

Human Trafficking Into and Within the United States

Trafficking in persons, or human trafficking, is a serious problem in the United States and throughout the world. It involves victims who are forced, defrauded or coerced into labor or sexual exploitation. Human traffickers most often prey on women and children, forcing them to work as prostitutes, in sweatshops, bars, agricultural fields, or as domestic laborers. While few people would not argue that human trafficking is one of the world's most depraved criminal practices, according to Attorney General Alberto R. Gonzales, most people do not know how often it happens, including here in the U.S. Annually, an estimated 600,000 to 800,000 people—mostly women and children—are trafficked across national borders. Approximately 14,500 to 17,500 of these victims are believed to enter the U.S. each year. This figure does not include the estimated 200,000 incidents of sexually exploited U.S. children within our borders. According to the U.S. Department of State, human trafficking deprives people of their human rights and freedoms, creates a global health risk, and it fuels the growth of organized crime. It has a devastating impact on individual victims, who suffer physical and emotional abuse, rape, threats against themselves and their families, and even death.

With the passage of the Trafficking Victims Protection Act in 2000 and the reauthorizations in 2003 and 2005, law enforcement, prosecutors, and service agencies have more tools at their disposal to combat trafficking in persons, both domestically and internationally. Agencies are working together across the U.S. to increase the number of trafficking victims rescued and the number of prosecutions and convictions of traffickers. Still more needs to be done to address this heinous crime against humanity. Local, State, and federal law enforcement agencies need to continue to work collaboratively and share information to aid in the investigation and prosecution of these cases. Additionally, collaboration needs to involve the governmental and non-governmental agencies providing needed services to the victims of this crime. More training and education is needed of law enforcement officers, including local and State officers who are most likely to be the ones to come across the teenagers being prostituted at truck stops or the homeless men being forced to work in the orchards or

the illegal immigrant being held as a domestic servant through a domestic violence call for help. Efforts need to continue at the federal and State level to ensure legislation is in place to punish pimps and traffickers and that adequate resources are available to help restore the lives of victims. This paper provides an overview of human trafficking, identifies the challenges we face in combating this crime, and presents recommendations for what States can do to help end trafficking into and within the U.S.

What is Human Trafficking?

Human trafficking is the equivalent of modern-day slavery and, according to the United States (U.S.) Department of State, is “one of the greatest human rights challenges of our time.” Congress defines and classifies human trafficking into two categories—sex trafficking and labor trafficking. Sex trafficking involves the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act in which a commercial sex act is induced by force, fraud, or coercion, or in which the person forced to perform such an act is under the age of eighteen years old (TVPA 2000). A commercial sex act means any sex act on account of which anything of value is given to or received by any person (ibid). Types of sex trafficking include sexual exploitation in prostitution or pornography, bride trafficking, and commercial sexual abuse of children.

In U.S. v. Parsons, five defendants entered pleas to charges arising from Operation Stormy Nights, one of the largest child prostitution investigations in the country. Defendants transported minors across state lines for the purpose of forcing the minors to engage in sexual activity. The minors were subject to sexual abuse, threats, and physical violence.

Labor trafficking is defined as the recruitment, harboring, transportation, provision, or obtaining of a person for labor services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery (TVPA 2000). Types of labor trafficking include: forced begging, bonded labor, indentured servitude, agricultural work, janitorial work, restaurant work, and construction (ibid).

In U.S. v. Kil Soo Lee, one of the largest trafficking cases in U.S. history, a Korean garment factory owner was convicted of trafficking and enslaving over 250 Vietnamese and Chinese workers in a garment factory sweatshop in American Samoa. The victims were forced to work through extreme food deprivation, beatings, and physical restraint.

It is estimated that 600,000 to 800,000 victims annually are trafficked across international borders (U.S. Department of State, 2004). Approximately 80 percent of these victims worldwide are female and 50 percent are children (ibid.). Traffickers often

prey on impoverished, unemployed or underemployed individuals. Lacking societal safety nets, women and children from certain countries and cultures, including Asia, Eastern Europe, Africa and Latin America, are often targets (U.S. Department of Labor).

The *2006 Trafficking in Persons Report* issued by the State Department suggests that approximately 14,500 to 17,500 people are trafficked into the country annually (U.S. Department of State, 2006). However, by some calculations, this number is significantly underestimated (Caliber/ICF, 2006). While some may enter the U.S. through legal means, many are transported by clandestine means. Once in the country, international victims are often moved across state lines.

While the problem is international in scope, the human and societal costs of domestic trafficking of persons in the U.S. are also enormous. A significant number of American youth are trafficked for sexual purposes across the U.S. and in some cases to other economically advanced countries. For example, in 2004, the Justice Department reported to Congress that the number of U.S. citizens trafficked within the country each year is growing, "with an estimated 200,000 American children at risk for trafficking into the sex industry" (U.S. Department of Justice, 2004).

American traffickers operating domestically are often family or one-man operations that run multi-state enterprises and at times gross millions of dollars. Trafficking and prostitution in the U.S. often involves large numbers of African Americans and other women of color, in addition to economically marginalized Caucasian women. A majority of American victims of commercial sexual exploitation tend to be runaways or "throwaway" youth who are recruited by pimps and traffickers on the street or at bus stops. Often, they come from abusive homes or are abandoned. Others may come to it through forced abduction, pressure from parents, or deceptive agreements between parents and traffickers (Estes & Weiner, 2001). Once engaged in prostitution, the victims may be removed far from their homes and any support networks. It is estimated that one-fifth of these children become entangled in nationally organized crime networks and are trafficked nationally (ibid.). The average age of girl victims at first

involvement is 12 to 14, for boys and transgendered youth average age of entry into prostitution is 11 to 13.

The National Incidence Studies of Missing, Abducted, Runaway and Thrownaway Children estimated that 71 percent of these children and youth are likely endangered by virtue of substance dependency and use of hard drugs, sexual or physical abuse and exploitation, presence during criminal activity, and their young age (13 or younger) (U.S. Department of Justice, 2002). Research on homeless youth, a population at great risk for domestic trafficking, indicates that many come from families where conflict and maltreatment are common. They often have multiple and overlapping problems including medical, substance abuse, and mental health problems (Robertson & Toro, 1999; Rosenheck, Bassuk & Salomon, 1999). Not surprising, evidence shows that those who are recruited and used in the sex industry within national borders suffer the same maltreatment as those transported across borders and that the same patterns and criminal tactics used to move international victims are used to traffic U.S. victims (Hughes, Raymond, & Gomez, 2001).

Trafficking rings are particularly insidious and hard to combat due to their unique combination of versatility, adaptability, mobility, durability, and seemingly endless influx of supply and demand. Historically, there has been little deterrent, as a review of U.S. court cases in the late 1990's showed that penalties for human traffickers were less severe than those dealing in the transportation of weapons or drugs (O'Neill-Richard, 1999). Such light sentences compound the problem of human trafficking by not effectively dissuading the continued practice. It is also difficult to identify and locate victims as they themselves are often unaware of where to seek help or are unable to escape. Even if they were able to free themselves from their situations, victims do not seek services due to fear of retribution against themselves or their families or fear of detention and deportation in the case of international trafficking (API Legal Outreach, 2006).

What is Being Done to Address Human Trafficking?

Federal Legislation: The Victims of Trafficking and Violence Protection Act of 2000 (TVPA)

The issue of human trafficking has attracted the attention of leaders within the government as the U.S. is commonly regarded as a destination country for international trafficking victims and leaders recognize the growing problem of domestic trafficking within our own borders. In order to help combat human trafficking, the 106th Congress passed the Victims of Trafficking and Violence Protection Act of 2000 (TVPA). The purpose of the TVPA was to “combat trafficking in persons, a contemporary manifestation of slavery whose victims are predominantly women and children, to ensure just and effective punishment of traffickers, and to protect their victims” (22 U.S.C. §7101(a)). The TVPA also recognized that, before its enactment, “existing legislation and law enforcement in the United States and other countries [were] inadequate to deter trafficking or to bring traffickers to justice, failing to reflect the gravity of the offenses involved” (Ibid.) Thus, the TVPA was intended to help reduce the imbalance between the severity of the crime and the average length of criminal sentences, to supplement the inadequacy of other similar U.S. laws, and to begin to systematically and explicitly combat the issue of human trafficking in the U.S. and abroad. These goals were to be achieved through a three-tiered framework of prevention, prosecution, and protection.

Prevention

The TVPA encourages the use of international initiatives that provide economic alternatives for potential victims, such as job training, education and public awareness campaigns. It also provides grant funding for research and evaluation to further explore the crime (The Protection Project, 2000). The reauthorization of the act calls for the development and dissemination of materials to inform travelers about sex tourism, and the criminal penalties associated with it. It also calls for programs to support the production of radio, television and documentary programs that increase the public’s awareness of the problem of trafficking destination countries, as well as informing vulnerable populations in countries of origin (The Protection Project, 2003).

Prosecution

The TVPA, along with the Immigration and Nationality Act, attempts to provide a stricter statutory base under which to prosecute offenses. Three levels of intervention are highlighted by the Department of State in combating traffic from a law enforcement perspective. First, law enforcement must vigorously target those associated with the trafficking of persons. They should also work to identify and halt trafficking routes through intelligence gathering and coordination between agencies. Personnel also need to be adequately trained in the identification of victims and possess the knowledge and ability to refer them to appropriate services. Raids can be a powerful tool in discovering trafficking victims when there is enough information to know, with a high degree of certainty, that victims are present through undercover work or the recruitment of informants (Department of State, 2006). Police, and legislation, should also target those who purchase the services of targeted individuals whether they are johns or employers. To help law enforcement officers fulfill this expanded role, the federal government has provided financial assistance to agencies across the country.

Next, prosecutors must bring charges against traffickers and those who work with them, including employers of forced labor and those who sexually exploit victims. Under the TVPA, the length of sentences for convictions was increased to a maximum of twenty years and allows for restitution payments to victims (TVPA, 2000). Victims themselves should not be prosecuted, but encouraged to press charges and participate in the trials of their captors (Department of State, 2006). According to law enforcement officials, sex trafficking cases, much like

prostitution cases, are not given priority. Police must be given the resources to investigate, arrest, and prosecute the trafficking kingpins (Hughes, Raymond, & Gomez, 2001). The TVPRA added the trafficking of persons within the definition of racketeering as it

According to the *2006 Trafficking in Persons Report*, greater efforts need to be made to address trafficking within the U.S. borders.

- Ensure that victims have time to be counseled and provide information to the authorities
- Protective services, especially those for minors, should be consistent across the country
- Reduce the gap between estimated victims and those who step forward to receive services

relates to the RICO Act, providing another avenue for prosecution (The Protection Project, 2003).

Finally, the TVPA recognizes that without adequate protections for trafficking victims, other efforts are unlikely to be effective. Formal screening and identification processes should be established and once identified, victims should be afforded the same level of care a victim of any serious crime should receive, including shelter, medical treatment and counseling. Survivors should not be prosecuted for crimes that are the direct result of their victimization and should not be returned to their homes without safeguards in place to protect against retribution and hardship (Department of State, 2006).

Protection

New standards of eligibility for victims to receive government benefits under both Federal and State programs, regardless of their immigration status, were created by the TVPA. The Department of Justice and the Department of Health and Human Services are working together to certify trafficking victims through the Office of Refugee Resettlement. TVPA also provides for protection of trafficking survivors when they are in custody or assisting the government in prosecution (The Protection Project, 2000). If they meet special criteria, victims are granted T-visas, giving them temporary residency status within the U.S.

Federal Response: The TVPRA of 2003 and 2005

Since the initial passage of the TVPA, there have been two reauthorizations of the legislation. The Trafficking Victims Protection Reauthorization Act of 2003 (TVPRA) retains the purpose of the original act but shifts a greater amount of responsibility to law enforcement, permitting their statements to be used in the certification process which allows victims to receive needed benefits. The reauthorization also enhances prevention efforts by promoting innovative initiatives such as border interdiction programs. The TVPA also recognizes that in order to be effective, anti-trafficking strategies must target both the supply and the demand side of trafficking.

In 2005, the law was refined again to authorize new funds for investigation and prosecution of domestic trafficking within the U.S. (P.L. 109-164). Also, it provides law enforcement with additional tools necessary to continue being a leader in combating this crime worldwide and within U.S. borders. There is now an even greater focus on providing federal and local law enforcement with increased investigative powers, and prosecutors with additional crime charging mechanisms to successfully apprehend, prosecute and convict human traffickers. The federal government has furthered these efforts by funding anti-human trafficking task forces across the U.S. Moreover, it is Congress' intent to have these law enforcement and prosecutor task forces work with local community service providers.

State Response: Legislation and Task Forces

Since Congress passed the TVPA in 2000, States have also responded to the issue of human trafficking through the passage of legislation that largely mirrors the federal legislation in both intent and purpose. State legislatures in Washington, Texas and Florida have passed legislation that makes human trafficking a State felony. Other states have passed laws providing greater levels of safety for potential victims by emphasizing sub-types of trafficking, such as servile marriage, through regulation of commercial international matchmaking organizations. Laws addressing this issue were passed in Hawaii and Washington and are pending in Texas and at the federal level.

In addition to legislation, anti-human trafficking task forces exist at the State and local level, including task forces in San Francisco, North Texas, Florida, Arizona, Hawaii, the Midwest and New York City, to examine the issue more closely. State and local service providers, such as hospitals or shelters, also play a key role in responding to trafficking and often work in collaboration with law enforcement.

Establish Task Forces: The Washington State Trafficking in Persons Task Force was created in 2004 to measure and evaluate the progress of the State prevention activities; identify available programs to provide services to victims; make recommendations on coordination of services and report their findings to both the Governor and the Legislature.

Why Should This Be an Issue of Importance for Governors?

- Trafficking itself is illegal and often has ties to organized crime. According to the Federal Bureau of Investigation, human trafficking generates an estimated \$9.5 billion in annual revenue and is closely connected to money laundering, drug trafficking and document forgery (Department of State 2006).
- Victims are commonly brought to areas where the demand for their services is highest and most consistent, such as large cities, tourist areas or near military bases (Miko, 2000). However, they also operate in smaller cities, towns and suburbs. They are very mobile, not only moving women from place to place, but changing locations, setting up in clubs, massage parlors, escort services, brothels and even truck stops in both out-of-the-way and out-of-the ordinary locations (Hughes, Raymond & Gomez, 2001).
- Not unlike other crimes (e.g., drug trafficking, gun smuggling), it is reasonable to assume that areas located along major intersections, like Interstate 95, are vulnerable to human trafficking. Running north and south along the east coast connecting all major cities, Interstate 95 is the most heavily-traveled road in the system. It has been referred to by the Drug Enforcement Administration as the “drug corridor” and by the Bureau of Alcohol Tobacco and Firearms as the “gun pipeline.” The Central Intelligence Agency has identified Miami International Airport and JFK in New York as two of the top entry ports for human trafficking. Other emerging hubs include Atlanta, Orlando, and Washington Dulles airports. From these entry points, it is not unrealistic to expect that traffickers are moving victims up and down Interstate 95.

What are Challenges and Barriers to Addressing Human Trafficking?

Collaboration and Information Sharing

Within the U.S., some stakeholders may be reluctant to share information because of privileged communications, victim confidentiality concerns, or an unwillingness to share sensitive strategies or practices (O'Neill-Richard, 1999). Due to the cross-border nature of the crime, agencies in multiple States, as well as at the federal level, need to coordinate their efforts to more efficiently address trafficking.

Trafficking victims present with a host of needs, including immigration assistance, language translation, domestic violence and health/mental health services. Investigators and prosecutors, as well as other law enforcement agencies, service providers and faith-based organizations require coordination in order to enable a comprehensive approach to combating trafficking. In 2005, service providers were asked to identify key barriers to their ability to serve victims. The most common barrier cited was lack of coordination within and between federal, State, and local agencies (Caliber/ICF, 2006).

Disagreements Regarding Definitions

Until recently, there has been little in the way of consensus on how to define trafficking. Prior to the 1990s, it was generally viewed as a form of human smuggling and illegal migration (O'Neill-Richard, 1999). Many practitioners, including law enforcement officers, prosecutors and service providers continue to debate the classification terminology. Although the TVPA and the United Nations have similarly defined trafficking, not all those working to end the practice utilize the same definition, causing problems in identification of victims, discrepancies in the treatment victims receive, and inconsistencies in reporting the number of human trafficking cases in the U.S.

Difficulty Identifying Victims

Identifying victims of trafficking is extremely difficult as they are closely guarded by their captors, may lack accurate immigration documentation, remain invisible serving as domestic servants in private residences, and private businesses often act as a "front" for

trafficking operations. Improved outreach is needed as many victims are not involved in mainstream life.

The reactive approach to identifying victims, through either complaints or self-identification, is inadequate and does not fulfill the victim protection standard of the TVPA. In reality, few victims are willing to identify themselves upon contact with law enforcement as they fear reprisals and are often traumatized by their experiences. The standard identification process should require proactive measures to identify victims through careful, thorough and respectful interviews and counseling. Law enforcement authorities should be given adequate training on how to conduct such sessions and identify victims (Department of State, 2006).

Use the public to assist in identifying traffickers and victims of trafficking:
In Malawi, child-protection officers conducted country-wide sensitization meetings to educate rural communities about trafficking. Soon after the campaign, a group of villagers notified local police of a suspicious man attempting to cross the border with a group of children. Following an investigation, the man was convicted and sentenced to seven years.

What Can States Do to Combat Human Trafficking?

Enact State Anti-trafficking Legislation

More States need to pass legislation that makes trafficking a felony and imposes stiffer penalties on perpetrators. The National Institute on State Policy on Trafficking of Women and Girls of the Center for Women Policy Studies developed The Trafficking Resource Guide to help state legislators develop anti-trafficking laws. (It is available at: <http://www.centerwomenpolicy.org/pdfs/TraffickingResourceGuide.pdf>). The Department of Justice also developed a model state law to combat trafficking in persons. Additionally, States need to develop tools (e.g., protocols) and allocate resources to prevent trafficking, prosecute perpetrators, and protect victims.

Create Multi-Discipline Task Forces

Local, State and regional task forces can help legislatures and governors obtain community support for anti-trafficking programs as well as raise public awareness and cooperation. Additionally, task forces can serve as the central resource for issues related to human trafficking and can be used to facilitate communication, coordination, and information sharing across agencies.

Provide Outreach/Education and Training

Research has shown that State and local law enforcement officers need additional training in understanding human trafficking, identifying victims, and enforcing legislation. They also need training on services available for victims of international and domestic trafficking. Service providers are also in need of additional training, including how to work with law enforcement and prosecutors.

Enhance Interagency Collaboration and Information Sharing

Law enforcement needs to coordinate across local, State, and federal jurisdictions to combat the trafficking of persons. Additionally, more effective collaboration among law enforcement, prosecutors and service agencies is needed. As part of this collaboration, agencies need to put in place information/data sharing agreements and formal memorandums of understanding to help facilitate their ability to work together on these complex cases.

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Human trafficking is a multi-dimensional threat as it deprives victims of their human rights, is a global health risk and fuels the growth of organized crime. The U.S. government has taken steps to combat the crime. Since 2000, coordinated effort in the U.S. involving several federal agencies have resulted in the prosecution of 140 defendants of human trafficking-related crimes under federal legislation. Additionally, approximately \$25 million has been allocated for domestic programs to “boost anti-trafficking law enforcement efforts, identify and protect victims of trafficking, and raise awareness of trafficking as a means of preventing new incidents.” However, there

remains a critical need to rescue victims and prosecute traffickers and to eliminate the demand for modern-day slaves. State and local governments can do more to assist as Governors and State Legislatures prioritize the plight of those who are trafficked both into and within the United States (Department of State, 2006).

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Resources

Office of Refugee Resettlement (ORR), within the Department of Health and Human Services, assists refugees and other special populations in obtaining economic and social self-sufficiency in their new homes in the United States. The Trafficking Victims Protection Act of 2000 makes adult victims of severe forms of trafficking who have been certified by the ORR eligible for benefits and services to the same extent as refugees. Victims of severe forms of trafficking who are under 18 years of age are also eligible for benefits to the same extent as refugees but do not need to be certified. <http://www.acf.hhs.gov/programs/orr/>

U.S. Department of State Office to Monitor and Combat Trafficking in Persons The Office to Monitor and Combat Trafficking in Persons (G/TIP), provides the tools to combat trafficking in persons and assists in the coordination of anti-trafficking efforts both worldwide and domestically. The annual *Trafficking in Persons Report* presents data on over 150 countries is the most comprehensive worldwide report on the efforts of governments to combat severe forms of trafficking in persons. The State Department also provides links to fact sheets, government-funded programs, research and grant opportunities and anti-trafficking legislation. <http://www.state.gov/g/tip/>

The Campaign to Rescue and Restore Victims of Human Trafficking is housed in the Department of Health and Human Services, Administration for Children and Families. The intent of the Rescue & Restore campaign is to increase the number of identified trafficking victims and to help those victims receive the benefits and services needed to live safely in the U.S. The first phase of the campaign focuses on outreach to those individuals who most likely encounter victims on a daily basis, but may not recognize them as victims of human trafficking. They provide Tool Kits designed especially for Health Care Providers, Social Services Organizations and Law Enforcement Officers. <http://www.acf.hhs.gov/trafficking/>

The Protection Project is a human rights research institute based at the Foreign Policy Institute at The Johns Hopkins University School of Advanced International Studies in Washington, DC. The Project researches and documents the global scope of the problem of trafficking in persons and, through the dissemination of relevant and timely information, works to influence policy and practice in the war against trafficking. <http://www.protectionproject.org/>

Polaris Project is a leading international organization combating human trafficking and modern-day slavery. Based in the United States and Japan, they bring together community members, survivors, and professionals and use a comprehensive strategy of empowering individual survivors of trafficking while also creating long-term social change. Their current projects include the Greater DC Trafficking Intervention Program (DC TIP), the New Jersey Anti-Trafficking Program and several nation-wide programs. <http://www.polarisproject.org>

ECPAT is a network of organizations and individuals working to eliminate the commercial sexual exploitation of children. ECPAT USA produces briefings on the trafficking of children for sexual purposes and supports two collaborative projects, the New York City Task Forces Against Sexual Exploitation of Young People and the New York City Community Response to Trafficking. <http://www.ecpatusa.org/>