

# How are boys trafficked in the sex industry?

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## Introduction

The first internationally agreed definition of human trafficking can be found in the Palermo Protocol (2003). Currently signed by 117 member states, the Protocol is an instrument of law meant to supplement the United Nations Convention against Transnational Organized Crime (2000). It describes the act, means and purpose as components of the offense. Since it came into force, the protocol has caused the number of countries with anti-trafficking legislation to more than double (UNODC, 2010). However, many difficulties still exist in the identification and support of victims, as well as the investigation and prosecution of offenders.

Now considered a global phenomenon estimated to have had over 40 million victims around the world in 2016 (ILO 2017), human trafficking is understood from a range of differing perspectives which diverge and conflict with each other. The protocol aims to balance the criminal perspective, which focuses on treating trafficking as a crime of which the trafficked people are witnesses, with human rights, by combining law enforcement with protective and supportive measures for victims (Ollus 2002).

This essay will focus on boys (males under the age of 18) as victims of trafficking for the purpose of sexual exploitation around the world. Proof of the means by which traffickers coerce and control the boys is not required in order to establish that the offense of trafficking has taken place, because children cannot consent to their own abuse and are seen as being dependent on adults and subject to an imbalance of power.

## **Boys as sex trafficking victims**

It is difficult to estimate the number of boys trafficked into the sex trade due to an acknowledged gender bias in the literature on the subject. Yet, the problem remains current and seems to be getting worse: research in the US indicates high numbers of boy victims in the sex trade, with boys being shown in more than 50% of all the pornographic material being seized from offenders during prosecution (Todres 2011). Curtis et al (2008) found that unexpectedly high percentages of boys were victims of commercial sexual exploitation in a study carried out in New York City and, seven years prior, Estes and Weiner (2001) found that 'in the main, sexually exploited boys... are underrepresented in the service populations of most CSE-focused NGOs.' Meanwhile, in some Asian countries, boys are cited as being in the vast majority of children trafficked into sexual exploitation (ECPAT 2008), some of whom end up in the UK and other western nations.

Why isn't there more awareness of male minors as victims of sex trafficking? In a literature review of 166 social science articles published between 2002-2007, Dennis (2008) found that most failed to acknowledge male sex workers. That there is an apparent disparity may be explained, he argues, by 'nothing more profound than discomfort among heterosexual scholars... over the acts that men and boys are engaging in.' Psychological research, until relatively recently, viewed boys who were victims of CSE as deviants doing it for the money, and also presumed that they were homosexual, bisexual or transgendered (Caukins et al 1976). From both a criminal and human rights perspective, the sexuality of the victims is irrelevant even if that were true. It is interesting to note that none of the literature seems to minimise the severity of sexual exploitation of female victims (or deny its existence) on the grounds of their sexuality.

## How do traffickers recruit, transfer and exploit boys in the sex industry?

Boys are used in different ways around the globe. Human trafficking criminals can operate within transnational syndicates of organised crime or within their own families. Boys are transported to other countries using low cost airlines or by land across borders. The trafficking process usually includes a personal contact recruiting the child (Europol 2011), but grooming may also take place online. Children may be promised a better life for themselves and their families, who may cooperate with the trafficker, making escape virtually impossible. Often, the victim feels there is no other economically viable choice than to accept the offer made by the trafficker. The occurrence of boys in the sex trafficking industry represents an extreme human rights violation. Victims suffer a denial of their rights to liberty, dignity and to be free from violence, to name a few.

A study carried out in Bangladesh found that the 'prostitution' of boys was a traditional practice taking place on the street, in homes or hotels (Ali & Sarkar 2006). Boys are instilled with fear if they try to escape, and violence is used as a means of control. Commenting on this study, Pearce (2009) writes that 'the profile or label of rent boy/prostitute can overshadow the fragile, developing identities' of victims.' The prostitute label causes particular difficulty, in that it leaves children vulnerable to being prosecuted for prostitution if they are discovered, which is a criminal offense in many countries. The exchange of money cannot be construed as consent. 'Child prostitution' is child sexual abuse.

Trafficking of boys for commercial sex can also occur in bars or massage parlours. In Thailand, McCamish (1999) found that establishments such as these 'sometimes exercise specific recruitment policies, targeting... the workers' geographical origins or body size.' This situation is illustrated by Reslan (2016) during his time in the city as part of a workforce for Urban Light, the only NGO working exclusively with boys trafficked in Thailand: 'local bar owners snarl these destitute boys with promises of good pay in return for "working" at their bars and then ply the boys with drugs so that survival sex becomes the only means for them to feed their addictions.'

In Afghanistan, boys are sexually abused as part of a traditional practice known as 'bacha bāzī' or 'boy play'. Boys are bartered as a form of entertainment or sport for the wealthy (PBS 2010). This practice has existed for centuries and is an established cultural norm. Afghan law prohibits pederasty, but had no clear provision specifically on bacha bāzī until the recent revision of the penal code, which is currently awaiting implementation (AIHRC 2014). Patrons refer to the boy dancers as 'your Majesty' and treat them with praise before they are sexually abused. In this way, the boys can be made to feel that that they are in control. Boys are often recruited by security forces. During the US invasion of Afghanistan, US military personnel had difficulty working with local police due to the blatant sexual abuse of boys within the barracks (Jahner 2016), demonstrating the difficulty of dealing with child trafficking within different cultural contexts.

Boys can also be recruited from the street. PLAN International have developed sub-categories of UNICEF's definition of 'street children', depending on whether the children sleep on the street alone, work on the street during daytime but return to their families at night, or sleep on the street with their families. A study carried out in Manila, Philippines, notes that street-connected youth are at a higher risk of being sexually exploited and found that boys may be coerced into sexual favours in return for food or shelter (Davis & Miles 2015).

In the US, boys who find themselves homeless are at the highest risk of being recruited into the sex industry (Bastedo 2015). Whilst less likely to work with a pimp than female minors,

boys are sometimes advertised via third party 'facilitators' with whom Bastedo (2015) writes they have a less overtly exploitative 'relationship' than their female counterparts. However, boys end up with similar feelings of deep-seated shame and arguably more stigmatisation than females (ECPAT USA 2013). It seems that if boys are 'exploited less' by their recruiters, then it could lead to an increased sense of autonomy, even though the victims had no real agency due to their overwhelmingly desperate circumstances.

In the UK, boys are often trafficked for the purposes of domestic servitude, with sexual abuse only becoming apparent once other forms of exploitation have been identified. Sexual abuse becomes a means of control to prevent disclosure of the other crimes, even if it was not the primary purpose of trafficking. In these cases, barriers to disclosure are synonymous with those of non-trafficked male victims of child sexual abuse and include stigma and shame, a conflict with cultural norms and confusion about one's own sexuality. Leon and Raws (2016) write that there is a 'culture of disbelief' within the immigration and asylum system. Their report demonstrates how the phenomenon of children trafficked into the UK is treated as a problem of migration, which makes it difficult for professionals to recognise the indicators of sexual exploitation.

### **Boys as recruiters**

Another aspect of sex trafficking which makes it difficult to recognise the victimhood of boys is the incidence of boys themselves being the recruiters of new victims. Aggleton (1999) describes how boys are sometimes recruited into the sex industry by their brothers: 'the young boy arrives without really knowing what will happen'. The boys who are recruited into brothels can stay well into adulthood, and do not recognise that they have been abused, despite being 'initiated into sex at a very early age by tricks and false means.' They even describe being 'grateful' to the brothel owner. It seems that victimised boys only grow into 'grateful' adult prostitutes once the trauma they have endured has become normal for them. In turn, the recruiting of other boys is also normalised.

### **Health impact of sex trafficking on boys**

Boys who have been trafficked present with multiple physical and psychological needs, though the impact of being a male victim of sex trafficking specifically is understudied (Omole 2006). Using violence as a method of control commonly results in physical injuries, including broken bones, burns and brain trauma. Sexually transmitted diseases are a common problem for boys who are sexually exploited, with a majority of brothel workers in one account being found to have HIV (Aggleton 1999). Psychological ailments suffered by victims during aftercare include depression, anxiety, PTSD and Stockholm Syndrome. However, there are very few services set up to support the vulnerable population of sexually exploited boys, with the vast majority of services focusing on women and girls.

### **What factors make boys vulnerable to being trafficked?**

Children are the most vulnerable category of victims as they are dependent on the adults around them and require less coercion during the recruitment process. A Europol (2012) report states that victims 'will inevitably come from countries and regions which are subjected to economic hardship and other contributory factors which the traffickers will target.' The research shows that this assumption is incorrect and conforms to the harmful narrative of trafficking being an 'out there' problem rather than one occurring in countries on any end of the economic spectrum.

The points of vulnerability can be categorised into 'push' and 'pull' factors regarding the individual victim's personal circumstances. Push factors can include poverty, political instability and the need to escape from an abusive family environment. Pull factors might be the hope for a better quality of life, the demand for services and belief in, or desire for, a loving relationship with the trafficker. Children might be sold to clear a family debt, or 'voluntarily' submit themselves to the trafficker out of a sense of filial piety. There are also enabling factors which go beyond the individual circumstances of the victim; these might include poor border controls, corruption within governance and law enforcement and the possibility of using the internet to identify and groom minors. A report by the European Commission (2015) cited typologies of risk profiles for children, which include victims of abuse and neglect, subjects of a well-intentioned migration plan (where a family deliberately send their child abroad for a better education, without understanding the risks) and victims of war and natural disaster.

Ali & Sarkar (2006) described how people who are unable to afford to meet their basic needs are 'capability poor' in addition to being financially poor. This is because they are unable to pay for an education or learn new skills to improve their employability prospects. Vulnerability is compounded where this dire situation meets a culture which stigmatises sexual conduct between males, or where males are seen only as aggressors or predators instead of potential victims. This follows the 'susceptibility model' of vulnerability posited by Cobbina and Oselin (2011), who also cite low self worth and a sense of alienation as being catalysts for boys entering the sex trade. This model is analysed in conjunction with the sociological theory of 'differential association', where boys may end up being trafficked due to influence from peers who have normalised their own abuse, having learned or experienced it from others. However, where a family or community is suitably resilient, it seems unlikely that influence from outside sources could, as an isolated factor, cause a child to be trafficked.

### **An issue of vulnerability or resilience?**

There is a debate about whether vulnerability or resilience plays a greater part in the causation of human trafficking. No individual point of vulnerability causes a person to be trafficked, and no level of resilience guarantees a child's safety. Trafficking happens because there is a demand for the services provided by victims. Therefore, a discussion on resilience is not an allocation of responsibility, but considers the protective factors that can lower the risk of an individual or section of society being victimised. Resilience factors include education leading to better employment prospects and higher incomes, stronger child protection frameworks with an emphasis on multi-agency cooperation, protective societal attitudes (rather than discriminatory ones) and a robust legal system.

Children are reliant upon state institutions (and their families, insofar as family can be seen as an institution) to provide the social goods which lead to resilience. Fineman (2010) writes that 'the nature of human vulnerability forms the basis for a claim that the state must be more responsive to that vulnerability.' According to this line of argument, the state has a responsibility to prevent its citizens being victimised. However, this is typically seen to clash with the principle of individual autonomy or freedom of contract. This occurs where, for example, adults want to work as prostitutes but are barred from legally doing so by the state.

Contrary to libertarianism, it is posited here that, since we live in an interdependent society, we are all dependent on the state to some extent or other, and we are all vulnerable in some respects. It is only through the receipt of social resources (education, safety, healthcare etc... and a supportive family unit), that we are even able to openly discuss autonomy and evaluate our country's standard of governance, safe in the knowledge that our basic rights will be

guaranteed in western society (as opposed to in North Korea, for example). Instead of seeing autonomy as dichotomous with the state, we should recognise that a well funded infrastructure with good institutions and minimum corruption leads to more autonomous, resilient citizens who are 'capability rich'... and therefore less likely to be victimised by traffickers.

A deterministic view of human vulnerability seems most helpful. One is only as resilient as one's circumstances have enabled them to be, and when underserved sections of society need to rely on the state to intervene and provide support, their situation should be destigmatised and their human vulnerabilities understood with compassion. It could be argued that a state response to human trafficking should be with a view to prevention, rather than earlier intervention. The demand for services provided by trafficking victims needs to be addressed. A state which distributes social resources evenly, thus minimising inequality of opportunities, might decrease the demand for cheap labour and commodified sex, to prevent people from offending in the first place. This approach would require a deeper understanding into the conditions and motivations of traffickers and the ways in which even they could be seen as vulnerable subjects of socio-economic conditions and personal circumstances.

### What legislation is in place to protect victims of trafficking?

The Palermo protocol is a supplement to the United Nations Convention against Transnational Organized Crime, and was ratified by the UK government in 2006. It provided an internationally established definition of human trafficking, for later assimilation into domestic laws. The UK is also subject to the The United Nations Convention on the Rights of the Child (1989), which is the most widely ratified human rights treaty in the world. It sets out the full extent of every child's civil, political, economic, social, health and cultural rights (NSPCC 2017). However, developing countries can have difficulty realising the full extent of the Convention: when becoming a signatory, India declared that 'certain of the rights of child, namely those pertaining to the economic, social and cultural rights can only be progressively implemented in the developing countries, subject to the extent of available resources,' as recorded on the United Nations Treaty Collection (2017) database.

Member states of the EU and other international signatories are also subject to the Council of Europe Convention on Action against Trafficking in Human Beings (2005), which creates a number of responsibilities such as to identify victims, discourage the demand for trafficked people and to take prevention measures (Articles 10, 6 and 5 respectively). However, Todres (2010) argues that 'instead of choosing prevention as the starting point for developing an effective response... to date most governments have paid the least attention to what is actually the end goal.' In his view, governments are focused more on prosecuting offenders and increasing border controls than addressing the root causes of the problem. This is concurrent with the Leon and Raws (2016) report which demonstrates how the UK government treats trafficking as a migration issue rather than addressing the demand for trafficked services. Piotrowicz (2008) also agrees that 'the problem (or at least the limitation) of the Palermo Protocol is that it is aimed primarily at tackling the perpetrators' of human trafficking.

A problem with the international legislation is that it takes time to be integrated into domestic law, if it happens at all. It also makes expectations of governments which may not be met, such as the obligation to grant victims temporary residence and repatriate if necessary. Brusca (2011) writes that, as a consequence, 'there is not a uniform standard for the rights and reparations of victims.' In this sense, the Palermo Protocol has failed in its attempt to create an internationally uniform strategy for dealing with human trafficking.

On the other hand, some successes since the Protocol came into force are also noted, such as the UAE's implementation of legal structures in an attempt to prevent trafficking, which Caplin (2009) considers a 'fair job'. These structures include new efforts to prevent camel jockeying, which is a form of forced labour exclusive to males.

In the UK, the judicial system exists in the form of three institutions with lawmaking capabilities: the Legislature, which enacts statutory law via Acts of Parliament, the Judiciary, which creates common law through a hierarchy of legal precedence and the Executive, which can implement administrative law. These institutions are balanced by a constitutional principle known as the separation of powers. These three organs of government also exist in post-colonial states such as India where, although the separation of powers is not enshrined in the Indian Constitution, in practice the principle is observed. However, in both countries, there is a noted phenomenon of the legislature and executive having overlapping roles (Bradley & Ewing 2007). The judiciary remains independent in both countries and can challenge an Act of Parliament that it deems to be unconstitutional, through a process known as judicial review.

### **How might the law be improved to benefit child victims of sex trafficking in the UK?**

According to recital 14 of the EU directive 2011/36/EU, children should 'be protected from prosecution or punishment for criminal activities... that they have been compelled to commit as a direct consequence of being subject to trafficking.' However, this doesn't always happen in practice. Appeals against the outcome of four separate criminal convictions (three of which concerned child victims) were allowed due to the extent to which the crimes were committed as a result of the convicted having been trafficked (L., H.V.N., T.H.N., and T. v R, 2013). Whilst deciding whether a person has been trafficked is primarily the purpose of the National Referral Mechanism (NRM), courts are not bound by the resulting decision and must take factors such as age into account during court proceedings. A provision inserted into existing legislation (such as the Modern Slavery Act 2015) which stipulates that children who are found to be trafficking victims cannot be prosecuted for any crime committed in the course of being trafficked may make the situation clearer, rather than it being decided by common law.

Todres (2016) makes a case for a system of mandatory reporting for trafficking victims. He writes that such a system 'offers a well-established scheme for identifying children at risk of or subjected to exploitation. Moreover, the abuse and maltreatment child trafficking victims suffer are the types of harms mandatory reporting laws were intended to address.' However, he also stipulates the importance of training for professionals who would be mandated to report and describes how a legal obligation to report without sufficient training can hinder rather than help survivors. Also, since he is writing from the US, his ideas are ahead of the situation in other places such as the UK, where there is currently no *legal* duty to report child abuse of any kind (except where a child is a victim of FGM). There is an abundance of evidence from other countries to suggest that mandatory reporting of child abuse could be beneficial (Matthews et al 2016), though less evidence is available for child trafficking specifically.

### **How effective are the international agencies involved with identification, rescue and aftercare of sex trafficking victims?**

There are several difficulties in identifying victims of human trafficking. Investigations often rely on the cooperation of victims and witnesses which is not always present. For example, victims may be afraid of the repercussions of speaking out, or there may be cultural or language barriers between the victims and the investigator. Victims are often distrusting of

police staff, due to negative experience with authorities in their country of origin. Bales & Lize (2007) found that experienced investigators in the US yielded better results, because they interviewed victims with increased sensitivity and awareness of these issues. However, awareness of the scope of human trafficking remains low in western countries, which makes identification difficult. Victims are often at risk of being persecuted for other crimes and treated as suspects, whilst the overarching crime of trafficking remains undetected. One study found that NHS staff in the UK were coming into contact with trafficked victims but lacked the confidence and knowledge to respond appropriately (Ross et al 2015). Therefore, comprehensive training of all frontline practitioners is needed.

The rescue of victims of human trafficking can take years from the point where suspicions are raised to prosecution of offenders. Rescue is a multi-agency effort which relies on information sharing amongst professionals. In the UK, the NRM provides a framework for the identification of victims as well as data collection. However, it relies on victim cooperation to provide a clear picture of the scope of trafficking in the country. Upon first suspecting the occurrence of trafficking, the first responder must jointly fill out a referral form with the potential victim. Their information is then passed to one of the two 'competent authorities', as decided by the National Crime Agency. In the interim review of the NRM, Oppenheim (2014) commented that the immediate form-filling was 'rather clumsy and ill-timed', preferring it to be completed after the victim has been extricated from their trafficker. However, since investigation and subsequent rescue relies on clear data about each victim, it seems necessary to record some facts about the situation as soon as possible. This process is far from guaranteed. A very recent survey found that only 6% of professional respondents felt that awareness of the NRM amongst agencies was good enough, with over half believing that the current mechanism should be revised (ECPAT 2017).

Both potential and actual victims of trafficking are entitled to support in line with the Council of Europe Convention (see above). This includes material and legal assistance, medical treatment and education for the victim's children. NGO's responsible for aftercare such as Hope For Justice offer support beyond the minimum required by law, such as a programme of activities and outings for victims to help them recover from their experience. Child victims are placed in social care and may be fostered; they are also supported by specialist NGO's such as ECPAT, who are one of the few agencies to run a group for trafficked boys and young men. They are currently calling on the government to provide resources leading to specialist care for child victims of trafficking.

## Conclusions

It is clear from the empirical data (or lack of) and literature that there is a strong gender bias against boys within the context of sex trafficking. This is due to anachronistic cultural norms where males are seen only as sexually aggressive predators rather than potential victims. Given the lack of awareness of human trafficking in general, the 'niche' incidence (which seems to not really be a niche at all) of sexually exploited boys will take time to be fully realised. However, some NGO's do offer support for boys, mostly in western countries. With the increasing governmental focus on human trafficking, it seems inevitable that the subject of boys as victims will also be brought to the fore. Until then, robust training on the subject of all forms of modern slavery, in addition to clear reporting and information-sharing responsibilities amongst professionals from different agencies (and embedded within the current child protection framework rather than separate from it) is the best hope for progress.



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