



# Global Efforts against Human Trafficking: The Misguided Conflation of Sex, Labor, and Organ Trafficking<sup>1</sup>

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Human trafficking has been the subject of growing attention from both scholars and policy makers. The internationally accepted definition of human trafficking used by governments and international organizations identifies three purposes of trading in persons: sexual exploitation, labor exploitation, and the removal of organs. I argue that conflating sex, labor, and organ trafficking in policy initiatives and in the scholarly literature overlooks major differences between these practices—differences that greatly affect governments' willingness and ability to curb them. This article identifies three such differences: the social status and political influence of the perpetrators, the precision of norms and their resonance with audiences, and the costs of enforcement. Through these distinctions, I explain why Israel has been vigorous in combating sex trafficking, yet hesitant to tackle labor and organ trafficking. The Israeli experience highlights the different challenges posed by sex, labor, and organ trafficking and offers important lessons for the study of these phenomena.

**Keywords:** human trafficking, law enforcement, norms

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Human trafficking is a serious threat to human rights and dignity. Numerous actors—governments, international organizations (IOs), and non-governmental organizations (NGOs)—engage in efforts against the trade in persons, and this practice is receiving growing attention from international relations (IR) scholars (Cho, Dreher, and Neumayer 2013; Kelley and Simmons 2014). Much of the policy and scholarly discussion builds on an internationally accepted definition of human trafficking that identifies three purposes of this crime: sexual exploitation, labor exploitation, and the removal of organs. I argue that this definition—and the many policy initiatives based on it—overlooks fundamental differences between the three forms of human trafficking. While sharing some similarities, these three practices vary in important ways, with far-reaching consequences for governments' ability and willingness to combat them. By disregarding the differences between these phenomena and bundling them into a single concept, we compromise the analysis and design of counter-trafficking efforts. Grasping the challenges unique to each form of human trafficking will give us better insight into policy-making processes and outcomes; it will also allow us to devise more effective policy responses.

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This article unravels the concept of “human trafficking” and identifies three major differences between sex, labor, and organ trafficking—differences that have received little attention both in international policy initiatives and in the scholarly literature. First, the perpetrators vary in their legal and social status and hence in their ability to participate in the political process. Whereas sex traffickers do not openly take part in policy discussions, the actors involved in labor or organ trafficking—such as farmers, contractors, physicians, and patients in need of transplants—can influence policy through legitimate political activity. Second, the norms against sex, labor, and organ trafficking vary in their clarity and precision as well as in their resonance with audiences. Whereas the prohibition on sex trafficking has a broad normative appeal, many see nothing wrong with commercial transactions in organs. Third, the enforcement costs of eliminating sex, labor, or organ trafficking vary significantly. Whereas organ trafficking is relatively simple to curb, efforts against labor trafficking are more costly and complex.

These differences account for the variation in government efforts to eliminate the three types of human trafficking. I demonstrate and explain this variation in the case of Israel. While Israel remained indifferent to sex, labor, and organ trafficking throughout the 1990s, in the new millennium it came under growing international pressure to curb these practices. Yet the attempts to combat the three phenomena encountered different hurdles, resulting in different outcomes. Vigorous in its efforts against sex trafficking, the Israeli government has been less determined with respect to eliminating labor and organ trafficking. This variation is difficult to explain on the basis of the current understanding of human trafficking which fails to recognize the differences between sex, labor, and organ trafficking. A more nuanced understanding, sensitive to the unique attributes of each of these practices, may account for the Israeli policy and, more broadly, enhance our knowledge of human trafficking and the challenges it poses.

### **Human Trafficking: International Efforts and Definition**

International efforts against human trafficking date back to the beginning of the twentieth century (Uçarer 1999). At the start of the twenty-first century, this issue once again gained international attention. In 2000, the US government launched a campaign against human trafficking worldwide by enacting the Victims of Trafficking and Violence Protection Act. That same year saw the signing of the primary international agreement on human trafficking: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (hereinafter: UN Protocol). In the following years, the UN established various anti-trafficking tools, including a Global Report on Trafficking in Persons and an Inter-Agency Coordination Group against Trafficking in Persons. The UN General Assembly has passed several resolutions on measures to eliminate human trafficking and in 2010 adopted a UN Global Plan of Action to Combat Trafficking in Persons. Various other organizations have also engaged in global and regional efforts against human trafficking. Among those are the International Organization for Migration (IOM), the International Labor Organization (ILO), the European Union (EU), the Council of Europe, and the Organization for Security and Cooperation in Europe (OSCE; see Friesendorf 2007).

At the heart of the efforts against human trafficking is an internationally agreed definition of the crime of trafficking in persons. This definition is provided by the UN Protocol and heralded as one of its primary achievements (Gallagher 2010:42; UN 2010:2). It reads:

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, servitude or the removal of organs.

The UN Protocol's definition is the bedrock of many of the international initiatives against human trafficking. It is the premise of the UN's own efforts as well as those of the IOM. The Council of Europe's Convention on Action against Trafficking in Human Beings (2005) reproduces the UN Protocol's definition verbatim, as does the OSCE Action Plan to Combat Trafficking in Human Beings (2003). The European Union's directive on preventing and combating trafficking in human beings (2011) uses the UN Protocol's definition with slight modifications, and the United States considers its own definition of and efforts against human trafficking to be consistent with the UN Protocol (US Department of State 2011:16).

The UN Protocol's definition includes several elements: an "Action" element that can be fulfilled by various acts, including recruitment, transportation, or receipt of persons; a "Means" element that includes coercion, fraud, or abuse of power, among others; and a "Purpose" element (Gallagher 2010:29–42). Each of these elements raises a host of issues; this study is concerned, however, only with the third element—the purpose of trafficking—which, according to the definition, is exploitation. Such exploitation may include, at a minimum, "exploitation of the prostitution of others or other forms of sexual exploitation"; "forced labour or services, slavery or practices similar to slavery, servitude"; and "the removal of organs." The Protocol's definition thus encompasses three different forms of human trafficking: sex trafficking, labor trafficking, and organ trafficking (Gallagher 2010:34–42; Shelley 2010:11). Conflating these three practices into a single concept of "human trafficking" is, however, more than a simple matter of taxonomy—it has real consequences for both scholarship and practice. In terms of scholarly analysis, obscuring the differences between sex, labor, and organ trafficking makes it difficult to explain variation in governments' attitudes and actions across these forms of human trafficking. In practical terms, this conflation has led to a uniform prescription of policy measures against human trafficking that is insensitive to the distinctions between sex, labor, and organ trafficking.

Let us first consider the implications for scholarly analysis. While international initiatives—first and foremost, the UN Protocol—treat human trafficking as a single phenomenon, national efforts reveal significant variation across the different forms of human trafficking. For instance, the American efforts against human trafficking worldwide have focused, from their inception in 2000, on sex trafficking; labor trafficking has received attention in the framework of the US-led campaign only since 2005 (US Department of State 2005:9), while organ trafficking has fallen outside its scope altogether.<sup>2</sup> This kind of contrast is the puzzle motivating this article: If indeed governments have agreed internationally to curb the three forms of human trafficking, why do they treat them differently in practice? What explains the varying levels of determination and efforts to eliminate sex, labor, and organ trafficking? The academic literature on human trafficking will

<sup>2</sup>The State Department breaks down sex trafficking and labor trafficking into several subcategories, such as child sex trafficking, forced labor, and bonded labor. Yet its overall focus is on the two phenomena of "Slave Labor and Sexual Slavery" (US Department of State 2006:6, emphasis in original).

struggle to offer a satisfying answer, as it has given relatively little attention to human trafficking that is not for sexual exploitation. Indeed, the overwhelming majority of studies on human trafficking examine the sex trade (Malarek 2004; Kara 2010). Organ trafficking has been nearly absent from social science research, and labor trafficking has received modest scholarly attention, although in reality it is more prevalent than sex trafficking (Gozdziak and Bump 2008; Zhang 2012). In fact, some studies examine sex and labor trafficking together as two forms of slavery, overlooking the differences between them (Bales 2004; Naím 2005). Overall, given the dearth of research on labor and organ trafficking, the unique challenges that these practices pose have largely gone unnoticed in the sex trafficking—dominated literature (Gozdziak and Bump 2008:7). This omission hinders any attempt to analyze government responses to labor and organ trafficking and to understand why they might differ from the response to sex trafficking.

Differentiating between sex, labor, and organ trafficking, rather than lumping them together, is essential not only for scholarly purposes, but also in order to formulate effective anti-trafficking policies. The international efforts against human trafficking, from the UN Global Plan of Action to the OSCE Action Plan, are based on the “3P” paradigm: prevention of trafficking, protection of victims, and prosecution of those who facilitate or commit the crime. In prescribing the 3P measures, the international documents and initiatives typically do not distinguish between sex, labor, and organ trafficking: the same measures apply to each form of trafficking. The UN Office on Drugs and Crime (UNODC), the primary UN organ tasked with combating human trafficking, epitomizes this thinking. Treating human trafficking as a single phenomenon, UNODC identifies three primary challenges in implementing comprehensive responses to trafficking in persons: lack of knowledge and research, lack of capacity, and lack of monitoring and evaluation (UNODC 2012:88–91). Absent is a recognition that each form of human trafficking may pose unique challenges that merit a specifically tailored policy response.

In summary, the international definition of human trafficking, the international policy initiatives built upon it, as well as scholarly research on human trafficking all tend to overlook the complexity that arises from the multifaceted nature of human-trafficking practices. Instead of blurring the distinctions between the different forms of trafficking in persons, we ought to recognize and understand them. The next section’s aim is to do just that.

### **Sex, Labor, and Organ Trafficking: How Do They Differ?**

Before delving into the differences between sex, labor, and organ trafficking, one should recognize that the three practices indeed share some important commonalities. One such commonality concerns the identity of the victims: the individuals who are coerced or improperly induced to provide sexual or labor services or to donate an organ. In all three cases, the victims are typically vulnerable as a result of poverty, lack of education, or other social, economic, and political circumstances (Naqvi et al. 2007; UNODC 2008). In terms of impact, the three forms of human trafficking often adversely affect the victims’ physical and mental health; they may also carry negative consequences for the greater community (Goyal et al. 2002; Zimmerman et al. 2008; Shelley 2010:chap. 2). As one study noted, “[t]rafficking cases all involve some combination of isolation of the victim, emotional or physical abuse, and threats to ensnare the victim into acquiescing to the trafficker’s demands” (Barnhart 2009:89–90). In fact, labor-trafficking victims often suffer sexual abuse (Cohen 2013). Yet another similarity is that sex, labor, and organ trafficking may involve the cross-border movement of people, but they can also be purely domestic (Human Smuggling and

Trafficking Center 2008).<sup>3</sup> A nexus of the domestic and the international is also apparent with respect to anti-trafficking influences. Governments may come under international pressure to curb human trafficking—from the United States or other external actors (Kelley and Simmons 2014); at the same time, domestic factors—such as the media or public opinion—may reinforce the demand for anti-trafficking action. Yet governments’ response to this combination of pressures often varies between the three forms of human trafficking. To understand why, we ought to understand the *differences* between them.

*The Perpetrators: Social Status, Political Involvement, and Government Sympathy*

The perpetrators of human trafficking are the individuals or groups who benefit—financially or otherwise—from the exploitation of the trafficked persons. This includes the recruiters, brokers, and transporters; the owners, managers, or staffers of any place of exploitation, such as a brothel, farm, or household; and the “end consumers,” such as sex clients or patients who buy organs for transplantation (Gallagher 2010:30).

The UN Protocol requires states to establish human trafficking as a criminal offense within their legal systems, and a majority of countries have complied with this requirement (UNODC 2009:22–25; Kelley and Simmons 2014). Accordingly, the perpetrators of human trafficking are often viewed as *criminals*: from large-scale organized networks through small groups or gangs to unaffiliated individuals (for example, UNODC 2006:68–71). The criminal label is most appropriate for sex trafficking. While some sex traffickers may be educated and lack prior criminal convictions (Shelley 2010:85), many others are “professional” criminals. The criminal label is also apt since in many countries prostitution is illegal; even where prostitution is legal, associated activities, such as pimping or operating a brothel, may be illegal (Cho, Dreher, and Neumayer 2013). Beyond criminality, the sex trade suffers from a social stigma and poor reputation, which attach not only to the prostituted women and the traffickers, but also to the clients (Edlund and Korn 2002; Della Giusta, Di Tomasso, and Strøm 2009). Even in countries that have gone some way toward legal acceptance of prostitution, the public has remained morally ambivalent toward this practice and the social stigma attached to it has persisted (Lowman and Louie 2012; Oltermann 2013).

The perpetrators of labor trafficking may include some criminal elements. Other offenders, however, are otherwise law-abiding, legitimate actors: employment agencies and brokers, alongside employers. Employment agencies may deceive workers through fraudulent offers of work conditions; they often charge high recruitment fees, which force workers to incur debt and make them vulnerable to exploitation (US Department of State 2008:16). Yet while their behavior could be judged unscrupulous and may violate the law, the agencies are overall lawful entities, rather than criminal enterprises; some, in fact, may be licensed by the government to place workers. A similar semblance of legitimacy applies to the employers—the primary perpetrators of labor trafficking. Contractors, farmers, factory owners, and individuals who employ workers in their household—all these might severely exploit, abuse, and use violence against those working for them. Despite such conduct, they are still perceived as being part of an overall legitimate industry or enterprise (see ILO 2013).

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<sup>3</sup>Note that the analysis focuses on *human trafficking*, rather than *human smuggling*. Although smuggling and trafficking are similar in some respects, these are separate phenomena. Smuggling is the facilitation of an illegal crossing of an international border; trafficking can be domestic and does not require border crossing or may follow legal border crossing. Unlike trafficking, smuggling does not involve exploitation under actual or implied coercion (Human Smuggling and Trafficking Center 2006).



Organ-trafficking perpetrators are similarly seen as legitimate actors, regardless of their unethical or illegal behavior. At the center of this practice are highly educated and respected members of society: physicians. These physicians perform commercial transplantations that involve payment for the organ, in violation of international norms—the transplantation principles of the World Health Organization (WHO 2010)—as well as national legislation. Notwithstanding their ethical and legal transgressions, however, they also engage in legitimate medical practice and are perceived as health-care professionals, rather than criminals (Moazam 2006). Others perpetrators of organ trafficking similarly enjoy social legitimacy. These include the administrative staff in hospitals that perform commercial transplantations; medical insurers that pay for commercial transplants; and the patients who receive the transplants (Efrat 2013). Although they all participate in an exploitative practice that may be unethical and illegal, these are not seen as professional criminals.

The variation in the perpetrators' legal and social status across the three types of human trafficking carries significant implications. First and foremost, the perpetrators vary in their political activity and visibility. Criminals involved in sex trafficking may indeed exert political influence by illegitimate means, such as bribery and intimidation. Yet the illegal nature of their business prevents them from openly lobbying politicians or participating in political processes and debates. Furthermore, given the criminal status of sex traffickers and the poor reputation of the sex industry, few politicians would wish to be publicly associated with them or to be perceived as catering to their interests. Similarly, clients who pay for sex with the trafficked women are typically embarrassed to admit their use of prostitution services, let alone organize politically (see Trotter 2007). Even if their conduct is not criminalized, the social stigma it carries hinders political action.

Many of the perpetrators of labor trafficking and organ trafficking, by contrast, do not face similar barriers. Notwithstanding their involvement in worker exploitation, employment agencies are overall legal, legitimate actors; the same holds true for employers, such as farmers and contractors. As such, these actors can present their views in parliamentary debates and other public forums, openly lobby officials, and take part in policy-making processes; governments can make policies that legitimately take the wishes and interests of these actors into account. Similarly, the offenders involved in the organ trade can be politically active in the open. Given their high social status, physicians can resist measures aimed at ensuring ethical transplantation practices and curbing commercially driven transplants (Moazam 2011). Similarly, patients can express their plight before policy makers and oppose initiatives that would make it difficult for them to obtain organs.

In fact, not only can these actors act politically, but policy makers may even be sympathetic to their demands, as they seem to express a legitimate and dire need. Farmers whose crops would rot unless migrant workers pick them; elderly and disabled people in need of domestic help; patients undergoing the suffering of dialysis who might die unless they receive a new kidney—even if these actors' behavior violates national or international norms, governments may be inclined to treat them not as "criminals," but as individuals with legitimate concerns and grievances who deserve compassion and forgiveness, rather than punishment. The perpetrators of sex trafficking, by contrast, do not enjoy such sympathy, as prostitution is not seen as fulfilling a legitimate need.

### *Norm Clarity and Resonance*

#### **Clarity and Precision**

One of the fundamental attributes of international norms is their clarity and precision. Some norms unambiguously specify their conditions of application and

spell out required or proscribed behavior; other norms are less clear or specific and leave a margin of ambiguity and uncertainty as to their proper interpretation and implementation (Abbott et al. 2000). The level of clarity may influence states' compliance with the norm. Norms that are clear and determinate may exert a stronger "compliance pull," and their violation is more easily detectable (Franck 1990).

How clear and precise are the prohibitions on sex, labor, and organ trafficking? The three types of human trafficking differ in the clarity of their exploitative purpose: prostitution, labor, or organ removal. Organ removal is a specific act that is easy to identify: the removal of the kidney leaves a scar and can be confirmed by ultrasound. Any evidence of payment for the organ or the absence of a prior acquaintance between the donor and the recipient indicates that the organ donation was not altruistic and hence potentially the result of trafficking. In the case of sex trafficking, the purpose is somewhat less clear: prostitution of others or other forms of sexual exploitation. The UN Protocol intentionally left these terms undefined in order to allow states, irrespective of their domestic policies on prostitution, to ratify the protocol (Gallagher 2010:38). The absence of a definition resulted in a certain controversy and allowed some to interpret "sexual exploitation" broadly so as to cover pornography (GAATW 2001:26). Notwithstanding such ambiguity, the core purpose of sex trafficking is clear: to benefit, financially or otherwise, from the prostitution of another person.

The definition of labor trafficking raises greater difficulties. First, trafficking for labor exploitation is not a single practice, but a phenomenon with several different manifestations. The UN Protocol's definition includes forced labor or services, slavery or practices similar to slavery, and servitude. Second, and perhaps more importantly, "forced labor," "slavery," and "servitude" are difficult to precisely define and identify. Consider "forced labor." The interpretation of this term for the purpose of the protocol draws on the International Labor Organization's definition of this concept: "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." According to the ILO, "the menace of any penalty" that points to a forced-labor situation usually involves at least two of the following: physical or sexual violence; restriction of the worker's movement; debt bondage (the individual works partly or exclusively to pay off debt, which is often perpetuated, for example, through high interest); withholding wages or refusing to pay the worker at all; retention of passports and identity documents; and threat of denunciation to the authorities (the latter two are primarily applicable to migrant workers) (ILO 2005a). The need for the accumulation of several indicators and the fact that some of those are themselves vague (for example, how severe the violence or movement restrictions must be to qualify as indications of forced labor) complicate the identification of forced labor and the enforcement of its prohibition.

In short, whereas organ removal and prostitution are relatively clear and specific practices, forced labor, slavery, and servitude are not. Therefore, the borderline between labor-rights violations and labor *trafficking* is not easy to recognize. This complicates the efforts to eliminate the latter.

### **Resonance with Audiences**

Beyond clarity and precision, the impact of international norms also depends on their substantive content and their resonance with the target audience. Some norms resonate strongly with audiences, especially when they match the culture, values, belief system, or life experience of the audience (Busby 2010:55–57). For example, an influential argument in the literature on norms suggests that issues

involving bodily harm to vulnerable individuals tend to evoke strong sentiments across cultures (Keck and Sikkink 1998:27).

The norms against sex, labor, and organ trafficking may vary in their resonance with audiences and their congruence with the moral views of publics and policy makers. Of the three, sex trafficking likely elicits the strongest moral sentiments and sympathy for the victims. One reason is the victim's identity. Those trafficked into prostitution are typically women and children—populations that are often viewed as innocent and vulnerable and, as such, deserving of assistance and protection (Carpenter 2005). These sentiments are reinforced by a moral attitude that rejects prostitution and considers it an illegitimate livelihood option. Such an attitude, common to many cultures, is inspired by various beliefs, including the idea that sexual organs and acts are not commodities (Nussbaum 1999:291–293). The perception of prostitution as a deplorable and even repugnant practice fosters the view of trafficking for prostitution as a horrendous crime. In fact, the norm against sex trafficking so closely matches our moral intuitions that the concepts “trafficking in persons” and “sex trafficking” have become almost synonymous (UNODC 2009:51). Furthermore, sex trafficking fits the crime-control paradigm that has dominated the modern anti-trafficking movement. The rescue of innocent women and children from sexual enslavement by traffickers comports with the notion of a fight against crime (Soderlund 2005; Chuang 2013).

Labor trafficking, by contrast, resonates more weakly than trafficking for prostitution. Trafficked laborers toil in harsh conditions and suffer abuse, yet overall they engage in legitimate jobs, such as farming and construction. While the laborers may indeed be vulnerable due to poverty or other circumstances, their vulnerability is not as obvious as that of women and children trafficked for forced sex, and it is less straightforward to conceive of them as suffering *criminal* exploitation. Even weaker in terms of resonance is organ trafficking. Indeed, while some believe that an organ market is inherently immoral, exploitative, and harmful (Danovitch and Leichtman 2006), others hold an opposite view (Matas 2004; Satel 2009). To many, commercial transactions in organs seem like mutually advantageous bargains: Buying a kidney allows the patient to regain their health and perhaps avoid imminent death; the paid donor receives funds that supplement a meager income. In reality, the bargain may be far from advantageous: The kidney may be removed through force or coercion; following the kidney removal, paid donors often suffer a deterioration of their mental and physical health and a worsening of their economic situation. Yet such harms, documented in long-term studies (Naqvi et al. 2008), are not as obvious to grasp as the deleterious impact of working in a brothel or suffering employer abuse. Many are thus supportive of a trade in organs as a means of overcoming the persistent shortage of altruistic organ donations. In a recent survey of a representative sample of Americans, a majority of respondents approved of a kidney market; by contrast, a large majority of those respondents expressed disapproval of prostitution (Leider and Roth 2010).

### *Enforcement Costs*

Government action against illicit activities crucially depends on the cost and magnitude of the effort necessary to enforce the law and eliminate the activity. If that effort entails a significant investment of resources and personnel, it may reduce a government's willingness to curb the criminal activity; even if that willingness exists, high cost or a significant difficulty could limit a government's *ability* to suppress the crime. The cost and magnitude of the enforcement effort typically rise when the criminal activity is widespread and when it is hidden and difficult to detect (Andreas and Nadelmann 2006).



All three types of human trafficking pose enforcement challenges. Importantly, in all three cases the victims are often unwilling or unable to complain or to assist the authorities in investigating and obtaining evidence of the crime. Control by and threats from the traffickers, fear and mistrust of the authorities, lack of education, cultural barriers, and nonfluency in the local language in the case of cross-border trafficking—all of these may hinder victims' ability or willingness to assist law enforcement (Uçarer 1999:234; Rieger 2007). Despite this important similarity, however, the three forms of human trafficking vary considerably in terms of the enforcement costs and policing efforts that their elimination requires.

The suppression of organ trafficking necessitates relatively modest enforcement efforts. First, the number of prohibited transactions is relatively small: About 10,000 transplantations that may result from organ trafficking take place annually worldwide (WHO 2007)—far lower than the number of individuals trafficked for sexual or labor exploitation.<sup>4</sup> Furthermore, the prohibited transplantations take place in a small number of locations which are easy to identify—hospitals—and the actors involved can be easily recognized and tracked down. The authorities often know, or can easily discover, the identities of the transplant surgeons who perform commercial transplantations, and the patients that receive the illegal transplants can be similarly identified. Prior to the transplantation, they are transplant candidates on the waitlist; after undergoing the procedure, they receive continuing care, including immunosuppressive drugs (see Rizvi et al. 2009). The organ trade is thus easily detectable and relatively exposed, which simplifies enforcement and lowers its costs.

The elimination of sex trafficking requires a greater law-enforcement effort, given the involvement of criminal groups and the large number of brothels and other locations in which the sex trade takes place. Enforcement thus involves investigations and raids; it also requires strengthening border controls to prevent trafficked women or children from entering a country. The task of enforcement, however, is facilitated by the fact that the sex trade must have some visibility to attract clients. It thus takes place in streets, bars, or public spaces in urban areas, which makes detection easier (UNODC 2009:51). The absolute character of the prohibition also makes it relatively straightforward to enforce: Traffickers are to be arrested and prosecuted; brothels are to be shut down; and the women's entry into a country is to be prevented.

Enforcement against labor trafficking, by contrast, is more complex: Rather than a complete ban, what it requires is *regulation*: the setting of standards and verification of compliance. Indeed, enforcement does not involve shutting down workplaces or an outright prohibition on the arrival of migrant workers, who may be vital to a country's economy. Rather, enforcement entails the regulation of workers' recruitment and of their employment and living conditions. This includes, among others, preventing or regulating the collection of recruitment fees, ensuring that the workers enjoy adequate rest, ensuring that the workers retain control over their personal documents, and making sure that they receive at least minimum wage (ILO 2008). Such extensive regulation requires significant effort and resource allocation for monitoring and inspection on an ongoing basis. Enforcement is further complicated by the fact that labor trafficking can potentially occur *in any sector and workplace in which vulnerable individuals are employed*—from agriculture through construction to manufacturing, including in domestic households (Bales and Soodalter 2010). The number of potential victims and offenders is thus very high, and many of the relevant locations are

<sup>4</sup>Estimates of human-trafficking victims are the subject of much controversy. See Andreas and Greenhill (2010). The United States and the ILO estimate the overall number of victims of forced labor or prostitution at 12.3 million. ILO (2005b); US Department of State (2010:7).

difficult to access. Action against labor trafficking is thus more costly, more complex, and broader in scope than the efforts against sex or organ trafficking that target specific activities: prostitution and organ transplantation, respectively. Table 1 summarizes the distinctions between the three forms of human trafficking.

The distinctions between sex, labor, and organ trafficking may directly affect government responses to these practices. The response to sex trafficking is likely to be the most vigorous, given that the sex industry is not seen as a legitimate business and the perpetrators are not openly active in the political arena. The moderate costs of enforcement also facilitate a government response, as does the strong resonance of the norm—saving vulnerable women and children from sexual exploitation—and its fit with the crime-control paradigm. By contrast, the norms against labor and organ trafficking resonate less strongly; furthermore, the perpetrators, who enjoy social legitimacy and government sympathy, are able to act politically in order to obstruct or weaken regulatory and criminal enforcement. All this may reduce government willingness to tackle labor and organ trafficking. Of the two, we would expect the efforts against organ trafficking to have greater impact, given the relative ease of enforcement. The next section examines whether the Israeli experience is consistent with these expectations.

### Israel's Response to Human Trafficking

Israel provides an excellent ground for exploring the divergent policy responses to sex, labor, and organ trafficking. Most importantly, it allows us to control for time and place: The three types of human trafficking thrived in Israel in the 1990s; political debates over the three issues and the fashioning of government responses took place in the 2000s. All three cases involved cross-border trafficking and the exploitation of non-Israelis: foreign women, especially from the former Soviet Union, who were trafficked into prostitution in Israeli brothels; migrant workers from various countries who were exploited by Israeli employers

TABLE 1. Differences between the Three Types of Human Trafficking

	<i>Sex Trafficking</i>	<i>Labor Trafficking</i>	<i>Organ Trafficking</i>
Perpetrators' social status and political involvement	Actors lack social legitimacy and do not engage in overt political activity	Actors enjoy social legitimacy and the ability to act politically	Actors enjoy legitimacy and, in the case of physicians, a high social status which facilitates political influence
Clarity and specificity of the exploitative purpose	Relatively clear	Vague: requires accumulation of multiple indicators that are not clearly defined	Clear and specific
Norm resonance	Strong: vulnerable populations; accords with a widely shared disapproval of commercial sex	Moderate: workers suffer exploitation, but are employed in overall legitimate jobs	Weak: many approve of organ commercialism; harm is not easily visible
Enforcement costs	Moderate: need to tackle criminal groups; but brothels operate in public places	High: numerous potential offenders and locations that may be difficult to access; need for continuous monitoring of working conditions	Low: locations and perpetrators are easy to identify

and employment agencies; and impoverished individuals worldwide who sold their kidneys to Israeli patients. Furthermore, in all three areas the reversal of the Israeli policy—from government indifference to prohibition and enforcement—resulted from a combination of domestic and international pressures, with the latter being the primary motivation for action. Despite these similarities, the Israeli government's responses to sex, labor, and organ trafficking feature significant variation, for which the distinctions discussed above can account.

### *Sex Trafficking*

The trafficking of foreign women into prostitution in Israel began in the early 1990s. According to official estimates, the number of trafficked women reached 3,000 in the late 1990s and early 2000s. The trafficking victims came from the post-Soviet states, particularly Russia, Ukraine, Moldova, Belarus, and Uzbekistan; they ended up in one of 300–400 brothels, where they worked seven days a week, serving up to 30 clients each day. The traffickers took nearly all the proceeds; they used physical violence and threats to dissuade the women from leaving, and in some cases confined the women behind locked doors and barred windows (Levenkron and Dahan 2003).

Throughout the 1990s, the Israeli authorities failed to address sex trafficking or even to identify it as a problem: they viewed it simply as a prostitution-related offense. Since law-enforcement authorities were generally directed to avoid action in prostitution-related offenses, they did not interfere with the brothels' operation, even when done in the open. While the traffickers could have been prosecuted for a variety of offenses, the authorities only filed a small number of cases; those typically resulted in plea bargains with light punishments. Whereas the traffickers enjoyed a forgiving attitude, the women themselves were considered offenders. They were classified as illegal aliens or even criminals for having entered Israel illegally, sometimes by using forged documents. The police thus concentrated on apprehending the women and deporting them as soon as possible (Gershuni 2004), seeing the matter as one of migration (Uçarer 1999).

The Israeli authorities' indifference toward sex trafficking stemmed from the same reasons that would fuel apathy also toward labor and organ trafficking. First and foremost, this practice seemed to have no tangible negative influence on Israeli society. Negative externalities typical of the sex trade, such as violence and communicable diseases (Shelley 2010:76), were not present in Israel. In the absence of such negative effects, and since the women were non-Israeli, there was no public demand for the elimination of the sex trade. Furthermore, in the view of Israeli officials, the women came to Israel to work as prostitutes and indeed fulfilled their wish; therefore, there was no reason to help them.<sup>5</sup>

And yet, the Israeli policy on sex trafficking changed dramatically in 2001. That year, the US State Department published its first annual Trafficking in Persons report (TIP report). The report gave Israel the worst possible ranking—Tier 3—for not making significant efforts to combat the sex trade (US Department of State 2001:88). This criticism alarmed Israeli officials who were deeply concerned about its *reputational* consequences: the tarnishing of Israel's image as a civilized country committed to the rule of law and human rights. Since that image is considered essential to Israel's foreign relations, the Israeli government resolved to eliminate the sex trade and move up the State

<sup>5</sup>Interview with Rahel Gershuni, government coordinator for the battle against trafficking in persons, in Jerusalem (June 2007); interview with Nomi Levenkron, legal advisor at Hotline for Migrant Workers, in Tel Aviv (June 2007). See also Uçarer (1999:236).

Department's tier ranking. Furthermore, the TIP report was used as leverage by domestic NGOs and several members of the Knesset, whose demands for action against the sex trade had gained little traction prior to the report. These actors could now remind officials that the State Department was scrutinizing the Israeli efforts against sex trafficking.<sup>6</sup>

The result of the American pressure, reinforced by domestic demands for action, was a reversal of the Israeli policy on sex trafficking. Since 2002, the indifference of the 1990s has been replaced by a variety of operative steps, including enhanced investigative work, raids on brothels, and a large number of arrests; trafficker prosecutions resulting in heavy sentences;<sup>7</sup> and a shelter and medical services for victims. These measures have had a dramatic impact. By 2010, the trafficking of foreign women for prostitution in Israel diminished considerably, and the most severe manifestations of the sex trade—women auctioned off to the highest bidder and locked in brothels—have been nearly eliminated (US Department of State 2012:194–196; Rabinowitz 2013).

The Israeli authorities' action against sex trafficking has been more vigorous than their action against labor and organ trafficking, as I describe below. To understand why, let us turn to the three factors identified above: perpetrators, the norm's clarity and resonance, and enforcement costs.

The swift and sharp change of policy on sex trafficking was greatly facilitated by the absence of resistant actors. The perpetrators of the sex trade were, first and foremost, the traffickers: for the most part, Israeli men who had migrated from the former Soviet Union. While not all traffickers had a previous criminal background, their trafficking activity violated a variety of criminal prohibitions, including those on pimping and false imprisonment (Levenkron and Dahan 2003). The criminal nature of their business prevented traffickers from openly and legitimately operating in the political arena and participating in policy debates. Also missing from the debate were the other perpetrators: the clients—Israeli Jews from all avenues of society who paid for sex with the trafficked women (Ben-Israel and Levenkron 2005). While Israeli law does not criminalize clients, the social stigma that accompanies commercial sex meant that clients were reluctant to reveal their use of prostitution services, let alone organize politically and participate in policy debates. The societal actors who did participate in the debate were the NGOs that advocated the elimination of the sex trade. In meetings at the Knesset, the NGOs demanded action from government and law-enforcement authorities without encountering opposition from pro-prostitution forces.<sup>8</sup> Since the actors with a stake in the sex trade had no presence in the debate, and since the authorities did not consider these actors to have legitimate interests, the policy change—from indifference to elimination of the sex trade—met little resistance.

Another catalyst of policy change was the sense of shock and disgust generated by the media exposure of the sex trade—a result of the acute tension between this practice and people's moral intuitions. In 2000, after a televised report revealed "public auctions" in which women were sold off to the highest bidder, the Knesset rushed to establish a Parliamentary Inquiry Committee on Trafficking in Women.<sup>9</sup> The strong resonance of the prohibition on sex

<sup>6</sup>Interview with Rahel Gershuni; interview with an official at the Ministry of Foreign Affairs, in Jerusalem (June 2007).

<sup>7</sup>Between 2001 and 2006, 255 individuals were convicted for sex trafficking. They received an average prison sentence of approximately four years (Rabinowitz 2013:50).

<sup>8</sup>See, for example, Protocol no. 14 of the meeting of the Parliamentary Inquiry Committee on Trafficking in Women, July 18, 2001.

<sup>9</sup>Interview with MK Zehava Galon, chair of the Knesset Subcommittee for the Battle against Trafficking in Women, in Jerusalem (June 2007).

trafficking was also manifested in judicial rhetoric. Israeli courts identified sex trafficking as a practice that severely violates the freedom and dignity of its victims, and committed to a war “with no ceasefire or compromise” against it.<sup>10</sup>

Once the Israeli authorities resolved to eliminate the sex trade, efforts at prevention and prosecution were relatively simple to carry out. Measures such as enhanced immigration controls at the air and sea ports or distribution of information in countries of origin to warn potential victims entailed relatively modest costs. Raids on brothels, arrests, and prosecutions were also not particularly complex or costly, especially since the brothels were easy to locate (Levenkron and Dahan 2003).

In short, the authorities’ perception of sex traffickers as criminals that lack legitimate interests, the view of the sex trade as morally repugnant, and the modest costs of enforcement facilitated a determined policy response, resulting in the near-elimination of the trade in foreign women. As we shall see, the efforts against labor and organ trafficking have been less wholehearted.

### *Labor Trafficking*

Migrant workers started coming to Israel in large numbers in 1993. Subsequently, their numbers rose sharply, reaching a high point of at least 243,000 in 2001. According to a 2002 estimate, about half of all migrant workers arrived from East Asia (mainly the Philippines, Thailand, and China), with the second largest group coming from Eastern Europe. Originally introduced as a solution to the decreasing availability of cheap Palestinian labor due to the Intifada, migrant workers soon became a permanent fixture of the Israeli economy in the agriculture, construction, and caregiving sectors, as they were willing to work for a lower wage than Israelis, often in poor conditions and without employment benefits (State Comptroller of Israel 1996:479–480, 2005:377; Worker’s Hotline 2002). Given their lack of knowledge of Hebrew and of their rights, migrant workers were easy to exploit. Exploitation was further facilitated by employment arrangements that made the workers dependent on their employers and hence vulnerable. First, employment agencies—private companies licensed by the government to place migrant workers<sup>11</sup>—exact high recruitment fees, ranging from \$3,000 to \$10,000, from all migrant workers. Charged in violation of Israeli law, the fees forced the workers to take large loans. Burdened with debt, the workers could not afford to lose their job and were willing to tolerate exploitation and abuse at the hands of their employers. Second, the workers were subject to the Binding Arrangement: a policy that allowed them to work only for a specific employer named on their permit to reside in Israel. If the worker was fired or resigned, his permit immediately and automatically expired, and he became an “illegal worker” liable to be arrested and deported. The worker thus had to accept any demand made by the employer and tolerate harsh treatment: getting fired or resigning would have led to a loss of the residence permit (Rozen et al. 2003).

The result of these arrangements was often abuse and violation of workers’ basic rights: violence, threats, exceedingly long working hours, degraded living conditions, and restrictions on movement. In some cases, the exploitation and abuse were severe enough to amount to forced labor or involuntary servitude. Nevertheless, the Israeli authorities were initially indifferent to the labor

<sup>10</sup>Criminal Hearing Request 7542/00, Chanukov v. The State of Israel [2000]; CrimA 5584/12 Talmid v. The State of Israel [2013].

<sup>11</sup>Employment Service Law, 1959, Chap. 4. The law establishes the conditions for granting—and revoking—the license to place workers.



exploitation of migrant workers. From the mid-1990s to the mid-2000s, they were mainly preoccupied with deporting workers, since work migration was seen as harmful to Israeli workers, a burden upon the education and health-care systems, and a seedbed of social tensions. By contrast, the Israeli authorities failed to act decisively against the perpetrators: employment agencies that charged recruitment fees illegally and abusive employers. Few employers were held liable, although their misconduct gave rise to regulatory and criminal offenses, such as nonpayment of minimum wage and exploitation of a vulnerable population (Rozen et al. 2003; State Comptroller of Israel 2005:379–380, 389–392).

The Israeli policy underwent significant change in 2006. As with sex trafficking, this change stemmed from a combination of domestic and international influences. Domestically, Israeli NGOs demanded action against delinquent employers. They also challenged the legality of the Binding Arrangement before the Supreme Court; the Court determined that the arrangement violated basic rights and ordered the government to establish a new employment scheme.<sup>12</sup> The NGOs also urged the State Department to address work migration in Israel in its annual Trafficking in Persons report. Indeed, the 2006 TIP report moved Israel down from Tier 2 to the Tier 2 Watch List, noting that “[w]hile the government made noticeable improvement in its law enforcement efforts against traffickers for sexual exploitation, it did little to address the much larger problem of involuntary servitude among migrant workers” (US Department of State 2006:145).

As with the 2001 TIP report, the 2006 report threatened Israel’s reputation and prompted government action against labor trafficking: passage of a comprehensive anti-trafficking law that established a set of criminal offenses, including trafficking in persons for the purpose of slavery and forced labor (2006); a National Plan for the Battle against Slavery and Trafficking in Persons for the Purpose of Slavery or Forced Labor (2007) that included a set of measures, such as informing migrant workers of their rights and encouraging them to complain against offending employers; and attempts to reformulate the labor arrangements that facilitated worker abuse. The frame had thus changed: migrant workers came to be treated not only as migrants who pose problems, but as individuals with rights (Uçarer 1999). Overall, however, the efforts to prevent migrant-worker exploitation have been less determined than those against sex trafficking. Few offending employers have been prosecuted, and in most cases they were not charged under the 2006 anti-trafficking law, but rather with lesser crimes. Furthermore, the work arrangements that facilitated worker exploitation were only partially reformed, and violations of workers’ rights have persisted even where reforms have been implemented. Importantly, the charging of recruitment fees—a primary cause of worker exploitation—has not been eliminated (Nathan 2011). In 2012, the US State Department concluded in its annual report that Israel’s efforts to address labor trafficking of migrant workers “continued to lag” behind the strong law-enforcement action against sex trafficking (US Department of State 2012:194).

The explanation for this lag lies in the political influence of the actors involved, the lack of normative clarity, and the complexity of enforcement.

Unlike sex traffickers, the perpetrators of labor trafficking were seen as legitimate actors: small-family farmers, contractors, as well as elderly and disabled people in need of domestic care. The farmers’ and contractors’ lobbies thus participated in the process of devising work-migration policies, as did representatives of the elderly and the disabled and of employment agencies. Work-migration arrangements took into account the demands of these actors, including their interest in controlling the workers and limiting their ability to change jobs.

<sup>12</sup>HCIJ 4542/02 Kav LaOved et al. v. The Government of Israel et al. [2006] IsrSC 61(1) 346.

Whereas sex traffickers were absent from the Knesset meetings on sex trafficking, employers and employment agencies were key participants in the Knesset deliberations over work-migration policies.<sup>13</sup> Furthermore, the authorities sympathized with the employers and with their need for workers; they were reluctant to recognize them as offenders. Thus, offenses against migrant workers were either overlooked or handled as minor offenses, rather than serious crimes.<sup>14</sup> A further complication, consistent with the theoretical discussion, arose from the lack of normative clarity and the difficulty of identifying labor trafficking. The Israeli authorities argued that “it is sometimes difficult to distinguish between cases that justify indictment for regulatory offenses and cases that justify indictment for serious offenses, such as human trafficking, slavery, or forced labor” (Nathan 2009:23; Israel’s Ministry of Justice 2012).

The high costs of enforcement have been another hindrance to the elimination of labor trafficking in Israel. Enforcement does not involve a one-time effort to shut down abusive workplaces or stop the arrival of migrant workers. Rather, it requires an ongoing, sustained effort to monitor employers and employment agencies and enforce regulatory and criminal legislation. These tasks are very costly and complex, given the size of the migrant-worker community and the difficulty of reaching many of the workers. The Israeli authorities complained that “in many cases offenses take place in isolated locations, such as agricultural farms or inaccessible private homes, which makes detection and investigation more difficult.” Even a seemingly trivial matter, such as conversing with the workers, often posed an obstacle in the absence of translation services (Israel’s Ministry of Justice 2012; Rabinowitz 2013:46). Another example of enforcement complexity is the unsuccessful campaign against the illegal recruitment fees charged by employment agencies and brokers. Enforcement here has encountered various challenges, including the fact that the workers typically pay the fees prior to arriving in Israel. It is therefore difficult to prove the complicity of the Israeli agencies, although they receive a significant share of the fees. As a result, not only do workers continue to pay the fees, but the fees keep rising (Nathan 2011).

In summary, action against labor trafficking has been hampered by the authorities’ perception of employers as law-abiding actors and the employers’ influence on the design of work-migration policies. The difficulty of identifying labor trafficking has added further complexity, as have the high costs and challenges of enforcement. All of these make labor trafficking a more vexing problem for the Israeli authorities than sex trafficking.

### *Organ Trafficking*

Starting in the 1980s, and increasingly throughout the 1990s, the growing demand for and diminishing supply of organs for transplantation fueled an illicit trade. Unable to receive an organ through legitimate means, desperate patients have obtained organs for transplantation—usually kidneys—by buying them through brokers from impoverished individuals. The trade in organs can take place within national boundaries, yet the Internet and the ease of international travel and communication have facilitated a cross-border form of organ trafficking known as *transplant tourism*: patients from rich countries travel to poorer countries, where they purchase an organ from a paid donor and undergo a commercial transplantation (Budiani-Saberi and Delmonico 2008). In 2007, a study commissioned by the WHO identified China, the Philippines, Pakistan, Egypt, and Colombia as countries whose impoverished citizens sell organs (Shimazono

<sup>13</sup>See, for example, protocol of the meeting of the Knesset Committee on Foreign Workers, July 20, 2005.

<sup>14</sup>Interview with MK Ran Cohen, chair of the Knesset Committee on Foreign Workers, in Tel Aviv (June 2007).

2007). The major countries from which the patients originate have been the rich countries of East Asia (Japan, Taiwan, South Korea, Malaysia, and Singapore) and the Middle East (Saudi Arabia and Israel in particular). Transplant tourism violates the WHO transplantation guidelines as well as a code of practice adopted by the international medical community in 2008: the Declaration of Istanbul on Organ Trafficking and Transplant Tourism (Transplantation Society and International Society of Nephrology 2008; WHO 2010).

Israel has been involved in transplant tourism since the mid-1990s, as patients began traveling to foreign countries, from Turkey through South Africa to the Philippines, for the purpose of undergoing commercial transplantations. Transplant tourism became popular among Israeli kidney patients due to the local organ shortage: compared to Western countries, Israel has a low rate of deceased organ donation (GODT 2010). This practice received a further boost from an official policy, approved by the Ministry of Health, of reimbursing patients for commercial transplantations performed abroad. Although these transplantations were prohibited in the countries where they were performed, the Israeli non-profit Health Maintenance Organizations (HMOs) reimbursed most of their costs using public funds. By financing transplant tourism, the HMOs allowed the patients to immediately regain their health, rather than languish on the waitlist. Furthermore, commercial transplantations abroad saved considerable costs for the state and the HMOs: funding a one-off transplantation overseas was much cheaper than the alternative of paying for dialysis—an extremely expensive and indefinite treatment.<sup>15</sup>

Beginning in the early 2000s, Israel's involvement in the organ trade drew heavy criticism from the international medical community. Unlike sex and labor trafficking, where the Israeli government had been tolerating the conduct of private actors, in the case of organ trafficking the government itself—through the HMOs—was funding and facilitating an illegal practice. Israeli officials therefore came under international and domestic pressure to discontinue the involvement in the organ trade. Representatives of the WHO and the Transplantation Society—an association of health-care professionals in the field of transplantation—made it clear to Israeli officials that transplant commercialism violated international norms. Israeli transplant physicians, who faced criticism in medical conferences for their country's involvement in the organ trade, similarly demanded the elimination of Israeli transplant tourism.<sup>16</sup> These demands were reinforced by reports on this practice in the local and international media (Rohter 2004).

This combination of domestic and international influences, especially the concern for Israel's international reputation, resulted in the enactment of the Organ Transplantation Law in 2008. The law sought to eliminate the involvement of Israelis in commercial transplantations locally or abroad and to encourage altruistic organ donations. Consistent with the theoretical discussion, the legislative process regarding the transplantation law involved the perpetrators who participated in and benefited from the organ trade: kidney patients. The patients' lobby vigorously opposed an ethically motivated ban on commercial transplantations, arguing that it would cost patients their lives.<sup>17</sup> This opposition failed to prevent a legislative prohibition, under threat of criminal penalty, on funding commercial transplantations overseas: the government was determined

<sup>15</sup>Interview with an HMO official (May 2012).

<sup>16</sup>Interview with Professor Jay Lavee, director of the Heart Transplantation Unit at Sheba Medical Center, in Ramat Gan (May 2012); interview with Professor Eytan Mor, director of the Department of Transplantation at the Rabin Medical Center, in Petach Tikva (June 2012).

<sup>17</sup>Interview with Amos Canaf, head of the Israeli Association of Kidney Transplant recipients and Dialysis Patients, in Ramat Gan (May 2012).

to terminate this funding, which made Israel a target of international criticism. The transplantation law also makes organ brokers liable for criminal punishment. By contrast, the patient who has bought an organ and the donor who sold it are not to be punished: the law establishes a declaratory prohibition on buying and selling organs, *without criminal sanction*. This unusual structure—a nonpunishable crime—came about as the result of sympathy for the desperate patients and their plight. In the Ministry of Health’s view, the paid donor and the patient are not offenders but victims, pushed into the prohibited transaction by economic hardship or a severe medical problem. The ministry also believed that the state should not use criminal law to stop a person from doing everything to save their life. While no public funds should be used for buying an organ, the state cannot prevent patients from doing so with their own money.<sup>18</sup>

Patients in need of a transplant hardly fit the image of criminal perpetrators, yet it is their medical need that the organ trade aims to fulfill. The sympathy toward the patients stemmed from the normative tension and conflict of values within the debate over the organ trade: Government authorities recognized that exploitation of the poor is inherent to the organ trade, yet they also believed that the sanctity of the patients’ lives is at stake. Their goal was to properly balance the two values: to prevent exploitation while protecting the patients’ right to life and health (Orr 2014). Thus, whereas the norm against sex trafficking resonated strongly in the absence of a competing value that might justify this practice, the resonance of the anti-organ-trafficking norm was weakened by a competing value: the patients’ lives. As discussed above, this resulted in the transplant law’s nonpunishment of patients who have bought organs. Yet another result was the weakness of enforcement toward brokers. While some brokers have been prosecuted, others continue to operate, in violation of the Organ Transplantation Law (Rofe-Ofir 2010; Sack 2014).

And yet, the number of Israelis who receive transplants abroad has dropped sharply, reflecting the relatively low enforcement costs of the organ-trade prohibition. Following the legislative ban on funding commercial transplantations abroad, the HMOs started asking patients for detailed information to confirm the altruistic motivation of the foreign donor; most importantly, they required proof of a prior acquaintance between the donor and the patient. Since such proof could not usually be supplied, it was easy for the HMOs to identify these transplantations as illegal and deny reimbursement. In the absence of HMO funding, the number of Israelis receiving transplants abroad plummeted from a high of 155 in 2006 to only 35 in 2011 (Lavee et al. 2013).

In summary, Israel’s efforts against organ trafficking sought to strike a balance between conflicting influences: the need to conform to international norms and the desire to respond to what was seen as the legitimate interests of patients. As the patients’ lives were at stake, their plight resonated strongly with the authorities, resulting in an ambivalent policy: elimination of the state’s sponsorship of transplant tourism, coupled with limited enforcement against brokers and no enforcement against patients. Consistent with the theoretical discussion, enforcement costs were low: The elimination of funding was easy to implement, and the prosecution of brokers also did not raise any great difficulty. However, Israeli authorities were reluctant to completely shut the door on transplant tourism and condemn patients to languishing on the organ waitlist.

### Implications and Conclusions

The puzzle motivating this article is the apparent disconnect between an official international policy that requires governments to curb sex, labor, and organ traf-

<sup>18</sup>Interview with an official at the Ministry of Health, in Jerusalem (June 2012).

ficking, and a political reality of divergent national efforts to address these phenomena. The case of Israel demonstrates this puzzle. The Israeli government came under domestic and international pressures to eliminate the three types of trafficking, yet the similar influences resulted in different policy responses. The Israeli government launched vigorous efforts against sex trafficking, leading to the near-elimination of this practice. By contrast, the government's efforts against labor and organ trafficking have been less wholehearted. Nonetheless, even the limited efforts against organ trafficking have managed to sharply reduce the outflow of transplant tourists, whereas tackling labor trafficking has proven more difficult. I have argued that this variation in policy responses and outcomes can be explained by three factors: the perpetrators' legal status and political influence, the clarity and resonance of the norms, and the costs of enforcement. These factors, in fact, may account for the responses of other actors—from transnational civil society through the US government to the UN and other IOs—who have also varied in their efforts across the different types of human trafficking (Gomez-Mera 2013). Beyond their analytical utility, these factors should guide the *design* of anti-trafficking policies. Contemporary initiatives against human trafficking have primarily been aimed at curbing sex trafficking and thus fail to take into account the challenges posed by labor and organ trafficking. Importantly, these initiatives identify criminal groups and corrupt officials as the culprits and demand that they be criminally prosecuted (UNGA 2010). Addressing labor and organ trafficking, however, requires taking on otherwise lawful actors who may exercise political influence by legitimate means. The authorities may be attentive to these actors not because of bribery and corruption, but because they perceive them as having justified needs and interests. Countering such interests requires a more nuanced approach than simple criminal prosecution, as the authorities are often reluctant to view these actors as offenders and to criminally punish them. An effective response to labor and organ trafficking should also pay closer attention to the clarity and resonance of the prohibitions. Efforts against labor trafficking require clearer guidelines to allow law-enforcement authorities to identify this practice; tackling organ trafficking requires the authorities to become educated about the deleterious effects of this phenomenon and be persuaded that it is not an appropriate solution to the shortage of organs for transplantation.

One might argue that a heightened sensitivity to the distinctions between sex, labor, and organ trafficking does not suffice. Given the considerable differences between these practices, perhaps they should not all be subsumed under the single concept of "human trafficking." Not only is this expansive concept problematic on analytical grounds, as this study has suggested, but its breadth raises additional concerns, such as counterproductive turf wars between government agencies, IOs, and NGOs (Chuang 2013). Against these drawbacks, however, we have to consider the benefits that accrue from the definitional conflation. It has allowed a labor perspective to enter the anti-trafficking field and bring attention to the economic and social conditions that make individuals vulnerable to trafficking, including the role of the state in perpetuating these conditions (Shamir 2012). Furthermore, labor-rights advocates have capitalized on the political will, media attention, and financial resources behind the anti-trafficking cause to address a variety of abusive labor practices (Chuang 2013). These are important benefits that may tilt the balance in favor of a broad human-trafficking framework, despite its flaws.

The international community has made significant strides in combating the trade in persons. From a little-known issue, human trafficking has become the subject of numerous policy initiatives launched by governments and international organizations. Yet these initiatives face formidable challenges, including inadequate basic research on human trafficking (Shelley 2010:315). Indeed,



scholarly advancement in the study of sex trafficking has not been accompanied by similar progress in researching labor or organ trafficking. The lack of knowledge is further exacerbated by the conflation of the three types of trafficking and disregard for the unique, independent attributes of each. Academic research has much to contribute to analyzing these attributes and understanding their implications, as this article has sought to do. Such an understanding will allow us to fashion a more effective response to human trafficking and may bring us a step closer to eliminating this threat to human rights.

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