The Scholar: St. Mary's Law Review on Race and Social Justice

Volume 16 | Number 2 Article 7

1-1-2014

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Recommended Citation

Katharine A. Drummong, *Teach the Women Well: Education Equality Is Key to Preventing Modern Day Slavery of Women and Girls.*, 16 THE SCHOLAR (2014).
Available at: https://commons.stmarytx.edu/thescholar/vol16/iss2/7

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TEACH THE WOMEN WELL: EDUCATION EQUALITY IS KEY TO PREVENTING MODERN DAY SLAVERY OF WOMEN AND GIRLS

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Published by Digital Commons at St. Mary's University, 2022

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I. INTRODUCTION

Imagine that you are a young woman from a broken, impoverished family. You live in a poor neighborhood in a crowded city. Your education is limited. Steady income is scarce. Your former husband beat you, but that was before he deserted your family. One day, you run into someone who says he can help you. He tells you that, for a price, he can lead you out of this place. He knows of an opportunity in America, just for you. You can work as a waitress in his contact's restaurant. You will make good money—everyone in America makes good money. His contact will take care of you and make sure that you are safe. He tells you not to worry about all the stories you have heard about American immigration services. He has documents he can give you that look just like the real thing. He reminds you that all of this will be for a fee, but you can just pay it off in installments once you make it to America. Because you think anything could be better than where you are currently, you believe that this is a chance worth taking. So you do.

You make it to America. Somehow, you are able to move through customs undetected. In front of the airport, someone picks you up and whisks you away into an unfamiliar city. You are dropped off in front of a dreary building. The windows are blacked out. A neon light reading "SPA" flickers in and out. You start to become suspicious.

Inside, you learn from your new "boss" that you have been misled. You will not be working as a waitress to pay off your debt. You will be working as a prostitute. And those installment payments total twice as much as you anticipated. Your boss explains that he bought you, and like any businessman, he now has to make a profit from his "investment."

You will not stay here for too long. You will be shuttled to different cities. You will "work" for hours and hours. This will be your life until your captors let you go—if they let you go. Your new boss mentions that he has contacts back in your home country that know where your family live. He threatens that something bad could happen to your family if you try and run away to the police. Besides, he tells you, the police would not believe you anyway. You are just a prostitute who is here illegally and who barely speaks English.

If you do break free, you will probably face a long, uphill climb to put the pieces of your life back together. You may contend with post-

traumatic stress disorder, drug addiction, sexually transmitted diseases, and a broken, battered soul.[1]

While the United States has an extensive history of advocating for abrogation of sex trafficking, the key to prevention requires placing further support for education initiatives in origin countries at the forefront of prevention efforts. Supporting practical, proactive education initiatives is a powerful antidote against sex trafficking of women and girls, those most vulnerable to this practice. Failing to strengthen trafficking prevention initiatives involving education is akin to allowing continuance of a modern day form of slavery. Prevention initiatives that include promotion of education equality for women and girls can help further prevent their falling victim to trafficking.

To advocate for this additional support, this Comment first provides a brief historical perspective on trafficking and slavery to show that this is a contemporary problem with deep historical roots, and to underscore the notion that there are still people among us contending with this egregious human rights violation in 2014. Next, this Comment specifically discusses the roots of sex trafficking of women and girls, describing how international governing bodies have tackled this issue by classifying the practice as modern day slavery. Then, it outlines the U.S. government's approach to sex trafficking prevention in the landmark Trafficking Victims Protection Act of 2000 (TVPA).

The Comment then discusses the main risk factors correlated with sex trafficking of women and girls. Next, it discusses the United States' trafficking prevention successes post-TVPA. Finally, this Comment advocates for U.S. governmental support of education initiatives for women and girls in origin countries, and discusses how furthering support for female education will lessen sex trafficking risk factors. Providing such education initiatives will keep women from sex traffickers and ultimately from a life spent in bondage to their captors.

II. DEVELOPMENT OF SEX TRAFFICKING AS A CONTEMPORARY SOCIAL AND LEGAL ISSUE

Inez was a young Mexican woman from Veracruz, Mexico who had worked harvesting lemons in order to support her family. One day, a woman named Maria Elena came to her and told her about opportu-

1. *See, e.g.*, Mimi Swartz, *The Lost Girls,* TEXAS MONTHLY, Apr. 2010, http://www.texasmonthly.com/story/lost-girls (detailing the story of Kamchana, a thirty-something woman who was tricked into leaving Thailand with the promise of legitimate employment in the United States, and who was subsequently forced into the commercial sex trade in Houston, Texas). Kamchana's story is typical of many women and girls who are trafficked into the United States, and details from her story were used for this introduction.

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nities for employment in the United States. Maria Elena told Inez that she actually worked in a U.S. restaurant and made great money. Because Inez wanted to make more money to support her family, she decided to take advantage of the opportunity Maria Elena presented. So, in 1997, Inez traveled with Maria Elena through Brownsville, Texas, then north to Houston. There, she was introduced to another trafficker who took her and Maria Elena to a trailer home in Florida. In Florida, Inez met a woman named Sue who told her that she would not be working in a restaurant, but would instead be working as a prostitute and that the trailer home was a brothel. Inez was horrified, but Maria Elena admitted that it was all part of the plan. Inez was then threatened and coerced into staying—her traffickers held the smuggling debt over her head. Inez was shuttled from brothel to brothel in Florida, and on any given weekend, was forced to see upwards of thirty men.[2]

A. *Trafficking and Slavery: A Historical Perspective*

Sex trafficking is often described as "modern-day slavery."[3] As will be discussed, this comparison is appropriate given the nature of the treatment that women and girls are subjected to by traffickers.

People worldwide have been trafficked and enslaved for thousands of years. Indeed, the practice of slavery is said to be as old as civilization itself.[4] Historians have found evidence of impoverished families in ancient Mesopotamia (circa 3500 B.C.) selling their children and other family members into slavery in order to relieve the strain of extreme poverty, as well as citizens indenturing themselves as a means to repay their debts.[5]

At the apex of the Roman Empire, the empire's ruling class enslaved approximately forty percent of the population.[6] Chattel slavery—the ownership of a person under the same premise as other tangible prop-

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2. *See* ANDREA PARROT & NINA CUMMINGS, SEXUAL ENSLAVEMENT OF GIRLS AND WOMEN WORLDWIDE 12–13 (2008) (describing the story of Inez, a survivor of sex trafficking). Inez's story was originally told to the Polaris Project, a non-profit organization that assists trafficking victims. *Id.* at 13.

3. *E.g.*, 2012 DEP'T OF STATE TRAFFICKING IN PERSONS REP. 2, *available at* http://www.state.gov/j/tip/rls/tiprpt/2012 (letter from Secretary of State Hillary Rodham Clinton).

4. THEODORE L. SYLVESTER, SLAVERY THROUGHOUT HISTORY: ALMANAC 1 (2000). This author defines slavery, generally, as "one person owning another and forcing the slave to work on the owner's behalf." *Id.*

5. *Id.* at 3.

6. *Id.* at 5.

erty[7]—is also depicted in ancient religious texts, including the Old and New Testaments of the Bible and the Qu'ran.[8] People in antiquity were enslaved as a punishment for breaking laws, as a result of being captured during wartime, or as a means for repaying debts owed.[9] The practice of chattel slavery was a common and accepted practice in the ancient world.[10]

Chattel slavery continued into the Middle Ages.[11] Slave trading routes in the Middle Ages stretched from the Southern and Eastern portions of Europe, extending to the Arab world.[12] European colonization of the Americas in the late 1400s and early 1500s ushered in the trafficking and enslavement of millions of Africans.[13] African slaves were forced into labor throughout the New World.[14]

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7. *See id.* at 4 (explaining that under chattel slavery, slaves could be bought and sold at the will of the slave owner, slaves had no property rights, and any children born to slaves were forced into slavery).

8. KATHRYN CULLEN-DUPONT, HUMAN TRAFFICKING 6 (2009); *see, e.g.*, *Exodus* 21:2–6 (King James) (detailing the terms of acceptable slavery agreements).

> If thou buy an Hebrew Servant, six years he shall serve: and in the seventh he shall go out free for nothing. If he came in by himself, he shall go out by himself: if he were married, then his wife shall go out with him. If his master have given him a wife, and she have born him sons or daughters; the wife and her children shall be her master's, and he shall go out by himself. And if the servant shall plainly say, I love my master, my wife, and my children; I will not go out free: Then his master shall bring him unto the judges; he shall also bring him to the door, or unto the door post; and his master shall bore his ear through with an aul; and he shall serve him for ever.

Id.

9. CULLEN-DUPONT, *supra* note 8.

10. *See id.* (describing the pervasiveness of slavery in the ancient world and its almost universal acceptance).

11. *See generally* WILLIAM D. PHILLIPS, JR., SLAVERY FROM ROMAN TIMES TO THE EARLY TRANSATLANTIC TRADE 43–65 (1985) (exploring the details of slavery from the fifth to the twelfth century). As the Middle Ages unfolded, political changes on the European continent led to serfdom—the practice of allowing tenant farmers tend to land, but at the will of the Landholder. *Id.* at 43, 57. Serfs were bound to the land and, unlike slaves, were not sold or transferred. *See id.*

12. *See* CULLEN-DUPONT, *supra* note 8 ("Commercial slave trading networks extended west from the Caspian Sea to London from the eighth to [eleventh] centuries[.]").

13. *See* SYLVESTER, *supra* note 4, at 7 (estimating that as a result of colonialism, almost eleven million Africans were trafficked for slave labor to the European-controlled colonies in the Americas); *see also* PHILLIPS, *supra* note 11, at 131 (relaying that the Atlantic slave trade during the colonial era represents the "largest forced migration in world history").

14. *See* PHILLIPS, *supra* note 11, at 131 (noting that as European explorers and colonists discovered new lands and their resources, the African slave trade became the main source of labor for these explorers to be able to harvest or extract such resources and generate profits).

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In most regions, from ancient times through the advent of the American Civil War, chattel slavery retained the same main characteristics: (1) the slaveholder was expected to provide for the shelter and basic needs of the people they enslaved; (2) the slaveholder was understood to have absolute control and authority over the lives and living conditions of the enslaved, and, (3) slavery was an openly practiced way of life that was legally protected.[15]

Movements to abolish slavery gained momentum at the beginning of the nineteenth century.[16] In 1807, Great Britain outlawed slave trading throughout its empire, and in 1833 completely abolished slavery within its borders.[17] Following the issuance of the Emancipation Proclamation in 1863,[18] and the end of the American Civil War in May of 1865,[19] Congress adopted the Thirteenth Amendment in December 1865, formally abolishing slavery and involuntary servitude in the United States.[20]

In the twentieth century, efforts to end slavery at the international level began to take shape. In 1926, the League of Nations enacted a treaty that mandated all ratifying nations end human slavery within their

15. CULLEN-DUPONT, *supra* note 8.

16. *See generally* PAUL GOODMAN, OF ONE BLOOD: ABOLITIONISM AND THE ORIGIN OF RACIAL EQUALITY (1998) (discussing the origins of the abolitionist movement in the United States in the 19th century). The publication of *Freedom's Journal* in 1827, the first African-American newspaper in the United States, has been identified as a catalyst for the African-American Abolitionist movement. *Id.* at 24. The Abolitionist movement was a unique, grassroots movement that grew from the creation of local Abolitionist societies in cities around the country. *Id.* at 66. The intersection of many varied elements—religious movements, human rights reform, and political changes—contributed to the emergence of Abolitionist movements. *See* TIMOTHY PATRICK MCCARTHY & JOHN STAUFFER, PROPHETS OF PROTEST: RECONSIDERING THE HISTORY OF AMERICAN ABOLITIONISM, at xvii (2006) (outlining religious and humanitarian movements, and their political effects, which contributed to the abolitionist cause).

17. CULLEN-DUPONT, *supra* note 8, at 7.

18. Abraham Lincoln, President of the United States of America, Emancipation Proclamation (Jan. 1, 1863), *available at* http://www.archives.gov/exhibits/featured_documents/emancipation_proclamation/transcript.html ("And by virtue of the power, and for the purpose aforesaid, I do order and declare that all persons held as slaves within said designated States, and part of States, are, and henceforward shall be free . . . ."); *see also* SLAVERY AND EMANCIPATION 380 (Rick Halpern & Enrico Del Lago eds., 2002) (affirming that while the Emancipation Proclamation was largely intended to be a war maneuver that was valid only in the Confederate states, it was still a "revolutionary document" because it provided for the freedom of slaves in the Confederacy).

19. *American Civil War*, *in* 16 WORLD HISTORY ENCYCLOPEDIA, at 845, 847 (2011).

20. U.S. CONST. amend XIII § 1 ("Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.").

borders.[21] Many countries, including the United States, ratified the convention within the first decade after the League of Nations' treaty was enacted.[22]

In the aftermath of World War II, the United Nations (U.N.) was established, replacing the League of Nations in 1945.[23] In 1948, the U.N. adopted the Universal Declaration of Human Rights, which held that no human being should be held in slavery and that slave trading must be prohibited in all forms by each country ratifying the Declaration.[24] Then, in 1953, the U.N. formally adopted the 1926 League of Nations Slavery Convention.[25] However, the U.N. recognized that there were practices related to slavery that were not included in the final 1926 and 1953 Conventions. Accordingly, in 1956, the world body passed the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (Supplementary Convention).[26] The Supplementary Convention added prohibitions against debt bondage, serfdom, forced marriages, and child labor.[27]

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21. Slavery Convention, Sept. 25, 1926, 2 U.S.T. 607, 212 U.N.T.S. 17, *available at* http://treaties.un.org/doc/Publication/UNTS/Volume%20212/volume-212-I-2861-English.pdf (adopting the formal definition of slavery under which countries could measure and punish slavery within their borders). By adopting the convention, countries pledged that they would undertake efforts to stop slavery in their country. *Id.* at art. 2.; *see also* CULLEN-DUPONT, *supra* note 8, at 7 (noting that the League of Nations Slavery Convention was an effort to make a "progressive . . . but quick end" to the practice of slavery).

22. Slavery Convention, *supra* note 21 (listing each country that ratified the slavery convention). The United States ratified the Slavery Convention on March 21, 1929, but with the caveat that forced labor could still be used by the U.S. government as a punishment for the conviction of crimes. *Id.* at n.1.

23. *History of the United Nations*, UN.ORG, http://www.un.org/en/aboutun/history/index.shtml (last visited Nov. 10, 2013).

24. Universal Declaration of Human Rights, art. 4, G.A. Res. 217 (III) A, U.N. Doc. A/RES/217(III) (Dec. 10, 1948), *available at* http://www.un.org/en/documents/udhr ("No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.").

25. U.N. OFF. OF THE HIGH COMM'R FOR HUMAN RIGHTS, FACT SHEET NO. 14: CONTEMPORARY FORMS OF SLAVERY 3 (1991), *available at* http://www.ohchr.org/Documents/Publications/FactSheet14en.pdf.

26. Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, Sept. 7, 1956, 18 U.S.T. 3201, 226 U.N.T.S. 3.

27. *Id.* Under the supplement, debt bondage is defined as the act of pledging one's labor or services, or the labor or services of someone else under their control, in order to repay a debt. *Id.* The terms of repayment or the length of work may not be defined or limited. *Id.* Serfdom is defined as forcing a tenant to live and work on the land of another person, with or without compensation, and without the opportunity to change their tenant status. *Id.* Forced marriage includes any institution where a woman is married or promised to be married in order to pay a debt, any arrangement where a woman's husband has the right to transfer her to someone else, or any situation in which a woman could be inherited by another person. *Id.* Finally, child labor is defined as any situation in which

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Today, in its continuing efforts to eradicate practices involving slavery and trafficking, the U.N. continues to use the original definition of slavery included in the 1926 League of Nations Slavery Convention:[28] "Slavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised."[29] This current, internationally accepted definition provides a helpful touchstone for this analysis and is the definition that is used in analyzing anti-sex trafficking legislation.

B. *The Expansion of Trafficking Women and Girls in the Twentieth Century and the Movement to Classify Sex Trafficking as Slavery*

Sex trafficking women and girls is modern day slavery. Sex trafficking begins when the trafficker establishes ownership over the trafficking victim, usually through coercion and threats, and the individuals are forced into commercial sex work, often for an indiscriminate amount of time to pay off "debts" incurred for trafficking them under the guise of legitimate employment opportunities.[30] In spite of abolitionist efforts, changes in

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any child under the age of eighteen is delivered to someone by their parent or other legal guardian with the knowledge that they will be exploited for labor purposes. *Id.*

28. *See, e.g.*, U.N. OFF. OF DRUGS AND CRIME, MODEL LAW AGAINST TRAFFICKING IN PERSONS, at 20–21, U.N. Sales No. E.09.V.11 (2009) (stating in order to work against trafficking, the U.N. will use the 1926 definition in its model law, with the caveat that there are still some situations the definition may not cover).

29. Slavery Convention, *supra* note 21. Furthermore, the Convention states:

> The slave trade includes all acts involved in the capture, acquisition or disposal of a person with intent to reduce him to slavery; all acts involved in the acquisition of a slave with a view to selling or exchanging him; all acts of disposal by sale or exchange of a slave acquired with a view to being sold or exchanged, and, in general, every act of trade or transport in slaves.

Id. This internationally accepted definition will be used throughout this Comment.

30. *See* U.S. DEP'T OF STATE, TRAFFICKING IN PERSONS REPORT 33 (2012), *available at* http://www.state.gov/documents/organization/192587.pdf (outlining modern day sex trafficking). The State Department report explains:

> When an adult is coerced, forced, or deceived into prostitution—or maintained in prostitution through one of these means after initially consenting—that person is a victim of trafficking. Under such circumstances, perpetrators involved in recruiting, harboring, transporting, providing, or obtaining a person for that purpose are responsible for trafficking crimes. Sex trafficking also may occur within debt bondage, as women and girls are forced to continue in prostitution through the use of unlawful 'debt' purportedly incurred through their transportation, recruitment, or even their crude 'sale'—which exploiters insist they must pay off before they can be free.

Id. But see CULLEN-DUPONT, *supra* note 8, at 7 (enunciating several differences between modern day trafficking and traditional slavery). Differences between modern day trafficking and traditional slavery include a lack of legal protection for slavery practices that once existed, which has led to modern day enslaved people being hidden from authorities and

laws over the years, and global efforts to curb trafficking and slavery in the twentieth century, it continues to exist and women and girls remain especially vulnerable to sex trafficking.[31]

Like other forms of slavery and slave trading, trafficking women and girls for sexual exploitation has occurred for thousands of years.[32] In the 1800s, a combination of three major shifts in global commerce and development led to increases in trafficking women for sexual exploitation.[33] First, the movement to replace African slave labor in plantation environments, mining-related industries, and major construction projects led to an expansion of people moving to locales where these enterprises existed, and consequently women and girls were trafficked to those locales for sexual exploitation.[34] Secondly, the movement of non-western males into growing Western-colonialized cities around the globe also spurred the growth of women and girls being trafficked for sexual exploitation.[35] Finally, the movement of single, white men seeking their fortunes in the large-scale construction and development projects in places such as the

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very closely watched by their captors. *Id.* Moreover, traffickers are only able to keep their victims through coercion and threats due to their inability to own slaves in modern property law. *Id.* Finally, today, trafficking victims are often forced by traffickers to repay the fees associated with their movement. Thus, the trafficker keeps trafficking victims in a state of debt bondage. *Id.*

31. *See* U.N. OFF. ON DRUGS AND CRIME, GLOBAL REPORT ON TRAFFICKING IN PERSONS, at 15, U.N. Sales No. E.13.IV.1 (2012), *available at* http://www.unodc.org/documents/data-and-analysis/glotip/Trafficking_in_Persons_2012_web.pdf (indicating children are at risk due to their lack of maturity and experience and women are at risk due to their lack of access to educational and work opportunities).

32. *See, e.g.*, Ewa Morawska, *Trafficking into and from Eastern Europe*, *in* HUMAN TRAFFICKING 92, 93 (Maggy Lee ed., 2007) (asserting human trafficking, including sex trafficking, is not a new issue, citing the Atlantic Slave Trade and trafficking of women between Asia and the west in the late 1800s as examples); PARROT & CUMMINGS, *supra* note 2, at 5 (detailing sexual slavery as part of ancient Mesopotamian religious practices); Eileen P. Scully, *Pre-Cold War Traffic in Sexual Labor and Its Foes: Some Contemporary Lessons*, *in* GLOBAL HUMAN SMUGGLING: COMPARATIVE PERSPECTIVES 108, 109 (David Kyle & Rey Koslowski, eds., 2d ed., 2011) (indicating that trafficking for sexual labor rapidly expanded in the 1840s and continued to expand and become more complex in the years that followed); Kamala Kempadoo, *Globalizing Sex Workers' Rights*, 22 CANADIAN WOMAN STUD. 143, 143 (2003), *available at* http://pi.library.yorku.ca/ojs/index.php/cws/article/viewFile/6426/5614 (reporting trends in global sex trafficking beginning in the late 1800s with European sex workers found in high concentrations in both Argentina and India).

33. Scully, *supra* note 32, at 109.

34. *Id.*

35. *Id.* at 109, 110. Such cities experienced a growth of the upper class, as well as a migration of the working class into the urban centers from the rural areas in those countries. *Id.* The concentration of both indigenous and newly arrived unattached males had the effect of creating a market of trafficked women for purposes that included prostitution. *Id.*

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western United States, South Africa, and Hong Kong.[36] Women entered this work under many circumstances, including their own volition to capitalize on the potential economic opportunity, but also through the entrapment of traffickers.[37]

The three aforementioned factors also led to the emergence of racially based hierarchies in sex work, leading to valuation of women based on their race, ethnicity, and national origin.[38] These hierarchies, along with a desire to prevent non-white labor from coming in contact with white women, created an impetus to provide the newly-arrived labor in particular countries with women that matched their own race or ethnicity.[39] Colonial social mores, as well as the racial hierarchies that emerged, also spurred an "exoticist movement," whereby white men sought out women from developing countries.[40] Furthermore, the Industrial Revolution modernized transportation modes, easing the burden of traveling far distances, and in turn, fostered an increase in transnational trafficking of women.[41]

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36. *Id.*

37. *Id.* at 112.

38. *Id.*

39. Scully, *supra* note 32, at 111. An example from the era can be found in the movement of Chinese laborers to North and South America in the mid-1800s. *Id.* at 111. There is historical evidence of Chinese prostitutes working in those regions as early as the 1840s. *Id.* Originally Chinese women followed these laborers on their own volition, however, eventually a coercive, criminal trafficking element entered. *Id.* at 112. Women were forced to sign contracts that essentially trapped them into debt bondage and they worked in brothels for indeterminable periods of time. *Id.*; *see also, e.g.*, Benson Tong, UNSUBMISSIVE WOMEN: CHINESE PROSTITUTES IN NINETEENTH CENTURY SAN FRANCISCO 57, 70–73 (1994) (exploring trafficking practices used on Chinese women during the 1800s). Chinese women were tricked into coming to the rapidly developing western United States with promises that they would find themselves in "the land which flowed with gold, where [they] would make big money . . . ." *Id.* at 57. Chinese women who were brought to the United States were ultimately auctioned to brothel proprietors. *Id.* at 70. They usually signed an agreement upon their sale, but many were illiterate and thus could not understand the terms of the contract, but understood their situation. *Id.* at 73. Thus, they worked for a fixed number of years that could be extended arbitrarily and the women could be transferred to other brothels at the will of the proprietor. *Id.*

40. *See* KAMALA KEMPADOO, GENDER, RACE AND SEX: EXOTICISM IN THE CARIBBEAN 1 (2000), *available at* http://www.kitlv.nl/documents/library/334583357.pdf (explaining the term "exotic" as a description of women was an invention of European men as a means of both legitimizing cruel treatment of those from the developing world—because their customs were so different—and as a projection of Western male fantasies). Exotic women were seen as "highly attractive and fascinating, yet related to the natural primitiveness and lower order of the cultural group." *Id.* at 2. The legacy of this exoticism movement can be seen in modern day sex tours in the Caribbean. *Id.* at 7.

41. *See* Morawska, *supra* note 32, at 92, 94 (affirming greatly improved rail transportation, as well as rapidly expanding urban centers in the Western world heavily influenced

In the early twentieth century, global conflicts contributed to the growth of transnational trafficking of women for sexually exploitative purposes.[42] In a particularly egregious example, throughout World War II the Japanese government abducted women from Korea, China, Indonesia, the Philippines, and Taiwan, and trafficked them to "comfort stations" at military camps in Japan.[43] At these comfort stations women were forced to cater to sexual whims of Japanese troops.[44] Such examples illustrate the prevalence of sex trafficking as a contemporary human rights issue, reaffirming its categorization as modern day slavery, and emphasizing the need for continued efforts in prevention.

C. *The Global Response to Sex Trafficking*

Toward the mid-twentieth century the League of Nations and the U.N. recognized the need to address contemporary occurrences of sex trafficking women and girls.[45] The U.N. subsequently adopted the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others in 1949.[46] State parties to the Convention

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increased trafficking of women for sexual exploitation in the latter years of the nineteenth century).

42. PARROT & CUMMINGS, *supra* note 2, at 18. Such conflicts and war intensified issues that already existed in the woman or girl's home country, such as poverty, insufficient access to resources, and an unstable economic situation. *Id.*

43. *Id.* at 18, 67.

44. *Id.* The Japanese government's justification for their enslavement was the thinking that the sexual encounters would give the Japanese soldiers "sexual release" that would enable them to fight with honor on the front lines. *Id.* at 18. The women were chosen because they were from enemy countries and were thus considered to be undeserving of human rights. *Id.* After the end of the war, many of the women experienced profound difficulties in establishing healthy lives. *Id.* at 67.

45. *See* Scully, *supra* note 32, at 126 (addressing the United Nation's role in combatting international sex trafficking following its inception); Stephanie Farrior, *The International Law on Trafficking in Women and Children for Prostitution: Making it Live Up to its Potential*, 10 HARV. HUM. RTS. J. 213, 216–17 (1997) (revealing the U.N. took over responsibility for treaties created under the League of Nations regarding human trafficking).

46. *See* Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others preamble through art. 1, *opened for signature* Mar. 21, 1950, 96 U.N.T.S. 271 (entered into force July 25, 1951) (outlining prohibited conduct).

> Whereas prostitution and the accompanying evil of the traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family and the community . . . [t]he Parties to the present convention agree to punish any person who, to gratify the passions of another: (1) Procures, entices or leads away, for purposes of prostitution, another person, even with the consent of that person; (2) Exploits the prostitution of another person, even with the consent of that person . . . .

Id. See also Farrior, *supra* note 45, at 217 (recognizing the U.N. consolidated prior League of Nations' treaties when it adopted this convention in 1949).

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agreed to punish any person or organization that was involved in trafficking women and girls in any manner—whether in procuring people to be trafficked, managing a brothel, etc.—and that each state party would work with other state parties to combat sex trafficking and bring traffickers to justice.[47]

As society became more advanced and criminal organizations grew in their scope and technical sophistication in the latter half of the twenty-first century, the U.N. determined that more comprehensive measures were needed to address the criminal and exploitative aspects of trafficking.[48] Moreover, policymakers and lawmakers began viewing trafficking of women and girls for sexually exploitative purposes as a modern day form of slavery, causing a shift toward more nuanced legislative and public policy.[49]

In 1998, the U.N. formed a special committee to address contemporary issues involved in trafficking women and children.[50] The committee built upon foundations of past anti-trafficking efforts to create contemporary policies aimed at eliminating sex trafficking women and girls.[51] This special committee met in advance of the release of the 2000 United Nations

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47. Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, preamble through art. 1, *opened for signature* Mar. 21, 1950, 96 U.N.T.S. 271 (entered into force July 25, 1951) (stating offenses against articles one and two should be considered "extraditable offenses," and if the extradition of criminals is not permitted by the laws of the state party to the agreement, then the criminal must be punished for violations of articles one and two in that state party); *see generally Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, Databases*, UNITED NATIONS TREATY COLLECTION, http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=VII-11-a&chapter=7&lang=en (last updated Nov. 17, 2013) (listing the state parties that ratified the original Convention of 1949). It is worth noting the United States was not a state party to the 1949 Convention and remains a non-signatory state. *Id.*

48. *See* AMY O'NEILL RICHARD, INTERNATIONAL TRAFFICKING IN WOMEN TO THE UNITED STATES: A CONTEMPORARY MANIFESTATION OF SLAVERY AND ORGANIZED CRIME 13 (1999) (describing that trafficking is a business for globally-organized crime).

49. CULLEN-DUPONT, *supra* note 8, at 8.

50. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime, pmbl., Nov. 15, 2000, T.I.A.S. No. 13127, 2237 U.N.T.S. 319 [hereinafter Supplemental Protocol].

51. *See* Lindsey King, *International Law and Human Trafficking*, *in* TOPICAL RESEARCH DIGEST: HUMAN RIGHTS AND HUMAN TRAFFICKING 88, 88 (2009), *available at* http://www.du.edu/korbel/hrhw/researchdigest/trafficking/Trafficking.pdf (explaining that current, contemporary international laws and efforts to prevent human trafficking have their roots in previously enacted legislation such as the Slavery Convention of 1926, the Universal Declaration of Human Rights of 1948, and the United Nations Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others of 1949).

Convention Against Transnational Organized Crime,[52] a Convention that provided a framework for the subsequent Protocol to Prevent, Suppress and Punish Trafficking in Persons, Supplementing the United Nations Convention Against Transnational Organized Crime (Supplemental Protocol).[53]

The Supplemental Protocol was added to address issues that are unique to women and girls, and because of a fear that in absence of special protocol related to sex trafficking, these issues would go unaddressed.[54] Today, the Supplemental Protocol is the most current and reliable internationally recognized instrument used in defining trafficking,[55] establishing prevention campaigns, and prosecuting traffickers.[56]

In the Supplemental Protocol, the U.N. adopts the following as its formal definition of trafficking:

> 'Trafficking in Persons' shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of

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52. United Nations Convention Against Transnational Organized Crime, Nov. 15, 2000, T.I.A.S. No. 13127, 2237 U.N.T.S. 304, *available at* http://treaties.un.org/doc/Publication/UNTS/ Volume%202237/v2237.pdf; *see also* G.A. Res. 55/25, at 2, U.N. Doc. A/RES/55/25 (Jan. 8, 2001), *available at* http://www.unodc.org/pdf/crime/a_res_55/res5525e.pdf (expressing the general purpose of the convention was to act as a legal framework to fight the growth of transnational criminal activities, such as money laundering and terrorist crimes).

53. *See* Supplemental Protocol, *supra* note 50, at 343 (declaring prevention of trafficking of women and girls necessitates a comprehensive plan and approach, and thus underscoring the necessity of creating an additional supplement to the original convention against transnational crimes).

54. *See id.* The Protocol elaborates:

> Despite the existence of a variety of international instruments containing rules and practical measures to combat the exploitation of persons, especially women and children, there is no universal instrument that addresses all aspects of trafficking in persons, . . . in the absence of such an instrument, persons who are vulnerable to trafficking will not be sufficiently protected . . . [and] supplementing the United Nations Convention against Transnational Organized Crime with an international instrument for the prevention, suppression and punishment of trafficking in persons, especially women and children, will be useful in preventing and combating that crime[.]

Id. at 343.

55. *Id.*

56. *See* King, *supra* note 51 (affirming that international law is a powerful tool for stopping human trafficking, and that the Supplemental Protocol is one of the most reputable to be entered into force in recent years). This is partially true because it was created with a law enforcement basis, giving it more influence than previous documents. *Id.* The Supplemental Protocol has been instrumental in dictating how countries should implement prevention efforts. *Id.*

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> a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation [or] the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs[.][57]

Acknowledging the entrapment that often marks a trafficking victim's entrance into a trafficking scheme, the Supplemental Protocol takes care to note that consent of the victim is irrelevant in determining outcomes.[58]

The Supplemental Protocol continues by charging all state parties with developing schemes for criminal punishment of those found guilty of trafficking women.[59] The Supplemental Protocol also strongly encourages state parties to develop measures to assist and protect victims of trafficking who ultimately arrive in their country.[60] Suggested measures include providing counseling and appropriate medical assistance as well as job

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57. Supplemental Protocol, *supra* note 50, at 344.

58. *Id.* at 344; *see* King, *supra* note 51, at 89 (highlighting that this is a very distinct aspect of the Supplemental Protocol and that the language maintains that a person does not have the choice, in the true sense of that word, to be trafficked). Article three of the Supplemental Protocol states:

> The consent of a victim of trafficking in persons to the intended exploitation set forth in [the definition of trafficking in persons] shall be irrelevant where any of the means set forth in [that definition] have been used [and] the recruitment, transportation, transfer, harbouring, or receipt of a child for the purpose of exploitation shall be considered 'trafficking in persons' even if this does not involve any of the means set forth in [the definition of trafficking in persons] . . . .

Supplemental Protocol, *supra* note 50, at 344. Under the Supplemental Protocol, the person does not have to be threatened or coerced into going with the trafficker to fall under the Supplemental Protocol's protections or prove to law enforcement entities that they had no other alternatives to being trafficked. King, *supra* note 51, at 89. This means the Supplemental Protocol is far broader in its protections than previous instruments and indicates that this is thought to be an especially egregious human rights violation. *Id.*

59. Supplemental Protocol, *supra* note 50, at 344. Article five states:

> (1) Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences the conduct set forth in article 3 of this Protocol, when committed intentionally.
>
> (2) Each State Party shall also adopt such legislative and other measures as may be necessary to establish as criminal offences: (a) Subject to the basic concepts of its legal system, attempting to commit an offence established in accordance with paragraph 1 of this article; (b) Participating as an accomplice in an offence established in accordance with paragraph 1 of this article; and (c) Organizing or directing other persons to commit an offence established in accordance with paragraph 1 of this article.

Id.

60. *See* Supplemental Protocol, *supra* note 50, 2237 U.N.T.S. at 345 (advocating State Parties to the Protocol develop mechanisms by which they can identify and protect the identities of trafficking victims once they arrive in the country of origin, and also provide information on relevant criminal court options).

skills, training, and education.[61] Additionally, each state party adopting the Supplemental Protocol is asked to consider adopting immigration laws that will grant trafficking victims permanent residency in the destination country.[62]

Finally, state parties are charged with establishing procedures and policies to prevent trafficked women and girls from returning to sexually exploitative work.[63] The Supplemental Protocol advocates a multi-faceted approach to prevention including mass media campaigns,[64] governmental partnerships with Non-Governmental Organizations (NGOs) that specialize in trafficking prevention,[65] measures to alleviate factors that make women and girls susceptible to being trafficked,[66] and finally, programs that discourage demand for trafficked women and girls in their countries of origin.[67]

The United States adopted the Convention Against Transnational Organized Crime and the Supplemental Protocol to protect women from trafficking in 2000.[68] In recognition of the severity of the issue, the

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61. *Id.* at 345. The Supplemental Protocol also advocated a case-by-case approach to assisting victims, and charged state parties with developing procedures that do take into account the gender, age, and specific needs of the victims. *Id.* Moreover, state parties were charged with developing procedures that will allow victims to possibly receive compensation from their trafficker. *Id.*

62. *See id.* at 346.

63. *See id.* at 346–47. Article nine states, "States Parties shall establish comprehensive policies, programmes and other measures: (a) To prevent and combat trafficking in persons; and (2) To protect victims of trafficking in persons, especially women and children, from revictimization." *Id.*

64. *See id.* at 347 ("State Parties shall endeavor to undertake measures such as research, information and mass media campaigns and social and economic incentives to prevent and combat trafficking in persons.").

65. See *id.* ("Policies, programmes, and other measures established in accordance with this article, shall, as appropriate, include cooperation with non-governmental organizations, other relevant organizations and other elements of civil society.").

66. *See* Supplemental Protocol, *supra* note 50, 2237 U.N.T.S. at 347 ("State Parties shall take or strengthen measures, including through bilateral or multilateral cooperation, to alleviate the factors that make persons, especially women and children, vulnerable to trafficking, such as poverty, underdevelopment, and lack of equal opportunity.").

67. *See id.* at 347 ("State parties shall adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking.").

68. *See Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime, Databases*, UNITED NATIONS TREATY COLLECTION, http://treaties.un.org/ Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18&lang=en (last updated Nov. 17, 2013) (listing the state parties that ratified Supplemental Protocol against trafficking in persons). The United States signed the Supplemental Protocol in 2000. *Id.* The United States also adopted enacting legislation in 2000. Trafficking Victims

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United States has taken further efforts to curb sex trafficking of women and girls into the country.

D. *The United States' Efforts in Preventing Sex Trafficking Women and Girls*

In addition to adopting these international protocols, the United States has launched its own efforts to prevent sex trafficking. In 1998, the Clinton administration and the 106th Congress launched an anti-trafficking initiative to cover three areas: (1) prevention, (2) protection and support for victims of trafficking, and (3) criminal prosecution of traffickers.[69] This initiative culminated in the adoption of the Trafficking Victims Protection Act of 2000 (TVPA).[70] The TVPA was the first comprehensive federal law addressing sex trafficking issues in the United States[71] and is consistent with much of the legislation, policies, and programs advocated in the U.N.'s Supplemental Protocol.

The TVPA affirms sex trafficking's classification as modern day slavery and addresses it as a "growing transnational crime."[72] It acknowledges sex trafficking's disproportionate effects on women and girls, and notes that the crime involves significant violations against women and girls' personal liberties and human rights.[73]

Protection Act of 2000, Pub. L. No. 106-386, 114 Stat. 1464 (codified as amended at 22 U.S.C. §§ 7101–13 (2006)).

69. *See* FRANCIS T. MIKO & GRACE JEA-HYUN PAK, CONG. RESEARCH SERV. RL30545, TRAFFICKING IN WOMEN AND CHILDREN: THE U.S. AND INTERNATIONAL RESPONSE 8–9 (2002), *available at* http://fpc.state.gov/documents/organization/9107.pdf.

70. Trafficking Victims Protection Act of 2000, Pub. L. No. 106-386, 114 Stat. 1464 (codified as amended at 22 U.S.C. §§ 7101–13 (2006)).

71. *State and Federal Laws, National Human Trafficking Resource Center*, POLARIS PROJECT, http://www.polarisproject.org/resources/state-and-federal-laws (last visited Nov. 10, 2013).

72. 22 U.S.C. § 7101(b)(1), (3). The congressional findings begin by stating:

> As the 21st century begins, the degrading institution of slavery continues throughout the world. Trafficking in persons is a modern form of slavery, and it is the largest manifestation of slavery today. At least 700,000 persons annually, primarily women and children, are trafficked within or across international borders. Approximately 50,000 women and children are trafficked into the United States each year. . . . Trafficking in persons is not limited to the sex industry. This growing transnational crime also includes forced labor and involves significant violations of labor, public health, and human rights standards worldwide.

Id.

73. *Id.* § 7101(b)(4), (6). Congress further found:

> Traffickers primarily target women and girls, who are disproportionately affected by poverty, the lack of access to education, chronic unemployment, discrimination, and the lack of economic opportunities in countries of origin. Traffickers lure women and girls into their networks through false promises of decent working conditions at rela-

The TVPA is comprehensive in its scope. It defines sex trafficking as "the recruitment, harboring, transportation, provision or obtaining of a person for the purpose of a commercial sex act."[74] The TVPA mandates the formation of interagency task forces to prevent trafficking women and girls,[75] the implementation of prevention initiatives,[76] support for victim protection and assistance initiatives in origin countries,[77] and "minimum standards for the elimination of trafficking" by other governments.[78] Furthermore, the TVPA outlines actions to be taken against for-

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tively good pay as nannies, maids, dancers, factory workers, restaurant workers, sales clerks, or models. Traffickers also buy children from poor families and sell them into prostitution or into various types of forced or bonded labor. . . . Victims are often forced through physical violence to engage in sex acts or perform slavery-like labor. Such force includes rape and other forms of sexual abuse, torture, starvation, imprisonment, threats, psychological abuse, and coercion.

Id.

74. *Id.* § 7102(10). The Act further defines "severe forms of trafficking in persons" as:

(A) 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; or (B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

Id.

75. *Id.* § 7103. The President designates members of the task force, but these members can include the Secretary of State and the Administrator of the United States Agency for International Development. *Id.* § 7103(a). Also of note, the task force is charged with implementing prevention, protection, and prosecution programs outlined in the chapter, measuring and evaluating the United States' and other countries' programs in those three areas, and to organize efforts among countries of origin, transit, and destination. *Id.* § 7103(d)(1)–(5). Finally, the interagency task force is expected to work with NGOs as necessary to advance the initiatives outlined in the TVPA, including prevention. *Id.* 7103(d)(6).

76. Trafficking Victims Protection Act, 22 U.S.C. § 7104 (2006). Efforts to prevent trafficking can come in the form of developing economic opportunities that provide a viable alternative to the conditions that often lead women and girls into being trafficked; supporting the implementation of international public awareness and information campaigns; creating "border interdiction," whereby border officials are trained in identifying traffickers and victims of trafficking, and establishing shelters at border crossings, as well as other law enforcement mechanisms, to support women and girls from being taken into destination countries, and supporting initiatives to stop international sex tourism. *Id.* §§ 7104(a)–(c).

77. *Id.* § 7105. The Secretary of State and Administrator of the United States Agency for International Development should work with relevant NGOs in order to carry out initiatives in foreign countries that are aimed at assisting victims of trafficking. *Id.* § 7105(a)(1). Such initiatives can include assisting victims of trafficking and establishment of hotlines and shelters, as well as education and training for trafficked women and girls. *Id.* §§ 7105(a)(1)(A), (C).

78. *Id.* § 7106. The criteria that the United States uses to judge foreign governments' actions in abating trafficking includes: whether the government has a judicial structure in

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eign governments for their failure to meet minimum standards to eliminate sex trafficking.[79] Finally, the TVPA includes criminal prosecution schemes for those found guilty of trafficking.[80]

The TVPA was reauthorized in 2003, 2005, 2008, and 2013.[81] The United States' efforts through the TVPA to combat sex trafficking remain at the forefront of the U.S. government's human rights initiatives. For example, in a speech to the Clinton Global Initiative in September 2012, President Barack Obama touted the United States' progress against trafficking since 2000, yet acknowledged that sex trafficking is a global issue that is increasingly affecting the lives of Americans within our borders.[82] Even though sex trafficking is a global issue, it has an increasingly pronounced effect on every state.[83] For this reason, the United States must

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place to investigate, prosecute, and sentence traffickers; whether the government has protection programs in place to help trafficking victims; whether the country has put into place prevention programs such as education and information campaigns; whether the government works with other governments to extradite traffickers and monitor border crossings and trafficking patterns; whether the country punishes peacekeepers and government officials; and finally, whether the government makes sincere and sustained efforts to stop the demand for sex trafficking victims for engagement in the commercial sex trade. *Id.* § 7106(b)(1)–(9).

79. *Id.* § 7107(a). The U.S. government will cease to provide non-humanitarian and/or nontrade-related foreign assistance to non-compliant countries. *Id.*

80. *See id.* § 7108 (providing the President authority to punish any foreigner who plays a significant role in trafficking in persons and providing the federal government the authority to promulgate rules and regulations in order to carry out the punishment-related objectives of the statute).

81. POLARIS PROJECT, *supra* note 71.

82. Barack Obama, President of the United States of America, Address to the Clinton Global Initiative (Sept. 25, 2012), *available at* http://www.politico.com/news/stories/0912/81655_Page2.html. President Obama specifically stated:

> Now, as President, I've made it clear that the United States will continue to be a leader in this global movement. We've got a comprehensive strategy. We're shining a spotlight on the dark corners where it persists. Under Hillary's leadership, we're doing more than ever—with our annual trafficking report, with new outreach and partnerships—to give countries incentives to meet their responsibilities and calling them out when they don't.

Id.

83. *See, e.g.*, U.S. DEP'T OF HEALTH AND HUMAN SERV., HUMAN TRAFFICKING INTO AND WITHIN THE UNITED STATES: A REVIEW OF THE LITERATURE 4–7 (2009), *available at* http://aspe.hhs.gov/hsp/07/HumanTrafficking/LitRev/index.pdf (detailing trafficking trends within U.S. borders); Chuck Neubauer, *Human Bondage Hits U.S. Heartland*, WASH. TIMES, Mar. 27, 2011, http://www.washingtontimes.com/news/2011/mar/27/human-bondage-hits-us-heartland/?page=all#pagebreak (underscoring human trafficking is a global issue that has an effect on the United States domestically, and is not limited to border states only); Michael W. Savage, *State Legislatures Step Up Efforts to Fight Human Trafficking*, WASH. POST, July 19, 2010, http://www.washingtonpost.com/wp-dyn/content/article/2010/07/18/AR2010071801839. html (describing increased numbers of sex trafficking cases being reported to authorities and state legislatures passing new legislation in response). In 2011,

continue supporting global prevention initiatives as part of an overall strategy aimed at reducing the impact of sex trafficking within its borders.

It is clear that international governing bodies and the U.S. government have made important strides in curtailing sex trafficking and the resulting enslavement of women and girls around the world; however, the practice persists. Legislators and policymakers must strive to conduct stronger prevention initiatives in countries of origin, and as the remainder of this Comment will show, these initiatives must include education programs targeting women and girls.

III. SIGNIFICANCE OF EDUCATION INITIATIVES AS A KEY TO PREVENTING SEX TRAFFICKING

Ying was a member of an impoverished family from the Myanmar-China border. At sixteen, a neighbor contacted her parents and discussed an opportunity for domestic work in Thailand, and noted that he would be able to get a large sum of money for Ying. After discussing the opportunity as a family, they all agreed and the neighbor traveled with Ying to Thailand. Once they crossed the border into Thailand, the neighbor transferred Ying to a young Thai man who said that she would be staying at his home for several nights before they moved on to Bangkok. While at the home, she and three other young girls from Myanmar were forced to have sex with several Thai men. They could not escape from the home. After several days, Ying was moved to Bangkok. Once she arrived, she was sent with 30 other young women to a massage parlor and was forced under threats of rape, violence, and confinement with no food or water to become a prostitute. Any money she made went directly to the owner of the massage parlor.[84]

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in the city of Tea, South Dakota, population 4,600, prosecutors brought charges against a couple who were coercing and trafficking girls as young as fifteen into prostitution. Neubauer, *supra*. Also, in 2011, a thirty-six year old Georgia man was convicted of luring girls from their families in Mexico with the promise of waitressing jobs, and then forcing them into prostitution once they arrived in Atlanta. *Id.*

Additionally, victims of human trafficking may require a multitude of services including trauma counseling, legal assistance, job training, job placement, education, and reunification with families. U.S. DEP'T OF HEALTH AND HUMAN SERV., *supra*, at 11–14. These services require funding to be administered, and training for staff workers. *Id.* at 20. The needs of trafficking victims are complex and can create many challenges for providers, including a lack of adequate resources to serve victims of trafficking. *Id.*

84. PARROT & CUMMINGS, *supra* note 2, at 7–8.

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A. *Risk Factors that Influence the Sex Trafficking of Women and Girls*

In spite of efforts to increase awareness and criminalize the sex trafficking of women and girls, the U.N. estimates that trafficking for sexually exploitative purposes accounts for fifty-eight percent of global trafficking cases.[85] Moreover, the United States remains a major destination country for women and girls who are victims of trafficking.[86]

Causes of sex trafficking are typically examined in terms of push and pull factors[87] or structural and proximate factors.[88] Push factors are the situations that an individual or family is faced with in their home country that "push" women and girls into trafficking.[89] Pull factors are the situations that "pull" the trafficked individual to a destination country.[90]

The reasons women and girls are trafficked are somewhat complicated and individual experiences are rarely identical. While every case is unique, most origin countries have similar, readily identifiable structural and/or push factors that have a profound influence on whether that country has an increased incidence of sex trafficking women and girls.[91] The

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85. GLOBAL REPORT ON TRAFFICKING IN PERSONS, *supra* note 31, at 7. These are numbers associated only with detected cases, suggesting that the incidences could perhaps be even higher. *Id.*

86. *See* U.N. OFFICE ON DRUGS AND CRIME, TRAFFICKING IN PERSONS: GLOBAL PATTERNS 20 (2006), *available at* www.unodc.org/pdf/traffickinginpersons_report_2006-04.pdf (classifying the United States as a destination country with a "Very High" incidence of individuals being trafficked into the country and including Belgium, Germany, Greece, Israel, Italy, Japan, Netherlands, Thailand, and Turkey in that list); *Trafficking in Persons: A Guide for Non-Governmental Organizations,* U.S. DEP'T OF LABOR (2002), http://www.dol.gov/wb/ media/reports/trafficking.htm#.UNyTb7ZxleM (stressing the scope of the problem of individuals being trafficked into the United States is expansive—an estimated 50,000 women and girls arrive in the United States annually due to trafficking).

87. CULLEN-DUPONT, *supra* note 8, at 23.

88. Sally Cameron & Edward Newman, *Trafficking in Humans: Structural Factors*, *in* TRAFFICKING IN HUMANS: SOCIAL, CULTURAL AND POLITICAL DIMENSIONS 21 (Sally Cameron & Edward Newman eds., 2008). Structural factors are those that are broad enough to be engrained in the culture and/or economy of the origin country, such as globalization and economics, wars and conflicts, and/or gender bias. *Id.* Proximate factors are factors that are outgrowths of the engrained structural factors in the origin country, such as weak judicial and law enforcement schemes and governmental corruption. *Id.*

89. CULLEN-DUPONT, *supra* note 8, at 23.

90. *Id.* Countries may be designated as countries or origin, transit countries and destination countries. *Id.* Countries of origin mark the starting point for the trafficking victim—this is where they are from. *Id.* Transit countries are nations through which traffickers move trafficking victims. SHELDON X. ZHANG, SMUGGLING AND TRAFFICKING IN HUMAN BEINGS: ALL ROADS LEAD TO AMERICA 111 (2007). Finally, destination countries are the ending point—these are the countries in which traffickers look to place their trafficking victims for commercial sex work, labor, etc. CULLEN-DUPONT, *supra* note 8, at 25.

91. CULLEN-DUPONT, *supra* note 8, at 23.

most commonly cited push factors are endemic poverty and gender inequality.[92] As this analysis will show, these are factors that can be alleviated through expanding access to education for women and girls.

i. Poverty

There is a general correlation between poverty in an origin country and trafficking of women and girls for sexual exploitation from that country.[93] First, poverty removes an individual's power of choice by severely limiting available alternatives or leaving an individual without any alternatives at all.[94] Additionally, because of their lack of resources, the impoverished tend to have little power to bring about social change in their countries and have limited opportunities to generate income.[95] Without alternatives, women and girls are more vulnerable to coercion from traffickers and are more likely to view a migration opportunity as a viable way to potentially improve their economic status.[96]

Likewise, for parents, endemic poverty yields extremely limited options from which to choose in making decisions for their daughters.[97] Depending on the familial structure, a daughter's parents may see no alternative but to sell her to traffickers in order to generate income for

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92. *Id.* at 23–24. Poverty is generally considered the most common indicator factor, while gender inequality is often cited to explain why women are trafficked in greater numbers than their male counterparts. *Id.*; *see also* ZHANG, *supra* note 90 (highlighting poverty as an influential factor in trafficking, and its "concomitant factors such as lack of education and job opportunities" explain why women and girls are particularly vulnerable to traffickers).

93. *See* CULLEN-DUPONT, *supra* note 8, at 23–24 (explaining that poverty is perhaps the greatest underlying cause of trafficking in women and girls). "Poverty is not only an individual matter, however, but a national one: An individual family's plight exists in the context of its country's resources and its extension of those resources to its people." *Id.*

94. *See* Cameron & Newman, *supra* note 88, at 22–24 (lamenting the lack of ability for impoverished people to make independent, individual decisions and to fully consider or appreciate the consequences of their choices).

95. *See* U.N. OFFICE ON DRUGS AND CRIME, HUMAN TRAFFICKING: AN OVERVIEW 18 (2008), *available at* http://www.ungift.org/docs/ungift/pdf/knowledge/ebook.pdf ("Poor people are vulnerable to trafficking by virtue of exerting little social power and having few income options. They often do not challenge social superiors in relation to migrant contracts and working conditions.").

96. *See* Cameron & Newman, *supra* note 88, at 22 (asserting endemic poverty in one's home country may influence a person's decision to accept a trafficker's fraudulent offer of legitimate employment in a destination country in order improve his or her economic status); ZHANG, *supra* note 90 (recognizing poverty and its correlated factors, such as lack of education and economic opportunities, place girls and women in a vulnerable position with traffickers).

97. *See* CULLEN-DUPONT, *supra* note 8, at 23–24 (exploring the difficult choices poor families face in their country of origin regarding opportunities for their children).

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the family.[98] It is important to note that many parents make these decisions with best intentions.[99] Often, the daughter's parents are under a false impression that the opportunity offered by a trafficker will lead to a better life for their daughter.[100]

Furthermore, poverty limits educational opportunities, reducing upward economic mobility for girls.[101] There are considerably fewer schools in typical rural settings of developing countries as compared to urban areas.[102] Moreover, education costs are usually prohibitively high in developing countries, and thus many impoverished parents cannot afford to send their children to school.[103]

Women and girls are typically trafficked from developing origin countries to affluent destination countries.[104] For example, countries such as Moldova and Nigeria have been identified as origin countries with a high incidence of women trafficked for commercial sex work.[105] While these countries are located in completely different parts of the world facing

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98. *See id.* at 24 (identifying entry into trafficking as a "survival strategy").

99. *See id.* (noting "In regions with few opportunities for their children, parents also argue . . . their child is better served by leaving to learn a trade than by staying home to starve").

100. *See, e.g.*, BAL KUMAR ET AL., INT'L LABOUR ORG., INT'L PROGRAMME ON THE ELIMINATION OF CHILD LABOR, NEPAL: TRAFFICKING IN GIRLS WITH SPECIAL REFERENCE TO PROSTITUTION: A RAPID ASSESSMENT 20–24 (2001), *available at* http://www.ilo.int/legacy/english/regions/asro/newdelhi/ipec/download/resources/nepal/nppubl01eng9.pdf (describing the decision of the parents of Nepalese girls to consent to traffickers taking their daughters from Nepal to India). Almost forty-eight percent of girls trafficked reported being lured by traffickers with the assurance of steady work in the neighboring country. *Id.* at 21. This suggests that girls are trafficked and parents are complicit because of the chance for their family's economic improvement. *See id.* at 18–19. However, the Nepalese girls often end up working in brothels in India. *Id.* at 21. While the ILO notes that poverty alone is not the only push factor cited by parents for allowing their daughters to leave Nepal with traffickers, the report does note that over half of the trafficked girls come from rural families whose income is based on agriculture and that the ability to generate income in this area is very limited. *Id.* at 34.

101. *See generally* Servaas Van der Berg, *Poverty and Education*, 10 EDUC. POL'Y SERIES 1, 13–14 (2008), *available at* http://www.iiep.unesco.org/fileadmin/user_upload/Info_Services_Publications/pdf/2009/EdPol10.pdf (highlighting the link between income and access to education, as well as the link between income and quality of education). In typical rural settings of developing countries there are very few schools as compared to urban areas. *Id.* at 13. Moreover, the costs of education are usually very high in developing countries, and thus impoverished parents cannot afford to send their children to school. *Id.* at 14.

102. *Id.* at 13.

103. *Id.* at 14.

104. ZHANG, *supra* note 90; Cameron & Newman, *supra* note 88, at 22.

105. GLOBAL PATTERNS, *supra* note 86, at 18, 38 fig. (indicating Moldova and Nigeria both have a "Very High" rating for incidence of human trafficking according to the collected data).

myriad cultural issues, they do have one common thread: endemic poverty.[106]

In Moldova women are trafficked out of the country and forced into the commercial sex trade in other European countries and the Middle East.[107] This small country in Eastern Europe was once part of the Soviet Union and has faced political and economic turmoil since the USSR's dissolution in 1991.[108] When considering the impact of endemic poverty, the country's overall poverty rate rose from over twenty-six and a half percent in 2000 to twenty-nine percent in 2005 due to increased poverty in rural areas and small towns, and among those fortunate enough to earn wages, women earned thirty percent less than men.[109] Considered one of the poorest countries in Europe, many Moldovan women and girls are trafficked out of Moldova's rural areas, due largely to the increased poverty rate and the inability of women to earn significant wages.[110]

In Nigeria, women are trafficked into the commercial sex trade throughout Western Europe (most notably Italy) and Asia.[111] Nigeria is

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106. *See* ANNA KONTULA & ELINA SAARISTO, COUNTERING TRAFFICKING IN MOLDOVA 6 (2009), *available at* http://www.iom.md/attachments/101_Countering_Trafficking_in_Moldova_Anna_Kontula_Elina_Saaristo.pdf (stressing Moldova's economic problems since the early 1990s); *Nigerians Living in Poverty Rise to Nearly 61%*, BBC NEWS AFRICA (Feb. 13, 2012, 12:49 p.m.), http://www.bbc.co.uk/news/world-africa-17015873 (reporting that well over half of the Nigerian population cannot provide for their basic needs).

107. U.S. AGENCY FOR INT'L DEV., TRAFFICKING IN PERSONS: USAID'S RESPONSE 20 (2006), *available at* http://pdf.usaid.gov/pdf_docs/PDACH052.pdf.

108. *See, e.g.*, Michael Jandi, *Migration Information Source, Moldova Seeks Stability Amid Mass Emigration*, MIGRATION POL'Y INST. (Dec. 2003), http://www.migrationinformation.org/Profiles/display.cfm?id=184 (surveying the economic and political crises facing Moldova since the collapse of the USSR and the resulting mass emigration of Moldovans).

109. U.N. Development Programme, *The Republic of Moldova: National Human Development Report: The Quality of Economic Growth and its Impact on Human Development*, 22–23 (2006), *available at* http://hdr.undp.org/en/reports/national/europethecis/moldova/MOLDOVA_2006_en.pdf.

110. KONTULA & SAARISTO, *supra* note 106, at 9 (adding that most of these young women come from poverty and have experienced forms of domestic violence prior to being trafficked); Eugen Tomiuc, *Moldova: Young Women from Rural Areas Vulnerable to Human Trafficking*, RADIO FREE EUROPE (Oct. 6, 2004), http://www.rferl.org/content/article/1055188.html (adding that most victims typically have only completed middle school education).

111. 2012 U.S. DEP'T OF STATE TRAFFICKING IN PERSONS REP. 270, *available at* http://www.state.gov/j/tip/rls/tiprpt/2012 (adding trafficked women are largely from the country's rural areas and that traffickers exert control over their victims through the use of religious curses); *see also* Juliana Ruhfus, *The Nigerian Connection*, AL JAZEERA, http://www.aljazeera.com/programmes/peopleandpower/2011/08/201189141348631784.html (last modified Mar. 21, 2013; 3:09 PM) (explaining more than 10,000 Nigerian women are trafficked into southern Italy, where organized crime spearheaded by former African citizens has flourished).

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considered one of the primary African origin countries that traffic women and girls for sex work, and Nigerian women comprise a large percentage of women trafficked into Europe.[112] In 2010, it was reported that approximately sixty percent of Nigerians were living in "absolute poverty" and almost one hundred million citizens were reportedly living on less than $1.00 per day.[113]

Again, poverty has a dramatic effect on a woman or girl's access to education.[114] Lack of education limits her opportunity to create a healthy, positive, and productive life in her community and leaves her with few viable options for her future. The unavailability of choices resulting from her impoverished life makes her more vulnerable to the call of traffickers and ultimately, once she is under the traffickers' control, subjects her to a life of bondage.

ii. Gender Bias

Inequality of women in origin countries fosters an environment that limits educational opportunities for women and girls, which ultimately makes women vulnerable to traffickers. While men and women are both sought by traffickers, they are valued for different purposes and are trafficked into different vocations based on their perceived gender differences.[115] Men are targeted for labor trafficking and end up working in

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112. *See* Jørgen Carling, *Migration Information Source, Trafficking in Women from Nigeria to Europe*, MIGRATION POL'Y INST. (July 2005), http://www.migrationinformation.org/ feature/display.cfm?ID=318 (affirming the largest numbers of prostitutes from the Sub-Saharan region of Africa typically come from Nigeria and many end up in European countries).

113. *E.g.*, BBC NEWS AFRICA, *supra* note 106; *see* Cameron & Newman, *supra* note 88, at 25 (clarifying the difference between absolute and relative poverty: absolute poverty is the actual poverty that a nation is experiencing as measured against an established, standardized threshold; while relative poverty is a nation's poverty as compared to other nations or individual's perceived poverty as compared to others).

114. *See, e.g.*, KHADIJAH FANCY ET AL., PLAN INTERNATIONAL, BECAUSE I AM A GIRL: THE STATE OF THE WORLD'S GIRLS 2012, 14 (2012), *available at* http://plan-international.org/girls/pdfs/2012-report/The-State-of-the-World-s-Girls-Learning-for-Life-Plan-International-2012.pdf (addressing the link between poverty and limited education among girls).

115. *See* Cameron & Newman, *supra* note 88, at 37–38 (stating both genders have universal experiences and risks, but traffickers target men and women for different purposes and men and women in trafficking origin countries often have different access to resources and job opportunities, based on gender.); *see generally What Do We Mean By "Sex" and "Gender"?*, *Gender, Women and Health*, WORLD HEALTH ORG., http://www.who.int/gender/ whatisgender/en/ (last visited Nov. 10, 2013) (providing accepted definitions of gender and sex and describing the differences between the two categories). The World Health Organization distinguishes sex and gender by defining sex as one's biological or physiological characteristics. *Id.* Gender is defined as the socially constructed attributes

fields such as farming, construction, and domestic servitude.[116] Women, on the other hand, are targeted for work in the commercial sex trade, in addition to forced labor and domestic servitude.[117]

Differing gender roles placed on men and women by their origin country affect their potential vulnerability to trafficking.[118] In origin countries educational and income-generating opportunities are primarily reserved for men and boys and families often place a greater emphasis on educating their sons rather than their daughters.[119]

For example, in spite of compulsory education laws, girls in the West African country of Togo are estimated to be twenty percent less likely than their male counterparts to be enrolled in school and fifty percent less likely than boys to enter university.[120] Parents are more likely to send their girls into domestic work because such work is considered to be "women's work."[121] In fact, some families send their girls into such work to raise money for their son's education.[122] Notably, the U.N. has deemed Togo as an origin country for girls trafficked to other African nations for domestic labor and prostitution and for adult women taken to the Middle East and Europe for commercial sex work.[123]

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that determine one's masculinity or femininity, which are heavily influenced by the roles and behaviors that society considers acceptable for men and women. *Id.*

116. *See, e.g.*, Susan Carroll, Traffickers Force More Men into Servitude, HOUS. CHRON., July 6, 2009, http://www.chron.com/news/houston-texas/article/Traffickers-force-more-men-into-servitude-1730660.php (detailing the story of a Salvadoran man who was trafficked into the United States and was forced into farm work on a ranch in a remote part of Texas; he was forced to pick vegetables at gunpoint and was burned with cigarettes by the traffickers as a punishment).

117. *See, e.g.*, Cameron & Newman, *supra* note 88, at 39 ("Generally women are trafficked into sweatshops, domestic work and prostitution because of the gendered perception of skills that are desired in those industries, for example being gentle, caring, paying attention to detail, etc.").

118. *See generally id.* at 40–42 (classifying gender roles as a structural factor that impacts whether a girl or woman will become more vulnerable to being trafficked into the sex trade).

119. *Id.* at 40; *See* FANCY ET AL., *supra* note 114, at 11 (noting that in developing countries, once girls reach adolescence, they tend to drop out of school). This is often because culturally, their primary role is seen as a domestic one and as a mother. *Id.* The pressures of poverty and gender discrimination tend to play a role in determining whether a girl starts and finishes school. *See id.*

120. HUMAN RIGHTS WATCH, BORDERLINE SLAVERY: CHILD TRAFFICKING IN TOGO 11 (2003), *available at* http://www.hrw.org/sites/default/files/reports/togo0403.pdf.

121. *Id.*

122. *Id.*

123. U.N. OFFICE ON DRUGS AND CRIME, MEASURES TO COMBAT TRAFFICKING IN HUMAN BEINGS IN BENIN, NIGERIA AND TOGO 12 (2006), *available at* http://www.unodc.org/documents/human-trafficking/ht_research_report_nigeria.pdf (revealing girls are typi-

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Thailand is another country with stringent, historically engrained gender roles for men and women.[124] Thailand also has a very high incidence of sex trafficking as both an origin and destination country.[125] Despite gains in achieving gender equality over the last thirty years in Thailand, there remain many deep-rooted social constructs subordinating women.[126]

In traditional Thai family culture, sons are expected to carry forth the family lineage[127] and elevate the family's social status.[128] Girls, on the other hand, are groomed for work inside the home.[129] As such, access to education is supported for the sons in a Thai family but not the daughters.[130] There is a prevailing sentiment that a girl's education is simply unnecessary because it is highly unlikely that she will work outside the home.[131]

Furthermore, it is worth noting that in spite of the emphasis on a woman's role being in the home, a cultural shift has taken place in Thailand whereby women are increasingly being seen as sexual objects.[132] This shift is driven by a growing economy and consumer culture.[133] There are

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cally trafficked to Nigeria and Gabon, while women are trafficked to Lebanon and Europe).

124. *See* Maya Raghu, Note, *Sex Trafficking of Thai Women and the United States Asylum Law Response*, 12 GEO. IMMIGR. L.J. 145, 154 (1997) (affirming that the main reason for women being trafficked from Thailand is due in large part to the subordinate position of women in Thai culture, in addition to various economic and political issues). This general subordination of Thai women and girls has played a large part in fostering an environment that supports parents selling their daughters into the commercial sex trade to generate income that will support the family. *Id.* Furthermore, daughters feel that it is their duty to accept this subordination. *Id.*

125. *See* GLOBAL PATTERNS, *supra* note 86, at 18 (classifying Thailand as a country with a "Very High" incidence of human trafficking in its incidence of human trafficking rubric).

126. *See* VITIT MUNTARBHORN ET AL., U.N. EDUC., SCIENTIFIC, AND CULTURAL ORG., STATUS OF WOMEN: THAILAND 3 (1990), *available at* http://unesdoc.unesco.org/images/0008/000871/087166eb.pdf (outlining the historical subordination of Thai women that began six centuries ago and recognizing its influence on sex roles in Thailand today).

127. *Id.* at 9.

128. *See id.* at 3.

129. *Id.* at 9.

130. *Id.* at 13.

131. *See id.* at 18 (illuminating that even government-sponsored vocational training for women focuses on domestic roles).

132. *See* MUNTARBHORN ET AL., *supra* note 126, at 18 ("The mass media has encouraged the traditional, passive role of women in its projection of women as sexual objects in beauty contests.").

133. *See* Vickie F. Li, Comment, *Child Sex Tourism to Thai.: The Role of the United States as a Consumer Country* 4 PAC. RIM L. & POL'Y J. 505, 508–09 (1995) (discussing that as Thailand has become more industrialized, the economic disadvantage of rural areas

approximately 150,000 to 200,000 prostitutes in Thailand.[134] Moreover, approximately seventy-five percent of Thai men have engaged in sex with a prostitute.[135] In some families prostitution has become an acceptable way for women to generate income, affording upward familial mobility in a country that still has stringent class divisions.[136]

Many Thai families also look the other way when it comes to their daughter's profession as long as she is bringing in an income to help support the family.[137] This is true even for women who are trafficked out of Thailand and forced into commercial sex work in their destination country, but send money back to their family in Thailand.[138] It is important to note that many Thai women engaged in prostitution come from the country's rural areas where educational access is limited.[139]

B. *The United States' Trafficking Prevention Successes Post-TVPA*

The Trafficking Victims Protection Act (TVPA) tackles sex trafficking with a three-fold approach: prevention, prosecution, and protection.[140] The United States has realized some success in prevention efforts since the original version of the TVPA was approved by Congress.

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combined with the increased demand for sex workers in industrial areas has given rise to rural families selling their daughters into prostitution for much needed income).

134. WORLD HEALTH ORG., SEX WORK IN ASIA 17 (2001), *available at* http://www.who.int/hiv/topics/vct/sw_toolkit/sex_work_asia.pdf.

135. *See, e.g.*, Li, *supra* note 133, at 511; Raghu, *supra* note 124 (discussing the generally accepted statistic).

136. *See id.* (detailing that prostitution seems to be taking on a role as acceptable employment for women in Thailand because it allows the opportunity for "social mobility"); Raghu, *supra* note 124, at 154 (indicating prostitution is a profitable employment option for Thai women in what has become an increasingly consumer-driven country with a highly unequal distribution of wealth).

137. *See, e.g.*, Swartz, *supra* note 1 ("[S]ome families have a 'don't ask, don't tell' policy if a daughter's earnings keep food on the table . . . .").

138. *See id.* (recounting the story of a Thai woman trafficked to Texas who also felt a pressure to send money home to her parents without any questions as to from where the money came).

139. *See* Raghu, *supra* note 124, at 156, 159 (noting that many Thai prostitutes come from rural areas in northern Thailand where there are high rates of female illiteracy and limited education opportunities for females).

140. *See* 2009 U.S. DEP'T OF STATE TRAFFICKING IN PERSONS REP. 6, *available at* http://www.state.gov/documents/organization/123357.pdf (revealing the State Department evaluates foreign governments in their efforts to deal with trafficking by examining the countries' efforts in the areas of prosecution, protection, and prevention).

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i. Awareness Campaigns

In accordance with the TVPA,[141] the U.S. government has focused much of its prevention efforts on building awareness of the dangers and problems associated with sex trafficking in origin countries.[142] The Agency for International Development (USAID) facilitates some awareness campaigns in conjunction with the State Department[143] and various NGOs.[144] USAID is the federal government's agency charged with administering programs to help alleviate poverty and providing food and nutrition guidance around the world.[145]

One of the central roles USAID assumed in recent years is partnering with NGOs in developing countries and assisting with their respective human rights programs.[146] On the anti-sex trafficking front, USAID has supported trafficking prevention efforts in seventy countries, focusing on campaigns to build awareness among citizens of those countries of the dangers and issues associated with sex trafficking.[147] Accounting for a country's cultural standards, awareness campaigns are tailored to particular needs of each country.[148]

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141. Trafficking Victims Protection Act, 22 U.S.C. § 7104 (2006).

> The president shall establish and carry out international initiatives to enhance economic opportunity for potential victims of trafficking as a method to deter trafficking. Such initiatives may include—microcredit lending programs, training in business development, skills training, and job counseling; programs to promote women's participation in economic decisionmaking; programs to keep children, especially girls, in elementary and secondary schools, and to educate persons who have been victims of trafficking; development of educational curricula regarding the dangers of trafficking; and grants to nongovernmental organizations to accelerate and advance the political, economic, social, and educational roles and capacities of women in their countries.

Id. § 7104(a)(1)–(5).

142. U.S. AGENCY FOR INT'L DEV., *supra* note 107, at 6.

143. *See* ALISON SISKIN & LIANA SUN WYLER, CONG. RESEARCH SERV., RL34317, TRAFFICKING IN PERSONS: U.S. POLICY AND ISSUES FOR CONGRESS 60 (2013) ("The bulk of U.S. anti-trafficking assistance programs abroad are administered by the U.S. Department of State, USAID, and DOL [Department of Labor].").

144. *See generally* Amir Abdul Kareem Al-Khayon et al., *Value of Non-Governmental Organizations in Countering Human Trafficking*, NAAGAZETTE, Aug. 29, 2011, http://www.naag.org/value-of-non-governmental-organizations-in-countering-human-trafficking.php (expressing the need for NGOs to conduct media and business awareness campaigns, with a particular focus on education).

145. *See USAID History*, U.S. AGENCY FOR INT'L DEV., http://www.usaid.gov/who-we-are/usaid-history (last visited Nov. 10, 2013) (explaining what USAID's role is in developing countries).

146. *See id.* (citing USAID's aggressive efforts to partner with various organizations in the new millennium to extend foreign aid even further).

147. U.S. AGENCY FOR INT'L DEV., *supra* note 107, at 6.

148. *See id.* (expressing the aim of tailored activities to each county's conditions).

Efforts to build awareness take many forms throughout the world. For example, in Bangladesh, an extensive trafficking problem exists that is mainly attributed to extensive government corruption and widespread, endemic poverty.[149] To help combat these issues, USAID collaborated with local governments in Bangladesh's districts, in producing anti-trafficking advertisements broadcasted on local radio and television, and helped create, publish, and disseminate posters and other informational pieces.[150]

In another example, Cambodia also faces a severe trafficking problem with a significant number of women being trafficked to Thailand, Malaysia,[151] and even the United States.[152] Because of its location, Cambodia is also a transit country that traffickers from across Asia use in smuggling to destination countries.[153] USAID has also partnered with the International Organization for Migration (IOM) and Cambodia's Ministry of Women's Affairs to conduct information campaigns in the country's provinces.[154] To further strengthen awareness-building efforts USAID worked with the IOM, encouraging growth of villager-based information sharing networks akin to "neighborhood watch" programs in the United States to help villagers feel comfortable with coming forward to report potential trafficking incidents.[155]

These awareness programs clearly have benefits. Shedding light on such a horrific human rights issue and attempting to open dialogue about trafficking in communities should be commended. However, increased awareness about this issue has yielded unintended consequences in some areas.[156]

Some studies have suggested that awareness campaigns have actually sparked an interest among young people in trafficking as a possible ave-

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149. *Id.* at 13; *see* GLOBAL PATTERNS, *supra* note 86, at 18 (identifying Bangladesh as an origin country with a "High" incidence of trafficking).

150. *See* U.S. AGENCY FOR INT'L DEV., *supra* note 107, at 13 (adding USAID has also worked with NGOs in the country to help coordinate anti-trafficking efforts among the country's religious leaders).

151. *Id.* at 14.

152. GLOBAL PATTERNS, *supra* note 86, at 18, 89.

153. *See* U.S. AGENCY FOR INT'L DEV., *supra* note 107, at 14.

154. *Id.* One particular information campaign produced by Cambodian officials involved showing villagers in five of the country's provinces a documentary featuring a Cambodian girl being enticed and tricked into joining a sex trafficking ring. *Anti-Trafficking Campaign Set to Start*, HUMAN TRAFFICKING (Mar. 12, 2006), http://www.humantrafficking.org/updates/135.

155. U.S. AGENCY FOR INT'L DEV., *supra* note 107, at 14.

156. *See* RUTH ROSENBERG ET AL., BEST PRACTICES FOR PROGRAMMING TO PREVENT TRAFFICKING IN HUMAN BEINGS IN EUROPE AND EURASIA 1 (2004), *available at* http://pdf.usaid.gov/pdf_docs/PNADP650.pdf (recognizing anti-trafficking programs can have the unintended consequences).

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nue to escape poverty.[157] Increased awareness of sex trafficking has also led to more young women reportedly facing restrictions on being seen in public for fear that they will be taken into the sex trade.[158] For example, in Albania's rural areas, some families have reportedly stopped allowing their daughters to attend school or other places in urban areas due to fears that they would fall victim to traffickers.[159]

ii. Sanctions and Shaming

The United States Department of State (State Department) publishes a yearly Trafficking in Persons Report (TIP Report) that details the United States' successes over the preceding year in combatting sex trafficking and identifies persons around the globe who are working to stem sex trafficking in their home countries.[160] The most prominent component of the TIP Report is the annual review of countries' efforts in the preceding year to curb trafficking in their home countries and meet the TVPA's minimum standards.[161] Countries are placed into one of three tiers rating the particular country's efforts in addressing trafficking.[162]

If a country has issues with sex trafficking but is making noticeable efforts to prevent trafficking, prosecute offenders, and protect women who have been trafficked into its borders, the country is placed in Tier One.[163] Tier Two is considered the "watch list" and includes countries that are making efforts to initiate programs, but do not show any clear signs of improvement or measureable success.[164] The hope is that by pro-

157. *See, e.g., id.* at 14 (noting that increasing knowledge about trafficking can have the unintended consequence of increasing their interest in going abroad). This was noted after IOM Ukraine conducted focus group discussions with people in Ukraine related to trafficking. *Id.* Moreover, approximately twenty percent of the teens who attended the focus group noted that they did so in order to learn how to go abroad. *Id.* IOM noted that the only thing that kept them in Ukraine was fear that they would be deceived by traffickers. *Id.*

158. *Id.*

159. *Id.*

160. *See* U.S. DEP'T OF STATE, *supra* note 30, at 46–49 (highlighting the importance of the TIP Report domestically and internationally).

161. *Id.* at 37; *see* Trafficking Victims Protection Act, 22 U.S.C. § 7106 (2006) (enumerating minimum standards requirements for curbing human trafficking).

162. *See* U.S. DEP'T OF STATE, *supra* note 30, at 51 (clarifying the tiered structure of the TVPA's requirements).

163. *Id.* at 38. Placement in "Tier One" does not mean that the country has completely abated its trafficking problem, but rather that the government in question has made significant strides in addressing the problem and has made noticeable progress at implementing initiatives to combat trafficking. *Id.*

164. *See id.* at 40 (defining the "Tier Two" category to include a high incidence of trafficking, clear escalation of efforts to combat trafficking, and a commitment to take additional steps).

moting a country's lack of improvement in thwarting sex trafficking, a country will take more concrete steps and work harder to stop the issue.[165] Finally, if a country has made no attempt or only minimal attempts to fight sex trafficking, they will be placed in Tier Three.[166] The TVPA has a mandate allowing the President of the United States to impose sanctions on countries placed in the third tier and that are clearly failing in their efforts to stop trafficking.[167]

Several countries and NGOs have cited potential drawbacks to this approach. The TIP Report has been criticized for being too subjective in rating countries.[168] It has also been criticized for being inaccurate and arbitrary in how it collects data.[169]

C. *Why Education is Such a Powerful Tool to Combat Sex Trafficking of Women and Girls and Why the United States Should Support Pro-Active Education Initiatives*

To continue progress in sex trafficking prevention, the United States government should continue its support of education initiatives for women and girls. Many women and girls falling victim to sex trafficking overwhelmingly originate from countries with strictly engrained gender roles, biases, and are also often struggling with poverty, making the pitch of a trafficker seem appealing.

Increasingly, studies show an undeniable link between poverty and education. Impoverished people are typically unable to afford an adequate education, and without an education people remain trapped in an unending cycle of poverty.[170] It is this unending poverty that makes women and girls more vulnerable trafficking.

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165. *See id.* at 44 (expounding on deterrence by including the penalties assessed on "Tier Three" countries by the United States).

166. *See id.* at 43 (explaining the meaning of a "Tier Three" designation).

167. *Id.* at 44 (providing Tier Three countries may be subject to sanctions and the U.S. government can withhold or discontinue non-humanitarian, non-trade-related assistance to those countries).

168. *See* CULLEN-DUPONT, *supra* note 8, at 60 (highlighting several instances in which the State Department has placed countries in tiers based simply on whether the U.S. had a good diplomatic relationship with the country at the time, including one particular instance in which Belizean officials argued that the only reason they received a Tier Three status from the State Department was because of the United States' good relationship with Venezuela at the time).

169. *See* ZHANG, *supra* note 90, at 121 (noting the U.S. Government Accountability Office evaluated the State Department's methodology for the report and found that other government agencies, NGOs, and other countries found it difficult to determine what criteria that State Department was using in evaluating anti-trafficking progress).

170. *See* Van der Berg, *supra* note 101, at 13–14 (affirming that education is a key component in people rising out of poverty and noting especially that an education im-

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Additionally, studies have shown that in order to break the cycle of poverty in developing countries, educating girls must be made a priority, especially providing education at the secondary school level.[171] When girls are educated they may assume responsibilities outside their homes and pursue existing opportunities in business and in their communities, or create their own opportunities, while providing for the health and well-being of their family in a positive way.[172] Empowering girls in this way not only benefits the girls but also their community.

Productive employment for women is extremely important in developing countries because women are more likely to use any income they generate to the benefit of the entire home.[173] This will generate a new cycle:

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proves job prospects for people in poverty and that as a country develops, the need for an educated workforce rises).

171. FANCY ET AL., *supra* note 114, at 22 (stating education at the secondary school level is especially important for adolescent girls, because research shows that the longer girls stay in school, the more skills they learn, the more income they can earn in the future, and the longer they will wait to get married and have children). Moreover, this study notes the longer a girl stays in school, the more likely she will be protected against human trafficking. *Id.*

172. *See* Lawrence H. Summers, Chief Economist, World Bank, Speech at World Bank Annual Meeting, Investing in All the People: Educating Women in Developing Countries, at 7 (1992), *available at* http://faculty.ucr.edu/~jorgea/econ181/summers_women94.pdf (stating an increase in funding initiatives aimed at educating girls would "yield enormous economic benefits"). Economist Summers notes that when girls have an education, several proximate benefits result: economic opportunities are expanded, thus families have a greater stake in their daughters' success; they typically choose to marry later and have fewer children, this results in a greater ability to invest in the children they do have and those children will break the cycle of poverty. *Id.* Summers elaborates:

> [E]ducating girls yields a higher rate of return than any other investment available in the developing world . . . [i]n part because of what women do with the extra income they earn, in part because of the extra leverage it affords them within the family, and in part because of the direct effects of being more knowledgeable and aware, female education has an enormous social impact.

Id. at 7–8; *see generally* Hoon Eng Khoo, *Educate Girls, Eradicate Poverty–A Mutually Reinforcing Goal* 48 U.N. CHRONICLE, no. 1 (Feb. 2010), *available at* http://unchronicle.un.org/article/educate-girls-eradicate-poverty-mutually-reinforcing-goal (explaining that as societies develop, new leadership opportunities are opened and that poverty reduction occurs in those countries when they foster the development of their own leaders).

> Women make ideal leaders: numerous studies have demonstrated that they tend to allocate resources more wisely than men. For example, women spend a larger percentage of their income on food and education for their children. Thus, strengthening the economic and political role of women directly benefits the next generation. To provide an excellent university education for women is to make [a] long-term investment in their and their children's futures.

Id.

173. *See, e.g.*, Raghu, *supra* note 124, at 157 (noting that studies show viable employment opportunities for women are vitally important in developing countries because wo-

by reinvesting income earned back into the home and toward their own daughters' education, women can keep girls from situations in which a traffickers' promise seems like a viable option and ultimately from a life of bondage.

Through USAID, the United States supports education initiatives with scholarships, programs that improve reading skills, workforce development, education for youth in war-and conflict-torn countries, and its work with governments and NGOs around the world.[174] These programs are especially admirable. However, the United States must continue its prevention efforts and must make education initiatives the cornerstone of its efforts. If the United States plays a proactive role in prevention, it will lessen the effects of trafficking once women and girls are within our borders.[175] Providing services for victims of trafficking within our borders is costly.[176] It is more efficient and easier to prevent a problem, rather than treat a problem. A pro-education approach yields the greatest return.

IV. CONCLUSION

Eleni was a young woman from Bosnia who had received a letter from a friend that told her about a job opportunity as a waitress. Eleni did not know, however, that the friend was actually working as a prostitute. Eleni decide to take the opportunity, but when she arrived at the restaurant, she quickly learned from her new owner that she had been bought and had to repay him by having sex with clients. She initially refused and was so badly beaten that she could not walk for

---

men are more likely than men to allocate their income to the benefit of their home and thus break the cycle of poverty).

174. *See Education, What We Do*, U.S. AGENCY FOR INT'L DEV., http://www.usaid.gov/what-we-do/education (last updated Mar. 8, 2013) (stating that USAID believes that "a good education is the key to a better life and a stronger economy"). "A person's earnings increase by [ten] percent with each year of school they complete. Women with higher levels of education have healthier children." *Id.* USAID has assisted in the development of educational programs in seventy-seven different countries and has focused on improving children's reading skills and vocational training for women in order to allow that to "find good jobs and contribute to the economic growth of their countries[.]" *Id.*

175. *See, e.g.*, U.S. DEP'T OF HEALTH AND HUMAN SERV., *supra* note 83, at 11–12, 19, 33–39 (listing the various effects that trafficking has on victims). Some of these effects include symptoms similar to victims of torture, such as post-traumatic stress disorder, depression, anxiety issues, and drug and alcohol abuse. *Id.* at 12. Moreover, victims of trafficking also experience sleep disorders, difficulty concentrating, intense variations in their mood, and physical symptoms such as frequent headaches and chest pain. *Id.*

176. *See id.* at 12, 16–17 (describing federally funded services available to victims of trafficking). Because the psychological effects of trafficking can afflict a trafficking victim for many years after they have left their captor, providers report that progress in rehabilitating and healing victims of trafficking can take years. *Id.* at 12.

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weeks. But, the brothel owner still forced her to have sex with clients. He "You're laying down anyway . . . you can still work." Eleni threatened to go to the police and her owner held a pistol to her head in retaliation.[177]

Sex trafficking is an ancient issue, yet we are still contending with it in 2014. One fact is certain: it is a horrific violation of human rights that leaves lasting effects on its victims. Once a woman or girl is trafficked, if she is able to leave her captor, she will face a litany of issues in her attempt to return to normalcy.

In spite of efforts to curb trafficking, the United States remains a primary destination country for traffickers. As a country with such great wealth that holds the idea of "freedom" in such high regard, we must act with fortitude to prevent sex trafficking and enslavement of women and girls. It is essential to take an approach that will tackle the root causes of this practice: poverty and gender inequality. The strongest way to alleviate these root causes is by strengthening support for education initiatives.[178] Supporting programs that equalize access to education will increase girls' chances for meaningful employment and will help them to have a positive impact on their families and their communities.[179] It will lessen the chance that they become prey for evil, unscrupulous traffickers and find themselves living lives in bondage in the United States.

177. *See* PARROT & CUMMINGS, *supra* note 2, at 30 (describing the story of Eleni, a survivor of sex trafficking in Bosnia).

178. *See generally* Summers, *supra* note 172, at 15–16 (offering a multi-part strategy for supporting girls' education initiatives). First, Summers advocates simply providing schools for girls and cites an example in Pakistan where a survey revealed that the most highly cited reason for not educating girls was simply that there was no school in the respondent's areas. *Id.* at 15. Secondly, strategies to make educating girls and women should be made "economically attractive," meaning, reducing costs for girls to go to school and supporting initiatives to lessen the impact of workplace discrimination in developing countries. *Id.* at 16. Thirdly, school for girls must take into account the cultural values of developing countries, that is, building schools close to the community, providing sanitation facilities that are appropriate for women and girls, and having female teachers on staff. *Id.*

179. FANCY ET AL., *supra* note 114, at 22.

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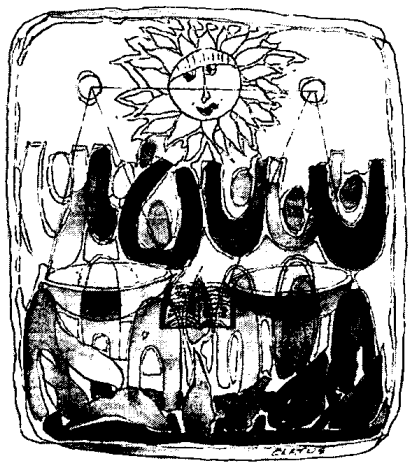

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The goal of *The Scholar* is giving "a voice to the voiceless." *The Scholar: St. Mary's Law Review on Race and Social Justice* strives to speak to all members of our society about issues of race and social justice: to inform them, to share with them, to educate them, and to grow with them.

Our primary goal is educating ourselves, and in the process, offering some different perspectives not often allowed or sought after in our society. *The Scholar* members will strive diligently and honestly to produce articles offering insights into the daily struggles of those marginalized in society.

We hope and anticipate that Articles published in *The Scholar* will be building blocks upon which a greater understanding of issues facing society is built. Our hope is that these building blocks will form bridges: bridges to bring together all the members in our society, bridges to connect all the groups that comprise our community, bridges to access self-discovery, and an understanding of the "other."

We hope this law review's work will be transformative; that it will educate, inform, and enlighten those who participate. We wish to create an environment that will allow everyone to learn, to teach, to share, to work together, and to contribute to the legal and educational communities.

Finally, we offer this law review as a sign of hope for a promising future and for better understanding of all of the members within our society.

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The Sarita Kenedy East Law Library staff for patiently assisting our research and aiding us in locating even the most obscure sources;

The previous Editorial Boards and Staff Writers of *The Scholar* who worked tirelessly to continue the efforts of the founders and without whose dedication *The Scholar* would not be entering its sixteenth volume;

Charles Cantu, Dean of St. Mary's University School of Law, Reynaldo Valencia, Associate Dean of St. Mary's University School of Law, Professor Amy Kastely and the rest of the faculty advisory committee for their unyielding support;

Spencer Kyle, Laura Figueroa & Angelica Jimenez, Roberto Balli & Claudia Valdez Balli, The Honorable Craig Estlinbaum, Deepak Amrik Singh Ahluwalia, and Jared Ryan Anderson for their contribution to this issue; and

Finally, we would like to thank our families, friends, and other loved ones, for their patience, understanding, and support as we seek to further the mission of *The Scholar.* They have done more to help ensure our success than they may ever realize.

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