

Invisible Dominican Women: Discourses of Trafficking into Puerto Rico*

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Abstract

Horrible reports of human trafficking and smuggling from the Dominican Republic into Puerto Rico have captured media attention over the past twenty years. Based on interviews with government and non-government officials in Puerto Rico this essay examines the indiscernibility of Dominican concerns in the island. I contend that *in conjunction with* their omnipresence in intimate, frequently sexualized spaces of labor (bars, cafes, domestic/care giving spaces) Dominican women are invisible subjects who are not regarded as vulnerable and worthy of social protection and support. The racialization of Dominican women within a xenophobic context, their sexualized labor trajectory, and the framework for understanding human trafficking at the international and national level makes them an invisible and illegible population unlikely to receive any state-level or civil society attention or social assistance.

Key words: Human Trafficking Puerto Rico, Dominican Women in Puerto Rico, Sex Work.

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When asked about human trafficking, a government official I interviewed denied that the issue of human trafficking was pertinent to Puerto Rico. In the context of highly visible Dominican immigration to Puerto Rico, it is hard to comprehend how government and NGO officials could not be aware of human trafficking and smuggling practices. Indeed, although academic researchers, newspaper and television journalists regularly discuss the perils of undocumented Dominican migration to the island (Ricourt, 2007; Bishop, 2015; Graziano, 2013; Verbrigghe, 2012; Martínez-San Miguel, 1998; New York Times 2008; 2004; Huffington Post, 2013), one government official I interviewed denied that human trafficking was pertinent to Puerto Rico at all. However, his statement is not that surprising. By the time I interviewed him, I had already received similar replies to queries from other government and non-government personnel; his denials were the standard response rather than the exception.

This essay examines the indiscernibility of Dominican trafficking concerns in Puerto Rico. I contend that *in conjunction with* their omnipresence in intimate, frequently sexualized spaces of labor (bars, cafes, domestic/care giving spaces) Dominican women are invisible subjects who are not regarded as vulnerable subjects worthy of social protection and support. I begin by examining three key dynamics that intersect to produce the open secret of the traffic of Dominican women in Puerto Rico. First, I examine the history of Dominican immigration to Puerto Rico. Second, I analyze the historical development of human trafficking as a concept at the level of international human rights. I draw upon the history of the international framework to indicate the chronological and ideological undercurrents framing the current phenomenon of human trafficking and migration. An analysis of the historical foundation of human trafficking is crucial because it persists in framing how the issue is understood and addressed at the international and national level. Third, I examine discourses built around the issue of human trafficking by the agents responsible for delivering social attention to the Dominican community in Puerto Rico. Where these three dynamics meet and

overlap, I present some preliminary findings, as is necessary in an ongoing project. I end with reflections and questions as I continue this investigation. This paper analyzes whether and how the anti-trafficking policy is enacted in the San Juan metropolitan area. I argue that the racialization of Dominican women within a xenophobic context, their sexualized labor trajectory, and the framework for understanding human trafficking at the international and national level makes them an invisible and illegible population unlikely to receive any state-level or civil society attention or social assistance. My interest is to illustrate how not all “vulnerable” subjects are created equal.

Before discussing the history of Dominican migration, I will provide brief insight into how I came to this project.

While conducting ethnographic fieldwork with the Dominican sex worker organization, *Movimiento de Mujeres Unidas* (MODEMU), in Santo Domingo, I became interested in the Dominican community traveling to and living in Puerto Rico. During the first decade of the twentieth-first century I heard women discuss their travels to Puerto Rico on the overnight ferry to purchase commodity goods and sell them back home for a profit.¹ Some of the women had been visiting Puerto Rico since the 1990s. They talked about traveling to Puerto Rico to do peer-to-peer safer-sex education with street-based sex workers, particularly transwomen who worked in parks and in the streets of predominantly Dominican *barrios*. They also discussed organizing sex workers by initiating a chapter of MODEMU in Puerto Rico. Certain conversations led me to believe that they traveled to Puerto Rico to sell sex, but these conversations also included references to attending church and visiting with friends and relatives who had migrated in the previous decade. Eventually a

¹ This research has been approved by the University of California, Riverside, Human Subjects Protocol HS-13-109, "From Love Muse to Sex Worker: The Transformation of Mexican and Puerto Rican Cantineras." I would like to acknowledge the research assistance of Marlo Felix. Due to their participation in HIV/AIDS vaccination trials, some of the sex workers had received visitor visas to enter the U.S. to partake in conferences and other study-related travel.

few of my informants moved permanently to Puerto Rico. In fact, one of my key informants met a Puerto Rican man on an Internet website, subsequently married him, and moved to the outskirts of the capital city of San Juan.

A theoretical framework developed from previous research conducted in the Dominican Republic and Cuba, where I examined women's sexualized labor connected to international tourism. In that context, I questioned static categories identity. For example, given the many different arrangements involving the exchange of sex and money that do not inscribe a sex worker identity, I interrogated the category of sex work. I was interested in sexual-affective exchanges with foreigners and the multivalent meanings attached to relationships and encounters that were not identified as sex work, even though they involved differences in race, socio-economic class, citizenship, and age. I found it more fruitful to focus on the fluidity of experience, on the use of tactical sex and identities reflecting porous boundaries between "love" and "money" (Cabezas, 1998, 2004, 2009). In other words, in my scholarship I problematized what is understood as sex work and sexual exploitation, by thinking through women's sexual agency and the continuum between affect and money.

For the current project in Puerto Rico, I remain attentive to racialized women's use of sex and sexuality and its connection to labor and forms of mobility. To study the knowledges of the Dominican migratory diaspora in Puerto Rico, I draw upon discursive analysis to challenge problematic formulations of "sex slaves" and "duped trafficking victims." For as Kiril Sharapov states:

how human trafficking is problematized creates a form of social knowledge – a discourse. How such knowledge is acted upon results in real-life consequences for those whose voices may not have been fully recognized, or have been silenced by discourse-makers (2015:1).

With the help of former Dominican sex workers living in and traveling to Puerto Rico, I identified an immigrant-receiving community with an extensive sex trade near San Juan. Many of the Dominican sex workers I knew from Santo Domingo visited here often. I anticipated that the analysis of *cantinas* [bars] could be relevant to my area of investigation because *cantinas* serve as entry-level employment for undocumented Dominican women. Although it is illegal for *cantineras* (barmaids) to offer sexual services to clients, women who work on the premises must “be kind” – emotionally effusive and attentive – to male customers, as their earnings and the profits of the bar depend on the level of consumption of the happy customer. Accordingly, the broader study seeks to investigate the conditions of migration and labor of immigrant Dominican women who work as barmaids in Puerto Rico.

Most of the extant research conducted on *cantineras* (barmaids) examines issues pertaining to their occupational health, such as alcohol consumption, social stigma, and the risks of sexually transmitted diseases (Fernandez-Esquer; Agoff, 2012; Ayala, et al., 1996). Little research has been done on exploitation by supervisors and patrons or about other health stressors, such as lack of immigration documents, debt, pressure to provide sexual services to customers, and threats of violence. While some of the investigations indicate that *cantinas* are a niche for human smuggling and trafficking (Risley, 2010; Ayala et al., 1996), no studies have examined the human trafficking aspect of bar work, the public nature of trafficked women’s labor, and their regular contact with state agents.

The following section analyzes key dynamics that interconnect to render Dominican sex working women in Puerto Rico as delinked from the trafficking discourse. This section on the history of Dominican migration into Puerto Rico indicates the way in which racialized gender and class forces at work *combine* with sexual dynamics *to* create particular understandings of Dominicans emigres. For women involved in trans-Caribbean migration the

socio-economic background and historical period establish the reception and adaptation to their new environment.

Dominican Migration to Puerto Rico

The island of Puerto Rico – located between the Caribbean Sea and the Atlantic Ocean, east of the Dominican Republic – enjoys a geopolitically privileged position in the Caribbean due to its colonial connection to the United States, the wealthiest country in the Americas. Since 1898 when the U.S. invaded the island during the Spanish-Cuban- U.S. war, Puerto Rico has been an “unincorporated territory belonging to but not part of the United States” (Duany 2011:6). While Puerto Ricans do not have access to government representation at the level of the federal government – meaning they do not possess all constitutional rights and obligations of other U.S. citizens – in 1917 they received U.S. citizenship for immigration purposes only (Duany, 2011). Thus for many migrants journey into Puerto Rico is an undertaking that serves as a stepping stone toward an ultimate goal of entering the mainland United States.

The Dominican Republic and Puerto Rico have long histories of reciprocal migration flows, with many people having mixed parentage and citizenship. Dominicans migrated to Puerto Rico in small numbers until the 1960s when the U.S. invaded and occupied the Dominican Republic, compelling middle-class Dominican families to migrate to Puerto Rico in search of refuge. Starting in 1960, the steady dribble of migrants fleeing political violence and U.S. occupation grew through the nineties, when the implementation of free trade and structural adjustment policies wiped out the middle class, creating a nation where close to half of the population lives on less than a dollar a day (Programas de las Naciones Unidas, 2005; U.S. Census, 2010; Ricourt, 2007). Currently, Dominicans comprise both the largest group of irregular migrants and the largest and most visible population of immigrants to

Puerto Rico.² Puerto Rico receives the second largest population of Dominican migrants in the diaspora, next to New York.³

Since the early eighties Dominicans have made the journey through the dangerous Mona Passage – approximately 80 miles or 129 kilometers – connecting the Atlantic Ocean and the Caribbean Sea to seek better life prospects. As unauthorized migrants they undertake terrifying voyages in makeshift fishing vessels known as *yolas*. They encounter treacherous seas with 8-12 foot waves, as well as dehydration, knife fights, beatings, and drownings due to capsized ships or fights aboard the crowded vessels (Dominicans..., 2004; Dominican..., 2008). Reports reveal that the dangers of the journey include ships getting lost, cannibalism, and the routine rape of women before departure, in transit, and upon arrival. Upon resettlement in Puerto Rico, Dominicans face an unwelcome reception from the larger Puerto Rican society and culture.

In contrast to middle-class and educated migrants arriving in Puerto Rico during the sixties and seventies, the new migrants represent a different demographic profile: predominantly working-class women and men with lower levels of educational attainment (Ricourt, 2007). Even though it possesses one of the fastest growing economies in the Latin America and the Caribbean regions, the Dominican Republic continues to be a nation in financial and political crisis. According to the World Bank, rates of poverty were

² I use the terms irregular migrants and undocumented migrants interchangeably throughout this paper. The term “irregular migrants” is employed by the United Nations agency the International Organization for Migration (IOM). The IOM uses this term to denote “Movement that takes place outside the regulatory norms of the sending, transit and receiving countries.” See the IOM’s Key Migration Terms found at: <https://www.iom.int/key-migration-terms>.

³ According to the 2010 U.S. Census, there are approximately 3.7 million Puerto Ricans living on the island. Of these, approximately 68,000 are Dominicans. (<http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=CF>). See also Jorge Duany’s extensive research on Dominicans in Puerto Rico and the U.S. mainland (2006). See also the work of Milagros Ricourt (2011) and Yolanda Martínez-San Miguel (1998).

higher in 2014 than in 2000.⁴ This ongoing crisis maintains the structural violence that pushes people into risky practices and out of the country. The new emigrants face structural violence in Puerto Rico as well. These new Dominican immigrants arrive on an island that faces many challenges of its own, including high levels of unemployment, inter-personal violence, drug trafficking, and an outmigration of 50,000 people a year.

The new waves of immigration have been received with sentiments of hostility. Even while they perform work that is dirty, demanding, and demeaning, Dominicans in Puerto Rico are subject to the discourse of “illegal immigrants,” and they are exposed to xenophobia and racial discrimination at all levels of society and culture. They are targets of ethnic jokes, stereotypes, prejudice, and police brutality, as well as housing and employment discrimination. The racism, stigma, and violence against Dominicans has drawn the attention of the United Nations High Commissioner for Refugees (UNHCR). In the *Directory of Minorities and Indigenous People Report* the UNHCR states:

Puerto Ricans tend to typecast Dominicans as being darker-skinned than themselves and emphasize their African-influenced facial features and hair texture. Hence Dominicans in Puerto Rico like the darker-skinned Haitians in their own country end up experiencing the intense stigmatization, stereotyping, prejudice, discrimination, low social ranking and exclusion to which people of African origin have long been subjected to in that country and elsewhere.

As in other situations where “illegal immigrants” are subjected to racial prejudice, hostility and exclusionary practices, Dominicans experience discrimination based on their African heritage. Thus, Puerto Ricans link being Dominican to being black,

⁴ Poverty soared from 32 percent in 2000 to almost 50 percent in 2004 following the 2003 financial and economic crisis, before gradually declining to 41 percent in 2013 (World Bank Country, 2015).

and the police regularly stop Afro-Puerto Ricans whom they suspect of being Dominicans. There is considerable hostility toward Dominicans, particularly given Puerto Rico's predicament of economic disaster. Puerto Ricans blame undocumented Dominicans for the last few decades of financial distress, including the recent bankruptcy of the island.

Milagros, as I will refer to her here, told me that upon arrival most Dominican immigrant women find employment in domestic work – taking care of the elderly and young children – or they work in bars. In order to repay her passage, Milagros had gone straight to work in a bar the same day that she arrived. Bars in working-class neighborhoods are homosocial spaces – places of recreation and entertainment for men, where the presence of women in any capacity is judged as morally suspect. Thus, Milagros worked in a sexualized place of entertainment, selling beers, chitchatting and dancing with the male customers. Years before, when she was in her late teens with two young children to support, she had started working as a *cantinera* to support her family. It was in a bar near Santo Domingo where she learned to sell sex. Her male customers came to pass the time: dancing *bachata* and *merengue*, playing pool, drinking, and looking for sexual attention from the barmaids.

There have been a number of investigations about immigrant women working in positions of sexualized entertainment in the U.S. and in the transnational realm (*Parreñas*, 2013; Cheng, 2011; Ragsdale; Anders; Philippakos, 2007; Allison, 1994). Dominican women's work in bars falls within the realm of "sexualized entertainment" as portrayed in these studies. Describing "entertainment" ranging from sex tourism (Cabezas, 2004; Piscitelli, 2004; Kempadoo, 2001) to strip clubs (Barton, 2006; Gagné 2010; Frank, 2002; Maia, 2012), "sexualized entertainment" encompasses modes of recreation that position women's sexuality as exploitable for men's leisure and recreation. Sexualized entertainment is an ambiguous term, encompassing forms and modes of sexualized labor that do not "count" as sex work, although they may involve occasional sex-for-money transactions. Such work combines

intimacy and caring, but sexualized entertainment and commercial sex are related but not synonymous. Nevertheless, sexualized entertainment – the work of *cantineras* – cannot be explicitly defined *against* “prostitution” or “sex work”.

The ambiguity of their labor and the illegality of sex work and undocumented migration combine in powerful ways to articulate vulnerabilities for Dominican women. The history of racialized gender in the Caribbean, where black women’s bodies have been constructed as lascivious and hypersexual, is salient for my analysis. How can they be vulnerable or worthy of attention when they inhabit the margins of society? Undocumented migration, racial and gender minority status, and sexualized and exploitative workplace conditions are all parts of a puzzle about Dominican immigrant women in Puerto Rico. What types of social services are available to those who experience hardship and exploitation? Do they qualify for protection as victims of human trafficking?

Working-class Dominican women are not only racialized as black but also their work as *cantineras* means they exist outside of gender norms of “respectable” womanhood. They use their sexuality and emotions on the job which constructs them as sexually deviant and “fallen women.” Many have backgrounds in the sex trade; an illicit activity in Puerto Rico. They may not be discernably coerced, forced, and deceived to migrate or sell sex; nonetheless, many aspects of their journeys and labor are violent and rife with fraud and mistreatment. I contend that the discrimination and hostility that undocumented Dominicans face is tied to race, immigration status, nationality, low levels of educational attainment, and low socio-economic status. These particular vulnerabilities put migrant women at risk for labor, sexual, and immigration forms of abuse. Stereotypes combined with forms of social exclusion also precludes Dominicans from being identified as victims of human trafficking and receiving the types of appropriate remedies and redress that the state makes available to other so-called vulnerable subjects. In the next section

I establish how the discourse of human trafficking renders the circumstances of Dominican women as illegible and invisible.

The Palermo Protocol and the Erasure of Dominican Women as Trafficking Victims

The phenomenon of human trafficking is a complex issue, as reflected in the debates to define “trafficking” under the United Nation’s *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children* (2000), also known as the Palermo Protocol.⁵ For this project it is significant to understand the complexities of the Palermo Protocol for three reasons. First, the United States’ 2000 Victims of Trafficking Victims Protection Act (TVPA) and the Palermo Protocol share a common history and ideological structure; thus the TVPA suffers many of the shortcomings of the UN’s Palermo Protocol, from which it emerged and to which it responds. A first course of action for research in Puerto Rico was to research if women who work in *cantinas* qualified for protection under the 2000 *Trafficking Victims Protection Act* (TVPA), a federal legislation offering social services and other remedies, including granting permanent U.S. residency status to certified victims of human trafficking.⁶ Researching the application of the legislation in Puerto Rico is an important step for, as Carole Vance affirms (2011:934), “The research on state anti-trafficking interventions must go beyond text, to study the enactment of policy and law on the ground, which is more difficult and time consuming.”

Second, the influences, disputes, and inconsistencies of the Palermo Protocol are relevant to the study of Dominican barmaids

⁵ The *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children* is part of the United Nation’s Convention against Transnational Organized Crime (UNTOC), a 2000 UN-sponsored multilateral treaty against transnational organized crime. The Convention was adopted by a resolution of the United Nations General Assembly on November 15, 2000 in Palermo, Italy.

⁶ The TVPA was signed into law by President Bill Clinton on October 2000.

working in Puerto Rico because they inform how the issue of human trafficking is understood by government officials, service providers, and the wider population. Third, the Palermo Protocol is the global “prime source for defining human trafficking” (Warren, 2007:245). Over the past fifteen years the Palermo Protocol’s definition of human trafficking has become embedded and operationalized in laws, policies, and media representations, “making it difficult to think, write and talk about this ‘problem’ outside of the established terms of reference” (Sharapov, 2015:2).

Conflating trafficking with sex work

Contemporary international law prohibiting human trafficking grew out of two late-nineteenth century movements of early European feminists: to overturn punitive and unfair state regulation of sex work and to end the “white slave trade.” Both shared principles, ideologies, and organizational tactics that structure contemporary laws about trafficking. The first incongruity in the history and design of the Palermo Protocol erroneously links trafficking and sex work. This is in part due to the historical connection with what was termed, at the beginning of the twentieth century, the “white slave trade” (Doezema, 1999). The use of “white slave” is associated with the first European international anti-trafficking movement of the late nineteenth century, which initially employed the term “abolitionist” as a way to evoke sympathy by connecting its aims to the movement to end the cross-Atlantic slavery trade of African peoples. Stephanie Limoncelli, in her study of the anti-trafficking movement of the nineteenth century, points out,

Journalists often exaggerated the ‘white slave trade’ with sensational stories of young women and girls being drugged, kidnapped, and sold by nefarious foreign procurers, pimps or madams, which thoroughly racialized the issue and focused on the corruption of innocent European girls (2010:29).

From the beginning of this campaign, racial and racist narratives were instrumental to the creation of the movement. By drawing on the images of abuse connected to slavery and by implicating racial ethnic ‘others’ as perpetrators, activists were able to effectively dramatize and articulate a feminist political agenda.

The emerging European feminist movement of the nineteenth century sought to capitalize on the transnational mobilization against slavery to raise awareness with the state about state regulated prostitution. In England, for example, the Contagious Diseases Acts (CDA) were passed in 1864, 1866, and 1869 to incarcerate working class women working, or suspected of working, in the sex trade. The CDA granted the state the power to establish mandatory examinations for venereal infections and to incarcerate women found to be diseased for periods of up to 3 months or more in a secure lock hospital (Guy, 2000). The CDAs regulated prostitution by legitimating the role of the state in licensing brothels and medically supervising women sex workers – but not their clients – through compulsory gynecological inspections, identity cards, and a fee system. Originating in Paris, the British state-controlled systems of regulated prostitution were used by the state to criminalize and stigmatize women, particularly young, working-class women who were moving into the cities and factories of the nascent industrial revolution (Walkowitz, 1982). Based on the idea that sex workers were vectors of disease, women’s clients were left unaffected by the laws. The notion of male desire as innate and uncontrollable underpinned these laws (Guy, 2000:17). The system of police surveillance and medically supervised sex work came to be known as regulated prostitution and spread throughout many cities of Europe and its colonies.⁷

Similar to the social movement to end the CDAs in England, which relied on a critique of the moral double-standard, the movement to eradicate “white slavery” maintained that prostitution was a form of gender abuse and exploitation.

⁷ Currently, in the U.S., the only prostitution that is legal is in the rural brothels of Nevada.

Migration of European women into the colonies of the global south – to cities such as Havana, Buenos Aires, and Johannesburg – raised attention about women’s safety in migrating alone. As unaccompanied travelers, reformers were afraid women were at risk of male sexual exploitation, particularly mistreatment by racial-ethnic “others” (Guy, 2000). The migration of women also fueled a moral panic over interracial sexual relations in the colonies. The fear of European women marrying, cohabitating, and selling sex to racialized men was a particular anxiety attached to the movement.

The transnational movement to end “white slavery” encompassed two main humanitarian volunteer organizations comprised of suffragists, religious reformers, socialist politicians, and working class men’s groups. The International Abolitionist Federation, a group of liberal feminists, initially organized to end the “sexual exploitation of women,” although they were cautious in supporting policies criminalizing women working in commercial sex. The second group of advocates, the International Bureau, which Limoncelli calls the “purity reformers,” was primarily interested in imposing sexual moral standards against homosexuality, obscenity, prostitution, or any relations outside marriage. The International Bureau called for the eradication of prostitution. Between the two groups there was no clear definition of what constituted “sexual exploitation” and trafficking. As Limoncelli states, “Trafficking was the umbrella term for a variety of concerns pertaining to gender, sexuality, race, ethnicity, and nationality” (Limoncelli, 2010:68). Ultimately, this lack of consensus resulted in both groups working with state agents and policy makers to foment political fear over immigration control, “undesirable aliens,” and women’s sexuality outside of marriage. By framing the movement as a humanitarian effort to protect women, the groups fostered the creation of regulations that limited women’s mobility and erased their sexual agency.

In the twenty-first century, “trafficking” continues to be an “umbrella term” encompassing fears about women’s sexuality, irregular migration, and racial “others.” The lack of an agreed upon and precise definition of trafficking and “sexual exploitation”

continues to haunt current international policy instruments such as the Palermo Protocol and the TVPA. This ambiguity allows “trafficking” to stand in for disparate forms of sex work, migrant smuggling, and slavery-like practices. The lack of consensus among advocates and feminist organizations has once again allowed state agents to control the discourse with regards to the human rights of migrant women (Ditmore; Wijers, 2003).

Numerous scholars have analyzed the re-emergence of a moral panic similar to the International Bureau’s efforts to enforce a moral agenda for migrant women’s sexuality (Kapur, 2012; Limoncelli, 2010; Bernstein, 2007). In certain subsectors of the trafficking debates there is once again a reliance on depictions of women as helpless victims in need of rescue⁸ During the past fifteen years a number of ideological disputes have surfaced – in the international arena as well as in the U.S. – between activists, policy makers, academics and sex workers, to name just a few of the stakeholders. The moralizing, anti-prostitution discourses claims are used by feminists, evangelicals, and the religious right and tend to be heteronormative and anti-sex work while ignoring boys, men, and transsexuals as victims of trafficking. Legal scholar Ratna Kapur succinctly posits the conundrum as:

The conflation of trafficking with various manifestations of migration and mobility on the one hand and with prostitution and sex work on the other lies at the very core of the confusion that underpins the contemporary discourse (2012:27).

For Ditmore and Wijers (2003:79), the moral panic relates to the fact that there is an “underlying lack of consensus between two

⁸ The most widely known of the current organizations is Coalition Against Trafficking in Women (CATW), a U.S. based international organization advocating the abolition of all forms of prostitution. CATW promotes ending the demand for sexual services, and they propose to do this by abolishing all forms of prostitution.

diametrically opposed views about sex work”: the abolitionist and the Human Rights Caucus.⁹

The abolitionist camp views all sex work, regardless of the working conditions and the woman’s desire to work in the sex industry, as a form of slavery. Their understanding is that sex work is a patriarchal institution that must be abolished. However, their focus on eradicating prostitution is problematic since it is the only patriarchal institution they wish to eliminate, disregarding marriage and other manifestations of socio-economic control over women (Chew, 2012). Regardless of women’s consent or voluntary participation, the abolitionist faction does not allow for differences in women’s experiences in sex work. The discourse focuses on women with no mention of boys, men, or apprehension of the plight of transwomen and other non-heteronormative persons.¹⁰ Nor is there a debate or agenda to eradicate other forms of gender-based exploitative forms of labor such as domestic work. The TVPA is aligned with the abolitionist view.

The Human Rights Caucus holds that conditions of (forced) labor in all industries, not just the sex industry, should be addressed (Ditmore; Wijers, 2003). The Human Rights Caucus advocates for “broad and inclusive definition to cover all trafficking into forced labour, slavery and servitude, irrespective of the nature of the work or services provided or the sex of the trafficked person” (Ditmore; Wijers, 2003:81). They challenge the state by arguing that the state plays a concealed role in sustaining conditions of forced labor by creating, criminalizing, and exacerbating the abuse of unauthorized migrants. The over-emphasis on the sexual component enables the state to claim the moral high ground. As Kamala Kempadoo states:

⁹ Much has been written about the competing visions surrounding sex work hastily reduced here to the abolitionist versus the Human Rights Caucus. It is not my purpose to delve into these issues in this article. See the work of Kempadoo (2001); Doezema (2002); Bernstein (2007) and Juliano (2002) for further reading.

¹⁰ On queering the chain of care work and migration see the work of Manalansan IV (2008).

The panic over “trafficking women” has conveniently helped to eclipse state-sponsored exploitation of migrant people, and puts a “benevolent” and “paternalistic” face on border guards who are notorious for their systematic abuse of migrants (Kempadoo, 2005:22).

Therefore, this camp calls for more visibility and accountability on the part of the state in the discussions of human trafficking. And they call for separating trafficking from sex work because the lack of differentiation ignores and underestimates other situations of labor exploitation where migrant women are working under duress and conditions of sexual violence. Although it is not the scope of this paper to detail these situations, the ideological framing of the human trafficking legal regime has implications for the transborder movement of Dominican women in Puerto Rico.

Associating Women with Children

The ideological framework of the Palermo Protocol’s stress on “women and children” responds to the idea that interprets all sex work as trafficking. Not only does this language infantilize and deprive women of agency, but it also reinforces the image of young, innocent victims from an underdeveloped and backward culture as the primary or “innocent” victim. As Hua and Nigorizawa state (2010:402), “[the *Protocol*] constructs a stereotype of the ‘helpless victim’ that links femininity to dependency and racial ‘otherness’ to cultural deviancy.” While the protocol attempts to achieve gender neutral language in the text, it nevertheless equates the vulnerability of women with children in at least three instances, including in the title. In her analysis of the protocol as a legal text, Warren highlights this configuration: “Coupling vulnerability with the female gender and dependent children is a very potent imagery for the construction of worthy victims” (2007:247). The protocol’s focus on “women and children” and “trafficking for commercial sexual exploitation” means that many states and individuals construe the protocol as

dealing with “sex slaves’ who work in extremely abusive, degrading, and violent circumstances” (Warren, 2007:250). In its practical application, these slippages relegate to the margins situations of exploitation found in domestic and agricultural labor, and they discount sex workers and bar maids who do not conform to the stereotype of the helpless female sex victim. Consequently, racialized women who work in the gray economy of sexualized entertainment are by definition of the law omitted from these considerations. Dominican women migrants in Puerto Rico, racialized by the history of relations between Puerto Rico and the Dominican Republic, are excluded from legal understandings of “trafficked” people. Working in the gray economy of sexualized entertainment, their sexual exploitation remains invisible under the framework of international anti-trafficking laws.

To comprehend how the law is implemented, I began this research by identifying service providers and state agents in charge of support services to victims. As Jennifer Lynne Musto (2010:23) indicates, “As a gatekeeper between researchers and trafficked persons, social services providers create and disseminate particularized definitions and ideologies of trafficking.” In the next section I examine interviews with social service providers to determine how the discourses of human trafficking operate with regard to Dominican women.

Social Services and Human Trafficking

Despite the hypervisibility and familiarity of Dominicans, the refusal of government and non-government officials to recognize trafficking was rampant. In the beginning phase of this investigation, I reached out to government, non-government and women’s organizations, particularly those providing assistance to immigrant Dominican women or working in HIV/AIDS prevention and with sex worker populations. I also investigated the network of shelters that provide services to women experiencing intimate partner violence. In this section I discuss findings from interviews with government and non-government organizations. I discovered

that there is a scattering of unconnected, difficult to access services, combined with a general lack of knowledge and information on the part of human services providers about human trafficking in general. This confirms the research of Rey-Hernández and Hernández-Angueira (2010).

In Puerto Rico, the Department of Family Services, a local level government agency, provides social services to minors, but for adults there is no such entity dedicated solely to trafficking victims.¹¹ Some of the government social service providers confirmed the lack of social services for people subjected to human trafficking; others rejected the notion that Dominican migrant women were vulnerable to forms of labor exploitation and smuggling abuse requiring social services. In fact, – as mentioned in the beginning of this paper – a government official, when asked about social services for “victims of human trafficking” immediately denied the existence of the issue altogether. He went on to argue that the problem was more relevant in European countries – referencing Middle Eastern and African migrants and refugees who were recently in the news – but had no currency at all in Puerto Rico. Asked about the lack of services for Dominican victims of human trafficking, a professor working on community-based social programs with working-class immigrant Dominicans exclaimed with outrage:

I started these projects in 2006, I have been working here six years. It struck me that, living so close to the Dominican Republic because I can understand about Cuba by the fact, what with the blockade, but living so close! The airplane to the Dominican Republic is 30 minutes, 35 minutes at most!

¹¹ In the mainland U.S., the Department of Homeland Security is responsible for responding to cases of human trafficking, although different levels of agencies work directly with these victims to address their needs and rights. As a result the approach towards the trafficking is one of security and criminalization and not of social services. For further reading and research on the topic of human services and human trafficking see Shigekane (2007); Simeunovic-Patic (2005).

Confounded as to why there was a general silence and obliviousness about the plight of Dominican transnational migrants, this professor could not explain the invisibility of the migrant community as a whole given the geographical proximity, cultural and historical connections.

I was glad to learn about an NGO “where they should tell you everything about Dominican trafficking.” Quisqueya, as I call this NGO based in the San Juan metropolitan area, receives financial assistance from the federal government to aid Dominican women in health and immigration matters. In the interviews with this organization in their official capacity, however, I learned that they had not received any cases related to human trafficking, as they were focused primarily on “victims of domestic violence.” Furthermore, Quisqueya’s legal aid clinic does not process cases involving labor disputes and workplace exploitation. The mistreatment of domestic workers and women working in bars are not legally recognizable because of the gray area in which the women operate as morally suspect unauthorized workers. This organization left me with the impression that for undocumented women the potential to experience brutality is great and the ways to resolve ill-treatment and cruelty is either limited or non-existent. Quisqueya’s lack of projects to aid trafficked women did not fit in with the referral characterizing it as an organization that knew “all about trafficking.” It is unclear whether the source was conflating domestic violence with trafficking. But the interviewees highlighted the lack of resources and the muddled definition of human trafficking.

NGO officials doing educational outreach on the prevention of sexually transmitted infections within the Dominican community appeared to have a better understanding of the potential cases of human trafficking. In an interview, one of the outreach workers suggested that it is not only Puerto Ricans bar owners who employ undocumented women but also Dominican business owners and managers. For instance, this informant revealed:

[Trafficking in Dominican women] is something that is already within the community, customers are mostly of the same Dominican community. About the women, look, you'll find two types of females within the business. You'll find the one in the bar, which tends to be, in many cases, allied with the business owner; because she is doing her part. Yes, she sells the drink, but she is monitoring the business, because, remember, when you're at the bar you have the whole view of the business. There are the girls that provide companionship, that when a man enters the business they are with them in the business. They accompany you, give you company, you share drinks, and, if desired, it becomes a type of sex work (San Juan, May 2014).

This statement indicates that both traffickers and “victims” are embedded within the same racial-ethnic communities and could be of the same gender. As is evident from many previous studies of NGOs working in immigrant communities and caring for trafficked women (Feingold, 2005; Jacobsen; Skilbrei, 2010), the reality is more complex than the prevailing media image of external agent traffickers linked to crime organizations. In many cases, it is people from within immigrant communities, with whom women have some kind of pre-existing relationship (boyfriends, husbands, friends, lovers, relatives), who may facilitate coercive and abusive practices. The person responsible for inducing or coercing someone into exploitative relations may be both a trafficker and a victim at the same time. A woman may also be a “collaborator” – working with a bar owner and not necessarily selling sex – and still experience forms of labor abuse. In short, it can be and often is people from within women’s own networks – with whom they continue to interact – who form part of the webs and organizations of people in both the receiving and sending countries that facilitate and participate in processes of manipulation and ill-treatment. There can be many areas that undermine the idea that human trafficking is connected to outside despotic groups and pointing to multifarious relations, obligations, and roles constantly shifting in irregular migrations.

The most visible and vocal organization conducting research on human trafficking is the Ricky Martin Foundation (RMF), named after the famed Puerto Rican singer, actor, and humanitarian. The work of the RMF raises two separate and important issues: 1) the Palermo Protocol's influence on the trafficking discourse with regards to the conflation of women and children and 2) the lack of services to address the needs of trafficked women. In the RMF's first publication, *Human Trafficking in Puerto Rico: An Invisible Challenge* (2010), the authors attempt to give an overview of human trafficking in Puerto Rico, but they treat trafficking in children, a major emphasis of the document, and women, a less emphasized subject, as interchangeable (Rey-Hernández; Hernández-Angueira, 2010). Linking minors and women, following the precedent established by the Palermo Protocol and the TVPA, confuses the two situations by obscuring the causes of human trafficking and preventing effective counter-measures. The Palermo Protocol's influence continues in the RMF's second publication, *Human Trafficking: Modern Slavery in Puerto Rico* (2014): Its discussion of women again conflates trafficking in women with trafficking in minors and with minors who have been victims of sexual abuse in their families or in the foster care system (Rey-Hernández; Hernández-Angueira, 2014). With a clear mission of public activism and the defense of the rights of the minors, the RMF is not the most appropriate NGO to assist women. In fact, women's specific needs are not addressed at all in the current agenda of the RMF because as of 2014 the RMF established a social program to work with "at risk" youth in Puerto Rico. For the time being, it is clear that the mission of the RMF will not address any of the needs of adult-age victims of human trafficking. While the RMF is the only organization to specifically raise awareness about human trafficking, their Palermo discourse conflates women with children and defines trafficking in a way that excludes Dominican women working in sexualized entertainment.

Finally, contact with an NGO doing outreach work to prevent HIV/AIDS in places for sexualized entertainment revealed the problematic of Dominican women laboring in contexts where

egregious labor conditions exist. Francisca, a social worker, identified the nexus between trafficking and other forms of exploitative labor performed by undocumented migrants:

In the cafes, all the cafes here in Puerto Rico, almost all are Dominican workers! It may be that at the level of work, that human trafficking is not only in bars; human trafficking is also abuse in terms of labor. I imagine that also [women who are here] illegally to work in homes, they are abused too! (San Juan, 2014).

Francisca's reference to Dominican domestic workers, women working in private family homes, cafes, and bars, suggests that conditions of exploitation are widespread. Furthermore, she intimated that human trafficking is also about other kinds of labor, not just sex work. Francisca extends this analysis because the concept of human trafficking has become solely connected with sex work. Indeed, private family homes are hazardous places for women to work in due to their private nature and the few opportunities for women to denounce situations of exploitation. Her statement reveals a broadening of the concept of trafficking to incorporate a variety to situations. However, domestic work and other similar situations are hidden because there is no discourse or legal framework that addresses the exploitation and labor law infringement of undocumented laborers when they are racialized adult women working in the interstices of the sex trade.

I could not find any NGOs in the San Juan metropolitan area delivering legal, health, or other types of social services to undocumented Dominican women, especially those subjected to human trafficking. Proving that any one individual is a victim of trafficking, combined with the requirement for that person to fit the profile of a victim contributes to barren landscape of awareness and social services.

This article does not call for Dominicans to be identified as victims of trafficking in order to be "rescued" by social services providers. The social construction of the category "victim of human trafficking" is problematic for many reasons, one of which

is the ways in which it reinforces racist and sexist assumptions and further marginalizes women as active agents. Certainly, the common trope of the trafficking victim, which portrays a young, innocent “woman who seeks a better life away from her rural home by answering an advertisement to become a waitress or nanny and then ends up a sex slave, repeatedly raped, brutalized, and resold to other mafia pimps” does not apply to Dominican *cantineras* (Lobasz, 2009). Dominant frameworks and narratives of what constitutes a “victim” cannot be applied to sex workers and *cantineras*, as the current moral crusade produces a “colonial gaze” that reinforces racist, sexist and heterosexist assumptions about migrant women’s sexuality. Feminist, queer and legal scholars have unsettled existing perceptions and representations of trafficking victims and their alleged vulnerability as a form of violence, calling for alternatives to the existing legal and discursive framework. I am suggesting, however, that the current discursive paradigm marginalizes certain populations.

Conclusion

My preliminary research findings reveal that the assumptions and categories producing a specific anti-trafficking narrative cannot be applied to remedy and redress the conditions of racialized women working in sexualized entertainment. Dominican women’s invisibility is the product of the *intersection* of three elements I have traced in this paper. The historical nexus of Dominican raced and classed migration, the international legal framework, and local implementation of discourses of human trafficking. I contend that the failure to see and serve the vulnerability of migrant women is not the product of a single cause (nor a single bad actor—though there may be bad actors). The paradox I encountered is the invisibility of the Dominican population in Puerto Rico combined with the hostility towards them as hypervisible racialized subjects regarded as criminals, job stealers, and sexual deviants. This paper has examined not just the official refusal to acknowledge Dominican women’s trafficking but to establish that *in conjunction*

with their omnipresence in intimate, frequently sexualized spaces for labor (such as *cantinas* and in domestic/care giving spaces), they are illegible as deserving of recognition and support.

For future research I am interested in examining the ways in which the political economy of businesses, consumers, and governments profit from the dependence on an invisible, non-citizen racial ‘other’ that is discursively illegible and invisible as vulnerable and fragile subjects. How can Dominican migrant sex workers, barmaids, and domestic workers be legally and socially recognizable as worthy of assistance and social support? What happens to those “racial and sexual others” – transwomen, sex workers, gender non-conforming people – who are excluded from the anti-trafficking narrative? These are some of the questions that will be pursued in this ongoing project.

This paper has highlighted a few of the problems associated with the discursive construction of human trafficking as it pertains to Dominican women in Puerto Rico. Even though the conditions of labor exploitation under which most immigrant Dominican women work in Puerto Rico is worthy of concern, at the level of public policy and in the form of social services, these conditions are not recognizable. The social construction of Dominican women as “black,” and as “illegal immigrants” does not conform to the image of the “sex slave” or the vulnerable victim deserving of assistance and recognition as worthy citizen subjects. Illicit border crossings across nations by non-heteronormative sexual subjects produce distorted subjects that are, at best, difficult to represent – thus, unworthy of attention – and, at worse, deserving of abuse.

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