

Sex trafficking: What we don't know and how to fix it

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Abstract

A gap remains in understanding the blurred line between offenders and survivors of sex trafficking. There is a known element of coercion and/or force present in many cases although only a few articles can be located addressing this blurred line. The focus of such articles varied between examining youth prostitution and others studying adults. The adult focused articles suggested some range of coercion and exploitation of the prostitute although some women claimed that the sex trade provided them with economic means and agency. This was also cited in the literature on juvenile “prostitutes.” The reported voluntary nature of their involvement is questionable leaving much to be learned about the offender-victim-overlap in sex trafficking. Policy implications are provided in moving forward in reducing sexual coercion and sex trafficking.

Keywords: Sex trafficking, Gender-based violence; Sexual exploitation

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Introduction

Human trafficking, and more specifically, sex trafficking, is a global concern. The reporting and tracking of such offenses is a challenge and one that may be grossly unknown. The following essay will attempt to discuss differing views on the rate of sex trafficking, those involved in sex trafficking, and implications in moving forward with addressing this as a global social issue. Additionally, the literature on the victim-offender-overlap, specific to sex work, is *very* scarce, but an effort will remain to answer what is known about the time between when an individual is defined as a survivor to the time they are defined as the offender.

The blurred line on the victim-offender-overlap is complicated by the U.S. law which indicates that any adult who sells sex willingly, is not considered a trafficking victim. Some believe that a surge in sex trafficking cases is a product of political motivation and not one based on solid methodology or data (Weitzer, 2012). The motivation would be designed to alarm the public and convince certain governments to provide resources in fighting against prostitution (Weitzer, 2012). Yet, many still argue that sex trafficking has become the world's fastest growing criminal enterprise. According to the International Labour Organization (2008), the annual profits may be as high as \$32 billion. The U.S. government spends approximately \$28.6 million annually on domestic programs combating human trafficking (Weitzer, 2012). Although there are disputes on the prevalence of sex trafficking cases, what still needs to be further understood are the underlying motivations, social structures, and cultural norms which can help explain the blurred line between victim and offender in the sex trade.

In attempting to understand the nature of sex trafficking survivors, it is first crucial to understand the terminology. The National Institute of Justice (NIJ) defines human trafficking as, “Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age” (National Institute of Justice, 2012). There is also an added element about recruiting, harboring, and/or transporting a person for the sale of labor/services using, “force, fraud, or coercion” (National Institute of Justice, 2012). The Trafficking Victims Protection Act (TVPA) of 2000 defines sex trafficking as the induction to perform a commercial sex act through force, fraud, or coercion regardless of citizenship or national origin (22 U.S.C. § 7102). Definitions for prostitution typically vary from state-to-state. For example, the age of sexual consent may vary from 16, 17, or even 18 in some states (Gerassi, 2015). According to the U.S. Department of Justice (2012), prostitution is the promotion of, or participation in sexual activities for profit; the ownership or operation of a dwelling providing a place for prostitution, or the assisting/promoting of prostitution.

The remainder of this paper will briefly discuss what is known about rescued sex trafficked survivors. This includes the known demographic factors as well as motivations and partial explanations for ultimate involvement in the sex trade. The paper will also focus on an underdeveloped understanding of the blurred line known as the victim-offender-overlap. The literature on the sex trafficking victim-offender-overlap is scarce. Lastly, the paper will then offer practical approaches to addressing sex trafficking as well as suggestions for future research.

Rescued Survivors

When attempting to understand the literature on sex trafficking and prostitution, the research generally intermixes the two (McCarthy, Benoit, Jansson, & Kolar, 2012). Some view sex work (e.g. prostitution) as an expression of patriarchal gender relations placing women (primarily) into positions which further exploit them and open them up to violence (Weitzer, 2009). Women are the primary “offenders” in prostitution charges and they are also the primary victims of sex trafficking. Some have even suggested that most sex workers originally started out as sex trafficked victims. However, Weitzer (2012) questions whether there is evidence to support that many prostitutes have ever been trafficked at all. Again, a point of differing opinion in the sex trafficking literature.

Most studies suggest that prostitutes and sex trafficked individuals are more likely to have been sexually victimized themselves compared to other populations (Johansson-Love & Fremouw, 2005; Steffensmeier & Allan, 1996; Weitzer 2009). It is often the case that this victimization begins in childhood which may lead to runaways who are then recruited into the sex trafficking business. For example, Tina Frundt was only nine years old when she was sold for sex by her foster parents. By the time she was 13, she was convinced by an older man to run away from home where she was subsequently trafficked. By the age of 15, she was arrested and charged with prostitution where she then sat in a detention facility (Romero, 2014). According to Vocks and Nijboer (2000), most trafficked women are 18 to 25 years of age; yet, Ja Sook Bergquist (2015) suggested an entrance age of 12 to 14 while Weitzer (2009) reported the age to be around 13 to 14 years-of-age. Most are under the age of 18, single, and without any children (Bales, 2007). Many report problematic relationships with one or both parents (Vocks & Nijboer, 2000). Others have noted that drug addiction could also play a role (Roe-Sepowitz, Gallagher,

Hickle, Loubert, & Tutelman, 2014). Although some of the lifestyle characteristics vary amongst victims of sex trafficking, there appears to be strong support for the idea that women and children are among the highest to be sex trafficked of any population. This belief suggests many issues about culture and the sexualization of women in society. Others agree that violence against women is a global epidemic that upholds male privilege and dominance (see Weitzer, 2009; Gerassi, 2015). These cultural norms in the U.S. impact the pathway of sexual exploitation among women and girls (Heise, Ellsberg & Gottmoeller, 2002; Reed, Raj, Miller & Silverman, 2010).

With estimates suggesting that 80% of sex workers are girls and women, McCarthy and colleagues (2012) studied motivations for women as sex workers. They found that a major source of income for some adults, in most countries, is through commercial sex. In 2008, 1.5% of the world's population of women (46 million) were involved in commercial sex work. With income being a primary motivator in many cases, it is not surprising that most of these women come from low socioeconomic backgrounds and are poorly educated and disproportionately represent minority groups (Steffensmeier & Allan, 1996; Bales, 2007). Weitzer (2012) noted that some of the poorer migrant people may enjoy the idea of being found beautiful or exotic abroad. He then shared a string of empirical evidence suggesting that a component of financial gain and/or agency cannot be denied as a motive for sex work. He points out that such findings are in opposition to the stereotypical "victim" discussed in much of the oppression paradigm research (Weitzer, 2012). These findings suggest a split view on the nature of sex work. Some scholars believe that sex work is based on a patriarchal system of gender oppression while others believe

that sex work provides an excuse for labeling women as victims and males as aggressors (Weitzer, 2012).

Intersectionality work suggests that overall social issues should be studied with the inclusion of multiple sources of oppression. For example, studying gender, race, social class, nationality, sexuality, and so forth, rather than attempting to explain social phenomenon using only a few of these forms of social inequality. In a study by Steffensmeier and Allen (1996), many of the victims they interviewed were women, from low socioeconomic status, with abusive childhoods, of race/ethnic minority background, along with other forms of oppression (Steffensmeier & Allen, 1996; Roe-Sepowitz et al., 2014; Bales, 2007; Kangaspunta, 2003). Gerassi (2015) also noted that some people are disproportionately affected by poverty which contributes to the existing vulnerabilities to sexual exploitation. Poverty, in addition to race and class, may also contribute to overall sexual exploitation (Gerassi, 2015). For Phalla, until her 20s, she lived what was described as a normal life in Cambodia. Once her father died, she was forced to move in with her grandmother to help support the family. After only living there for a couple of months, her grandmother drove her to a brothel where she was sold, locked into a room, and raped several times per day. Although her story is unique, unfortunately, she is not alone in being forced to sell sex for her family's source of income (Equality Now). According to McCarthy and colleagues (2012), "sexual services is configured by gendered, racialized, and social class relations of power that intersect with regulatory regimes..." (p. 256). McCarthy (2014) reported that people in areas of high emigration are at higher risk for being trafficked. Some scholars suggested that countries with low gender equality tend to have more trafficking although this was not found to be true in McCarthy's (2014) study. Contrarily, these women are

at less risk due to cultural and/or legal issues making them unable to migrate on their own (McCarthy, 2014); again, however, a gender discourse offering fewer rights to women. According to Weitzer (2012), much diversity exists in migration patterns from highly coercive situations to mutually beneficial agreements. Even though findings on emigration are mixed, the notion of gender inequality is still at the root of sexual exploitation for many women.

The kinship between the victim and the trafficker is more common than some may want to believe (Iacono, 2014). Although this body of research suggests different avenues for their initiation into the sex trade, these women typically do not fully consent. The discussion of agency in the sex work industry is still unclear as well (Rao & Presenti, 2012) and some argue that agency differs based on cultural context (van Pinxteren, 2015). Roe-Sepowitz and colleagues published a piece in 2014 in which they stated that agency in prostitution and sex trafficking is impossible to distinguish due to coercion. Weitzer (2007) would assert that these individuals do not see themselves as victims who lack agency; "...it is impossible to measure the ratio of agency to victimization" (p. 453). In a study of Nigerian women, many did not perceive a sense of exploitation by their madam; in fact, many perceived her as their trusted friend. In the previously mentioned Albanian study, it was found that in 2003, 82.5% of victims knew their recruiter while 85.3% knew their recruiter in the 2004 data (Surtees, 2008). Overall, there are mixed findings on how victims view themselves and how victims and others would report the agency involved.

Victim-Offender Overlap

Of all the literature reviewed on the blurred lines of sex trafficking victims, only two articles touched on this overlap for adults. Iacono (2014) studied this process in Nigerian women

and found that these victims are/were encouraged to become active participants in the process over time. These women displayed vertical mobility in the trafficking hierarchy which Siegel and de Blank (2010) also found in their study. Iacono (2014) referred to this area as the gray area which is where victims share a role in the trafficking. The authority/privilege/ “power” that these madams display can then be easily used to persuade new girls into the trafficking business by means of trust (Iacono, 2014; Jones, 2014). The trust factor itself can also be an issue in differentiating victims from offenders in this context. According to Surtees (2008), some women who are victims are used to coerce their friends into the trade. Weitzer (2012) found that Eastern European women recruited their friends in their home country to work with them in the West. The women who recruit may feel guilty about their misuse of trust which could result in their staying in the trafficking situation. Over time, these women may become desensitized to the oppressive situation while others may fear prosecution for their role (Surtees, 2008). Although Surtees (2008) did not reference this in her article, this process of desensitization sounds similar to cases of Stockholm Syndrome. Stockholm Syndrome, which is a sense of trust and/or affection felt towards one’s captor, is out of the scope of this paper but something worth investigating further.

Siegel and de Blank (2010) also studied the role of women in sex trafficking and concluded that there are three categories of women in the role of offenders. They found that there are supporters, partners-in-crime, and madams. They found that most were supporters, some were partners-in-crime and that madams represented the smallest group. The supporters worked together with men and these men were the dominant lead. The women may have learned that they could earn more money in this role and with their initiation into sex trafficking generally

being economically motivated, this would help them reduce debt and make more money. The partners-in-crime do not always have an equal division of labor or profit; this varied from case-to-case. The smallest group, the madams, were those who coordinated and controlled more of the sex trafficking business. Some questioned why the madams would continue to work as prostitutes even at that level of authority. For example, Nigerian madams are well respected and serve as role models while admitting to the allure of having fancy clothing and jewelry (Denisova, 2001). Again, it was found that many times money was the most important factor. Siegel and de Blank (2010) summarized this work by stating that the line between victim/survivor and offender in sex trafficking is very diffuse in nature.

Iacono (2014) agreed that the roles of victim/survivor and offender were blurred, and she hoped to challenge the discourse on a binary approach to the victim/offender dichotomy. Jones (2014) reported that some speculate that women as traffickers may outnumber male traffickers worldwide. Some scholars have argued that femininity studies have shown that women are just as capable of conspiring to commit a crime. They also possess the ability to manipulate and engage in violence. Jones (2014) referenced such work and the idea that thinking of women only as victims is a culturally driven belief, not one based on fact. Most literature on this topic would counter the idea that these individuals are willing participants in the offender role. A well-known study on women as offenders stated that overall, "Patriarchal power relations shape gender differences in crime, pushing women into crime through victimization, role entrapment, economic marginality, and survival needs" (Steffensmeier & Allan, 1996, p. 470). Steffensmeier and Allen (1996) agreed when women commit crime, many times, there is a blurred line between victims and victimization. They referred to prostitution stating that even though it is seen as a

woman's crime, it is essentially a male dominated crime controlled by males (e.g. pimps, police, clients) (Steffensmeier & Allan, 1996). Overall, the literature and data on sex trafficking are scarce. There is little data to show which individuals were once noted as victims of sex trafficking and then later labeled as an offender. Jak Bergquist (2015) notes the untenable position that women are faced with in their participation in sex work as both victims and criminals. There is a great need for the reconceptualization of women who engage in sex work. In order to address what *is* known about women and sex trafficking, it must start with practical solutions and continued research.

Future Steps

According to Weitzer (2012), there is still much to be known about the prevalence of sex trafficking cases for a variety of reasons. Weitzer (2012) reviewed different reporting practices and found that, overall, only 1.2% of the estimated number of victims resulted in confirmed incidents. These findings, according to Weitzer (2012) suggest a huge disparity in what we think we know about sex trafficking cases and what may be occurring. In 2000, the President's Interagency Task Force to Monitor and Combat Trafficking in Persons (PITF) was established. The main role of this taskforce was to coordinate the anti-trafficking efforts amongst different agencies. The Bureau of Justice Assistance and Office of Victims of Crime also provided funding to local law enforcement and service providers in an effort to bring these entities together. Some have suggested that states should enact official statutes to make such taskforces a permanent structure (Polaris, 2015a) as the involvement of law enforcement is vital in tackling sex trafficking as all fifty states and the District of Columbia. Further training on how to

interview potential victims and in recognizing how to respond to the experienced trauma is complex but crucial (Polaris, 2015b).

Other suggestions include the promotion of education within communities because there appears to be a more victim-oriented approach when reports of child prostitution come from a community report (Gerassi, 2015). Prevention education geared towards youth themselves is also crucial as some may be drawn into prostitution with a presumed sense of excitement or glamor (Gerassi, 2015; Mitchell, Finkelhor & Wolak, 2010; Polaris, 2015b). Prevention education is extremely important for professionals working in areas known for juvenile prostitution and for those workers who deal with high-risk youth. Many of these high-risk youths come from environments with unstable living conditions. Targeting youth homelessness by providing resources such as safe houses or residences could help to reduce the contact that exploiters have with potential youth. Gerassi (2015) believes that specialized knowledge in working with this youth population is mandatory in the role of understanding their experiences. This training may already occur for those working as victim service providers but possibly less so for those working in law enforcement (Gerassi, 2015). Lastly, Mitchell, Finkelhor, and Wolak (2010) suggest organizing case files which would help to identify youth prostitution cases which would further aid in the investigation process. In addition to training, current safe harbor policies do not cover all fifty states. Safe harbor laws vary from state-to-state but all work to protect children who have been commercially sexually exploited. These policies work to provide both legal protection as well as a provision of services such as medical and psychological treatment, emergency and long-term housing, and assistance with education and employment (Polaris, 2015c). As legislation continues to evolve in an effort to support youth victims of sex trafficking,

additional states should consider inclusion of such policies. Working on a global scale to combat child sex trafficking is also a much needed collaborative effort.

Many scholars in the social services field have addressed their concerns with adult sex trafficking victims/survivors and labeled offenders. According to Ja Sook Bergquist (2015), the government seeks prosecution rather than victim services. The previous findings outlined in this article are promising in that some scholars are suggesting a move from criminalizing these women to instead, providing them with services (Roe-Sepowitz et al., 2014). Some countries support the idea that women in sex trafficking victims are guilty, to varying degrees, in their involvement as offenders; the only exception to this rule would be in the viewing of child victims. This blurred line can sometimes be problematic in policymaking. Some countries (e.g. Austria, Belgium) have made policies drawing distinctions between “good” and “bad” victims. The “good” are those who are willing to aid the criminal justice system while the “bad” are those who do not. This approach ignores the retaliation that may occur for these women. According to this distinction, services may be denied to the “bad” victims. Even if one were to agree, they may find themselves underprepared for the process and their role in the trial (McCarthy, 2014). Unfortunately, McCarthy (2014) summarizes this approach by stating that, “Depending on their behavior when “rescued,” their similarity to the ideal-typical trafficking victim and the degree to which they were active participants in entering the country, they are categorized as victim or agent and treated accordingly” (p. 235). Perez (2012) found similarities in Spain as they emphasize the differences between the “true victims” and the “illegal aliens.” There are noted differences in sympathy for those who have another country of origin (Perez, 2012). In most countries, there is a stigmatization used to further punish these victims/survivors. This stigma

will further increase the likelihood that women selling in the sex trade come from disadvantaged groups (McCarthy et al., 2012). Those disadvantaged typically consist of runaway youth, typically girls, from underprivileged backgrounds with minority standing. Many of these women are so traumatized that they are unable or unwilling to divulge much information about the trafficking experience (Sturtees, 2008). There may also be concern about corruption of the government authorities and their role in the operation of trafficking networks (Sturtees, 2008). Others are just reluctant to cooperate given their own criminality (Chuang, 2010). Policy should move forward based on the known literature on sex trafficking rather than on a focus of criminalizing victims due to a lack of understanding.

Feingold (2005) rejects the suggestion that tightening borders will stop trafficking. He cites information on recent global tightening with an increase in trafficking due to forcing desperate people, typically women, to turn to smugglers. Agustin (2007) sees the role of migration and the selling of sex as being based on the construction of stereotypical gender roles. She hopes that more will be done to address the social programming to help immigrants who “voluntarily” commit to the sex trade (Agustin, 2007). Feingold (2005) also suggests that sending victims home may only put them back into oppressive conditions and/or threaten the safety of their families. He also believes that legalizing prostitution may or may *not* increase trafficking. What he was able to find was that there is little evidence to suggest many prosecutions for human trafficking even occur (Feingold, 2005). Chuang (2010) speculates that by cracking down on street prostitution, for example, may only result in a demand for other areas of sex work (e.g. pornography). Overall, the literature on sex trafficking and its relationship to migration are mixed.

Conclusion

Sex trafficking appears to be a hot topic in understanding gender issues, criminology, global issues, emigration, among others. According to Chuang (2010), sex trafficking should not be addressed as a criminal justice issue only, but rather, as a problem that is rooted at a broader structural level. Most of the scholarship in this area focuses on the fact that little is known about the cases of sex trafficking. There are conflicting views on the nature of this being an epidemic or a political move. The scope of sex trafficking may be unclear, but what is clear, is that a victim's involvement ranges from coercion and force being present to a claim of full consent (McCarthy, 2014; Kelly, 2003; Roe-Sepowitz et al., 2014; Siegel & de Blank, 2010). Whether prostitutes are or are not victims, what is known is that many women were prostitutes prior to their victimization in sex trafficking (Vocks & Nijboer, 2000) and most have been sexually victimized themselves (Johansson-Love & Fremouw, 2005; Steffensmeier & Allan, 1996; Weitzer, 2009) which likely lead to their decisions to run away. The literature also shows that most trafficked youth/women are somewhere between the ages 12 to 25 with most under the age of 18 (Vocks & Nijboer, 2000; Ja Sook Bergquist, 2015; Weitzer, 2009; Bales, 2007). These factors are some of the top predictors in assessing what is known about the introduction to sex trafficking.

Only a very limited number of articles could be located on the blurred line that may exist between the role of victim/survivor and offender (Iacono, 2014; Siegel & de Blank, 2010) although a fair amount of literature exists on the dynamics believed to be involved in the initiation of this work. These articles still suggest a range of coercion and exploitation of the women as the "offender" leading the empirical world to believe that women in this capacity are

still victimized, are not fully consenting and are not fully acting in the role of offender (Iacono, 2014; Siegel & de Blank, 2010). Overall, literature seems to support the idea that women, in any role, are still coerced into the sex trade business. Although some women claim to enter the sex trade due to a financial obligation, their ability to leave is questionable (Feeley & Aviram, 2010; Bales, 2007; Siegel and de Blank 2010). Some may feel that they no longer have a means for legal or stable employment. Others may be threatened if they leave. With many oppressive conditions restricting one's ability to exit the sex trade, further research should focus on this relationship in order to understand the consent and agency involved in "voluntarily" committing to the sex trade business.

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