

SENTENCING SEVERITY OUTCOMES OF A MODERN-DAY SLAVERY

by

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ABSTRACT

DAISY ANN LEON. Sentencing Severity Outcomes of a Modern-Day Slavery. (Under the direction of DR. MATTHEW PHILLIPS)

Human trafficking has become a global epidemic and is expected to surpass the drug and arms business in years to come. This places it as the fastest growing criminal industry in the world, with individuals trafficked for many purposes including but not limited to sexual exploitation, forced labor, servitude, and organ/tissue removal. Human trafficking has many forms, and purposes; and men, women, and children are all targeted. Worldwide, more than 20 million people are thought to be affected by this modern-day slavery (Byrne, Parsh, and Ghilain, 2017). There is a large gap between the number of victims affected and how many offenders are actually caught and convicted each year. Results from studies suggest that even after a successful prosecution different factors play a role in sentencing severity (Farrell, et al., 2016). The study seeks to find variables that affect sentencing outcomes in human trafficking cases. These factors include region of prosecution, purpose of trafficking, the complexity of the trafficking organization, and the complicity of government officials.

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LIST OF ABBREVIATIONS

HTCLD	Human Trafficking Case Law Database
ILO	International Labor Organization
OLS	Ordinary Least Squares
TIP Office	Office to Monitor and Combat Trafficking in Person
TVPA	Trafficking Victims Protection Act
UNODC	United Nations Office of Drugs and Crimes

INTRODUCTION

Human trafficking is a growing epidemic that affects millions of people around the world. This research will focus on stating the problems faced when it comes to human trafficking. A literature review is included discussing issues of human trafficking that focuses on defining, describing and understanding what human trafficking is. The literature review will also include the hidden victims of human trafficking, the prosecution of human trafficking and the obstacles faced when prosecuting human trafficking. Lastly included in the literature review are issues surrounding sex trafficking and the legalization of prostitution, topics that are very abundant in human trafficking literature.

From there the research will shift focus to discuss the goal of this study, the research questions posed, and the hypotheses included in the study. The focus of this study is understanding what variables affect the sentencing outcomes of a human trafficking prosecution case, to specify what variables affect the odds of receiving an imprisonment sanction versus receiving anything else (fine, deportation, none, other). The data was collected from the United Nations Office of Drugs and Crimes (UNODC) under their Human Trafficking Case Law Database (HTCLD), it was then compiled and used in a multivariate regression analysis. The first step is conducting a logistic regression model to predict the odds of receiving an imprisonment sanction and the second step is conducting an ordinary least squares (OLS) regression model to predict the sentence length of those who received an imprisonment sanction. The results will be discussed in detail, and after a discussion will be included that discusses the policy implications, limitations, and future research.

STATEMENT OF THE PROBLEM

Human trafficking affects millions of people worldwide, there is much unknown about this topic in general but researchers, policy makers, law enforcement officials and civilians know it is a problem. Human trafficking is an important topic because it has not been fully explored; the current main focus of this research is on sex and labor trafficking. Perhaps if there was more focus on severe sentencing outcomes then this could have an effect on trafficking in the future, where it dissuades offenders from participating in trafficking of humans. Rational choice theory could potentially be used to link the hypothesis and objectives to theory. Those who seek to traffic in persons presumably weigh the potential costs and benefits, and in this case the benefits seem to outweigh the costs, so they decide to stay in the illegal trafficking business. The benefits include, monetary compensation, little risk of getting caught, and if caught there is a low probability of any severe punishment. If sentencing outcomes are not severe it may entice a person to become a trafficker or to continue trafficking in persons.

Results from this study could yield practical implications for the prosecution of human trafficking. Most significantly, these implications concern cases in which government officials are found to be complicit in trafficking in persons. If the study shows that government officials have lesser sentencing outcomes, then actions should be taken to ensure people in power dissuade from committing this type of crime and receive punishment if they are involved in human trafficking. This research could impact prosecutions in general, finding a need to improve laws concerning traffickers. It could also affect the policies that are in place at borders, having stricter policies on what documents are needed to be allowed in the country traffickers and victims are entering.

LITERATURE REVIEW

Understanding Human Trafficking

As defined by Article 3, paragraph (a) of the United Nations *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (U.N. Protocol), (2000) human trafficking as defined as:

The Act (What is done)

- the recruitment, transportation, transfer, harboring or receipt of persons,

The Means (How it is done)

- by means of the 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 a person having control over another person,

The Purpose (why it is done)

- for the purpose of exploitation, which includes exploiting the prostitution of others, sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.

This definition has three main elements, which have been highlighted to express their importance: criminal acts, means used, and purpose of exploitation. All of these elements are important to the present study because they will be used as independent variables and were highly discussed in the literature (Nicholas and Heil, 2015). Another important variable is the form of trafficking; trafficking can take place either transnationally, internally, or both (Human Trafficking Knowledge Portal, n.d.).

Since the year 2000 the United Nations Office of Drugs and Crimes established this definition to use and share transnationally and has been working vigorously to combat human trafficking at the transnational level by creating the Palermo Protocol

(UNODC, 2000). Transnationally, a “3P” paradigm (Prosecution, Protection, and Prevention) is adhered to and seen as the “fundamental framework used around the world to combat human trafficking” (US Department of State, 2017). As greater attention has been paid to human trafficking throughout the years, efforts all over the world are being made to help prosecute, protect and prevent the trafficking of persons.

Modern-day slavery is the new name given to human trafficking as the victims of this crime are considered slaves of traffickers. Human trafficking is a highly profitable criminal business, globally it is a multi-billion-dollar criminal industry (Interpol, 2017). Human trafficking has become so profitable that it is expected to surpass both the drug and arms trafficking in years to come (Schaffner, 2014). The International Labor Organization (ILO) calculates that combined, forced labor (domestic work, agriculture, and other economic activities) and commercial sexual exploitation generate annual profits of about \$150 billion dollars worldwide, which sums up to be three times more than what was originally calculated (ILO, 2014). It is estimated that there are approximately 20-27 million victims of human trafficking a year (Byrne, Parsh, and Ghilain, 2017). To reiterate, the trafficking of persons is a highly profitable illegal business.

A major concern with human trafficking is how difficult it is to detect. Even the reliability of current statistics is routinely called into question (Winterdyk and Reichel, 2010). Unbeknownst to the people around them, victims can be hiding in plain sight. Health care professionals often fail to detect victims of human trafficking. While under the control of the trafficker, it is estimated that about 80% of victims of sexual exploitation are seen by health care providers and mainly go undetected (Byrne, Parsh, and Ghilain, 2017). The most known reason for the trafficking of persons is sexual

exploitation, and women and girls are the main targets. The *Forced Labor Statistics* created by the ILO showed approximately 71% of women and girls being modern slavery victims, and 99% of them were victims of sexual exploitation (ILO, 2017). This creates a disheartening feeling when trying to help victims, as sexual exploitation has the most cases of human trafficking. The majority of victims are being provided medical attention and health care professionals are failing to detect victims, making them go back into the life of exploitation.

However, health care professionals, are not to be blamed as they don't have enough training to detect victims, and there is no type of screening tool to help recognize who is a victim. This could be difficult to create because victims do not fit a specific profile. A study conducted by Chisolm-Straker, Baldwin, Gaïgbé-Togbé, Ndukwe, Johnson, and Richardson (2016), found that screening questions could help improve victim identification. However, those individuals that were identified as human trafficking victims were usually only given information on how to escape their situation. This raises awareness for the need for specialized training to identify, intervene, treat, and learn how to adequately help victims of trafficking.

The Forgotten

Other researchers have called for a re-shift in focus of human trafficking, to include all forms of trafficking and all types of victims (Jones, 2010; O'Brien, 2013; Uy, 2011;). There is a larger and overpowering focus on sex trafficking and female victims, and this takes away from male victims and other forms of trafficking. There is an assumption that the majority victims are female and children and this diminishes resources, aid and justice for male victims. Anti-trafficking awareness campaigns have

been called out for their lack of attention to male victims (O'Brien, 2013). There is this notion of an "ideal victim" one who is female, young, vulnerable that is trafficked for sexual exploitation, not only in campaigns but in the eyes of the media, law enforcement officials, and policymakers. In most cases, the media negatively portrays men, commentators have pointed out male media descriptions are positive less than 20% of the time, and 55% of male activities reported by the media are in relation to violent crimes (Jones, 2010). This "traditional narrative minimizes the public's empathy regarding physiological and psychological harm to males" furthermore making the public believe men have complete power in their relationship and work (Jones, 2010).

Negative portrayal of men in the media, a lack of attention and awareness of male human trafficking victims can really impact aid for these male victims. In 2007 in San Francisco, shelter resources specifically for victims of human trafficking were only available for female and children (Uy, 2011). There was a struggle to find housing for male victims and many were sent to homeless shelters which didn't provide helpful resources for the victims. In 2009, 222 institutions and domestic and international anti-trafficking programs received funding from the DOJ and of those programs only 2 were dedicated to protecting the trafficking of men and boys (Jones, 2010). This can be very detrimental for male victims because there isn't a place equipped to help deal with the needs of male trafficking victims, leading them to further victimization or back into trafficking. Inattention, misperception, and lack of coverage of male victims can really hinder not only aid and resources for these victims but also the prosecution of human trafficking for males.

Prosecution of Human Trafficking

In 2016, the Department of Justice (DOJ) in the United States opened 1,800 federal cases of human trafficking and convicted 439 traffickers (US Department of State, 2017). The number of cases prosecuted on human trafficking laws is minuscule; by comparison in the database used for this research study there are a little over 1,400 cases from all over the world. The human trafficking report of 2013-2014 from the UNODC showed that approximately 5,200 victims of domestic and transnational trafficking were detected in the United States. The number of victims and number of cases prosecuted does not come close to the number of victims there were a year, even using the most conservative estimator.

This leads to the issue of legislation. When it comes to prosecuting cases of human trafficking each country has their own legislation, this can either help or hinder the reduction of human trafficking depending on many factors, like the severity of the laws set in place. The United States followed in the footsteps of the UNODC by creating the Trafficking Victims Protection Act of 2000 (TVPA 2000) to combat human trafficking and also created the Office to Monitor and Combat Trafficking in Person (TIP Office) specifically dedicated to monitor and combat the trafficking of persons. The TIP office releases yearly reports that show statistics of federal human trafficking cases in the United States, as well as a comparison of the progress of other countries in their efforts to prosecute human trafficking cases (US Department of State, 2017). Not every country has been as progressive, and even the countries that have changed policies and laws to become tougher on human trafficking are having difficulty prosecuting perpetrators on charges of human trafficking.

Years after the international call to join forces to combat the trafficking of humans, countries around the world still struggle to prosecute, protect and prevent the trafficking of humans. In 2011, 11 years after the development of the *Palmero Protocol*, Canada became the first country to successfully prosecute a case of international and human trafficking (Hastie & Yule, 2014). In *R v Domotor*, 19 men from Hungary were brought under the false pretense of work for a better life. While in Canada they were forced to work without pay by the Domotor's, a family who ran a criminal organization. A total of 12 traffickers were charged in this case and the highest sentence was nine years in prison on human trafficking charges (*R v Domotor, Domotor, and Kolompar*, [2012] OJ No 3630). Although human trafficking laws are being enacted not many cases are being seen and prosecutors struggle to penalize defendants under human trafficking charges.

Obstacles to Prosecution

The 2017 National Human Trafficking Hotline statistics found that in the United States, 10,615 number of victims were identified and there were 8,759 human trafficking cases, this included sex and labor trafficking while some of the cases were not specified and some were both (Polaris Project, 2017). This dispersion calls into question why so many more cases are reported than investigated and prosecuted. Research suggests that the reason for little prosecution of human trafficking is that human trafficking is considered a “new crime” (Farrell, et al., 2016). In the United States, cases may be prosecuted under prostitution or related charges instead of human trafficking charges. There is a belief that as time passes there will be more prosecuted human trafficking cases (Farrell, et al., 2016). For now, relatively few human trafficking cases are

prosecuted, and few traffickers are actually convicted of human trafficking offenses. Since the laws are relatively new, prosecutors may not know to handle cases accordingly. Prosecutors “shy away” from using human trafficking laws because they do not want to feel singled out, by being the only one using it (Farrell, et al., 2016). They also avoid prosecuting individuals on human trafficking charges because the chances of actually receiving a guilty verdict are low (Nicholas and Heil, 2015). A problem presented by the definition set in place by the Palermo Protocol is having those three elements present, acts used, means used, and purpose of trafficking. Pressure was placed on federal prosecutors in the US to have all three elements involved in cases although the federal law only requires one element to be present (Nicholas and Heil, 2015). All these issues decrease the chances of even prosecuting a case on human trafficking charges.

Another reason for not prosecuting cases on human trafficking charges is that prosecutors are not fully knowledgeable about what the trafficking laws entail. This can create issues when deciding whether to pursue charging an individual on trafficking laws. Farrell’s et al., (2016) study did not find that human trafficking cases that had more indication of trafficking (means of human trafficking: physical/nonphysical harm, threatening, demeaning or demoralizing the victim, etc.) were more likely to lead to prosecution than cases that had less evidence of human trafficking (Farrell, et al., 2016). This could lead towards prosecutorial bias because prosecutors may be more inclined to steer away from human trafficking charges and instead charge defendants with other types of charges if it is easier to obtain convictions. There are also problems with the definitions of human trafficking and the way they are “operationalized and translated into practice” (Nicholas and Heil, 2015). The definition for severe form of trafficking set in

place by the Trafficking Victims Protection act (TVPA) of 2000, section 103, 8a and b¹, is excellent in theory, but in practice it has some grey areas.

Researchers have agreed that it is a great definition in theory, but in practice it makes law enforcement believe that victims are only those who are “illegal immigrants” or who have crossed borders (Kara, 2010; Nicholas and Heil, 2015; Outshoorn, 2005; Weitzer, 2010). This creates a difficult situation because from the beginning, cases that are human trafficking are not being treated as such, and victims are being disregarded, thereby slimming down the chances of traffickers being prosecuted.

Farrell’s et al., (2016) study also found that there are other factors that influenced the decision to prosecute offenders, namely this would include evidence, and victim cooperation. Victim cooperation has been identified as a problem by several researchers (Farrell et al., 2016; Hodge, 2014; Nicholas and Heil, 2015). Usually victims do not want to cooperate with prosecution at first. This could be because of fear, trauma, coercion, or simply unknowing what trafficking even is (Nicholas and Heil, 2015). Without victim cooperation, the chances of cases being prosecuted under human trafficking charges decreases.

Another reason victims may be unwilling to cooperate is the economic factors that drove them to human trafficking. Finckenauer and Chin (2011), came to the conclusion that human trafficking may be country-specific. While interviewing women from China, the study found that many women willingly were trafficked to other countries for sex

¹ “a commercial sex act induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subsection to involuntary servitude, peonage, debt bondage, or slavery.”

work because of economic factors involved. If victims are willingly being trafficked for sex work because of monetary reasons they may not see themselves as victims and may be unwilling to cooperate because it does not benefit them.

Issues Related to Sex Trafficking and Legalized Prostitution

Sex trafficking is a highly discussed form of human trafficking, as it is estimated that the majority of victims are trafficked for sexual exploitation. Studies show varied results when it comes to sex trafficking. In Canada, the legislative definition of sex-trafficking is similar to that of procurement and were seemed to be treated as equal in severity which resulted in similar sentencing patterns (Roots, 2013). Sex trafficking is extremely difficult to distinguish, even in countries that have legalized prostitution. A previous research study suggested that if a country changed prostitution from illegal to legal, the probability of human trafficking increased (Jakobsson, and Kotsadam, 2013). The study also suggested that if stricter prostitution laws were enacted human trafficking decreased. Another study found similar results, countries that featured legalized prostitution had higher intensity of reported human trafficking cases (Cho, and Dreher, and Neumayer, 2017). A study found that it was difficult to even distinguish sex trafficking from legalized prostitution as sex workers were uncooperative when it came to helping government officials identify trafficking. However (Day, 2012), believes that since distinguishing sex trafficking from prostitution can be infeasible, recognizing them as interconnected can help create more effective laws and combat human trafficking. Since many studies discuss a possible connection between prostitution and sex trafficking one of the current study's focus will be on investigating what effect prostitution has on sentencing outcomes.

Reforming federal sentencing for forced labor trafficking and sex trafficking to stricter guidelines shows to increase sentencing severity. Between 2001 and 2010 U.S. Congress passed severe sanctions for labor and sex trafficking, and research showed that during this 10-year period that targeted increases in mandatory minimum sentencing there was a considerable increase in the mean length of imprisonment (Albonetti, 2014). Change toward more severe penalties for human trafficking could lead to an increase in sentencing severity.

GOAL STATEMENT

The goal of the current research is to understand which variables affect sentencing outcomes in human trafficking cases. As shown in the literature review, researchers, government officials, and policy makers know human trafficking is a big issue but there is a great dark figure of crime revolving around human trafficking that takes away from knowing how big of a problem it actually is. Human trafficking is still a relatively new focus for law enforcement and prosecution, and there are so many areas to explore that researchers still have not been able to study every topic, which is why this current study focuses on exploring what factors of a legal case affect sentencing severity. Many studies discuss the problems of even having prosecutors charge defendants under human trafficking charges but there are few discussions on sentencing severity.

RESEARCH QUESTIONS

The main research question is: what factors/variables affect sentencing outcomes in human trafficking cases? This could be by receiving an imprisonment sanction or receiving another type of sanction (fine, deportation) or no sanction at all. Another question that posed is how legalized prostitution affects sentencing outcomes. Previous research suggests that legalizing prostitution can affect human trafficking, some articles suggest it decreases the prevalence of human trafficking, while other articles suggest it increases the prevalence of human trafficking. The results could lead to more questions that could be used to discuss future areas of research.

FORMAL HYPOTHESES

Hypothesis 1: If a government official is complicit in a case then that case will be classified as receiving a light or no sentence at all.

Hypothesis 2: Countries with fully legal or partially legal prostitution will have harsher sentencing outcomes than fully illegal countries.

Hypothesis 3: If a male victim is involved in a case then the defendant will receive a lesser or no sentence compared to cases involving women and children.

Hypothesis 4: The purpose of trafficking will affect sentencing outcome severity. Sex trafficking will have harsher sentencing outcomes than forced labor, and other purposes of trafficking.

DATA

The UNODC maintains a Human Trafficking Knowledge Portal that includes the Human Trafficking Case Law Database with officially documented cases of human trafficking from all over the world. A variety of law schools, universities, interest groups, and non-governmental organizations have collaborated with UNODC in compiling the case law summaries included in the database. A total of 107 countries are included in the database, and cases date from 1981 to present day. The UNODC website notes that “The numbers of cases available per country in the UNODC Human Trafficking Case Law Database are representative neither of the actual number of trafficking in persons cases nor the trafficking situation in a country.” (UNODC, 2019). Meaning, the data should not be taken as an estimate of human trafficking. However, the number of cases fluctuates by country.

The 2018 Trafficking in Persons Report places countries into tiers by how well the government meets the TVPA’s standards (UNODC, 19). Countries in Tier 1 completely meet the TVPA’s minimum standards for combatting and stopping human trafficking. Countries in Tier 2 do not meet all of the TVPA’s minimum standards but are making notable changes to meet the standards. There is a Tier 2 Watch List similar to Tier 2 however these countries have a rising problem of victims in severe forms of human trafficking, and/or there is no evidence to show a change in efforts to eliminate or combat human trafficking from the previous year, and/or the government of the country made assurances that it would make changes over the next year to meet the minimum standards of the TVPA. Tier 3 consists of countries that do not meet the TVPA’s minimum standards and are not trying to make significant changes. The tier countries are

placed in is typically reflected in the database by the number of cases a country has. This reason is if a country is in compliance with TVPA's minimum standards they are also making more efforts to prosecute and convict defendants and are more likely to meet all three elements of human trafficking.

The comprehensive, database includes information on the victim/s, defendant/s, verdict/s, a full summary and other important information about the case. Although the data set is comprehensive, it is not exhaustive. The data set is an availability sample, reflected in how many cases there are in the portal. Importantly, the data set is not a random sample. A total of 1,484 cases from this database were extracted and compiled to use for research on this topic. The UNODC has fewer cases than other databases, because it only includes cases that had all three elements of human trafficking, to fall in line with their definition. In compliance with the internationally agreed upon definition of human trafficking the elements are acts used, means used, and purpose of human trafficking.

If a case didn't have all three of these elements it was not included. In total there are up to 30 variables each case can have; for the current analyses 12 variables of each case were included. The goal is to find in what way those variables affect sentencing outcomes, and to find if the results suggest differences between variables in purpose of human trafficking. There are different purposes of trafficking and this research will uncover if between those purposes of trafficking there is a difference in sentencing outcomes.

METHODOLOGY

The Human Trafficking Knowledge Portal will be used to conduct the research for this study. A detailed database was created using the data extracted from the database. Included in the database was each case's serial number, country and region (Americas, Africa, Asia, Europe or Oceania) of prosecution, legal status of prostitution in the country; purpose, sector, and form of trafficking, number of victims and defendants, complicity of trafficking organization, complicity of government officials, means² and acts³ used, and the sentencing outcome. If more than one defendant was being prosecuted in the case, the severest sentencing outcome was used to classify the case. This means that no matter how many defendants there were as in a single case, the highest or most severe sentence was used to classify each case. For example, if a case had two defendants and one received a year sentence and the other received a five year sentence the five-year sentence was taken in consideration for the empirical analysis.

Several variables will be measured and coded dichotomously; if the condition was present in a case it was coded a "1," if it was not present then it was coded a "0." The variables coded this way will be as follows: form of trafficking (transnational trafficking, internal trafficking, or both internal and transnational trafficking⁴), government official involvement in the trafficking, organized crime group involvement, at least one male victim, at least one male defendant, at least one female defendant, each of the acts, and each of the means. Continuous variables included are total number of victims, total

² Means: Threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or giving payments or benefits to a person in control of the victim

³ Acts: Recruitment, transportation, transfer, harbouring or receipt of persons

⁴ Transnational trafficking means a victim crossed an international border and internal trafficking means a victim was trafficked in one country and did not cross an international border.

number of defendants, the total number of acts used by the trafficker/s, and the total numbers of means used by the trafficker/s.

The purpose of exploitation will be coded categorically, and it will be put in to three categories of motives; sexual exploitation, forced labor, and other (slavery, domestic servitude, migrant smuggling, organ or tissue removal, begging, illegal adoption, other, or unknown purposes). Other categorical variables included are region, form of trafficking, and the legal status of prostitution in a country. Dummy variables will be included for all of the categorical variables (region, form, purpose, and legal status of prostitution) and for each, one of the variables will be excluded as a reference category. Reference categories for each are as follows: the region excluded is Europe, the form excluded is transnational trafficking, the purpose excluded is sexual exploitation and legal prostitution was excluded.

Using the database, R will be used to clean the data. Following the data cleaning, R will also be used to produce descriptive tables of the data. 12 variables will be the main focus of this research: government official complicity, organized crime group involvement, number of defendants, male victim involvement, region of trafficking, form of trafficking, purpose of trafficking, legalization of prostitution, acts used, means used, abduction, and number of victims. The 12 variables were selected due to their importance in the literature. R will also be used to conduct a Multivariate Hypothesis Testing. First a logistic regression model will be used to predict the log odds of receiving imprisonment versus receiving another type of sanction (fine, none, other). Then, an ordinary least squares regression model will be used to predict sentence length for the subset of the data who actually received an imprisonment sanction. Sentence length will be included in

months, however, to reduce skew it will be logged in the model. For both models the same set of independent variables will be used. Once these models have been estimated, results will show if the variables were significantly related to the sentencing severity outcome. The variables could impact the sentencing outcome by either influencing a lesser or higher sentence, where the defendant could receive no sentence at all to the maximum penalty, imprisonment.

Table 1 presents frequency statistics for each of the numerical variables included in the current analyses. Each case ranges in the number of defendants, victims, acts used, and means used.

Table 1: *Frequency Statistics of Numerical Variables*

Variable Name	Minimum	Maximum	Mean	SD
Sentence Length	1.000	1200	154.94	260.41
Defendants	1.000	17.000	6.005	4.357
Male Victim	1.000	6.000	1.094	0.349
Acts	0.000	5.000	2.394	1.329
Means	0.000	6.000	1.868	1.197
Abduction	0.000	1.000	0.084	0.277
Victims	0.000	307.000	5.040	16.483

Table 2 presents descriptive statistics for each of the categorical variables involved in the current analyses. Certain variables are seen more than other variables in a case. If a case had both transnational and internal involvement the case was considered in

the transnational category. If a case had more than one purpose it was considered in only one category, for example if a case had both sexual exploitation and forced labor or other the case was placed in the sexual exploitation purpose. If the case had both forced labor and other, the case was placed in forced labor.

Table 2 : *Descriptive Statistics of Categorical Variables*

Variable Name	Value	Frequency	Percent	Cum.Percent
Sentence Type	Imprisonment	1136	90.52	90.52
	Other	119	9.48	100
Government Official	Involvement	17	1.33	1.33
	No Involvement	1265	98.67	100
Organized Crime Group	Involvement	186	14.51	14.51
	No Involvement	1096	85.49	100
Region	Oceania	33	2.22	2.22
	Asia	258	17.39	19.61
	Europe	608	40.97	60.58
	Americas	513	34.57	95.15
	Africa	72	4.85	100
Form	Transnational	933	62.87	5.65
	Internal	490	33.02	89.55
	Other	61	4.11	100
Purpose	Sexual	1101	74.19	7.93
	Forced Labor	213	14.35	59.13
	Other	170	11.46	100
Legalized Prostitution	Illegal	486	32.75	3.20
	Limited	308	20.75	33.07
	Fully Legal	690	46.50	100

RESULTS

Table 3: *Logistic Regression Model Predicting Log Odds of Imprisonment*

Variable	Coefficient	SE	Odds Ratio
Intercept	2.023971	0.456837	7.568
Government Official	-3.016370***	0.615867	0.049
Organized Crime Group	-0.394054***	0.306081	0.674
Defendants	0.009832	0.025649	1.010
Male Victim	-0.143841	0.279735	0.866
Oceania	-1.446263*	0.608548	0.235
Asia	-1.176051***	0.308696	0.308
Americas	0.181846	0.287801	1.199
Africa	-1.255227*	0.521171	0.285
Internal Trafficking	-0.118760	0.235578	0.888
Other Forms	-0.281047	0.549608	0.755
Forced Labor	-0.832397**	0.297820	0.435
Other Purposes	-0.247102	0.343697	0.781
Acts	0.027453	0.092661	1.028
Means	0.261194*	0.114416	1.298
Abduction	-0.756326*	0.376451	0.469
Victims	0.007029	0.008055	1.007
Illegal Prostitution	1.203606***	0.312635	3.332
Limited Prostitution	0.412161	0.304498	1.510

Likelihood Ratio Test 98.819***

p < 0.05* p < 0.01** p < 0.001***

n = 1225

Table 3 presents the results from the logistic regression model used to predict the odds of a receiving an imprisonment sanction in a prosecution case of human trafficking. Two out of the four hypotheses were supported by the analyses. The coefficient shows the predicted changes in the log odds of an imprisonment sanction for a one-unit increase of each variable, along with the standard error and odds ratio. As displayed on the table, there are multiple variables of a case that show a significant relationship with the log odds of an imprisonment sanction. Having a government official complicit in a case greatly decreases the chances of receiving imprisonment. The involvement of a government official is predicted to lower the log odds of imprisonment by 95%. Having an organized crime group involved in a case is also predicted to lower the log odds of an imprisonment sanction by 32%.

When comparing Africa, Oceania, Asia, and Americas regions to Europe we found there were significant regional effects in the log odds of an imprisonment sanction that effected Oceania, Asia and Africa. This means that the odds of receiving an imprisonment are lower in Asia and Africa compared to Europe. Surprisingly, the form of trafficking (Transnational, Internal, Other) showed no significant differences when compared. When comparing forced labor, other purposes of trafficking to cases of sex trafficking we found there was a significant effect in forced labor. When comparing sex trafficking to forced labor, the odds of receiving a sentence of imprisonment are lowered for forced labor by 56%.

The odds of receiving imprisonment are predicted to increase by having more means used by the trafficker/s in a case of trafficking. For every additional mean used the odds of receiving imprisonment increased by 29%. We also tested to see if any of the

means individually influenced the odds of prosecution, and the model showed abduction as a significant variable⁵. When trafficker/s abducted a victim the odds of receiving an imprisonment decreased by 53%. Lastly, the data shows that countries where prostitution is illegal contrasted in the predicted odds of an imprisonment sanction compared to countries with legal prostitution. For every case in a country where prostitution is illegal the odds of receiving a sentence of imprisonment increase by 233%.

The variables that were not related to the odds of receiving imprisonment in a human trafficking prosecution case were number of defendants, male victim, comparing forms of trafficking, acts, and number of victims.

⁵ For parsimony, the non-significant means were not included in this model.

Table 4: OLS Regression Model Predicting Sentence Length (months logged)

Variable	Coefficient	SE	Exponential Coef.
Intercept	8.54493	1.70868	5140.601
Government Official	-5.03927	5.69753	.006
Organized Crime Group	-2.43708*	1.03332	11.439
Defendants	0.27375***	0.08183	1.314
Male Victim	-2.27401	1.13287	.103
Oceania	3.17456	2.54460	23.916
Asia	8.34836***	1.04440	4223.258
Americas	9.33734***	0.92129	11354.160
Africa	2.60010	1.85950	13.465
Internal Trafficking	4.78444***	0.76629	119.634
Other Forms	2.36312	2.03572	10.624
Forced Labor	-4.11520***	1.15751	.0163
Other Purposes	-4.39173***	1.21952	.0123
Acts	0.18243	0.30616	1.200
Means	0.71280*	0.35046	2.039
Abduction	2.13236	1.38408	8.434
Victims	0.15774***	0.02539	1.170
Illegal Prostitution	8.56861***	0.94963	5263.788
Limited Prostitution	4.39612***	0.96627	81.135

F-statistic = 25.55 $R^2 = 0.3004$
 p < 0.05* p < 0.01** p < 0.001***
 n = 1136

After conducting a logistic regression model to predict the odds of receiving imprisonment the second stage was to conduct an OLS regression model to predict

sentence length for those who actually received an imprisonment sanction, while using the same variables. Similar to the logistic model, the OLS regression model shows significant results for many of the variables. Cases in which an organized crime group is involved have a predicted sentence length that is 2.44 logged months lower than cases without an organized crime group involved. The model shows that having an organized crime group involved decreases the sentence length of an imprisonment sanction which has the opposite effect of number of defendants involved. For every additional defendant in a case the predicted sentence length increases by .274 logged months or a predicted increase of 131.49% in sentence length.

When comparing Oceania, Asia, Americas, and Africa to Europe we found there were significant regional effects in the sentence length of an imprisonment sanction that affected Asia and Americas. An imprisonment sanction in Asia leads to a predicted increase of 8.348 logged months in prison compared to an imprisonment sanction in Europe. An imprisonment sanction in the Americas leads to a predicted increase of 9.337 logged months in prison compared to an imprisonment sanction in Europe.

Although the form of trafficking was not significant for the logistic regression model, in the OLS regression model it did show to be significant. There was a significant difference when comparing transnational trafficking to internal trafficking. Internal trafficking lead to a predicted increase of 4.784 logged months of an imprisonment sanction compared to transnational trafficking. Purpose of trafficking was also statistically significant in this model. Forced labor had a predicted decrease of 4.11 logged months of an imprisonment sanction or about a 1.63% predicted decrease in sentence length and other purposes had a predicted decrease of 4.392 logged months of

an imprisonment sanction or about a 1.23% decrease in sentence length when they were compared to sexual exploitation.

For every additional mean used there was a predicted increase of .713 logged months in or about a 203% increase in sentence length. For every additional victim involved in a case of human trafficking there was a predicted increase of .158 logged months in prison, or about an 117% increase in sentence length. Lastly, comparing illegal and limited prostitution to legal prostitution showed a significant difference in sentence length. Countries where prostitution is illegal had a predicted increase of 8.569 logged months in prison compared to countries where prostitution was legal. Countries that had limited prostitution had a predicted increase of 4.396 logged months in prison compared to countries where prostitution is fully legal.

The variables that were not significant in this model were government official involvement, this was expected as government official involvement rarely led to an imprisonment sanction, male victim involvement, acts and abduction.

DISCUSSION

Policy Implications

The results from this study suggest many implications concerning the prosecution of human trafficking worldwide. The results suggest that the odds of receiving an imprisonment sanction are significantly related to the factors of a case. Furthermore, the predicted sentence length is also significantly associated with the factors of a case. One of the most striking results is how much the odds of receiving an imprisonment sanction are reduced is when a government official is complicit in a human trafficking case. Legal systems around the world would benefit from stricter prosecution and sanctions involving government officials. Combatting corruption could reduce government official involvement in human trafficking. Criminal justice systems should be able to sanction government officials involved in human trafficking, currently having a government official involved creates a protection for traffickers from being sanctioned with imprisonment.

Organized crime group involvement decreased the odds of receiving an imprisonment sanction and even when they were imprisoned the sentence was predicted to be lower. Criminal justice systems would benefit from enhancing and developing ways to sanction human traffickers involved in organized crime groups. Intensifying and developing better ways to combat this type of corruption would be very beneficial. It would show that criminal justice systems will not uphold corruption, no matter the status of an individual and this could possibly increase the number of prosecution cases and decrease government official and organized crime group involvement in human trafficking.

The variation in structure and capacity of legal systems in different regions around the world was apparent in the study. Asia and Africa showed to have significantly less odds of receiving an imprisonment sanction compared to Europe. However, countries in Asia had longer sentence lengths for those defendants who were imprisoned compared to Europe. The TVPA has standards countries need to meet in order to comply with combatting human trafficking regulations, however there isn't any type of consequence if a country does not measure up to those standards. Many regions around the world do not conform to these standards, if there was some type of consequence this could potentially lead to a global increase of prosecution of human trafficking.

The purpose of trafficking also proved to be significant when predicting the odds of receiving an imprisonment sanction and the predicted sentence length. Forced labor is predicted to have lower odds of receiving an imprisonment sanction compared to sexual exploitation, and both forced labor and other types of purposes are predicted to receive a shorter sentence than those involved in sexual exploitation. Throughout the media, literature, public awareness, and criminal justice systems there is more attention focused on sex trafficking. There is a possible perception that other purposes of trafficking aren't as harmful, and this image can negatively impact the punishment, protection and prevention of human trafficking. Criminal justice systems would benefit from finding ways to close this gap, so that traffickers don't resort to other purposes of trafficking because they believe there will be a less severe sanction.

Another implication deals with the legal status of prostitution within a country. The results showed that countries where prostitution is fully illegal had greater predicted odds of receiving an imprisonment sanction than countries where prostitution was fully

legal and countries that had fully illegal and partially legal prostitution had predicted greater sentence lengths. Countries with legalized prostitution may have a wider cultural acceptance of commercial sex, and this acceptance may produce a market for sex trafficking. Changes to cultural acceptance in countries where prostitution is fully legal could benefit the prosecution of human trafficking cases and potentially reduce human trafficking.

The final implication is a call for more data. If there were better availability of data, it could lead to better generalizability. Countries would benefit from having a publicly accessible database that includes human trafficking cases from that country. This would make it easier for researchers studying human trafficking to access data and generalize research to that specific country. Currently, human trafficking data is limited and not generalizable to a population, and that brings many limitations when trying to research human trafficking. This could lead to better research and results, and would greatly benefit researchers, and policy makers. This could shed light to issues surrounding each country and policymakers would be able to make informed decisions that could curtail the trafficking of humans and increase prosecution of human trafficking.

Limitations

Human trafficking research in general presents limitations. A very important limitation to highlight is that looking for human trafficking victims (prostitutes, illegal immigrants, etc.) means looking for a hidden population that in many cases are unwilling to cooperate. Some victims don't even realize they are victims. Undertaking trying to

study these victims has been proven to be a complex task. A great majority go undetected and even when detected the chances of getting victims to cooperate is slim to none.

Researchers also bring up the concern that many victims that are willing to cooperate have been involved in assistance programs (Tyldum 2010; Brunovskis & Surtees, 2010). This can be an issue because this sample does not represent all types of victims, not all victims are provided with assistance. Also, not all victims live within an area where assistance is available or are even aware that assistance programs are available. Some assistance programs also have certain selection criteria and exclude certain victims of trafficking that do not meet the criteria. Assistance also seems directed towards sex trafficking victims and does not represent other types of trafficking (forced labor, domestic servitude, etc.). Furthermore, slimming down the number of victims that can be identified and helped.

This hidden population leads to another limitation: sources of data. Data is often misreported, underreported, and missing, making the empirical analysis of human trafficking a difficult undertaking. To begin, defendants are not being charged under human trafficking charges, and instead they are being charged with similar crimes (procuring, solicitation, etc.) because the likelihood of a successful prosecution of human trafficking charges is low. Prosecutorial bias hinders the already few number of human trafficking cases around the world. The number of cases prosecuted under human trafficking charges does not compare to the unreported and undetected cases of human trafficking that happen globally in one year.

The UNODC clearly states that the Human Trafficking Case Law Database HTCLD does not represent the number of human trafficking cases there are or the human

trafficking problems a country has. For a case to be included in the database it had to have the three elements (acts used, means used, and purpose of trafficking) of the internationally agreed definition of human trafficking. This reduces the number of human trafficking cases included in the database. The prosecution cases included in the database and in this study were brought forth by volunteer agencies that submitted the information to the HTCLD. The cases included only represent a sample of the population of legal cases around the world.

Another limitation of this data is the time it takes to prosecute a human trafficking case. After a case is adjudicated a case still has to be discovered by the volunteer agencies involved in the HTCLD, collected, summarized and organized, submitted into the HTCLD, and finally posted onto the HTCLD. The process is long, and it could cause a big delay which could cause potential bias. If recent legal changes to combat and stop human trafficking became effective their effect would not be represented in the data yet. Also, cases range from the year 1981 to the present day so there is a difference in legal statutes of each country over time.

Certain countries have more cases in the database than other countries. This doesn't necessarily mean that a country has a severe human trafficking problem, rather they could be more capable or be more aggressive in actually prosecuting human trafficking. Countries also have their own legislation when it comes to human trafficking and that may not fall in line with the three elements of a human trafficking case needed to be included in the HTCLD, which could be another reason for less cases from a certain country.

A final limitation to discuss about human trafficking research is how relatively little quantitative research there is on the topic. The majority of research is qualitative which is not surprising because of the difficulties presented when trying to conduct quantitative research on human trafficking. There are many ethical concerns regarding victims, for example, there have been ethical concerns about conducting studies and leaving victims to continue their life of exploitation after the study is complete (Tyldum, 2010). Primary research of human trafficking is difficult to conduct because of the ethical concerns described, the difficulty in finding willing victims, the amount of time and money needed, among other issues. There is an understanding on why much of this data is qualitative in nature, there are many adversities to conducting quantitative research. This study uses a convenient sample, because of the issues discussed.

Future Research

Future research should be directed in many areas, chiefly how insidious government involvement is in human trafficking and how involvement affects aspects of human trafficking. Understanding the ways involvement of government officials and organized crime group effect human trafficking can help gain a further understanding of the issues being faced and how to put an end to it.

The number of means used by traffickers effected imprisonment sanctions and sentence length, future research is warranted to understand why this variable increased the odds of an imprisonment sanction. It is possible that the number of means may be a proxy for the exposure/vulnerability of the trafficking ring. This falls in line with abduction being a significant variable in this study. It could be that the more means used

shows how inept a trafficker is, but again more research is warranted to understand this relationship.

Understanding the purposes of trafficking is also in desperate need of future research. Much of the literature focuses on sexual exploitation and this seems to have an effect on forced labor in receiving an imprisonment sanction and a lesser sentence length. If focus is only on one purpose of trafficking millions of victims suffer, sexual exploitation is not the only purpose of human trafficking. Efforts need to be made to include more literature and research regarding other purposes of human trafficking.

Future research is also needed to understand the regional effects of human trafficking. Region showed to be a significant variable in this study, but we need a better understanding of why, it could be because of many reasons. For example, the laws set in place by countries to combat human trafficking could have a possible effect on the way a country prosecutes human trafficking. Or it could simply be that because a country does not fall in line with the internationally agreed definition it is not considered to be prosecuting human trafficking cases when in reality a country is just using their own terms and laws. This is similar to the legal status of prostitution in countries, future research is warranted to understand what effects the legal status of prostitution has on the prosecution of trafficking, and the odds of receiving an imprisonment sanction. The literature is mixed in this topic, gaining a better understanding of the issue will help clear up contradicting research.

CONCLUSION

The results of this study brought to light many issues human trafficking prosecution faces, with two out of the four hypotheses supported by the analyses. The most transparent and daunting issue faced by human trafficking prosecution cases is the involvement of a government official. Cases that had government official involvement rarely ever resulted in an imprisonment sanction. Cases that had organized crime group involvement also decreased the chances of receiving an imprisonment sanction. This suggests that corruption and abuse of power is alive and well in human trafficking and raises questions on countries' legal systems ability to combat human trafficking when people of power are part of the issue.

Another big issue not only discussed in the literature but also displayed in the results is the difference between sex trafficking, forced labor, and other purposes of trafficking. Sex trafficking seems to be the biggest focus across the board, the results were in concordance with the literature. This can really negatively impact the focus on other purposes of trafficking. Forced labor defendants are receiving lesser imprisonment sanctions and lesser sentence lengths. It is an issue to worry about when looking at estimates that show millions of victims are brought into forced labor or other types of purposes. Focus shouldn't be placed on just one type of purpose of human trafficking when there are millions of victims that desperately need help across different types of purposes of trafficking.

Discussed in the literature with mixed results was the legal status of prostitution in a country. Countries with illegal prostitution showed having greater odds of receiving an imprisonment sanction compared to countries with legal prostitution, and greater

sentence lengths for illegal prostitution and partially legal prostitution. This is a complex issue that again needs further research to better understand the problem.

The goal of this study was to understand the factors related to the sentencing outcome of a human trafficking prosecution case, and then see what factors predicted the sentence length received. Although there were biases and limitations in this research and study, the current study reasonably argues that the sentencing outcomes and the sentence length of a human trafficking prosecution case are predictable from the variables of a case. Sound suggestions were brought forth including a need for more quantitative data and research, this would significantly increase the generalizability, reliability and validity of human trafficking statistics in a reasonable manner. More research would help guide and improve policy decisions to combat human trafficking. To reiterate much of human trafficking remains unknown, just like other types of criminal industries but through informed research we can help combat and put an end to human trafficking through more effective prosecution.

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