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Will Idaho’s “Abortion Trafficking” Law Hinder Efforts to Prevent Human Trafficking?  
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On April 5th, Idaho Governor Brad Little signed Idaho House Bill 242 establishing the crime of “abortion trafficking.” This law criminalizes helping a minor to obtain an abortion or abortion pills. Parents and guardians of a pregnant minor might also be held legally responsible for the crime of abortion trafficking if they take that minor out-of-state. The new Idaho law specifically describes the crime of abortion trafficking as the “recruiting, harboring, or transporting the pregnant minor.”

The bill’s use of the terms “recruiting, harboring, or transporting” appear to be lifted directly from the human trafficking definitions in the Trafficking Victims Protection Act (TVPA) of 2000 and its subsequent reauthorizations.

While the debate about reproductive rights can be polarizing with thoughtful and well-intentioned positions held on all sides, the co-optation of trafficking discourse in this law muddies that debate and harms trafficking prevention efforts.

Human trafficking is a serious and widespread crime. In the United States trafficking for purposes of exploitation occurs in both legal and illegal settings including the hospitality sector, agriculture, manufacturing, food service, the sex industry, and domestic work among others.

Despite this real and pervasive threat, human trafficking has historically been co-opted in service of political ends. In the early 20th Century, concerns about urbanization and increasingly diverse populations led to a panic about supposedly widespread human trafficking gangs menacing cities. Although the historical record shows that such crimes were infrequent, media sensationalism led to actual policy initiatives including The International Agreement for the Suppression of the White Slave Trade in 1904 and the International Convention for the Suppression of the White Slave Trade in 1910.

The spread of misinformation about human trafficking has been ongoing and has found space in numerous cultural flash points. For instance, a prevalent myth emerging in the 2000’s was that the Super Bowl correlated to an increase in human trafficking at the time of the event. Research on this myth provides context for how pervasive it became in media coverage with 76 percent of US print media stories reporting a causal or correlative link between the Super Bowl and trafficking for sexual exploitation from 2010 to 2016. So deep was the concern that “in 2016, an Anti-Sex Trafficking Committee was convened... based on media reporting about previous Super Bowls” with significant government and industry investment in stopping the...
supposed trafficking associated with the big game. These actions were undertaken despite no
data suggesting a linkage between the event and a corresponding increase in human trafficking.

The advent of social media has only increased the continued spread of this sort of
misinformation, with social media posts frightening users about shadowy trafficking gangs with
secret codes and vehicles menacing parking lots, shopping malls, and playgrounds. Discussion
of the dissemination of such messages necessarily requires consideration of the QAnon
conspiracy, which, overtly or covertly, frames understanding of the Idaho law in the minds of
voters it was intended to reach.

The QAnon conspiracy popularly introduced the idea that a group of elites is participating in the
abduction, abuse, and sacrifice of children on a massive scale. While the prevalence of the
conspiracy appears to be waning, it has left a lasting legacy on political discourse. Specifically,
QAnon has normalized accusations of child exploitation, abuse, and human trafficking as a
political appeal. “Grooming,” for example, is a term used in trafficking prevention
to describe the
ways in which traffickers gain the trust of victims in service of exploitation. The term “groomer”
now is used to demonize those who are perceived as political or cultural enemies.

The widespread and inauthentic use of trafficking discourse for political ends has had significant
implications for trafficking prevention. An anti-trafficking advocate commenting on the
pervasiveness of such misinformation was quoted as saying “it definitely impedes our work
when we’re getting harassed and trolled over misinformation campaigns… It’s exhausting work.
It’s traumatic work. It’s something that all of us do because there’s such an extreme need in our
communities and around the country. And this just makes it all so much harder.”

Idaho House Bill 242 will contribute to all of this by, once more, turning human trafficking into a
political cudgel. Conservative Rep. Barbara Ehardt, who has sponsored controversial bills such as the
transgender athletic ban, sponsored Bill 242 and introduced House Bill 98 in February
2023, which would reverse the definition of human trafficking to include criminal abortion
punishable by 2-5 years. The punishment for abortion trafficking, however, would be less than
any other already established category of human trafficking, which further illustrates the
problematic attempt to look at abortion “trafficking” as a human trafficking crime. While forced
abortions are not unknown in cases of human trafficking, it appears that neither HB242 nor
HB98 specifically include this scenario. Human trafficking is a grave violation of human rights
and should remain a non-bipartisan issue that every person, regardless of political orientation
should oppose. The continued misrepresentation of human trafficking, however, makes it very
difficult to talk about this issue objectively.

This politicization will also further erode any possibility of good faith discussion of abortion rights
by semantically turning one side into human traffickers. Further militarization of rhetoric
surrounding abortion does a disservice to everyone concerned about the issue and reduces the
possibility of good faith discussion.

In terms of the effect on human trafficking prevention, this law’s spurious co-optation of human
trafficking language begs response. The Trafficking Victims Protection Act (TVPA) of 2000
specifically notes that trafficking involves the “recruiting, harboring, or transporting” of victims for purposes of exploitation. Abortion is a controversial issue, however the procedure is inherently distinct from issues of labor and sexual exploitation associated with human trafficking. With trafficking misinformation identified as a public health threat affecting treatment and prevention, inaccurately placing trafficking in the context of the abortion debate threatens to further cloud public understanding of this vital topic.

With other states potentially taking up similar legislation, responsible leaders and media outlets should exercise caution when human trafficking discourse is inserted into political discussion. Contentious debate about challenging social and moral issues is foundational to a functioning democracy. That debate, however, should not be hijacked by people using real human exploitation to wrongly demonize opponents and sow fear among the public.

Human trafficking is exploitation deeply embedded in the totality of our social and economic system. The nature of the crime makes its discovery, understanding, and response difficult. Idaho’s “abortion trafficking” law will further politicize the very real problem of human trafficking.