Editorial: Who Counts? Issues of definition in anti-trafficking and housing research and action

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Abstract

The relationship between homelessness and contemporary forms of slavery and human trafficking is well established. Early research often took this relationship for granted and was frequently divorced from housing policy or theory. Interdisciplinary research has continued to ignore how the housing sector struggled with its own issues around defining homelessness and what the dominant definition (the United States’ HUD-Rossi definition) meant for our understanding of homelessness. This Editorial to a Special Issue of Anti-Trafficking Review on ‘home and homelessness’ discusses the HUD-Rossi definition, its impact on research, both domestically and abroad, and the recent rejection of ‘roof-based’ for a return to socio-cultural definitions. With these socio-cultural definitions in mind, this special issue introduces the research touching upon the intersection of housing and anti-trafficking in three categories: 1) listening to traditional subjects of anti-trafficking research and their views on housing, homelessness, and homes; 2) illustrating how state housing and immigration policies encourage exploitation; and 3) critiquing how housing provided by the anti-trafficking and criminal justice sector often falls short in supporting a home-like environment.


Introduction

In January 2023, shortly after the call for papers for this special issue of Anti-Trafficking Review closed, the United Nations (UN) Special Rapporteur on contemporary forms of slavery announced that his next thematic report to the UN Human Rights Council would be on homelessness and its role as a...
‘cause or consequence’ of contemporary forms of slavery and trafficking. The UN report—and this special issue—come at a critical time for reflecting upon housing and homelessness globally. Despite being one of the most basic of human needs, housing has become increasingly commodified. In the midst of this commodification, conversations about housing have often changed as well, as Scott Leckie noted in his 1982 treatise, moving away from the early language of ‘rights’ to instead one of ‘needs’.

And that need is perhaps greater than ever. Many countries are experiencing housing crises, characterised by the loss of affordable houses and skyrocketing rents in many cities. In Brazil, homelessness has increased by 16 per cent since 2021. Major Brazilian cities are facing a shortfall of 5.8 million homes, and favelas have increased in size by as much as 56 per cent in regional areas. Similarly, the Philippines faces a shortfall of 6.8 million homes, despite the House of Representatives ordering the Department of Human Settlement and Urban Development to ‘immediately undertake the inventory of idle government lands and fast track the development and disposition of these properties for socialised housing’ back in 2021. However, the housing crisis is not contained to countries

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4 Often translated to ‘slums’, favelas refer to a wide variety of poor and working-class neighbourhoods in Brazil. Houses are often built by residents and have a ‘handmade’ quality about them. Favelas have an extensive history and culture; to read more, I suggest two books by J E Perlman, The Myth of Marginality: Urban poverty and politics in Rio de Janeiro, University of California Press, Berkeley, 1980, and its follow-up, Favela: Four decades of living on the edge in Rio de Janeiro, Oxford University Press, Oxford, 2010.


in the global south; Housing Anywhere’s quarterly International Rent Index report found that 22 of 24 European cities saw an increase in rental prices between 2021 and 2022, with an average increase of 14.3 per cent. UN-Habitat estimates that by 2030, 3 billion people—or about 40 per cent of the world’s population—will lack adequate housing. In the current situation, 100 million people globally are homeless, and another 2 billion people are living in ‘conditions that are harmful to their health, safety, and prosperity’.

**Defining Homelessness: The legacy of the HUD-Rossi definition**

Among these harms is the ongoing threat of contemporary slavery, human trafficking, and exploitation to people experiencing homelessness and housing instability. The relationship between housing and trafficking is unsurprising. However, early ‘anti-trafficking’ research often took the relationship between housing and trafficking status for granted. Such research almost exclusively sampled from homelessness shelters or streets, without considering whether living situations were independently related. From there, this research followed a similar narrative: a woman or young person experiencing homelessness exchanges sex or engages in sex work to maintain housing. This behaviour is framed as trafficking, sexual slavery, or commercial sexual exploitation. Despite its prevalence among the sample, housing (or lack thereof) is not discussed as a cause of trafficking, instead focusing on childhood sexual trauma, traffickers, or other intra- or interpersonal attributes. This legacy has largely been taken up by prostitution prohibitionist scholars within the United States, who continue to oversample from homeless or housing-insecure populations, focus on sexual exploitation, and rarely discuss housing availability.

Perhaps just as frustrating, this traditional vein of research has also been divorced from considerations of housing policy or housing theory. Anti-trafficking scholars may recognise the history of housing policy and its debate over central definitions, as it is similar to our own disciplinary disagreements. In the 1980s, arguments over what it meant to be homeless had come to a head; the definition of homelessness itself was in flux. Sophie Watson, in her feminist examination of homelessness

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famously suggested that ‘the concept of homelessness is not a useful one and should be rethought or abandoned’. Watson was among the first scholars that argued traditional definitions of homelessness, that equated it with rooflessness, were harmful to women, children, and families who were often able to secure a ‘roof’ but not a ‘home’.

However, within the United States, the 1980s also ushered in the arrival of conservative social policies. These conservative social policies coincided with alarmist and NIMBY-ist rhetoric around homelessness. American cities were growing in population size, and, possibly, so too were the number of people sleeping rough. Eventually, this rhetoric led the United States Department of Human and Urban Development (HUD) agreeing to conduct a census of people experiencing homelessness and establish a definition for whom to count. Their definition—colloquially referred to as the HUD-Rossi definition—was a sharp turn away from a burgeoning focus on ‘home’lessness and instead a swift return to rooflessness. The HUD-Rossi definition hinged upon visibility (including people who slept ‘in the streets, parks, subways, bus terminals, railroad stations, airports, under bridges… or any other public or private space that is not designed for shelter’) and engagement with services (those who were sleeping in ‘public or private emergency shelters’ and anywhere where ‘temporary vouchers are provided’ to secure beds).

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12 Indeed, in rereading many papers that focus on ‘entry into prostitution’ from the Silas and Pines era, almost none refer to the women interviewed as homeless; instead, they are runaways. Such subtle language reinforces this notion that women are not ever homeless, but just willfully living on the streets.

13 NIMBY is an acronym for ‘Not In My BackYard’. NIMBYism refers to the attitude that new social services or developments—such as homeless shelters, drug rehabilitation programmes, etc.—should not be opened in one’s neighbourhood. Some critiques have noted that NIMBY is almost always used in the pejorative (as it is here) and without a tangible definition. To read a full account of such a critique, I recommend: M Wolsink, ‘Invalid Theory Impedes Our Understanding: A critique on the persistence of the language of NIMBY’, *Transactions of the Institute of British Geographers*, vol. 31, issue 1, 2006, pp. 85–91, https://doi.org/10.1111/j.1475-5661.2006.00191.x.

14 This is a British English term for ‘sleeping outside without cover’. A person sleeping on a park bench is sleeping rough.


16 Ibid.
The results led to a dramatic and instant drop in the official estimate of people experiencing homelessness within the United States. A study by Hombs and Snyder in 1983 suggested 3 million people in the US were experiencing homelessness, when using a socio-cultural definition. The HUD-Rossi definition, and the ensuing report, released in 1984, found instead 250,000 people were experiencing homelessness. It also established not only who was counted during the homelessness census, but who mattered. As Chamberlain and Mackenzie noted, this decision was deliberate and ignored lived knowledge from within the housing and homelessness sector:

Using the HUD-Rossi approach [young people who move frequently between different sleeping arrangements] would not be counted as homeless much of the time, because they are neither consistently on the streets nor in emergency accommodation. Their homelessness is characterized by continual insecurity and frequent moves from one form of temporary shelter to another, including stays with friends and occasional nights in boarding houses paid for by themselves. But it does not mean they cease to be homeless when they are in such places. However, the HUD-Rossi approach would exclude them […] This is no minor technicality […] This is the typical pattern [of young people]. Therefore, the HUD-Rossi method of enumerating the homeless population must miss a substantial number of young people […] because they will not be in the ‘right’ places to be counted.

The HUD-Rossi definition would linger for decades, bypassing and ignoring the lived realities of people experiencing homelessness, and instead promoting a narrative of homelessness that was visible and engaged (with services). With the HUD-Rossi definition, governments were able to ignore less visible, but more common, types of homelessness, like couchsurfing, single room occupancy tenancy, and severe overcrowding, because these forms of accommodation did not count.

19 Chamberlain and MacKenzie, p. 286.
The parallels between the political wrangling over defining homelessness and those in the anti-trafficking arena are stark. But for interdisciplinary research, the HUD-Rossi definition also had a chilling effect. Scholars often found it difficult to expand the definition of homelessness beyond those sleeping rough or in shelters, as it conflicted with what American reviewers, editors, and policymakers viewed as ‘actual’ homelessness. The result is that many adjacent bodies of research, including the anti-trafficking realm, have struggled to advance beyond these very roof-centric definitions and embrace more critical definitions of homelessness.

**Moving Away from ‘Roof’lessness to ‘Home’lessness**

In the past 40 years, many government bodies have moved beyond the HUD-Rossi definition. In 2012, for example, the Australia Bureau of Statistics formed the Homelessness Statistics Reference Group (HSRG) to formalise a definition of homelessness that was more reflective of lived realities. The HSRG included people with lived experience, service providers, and academics. As part of their process, they reviewed dozens of case studies, and then discussed if the situation depicted was homelessness. Eventually, the HSRG reached a consensus that, for the Australia Bureau of Statistics, homelessness would be rooted in a sociocultural definition:

The ABS definition of homelessness is informed by an understanding of homelessness as ‘home’lessness, not rooflessness. It emphasises the core elements of ‘home’ in Anglo-American and European interpretations of the meaning of home as identified in research evidence. These elements may include: a sense of security, stability, privacy, safety, and the ability to control living space. Homelessness is therefore a lack of one or more of the elements that represent ‘home’ [...] When a person does not have suitable accommodation alternatives they are considered homeless if their current living arrangement: [1] is in a dwelling

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20 For a history of the ‘wrangling’ over these definitions—and the ensuing factions—see: M Ditmore and M Wijers, ‘The Negotiations on the UN Protocol on Trafficking in Persons’, Nemesis, issue 4, 2003, pp. 79–88, and M Wijers, ‘Purity, Victimhood and Agency: Fifteen years of the UN Trafficking Protocol’, Anti-Trafficking Review, issue 4, 2015, pp. 56—79, https://doi.org/10.14197/atr.20121544. The result of these discussions led to several types of definitions—one based on the presence or absence of certain characteristics innate to trafficking (e.g., presence of fraud, force, or coercion), others primarily focused on cross-border movement, and finally, statutes that included age-based criteria. In these latter jurisdictions, which include the US, and increasingly Europe, the inclusion of age-based criteria artificially creates victims and survivors of trafficking, making the numbers dramatically increase, and thereby demanding more political attention (and funding).
that is inadequate; or [2] has no tenure, or if their initial tenure is short and not extendable; or [3] does not allow them to have control of, and access to space for social relations. […] While homelessness is not a choice, some people may choose to live in situations that might parallel the living situations of people who are homeless. For example, living in a shed while building a home on their own property, or on holiday travelling and staying with friends. These people have choice because they have the capacity to access other accommodation that are safe, adequate and provide for social relations.21

This return to socio-cultural definitions of homelessness has changed how both the Australian government and media frame the housing crisis. Media have increasingly highlighted how the loss of access to affordable housing has led to a spike in homelessness, as young people begin to couchsurf or live out of their cars.

Other countries have gone even further, arguing that the debates over rooflessness and homelessness ignore the real issue—that housing should be a human right. In 2000 (and again in 2010), Brazil codified a right to housing in its constitution—‘Education, health, food, work, housing, leisure, security, social security, protection of motherhood and childhood, and assistance to the destitute, are social rights as set forth by this Constitution’.22 The Brazilian Constitution further establishes that local, state, and federal governments should work together to collaboratively fund social housing so that it is available to all. This right to housing has been used as a successful argument before the Brazilian Supreme Court in halting evictions, particularly during periods of national crisis, such as the COVID-19 pandemic.23 Brazil has a powerful and fascinating history of civil disobedience to reassert this right to housing; most often led by Black mothers, it included organised ‘squatting’ campaigns.24 As these campaigns illustrate, though, even countries with enshrined rights to housing face difficulty in forcing their governments to act. As the Brazilian example illustrates, the question of ‘who

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counts’ is still relevant, even when such rights are formally recognised. Instead, as several leaders of the movement note, their voices are routinely ignored or silenced because of who they are.

This Special Issue

Despite this return to more progressive socio-cultural definitions within homelessness theory and coordinated community action, their impact on research has been slow. This Special Issue hopes to start that discussion, encouraging critical examination and discussion of housing and homelessness, and its relationship to trafficking. The authors in this volume do that in three ways: 1) listening to traditional subjects of anti-trafficking research and their views on housing, homelessness, and homes; 2) illustrating how state housing and immigration policies encourage exploitation; and 3) critiquing how housing provided by the anti-trafficking and criminal justice sector often falls short in supporting a home-like environment.

Individuals’ Voices on Housing, Home, and Homelessness

As mentioned, research on trafficking and homelessness has focused on women or young people and their engagement in sex work. In this early scholarship, homelessness was framed as inevitable and wholly negative. However, it often ignored or discredited the voices of people experiencing homelessness and the way they negotiated housing, including through survival sex or sexual exchange. When researchers labelled such experiences as ‘sex trafficking’, they often did so while ignoring or invalidating the voices of youth who clearly differentiated coercion from circumstance (or choice). The research in this section revisits these traditional subjects of trafficking-homelessness work but with a community-informed lens that lifts up the voices of their participants.

For example, in their paper, ‘Takatāpui/LGBTIQ+ People’s Experiences of Homelessness and Sex Work in Aotearoa New Zealand’, Brodie Fraser, Elinor Chisholm, and Nevil Pierse explore queer people’s experiences with sex work and sexual exploitation, how they differentiate between the two, and how social policy both fails and empowers them (within the context of sex work decriminalisation) as a way to secure housing.

Martha Cecilia Ruiz Muriel, in her article, ‘On the Streets: Deprivation, risk, and communities of care in pandemic times’, turns her consideration to irregularised migrants and sex workers living in Ecuador’s southern border province of El Oro, which has historically been associated with risks of trafficking and exploitation. Ruiz Muriel examines how, during the COVID-19 pandemic, the Ecuadorian government ignored these ‘street people’, prompting them to create homes and communities of care, even in the absence of roofs.
Finally, Corey S. Shdaimah, Nancy D. Franke, Todd D. Becker, and Chrysanthi S. Leon ask what role housing plays in the lives of people who are prosecuted for sex work. Their paper, ‘Of House and Home: The meanings of housing for women engaged in criminalised street-based sex work’, demonstrates that housing plays a significant part in the ability to successfully exit sex work or trafficking. During their conversations with participants in two prostitution diversion programmes in the United States, as well as staff of those programmes, the authors consider how housing precarity can limit participants’ ability to move forward, as well as their actual and idealised views of housing.

Policy and Its Impact on Housing

Other authors consider how housing policy itself creates environments that promote—or even incentivise—exploitation. For example, Shih Joo Tan, in her article, ‘When the Home Is Also the Workplace: Women migrant domestic workers’ experiences with the “live-in” policy in Singapore and Hong Kong’, examines the experiences of domestic workers in Singapore and Hong Kong. In both locations, domestic workers are required by law to reside at their employer’s house. The result, as Tan illustrates through interviews with workers and employers, is that the government ‘reinforces a situation that allows employers to have significant control over workers’ bodies and mobilities, [including] where they are allowed to sleep, how much they can eat, what they can wear, when they can rest, who they can communicate with, and when they are allowed to go out’.

While the ‘live-in’ requirements of such visas mandate housing as part of the conditions of entry, in their article “No Income, Temporary Visa, and Too Many Triggers”: Barriers in accommodating survivors of slavery in Australia’, Kyla Raby, Nerida Chazal, Lina Garcia-Daza, and Ginta Mebalds consider how immigration policy can create barriers to obtaining housing for survivors of trafficking. They focus particularly on how the Australian immigration policy limits working rights and access to social support. In turn, these exclusions contribute to survivors’ difficulties in securing long-term stable housing, even after cooperating with law enforcement in the prosecution of offenders. The researchers surveyed 312 accommodation providers in Australia and found that for most, their ability to mitigate these barriers to housing was severely constrained due to federal policies.

Anti-Trafficking Housing Programmes and Their Failures

Finally, other authors examine the quality of housing that governmental or nongovernmental organisations provide to survivors of trafficking and other marginalised groups.

This ‘homelessness’ (as opposed to rooflessness) is most obvious in Haezreena Begum Abdul Hamid’s article, ‘Shelter Homes – Safe haven or prison?’. Hamid explores the forcible detainment of ‘rescued’ migrant women victims
of trafficking in Malaysian shelter homes. Based on interviews with migrant women and shelter home staff, she describes the punitive nature, overcrowding, and lack of services that characterise these ‘homes’. She concludes that they do not meet the socio-cultural definition of a home, and rather than promoting safety and recovery, contribute to deteriorating physical and mental health, legal disenfranchisement, and separation from support systems.

Similarly, in their short article, ‘Closing the Door on Survivors: How anti-trafficking programmes in the US limit access to housing’, Karen Romero, Tatiana Torres, Alana Jones, and Ciara Dacosta-Reyes conduct a much-needed desk review of 73 anti-trafficking housing programmes in the US and their internal policies for tenants, and ask whether these policies are rooted in trauma-informed principles. The answer, overwhelmingly, is no. Instead, the authors suggest that many programmes’ policies may replicate the same coercive treatment found in traditional trafficking relationships, where survivors are controlled and disempowered.

While Hamid and Romero et al. focus on the experiences of people identified as trafficking survivors, Chrysanthi S. Leon, Maggie Buckridge, and Michaela Herdoíza turn their investigative gaze towards a group that has historically experienced exploitation but also significant stigmatisation. In the United States, prisoners are subject to not just slavery-like conditions during incarceration, but often face mandated work requirements upon release, especially if they are paroled to a halfway house or work release facility. In their innovative piece, “I’m Scared to Death to Try It on My Own”: I-Poems and the complexities of religious housing support for people on the US sex offender registry, the authors look at one group of former prisoners that are especially impacted by limited housing—sex offenders. Using I-Poems, a ‘feminist technique for analysing qualitative interviews’, they put the experiences and words of their interviewees, sex offenders and the people who run religious housing programmes for them, at the forefront of our minds. What we encounter is a case study in ‘white saviourism’, whereby housing programme directors express little or no concern in exploiting their tenants, as the tenants, sex offenders who are barred from most available housing, express the constrained choices they face.

**Missed Opportunities: More chances to consider housing and home in anti-trafficking work**

Taken together, the articles in this special issue highlight the need for structural changes to sever the link between homelessness and trafficking. In some cases, policy explicitly puts people in positions that render them vulnerable to trafficking, exploitation, and abuse by requiring certain housing circumstances. Uncomfortably, the articles in this edition also highlight that the anti-trafficking and other criminal justice system responses frequently continue to create coercive
housing environments. In coercive housing environments, the ability to stay housed is not a right but a privilege, which can be lost if a resident acts out of line. In a sector that is claiming to promote human rights, housing rights should also be at the forefront of our approach.

While these articles all represent important steps forward in the discussion about the relationship between anti-trafficking and housing status, I wish to acknowledge that our call for papers was much broader. Those suggestions or areas that were unaddressed highlight the need for more research on the intersection of trafficking and housing. Researchers are still quite reluctant to move away from their focus on sex and housing, especially among young people and women. The very small amount of research that has considered broader categories of trafficking and exploitation has found that financial exploitation and labour exploitation are experienced by a greater proportion of young people than trafficking for sexual exploitation.\textsuperscript{25} In the Wright study, a community-based survey of young people experiencing homelessness, nearly 1 in 3 young people experienced trafficking for labour exploitation and 1 in 4 experienced fraud or other financial exploitation.\textsuperscript{26} The results of the Mostajabian study were even more stark, with 55 per cent of young people living in homelessness shelters reporting they had been victims of labour exploitation. In another study, nearly 7 per cent of young people reported being pressed into drug trafficking, in addition to trafficking for labour and sexual exploitation, during their experiences with homelessness.\textsuperscript{27}

Second, I was hopeful that this call would also elicit pieces on the relationship between anti-trafficking policies and access to housing. The move towards partial criminalisation of sex work, such as the Nordic or Swedish Model, and its implications for housing, have not been well studied or explored. Interviews with people on the ground suggest that there are repercussions that have not been considered. For example, one sex worker activist from Sweden noted


\textsuperscript{26} Comparably, approximately 1 in 6 reported an experience that met the US definition of ‘sex trafficking’.

\textsuperscript{27} L T Murphy, \textit{Labor and Sex Trafficking Among Homeless Youth – A Ten-City Study. Full report}, Loyola University New Orleans, New Orleans, 2022.
that her home had become a potential crime scene under the law: “This is [the police’s] operating strategy. One of their favourite things to say is “if the clients can find them, we can find them [the sex workers].” So they admit we’re the… targets [of their] surveillance because they want to arrest as many people in the most effective way. [Police] can’t just follow around random people in case they happen to buy sex, so they target sex workers. They go online or they find the ads… then they stakeout our homes to wait for the clients’.”

Police surveillance of sex workers could result in outing or even eviction. Canadian researchers have recently reported that eviction and unstable housing can lead to an increase in intimate partner- and client-initiated violence for sex workers. Thus, there is an urgent need to understand how such policies impact sex workers’ ability to secure and maintain a safe home. Research in both of these areas is desperately needed.

Acknowledgements

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28 Interview with K Hail-Jares, 9 November 2022.