the informalization of an expanding range of activities allows firms to escape the costs and constraints of the regular economy by reterritorializing neighborhoods and households as sites for economic activity.<sup>102</sup> Although Sassen does not mention trafficking in her analysis of informalization, we can draw on the same

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<sup>95</sup> Ibid., 21.

<sup>96</sup> Ibid., 29.

<sup>97</sup> Sassen, "Global Cities and Survival Circuits", 256.

<sup>98</sup> Raymond and Hughes, 24; Raymond, 1157.

<sup>99</sup> Deleuze, Guattari and Massumi, 9.

<sup>100</sup> Sassen, "Global Cities and Survival Circuits", 259.

<sup>101</sup> Ibid.

<sup>102</sup> Ibid.

logic to understand how sex trafficking operates in relation to physical spaces in the global city. The theories of Deleuze and Guattari, and Agamben demonstrate how the global city produces new spatialities that facilitate sex trafficking.

The global city is a zone where new spatialities are produced and reproduced, by the inhabitation of multiple units.<sup>103</sup> As a function of the global network, the global city provides the structural institutions that connect activities and resources within a strategic space. In the context of sex trafficking, the global city is where the multiple agents, resources and activities of sex trafficking networks converge, where forces of demand and supply meet, where johns, traffickers, women and capital interact with spaces in the global city. As a result of this interaction, agents and spaces are deterritorialized and reterritorialized to assume new meanings and identities in the context of sex trafficking.

In the global city, digital networks serve as informal virtual spaces to protect the privacy and anonymity of buyers and sellers to evade the legal constraints that surround sex trafficking. Agents and spaces are deterritorialized and reterritorialized over the Internet to facilitate and mediate the transaction of women as sexual commodities. The deterritorialization and reterritorialization that occurs in virtual space perpetuates the demand side of sex trafficking by reterritorializing the Internet as an online marketplace for women.<sup>104</sup> As the literature has shown, the Internet acts as a site in which johns are able to express their demand, and traffickers able to market their women as commodities. When johns or traffickers interact on the Internet, they are reconstituted as subjects of the larger network of sex trafficking.<sup>105</sup> Johns are not *johns* until they are deterritorialized as men to become nameless — faceless virtual entities that are reterritorialized on the Internet and as “john” who purchase commercial sex acts.<sup>106</sup> Similarly, traffickers use the Internet as a marketplace whereby women are deterritorialized as women and is reterritorialized when she is held captive, sold and exploited in the physical space she is in.

In addition to the deterritorialization and reterritorialization that occurs in virtual space, physical spaces of the global city are deterritorialized and reterritorialized through sex trafficking networks. To evade the legal constraints of the global city, physical spaces are reterritorialized to assume new meanings.<sup>107</sup> Private and

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<sup>103</sup> Sassen, *The global city*, 6.

<sup>104</sup> Deleuze, Guattari and Massumi, 9.

<sup>105</sup> *Ibid.*, 10.

<sup>106</sup> *Ibid.*

<sup>107</sup> *Ibid.*

public spaces such as apartments, massage parlors, residential houses and night-clubs that operate as legal spaces are reterritorialized as brothels or markets for sexual services when traffickers utilize these spaces as commercial sex establishments.<sup>108</sup> The process of deterritorialization and reterritorialization however, does not stop at the level of the physical spaces. In the global city, the woman's body is reterritorialized when she is held captive, sold and exploited in the physical space she is in. For example, when a woman first enters an apartment under the false impression of working abroad, she is deterritorialized when her identification and passport is taken away from her, and reterritorialized on multiple levels, she becomes a prostitute, a sex worker, an illegal migrant in the country she is in, and she becomes a victim of sex trafficking.<sup>109</sup>

Expanding on the processes, Giorgio Agamben's theory of the camp as a spatial construction further demonstrates the subjectification of women within spaces in the global city. In *Homo sacer*, Agamben describes the camp as a spatial creation where individuals are reterritorialized into bare life.<sup>110</sup> Under Nuremberg law, if a person entering the camp was a Jew, he or she had would be deprived of his rights as a citizen and entered a zone that legitimized and necessitated the domination and crimes committed within that space.<sup>111</sup> Although Agamben was primarily describing the use of concentration camps during the Nazi regime in his analysis, he invites us to consider the camp in broader terms as the creation of space where individuals are assimilated into *hominis sacri*— individuals stripped of every right by virtue of the fact that anyone can kill them without committing homicide.<sup>112</sup> Drawing upon Agamben's theory, one can see how ontological and material locations in the global city reterritorialize women, deprive them of their rights, and subject them to the dominion of their traffickers.

Spaces that facilitate sex trafficking symbolize a state of exception that exist outside the law, where the human body is separated from its normal political status and abandoned to the most extreme misfortunes.<sup>113</sup> When traffickers or pimps confine women to spaces in the global city to work as sex slaves, they deterritorialize women by stripping them of their identities and reterritorializing them as *homines sacri*.<sup>114</sup> Through the confiscation of passports, violent abuses and

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<sup>108</sup> Ibid.

<sup>109</sup> Ibid.

<sup>110</sup> Giorgio Agamben, *Homo sacer. Sovereign power and bare life* (Stanford, Calif: Stanford University Press, 1998), 102.

<sup>111</sup> Ibid., 76.

<sup>112</sup> Ibid., 118.

<sup>113</sup> Ibid., 102.

<sup>114</sup> Deleuze, Guattari and Massumi, 10.

threats, women are deterritorialized from their original identities. In most cases of international trafficking, traffickers confiscate women's travel documents and passports in addition to holding them in debt bondage. Women are told they owe exorbitant amounts of money to traffickers for travel and job processing fees that they have to pay back through sex work. In this regard, women lose their national identities, and intents of working in decent jobs in the global city. The woman is deterritorialized as a Russian national, and reterritorialized as an illegal migrant in New York. Further, when traffickers use debt bondage to coerce women to work in the sex industry, the woman is again reterritorialized as a sex worker. Ultimately, the woman is reterritorialized as the *homo sacer* in the space she is in because she has lost her identity, her citizenship, and through debt bondage, she is subject to violence from her pimp, trafficker or "john". The woman who is reterritorialized as the *homo sacer* is therefore reduced to bare life as she is deprived of her rights as a citizen and is subject to a state of violence.<sup>115</sup> The spaces in which a woman is deterritorialized and reterritorialized are therefore simultaneously deterritorialized and reterritorialized as spaces in which the reterritorialization of individuals into bare life is legitimized and necessitated.<sup>116</sup>

Because women are reterritorialized, the spaces they are in become biopolitical spaces in which women's bodies are subjectively determined by their traffickers and pimps.<sup>117</sup> Subsequently, the reterritorialization of a woman into *homo sacer* is a form of bio-power that mimics what Foucault defines as a mechanism used by nation-states to normalize and regulate society. Through technologies of domination, bio-power is exercised over members of a population through "an explosion of numerous and diverse techniques for achieving the subjugations of bodies and the control of populations."<sup>118</sup> Bio-power produces governable subjects as individuals understand themselves as meaning-given selves in a social environment by internalizing one of three modes of objectification: the categorization of individuals, language, and subjectification through self-knowledge.<sup>119</sup>

In the context of sex trafficking, a woman becomes vulnerable when she is reterritorialized as the sex worker in the global city. When the woman is forced

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<sup>115</sup> Agamben, 102.

<sup>116</sup> *Ibid.*, 79.

<sup>117</sup> *Ibid.*, 110.

<sup>118</sup> Michel Foucault and Colin Gordon, *Power/knowledge: selected interviews and other writings, 1972-1977* (New York: Pantheon Books, 1980), 140.

<sup>119</sup> Michel Foucault, *The history of sexuality* (New York: Vintage Books, 1990), 58.

to work in the sex industry, her role as a sex worker is constantly reinforced and internalized by the space she is in and the nature of her job. By being forced to service johns repeatedly under the threat of force and debt bondage, a woman gradually accepts and internalizes and accepts her identity as a sexual commodity.<sup>120</sup> In addition, traffickers create and reinforce their illegal status in the countries women are in through the confiscation of legal documents, passports, and identification cards. Without passports, or any form of documentation, victims of trafficking are reterritorialized as illegal, undocumented migrants, and therefore internalize a fear of being criminalized and prosecuted under immigration laws.<sup>121</sup> By creating a regime of truth about victims being the *homo sacer*, traffickers subjectify victims to their control and manipulation, allowing them to earn a profit off the commodification of their bodies.

The reterritorialization of women has further implications for victims of sex trafficking in the context of rights protection. Instead of recognizing the need for legal remedy and recourse for victims of trafficking, there is a general proclivity for law enforcement to criminalize victims as illegal migrants. When traffickers confiscate women's travel documents, women are vulnerable to be treated as violators of entry and residence.<sup>122</sup> The tendency to identify women as illegal migrants instead of victims of trafficking is largely due to the attempts by governments to address undocumented immigration.<sup>123</sup> In particular, global cities clamp down on undocumented immigration as they are strategic terrains for the transnational migration of people.<sup>124</sup> One of the key reasons for the disproportionate concentration of immigrants in the global city is because immigrants are needed to service the growing high-end service sector as well as the demands of the growing high-income lifestyles of those employed in the high-income sector.<sup>125</sup> With the increase in migration, immigration laws and policies have proliferated in an attempt to control the numbers and compositions of migrants.<sup>126</sup> As a result of immigration laws, the dichotomy between citizens and non-citizens is reproduced and reinforced. Unlike a citizen, the non-citizen

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<sup>120</sup> Ibid., 57.

<sup>121</sup> Ibid.

<sup>122</sup> Sassen, "Global Cities and Survival Circuits", 269.

<sup>123</sup> Ibid.

<sup>124</sup> Sassen, "Whose City is it?", 217.

<sup>125</sup> Sassen, *The global city*, 321.

<sup>126</sup> Rebecca Bohrman and Naomi Murakawa, "Remaking Big Government: Immigration and Crime Control in the United States," in *Global lockdown: race, gender, and the prison-industrial complex*, ed. Julia Sudbury (New York: Routledge, 2005), 112.

becomes the homo sacer whose existence is reduced to bare life stripped of every right.<sup>127</sup>

According to Agamben, it is only because of the law that society can recognize the individual as *homo sacer*, and so the law that mandates the exclusion is also what gives the individual an identity.<sup>128</sup> In this regard, immigration laws create a dichotomy between bare life and political existence by reinforcing the identity of the non citizen.<sup>129</sup> However, when victims of sex trafficking are identified as non-citizens or illegal migrants, this impinges on their rights to legal remedies and ignores the fact that they have been coerced to work in the sex industry.<sup>130</sup> As Agamben asserts, "the so-called sacred and inalienable rights of man prove to be completely unprotected at the very moment it is no longer possible to characterize them as rights of the citizens of a state."<sup>131</sup> When victims of sex trafficking are identified as illegal migrants, they are criminalized and often deported under immigration laws.<sup>132</sup> In addition, victims internalize a fear of being an illegal migrant that subjects them to control by their traffickers. The dominance of immigration laws therefore increase the vulnerability of victims of sex trafficking as by reinforcing their fears of being criminalized as illegal migrants.

Sassen, Deleuze and Guattari, Agamben, and Foucault demonstrate the conditions that facilitate sex trafficking in the global city. Although sex trafficking is a part of the shadow economy, it is maintained and facilitated with the help of the institutional infrastructures and internal dynamics of the global city. Utilizing the existing physical spaces and legal infrastructures of the global city, the global city is a strategic site where johns, traffickers and women converge.<sup>133</sup> Sassen's theories of the global city conceptualize the significance of global cities in the world economy. The global city is a site where resources for global economic activities are embedded in place to allow for the convergence of markets and information.<sup>134</sup> The global city therefore produces the conditions for the operation coordination and control of the sex trafficking industry. When agents of sex trafficking interact with spaces within the global city, processes of deterritorialization and reterritorialization produce new meanings and identities

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<sup>127</sup> Agamben, 118.

<sup>128</sup> Ibid., 8.

<sup>129</sup> Ibid., 8, 14.

<sup>130</sup> Bruch, 18.

<sup>131</sup> Agamben, 82.

<sup>132</sup> Bruch, 18.

<sup>133</sup> Sassen, *The global city*, 321.

<sup>134</sup> Sassen, "Global Cities and Survival Circuits", 256.

for both spaces and individuals.<sup>135</sup> These new meanings and identities allow sex trafficking to circumvent the legal and political prohibitions of the global city and operate under the veil of legality. Drawing on the theories of Giorgio Agamben, spaces in the global city are reterritorialized to become biopolitical spaces that reterritorialize women.<sup>136</sup> When women internalize their identities as *homines sacri* in the global city, they become subjects of control by traffickers.<sup>137</sup> Further reinforcing a woman's internalization of being the homo sacer is the existence of immigration laws that create a dichotomy between citizens and non-citizens. Unlike a citizen, the non-citizen becomes the homo sacer whose existence is reduced to bare life stripped of every right.<sup>138</sup> To provide context to these theories, the following section will demonstrate how the global cities of New York, Tokyo and Dubai serve as strategic sites whose infrastructure and internal dynamics allow for the operation, coordination and control of the sex trafficking industry.

New York, New York

New York is undoubtedly the archetypal global city of the past, present and future. Ever since the first Dutch settlers arrived, New York City has served as a major financial and commercial center in the world.<sup>139</sup> Serving as a transterritorial marketplace, New York City represents a strategic space where global processes materialize in national territories, and where cross border circuits run through or converge.<sup>140</sup> In the 2008 Global City Index, New York emerged as the number one global city in the world.<sup>141</sup> As a global city, New York City leads the world across multiple dimensions in having a free press, open markets, easy access to information and technology, low trade barriers and a melting pot of different cultures.<sup>142</sup> Indeed, New York embodies the hallmarks of globalization; the city integrates multitudes of transport networks, information networks, cultural networks and capital networks. One of the cross-border circuits that operates and becomes activated in New York is that of sex

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<sup>135</sup> Deleuze, Guattari and Massumi, 10.

<sup>136</sup> Agamben, 79.

<sup>137</sup> Foucault, *Power/knowledge*, 56.

<sup>138</sup> Agamben, 118.

<sup>139</sup> Margaret Crahan, "New York's Global Future," in *The city and the world: New York's global future*, eds. Margaret E. Crahan and Alberto Vourvoulias-Bush (New York: The Council on Foreign Relations, 1997), x.

<sup>140</sup> Sassen, *The global city*, 347.

<sup>141</sup> *Foreign Policy*, "Foreign Policy: The 2008 Global Cities Index," November-December 2008, [http://www.foreignpolicy.com/story/cms.php?story\\_id=4509](http://www.foreignpolicy.com/story/cms.php?story_id=4509) (accessed March 17, 2009).

<sup>142</sup> *Ibid.*



trafficking.<sup>143</sup> As such, New York is not just integrated into the legal global economy, but also increasingly into its clandestine side.<sup>144</sup>

#### Informalization

As a global city, New York City is marked by its economic geography of centrality, where large scale, high cost luxury office and residential complexes converge in its urban center.<sup>145</sup> However, accompanying the economic centralization of New York's urban industry is the expansion of the structural pattern of informalization that involves the emergence of neighborhoods and households as sites of economic activity.<sup>146</sup> Informalization can be described as a developing "opportunity" structure that avoids or compensates for the constraints of the regular economy, such as regulations and high market prices.<sup>147</sup> The sex trafficking industry has developed along these lines, proliferating in less visible venues to avoid legal and political constraints against the sex industry. Although the Giuliani administration attempted to close down sex industries around Times Square, sex establishments exist where warehouses, apartment buildings, massage parlors, restaurants, bars, salons, and after hours clubs are converted to brothels.<sup>148</sup>

In 2002, NYPD raided a house on West Front Street after neighbors called to complain about the noise and discovered dozens of underage girls and young women without documentation who were forced to service men multiple times a day.<sup>149</sup> Similarly, infamous Corey "Magnificent" Davis, a 36 year old Queens resident, was arrested for holding 20 young girls captive in his apartment and forcing them into erotic dancing or prostitution under the threat of violence.<sup>150</sup> Davis recruited victims by telling them he ran a modeling agency out of his apartment, or by responding to young girls who were looking for apartments,

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<sup>143</sup> Ibid.

<sup>144</sup> Peter Andreas, "Policing the Clandestine Side of Economic Integration," in *The city and the world: New York's global future*, eds. Crahan, Margaret E. Crahan and Alberto Vourvoulias-Bush (New York: The Council on Foreign Relations, 1997), 90.

<sup>145</sup> Sassen, *The global city*, 254.

<sup>146</sup> Ibid., 293.

<sup>147</sup> Ibid., 294.

<sup>148</sup> Raymond and Hughes, 32.

<sup>149</sup> Peter Landesman, "The Girls Next Door," *The New York Times*, January 25, 2004, 1, <http://www.nytimes.com/2004/01/25/magazine/25SEXTRAFFIC.html?scp=1&sq=sex%20trafficking&st=cse> (accessed March 17, 2009).

<sup>150</sup> United States Department of Justice, "Leader of New York-Connecticut Sex-Trafficking Ring Pleads Guilty," March 14, 2008, [http://www.usdoj.gov/opa/pr/2008/March/08\\_crt\\_208.html](http://www.usdoj.gov/opa/pr/2008/March/08_crt_208.html) (accessed March 24, 2009).

telling them that his apartment was available for rent.<sup>151</sup> Once Davis was in contact with the victims, he would use violent measures such as sticking guns in victims' mouths, slashing their bodies with box cutters to force them into sexual servitude where he would earn up to \$5000 a night from his victims.<sup>152</sup>

Just as the informalization of spaces evades legal detection, the legitimacy of regular spaces is used to trick and deceive women into the hands of traffickers such as Davis. As the sex industry is masked by the legitimacy and legality of industries that operate in the regular economy, local law enforcement officials in New York City find difficulty investigating and identifying the sex businesses.<sup>153</sup> The trend of informalization as such, perpetuates the problem of sex trafficking, as traffickers are able to evade the legal prohibitions around commercial sex in New York by utilizing existing infrastructures in the regular economy.

#### Migration

One of the defining feature of New York as a global city is its linkages with the rest of the world, serving as a destination point for more than 70,000 migrants each year.<sup>154</sup> Throughout history, migratory flows have shaped and defined New York, starting with the Dutch settlers who established the city as a financial and commercial hub.<sup>155</sup> Today, migrants from all over the world are drawn into the glitz and glamour of New York City, in hope of seeking economic opportunities. As Mayor Giuliani once said, "The people who came through Ellis Island had the same look in their eyes as the people that now come through Kennedy airport."<sup>156</sup> However, the reality is that not all migrants arrive in New York to fulfill their American dream. Instead, they are confronted with the nightmare of being trapped in sexual servitude. The two major points of entry into New York are John F. Kennedy airport, which is the largest hub of cross-border trafficking in the United States,<sup>157</sup> and through Mexico as a transit point.

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<sup>151</sup> Ibid.

<sup>152</sup> Ibid.

<sup>153</sup> Raymond and Hughes, 32.

<sup>154</sup> Philip Kasinitz, John Mollenkopf and Mary C. Waters, "Becoming American/Becoming New Yorkers: The Second Generation in a Majority Minority City," Migration Information Source, October 2006, <http://www.migrationinformation.org/Feature/display.cfm?ID=440> (accessed March 27, 2009).

<sup>155</sup> Joseph J. Salvo and Arun P. Lobo, "Immigration and the Changing Demographic Profile of New York," *The city and the world: New York's global future*, eds. Margaret E. Crahan and Alberto Vourvoulias-Bush (New York, Council on Foreign Relations, 1997), 88.

<sup>156</sup> Ibid., 92.

<sup>157</sup> "Human Trafficking Into and Within the United States," <http://www.nga.org/Files/pdf/0607traffickingclawsonpaper.pdf>. (accessed March 14, 2009).

Victims of sex trafficking arrive from virtually all part of the world, including girls from all over the United States, who are either kidnapped or deceived into modeling contracts. In 2002, a network of stash houses were discovered in West Front Street, where dozens of underage girls and young women from all over the world were held captive and sold as sex objects to johns on a daily basis.<sup>158</sup> For the girls who arrive through JFK, most arrive on F1 student visas, or B1/B2 travel and tourist visas that are provided by traffickers.<sup>159</sup> These visa categories legitimize the status of women to immigration officials and to the victims themselves.

Two cases involving sex traffickers illustrate the methods that traffickers use to lure and entrap women. In the case of *United States v. Milan Lejhanec and Ladislav Ruc* (1998), Milan and Ladislav placed advertisements in a Czech newspaper to recruit women for work in the United States. However, upon arrival, the women were instead forced to work in strip clubs in New York.<sup>160</sup> Similarly, in the case of *United States v. Wattanasiri* (1995), a German national, Ludwig Janak, who operated a tour guide service, collaborated with Thai traffickers to recruit women, telling them they would be working in restaurants in New York.<sup>161</sup> Once the women arrived in JFK, the Thai traffickers kept them under 24 hour surveillance in a brothel, forcing them to sleep with at least four to five hundred men to pay off their transportation fees.<sup>162</sup> Through the guise of “tour groups” and job promises, women from all over the world arrive at JFK airport, only to end up serving as sex slaves in the big city.

However, with restrictive immigration laws and the inconvenience of obtaining (or creating) visas, traffickers are increasingly using Mexico as a transit point to enter the United States. This highlights the paradox of national immigration laws, and in particular Operation Gatekeeper. In an effort to restrict immigration by tightening border enforcement, Operation Gatekeeper was enacted in 1994 with the intention of deterring Mexican migrants and reducing migrant flows into the United States.<sup>163</sup> The effort saw an marked increase in Border Patrol officers and surveillance mechanisms. The biggest paradox of Operation Gatekeeper is that instead of effectively reducing migrant flows to the United States, it has

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<sup>158</sup> Landesman, 1.

<sup>159</sup> Kara, 189.

<sup>160</sup> Amy O’Neill Richard, “International Trafficking in Women to the United States: A Contemporary Manifestation of Slavery and Organized Crime,” (Center for the Study of Intelligence, 1999), 48.

<sup>161</sup> *Ibid.*, 49.

<sup>162</sup> *Ibid.*

<sup>163</sup> Douglas S. Massey, *Backfire at the border: why enforcement without legalization cannot stop illegal immigration*, Trade policy analysis, no. 29 (Washington, D.C., Cato Institute, 2005), 4.

increased the number of illegal migrants entering the United States as they bypass the urban entry points and crossing the desert to enter the United States.<sup>164</sup> Due to the dangers and hazards involved in crossing the desert, migrants have resorted to paying smugglers known as coyotes that make elaborate arrangements to reduce the risk of apprehension.<sup>165</sup> With the proliferation of the smuggling industry, Mexico has become perceived to be an easy transit point, or gateway to the United States. This has also led to the mushrooming of traffickers who promise to smuggle women across the border, and end up selling them as sex slaves in the United States.<sup>166</sup> According to the United States Department Of Justice, 37% of trafficked victims are from Mexico.<sup>167</sup> One of the largest sex trafficking cases prosecuted under the TVPA was against the infamous Flores-Carreto family.<sup>168</sup> Operating between Queens, NY and Mexico, the family engaged in a melee of tactics such as seduction and false employment offers to convince women to migrate to the United States, where they would be forced into prostitution through beatings and threats against their families.<sup>169</sup> The Flores-Carreto family, along with the other established trafficking rings in Mexico demonstrate how the increased surveillance of the United States-Mexico border has indirectly facilitated sex trafficking.

However, it is not just traffickers from Mexico that organize to exploit Mexican women across the border. International sex trafficking rings such as the Chinese “snakeheads” and Russian Mafia use Mexico as an illegal entry point for their victims.<sup>170</sup> As such, the United States-Mexico border is not just a route for trafficking victims from Mexico, it is also a transit point for international victims, who are promised jobs in New York and are later sold as sex slaves. Like the Mexican traffickers, international traffickers convince their victims that they can enter the United States through Mexico, “I wanted to get out of Moscow, and they told me the Mexican border was like a freeway”, said Nicole from Russia, who was trafficked to New York via Mexico.<sup>171</sup> By using Mexico as a transit point, sex trafficking to New York involves smuggling with coercion or fraud in the beginning of the process and exploitation at the end.

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<sup>164</sup> *Ibid.*, 4.

<sup>165</sup> Ginger Thompson and Sandra Ochoa, “By a Back Door to the U.S.: A Migrant's Grim Sea Voyage,” *The New York Times*, June 13, 2004, <http://www.nytimes.com/2004/06/13/world/by-a-back-door-to-the-us-a-migrant-s-grim-sea-voyage.html> (accessed March 13, 2009).

<sup>166</sup> Kara, 189.

<sup>167</sup> U.S. Immigration and Customs Enforcement, “Mexican woman pleads guilty to sex trafficking,” July 23, 2008, <http://www.ice.gov/pi/nr/0807/080722brooklyn.htm> (accessed February 11, 2009).

<sup>168</sup> *Ibid.*

<sup>169</sup> *Ibid.*

<sup>170</sup> Raymond and Hughes, 22.

<sup>171</sup> Landesman, 3.

## Demand

While the informalization of New York's economy and the porousness of the United States-Mexico border demonstrate the physical infrastructures that facilitate sex trafficking into New York, a significant component of the industry that must not be neglected in any analysis is that of the demand. Without the demand from johns in New York for sexual services, the sex trafficking industry would not be able to survive and make a profit off the commodification of women. While it is hard to quantify demand, the largest indicator of the demand for sex is demonstrated by analyzing the role of the Internet as a large global brothel.

As a first amendment right, the freedom of expression and speech is inscribed in the United States Constitution, and is one of the guiding principles of the country.<sup>172</sup> However, the sex trafficking industry has exploited this first amendment right by allowing for men to express their demand for sexual services on the Internet, and also by allowing traffickers to market and sell their victims as commodities. A MSNBC documentary, "MSNBC Undercover: Sex Slaves in America," reveals how websites such as Craigslist are used to buy and sell people for sex by uploading information and pictures in the "Personals" section.<sup>173</sup> A poignant, example of men expressing their demand for sexual services is as such:

I REALLY DO, I LOVE BLACK BOOTY, I WORSHIP BLACK BOOTY,  
I LOVE TO MAKE A WOMAN FEEL GOOD, I'M VERY ORAL &  
VERY GOOD..I'M A NICE LOOKING WHITE GUY WITH BLUE  
EYES, LIGHT BROWN HAIR & IN GOOD SHAPE WITH A VERY  
NICE LONG TOUNGE...GET BACK YOU WILL NOT BE  
DISSAPPOINTED.<sup>174</sup>

In a similar fashion, traffickers market their victims through the "Women Seeking Men" category in Craigslist, often using subtle codes to indicate that women are for sale. The following post demonstrates the blatant advertising of women:

HEY GUYS NIKKIS HERE OFFERING MY MA\$\$AGE ARE YOU  
STRESSED....SEEKING RELIEF....COME TO NIKKE.....MY ENDING

<sup>172</sup> For a full-text version of the U.S. Constitution, see <http://www.usconstitution.net/const.txt>

<sup>173</sup> MSNBC, "MSNBC Undercover: Sex Slaves in America; Meredith Vieira examines human trafficking and prostitution in the U.S.," <http://today.msnbc.msn.com/id/22056066/> (accessed March 5, 2009).

<sup>174</sup> *Craigslist*, 2009.

ARE ALWAYS EXPLOSIVELY HAPPY.....AND IM GOOD WITH  
 OTHER ROLE PLAY TOO.....I AM ITALIAM ,5”3,HAZEL  
 EYES, LONG BR HAIR, CURVY, AND MY GIRLS ARE 40D NATURAL  
 WITH A HOTT AZZ TO MATCH.....SO GUYS I GON”T GO IN FOR  
 THE ENDLESS BACK AND FORTH EMAILS...HIT ME UP WITH  
 WHEN YOU ARE LOOKING FOR AND WHAT YOU”D LIKE AND  
 WE CAN WORK IT OUT AND EXCHANGE CONTACT INFO  
 THEN.<sup>175</sup>

In the post by “Nikke” the dollar signs are embedded into the word “Massage”; a subliminal sign that traffickers use to indicate that they have women for sale.<sup>176</sup> Ironically, the Chief Executive Officer of Craigslist, Jim Buckmaster, denies that Craigslist offers sex-related advertising, asserting, “I (he) would not describe any section of our site as ‘sex related’.”<sup>177</sup> Websites such as Craigslist, commonly used as online marketplace for household goods, vehicles and employment, are also used by the sex industry.

The internet is also used as an online forum for johns to share their knowledge and information about the sex industry. Websites such as The World Sex Guide, dexterhorn.com, whorist.com create an imagined community of men who normalize their behaviors by broadcasting their sexual escapades and experiences.<sup>178</sup> A content analysis of myredbook.com in the MSNBC documentary reveals how women are rated and discussed in painstaking detail by johns all over the United States.<sup>179</sup> While information about sex is made available in online forums and websites, at the same time, information is withheld, as johns become anonymous identities in virtual space. The internet normalizes the victimization and exploitation of women for sex, therefore allowing traffickers to continue recruiting women to meet the demands of men.

#### Legal Responses

The irony of the proliferation of sex trafficking in New York and the United States in general, is that the United States is a global leader in enforcing anti-trafficking laws through the TVPA. In addition, New York is equipped legally

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<sup>175</sup> Ibid.

<sup>176</sup> “MSNBC Undercover: Sex Slaves in America”.

<sup>177</sup> Megan Woolhouse, “Craigslist known as aid and enabler,” *The Boston Globe*, April 18, 2009, [http://www.boston.com/news/local/massachusetts/articles/2009/04/22/craigslist\\_known\\_as\\_aid\\_and\\_enabler/](http://www.boston.com/news/local/massachusetts/articles/2009/04/22/craigslist_known_as_aid_and_enabler/) (accessed April 22, 2009).

<sup>178</sup> Raymond and Hughes, 67.

<sup>179</sup> “MSNBC Undercover: Sex Slaves in America”.

with a sound police force, and has a large civic space for the establishment of numerous anti-trafficking organizations such as National Organization for Women New York (NOW), the New York Anti-Trafficking Coalition, Equality Now, GEMS, My Sisters” Place, and Polaris Project to name a few.<sup>180</sup> Clearly, New York has the legal, social, and political capacity to combat trafficking. Based on the nature of sex trafficking in New York, there are obvious flaws in legislation and the criminal justice system in addressing sex trafficking. These flaws include the failure to address the demand side of sex trafficking, and the nature of victim protection.

Under the TVPA, numerous traffickers have been prosecuted and sentenced to prison. In 2005, the Carreto family from Mexico were charged for bringing women into New York from Mexico and selling them as sex slaves in their two-story home in Queens.<sup>181</sup> In 2006, the FEDS and NYPD arrested a major sex trafficking ring run by Gina Kim and Geeho Chae as well as two corrupt officials who had pocketed over \$126,500 in bribes to protect the brothel.<sup>182</sup> In 2008, 22-year-old Woodley Gaston was charged for holding a sixteen-year-old captive for two weeks, and forcing her to have sex with nearly 200 men. He was sentenced to 25 years in prison.<sup>183</sup> Clearly, the criminal justice system is working hard to investigate sex trafficking in New York, and is continuing to prosecute traffickers and pimps in the city. However, while New York increasingly arrests traffickers, there have been no cases filed against johns who purchase sexual services. With johns continuing to express their desires and demands for sexual services, there will always be a supply to meet that demand, as traffickers and pimps know that they can earn profit off the trade.

Another problem with enforcing anti-trafficking laws is that there are prerequisites to meet before a case can be confirmed as human trafficking.<sup>184</sup>

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<sup>180</sup> “New York Anti-Trafficking Coalition.” New York Anti-Trafficking Coalition, <http://www.stophumantraffickingny.org> (accessed March 22, 2009).

<sup>181</sup> Ric Kahn, “Bound for misery; On the fast-moving circuit of international sex trafficking, say police, women regularly shuttle in and out of Boston,” *The Boston Globe*, January 7, 2007, [http://www.boston.com/news/local/massachusetts/articles/2007/01/07/bound\\_for\\_misery/](http://www.boston.com/news/local/massachusetts/articles/2007/01/07/bound_for_misery/) (accessed February 17, 2009).

<sup>182</sup> U.S. Immigration and Customs Enforcement, “Two New York City Police Officers and the Operator of a Queens Brothel Charged in Bribery Scheme,” March 8, 2006, <http://www.ice.gov/pi/news/newsreleases/articles/060308nyc.htm> (accessed March 3, 2009).

<sup>183</sup> Nicole Bode, “Pimp first to face Spitzer’s law,” *New York Daily News*, June 18, 2008, [http://www.nydailynews.com/news/ny\\_crime/2008/06/18/2008-06-18\\_pimp\\_first\\_to\\_face\\_spitzers\\_law.html](http://www.nydailynews.com/news/ny_crime/2008/06/18/2008-06-18_pimp_first_to_face_spitzers_law.html) (accessed March 8, 2009).

<sup>184</sup> United States Department of Justice, “Department of Justice Issues T-Visa to Protect Women, Children and all Victims of Human Trafficking,” January 2, 2002, [http://www.usdoj.gov/opa/pr/2002/January/02\\_crt\\_038.htm](http://www.usdoj.gov/opa/pr/2002/January/02_crt_038.htm) (accessed March 12, 2009).

This places a burden on victims of sex trafficking, as it enforces the law-enforcement approach, rather than a victim-centered approach to trafficking. In 2008, less than 10 percent of alleged cases were confirmed as human trafficking cases.<sup>185</sup> For a case to be confirmed as trafficking, the case must have led to an arrest, been confirmed by law enforcement, or the victims must have received a T-visa.<sup>186</sup> As aforementioned, the T-Visa is a special non-immigrant visa classification that allows victims of trafficking to stay in the United States permanently. However, the T-Visa is only granted if victims agree to identify their traffickers and serve as prosecution witnesses, and if they can prove that they would “suffer extreme hardship” if they are sent back to their own countries.<sup>187</sup> The need to serve as a prosecution witness obscures the trauma and psychological distress victims face and compels victims to relive their trauma.<sup>188</sup> In addition, trafficking victims are often poorly equipped to serve as witnesses as they are unable to think clearly and unable to provide details due to their state of trauma.<sup>189</sup> In addition, only 5000 T-visas are issued annually across the country, which is a minute percentage of the overall scale of trafficking in the United States. Although the Office of Justice Programs (OJP) for Victims of Crime (OVC) awarded over \$9.5 million under the TVPA to help victims of trafficking, chances are they will end up being sent back to their own country due to the scarcity of visas, and the burden of proof they have to shoulder to qualify as a “victim”.<sup>190</sup> With the stringent prerequisites and standards that victims and cases have to meet before qualifying as a case of human trafficking, the criminal justice system not only fails to provide effective victim protection but also reduces the probability of prosecuting cases.

As the archetypal global city of the world, popular discourse features New York as the epitome of modernization. However, as a global city, New York is also a strategic site in which sex trafficking networks of demand and supply converge. As Sassen asserts, global cities such as New York are strategic nodes that provide the infrastructure for global economic processes to materialize.<sup>191</sup> The physical infrastructure of New York, coupled with the limitations of the criminal justice

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<sup>185</sup> United States Department of Justice Bureau of Justice Statistics, “More than 1,200 Alleged Incidents of Human Trafficking Reported in the U.S.,” January 15, 2009, <http://www.ojp.usdoj.gov/bjs/pub/press/cshti08pr.htm> (accessed March 17, 2009).

<sup>186</sup> “Department of Justice Issues T-Visa to Protect Women”.

<sup>187</sup> Chacon, 14.

<sup>188</sup> *Ibid.*, 21.

<sup>189</sup> *Ibid.*

<sup>190</sup> Department of Justice Office of Justice Programs, “Justice Department Grants To Help Victims of Trafficking,” February 3, 2003, <http://www.ojp.gov/archives/pressreleases/2003/OVC03020.htm> (accessed March 12, 2009).

<sup>191</sup> Sassen, *The global city*, 350.



system, demonstrate how and why sex trafficking is still an ongoing enterprise in the city. Until the TVPA recognizes the ridiculously high standards it sets for victims of trafficking, and the significance of prosecuting johns who fuel the industry, New York City will continue to be plagued by the global circuits of sex trafficking.

#### Tokyo, Japan

Soi was born in Chiang Rai province and was a seamstress in Bangkok. She was making 3000 baht (United States\$ 120) a month. Soi was twenty-four years old when she was recruited in 1990. A Thai friend whom she had known for two years asked her if she would be interested in going to Japan. As Soi recalled, “[My friend] didn't tell me what kind of work there was, but said I could make a lot of money. I was interested.”<sup>192</sup>

Like Soi, thousands of women are trafficked into Tokyo every year through the ‘recruitment, transportation, transfer, harboring or receipt of persons by force, abduction, fraud, or coercion for forced or coerced labor, servitude, slavery, or sexual exploitation’.<sup>193</sup> Despite the promulgation of a Prostitution Prevention Law that has been in place since 1946, Tokyo is a major destination of trafficked women for sexual exploitation.<sup>194</sup> While sex trafficking clearly violates Japan’s Prostitution Prohibition Law, over 150,000 women trafficked into Tokyo every year for sexual exploitation.<sup>195</sup> The growth of Tokyo as a global city was accompanied by the growth of a 2 billion dollar informal sex industry that perpetuates the demand for the trafficking of women all over the world.

Despite Japan’s economic and political devastation following World War II, Japan experienced rapid post-war economic growth by re-centering its priorities on developing energy resources and an industrial base.<sup>196</sup> In order to achieve lower production costs, the Japanese shifted production to Southeast Asia, while

<sup>192</sup> Kinsey Dinan, *Owed justice: Thai women trafficked into debt bondage in Japan* (New York: Human Rights Watch, 2004).

<sup>193</sup> “Trafficking of Women: U.S. Policy and International Law”.

<sup>194</sup> “OAS Rapid Assessment Report: Trafficking in Persons from the Latin American and Caribbean Region to Japan,” 2005, <http://www.oas.org/atip/PDFs/Executive%20Summary.pdf> (accessed March 7, 2009).

<sup>195</sup> International Organization for Migration, “Shattered Dreams: Report on Trafficking in Persons in Azerbaijan,” 2002, [http://iom.ramdisk.net/iom/images/uploads/Microsoft%20Word%20-%20Cover\\_1071226703.pdf](http://iom.ramdisk.net/iom/images/uploads/Microsoft%20Word%20-%20Cover_1071226703.pdf) (accessed March 10, 2009).

<sup>196</sup> Masahiko Hanjo, “The growth of Tokyo as a world city,” in *Globalization and the world of large cities*, eds. Fu-Chen Lo and Yue-Man Yeung (New York: United Nations University Press, 1998), 113.

retaining Tokyo at the center of its management functions.<sup>197</sup> The more globalized the Japanese economy became, the higher the agglomeration of central functions in Tokyo, establishing it as the global city it is today.<sup>198</sup> Since the 1980s, the Japanese government made plans for the Tokyo Metropolitan Region, to position Tokyo as a significant node in the global system.<sup>199</sup> As a global city, Tokyo's global linkages through business, telecommunications and politics have attracted an influx of migrants from all over the world. With the Tokyo Metropolitan Region housing 90 percent of all foreign businesses in the country, foreign firms and workers from all over the world have been migrating to Tokyo.<sup>200</sup> However, due to the strict regulation of Japanese immigration and foreign residency, only 3 percent of Tokyo's registered inhabitants are foreigners. Yet, within Tokyo, thousands of women from all over the world are seen working in the commercial sex industry. Under the false premises of job offers in the global city, traffickers lure women from all over the world to migrate to Tokyo to end up being commodified as sex objects.

#### Entry

As a global city, Tokyo's Narita airport connects Tokyo to the rest of the world. Despite Tokyo's strict immigration controls at the airport, the Japanese government readily issues visas that are abused by traffickers to bring in the supply of women for Tokyo's sex industry. The availability of visas issued by the Japanese government has facilitated sex trafficking by serving as a modus operandi for traffickers to recruit women and bring them into the city.<sup>201</sup> By utilizing "entertainer visas" and "temporary visas", traffickers lure women into migrating, and to legalize the entry of women into Tokyo.<sup>202</sup> In particular, "entertainer visas" are abused by traffickers to bring in approximately 130,000 foreign women a year into Japan.<sup>203</sup> Under the guise of entering Japan as an "entertainer", women from all over the world are tricked into believing they will be working in Tokyo as cultural performers, singers, dancers or musicians.<sup>204</sup> Most of these women that enter on "entertainer visas" however, end up forced to work in Tokyo's sex industry, entertaining male clients with sexual services.

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<sup>197</sup> Ibid., 120.

<sup>198</sup> Sassen, *The global city*, 5.

<sup>199</sup> Ibid., 278.

<sup>200</sup> Hanjo, 120.

<sup>201</sup> "OAS Rapid Assessment Report", 16.

<sup>202</sup> Vital Voices Global Partnership, "Human Rights; Japan Anti-trafficking Programs," [http://www.vitalvoices.org/desktopdefault.aspx?page\\_id=218](http://www.vitalvoices.org/desktopdefault.aspx?page_id=218) (accessed November 20, 2008).

<sup>203</sup> "OAS Rapid Assessment Report", 7.

<sup>204</sup> Dinan, 114.

Similarly, the status of a “temporary visitor” is accorded to a foreign national whose purpose in Japan is mostly tourism, visiting, sightseeing or any related activity that requires him/her to stay in Japan for a short period of time.<sup>205</sup> With easy access to temporary visas, traffickers are able to rope women into Tokyo, and sell them as commodities in the sex industry. In addition, temporary visas play a role in controlling and subjugating the women. As such, the availability of entertainer visas and temporary visas are used by traffickers to lure women into the process, and also provide a legal avenue to traffic women into Japan to work in the sex industry.

#### The Yakuza

One of the major characteristics of global cities is that they are not just sites for global capital, but also for the transnationalization of labor and formation of transnational identities.<sup>206</sup> As such, global cities are also sites for new types of political operations.<sup>207</sup> In Tokyo, the dominance and prevalence of the Yakuza exemplifies a new political operation that has capitalized on the transnationalization of labor and emerged as a transnational identity.<sup>208</sup> Tokyo serves as the main command center for the transnational operations of the Yakuza. The nature of the Yakuza demonstrates the “feminization of survival” as they rely on the sale of women as sexual commodities for economic survival.<sup>209</sup> Further, the Yakuza maintain an informal relationship with the criminal justice system by maintaining social order in their territories. As such, the emergence of Tokyo as a global city produced the economic conditions in the city that led to the rise of the Yakuza. The Yakuza generate approximately 83 billion dollars in profit a year, which contributes to the GNP of Japan.<sup>210</sup>

Sex trafficking and prostitution are one of the many sources of income that the Yakuza depend on.<sup>211</sup> In the aftermath of World War II, the Yakuza thrived on the economic vulnerability of mothers who were desperate to sell their children for money.<sup>212</sup> The Yakuza would purchase these children and sell them as

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<sup>205</sup> “OAS Rapid Assessment Report”, 14.

<sup>206</sup> Sassen, *The global city*, 217.

<sup>207</sup> *Ibid.*

<sup>208</sup> *Ibid.*

<sup>209</sup> Sassen, “Women’s Burden”, 516.

<sup>210</sup> “OAS Rapid Assessment Report”, 5.

<sup>211</sup> Peter B. E. Hill, *The Japanese mafia: Yakuza, law, and the state*. Oxford: Oxford University Press, 2003) 115.

<sup>212</sup> Sarah Shannon, “Prostitution and the Mafia: The Involvement of Organized Crime in the Global Sex Trade,” in *Illegal immigration and commercial sex: the new slave trade*, ed. Phil Williams (London: Frank Cass, 1999), 129.

prostitutes in Tokyo to earn a living.<sup>213</sup> Following World War II, while Tokyo was undergoing rapid industrialization, the Yakuza were simultaneously extending their networks globally to import women into Tokyo as sex slaves.<sup>214</sup> Using Tokyo as a command center, the Yakuza operate all over the world, trafficking women into Tokyo while establishing links with other criminal groups. While they control the women in the sex trade through violence and debt bondage, which will be examined later, they also render women extremely vulnerable due to their informal ties with the police, leaving women with no recourse or remedy.

The name “Yakuza” is derived from the sum of the numbers 8, 9, and 3, which add up to 20 — the worst possible score in a Japanese card game.<sup>215</sup> While this implies being “good for nothing” in Japanese, it is interpreted more commonly as being societal misfits that do not conform to the norms of society.<sup>216</sup> The Yakuza are, in fact, accepted into Japanese society and extend their influence all the way up to the political realm.<sup>217</sup> The Yakuza cooperate and work with the police forces, asserting sovereign control over their own territories. The police indifference and cooperation with the Yakuza therefore leaves victims of trafficking with little to no protection or recourse from the criminal justice system in Tokyo.<sup>218</sup> Not only do the police ignore the mob activities of the Yakuza, they also fail to protect victims by either sending them back to the Yakuza if they try to escape or arresting and deporting them as “illegal aliens”.<sup>219</sup> Due to the societal acceptance of Yakuza in Tokyo as well as the informal alliances between the Yakuza and the police, sex trafficking is facilitated by the absence of a proper law enforcement agency that prosecutes traffickers and protects victims of trafficking.

#### Tokyo's Sex Industry

The rapid industrialization of Tokyo as a global city inadvertently created a new social order in which the Yakuza emerged as a transnational identity, and a significant economic and social agency in Tokyo. In addition, the increasing global presence of Tokyo as a global economic node also led to the need for Tokyo to appear socially progressive in the international community. As such,

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<sup>213</sup> Ibid.

<sup>214</sup> Ibid., 130.

<sup>215</sup> David E. Kaplan and Alec Dubro, *Yakuza: Japan's criminal underworld* (Berkeley: University of California Press, 2003), 13.

<sup>216</sup> Ibid., xviii.

<sup>217</sup> Ibid., 115.

<sup>218</sup> “OAS Rapid Assessment Report”, 7.

<sup>219</sup> Ibid.

after World War II, licensed prostitution was abolished in Japan as prostitution was deemed to conflict and counter “democracy ideals”.<sup>220</sup> The Japanese government therefore enacted the Prostitution Prohibition Law in 1956 that was intended to prohibit public prostitution.<sup>221</sup> However, because prostitution was a legal, significant component of the Japanese economy prior to WWII, the implementation of the law ended up informalizing prostitution. In the case of Tokyo, the emergence of the informal sex industry was a means of circumventing the prohibition of prostitution and commercial sex under the Prostitution Prohibition Law. Ironically, instead of abolishing prostitution as an industry, the law paved the way for the proliferation of a commercial sex industry that operates outside the legal confines of the law.

Under Japan’s Prostitution Prohibition Law, prostitution is comprised of three elements: “unspecificity”, money and sexual intercourse.<sup>222</sup> Enacted in 1956, Article 2 of the Prostitution Prohibition Law defines prostitution as “sexual intercourse with an unspecified other party for compensation or for a promise of compensation”, implying that prostitution has to involve the transaction of money, and sexual intercourse with an “unspecific”, anonymous partner.<sup>223</sup> With a narrow definition of prostitution being confined to “sexual intercourse”, different commercial sex enterprises in Tokyo have emerged to sidestep the constraints of the Prostitution Prohibition Law.<sup>224</sup> Today, in response to the Prostitution Prohibition Law, Tokyo has spawned a large and legitimate sex industry masked under the legality of bathhouses, bars, cafes, clubs, massage parlors and hotels that is largely controlled by the Yakuza.<sup>225</sup>

Tokyo’s thriving sex trade that operates outside the legal realm of the Prostitution Prohibition Law has made the country a haven for sex trafficking. Women from the Philippines, Thailand, Russia, China, Korea, Latin America and other parts of the world are trafficked into Tokyo to serve as sex workers in these commercial sex establishments, such as Kabukicho district. Boasting over 600 square meters of shops, restaurants, bars and hotels, Kabukicho district is

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<sup>220</sup> Haruhiku Higuchi, “Trafficking in Women and Children in Japan,” in *Global trafficking in women and children*, eds. Obi N. Ignatius, Ebbe and Dilip K Das and (Boca Raton, FL: International Police Executive Symposium, 2008), 90.

<sup>221</sup> Kikue Takahashi, “The State of Prostitution in Japan,” (1991), 1, [http://www.doam.org/archiv/textea/begtag2007/takahashi\\_prostitutio\\_japan.pdf](http://www.doam.org/archiv/textea/begtag2007/takahashi_prostitutio_japan.pdf) (accessed November 16, 2008).

<sup>222</sup> Higuchi, 88.

<sup>223</sup> Hill, 114.

<sup>224</sup> Takahashi, 1.

<sup>225</sup> Hill, 114.

Tokyo's main shopping area and entertainment complex.<sup>226</sup> In addition to serving as a main hub for shopping, by day, Kabukicho district turns into a bustling hub of "shopping and entertainment" by night, serving as Tokyo's infamous red light district. Kabukicho houses over 300 sex shops, over 200 clubs, 80 hotels, and hundreds of bars and restaurants.<sup>227</sup>

Because the Prostitution Prohibition Law prohibits direct sexual intercourse, these enterprises market and sell other forms of sexual services as they fall outside the provision of the law.<sup>228</sup> In particular, the "soap land" industry has proliferated in the back streets of amusement quarters such as Kabukicho.<sup>229</sup> "Soap land" shops are officially set up to provide bathing services in private rooms, in 2003, there were 1132 "soap land" shops all over Japan that account for 56.7 percent of the national revenue from the sex industry.<sup>230</sup> However, in "soap land" shops, bathing services really involve "Sopujo" or "soap ladies" who bathe men in the nude, and include sexual intercourse as part of the service.<sup>231</sup> In addition to "soap land" shops, "fashion-health" massage parlors are as prevalent, providing customers with services such as hand jobs, and fellatio.<sup>232</sup> Further, the "Hotehoru" industry has gained widespread popularity, as it is a convenient service for customers. "Hotehoru" businesses dispatch prostitutes to their customers, delivering prostitutes to motels, hotels or homes, and are widely advertised in phone booths, through pamphlets and on the internet.<sup>233</sup> "Soap land" shops, "Hotehoru" businesses and "fashion-health" massage parlors are a few of the countless commercial sex establishments that operate outside the legal constraints of the Prostitution Prevention Law; other establishments include karaoke bars, "snack places", peep shows, salons, call girls etc. With the proliferation of a large-scale sex industry that generates 2 billion dollars a year, women from all over the world are trafficked to maintain the supply of sex workers in Tokyo.<sup>234</sup>

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<sup>226</sup> Mari Nicholson, "Kabukicho: Tokyo's Red Light District; Japan's Wildest Sex Clubs are Centred Around Shinjuku Station," suite101.com, January 2, 2009, [http://japan-travel.suite101.com/article.cfm/kabukicho\\_tokyos\\_red\\_light\\_district](http://japan-travel.suite101.com/article.cfm/kabukicho_tokyos_red_light_district) (accessed March 11, 2009).

<sup>227</sup> Ibid.

<sup>228</sup> Momocco, Momocca. "Japanese Sex Workers: Encourage, Empower, Trust, and Love Yourself!" in *Global sex workers: rights, resistance, and redefinition*, eds. Kamala Kempadoo and Jo Doezema (New York: Routledge, 1998), 178.

<sup>229</sup> Higuchi, 52.

<sup>230</sup> Ibid.

<sup>231</sup> "OAS Rapid Assessment Report", 20.

<sup>232</sup> Hill, 114.

<sup>233</sup> Higuchi, 52.

<sup>234</sup> "Japan." Coalition Against Trafficking in Women, "Japan; Trafficking," <http://www.catwinternational.org/factbook/Japan.php> (accessed October 29, 2008).

### Debt Bondage and Demand

Once women arrive in Tokyo, they find themselves held in servitude through psychological and physical bondage. In order to keep trafficked victims in servitude, employers resort to coercive measures to prevent the escape of women. Debt bondage is a common means of coercion in Japan used to control trafficked victims and restrict their movement.<sup>235</sup> Upon arrival at their work destination, women are told that they “owe” an exorbitant amount of money for work placement, food and lodging and transportation fees that they have to pay off through sex work.<sup>236</sup> According to the ILO, trafficked victims are held in debt bondage for approximately \$26,000- \$43,000.<sup>237</sup> In addition to debt bondage, traffickers confiscate women’s travel documents, threaten to harm the safety of the victim or victim’s family, or use drugs to subjugate victims.<sup>238</sup> In addition, victims on temporary visas often overstay their visas and end up becoming illegal migrants under immigration law.<sup>239</sup> As such, victims of sex trafficking are particularly vulnerable in Tokyo; they can easily be criminalized under the Prostitution Prohibition Law and without travel documents or valid visas, they are subject to arrest and deportation on the count of being an illegal migrant. Under the threats of violence, deportation and arrest, victims of sex trafficking end up trapped in a cycle of debt bondage, compelled to work by performing sex services to pay of their alleged debts.<sup>240</sup>

While it is evident that the Yakuza and traffickers traffic women all over the world to reap substantial profits off Tokyo’s sex industry, it is also important to note the demand for sexual services in Tokyo that allows the sex industry to continue to flourish. In Tokyo, the demand for sex is widely ingrained in the mainstream culture and media such that it is normalized in society. The indicators of the demand for sexual services in Tokyo include, but are not limited to, the Internet, the popular media, and social groups.

On the internet, websites such as Tokyo Pink Guide provide comprehensive information on where to find sexual services, prices, ratings as well as reviews.<sup>241</sup>

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<sup>235</sup> U.S. Department of State, *Trafficking in Person Report*.

<sup>236</sup> International Labor Organization, “Efforts Mount in Japan to counter human trafficking,” January 5, 2005, [http://www.ilo.org/global/About\\_the\\_ILO/Media\\_and\\_public\\_information/Press\\_releases/lang--en/WCMS\\_075528/index.htm](http://www.ilo.org/global/About_the_ILO/Media_and_public_information/Press_releases/lang--en/WCMS_075528/index.htm) (accessed March 2, 2009).

<sup>237</sup> [humantrafficking.org](http://www.humantrafficking.org), “Japan,” <http://www.humantrafficking.org/countries/japan> (accessed March 14, 2009).

<sup>238</sup> *Ibid.*

<sup>239</sup> “OAS Rapid Assessment Report”, 5.

<sup>240</sup> Bertone, 9.

<sup>241</sup> See <http://tokyopinkguide.com/>.

Tokyo Pink Guide also provides links and contact information to the places listed on their website as well as a discussion forum for johns to discuss their experiences, ask questions or find out more information. For example, in a question posed by an anonymous “john”, he asks “Does anybody have any recommendations/experiences with Korean girls? I'm looking for FS”.<sup>242</sup> His post has 22 replies recommending delivery services, websites, as well as providing directions and has been viewed by 1,920 people. All the responses and posts are labeled “anonymous”, preserving the anonymity and privacy of the johns involved. The availability and prevalence of websites such as the Tokyo Pink Guide allow johns to express their demands and share their experiences with the sex industry in Tokyo. As such, this not only helps promote the sex industry in Tokyo, it also serves as an impetus for traffickers to continually enslave women in the industry.

In addition to the internet, the demand for sexual services is also expressed through the proliferation of pornography that is a billion dollar industry in Japan.<sup>243</sup> Pornography is not just expressed on the Internet or magazines, but also in conventions that attract johns from all over.<sup>244</sup> One such example is the Comike (comic market) convention that is held annually in which cartoons of sexually abused children are sold to 400,000 buyers a year.<sup>245</sup> In addition, with the advanced nature of technology in Japan, pornography is available even on phones.<sup>246</sup> Ever since 3G networks were introduced to Japan in 2001, phone users are able to access videos on their phones and as such, access and download pornography.<sup>247</sup> With the widespread availability and growth of Japan’s pornography industry, the demand for sexual services is normalized and as such, propels the sex trafficking industry.

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<sup>242</sup> Ibid.

<sup>243</sup> Toyama, Michiko Toyama, “Japan’s Booming Sex Niche: Elder Porn,” *Time*, June 17, 2008, <http://www.time.com/time/world/article/0,8599,1815509,00.html> (accessed November 12, 2009).

<sup>244</sup> Higuchi, 50.

<sup>245</sup> Ibid.

<sup>246</sup> Tim Larimer and Sachiko Sakamaki, “Internet A la I-Mode,” *Time*, March 5, 2001, <http://www.time.com/time/magazine/article/0,9171,999355,00.html> (accessed November 28, 2008).

<sup>247</sup> Ibid.



### Legal Constraints and Legal Protections

According to the 2008 Trafficking in Persons Report, Japan is ranked Tier 2, meaning that the Japanese government fails to fully comply with the ‘minimum standards’ but is making significant efforts to do so.<sup>248</sup> To date, Japan has ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, The Palermo Protocol, ICCPR and CEDAW.<sup>249</sup> As such, Japan is obligated under international law to monitor and undertake efforts to prevent sex trafficking, prosecute offenders, and protect victims of human trafficking. Yet, sex trafficking is still prevalent in Japan, especially in Tokyo for the reasons mentioned above. This section will demonstrate the limitations and flaws that exist within the Japanese legal system as well as the criminal justice system.

Like most other countries, Japan clearly employs the law enforcement framework to handle trafficking. This is witnessed by the lack of victim protection coupled with Japan’s emphasis on the Immigration Control Act. According to the 2008 TIP report, law enforcement officials failed to systematically employ formal victim identification procedures and as such, failed to recognize many trafficking victims.<sup>250</sup> Based on the situation in Tokyo, the lack of victim identification is not the only issue at hand, but also the lack of civic institutions and the criminalization of victims that the Japanese government needs to address.

Despite the widespread prevalence of sex trafficking in Tokyo, there is only one shelter, HELP, which assists victims of trafficking. In addition, HELP only has ten rooms and houses a maximum of fifteen people, compared to the thousands of women that are victims of sex trafficking and labor trafficking in Tokyo.<sup>251</sup> In addition, there have been no cases of legal assistance offered to victims or access to psychological help in victims’ native languages.<sup>252</sup> Evidently, there is a dearth of rehabilitation services offered to victims in Tokyo, leaving them with few options for protection.

In addition to the lack of institutional structures available for victim protection, victims are criminalized rather than protected under the Prostitution Prohibition

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<sup>248</sup> U.S. Department of State, *Trafficking in Persons Report* (Washington, D.C: Office of the Under Secretary for Democracy and Global Affairs; Bureau of Public Affairs, 2008), 149-152; <http://www.state.gov/g/tip/rls/tiprpt/2008/> (accessed March 6, 2009).

<sup>249</sup> See *ibid.*, 281.

<sup>250</sup> *Ibid.*, 151.

<sup>251</sup> [humantrafficking.org](http://humantrafficking.org).

<sup>252</sup> *Trafficking in Persons Report*, 2008, 151.

Law as well as the Immigration Control Act. As aforementioned, the Prostitution Prohibition Law that was promulgated in 1956 seeks to prohibit prostitution. However, under the law, women are criminalized by making prostitution a criminal act that subjects women to arrest and punishment.<sup>253</sup> Yet, the Prostitution Prohibition Law is not commonly used to prosecute women or traffickers. Rather, the Immigration Control Act (ICA) is enforced more strongly than the Prostitution Prohibition Law.<sup>254</sup> Under Article 24 of the ICA, foreigners who engage in activities involving prostitution are subject to immediate deportation.<sup>255</sup> In addition, the nature of entry into Tokyo as trafficked victims render them vulnerable to being prosecuted under other violations of the ICA such as overstaying their visas and illegal entry.<sup>256</sup> Further, the connections between the Yakuza and police leave victims of trafficking with no recourse, as the police will either return them to the Yakuza, or arrest and deport them. With the lack of institutional structures to provide shelter or recourse for victims, coupled with the criminalization of women under the ICA and Prostitution Prohibition Law, Tokyo clearly lacks an effective victim protection program as part of their anti-trafficking legislation.

While the Japanese Government employs the law enforcement approach in criminalizing victims of trafficking, little effort has been taken to criminalize traffickers and johns. According to the TIP report, only 11 cases of sex trafficking were prosecuted in 2007 with a mere 12 offenders convicted.<sup>257</sup> Of the 12 convictions, seven offenders received prison sentences of two to four years while the remaining 5 received suspended sentences.<sup>258</sup> Given the widespread involvement of the Yakuza in Tokyo's sex industry, it is obvious that the Japanese government and police are negligent in prosecuting trafficking offenders. Further, there are no reported cases of arresting johns who are patronize sex establishments. This contradicts the goals of the Prostitution Prohibition Law, as prohibiting prostitution should extend to criminalizing and punishing the johns involved, and not just the women.

Although the TIP report commends the Japanese government for its efforts to raise awareness about sex trafficking by distributing 500,000 brochures on anti-trafficking efforts, this effort is neither practical nor significant given the

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<sup>253</sup> "OAS Rapid Assessment Report", 22.

<sup>254</sup> *Ibid.*, 24.

<sup>255</sup> *Ibid.*

<sup>256</sup> *Ibid.*, 5.

<sup>257</sup> *Trafficking in Persons Report*, 2008, 150.

<sup>258</sup> *Ibid.*

normalization of the sex industry.<sup>259</sup> Given Tokyo's bustling 2 billion dollar sex industry that exists within in most districts, coupled with the normalization of pornography, prevention cannot be confined to raising awareness alone.

#### Dubai, United Arab Emirates

Fifteen year old Valida, from the Jabraiyl district, was working as a waitress in a restaurant in Baku until a taxi driver she knew invited her to go to Dubai. He told her that she could earn more than United States\$1000 per week there. Valida agreed, as the money promised to her would help support her mother and two young brothers, aged five and ten. It later became clear that the driver sold her to a trafficker, who then took her to Dubai and resold her to a 'mama Rosa'.<sup>260</sup>

Women from all over the world are trafficked into Dubai, the world's largest port and the fastest growing city. Although prostitution is prohibited under Shari'a law that governs Dubai, sex workers serve in upscale hotels, "Western" bars and clubs, as well as illegal brothels. Despite that prostitution is *haram* (forbidden) under Shari'a law, how and why are women trafficked into Dubai for the purposes of sexual labor? What are the mechanisms that facilitate the transnational process of sex trafficking? The rapid modernization and economic growth of Dubai has drawn an influx of foreigners, creating legal and physical spaces for traffickers to operate. In addition, agents of trafficking are empowered through the criminalization of victims of trafficking and the lack of effective legal remedies to combat sex trafficking in Dubai.

#### Dubai, Dirhams and Development

Under the vision of Sheikh Mohammed al-Maktoum, Dubai has become the new global icon of urbanism.<sup>261</sup> Boasting the world's first seven star hotel, the world's largest shopping mall and the world's largest manmade port, Dubai has attracted people from all over the world.<sup>262</sup> 20 percent of Dubai's population comprises of United Arab Emirates citizens, the other 80 percent is a melee of different races and ethnicities.<sup>263</sup> To date, Dubai ranks as one of the world's largest immigrant destination estimated to attract 15 million overseas visitors a

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<sup>259</sup> *Ibid.*, 151.

<sup>260</sup> International Organization for Migration, 21.

<sup>261</sup> Mike Davis, "Fear and Money in Dubai," *New Left Review* 41 (2006): 50.

<sup>262</sup> *Ibid.*, 49.

<sup>263</sup> Library of Congress – Federal Research Division, "Country Profile: United Arab Emirates (UAE)," July 2007, 5, <http://memory.loc.gov/frd/cs/profiles/UAE.pdf> (accessed June 25, 2009).

year by 2010.<sup>264</sup> With the massive influx of tourists, visitors and businessmen visiting Dubai every year, hotels, bars, restaurants and nightclubs resultantly demand a labor force to provide customer service in more ways than one.<sup>265</sup> According to the TIP report, approximately 10,000 women from Asia, Eastern Europe, Africa and the Middle East are trafficked into Dubai every year.<sup>266</sup> Recruiters promise women decent jobs prior to departure, but upon arrival in Dubai, women end up sold to *Mama Rosas* (pimps) who confiscate their passports and subject them to sexual servitude.<sup>267</sup>

While prostitution and drinking are explicitly haram according to Shari'a law, how then are women from all over the world trafficked into this global Islamic city to be sold as sex workers? As aforementioned, physical and legal spaces exist for agents of trafficking to manipulate and facilitate the global transfer of women. Through these spaces, agents manipulate immigration laws and policies as well as Islamic laws to transport women into Dubai and subject them to sexual servitude.

With the openness of Dubai in the world economy and massive influx of foreigners, traffickers are able to manipulate the availability of visas to bring and keep trafficked victims in Dubai. Unlike it's neighboring six Emirates in the U.A.E., Dubai is the only emirate that does not have a heavy reliance on the oil industry; oil revenues only account for 6 percent of Dubai's gross domestic product (GDP).<sup>268</sup> Tourism, on the other hand, is the largest contributor to the U.A.E. GDP. Although the U.A.E government has attempted to manage illegal migration and trafficking, traffickers still find means to manipulate immigration laws. In particular, traffickers use the availability of visas issued by the U.A.E government to facilitate the trafficking process.

As Dubai's airport is one of the world's busiest international hubs, free entry visas are distributed for shopping and tourism and as such, identifying women who are victims of trafficking is a difficult task.<sup>269</sup> 96-hour transit visas, in

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<sup>264</sup> Ibid., 13.

<sup>265</sup> International Organization for Migration, 27.

<sup>266</sup> U.S. Department of State, "United Arab Emirates," March 11, 2008, <http://www.state.gov/g/drl/rls/hrrpt/2007/100608.htm> (accessed June 25, 2009).

<sup>267</sup> International Organization for Migration, 22.

<sup>268</sup> Central Intelligence Agency, "United Arab Emirates," The World Factbook, <https://www.cia.gov/library/publications/the-world-factbook/geos/AE.html> (accessed October 20, 2008).

<sup>269</sup> International Organization for Migration, 29.

particular, are often a tool used by traffickers to transport women into Dubai.<sup>270</sup> These transit visas allow foreign visitors to enter Dubai for a maximum of 96 hours; traffickers bring women into Dubai on 96-hour transit visas, force them to work in the sex industry and create an illegal identity for these women once their visas expire. Further, visa changing is another mechanism employed by captivators of these women; women are sent on domestic flights and upon return, are presented new visas. Ras Al Khayman airport, 40 kilometers from Dubai, has three flights a week to and from Iran, Qatar and Oman; pimps and captivators of trafficked victims send victims on these flights without fear as failure to return would entail being stuck in another Islamic country.<sup>271</sup> In the IOM Azerbaijan report, an interview with a Mama Rosa at Ras Al Khayman reveals “They all come back, they stay with me, the girls obey me as I can ruin their life in a second and have them arrested and deported.”<sup>272</sup>

In 1999, the U.A.E government attempted to stem the rise of female migrants engaging in prostitution by adopting a special decree that bans single women from NIS countries under the age of 35 from entering the country unless accompanied by male relatives or for business purposes confirmed by official documents.<sup>273</sup> This led to the rise in trafficking, travel agencies and pimps recruiting men in NIS countries to assume the role of husband or brother or pay a UAE citizen to obtain papers documenting false marriages to allow women to enter the country.<sup>274</sup>

Ironically, the creation of legislations to enforce the haram nature of drinking and prostitution simultaneously creates a space for traffickers to operate. As the consumption of alcohol is haram according to Shari'a law, nightclubs, bars and discos that permit alcohol are located in international hotels such as the Green Desert, Imperial Suites, Sheraton, Dubai Park, Hyatt Regency and Ramada.<sup>275</sup> These hotels are also popular destinations for the sale of women by their pimps; the IOM's 2005 report on Azerbaijan identified at least 300 prostitutes in these international arenas. Similarly, Ara Manoogian, an Armenian national, documented footage of trafficked women for sale outside Cyclone nightclub in Dubai; he describes it as a ‘choosing and bargaining’ process where pimps market

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<sup>270</sup> Al Tamimi & Company, “U.A.E Immigration Laws & Procedures in Dubai,” <http://www.zu.ac.ac/library/html/UAEInfo/documents/UAEImmigrationLaw.pdf> (accessed November 12, 2008).

<sup>271</sup> International Organization for Migration, 29.

<sup>272</sup> *Ibid.*, 9.

<sup>273</sup> *Ibid.*, 26.

<sup>274</sup> *Ibid.*, 27.

<sup>275</sup> *Ibid.*, 29.

women between \$500- \$1000 a night.<sup>276</sup> By creating physical spaces that are exempt from the jurisdiction of Shari'a law, agents of trafficking are able to harbor and sell women in Dubai's clandestine sex industry.

Both men and traffickers manipulate Islamic law through the Islamic tradition of temporary marriages.<sup>277</sup> Known as 'sighe' or 'Mutaa', these are literally temporary marriages that are permitted under Islam under the consent of the parties involved and as such, legitimizes both 'fornication' and prostitution that is haram under Shari'a law.<sup>278</sup> By using temporary marriages to disguise or legitimize prostitution, this serves as an avenue for traffickers to sell their victims on the basis of a temporary marriage, and for men to justify their desires to purchase women for sex.<sup>279</sup> As men hold the right to terminate these marriages at any time, this makes women vulnerable to sexual exploitation. Although this has been a highly controversial subject, this online post best exemplifies the use of temporary marriages to justify prostitution:

'Hi, I'm male 30, good looking, from middle east, White in complexion, I came to Dubai recently, and i want to protect my self from the sins, i no arabic english, urdu, pushto, hindko, looking 4 halal Lovemaking(sex). I'm searching 4 a female who is divorce or widow or even virgin who is willing 4 **temporary marriage**, and she doesn't want to commit zina ,So marriage of this sort is the best. I'm ready 4 all the rules u ask4. My aim is clean and I'm looking 4 halal solution'.<sup>280</sup>

As the online post demonstrates, men use temporary marriages as 'halal solutions'<sup>281</sup> for prostitution, paving the way for agents of trafficking to market women using halal solutions as a justification. In addition, temporary marriages allow men to engage in adultery and sex work under Islamic law. The availability of visas along with the exploitation of temporary marriages are significant factors that facilitate sex trafficking into Dubai. Agents of trafficking manipulate immigration policies and Sharia law to fuel the demand and supply of women for sexual services.

<sup>276</sup> Onnik Krikorian, "One World Multimedia: Trafficking of Armenian Women to Dubai/UAE," One World Multimedia, <http://onnik.blogspot.com/2005/06/trafficking-of-armenian-women-to-dubai.html> (accessed November 11, 2009).

<sup>277</sup> Mattar, Mohamed. "Trafficking in persons, Especially Women and Children in Countries Of the Middle East; The Scope of the Problem and the Appropriate Legislative Responses," *Fordham International Law Journal* 26, no. 3 (2003): 11.

<sup>278</sup> *Ibid.*, 12

<sup>279</sup> *Ibid.*

<sup>280</sup> <http://www.justlanded.com/english/Dubai> (accessed March 10, 2009).

<sup>281</sup> *Halal* is that which is proper to use, as an object or food, or permissible to engage, as in a practice, in reference to the prohibitions of Shari'a law.

## Criminalization of women

In 1951, Hannah Arendt wrote that a stateless man is an “anomaly for whom there is no appropriate niche in the framework of the general law.”<sup>282</sup> Like the *stateless man*, victims of trafficking in Dubai are deprived legal rights as there is ‘no appropriate niche’ for them.<sup>283</sup> Instead of being seen as victims of trafficking, women are not seen as victims, but as ‘prostitutes’ or illegal aliens under the law.<sup>284</sup> This shifts the focus on sex trafficking to that of prostitution and ignores the fact that victims of trafficking are coerced into entering Dubai and do not engage in sex work by consent.<sup>285</sup> The criminalization of women therefore produces two significant consequences; first, when trafficked victims are criminalized, they adopt a sense of fear for being an illegal alien in Dubai and for working in an industry that is haram and illegal and this subjects them to control by their traffickers. Second, by failing to recognize that victims of trafficking do not choose to be in their situations, legal enforcement for victims of trafficking is similar to that of smuggling or prostitution, which is usually detainment and deportation.<sup>286</sup> In addition, by criminalizing victims, human rights and labor rights violations are ignored due to the lack of acknowledgement that the rights of victims are violated as sexual workers.

Through the transportation of women into Dubai to work as sex laborers, an identity of being illegal is created; these women have neither legitimate work permits nor visas to work in Dubai.<sup>287</sup> Trafficking agents manipulate victims’ fears of being an illegal being, therefore subjecting victims to being trapped in bondage. Through physical and psychological bondage, women are ‘held in servitude’ and restricted in their ‘freedom to movement’.<sup>288</sup> Debt bondage is a common means of coercion; victims of trafficking are promised decent jobs overseas and consequently told they owe an exorbitant amount of money for work placement in Dubai. In addition to debt bondage, traffickers often confiscate their victims’ travel documents, thereby enhancing the illegal nature of their presence in Dubai.<sup>289</sup> Without travel documents, victims are unable to escape from their captivators and traffickers are therefore empowered by being

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<sup>282</sup> Arendt, 282.

<sup>283</sup> Ibid., 282.

<sup>284</sup> Kapur, 119.

<sup>285</sup> Bruch, 118.

<sup>286</sup> Mattar, 13.

<sup>287</sup> “U.A.E Immigration Laws & Procedures in Dubai”.

<sup>288</sup> United Nations, “The Universal Declaration of Human Rights,” Article 2, <http://www.un.org/en/documents/udhr/index.shtml#a2> (accessed March 9, 2009).

<sup>289</sup> International Labor Organization, 273.

able to threaten trafficked victims with deportation. In Ara Manoogian's documentary, he interviews 'Suzy' from Armenia who was tricked into working in Dubai. Although she was told she would be working in Greece, she found herself arriving at the Dubai airport and had her passport taken away. She was later told that she could not return to Armenia until she had paid her debt for transportation, food and lodging.<sup>290</sup>

Under the U.A.E Constitution, 'No person may be subjected to forced labor except in exceptional circumstances provided for by the law and in return for compensation', however, every right in the constitution is exclusive to 'every citizen' of the U.A.E..<sup>291</sup> Foreigners, on the other hand, are all 'guest workers' regardless of their economic status and are limited to few freedoms and legal protections.<sup>292</sup> Victims of sex trafficking therefore are extremely vulnerable; they are 'guest workers' in an industry that is haram, and coming from all over the world, most of them are unable to speak Arabic or English, therefore subjecting them to manipulation by their traffickers. According to the Trafficking in Persons report, the U.A.E government continues to detain and deport victims for unlawful acts committed as a result of being trafficked; in 2006, an estimated 4,300 prostitutes were deported.<sup>293</sup>

By failing to recognize that trafficked women are victims, and not criminals, anti-trafficking initiatives employ the law enforcement framework that only penalizes individual offenders, such as prostitutes and traffickers.<sup>294</sup> This is evident in the treatment of victims of trafficking in Dubai. Prior to the promulgation of Federal Law 51, no laws existed to protect victims of sex trafficking; as such, victims of trafficking are seen as prostitutes or illegal aliens and are simply deported without compensation or legal remedies. Further, prior to 2006, City of Hope was the only shelter that existed for victims of trafficking.<sup>295</sup> Through the creation and enforcement of an identity of being an illegal 'other' upon victims of

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<sup>290</sup> Krikorian.

<sup>291</sup> "United Arab Emirates Constitution," Article 34, [http://74.125.155.132/search?q=cache:-B7LGGHOREJ:www.worldstatesmen.org/uae\\_const.doc+united+arab+emirates+constitution&cd=2&hl=en&ct=clnk&gl=us](http://74.125.155.132/search?q=cache:-B7LGGHOREJ:www.worldstatesmen.org/uae_const.doc+united+arab+emirates+constitution&cd=2&hl=en&ct=clnk&gl=us) (accessed March 11, 2009).

<sup>292</sup> International Organization for Migration.

<sup>293</sup> *BBC News*, "Dubai authorities smash vice ring," December 5, 2007, [http://news.bbc.co.uk/2/hi/middle\\_east/7128990.stm](http://news.bbc.co.uk/2/hi/middle_east/7128990.stm) (accessed June 25, 2009).

<sup>294</sup> Bruch, 10

<sup>295</sup> Robert F. Worth, "Voice for Abused Women Upsets Dubai Patriarchy." *The New York Times*, March 23, 2008, [http://www.nytimes.com/2008/03/23/world/middleeast/23dubai.html?pagewanted=1&\\_r=3](http://www.nytimes.com/2008/03/23/world/middleeast/23dubai.html?pagewanted=1&_r=3) (accessed November 12, 2008).



trafficking, they have ‘no appropriate niche’ in the eyes of the law.<sup>296</sup> As such, these victims are vulnerable to their captivators and to the Dubai authorities.

#### Corruption and the Informal Economy

Although Dubai has made remarkable economic advancements, the legal enforcement system still lacks accountability and training with regard to trafficking. The informal monetary system of Hawala that exists and corrupt police officials facilitate the trafficking of women for sexual exploitation. Without a strong criminal justice system to efficiently identify and prosecute traffickers, victims of trafficking continue to be wrongfully criminalized and trafficking will continue to persist in Dubai.

Despite the ratification of the UN Convention against Transnational Organized Crime (2000) and the implementation of U.A.E’s first ever anti-trafficking law, Federal Law 51, copious reports have surfaced that demonstrate the negligence and involvement of police officers in sex trafficking. In a recent newspaper report, eight police officials were arrested for ‘abuse of power and immorality’ by collaborating with illegal Asian immigrants who ran brothels and liquor outlets.<sup>297</sup> Further, in the IOM shadow report on Dubai, an interview with an officer from the Dubai City Police Department states that authorities are aware of the engagement of trafficked victims in prostitution (2005).<sup>298</sup> This is confirmed by Ara Manoogian’s documented footage on trafficking in Dubai, whereby he noted police officials standing outside nightclubs, regulating the transaction of women.<sup>299</sup> The presence of a corrupt police force coupled by the existence of an informal money transfer system to facilitate the revenues generated undermines legal obligations and legislations intended to combat sex trafficking. Traffickers are able to maneuver around the loopholes in the criminal justice system to continue fueling the market for women.

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<sup>296</sup> Arendt, 252.

<sup>297</sup> Anthony Sambidge, “Police Officers Face Corruption Charges,” *Arabian Business*, December 4, 2008, <http://www.arabianbusiness.com/540282-police-officers-face-corruption-charges> (accessed November 23, 2009).

<sup>298</sup> International Organization for Migration.

<sup>299</sup> Krikonian.

## Legal Conventions and Compliance

The influence of international norms is evident in the measures Dubai has taken to combat trafficking, as seen in the promulgation of Federal Law 51 and its current 2008 ranking on Tier 2. This is a marked shift from being ranked on Tier 3 of the U.S. State Department's Trafficking in Persons Report.<sup>300</sup> Tier 3 indicates that a country does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so.<sup>301</sup> Dubai still suffers, however, from a dearth of protections available to victims of trafficking and has yet to ratify the CMW. Further, the international press focuses on Sharla Musabih, who has fervently fought for the protection of rights of trafficked victims in Dubai. Has Dubai effectively enforced international laws and norms within its domestic sphere with regard to trafficking?

According to Harold Koh, the best means of enforcing international norms and laws is through vertical processes, which involve institutional interaction where global norms of international human rights are debated, interpreted and ultimately internalized by domestic legal systems.<sup>302</sup> Unlike horizontal processes that function at an inter-governmental level, vertical processes focus on legal processes that involve transnational norm entrepreneurs, governmental norm sponsors, transnational issue networks, interpretive communities and law declaring for a, bureaucratic compliance procedures and issue linkages among issue areas.<sup>303</sup> As the TIP reports imply, Dubai is only accountable to the United States with regard to anti-trafficking issues, as the U.S State Department publishes yearly TIP reports that evaluate the U.A.E's anti-trafficking efforts. This shows that the lack of vertical processes of international rights implementation and the dominance of horizontal processes in the case of Dubai. In addition, the ranking system used by the U.S. State Department is questionable; in the June 2008 report, the U.A.E was ranked Tier 2 on the TIP report, commended for opening a shelter, the Foundation for Women and Children.<sup>304</sup> However, since October 2007, Sharla Musabih has been attacked by the local media in Dubai for revealing Dubai's actual state of trafficking and domestic violence and has been in exile since May 2008.<sup>305</sup> This discrepancy demonstrates a lack of consistency with the U.A.E government and a lack of

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<sup>300</sup> *Trafficking in Persons Report*, 2008, 253.

<sup>301</sup> *Ibid.*, 35.

<sup>302</sup> Harold Koh, "Why do nations obey international law?" *Yale Law Journal* 106 (1997): 96.

<sup>303</sup> *Ibid.*, 97.

<sup>304</sup> *Trafficking in Persons Report*, 2008, 254.

<sup>305</sup> Worth, 3.

compliance with international laws. There is evidently a lack of civic space and tolerance for NGOs, thereby limiting the scope of vertical processes that enforce international norms.

Prior to the implementation of Federal Law 51, Dubai's stance on trafficking was based on the law enforcement framework that focuses on prosecuting those directly involved in trafficking. However, even though Federal Law 51 includes victim protection, there exist few legal remedies for trafficked victims. Although the Foundation for Women and Children was established in 2006 to provide recourse for trafficked victims, the City of Hope shelter for victims of domestic violence and trafficking that was established in 2001 is on the brink of closure.<sup>306</sup> Further, the founder of City of Hope, Sharla Musabih is highly targeted for her criticisms of the new shelter Foundation for Women and Children; she revealed the suicide of a victim who was housed at the shelter and compared the shelter to 'an American low security prison'.<sup>307</sup> With a lack of recursive measures for trafficked victims to seek protection, traffickers are continually empowered and able to perpetuate the vicious cycle of trafficking.

#### Conclusion(s)

The case studies of New York, Tokyo and Dubai demonstrate that sex trafficking is not a phenomenon unique to the developing world; rather, it operates even in the most developed global cities. Although the selected case studies fit the traditional framework of the global city as significant nodes in the global economy, the same framework can be applied to understand how sex trafficking is facilitated. Operating as one of the countergeographies of globalization, sex trafficking is a part of the shadow economy, but at the same time is maintained and facilitated with the help of the institutional infrastructures, internal dynamics and social structures of the global city.<sup>308</sup>

Global sex trafficking networks converge in global cities such as Dubai, New York and Tokyo through the use of existing infrastructures. In particular, these networks utilize established migratory routes to traffic women into the global cities. In all three case studies, the procurement of visas by traffickers allows them to legitimize the status of women to immigration officials and to the victims themselves. In Dubai and Tokyo, the ease of obtaining visas facilitates the entry

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<sup>306</sup> Ibid., 1.

<sup>307</sup> Ibid., 4.

<sup>308</sup> Sassen, "Women's Burden", 506.

of women into the cities. Tourist and transit visas are readily available upon arrival at the airport, which traffickers use to bring women into the city. In addition, the entertainer visa category in Tokyo is widely exploited to provide women with false pretenses of jobs, and to legitimize the trafficking of women into sex work.<sup>309</sup> While traffickers use student and travel visas to traffic women into New York, the increase in immigration control coupled with the difficulty of obtaining visas has diverted trafficking routes toward using Mexico as a transit point.<sup>310</sup> Despite increased surveillance at the United States-Mexico border, traffickers make use of established migratory routes that circumvent border control.<sup>311</sup> Instead of crossing the border at urban checkpoints, migrant flows are diverted to remote and hazardous regions of the border to circumvent border control. By utilizing established migratory routes, traffickers are able to facilitate the movement of women into the cities of New York, Dubai and Tokyo.

Common to all three case studies is the reterritorialization of spaces to avoid the legal prohibitions against sex trafficking and prostitution. According to Sassen, informalization is a growing trend that accompanies the growth of urban spaces in the global city. Informalization is a developing “opportunity” structure that avoids or compensates for the constraints of the regular economy, such as legal constraints and high market prices.<sup>312</sup> Along the same pattern of informalization, sex trafficking industries proliferate in less visible venues to evade the legal constraints of the cities. In doing so, regular, legal spaces are reterritorialized as sex establishments that operate under the guise of legality. These spaces become biopolitical spaces where women are reduced to bare life, deprived of their rights and subject to violence by their traffickers.<sup>313</sup> In Dubai, the existence of Shari’a law that prohibits prostitution and drinking creates spaces outside Shari’a jurisdiction where women are commodified as sex objects and sold by their traffickers for profit.<sup>314</sup> In Tokyo, the Prostitution Prohibition Law of 1956 paradoxically paved the way for the proliferation of the commercial sex industry.<sup>315</sup> Because of the narrow definition of prostitution under the Prostitution Prohibition Law, commercial sex establishments advertise the sale of sex services except “sexual intercourse”, which is prohibited.<sup>316</sup> Although “sexual intercourse” is a service provided by these establishments, it is not

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<sup>309</sup> “OAS Rapid Assessment Report”, 7.

<sup>310</sup> Thompson and Ochoa, 2.

<sup>311</sup> Massey, 8.

<sup>312</sup> Sassen, *The global city*, 294

<sup>313</sup> Agamben, 102.

<sup>314</sup> International Organization for Migration, 27.

<sup>315</sup> Takahashi, 2.

<sup>316</sup> Hill, 114.

advertised to evade the constraints of the Prostitution Prohibition Law. In addition to circumventing the law through marketing strategies, spaces such as bathhouses, restaurants and coffee shops are reterritorialized as commercial sex industries within the urban centers of Tokyo. Similarly, spaces in New York such as residential houses, apartments, and massage parlors are informalized to evade legal detection.<sup>317</sup>

In addition to the reterritorialization of physical spaces, virtual spaces are reterritorialized to facilitate the demand for commercial sex by johns. The Internet allows johns and traffickers to assume anonymous identities in virtual space, and serves as a medium for the demand and supply of sexual services. In all three case studies, the internet serves as an information hub and forum for johns to share their knowledge on locating sex services in the cities. The internet allows traffickers to market their women as sexual objects that are available for purchase. While these online marketplaces and forums are more visible in the cases of Tokyo and New York, in Dubai, these sites are less transparent and hard to find. Most of the information about commercial sex in Dubai is derived from blogs or online forums such as Yahoo. In Tokyo and New York on the other hand, specific websites such as Tokyo Pink Guide and World Sex Guide openly provide access to information about purchasing commercial sex acts in the cities. With the internet establishing itself as an online forum for men to express and pursue their sexual desires, agents of trafficking are kept in business, and therefore constantly in need of recruiting women into the global cities.

In all three cities, anti-trafficking legislations have been enacted to address the problem of sex trafficking. However, despite the promulgation of anti-trafficking legislations, there is a discrepancy between legislation and enforcement, especially in Dubai and Tokyo. First, in all three cities, there are no reports on the prosecution of johns. Prosecutions always involve traffickers, pimps and owners of commercial sex establishments. The intent to address sex trafficking in Tokyo is particularly questionable as the sex industry constitutes 1 percent of Japan's GDP.<sup>318</sup> In addition, the informal relationship between the Yakuza and law enforcement officials serves as a barrier to effectively address sex trafficking. Subsequently, by failing to criminalize johns for creating a demand for sexual services, the demand they create serves as incentive for traffickers to profit off their demands by trafficking women into the sex industry.

Second, the nature of victim protection is also of concern in all three case studies. While New York has a large civic space that harbors numerous anti-

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<sup>317</sup> Raymond and Hughes, 32.

<sup>318</sup> International Labour Organization, "Sex industry assuming massive proportions in Southeast Asia," August 19, 1998, [http://www.ilo.org/global/About\\_the\\_ILO/Media\\_and\\_public\\_information/Press\\_releases/lang--en/WCMS\\_007994/index.htm](http://www.ilo.org/global/About_the_ILO/Media_and_public_information/Press_releases/lang--en/WCMS_007994/index.htm) (accessed June 24, 2009).

trafficking organizations, victim protection is limited, as victims of trafficking have to serve as prosecution witnesses in order to qualify for a T-Visa. Just 5,000 T-visas are issued throughout the United States every year, which represents a small percentage of the number of females (and males) trafficked. Unlike New York, Tokyo and Dubai lack the civic space and legal remedies for victims of trafficking. Victims are often arrested and charged with prostitution, or simply deported back to their countries of origin. Until governments fully implement the prevention of trafficking, prosecution of traffickers as well as protection of victims, sex trafficking will never be effectively addressed under anti-trafficking legislations.

The focus of this paper is to add another dimension to the existing literature on sex trafficking by incorporating an analysis of the global cities of today: New York, Tokyo and Dubai. New York has been the archetypal global city since the 19<sup>th</sup> century, Tokyo emerged as a rapidly industrialized global city following World War II, and Dubai today is the fastest growing city in the world. Although these global cities are significant nodes in the world economy, they are also integrated into the clandestine economy of sex trafficking. By analyzing sex trafficking under the framework of the global city, we can better understand the processes that facilitate sex trafficking flows from the global south to the global north. This will paint a clearer picture of the magnitude of sex trafficking as a global phenomenon, and not one that is unique to developing countries.

To address the transnational problem of sex trafficking, it cannot be reduced to simple narratives, numbers, or the ‘good’ and ‘bad’ binary.<sup>319</sup> By identifying specific root causes to approach sex trafficking, the problem will not be solved, but will redirect and reshape patterns of trafficking. As a transnational issue, sex trafficking must be treated as a substantive “multiplicity” characterized by numerous magnitudes, dimensions and connections.<sup>320</sup> Until we understand sex trafficking as a global assemblage to analyze its functions, connections and dimensions, anti-trafficking legislations and efforts will not be able to effectively address the transnational trade of women as sexual commodities.<sup>321</sup>

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<sup>319</sup> Deleuze, Guattari, and Massumi, 5.

<sup>320</sup> *Ibid.*, 8.

<sup>321</sup> *Ibid.*, 4.