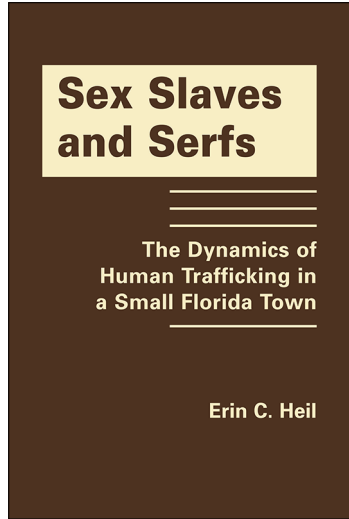


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**Sex Slaves and Serfs:
The Dynamics of
Human Trafficking
in a Small Florida Town**

Erin C. Heil

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Contents

<i>List of Tables</i>	vii
<i>Acknowledgments</i>	ix
1 The Problem of Forced Labor	1
2 Agricultural Slavery	25
3 Forced Commercial Sex Labor	53
4 Law Enforcement Responses	79
5 Community Responses	111
6 Effecting Change	133
<i>Appendix A: Trafficking in Persons by Country</i>	151
<i>Appendix B: Local Law Enforcement Outreach Brochure</i>	155
<i>Bibliography</i>	157
<i>Index</i>	163

1

The Problem of Forced Labor

“Neither slavery nor involuntary servitude...shall exist within the United States, or any place subject to their jurisdiction.”
—13th Amendment, U.S. Constitution

On January 17, 2007, nine family members were charged with forcing undocumented immigrants to work in slave-like conditions in Immokalee, Florida. Two family members, Cesar Navarrete and Geovanni Navarrete, in addition to seven other defendants, were charged with “beat[ing], threaten[ing], restrain[ing] and lock[ing] workers in trucks to force them to work for them as agricultural laborers” (United States Department of Justice, January 17, 2008, usdoj.gov). According to local advocates and detectives, the agricultural workers had been locked in a boxcar every night for a number of years. The boxcar had no facilities, forcing the workers to sleep in the same corners where they had to urinate and defecate. The doors to the boxcar remained locked while the Florida sun beat down on its top, causing the temperatures inside to spike over one hundred degrees, with relatively no ventilation. Because of their addiction to alcohol, the workers would remain compliant to their situation, the slavers found, if they were given a jug of malt liquor in the morning and one at night.

In addition to the subhuman living conditions, the slavers also charged outrageous fees for any food or facilities that the workers might need so that they would be able to work for approximately ten hours in the fields the following day. For example, the slavers would charge the workers fifteen dollars so that they could shower with a garden hose. Outrageous fees for everyday commodities such as food and water perpetuated the slave’s debt, so that he would never be able to work his way out of his confinement. Years passed as the slaves accrued more debt with no relief in sight.

There was no possibility of escape for the worker, and even if he did escape, he has been told a number of stories that restrained him psychologically to that boxcar. First, he understands that if he were to report himself to the authorities, he would be deported. He has been told that, because he is here illegally, the authorities will not listen to, nor will they believe, his reports of slavery. Second, he believes that everything that he has experienced will be all for naught. He has left his family, labored in the most inhumane conditions, and experienced an unimaginable life. He fears that his suffering will result in deportation, forcing him to begin the treacherous journey from the beginning with nothing to show for his suffering. Lastly, he fears retribution from his slaver if he is caught in an attempt to escape. The reality is that no one knows where he is. Who would know if he simply disappeared? And this is the power of the slaver, for he is fully aware that the people he is keeping in captivity are entirely disposable and replaceable. That is why the slaves in this case never tried to escape.

Despite the fears of escaping and reporting the slavery, one worker took a remarkable risk and was able to escape his captivity. Discovering a vulnerable area of the wall of the boxcar, he was able to force his way to freedom and report on the others who remained behind. Based on the evidence brought forth to legal officials by the workers, Cesar and Geovanni Navarrete were charged with slavery, and each faced up to two hundred years in federal prison for the enslavement of the workers. In September 2008, five of the nine defendants plead guilty to “harboring undocumented foreign nationals for private financial gain and identity theft,” as well as “beating, threatening, restraining, and locking workers in trucks” (United States Department of State, September 3, 2008, usdoj.gov). Cesar and Geovanni each received twelve years in federal prison for the crime of enslaving undocumented workers.

During the time the laborers were attempting to escape their enslavement, a young girl was coming to the United States in search of a better life for herself. At the age of twelve, Daniela, who was living in Mexico, was approached by an older woman who offered her a job as a nanny in the United States.¹ As Daniela conveyed to local officials and advocates, who then told the story to me, the woman concocted a believable story of a family for whom she had been working for a number of years. Unfortunately, circumstances beyond her control had forced her to return to Mexico. The woman explained to Daniela that before she left the United States, she had promised the family that she would find an adequate replacement to continue her domestic responsibilities. She promised Daniela that she would be well paid and

that the family would help her earn her citizenship, as well as providing her with food, housing, clothing, and education. This was the Daniela's chance for a new life full of promise and opportunity.

Arrangements were made to smuggle the Daniela into the United States; she would be met by a woman in Immokalee, Florida, who would act as a liaison to the family that would hire her. As promised, Daniela was met by a friendly woman who offered to let Daniela stay with her in Immokalee until the family could make arrangements for her to be taken to her new home and begin her domestic responsibilities. Unbeknownst to the young child as she trustingly followed the woman home, her nightmare had just begun.

Upon arrival to the home in Immokalee, the woman immediately began grooming Daniela for prostitution. She warned Daniela that if she tried to leave, she would be forced to pay thousands of dollars toward the debt she had accrued in her travels. She also threatened Daniela's family, and she reminded her that she was in the United States illegally and if she attempted to go to the police, she would be deported. Through the insurmountable debt and underlying fears, the woman was able to confine Daniela to a life of prostitution without the use of chains. In fact, she was so able to control Daniela through fear and intimidation that she allowed the young girl to leave the home on Sundays to attend church without a chaperone.

Despite the persistent threats, Daniela unearthed enough courage one Sunday to approach a man that she had previously befriended at church. She told him of her situation, and he promised to free her from her debt. He also told her that she would live with him and his family working as a domestic, and in return he would provide her with food, shelter, clothing, and education. To Daniela, this was the dream with which she initiated her journey to the United States. She allowed the man to speak with her "owner." The man made arrangements to pay Daniela's debt; in reality, he was purchasing Daniela from the woman. Once he had bought Daniela, he took her home, chained her to a basement wall, and repeatedly raped her. He continued to impregnate her, terminating any pregnancies in which the fetus was identified as female. He wanted a son, and so he continued to rape her until she bore him a boy. At the age of sixteen, through the communication and awareness of the local police and unfaltering advocates, as well as concerned neighbors and medical professionals, Daniela and her baby boy were identified and freed. She was granted a T-Visa, enrolled in high school, and began the life for which she had hoped when she began her journey to the United States. The "owner" and his wife were arrested

for Daniela's enslavement and sexual assaults, and at the time of this writing, the trial is still pending.

Most readers have likely heard horrific stories of forced labor and are somewhat aware of its existence in the United States. Just as when I approached the topic myself, most readers may find the topic interesting, and find the testimonies of victims compelling. Workers being held in crowded rooms without electricity, young girls forced into prostitution to pay off a debt—these are the stories that readers are most likely to come across. Whether it is a national sporting event that raises awareness of the possibility of domestic trafficking, or the identification and prosecution of a major trafficking ring, the sporadic attention of the media leads many to believe that modern-day slavery is an extreme activity that occurs on the fringe of society. However, the stories that we read and hear barely scratch the surface of the enormity of slavery today. Many of the voices remain muted, as the slaves are hidden from the public eye. There are individuals, however, who are able to give a voice to the voiceless: the advocates and legal professionals in the local community. These individuals form the front line of fighters in the war against modern-day slavery. After years of working with and talking to these professionals, I decided to write a book revealing the anti-trafficking efforts of those at the local level and the obstacles they face as they attempt to eradicate trafficking and forced labor in their own community. This book is a case study of one small town in the United States where sexual slavery, forced agricultural labor, and domestic servitude have all been identified. This small town is Immokalee, Florida.

Immokalee, Florida, as a Case Study

I chose to write this case study on Immokalee because the town is in many ways a microcosm of human trafficking. In the United States, human trafficking takes various forms, including trafficking for purposes of domestic servitude, prostitution, servile marriage, factory work, begging/peddling, agriculture, restaurant work, and construction work. Research (e.g., United Nations, 2009) indicates that, both worldwide and in the United States, forced sexual exploitation and forced labor are the two most common forms of human trafficking identified by legal personnel and advocates. Trafficking for purposes of sexual exploitation overlaps with domestic servitude, for many of those who are forced to partake in domestic responsibilities also are sexually exploited. Therefore, throughout the United States, the main forms of human trafficking that have been identified are sexual in nature, or

forced labor for little to no pay. In Immokalee, a town no larger than eight square miles, sexual slavery, agricultural slavery, and domestic servitude have all been identified. Because of the concentration of slave cases that have been detected in Immokalee, federal prosecutor Doug Molloy has dubbed the town “ground-zero” for modern-day slavery, while others have deemed it the “gate of no return” (Holt-Giménez 2009).

In addition to the types of slavery evident in Immokalee, the profiles of the trafficked victims and the traffickers, as well as how the victims are recruited, are illustrative of the patterns identified in communities throughout the United States. Although it is possible for victims of trafficking to be U.S. citizens, those identified have been found more likely to be noncitizens. There is no sex favoritism in trafficking; identified victims have been both men and women, although female victims trafficked for purposes of sexual exploitation tend to receive more media coverage. Victims can be any age, with some as young as three years old while others are in their sixties and seventies. Substantiating the profile of human trafficking victims, those identified in Immokalee are largely noncitizens; both men and women are victims, with ages varying from eight years to the late sixties. Although victim country of origin may differ in communities throughout the United States (i.e., victims of Asian, Eastern European, or African origin versus the concentration of Mexican and Central American victims in Immokalee), the victim profile in Immokalee corresponds with the general trend evident in communities throughout the United States.

Finally, the traffickers and the methods of recruitment found in Immokalee are representative of the patterns recognized throughout the United States. Of those who have been identified, the recruiting traffickers may be neighbors, friends, family members, returnees, agricultural operators, business owners, and organized criminals. Traffickers recruit victims through a variety of means including: newspaper ads, front businesses, word of mouth, and abduction. As in the story of the enslaved workers and of Daniela highlighted above, trafficking victims in Immokalee are recruited through similar means, by traffickers who fit the profile of those found in all corners of the United States. Regardless of location, the motive of the trafficker remains the same: traffickers prey on the vulnerable in order to earn a profit through the labor of a select few whom they regard as a disposable population.

It is because of these profiles, types, and trafficking indicators that I have chosen to write a case study of Immokalee. This case study could have been any community in the United States, for human trafficking is evident throughout the country, both in large cities and small towns.

However, I found Immokalee to be unique in that it is so hidden in the vast landscape of southern Florida, so lost in everyday conversation, that I felt it necessary to not only expand the discussion of the slavery evident in Immokalee, but also to provide a voice for the advocates for the victims, to aid their attempts to eradicate human trafficking in this small agricultural community.

About Immokalee, Florida

The first time I traveled to Immokalee, I was taken aback by the stunning contrast as I drove forty minutes outside of affluent Naples to find myself in a town comparable to the impoverished South American communities I have studied previously. Just a few blocks beyond the Seminole Casino, I observed small cubicle buildings with the word “BAR” painted over the entrance, unpaved side roads leading to trailers and shacks, and numerous people wandering the streets or sitting on their porches just to find relief from their sweltering homes. I was fascinated by the wild chickens and stray dogs that had commandeered the streets as I drove the back roads. My mind could not wrap itself around this community's presence in the back yard of the manicured aesthetic of one of the wealthiest cities in all of Florida.

I step out of my car, attempting to capture my breath in the suffocating heat. The town appears calm, almost completely silent beyond the sounds of squeaking bicycle brakes or the hum of a car slowly motoring through town. My first stop is the Immokalee police substation, but there is plenty of time before my scheduled meeting with local officers, so I decide to walk around the small block to see what I can discover. Across the street is a large single-story yellow building, which I later learn is the headquarters for the Coalition of Immokalee Workers. As I turn the corner to walk past the front of the building, two men sitting on the concrete porch eye me curiously. I walk past them, feeling their eyes fixated on me. Soon I will learn that, due to the exclusivity of the migrant community, strangers are easily identified. I smile at them, to which they respond in kind, and I continue around the building back to the main street. Although I have been out of the comfort of my air-conditioned car for no more than a few minutes, I can already feel the sun burning the back of my neck and sweat forming on my brow. The heat is exhausting, and I search the horizon for any indication of a familiar grocery store or convenience mart so that I can buy a bottle of water.

Continuing on the road that brought me into Immokalee, I walk past a number of housing units. To my right is a subcommunity of small

white concrete homes with makeshift curtains blowing through the cutout windows in the concrete walls. There appear to be about a dozen of these homes, all the same size and model. The houses form a semicircle around a mountain of trash. The smell of the trash in the midday heat is overwhelming, and it attracts a population of flies and stray dogs searching for scraps. Above this tableau, buzzards continuously circle. The homes appear to be deserted at this time of day, with maybe one or two stragglers sitting on their front stoop. I later learn that I have stumbled upon one of the rental communities owned by a tomato grower, with migrant field workers as tenants.

Reminiscent of historic company towns, many of these subcommunities are scattered throughout Immokalee. Some seem to be semi-organized, like this group of white block homes or the apartment complexes located across the street. Some migrant housing is in trailer parks, while other migrant workers find housing in shacks or large garden sheds. Whatever type of housing, it is apparent that each community is segregated by country of origin—Mexicans, Haitians, and Guatemalans all living within the comfort of their own culture. Following the trend of segregation, there are also stores that cater to the various ethnic groups residing in the migrant communities. Across the street from the apartment complex identified as the Haitian community is a store that carries predominantly Haitian products. Farther down the road is a store that carries goods, such as distinctive spices and religious candles, more likely to appeal to members of the communities of Central-American descent.

Within a three-block range, I find a pinhooking market, where fresh produce, the leftovers of the daily harvest picked by the migrant workers, is sold to members of the local and neighboring communities for absurdly low prices; I am told this is a weekend destination for the Naples elite. There are also a number of independent cultural markets and a handful of bars. Occasionally, one may see a vendor standing on the corners selling *elote* (grilled Mexican corn on the cob covered in mayonnaise) from a street cart. There are a few restaurants in this center part of the town, and overall, everything seems to cater to short-term consumption rather than organized storage of the everyday needed goods. Even the small Immokalee motel has a reputation as charging by the hour, rather than by the day.

There are bicycles everywhere. In fact, in this small area where I find myself wandering, the number of bikes surpasses the number of automobiles. Ironically, there is absolutely no sign of a bicycle repair shop, or even a shop that sells bicycles. It leaves me to wonder where all the bikes came from, and more importantly, where bicycle owners go if

a bike is in need of repair. The bicycles are just another indication of the mobile life of the migrant workers residing in Immokalee during the months of October through May. I stand on the sidewalk outside the Immokalee substation taking in the whole of parts though which I have just wandered. The world seems quiet and simple, yet hidden beneath the quiet solitude of the midweek afternoon, the reality is that the invisible residents are toiling in the midday heat, hoping to earn enough for a beer and snack after a long day of intense labor. I walk toward the substation to find the relief of air-conditioned comfort and to meet my first contact.

After my interview with the local police, I decide to explore the town beyond a few blocks of diameter. Surprisingly, as I drive down the main street the town opens up into a more recognizable “small town USA.” There are the requisite McDonald’s, grocery store, and bank. I drive to Lake Trafford to watch the alligators as they nap in the afternoon sun. A number of men sit lazily by the lake with fishing poles in hands. Beyond the “nucleus” of migrant activity, the area of Immokalee resembles so many other small towns scattered throughout the United States. It is unassuming for the outsider who happens to stumble upon this section of the town. There is no distinguishing feature to indicate that this small town is a hub of sex trafficking and forced labor. It is quiet and uneventful, as small middle-class homes populate this side of the Immokalee landscape and familiar restaurant chains and stores fill the mini-malls. I see the children exiting the small school and realize that it is time for me to return to what I have deemed to be the center of activity for my research: the block and corresponding side streets of First and Main. In this small area are the Coalition of Immokalee Workers headquarters, the police substation, and a large percentage of the already identified worker housing and later-to-be-found hidden brothels.

In the years following that initial visit, I have continued to return to the “center” of the town, always observing a virtually unchanged scene. And as I continued to dig deeper into the phenomena of modern slavery, I could not help but find a warm place in my heart for all of those affected by trafficking and all of those on the front line attempting to eradicate it. For each year I return to Immokalee, I now know why Immokalee has become a semi-permanent home for those migrant workers who continue to return each year, and for the advocates and local police who have chosen Immokalee as home. It is a town of familiarity and comfort, lost in the vast Florida terrain. Despite the horrific conditions associated with the agricultural labor and forced sex,

the inhabitants of Immokalee attempted to maintain the meaning of the word Immokalee: “My Home.”

Definitional Issues

Forced labor is a product of human trafficking and labor migration. Although the term “human trafficking” is freely applied, both historically and internationally, there has not always been an agreed upon definition of the term. As stated by Clawson et al., “prior to the 1990s, trafficking was generally viewed as a form of human smuggling and a type of illegal migration” (2006: 9). Today, it remains understood that there is much “overlap between trafficking, smuggling and other forms of irregular migration...and they share many of the same root causes” (Turner and Kelly 2009: 187). As identified by Turner and Kelly:

Wars, conflicts, and the social and economic crises generated in some regions of the world...the destabilizing effects of globalization and transition have contributed to large and irregular population flows, creating ‘fertile fields for exploitation’ (ibid.: 187)

Despite the similar root causes, smuggling, migration, and trafficking are uniquely distinct. According to U.S. Immigration and Customs Enforcement, “human smuggling is the importation of people into a country via the deliberate evasion of immigration laws. This offense includes bringing illegal aliens into a country, as well as the unlawful transportation and harboring of aliens already in a country illegally” (ICE.gov 2010, accessed May 2010). Migration, on the other hand, is defined as “having traveled at least 75 miles within the previous year to obtain a farm job” (National Center for Farmworker and Health, Inc., 2009). Individuals who have been smuggled into the United States or those who migrate across domestic and/or national borders are free to move from location to location, as well as free to switch occupations. There is a voluntary nature inherent in smuggling and migration that makes these form of movements unique from trafficking.

Trafficking in persons is identified in the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Crime (2000). According to the Protocol,

‘Trafficking in persons’ shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, 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, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, [or] servitude... (United Nations 2000: Article 3)

The central component that separates trafficking from smuggling and migration is coercion. With trafficking, a person is coerced and forced to work in a system of slavery or experience slave-like work conditions. It is very possible, though, that a person who has been smuggled or who migrates will become a victim of trafficking. This occurs when the smuggler or employer makes the decision to benefit from the exploitation of services, and the once voluntary movement becomes one of domineering control. In other words, if the victim is subjected to forced labor, the individual is now trafficked and the movement and work are no longer voluntary.

The International Labour Organization (ILO) Convention No. 29 (1930) defines forced labor as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily” (Article 2.1). The two criteria of forced labor are the “menace of the penalty and the ‘involuntariness’” (Belser 2005: 3). Some workers may consent to work, but the “consent of workers is irrelevant when there has been deception or fraud, or the retention of identity documents in order to achieve this consent” (ibid.: 3). In other words, the consent of a worker is void if it is a product of fraud or deception. Once there is consent to work, menace of penalty may come in the form of “physical violence or death threats...the denunciation to the police...when the victim’s residence or work status is illegal, [or] the confiscation of work papers...” (ibid.: 3). Thus, it is very common for a migrant or smuggled person to enter into a situation of forced labor under false pretenses. On the other hand, due to the inherent involuntariness, the majority of human trafficking cases in the world take the form of forced labor.

In terms of voluntariness, the age of the victim is critical to consent. Children under the age of eighteen found performing commercial sex acts will automatically be defined as victims of trafficking, being unable to legally provide consent. On the other hand, the federal legislation does not automatically identify children under the age of eighteen laboring in the fields, domestically, or in factories as victims of trafficking. Therefore, in order to identify a victim of labor trafficking, a

child under the age of eighteen has the same responsibility as an individual over eighteen to prove that the labor is a product of force, fraud, or coercion. Thus, when weeding out the victims of trafficking from those who voluntarily choose to illegally enter the United States or migrate across borders during the various harvest seasons, age of consent is only valid for those found in the commercial sex industry.

According to a local detective who I interviewed, without giving exact numbers, he believed that the majority of immigrants living and working in Immokalee had been trafficked into the area in some way, while a smaller percentage have been smuggled or migrate to the area each harvest season. Despite the type of movement, the prime concern of this book is the system of slavery in which men, women, and children are forced to work once they find themselves in Immokalee. In this community, two primary forms of forced labor have been identified.² The first of these is forced commercial sexual acts, which includes “women, men and children who have been forced by private agents into prostitution or into other forms of commercial sexual activities” (ibid.: 3). The other type is forced labor for economic exploitation, which includes “all forced labor imposed by private agents and enterprises in sectors other than the sex industry. It includes all forced labour [sic] in agriculture, industry, and services...” (ibid.: 3). Commercial sexual exploitation and economic exploitation are not exclusive to Immokalee, for forced labor has been identified in at least ninety cities in the United States and in virtually every country worldwide.

Forced Labor Worldwide

Due to the covert nature of the crime, any statistical estimate concerning forced labor must be approached with caution. Currently, the ILO estimates that 12.3 million people worldwide work in conditions of forced labor, slavery, and slave-like conditions (International Labour Organization, 2009). This estimate includes women and children forced into prostitution and other forms of sexual exploitation, individuals trapped in debt bondage, and individuals forced into sweatshops and agricultural work for little or no pay. Of the 12.3 million, “the ILO found that almost 2.5 million people who are exploited by private agents and enterprises are in forced labour [sic] as a result of human trafficking” (Belser: 5). Of the 2.5 million trafficked laborers, the ILO estimates “that at least 1.39 million are victims of commercial sexual servitude, both transnational and within countries” (Department of State 2009: 3), and another “1.1 million in...economic exploitation” (Belser: 5). As highlighted in the Trafficking in Persons Report (TIP) (2010),

“the ILO estimates that for every trafficking victim subjected to forced prostitution, nine people are forced to work” (8).

Forced labor exists in virtually every corner of the world. For example, in Malaysia, migrants travel from nearby countries and are

subsequently subjected to conditions of involuntary servitude in the domestic, agricultural, food service, construction, plantation, industrial, and fisheries sectors. Some foreign women and girls are also victims of commercial sexual exploitation. Some migrant workers are victimized by their employers, employment agents, or traffickers who supply migrant laborers and victims of sex trafficking. Some victims suffer conditions including physical and sexual abuse, forced drug use, debt bondage, non-payment of wages, threats, confinement, and withholding of travel documents to restrict their freedom of movement (Department of State TIP 2009: 197).

In Brazil, agricultural workers, many of whom have been replaced by machinery, consent to loans for travel to a promised employment—loans that are impossible to repay. Once workers reach their destination, they have to begin repaying the loan, as well as pay for rent, food, and equipment. If the workers attempt to leave without repaying the debt, they will be captured and returned to the worksite or murdered. “In a study of 475 labor cases of the 1990s, ‘20.7% of all forced labourers had been killed’” (Comissão Pastoral da Terra, quoted in Heil 2008: 73). Aside from the threat of death and overbearing debt, workers have been faced with “sleeping in chicken houses, food consisting of dead rats, flooding of shacks, and malaria infections. As for the actual work, laborers suffer from smoke inhalation, mutilation, dehydration, and heat exhaustion” (ibid.).

In Africa, the trafficking of children is spurred by poverty, conflict, and cultural traditions. As reported by Fleck, children as young as eight years of age are sold as prostitutes or laborers, and many are recruited as child soldiers (2004).

Children from war ravaged West African countries [are] often sold as slave labourers to work on tea, cotton, and cocoa plantations. Girls from Togo [are] trafficked far from home as domestic servants. In Malawi, European tourists drive demand for child prostitutes, and some of those children are sent to Europe as sex slaves (ibid.: 1).

According to the United Nations, “human trafficking flows show that Europe is affected in three ways: most of Europe is a destination for victims of trafficking, some countries are significant origins of human

trafficking, and domestic trafficking is prevalent in many countries” (United Nations 2009: 10). Europe is unique in that the victims of trafficking and forced labor come from the most diverse origin countries. Victims originate from Romania, Paraguay, Nigeria, the Russian Federation, and many more. The majority of the victims are adult women forced into commercial sexual exploitation, but there has been an emergence of adult men being forced into the construction and agricultural sectors, among other forms of economic exploitation. Research on Europe has revealed that children are rarely identified as victims of forced labor (sexual or economic). In 2008, children comprised of only 11 percent of the identified victims (*ibid.*).

Because of the allure of an economy overflowing with opportunity, the United States is regarded as a central destination country for many victims of human trafficking. As with international estimates, the number of individuals trafficked across and within borders varies. As Lendman noted (2009), “[there are] thousands annually trafficked in America in over 90 cities; around 17,000 by some estimates and up to 50,000 according to the CIA...” (www.globalresearch.ca, accessed July 2009). According to a 2004 UC Berkeley study, “forced labor is prevalent in five sectors of the U.S. economy: prostitution and sex services (46 percent), domestic service (27 percent), agriculture (10 percent), sweatshop/factory (5 percent) and restaurant and hotel work (4 percent)” (University of California, Berkeley: 1). Unfortunately, “estimates on the number of persons being trafficked often only include data on women and children who are being sexually exploited” (Clawson et al. 2006: 8), thereby skewing the reality of trafficking. Recent worldwide field studies have concluded that the demand for forced labor is much higher than estimated, making labor trafficking more widespread than sex trafficking (Feingold 2005).

In 2010, for the first time, the United States was examined in the Department of State’s annual Trafficking in Persons (TIP) Report. Since 2000, TIP has been an annual report card for countries throughout the globe, placing each country on a tier in terms of its attempts to eradicate internal human trafficking and forced labor. The United States has been ranked as a Tier One country, which means that it fully complies with the minimum standards of anti-trafficking efforts. Despite U.S. efforts, however, it has been reported that

[t]rafficking occurs primarily for labor and most commonly in domestic servitude, agriculture, manufacturing, janitorial services, hotel services, construction, health and elder care, hair and nail salons, and strip club dancing. Vulnerabilities remain even for legally

documented temporary workers who typically fill labor needs in the hospitality, landscaping, construction, food service, and agricultural industries. In some human trafficking cases, workers are victims of fraudulent recruitment practices and have incurred large debts for promised employment in the United States, which makes them susceptible to debt bondage and involuntary servitude. Trafficking cases also involve passport confiscation, nonpayment or limited payment of wages, restriction of movement, isolation from the community, and physical and sexual abuse as means of keeping victims in compelled service (2010: 338).

Table 1.1: Known Trafficking Victims Identified by State³

State	Percent of Known Victims
Texas	12%
California	10%
Florida	4%
New York	4%
District of Columbia	4%

National Human Trafficking Resource Center (2009)

As Table 1.1 indicates, some areas are known hot-spot destinations for human trafficking. For example, in 2008, 12 percent of victims of human trafficking were identified in Texas, whereas another 10 percent of victims were identified in California. Despite the hot-spot destinations, research has revealed that most states have some form of forced labor. In fact, according to the U.S. Department of Justice, there are currently open human trafficking investigations in forty-eight states. For example, North Carolina is one of the top agricultural states in the country and ranks fifth in migrant population; most of these migrants are from Mexico. Although a large percentage of the workers are migrants consenting to work, they are still considered forced laborers because of fraudulent promises and menace of penalty. Once a commitment has been made to work in the fields, workers labor long days in intense heat with limited breaks. Many of the fields lack toilets and sanitary facilities, and a large number of workers have been exposed to agricultural illnesses such as green tobacco poisoning and/or pesticide sickness (see Legal Aid of North Carolina 2010).

Not all of the laborers in North Carolina are Mexican migrants who have accepted jobs under false promises of pay and standard work conditions. Recently, a trend has been to recruit workers from Asia. The organization Legal Aid of North Carolina reports “at least 115 workers whom contractors brought to North Carolina from the Far East between 2004 and 2006” (humantrafficking.org, accessed July 2010). Once the workers have moved to the United States, their money is stolen, they are not paid, and they are held captive with threats of violence. According to one case, the defendants had their passports confiscated and were forced to work with no pay. They had their food rationed, and they resorted to capturing pigeons for food. While living in a condemned hotel, they were able to escape and bring the atrocities of their servitude to the attention of the legal authorities (*Asanok et al. v. Million Express Manpower, Inc.*, 2007).

Between 2003 and 2005, Aloun Farms of Hawaii enslaved 44 Thai workers. According to Kloer, “the recruiters charged each of the workers \$16,000 to bring them to the U.S. and find them work at Aloun Farms. Once in Hawaii, the workers were told they must pay off this debt before receiving a paycheck” (Kloer 2010: 1). Most of the workers were unable to pay the debt, and therefore never received a paycheck for their labor. In addition to the lack of pay, workers were threatened with deportation, and were not allowed to communicate with anyone outside of the laboring community. In 2010 the company president and his brother pleaded guilty to forced labor charges, and as of this writing, the punishment is still pending (*ibid.*).

California is estimated to be one of the top three destination locations of human trafficking in the United States. “The state’s extensive international border, its major harbors and airports, its powerful economy and accelerating population, its large immigrant population and its industries make it a prime target for traffickers” (California Alliance to Combat Trafficking and Slavery Task Force 2007: 15). The cases of trafficking and forced labor throughout the state are diverse. Women have been forced to work in exotic massage parlors, young girls have been enslaved as domestic servants, and men have been forced to work in the construction industry with little to no pay. Migrants have been forced to labor in fields under the harshest of conditions, and workers have been found imprisoned within the walls of garment factories. Young girls have also been found in brothels and prostitution rings throughout the state (*ibid.*).

The Midwest has not always been regarded as a hub of human trafficking, but evidence indicates that a growing number of trafficked individuals are forced into sexual slavery there. For example, according

to the Department of Homeland Security in Illinois, “an estimated minimum of 16,000 to 25,000 women and girls are victims of commercial sexual exploitation in Chicago every year” (Department of Homeland Security Illinois 2010). With respect to trafficking, “from December 2007 to June 2009, 257 calls were made from Illinois to the National Human Trafficking Resource Center. This is the fifth highest number of calls after Texas, California, New York, and Florida” (ibid). Trafficked victims in Kansas City, Missouri, have been rescued from massage parlors on two separate occasions, which leads many to believe that the trend is continuing to grow in the Kansas City area (see *Kansas City Business Journal*, August 21, 2008; *Kansas City Star*, May 11, 2007). Additionally, an undercover investigation called “Operation Guardian Angels” exposed child prostitution rings in the Kansas City and surrounding communities (KNBC.com, accessed April 2010). In 2006, “Civil Society [a Minnesota nonprofit] had identified 24 immigrants brought to Minnesota for the purposes of sexual exploitation, forced labor, indentured servitude or ‘mail order’ sham marriages...” (Rosario 2006, www.wunrn.com, accessed April 2010). Civil Society also notes that “Minnesota has become one of the 13 most heavily sex and slavery trafficked states in the nation” (www.civilsocietyhelps.org, accessed April 2010). Recently, in Missouri, a man was indicted for harboring a young woman as a sex slave. She was electrocuted, flogged, mutilated, and raped by multiple men in exchange for various commodities, including steaks and cigarettes (St. Louis Today, March 31, 2011, www.stltoday.com, accessed, April, 2011)

As indicated by the above examples, trafficking and forced labor are prevalent throughout the United States. In response to the heightened awareness, the federal government and international bodies have enacted a number of laws to eliminate the practices of trafficking and slavery. The most prominent of these in use in the United States are the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children (also known as the Palermo Protocol), the Trafficking in Persons Act of 2000, the Trafficking in Persons Reauthorization Act of 2008, and the United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Laws Against Trafficking and Forced Labor

The Palermo Protocol, adopted by the United Nations, has identified what it calls the 3-Ps to combat human trafficking and forced labor:

criminal prosecution, victim protection, and prevention. The Palermo Protocol recognizes trafficking as an offense “akin to murder, rape, and kidnapping. Criminalization is mandatory for all parties to the Palermo Protocol, and the importance of prosecution is reflected in the U.S. law enforcement approach” (2010: 12–13). In other words, human trafficking and forced labor are not simple issues of immigration violation, but rather crimes that require written laws to interpret and punish the offense.

When it comes to victim protection, the Protocol takes a victim-centered approach. As noted by Rijken and Koster (2008), “the crime of trafficking is often approached from a criminal law perspective with the aim to catch the perpetrators. In this approach, attention for victims is practically only present to the extent they are relevant for law enforcement purposes” (1). Furthermore, “too often, governments respond to [trafficked human beings] as a migration problem rather than a human rights challenge, using trafficking as a justification for tighter border controls. This has led to the deportation of trafficking victims...without adequate consideration for their safety and well-being” (ibid.: 11). The Palermo Protocol insists that nation states should not assist “a potential witness just long enough to get his or her testimony” but rather meet the needs and fulfill obligations “that extend beyond the confines of a criminal case” (Department of State 2010; 13). States should cooperate with advocates and service providers to protect the interests of the victims throughout the prosecutorial process, as well as after the victim has assisted in the prosecution.

Traditionally, prevention had been understood as education, border security initiatives, and public awareness campaigns. Today, “governments are expanding their understanding of prevention to include policies and practices that cut off modern slavery at the source. This includes initiatives that both combat the demand for commercial sex and ensure that the demand for low prices is balanced by a demand for traceability, transparency, and worker protections throughout the supply chain” (ibid.: 14). Aside from identifying and attempting to eradicate the sources of modern slavery, the Protocol also insists that signatory countries recognize the various legal loopholes that foster a system of the criminalization and deportation of a vulnerable population, as well as provide adequate awareness of and assistance to the marginalized workers. Finally, according to the Protocol, “Prevention also can and should harness the economic impetus for this crime in order to fight it—by increasing criminal or civil penalties for companies that directly rely on forced labor in the production of goods or services” (ibid.: 15).

To address the pervasiveness of trafficking in the United States, the U.S. Congress passed the Trafficking Victim Protections Act (TVPA) in 2000, which provides the tools to combat human trafficking both domestically and internationally. The purpose of the law is to prevent trafficking, protect victims, and prosecute offenders. Specifically, the Act criminalizes trafficking and forced labor, provides for social services and benefits to victims of slavery and trafficking, provides protection for victims both in the United States and in the victims' countries of origin, and makes attempts to monitor and eliminate trafficking outside of the United States. The Act predominantly protects children who have been trafficked into the United States for the purpose of sex, but with respect to forced labor and slavery, the Act strengthens prosecutorial efforts and the punishment of offenders. According to the Act,

Whoever knowingly provides or obtains the labor or services of a person (1) by threats of serious harm to, or physical restraint against, that person or another person; (2) by means of any scheme, plan, or pattern intended to cause the person to believe that, if the person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint; or (3) by means of the abuse or threatened abuse of law or the legal process, shall be fined...or imprisoned not more than 20 years or both (§ 1589, Forced Labor 2000).

The Act also states that “whoever knowingly recruits, harbors, transports, provides, or obtains by any means, any person for labor...in violation of this chapter shall be fined...or imprisoned not more than 20 years, or both” (§ 1590). Trafficking with respect to peonage, slavery, involuntary servitude, or forced labor, 2000).

In evaluating international efforts against trafficking, the TVPA requires countries to be placed on one of three tiers regarding their level of trafficking and government action to combat trafficking.⁴ Governments that fully comply with eliminating trafficking are placed in Tier 1. Governments that reach the minimum standards of compliance are placed on the second tier. Some countries are placed on the Tier 2 watch list (WL). Governments on the watch list are reaching the minimum standards of compliance, but there is an identifiably significant increase in victims of trafficking, yet efforts are not being made to address the increase in trafficked victims. Lastly, governments that are not making efforts to comply with the TVPA are placed on Tier 3. According to the Department of State's Trafficking in Persons Report (2009), “governments of countries on Tier 3 may be subject to certain

sanctions, whereby the U.S. Government may withhold or withdraw non-humanitarian, non-trade-related foreign assistance.” (13). Currently, 13 countries are ranked as Tier 3 and 55 countries are on the Tier 2 watch list (see Appendix A).

Although the Act has been a source of combating trafficking in the United States and worldwide, it still has considerable shortcomings. The most problematic aspect of the TVPA is the role of the victim as a witness for the state. As noted in the study conducted by the University of California, Berkeley, “the Act conditions immigration relief and social services on prosecutorial cooperation and thus creates the perception that survivors are primarily instruments of law enforcement rather than individuals who are, in and of themselves, deserving of protection and restoration of their human rights” (University of California, Berkeley, 2004: 2). In other words, in order for victims to benefit from the TVPA, they must first assist law enforcement in prosecuting the traffickers, unless they are a child under the age of eighteen working in the commercial sex industry. These children automatically receive benefits regardless of whether they choose to assist prosecution. However, for victims over eighteen, or those not working in the commercial sex industry, the requirement to assist the prosecution has proven to be problematic in that many victims fear the repercussions of the traffickers both to the victim and to the victim’s family in the country of origin. Despite its shortcomings, the TVPA has been legally emulated by many countries worldwide.

The Trafficking Victims Protection Reauthorization Act (TVPRA) of 2008 extended the TVPA for another four years. The TVPRA also amended the TVPA to include the following:

- Creates new categories of crimes for the obstruction of justice in the investigation of trafficking cases;
- “Broadens the crime of sex trafficking by force, fraud, or coercion” (DOJ 2009: 3);
- Imposes criminal liability on corporations that knowingly and with intent fraudulently hire individuals from outside of the United States;
- Allows for the United States to prosecute acts of trafficking *outside* of the United States (if the offender is a resident of the United States); and
- Expands the crime of forced labor by providing that “force” is a means of violating the law (in addition to making threats of serious harm, using a scheme or plan, or abusing the law) (ibid.: 3).

As regards migrant labor, undocumented immigrants are “expressly excluded from the definition of ‘migrant worker’ in most relevant international instruments with the exception of the...UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families” (Cholewinski 1997: 4). The purpose of this Convention, known as the UN Migration Convention, is to protect the fundamental human rights of migrant workers. According to the Convention, “no migrant worker or member of his or her family shall be subjected to torture or to cruel, inhumane or degrading treatment or punishment” (Article 10, 1990). Furthermore, “no migrant worker or member of his or her family shall be held in slavery or servitude” and “no migrant worker or member of his or her family shall be required to perform forced or compulsory labor” (Article 11). Although the United Nations has guidelines in place to protect migrant workers, only state signatories are legally bound to the provisions of the Convention. Currently, fifty-seven states have signed and/or ratified the UN Migration Convention. The majority of the state signatories are the country of origin of the migrant workers. As of this writing, the United States has not signed the UN Migration Convention.

Although both national and international efforts are being made to reduce human trafficking, the practice continues to grow in the United States. As Farrell found in her national survey of human trafficking, “relatively few trafficking arrests or prosecutions have been made by law enforcement” (2009: 246). According to her findings, prosecutions and arrests are low for four main reasons. The first is that many local law enforcement agents view human trafficking as a federal problem, not a local one. Second, police might not inquire into the immigration status of victims, thereby overlooking an important indicator of trafficking. Third, victims are usually identified as violating laws associated with immigration. When asked about their status, the threat of possible deportation limits the cooperation on the part of trafficked victims. Finally, because of cultural fears of law enforcement, many victims of trafficking resist law enforcement intervention. Internationally, in 2009 there were 4,166 successful trafficking prosecutions, 335 of which were related to forced labor. Unfortunately, 62 countries have yet to convict a trafficker under laws in compliance with the Palermo Protocol, and 104 countries still do not have laws in place to prevent victims’ deportation (Department of State 2010).

The lack, in the United States, of criminal prosecution, victim protection, and prevention of trafficking and forced labor begs the question of the level at which anti-trafficking efforts are effective. Nationally and internationally, the laws and protocols that have been

written and signed recognize the problem of human trafficking and forced labor as a federal issue. However, the efforts made in Immokalee highlight the reality that the issue of human trafficking and modern slavery needs to be understood in the local context. Based on years of interviews and observations in Immokalee, this book has as its purpose identifying the various forms of slavery in the area, and the local efforts that are being made to prevent future instances of trafficking and protect victims beyond the prosecutorial stage.

Methodology

When I first began data collection for this project in 2008, the research was exploratory in nature and sought to address how District 8 of the Collier County Sheriff's Office (Immokalee, Florida) responded to undocumented immigrants in the local community. It was conducted as a means of prompting future research. However, the initial data collection introduced me to an inconceivable web of complexities surrounding modern-day slavery, as well as the external measures that have been taken by a number of players who work together to improve the life conditions of those forced to labor in slave-like conditions. Therefore, what began as an open-ended question evolved over the next two years to become a book that I hope will allow the reader to experience and appreciate the intricacies of illegal immigration and human trafficking so evident in Immokalee.

The information reported in this book was collected through two years of interviews and field observations, which I conducted at District 8 of the Collier County Sheriff's Office, located in Immokalee, Florida; the Collier County Division of Human Trafficking located in Naples, Florida; and the district attorney's office located in Ft. Myers, Florida. I also conducted phone interviews and person-to-person interviews with local advocates associated with the Human Trafficking Task Force and with advocates associated with the Ft. Myers division of Catholic Charities.

Regarding legal professionals, the interviews with the local law enforcement were conducted with various officers at the district office and also while partaking in "ride-alongs." Forty-five questionnaires regarding police perceptions of undocumented immigrants and the 287(g) program (described in Chapter 4) were mailed prior to a visit, and distributed to the officers via their departmental mail slots. On the subsequent visit, twenty questionnaires were retrieved, and follow-up questions were conducted. Multiple one-on-one interviews were conducted with the members of the Division of Human Trafficking, as

well as email and phone follow-ups. I also was able to observe the life conditions of the slave laborers and sex workers while partaking in ride-alongs with the Division of Human Trafficking. Finally, person-to-person interviews, as well as follow-up phone and email conversations, took place at the district attorney's office. It should be noted that much of the information regarding attitudes toward and actions related to local undocumented workers came from the legal professionals with whom I spoke. Because Immokalee is such a small town, and identifiers can easily disrupt anonymity, many of the responses and stories that are presented throughout the book are vaguely referenced as told to me by "a legal professional" or some other indicator of the interviewee's role in the battle against trafficking.

As already stated, I conducted phone interviews and follow-up person-to-person interviews with advocates associated with the Human Trafficking Task Force and Catholic Charities. I made multiple attempts to interview members of the Coalition of Immokalee Workers, the leading advocacy group working for agricultural slave rights. However, these attempts met with no response from members of the Coalition, so the information derived regarding this organization was developed through secondary media sources (e.g., the *New York Times*, *Gourmet* magazine), published books (see Bowe 2007), and the Coalition's website (ciw-online.org).

Aside from the interviews and observations, I also conducted analyses on arrest data located on the sheriff department's website.⁵ The analysis included cause for arrest, country of origin of arrestee, and employment status of arrestee. Demographics (e.g., gender and age) were also recorded. This data was collected in the months of November through April (the peak harvest time) and compared over two years. Taken together, the information reported in this book represents the use of various methodologies to report an accurate account of human trafficking and the efforts taken to improve the life conditions of those trapped in slavery in Immokalee, Florida.

Organization of this Book

Readers must be aware that this is not another book solely devoted to defining human trafficking and forced labor, providing a discussion of statistics, and offering possible solutions to the problem. Although this information will be presented throughout the chapters, these concepts are not the central theme of the book. My intention here is to provide a voice not only for the victims, but also for the advocates and legal actors. Beyond telling the story of the people of Immokalee, I will also

examine the root causes as to why slavery continues persists in the United States and the world. Chapter 2 will initiate the discussion of slavery by providing an overview of the agricultural slavery evident in Immokalee, Florida. In particular, this chapter will discuss the day-to-day activities of the field laborers in the months of October through May. Human rights violations, such as unacceptable working, living, and economic conditions, will be examined, as well as an analysis as to why these violations continue to occur. The chapter will also provide a sociological analysis of the gender and racial profiles of those working in the fields. In Chapter 3 the discussion of trafficking will shift to commercial sexual exploitation, emphasizing the victims, the abuse, the health issues, and the economic conditions associated therewith. This chapter will also use the sociological lens to analyze sex work in general, explore issues of gender and cultural *machismo*, and identify the differences and overlap between prostitutes in Immokalee and sexual slavery.

Chapters 4 and 5 will turn the focus toward local efforts to identify and protect the victims of trafficking and prosecute the offenders. Chapter 4 is an overview of the unique role law enforcement plays in a predominantly illegal community. The local police work in a district that has an agreement with the federal government to enforce immigration law. This creates a contradiction in responsibility for those obligated with the role of immigration enforcer while at the same time needing to promote a sense of community. However, the local police are not the only actors evident in this negotiating pattern. Collier County also retains a detective and an advocate who make up the Division of Human Trafficking and who partake in credible efforts toward the eradication of trafficking. With the cooperation of the assistant US district attorney, the combined efforts of the Division of Human Trafficking and the local police in Immokalee have generated national attention in their innovative approach to maintaining a sense of protection and community while weeding out the criminal elements.

Chapter 5 covers those organizations that work actively to educate the public on slavery while assisting the victims. The most prominent organization in assisting the farmworkers is the Coalition of Immokalee Workers (CIW). This group is “a community-based organization of mainly Latino, Mayan Indian and Haitian immigrants working in low-wage jobs throughout the state of Florida” (CIW-online.org). In their words, they fight for “a fair wage for the work we do, more respect on the part of our bosses and the industries where we work, better and cheaper housing, stronger laws and stronger enforcement against those who would violate workers’ rights, the right to organize on our jobs

without fear of retaliation, and an end to indentured servitude in the fields” (ibid). In addition to the CIW, the Human Trafficking Task Force and Catholic Charities are also central advocates in the mission of trafficking eradication. The Human Trafficking Task Force is a group of individuals who tackle the difficult task of educating the public and law enforcement on how to identify victims of human trafficking. Catholic Charities assists victims and educates the community on the various issues associated with human trafficking. This is not an exclusive list of the actors active in combating trafficking in Immokalee, but it is illustrative of the efforts that are being made by the local community.

The book concludes with an overall analysis of the persistence of modern-day slavery in Immokalee, Florida. Specifically, I will stress that state complicity is an obstacle to anti-trafficking efforts, and that until invisible lines are exposed, the practice of slavery will continue in the United States. The concluding chapter highlights that consumerism, racism, sexism, and stances against illegal immigration are not excuses to allow the practice of slavery to persist. As Bowe noted (2007), “everybody is a somebody” (xxii), and regardless of status, everybody should be protected under the umbrella of human rights.

¹ Names have been changed to protect anonymity.

² The terms “slavery and “forced labor” will be used interchangeably throughout the book.

³ Information derived from National Human Trafficking Resource Center (2009). Estimates are based on number of calls and emails received regarding potential victims of human trafficking.

⁴ Tier placements are reported annually in the Trafficking in Persons Report.

⁵ www.colliersheriff.org