

Traffickers and Victims: Opposite sides of the same coin?

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Please cite this article as: H Leung, C Yeung, and P Ho, "Traffickers and Victims: Opposite sides of the same coin?", *Anti-Trafficking Review*, issue 18, 2022, pp. 190-194, <https://doi.org/10.14197/atr.2012221814>

Hong Kong Dignity Institute (HKDI) provides direct assistance to victims of trafficking and seeks to break cycles of exploitation through institutional change. Drawing from first-hand testimonials of over 30 individuals we have assisted since 2019 and insight from our civil society partners, in this article, we outline our observations of traffickers and their *modus operandi* in three prevalent trafficking scenarios in Hong Kong. Our experience suggests that trafficking networks are composed of a complex and fluid interplay of actors with blurred emotional lines between the traffickers and victims. We conclude that anti-trafficking efforts in Hong Kong are hampered by difficulties in identifying traffickers given the elusive nature of their activities.

'Traffickers' within a Web of Actors

Many trafficking networks are composed of a web of interconnected actors that enable and perpetuate exploitation. For example:

1. Individuals trafficked as migrant labourers are often referred by relatives or neighbours to employment agencies adept at processing fake work contracts and evading legal oversight. This leads to debt bondage situations once the individuals arrive in Hong Kong and realise they have taken heavy loans to secure a job that does not exist. Usually, the referring parties are genuine in helping the victims and did not receive a 'cut' for their referral. As for the victims, they generally wish to return home immediately upon discovering the scam but are trapped in Hong Kong for years, saddled with debts or prosecuted for immigration offences related to their trafficking experience, resulting in double victimisation. One victim who

was referred to a fraudulent employment agent by her neighbour said: ‘...it doesn’t matter what happens anymore. I just want to go home to see my daughter and son. They are 12 and 10. I haven’t seen them in almost two years. They have no one else.’¹

2. Individuals trafficked for sexual exploitation may be introduced by friends to fraudulent agents who falsely promise work abroad waitressing in the food and beverage industry. These agents collude with corrupt immigration officers in the victim’s home country and arrange for sham entertainment visas to be stamped on the victims’ passports at specific airport counters before the victims board flights to Hong Kong.² The victims find themselves in a foreign land at the hands of *mamasans*, pimps, and local gangs eager to exploit them for profit. Due to the lack of practicable alternatives, the victims become coerced into sex work. Almost always, the victims’ families back home do not know or remain wilfully blind to the fact that the victims have had to sell sexual services for money.

3. Victims of criminal exploitation for drug trafficking frequently come from difficult circumstances. For example, they are usually individuals who navigate or are susceptible to personal, societal, or financial pressures for reasons such as mental incapacitation, the demands of single parenthood, or destitution. Recruiters befriend the victims and then pass them along a series of handlers for grooming. After securing their victims’ loyalty, the handlers employ pressure or deceit to make the victims carry drugs overseas (hence the nickname ‘bird’) or pick up drug parcel deliveries at Hong Kong post offices. These victims, having been used as drug mules, are abandoned the moment they are arrested.

The stratification and broad spectrum of actors involved in these scenarios beg the question: who are the traffickers?

Traffickers as Relatives and Friends

Although trafficking can occur through physical force and restraint, it is commonplace for traffickers to recruit and control victims through emotional blackmail and by creating dependency. Traffickers can often be relatives, neighbours, friends, or lovers of the victims since they know and are well placed to exploit their trust. In turn, the victims, usually marginalised individuals with intersecting vulnerabilities, may be drawn by lucrative job offers or the promise of friendship, love, and belonging:

Z made me his target and slowly separated me from my family and friends. Away from all information and... help. And when I was all alone, he went for the kill. From that point on he was in charge of

¹ Conversation with a trafficked foreign domestic worker, 17 December 2020.

² Interview with the Head of Lost and Found Refuge, Hong Kong, 7 April 2021.

*me. He showed me my room and locked the door as he left. I just don't know what... happened to my sense of reasoning... Somehow I felt... I owed Z something and [was] obliged to do whatever I was asked. [emphasis added]*³

Through emotional manipulation, victims come to regard their traffickers as rescuers. For example, there are instances where drug traffickers who share the same religious beliefs as their recruits will conduct intense overnight prayer sessions together and ask for God to protect recruits in their future endeavours. This is a highly effective covert method for building attachment and loyalty. Traffickers may even father children with their female recruits. Some exonerated female drug mules suspect that their children's father set them up to traffic drugs.

Simultaneously enticed by the assurances of rewards, fearful of rejecting their traffickers (who may withdraw affection or become abusive), and facing circumstantial pressures, recruits will usually carry out the tasks or 'favours' instructed by their traffickers. As these subtle tactics appear outside the stereotypical notion of victimisation, authorities often misperceive victims' actions as voluntary. This leads to an under-identification of victims and impunity for traffickers.

Traffickers as Former Victims

Organised trafficking networks are adaptive and may operate on several planes of hierarchies involving frequent promotions, demotions, and role transferrals. Victims may gradually or inadvertently 'rise up' the ranks upon being assigned new roles or becoming socialised to the traffickers' norms. According to one victim:

*The first time was so difficult, after arriving... I realised I owed my agent a lot of money for arranging my visa. I worked every day, first serving men at bars, and later in motels. The other girls gave me advice and their friendships made life easier... I vowed never to return. A year later, my mother became ill and my mortgage was at risk. I had no choice but to return to sex work. It was easier the second time. **Although it was not my first choice, it was my choice, and I knew what to expect. I felt I had become hardened. I even showed the new girls around.** [emphasis added]*⁴

In trafficking for sexual exploitation, it is a *mamasan's* former victimisation that allows her to empathise with the person's financial desperation and attraction towards a protective dominant female figure. *Mamasans* act as maternal figures to the women they oversee and are skilled at persuading them to remain in exploitative circumstances. If women express their desire to leave, their *mamasans* would shame

³ Letter from a former drug lord, 7 December 2020.

⁴ Interview with a sex worker, 16 September 2020.

them for being selfish in abdicating their responsibilities. This is possible partly because the stigma attached to sex work makes it shameful for women to reveal their situations to their families back home. In turn, the perpetrators become the women's families; and to leave one's family, albeit a dysfunctional and cruel one, is considered the ultimate act of betrayal. An emotional debt is hard to square,⁵ and often, women seeking to leave will change their mind numerous times.

Conclusion and Recommendations

As illustrated, a black-and-white conceptualisation of traffickers fails to reflect the complex realities of human trafficking. As is the case of Hong Kong, an inaccurate understanding of trafficking operations has impeded the development of sound anti-trafficking legislation and policies.⁶ Accordingly, we offer the following recommendations:

1. Assess culpability of agents in the intermediate space between traffickers and victims. The extent and degree of an agent's conduct, intent, knowledge, participation, and profiteering are relevant considerations, and criminal law provides precedents to determine their accountability. For example, different sentences are prescribed for 'principal perpetrators', 'accessories' (such as those who aid, abet, counsel, or procure a crime), and perpetrators who act in a 'joint criminal enterprise'.⁷ Equitable principles and prosecutorial discretion also exist to provide avenues of mitigative recourse.
2. Observe international guidelines on the non-punishment principle for trafficked individuals so that victims are not penalised or punished for illegal acts they commit as a direct result of being trafficked.⁸ Despite Hong Kong's acknowledgement of this general principle,⁹ it is rare for even partial prosecutorial immunity to

⁵ Iceberg Slim, *Pimp: The Story of My Life*, Cash Money Content, New York, 1969.

⁶ Given the number of TIP victims HKDI has come across, we find the Hong Kong Government's TIP screening mechanism inadequate. In 2020, only three of 6,912 individuals screened by the Government were recognised as victims. See: Response to Access to Information Request by Security Bureau, 25 January 2021, retrieved 3 November 2021, https://accessinfo.hk/en/request/tip_screening_q4_of_2020#incoming-1574.

⁷ *HKSAR v Chan Kam Shing* FACC 5/2016.

⁸ UN Human Rights Council, *Implementation of the non-punishment principle: Report of the Special Rapporteur on trafficking in persons, especially women and children*, 17 May 2021, A/HRC/47/34; ICAT, Issue Brief 08, 'Non-Punishment of Victims of Trafficking', 2020.

⁹ Department of Justice, Prosecution Code 2013, S. 18 on human exploitation cases, at: <https://www.doj.gov.hk/en/publications/pdf/pdcode1314e.pdf>.

be granted to victims seeking to report their traffickers. Law enforcement and prosecutors should take measures to reduce victims' fear of self-incrimination and retaliation by perpetrators, which bar victims from seeking help to escape their circumstances and facilitate criminal processes against traffickers.

3. Target prohibited practices by employment agencies and other businesses that play a role in enabling or perpetuating human trafficking. This requires investing resources to train enforcement authorities to competently patrol and prosecute illicit activities by employment agencies, financial institutions, moneylenders, travel agencies, and commercial establishments that facilitate trafficking operations.

4. Reduce opportunities for trafficking networks to target vulnerable individuals. This can be achieved by creating decent work opportunities, providing accessible and affordable public services, strengthening labour protections, and providing trauma-informed care that restores their sense of agency. Whilst the redistribution of equality and dignity in society is not an easy task, society benefits when exploitation is eradicated, crime rates are reduced, and people are empowered to channel their potential in positive and productive ways.

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