

National PTA Resolution

Child Trafficking

Submitted by:
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Summary

Child trafficking occurs in virtually every country around the world including our own. The United States is both a destination and a source country for international child trafficking and domestic trafficking within US borders is even more prevalent. Human trafficking is on the rise and according to the U.S. State Department it has surpassed the illegal sale of arms and will surpass the illegal sale of drugs in the next few years. The harsh reality is that drugs are used once and they are gone. But the victims of child trafficking can be used and abused over and over and over, again.

PTA must add our voice to the fight against child trafficking by raising awareness, identifying and addressing weaknesses in child protection systems, protecting and assisting children who have already been trafficked and taking steps to prevent child trafficking from occurring in the first place.

Child Trafficking

Whereas, Children are potential victims of both commercial and sexual abuse by traffickers due to lack of education, gender disparity, inequality, violence, corruption, poverty, lack of employment opportunities, demand for cheap labor and services and an expanding globalized sex industry; and

Whereas, UNICEF estimates that globally, 1.2 million children are trafficked each year within countries, as well as across borders including the United States; and

Whereas, At least 200,000 or more children may be victims of Domestic trafficking within the United States, leaving no state is immune from trafficking; and

Whereas, The majority of child trafficking cases go unreported due to the highly clandestine nature of the crime; policies and practices encouraging civil participation and cooperation in the prosecution of traffickers must be developed and enforced; and

Whereas, It is also important that police, prosecutors and courts punish traffickers within a system that is quick and respects and safeguards the rights of the victims to privacy, dignity, and safety; and

Whereas, The Federal Trafficking Victims Protection Act and existing state anti-trafficking statutes need improvement to fully protect and support the child victims of trafficking and approximately 25% of states have no anti-trafficking laws at all; and therefore be it

Resolved, That National PTA and its constituent organizations support the adoption and enforcement of laws that will deter the recruitment, transportation, transfer, harboring, or receipt of children for the purpose of exploitation; and be it further

Resolved, That National PTA and its constituent organizations advocate for the protection of rights of victims and support efforts to provide measures for the physical, psychological, and social recovery of victims of child trafficking; and be it further

Resolved, That National PTA and its constituent organizations encourage and call for members, policy makers in government, inter-governmental bodies and non-governmental, school and community organizations to raise awareness and to address those conditions and situations that contribute to child trafficking.

HIV/AIDS and Trafficking in Persons

Approximately 42 million people worldwide are living with HIV/AIDS and sex trafficking plays a major role in spreading the epidemic. The 2005 UNAIDS report states that "across Asia, the [HIV] epidemics are propelled by combinations of injecting drug use and commercial sex." Thus, both prostitution and sex trafficking contribute to the spread of HIV/AIDS.

Globally, women in prostitution and those who have been trafficked for prostitution have a high incidence of HIV. For example, HIV prevalence among women prostituted in Nepal is 20 percent. In South Africa, the number reaches 70.4 percent. Furthermore, according to the World Congress Against Commercial Sexual exploitation of Children, between "50 and 90 percent of children rescued from brothels in Southeast Asia are infected with HIV."

The U.S. Government has strong policies to combat HIV/AIDS *and* human trafficking. In 2006, the President's Interagency Task Force To monitor and Combat Trafficking in Persons reaffirmed the Administration's commitment to fighting both. The U.S. Government promotes the rescue and care of victims and seeks to ameliorate the harm suffered by men, women, and children used in prostitution. U.S. law encourages appropriate treatment and care for those trafficked into prostitution as well as those who escape servitude. The U.S. Government is the largest funder in the world of vital HIV/AIDS prevention and treatment.

The Many Causes of Trafficking: supply and Demand

w1[The causes of human trafficking are complex and often reinforce each other.

The supply of victims is encouraged by many factors, including poverty, the attraction of perceived higher standards of living elsewhere, lack of employment opportunities, public and private corruption, organized crime, violence against women and children, discrimination against women, political instability, and armed conflict. In some societies a tradition of fostering

allows a younger child to be sent to live and work in an urban center with a member of the extended family, in exchange for a promise of education and instruction in a trade. Taking advantage of this tradition, traffickers often position themselves as employment agents, inducing parents to part with a child, but then traffic the child into prostitution, domestic servitude, or a commercial enterprise. In the end, the family receives few if any wage remittances, the child remains unschooled and untrained and separated from his or her family, and the hoped-for educational and economic opportunities never materialize.

"I did not even ask where I was going. I was promised a job and money for food. I was sure I was getting away from trouble. I even thought that I'd make some money, return home and help everyone, including my father."

— ana, a victim of trafficking, who after running away from home to escape her father's beatings, was trafficked into Poland and forced to beg on the streets.

Demand for cheap labor and for prostituted women, girls, and boys is the primary "pull" factor. Customers for the products of forced labor are often completely ignorant of their involvement with slavery. Sex buyers are far more complicit in the victimization of sex trafficking victims, and thus are logical targets for education on the link between prostitution and human trafficking. Sex tourism and child pornography have become worldwide industries, facilitated by technologies such as the Internet, which vastly expand the choices available to pedophiles and permit instant and nearly undetectable transactions. [See Box on p. 23] Trafficking is also driven by the global demand for cheap, vulnerable, and illegal labor. For example, there is great demand in some prosperous countries of Asia and the middle east for domestic servants who sometimes fall victim to exploitation or involuntary servitude.]

Causes of Human Trafficking

Of the more than 12.3 million people trapped in forced labor today, around 2.4 million are victims of human trafficking, according to the International Labour Office (ILO). Forty-three percent of trafficked persons are sexually exploited and one third are trafficked for economic exploitation. Up to half of all forced laborers in the world today are minors. Traffickers earn dozens of billions of US dollars in profits every year. In recent years, human trafficking is increasingly being viewed as an important global security issue. The success of counter-strategies hinges on an understanding of the root causes of trafficking.



Although trafficking and prostitution are not the same, some prostitutes are victims of trafficking. Poor economic conditions and other social problems afflicting vulnerable groups have led to an increase in trafficking in many parts of the world. (Photo taken in Almaty, Kazakhstan in November 2004. Source: OSCE/Zakhar Sviridenko)

w1[There are various causes behind trafficking. Searching for a better life abroad, many migrants rely on smugglers and traffickers who benefit from a lack of legal migration and employment opportunities by offering their "services." Economic hardship, conflict, crime, discriminatory practices or natural disasters affect millions of people and make them vulnerable to various forms of exploitation and enslavement. Many societies discriminate against women and girls, who are expected to stay at home and thus often have little access to education and jobs. This gender-based discrimination makes women and girls disproportionately vulnerable to trafficking.

Further factors contributing to trafficking include:

- porous borders;
- corruption and the collusion of state officials in trafficking;
- a lack of adequate anti-trafficking legislation and political will to enforce legislation;
- coordination problems between anti-trafficking stakeholders;
- the resilient demand for cheap labor and commercial sex.]



Understanding Causes of Human Trafficking

Both push and pull factors contribute to human trafficking.

Push factors

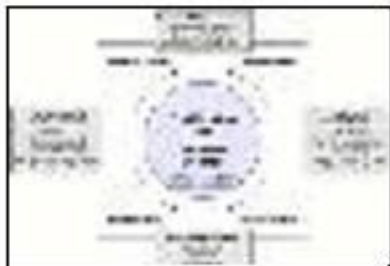
In countries of origin, many people face economic and social hardship and have few opportunities to make a living or fulfill their expectations. A restriction of legal migration and employment opportunities abroad makes actual or potential migrants vulnerable to smugglers and traffickers who promise a better life, only to later exploit people. Violent conflicts, such as the wars in Bosnia and Herzegovina, Croatia and Kosovo in the 1990s, are particularly conducive to human trafficking, as traffickers benefit from state weakness, chaos and social disintegration.

Pull factors

In countries of destination, a resilient demand for cheap labor and commercial sexual services, in combination with restrictive migration and employment policies, have spurred human trafficking. Pull factors can also operate in countries of origin. The demand for commercial sex in zones of conflict (by both locals and international community staff) has exacerbated human trafficking.

Crime

w1[Criminals, who often form sophisticated transnational organized crime groups, benefit from the interplay of these and other push and pull factors. That means that anti-trafficking policies should not only target criminals, but also the root causes of trafficking.]



This graph lists causes of, and policy responses to, human trafficking.
(Chart adapted from <http://www.stabilitypact.org/trafficking/info.asp>)



Gender and Human Trafficking

People often think that men are smuggled and women trafficked. This is not true: Men are trafficked as well (mainly for the purpose of labor exploitation) and many women are smuggled. Nevertheless, women's experiences of trafficking often differ from those of men. To understand the trafficking of women and girls, one should:

- understand that the social status of women in many societies is inferior to the status of men;
- recognize that many women are denied ownership and control over material and non-material resources, making them reliant upon men;
- consider that employment for women, especially abroad, is often limited to low-skilled labor and isolated workplaces such as private homes.

Many women confronting unemployment, sexual harassment, or domestic violence, respond to advertisements offering well-paid work abroad. In many cases, this behavior is not naive. Women simply perceive the potential benefits of migration, such as financial rewards and improved social status, as outweighing the dangers of migration. To understand the trafficking of women, one has to take into account transformation processes and violence.

Gender-based discrimination

w1 [Poverty, unemployment and a lack of economic prospects affect women more than men, especially in patriarchal societies and in those undergoing political, economic and social transformation. The "feminization of poverty" is thus a prime root cause of labor migration and trafficking.] Some countries do not have laws against gender-based discrimination. Even if they do, many women are not aware of their rights to equal treatment, and laws against gender-based discrimination have little practical effect. In labor markets, women are often hired last and fired first, and they have less access to regulated jobs than men, often working in informal sectors where risks of exploitation and violence are high.

Violence against women

w1 [There are various forms of violence against women. Domestic violence, for example, helps to explain why many women and girls leave their families and countries. Domestic violence is often not seen as a human rights violation, leading to a lack of social and state protection afforded to victims of domestic violence.] Armed conflict affects women as well, both during and after conflicts. During conflicts, women are sexually abused for political purposes (for example, to humiliate the enemy) or forced to work as prostitutes. After conflicts, women work in local sex industries often under appalling conditions, being treated as commodities.

Yet gender aspects of human trafficking are even more complex. In patriarchal societies, men are expected to support their families. Many men who cannot find work migrate. Those migrant men who become victims of trafficking cannot send money home, which renders their wives vulnerable to trafficking. These dynamics show that gender inequalities can have a negative effect both on men and women. Some dynamics of trafficking affect predominantly men; especially men from low social classes and minorities working in particular industries where trafficking prevails, such as construction.



Minors and Minorities

W1 [Trafficking also affects children, who are forced to work in the sex industry, as domestic workers, beggars, thieves, drug dealers or child soldiers. Moreover, there is a thriving trade in minors offered for adoption or marriage. Orphans, children with a history of family violence and substance abuse and children belonging to ethnic or religious minorities are especially at risk of being trafficked. The fact that minorities, such as Roma in Southeastern Europe, suffer from discriminatory practices helps to explain the relatively high incidence of trafficking among some minorities. Social attitudes towards these minorities are often negative. Changing these attitudes is therefore a prerequisite for improved counter-trafficking efforts.





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WHAT'S NEW

HUMAN TRAFFICKING AND MODERN-DAY SLAVERY

PRACTICE UPDATE: Human Rights & International Affairs
By: Elizabeth Pathy Salett, LICSW

What Human Trafficking & Slavery May Look Like?

- A young girl in Russia is promised a good job in France as a child care worker, ends up in Germany as a brothel worker.
 - A child in India is abducted from his parents' home and taken to work in a carpet factory hundreds of miles away.
 - A young girl in Thailand is sold by her parents to work in the big city, is forced into prostitution, and trafficked to Tokyo.
 - A young 7 year old boy in the Sudan is captured by marauders and made to live with herd animals for 10 years in servitude to a local family.
 - A young Mexican man is captured at the U.S. border and forced to work in agriculture in Florida or in construction in Iowa, or in prostitution in Los Angeles.
 - A Moldovan woman is promised restaurant work and is trafficked via Ukraine to Turkey for prostitution.
- A West African woman asked by her aunt to come to the U.S. on a domestic worker visa, is on call 24 hours a day, abused and never allowed to leave the household.

INTRODUCTION

Human trafficking, the modern-day slave trade, is a world-wide phenomenon that refers to the "illegal trade of human beings, through abduction, the use or threat of force, deception, fraud, or 'sale' for the purposes of sexual exploitation or forced labor."
- UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.

The number of people held in slavery worldwide is estimated to be between 12-27 million, more than at any time in world history. (International Labor Organization and United Nations) Each year, according to the United Nations, between 700,000 - 900,000 people fall victim to trafficking across international borders and are bought, sold, transported and held against their will worldwide. The U.S. Government estimates that between 14,500 - 17,500 victims are trafficked into the United States annually and that there are currently 200,000 people in this country who have been trafficked. A large proportion of the victims are women and children.

One of the undersides of globalization, human trafficking exists in at least 127 countries and has become a highly lucrative business. Not only is it the second most lucrative illicit enterprise in the world after drug trafficking, it is also the fastest growing, according to the U.S. Department of Health and Human Services. The International Labor Organization estimates global profits from human trafficking at \$44.3 billion USD per year.

BACKGROUND

w1 [Human traffickers force people to be slaves in a wide variety of industries and circumstances. The most prevalent on a worldwide level are agriculture, mining and forced prostitution.

Victims may be women and children who have been abducted, sold or tricked into commercial sex; or women, children and men in forced labor, in industries such as domestic servitude, agriculture, construction, restaurant, mining or manufacturing, and are held by force with no remuneration or opportunity to leave.

Some people are enslaved through debt bondage, where the slaveholder forces a victim—or entire families—to work without pay to pay off a bogus, illegal 'debt'. Other victims are captured and used by marauders in armed conflicts.

Trafficking in human beings is not new, but the complexity of this phenomenon has grown exponentially in the past fifteen years, and continues to grow in scope and magnitude each year. This is facilitated by a number of interconnected factors including the substantial increase in the number of people in the developing world as a result of high rates of population growth; the changing social and economic conditions that have brought large numbers of people from rural areas into urban centers where they don't have jobs or employment prospects; and government corruption that turns a blind eye to trafficking.

Gender discrimination and the feminization of poverty also contribute to the vulnerability of women and children who often cannot find jobs to support their families. Extreme poverty produces the supply of victims. The demand for commercial sex and cheap goods and labor create the market for victims worldwide.

Globalization and the promise of good jobs and economic opportunity serve to lure women and men to what they believe will bring them a better life. While many trafficking victims are abducted or are tricked into a trafficking situation, some trafficking victims begin by migrating voluntarily. They choose to leave their community or country of origin for economic, personal or political reasons, and only after they arrive at their destination does the trafficker use force or coercion to keep them under his or her control. Although often confused with smuggling, human trafficking is a distinct issue. In the case of smuggling,

migrants pay an 'agent' to help them illegally cross a national border. After arriving in the desired destination, the relationship between migrant and 'agent' ends. Migrants are free to move wherever they choose and pursue or not pursue employment opportunities at will. In the case of trafficking, on the other hand, upon arrival at the destination, the agent either sells the migrants to a slaveholder or becomes the slaveholder him or herself.

Determining whether a person has been trafficked or smuggled is often a complicated process that is based on the determination of three factors: the use or threat of force, fraud or coercion.

People are recruited in several different ways such as through fake employment agencies, acquaintances, newspaper ads, front businesses, word of mouth or abduction. Traffickers may be neighbors, friends, returnees, agricultural operators, owners of small businesses, diplomats and even families.

Increasingly, however, the traffickers are organized crime syndicates, often in collaboration with corrupt law enforcement entities, government officials or employers, who may use several intermediaries from the first point of contact to the final destination of the victim. If the victim is transported, they use both legal and illegal means of transport and various techniques to keep their victim enslaved.]

They may keep them under lock and key or in isolation from the public and from their family members or support networks, confiscate their passports or identification documents, use the threat of violence against the enslaved person or their families, threaten them with shame, fear of imprisonment or deportation, and control their money.

Human trafficking has grown in part as a result of the advances in internet and communication technology, which make information fast, anonymous, and easily accessible to predators and traffickers worldwide.

According to Moisés Naim, author of *Illicit: How Smugglers, Traffickers and Copycats are Hijacking the Global Economy* "... the modern-day slave auction is electronic, where in local pimps can examine and purchase via e-mail women and girls from wholesalers in other countries and where retail customers can order up the prostitute of their choice."

Sex tourism, one of the world's largest industries, also feeds off of electronic communications and human trafficking. It has become integrated into the economy of many countries such as the Philippines and Thailand. These examples underscore that trafficking and slavery truly represent the commodification of human beings, or the use of human beings as goods to be bought, sold, used, shipped, and traded for money.

Trafficking into the United States

While it may be difficult to believe that modern-day slavery and human trafficking exist in the United States in the 21st century, the fact is that it is present in every state, in both our urban and rural areas. Traffickers exploit the migration process, using legal or forged documents, often making use of visas like the temporary guest worker visas, fiancés visas, domestic workers or others to bring in women and children for prostitution, and women and men for forced labor.

Some enter with no documentation at all. Most of the trafficking victims discovered in the U.S. have immigrated to the US, either by choice or by force, but there are even some trafficking victims who were born in the United States.

There are an estimated 12,500 trafficking victims who came to the U.S. from East and South Asia in 2005. Approximately 5,500 more came from Latin America, and another 5,000 from the countries of the former Soviet Union and Eastern Europe, the latter is considered a new source of women and children for prostitution and the sex industry.

Issues for Social Workers

Human trafficking is a devastating human rights violation and a human tragedy, but social workers can help in at least three ways:

1. identify victims of slavery and trafficking and assist them to get help,
2. serve in the organizations that specialize in assisting trafficking victims and improving upon the current 'promising practices' of rehabilitation and reintegration, and
3. educate vulnerable populations about the dangers of human trafficking as a form of prevention.

All of these roles need to be filled in every community where human trafficking exists in order to locate victims, help them rebuild their lives, prevent others from being trafficked and enslaved, and end this horrific crime once and for all.

Clues to Look For

- Multiple people in cramped space
- People living with employer
- Inability to speak to individual alone
- Employer holding identity documents
- Evidence of being controlled
- Inability to move or leave job
- Bruises or other signs of battering
- Submissive, fearful or depressed demeanor
- Little or no pay

Recent arrival from Asia, Latin America, Eastern Europe, Canada, Africa or India

CHAPTER ONE

What is Child Trafficking?

What is Child Trafficking?

Human trafficking of both children and adults involves a pattern of power and control used to extract labor or services, often, but not always, for financial or material gain. U.S. law, through the Trafficking Victims Protection Act (TVPA), defines "severe forms of trafficking" as:

Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.⁵
(emphasis added)

Children induced to perform commercial sexual acts are therefore, by virtue of their minority, victims of severe forms of trafficking under the TVPA. Children in labor trafficking situations, on the other hand, must have been subject to force, fraud or coercion in order to be considered trafficking victims.⁶

Prior to the enactment of the TVPA, child sexual exploitation through prostitution was primarily addressed on the federal level through the White-Slave Traffic Act, currently known as the Mann

Act.⁷ Section 2421 of Title 18 prohibits the transportation of an individual in interstate or foreign commerce with the intent that the person engage in prostitution or an unlawful sexual act. While this section applies to minors, more directly applicable is §2423, which prohibits interstate transportation of a minor with the intent that the minor engage in criminal sexual activity. This section also addresses child sex tourism.⁸

How Do I Identify Child Trafficking Victims Among My Clients?

Trafficking of children involves the recruitment, transport, harboring or receipt of children for the purpose of exploitation. Child trafficking can take various forms, including but not limited to:

- Trafficking for commercial sexual exploitation, including sex tourism;
- Forced labor (sweatshops, agriculture, etc.);
- Domestic servitude or slavery;
- Illegal international adoption;
- Trafficking for early and/or servile marriage;
- Recruitment as child soldiers; or
- Some combination of the above (i.e. domestic servitude that includes sexual exploitation).

⁵ Trafficking Victims Protection Act of 2000, 22 U.S.C. § 7102 (8) (Thomson Reuters/West 2003).

⁶ It is important to note that state law may also define child trafficking, which may or may not comport with the federal law. Check your own jurisdictions for state definitions of child trafficking which may differ from the federal definition.

⁷ Mann Act of 1910, enactment repealed & provisions contained in 18 U.S.C. §2421 et seq. (Thomson Reuters/West 2003).

⁸ 18 U.S.C. § 2423 (2007).

w4 [Some forms of child trafficking are hidden—such as production of pornography⁹ or sexual performances—while others such as prostitution are closely tied to life on the streets.¹⁰ While child labor trafficking is sometimes very visible in other countries, it can remain hidden in the U.S. in factories and agricultural work settings. The common characteristic of trafficked children, however, is not the visibility or invisibility of their situation or the form of their trafficking, but rather the exploitation they experience. It is also important to note that children may be victims of more than one form of trafficking at the same time.

Case Study

Neelam came to the U.S. when she was sixteen to live with her aunt and uncle in Boston.¹¹ Her aunt had promised Neelam's parents she would send Neelam to school. However, Neelam's aunt told her that she would be pulled out of school and shamefully sent back to India if she didn't cook and clean for the family from the time she got home from school until well past midnight. Neelam obeyed her aunt for awhile, but she was so tired she eventually asked to go back to India. Neelam's uncle then raped her and sold her to a co-worker for sex. He told Neelam that she could never return to India now that she was a "street woman" and would have to stay in the U.S. and work for them. Neelam knew it would cause her family shame if they knew she had "become" a prostitute. Neelam was a victim of both child labor trafficking and child sex trafficking.

Unfortunately, child victims of crime are not rare. Child trafficking victims are often victims of related or concurrent crimes, or may appear to be a victim of a crime other than trafficking. Some crimes that are commonly concurrent with child trafficking, or which child trafficking may initially appear to be are:

- Domestic violence
- Child abuse or neglect
- Child sexual abuse
- Child pornography
- Child labor violations]

It is important to screen your client especially carefully for trafficking if you determine one of these crimes has been committed, since they are often interrelated or concurrent. *Figure 1* depicts the overlap of some commonly co-occurring crimes with child trafficking.

⁹ It is important to keep in mind that child pornography is an image of child sexual abuse. If an individual sexually abuses a child and creates a video or photo image of that abuse, that individual has engaged in production of child pornography, but not necessarily child trafficking. When the child has been recruited, transported, harbored, or received and some commercial element is introduced in the production of that child pornography, then that individual has also engaged in child trafficking. The analysis of whether trafficking occurred would be at the point of production of that image, not necessarily the distribution of the image. The victim may be entitled to trafficking remedies for the actual sexual act (production) and separate remedies for distribution of the image under child pornography statutes.

¹⁰ See Eva J. Klain, Nat'l Ctr. for Missing & Exploited Children. *Prostitution of Children and Child Sex-Tourism: An Analysis of Domestic and International Responses* (1999), available at http://www.missingkids.com/missingkids/servlet/ResourceServlet?LanguageCountry=en_US&PageId=754

¹¹ Throughout this guide, names and identifying details have been altered to preserve confidentiality.

Commonalities in Child Trafficking Victims

Child trafficking victims, like other child victims, come from many backgrounds and include both boys and girls across a wide range of ages. Children are trafficked to the U.S. from all regions of the world and represent a variety of different races, ethnic groups and religions. They may be brought to the U.S. legally or smuggled in. Internationally trafficked children, especially adolescents, may be lured overseas to the U.S. through the promise of work or school and the opportunity to send money back to their families. Children are also vulnerable to kidnappers, pimps, and professional brokers. Some children are sold to traffickers by their families, who may or may not have an understanding of what will happen to the child. U.S. citizen children may also be trafficked within the U.S., and come from multiple racial groups and socio-economic backgrounds.

Runaways: Many youth, especially U.S. citizen children trafficked within the U.S., run away from problems at home and may be exploited as a result of emotional vulnerability, homelessness and the need to survive. Youth who run away from home and engage in "survival sex" ¹⁴ often find themselves vulnerable to pimps and traffickers involved in prostitution networks. According to a study by Richard Estes and Neil Alan Weiner, approximately 55% of street girls engage in formal prostitution.¹⁵ This means that a child client who has been homeless or living on the street for any amount of time has a great likelihood of having been sexually exploited or trafficked.

Commercial sexual exploitation of children exposes them to increased victimization on the streets (beatings, rape and sometimes murder); increased involvement with delinquent activities and the juvenile justice system; ¹⁶ increased risk for a wide variety of medical problems and health-compromising behaviors such as high rates of pregnancy, sexually transmitted diseases including HIV infection, depression, and risk of suicide; and ¹⁷ increased rates of alcohol and substance abuse.

Case Study

Gina ran away from home when she was 13 because her mother, a crystal meth addict, would alternately go into violent rages and be absent from the house for days. ¹⁸ She took the bus from her small hometown in California to Los Angeles, hoping to become an actress. When she got off the bus, she sat in the station for hours wondering what to do. Gina was approached by a man named Carlos who was a little older, but very nice to her. He told Gina she was beautiful and invited her to stay with him while she looked for acting jobs. Carlos bought Gina clothes and food and told her he would marry her when she was 18 and they would be a family. A couple of weeks later, Carlos told Gina they had run out of money, and she would have to prostitute herself to support them. Gina did what Carlos asked because she loved him and she believed they would have a good life together one day. Gina became vulnerable to sex trafficking after running away from home.

¹⁴"Survival sex" is the exchange of sexual activities for food, money, drugs, shelter or other items of value.

¹⁵Estes & Weiner, *supra* note 2.

¹⁶See, e.g., Finkelhor, Cross & Cantor, *How the Justice System Responds to Juvenile Victims: A Comprehensive Model*, Juv. Just. Bull., December 2005.

¹⁷Klain, *supra* note 6.

¹⁸Klain, *supra* note 10.

CHAPTER THREE

Community-Based Responses to Child Trafficking

^{w4,w5} [Child trafficking civil claims will almost always require many systems, service providers and other attorneys to work together. This includes criminal prosecutors, guardians *ad litem*, immigration attorneys, child protective services, medical and mental health service providers, and anti-trafficking NGOs. This system of collaboration will not only ensure comprehensive services for your client, it may also increase your client's cooperation in the case.

Working with Parallel Criminal Prosecutions: State and Federal

In all trafficking cases, especially those involving minors, it is essential to help assure that the best interests of your client are being addressed, and that your client's wishes are being heard. In most cases, this will require you to work collaboratively with criminal investigators by closely monitoring the progress of the case, facilitating communication with investigators and prosecutors, and advocating on behalf of your client when he or she is a witness for the prosecution as a victim in the case. It is important that you discuss your client's options so that s/he understands the full implications of working or not working with law enforcement.

Ascertain whether your jurisdiction participates in any multidisciplinary efforts that include law enforcement, service providers, NGOs or others who may have contact with your client. Police

departments that receive specialized training in jurisdictions where services are available for youth victimized by trafficking or sexual exploitation arrest adults at higher levels for offenses against juveniles. Also, your client may find it easier to work with law enforcement, whether federal or state, with the support of appropriate service providers and victim advocates. The suggestions for reducing trauma to your client listed above can be useful when working with prosecutors and law enforcement on state and federal levels.

During a criminal case, it is sometimes possible for the court to appoint a guardian *ad litem* (GAL) to protect the child victim from improper questioning, intimidation by the defendant, and the potential trauma of the courtroom experience. The role of the GAL is to ensure the victim is treated with respect by protecting the victim's legal interests. Some states such as Florida have passed statutes to mandate that a GAL be appointed in "any criminal proceeding if the minor is a victim of or witness to child abuse, neglect or if the minor is a victim of a sexual offense."⁶⁵ If you are not appointed as that GAL, or if a separate GAL is not appointed, as an attorney for the child you are still likely to be in the best position to assert your client's interests and desires in the context of the court proceeding. You should seek court authority to play that role.]

It is also important to closely monitor what criminal charges are being pursued so that you can explore potential civil remedies attached to those

⁶⁵Fla. Stat. Ann. §914.17 (West 2008).



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Data Comparison Sheets

The information displayed in these data comparison sheets is a compilation of the statements appearing in the database.

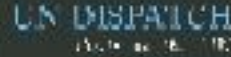
They do not reflect UNESCO's views but what has been cited by or attributed to various organizations. We encourage agencies and individuals to provide updates and commentaries in their areas of expertise: trafficking@unescobkk.org

1. [Data comparison sheet #1](#) : Worldwide Trafficking Estimates (v. 2)
2. [Data comparison sheet #2](#) : Proportion of underage sex workers in Thailand
3. Data comparison sheet #3 : Distribution of sex services venues by type in Thailand, 1997 - 2003
4. Data comparison sheet #4 : Number of sex workers and sex services venues in Thailand, 1997 - 2003

TRAFFICKING ESTIMATES

Agency	Estimate	Target Pop (W ,C ,P) *	Year of Publication	Link to finding	Source	Text
UNODC	2.5 million people	P	2008	[Link]	UNODC perspectives publication	"Some 2.5 million people throughout the world are at any given time recruit entrapped, transported and exploited-a process called human trafficking to estimates of international experts."
UNIFEM	500,000 to two million	P	2007	[Link]	UNESCO	"Estimates of the number of trafficked persons range from 500,000 to two m per year, and a few organizations have estimated that up to four million per are trafficked every year."
FBI	up to two million people	P	2006	[Link]	State Department	According to the State Department, up to two million people are trafficked worldwide every year, with an estimated 15,000 to 18,000 in the U.S
UN	600,000 to 800,000	P	2005	[Link]	US State Dpt (TIP Report 2004)	The most cited and extensive data derives from the work of the US Departm State in compiling its annual Trafficking in Persons Report. Extrapolating on country information, the 2004 report estimated some 600,000 to 800,000 m women and children trafficked across international borders every year majority being trafficked into commercial sexual exploitation. (UNITED NATION EXPERT GROUP MEETING ON INTERNATIONAL MIGRATION AND DEVELOPMENT POPULATION DIVISION DEPARTMENT OF ECONOMIC AND SOCIAL AFFAIRS UNITED NATION SECRETARIAT NEW YORK, 6-8 JULY 2005)
UNHCR	700,000 to four million	P	2003	[Link]	(U.S. Department of State (2002).Victims of Trafficking and Violence Protection Act 2000, Trafficking in Persons Report. June. p. 1.	It is estimated that from 700,000 to four million people are trafficked across borders every year
US Government	600,000 to 800,000	P	2004	[Link]	President Bush	"Worldwide, at least 600,000 to 800,000 human beings are trafficked across international boarders each year. Of those, it is believed that more than 80 percent are women and girls.."
US Government	approx 800,000 people	P	2006	[Link]	TIP Report 2007	Annually, according to U.S. Government-sponsored research completed in 2 approximately 800,000 people are trafficked across national borders, which not include millions trafficked within their own countries. Approximately 80 p of transnational victims are women and girls and up to 50 percent are minor
US Government	480,000 to 640,000	W and C	2004	[Link]	President Bush	"Worldwide, at least 600,000 to 800,000 human beings are trafficked across international boarders each year. Of those, it is believed that more than 80 percent are women and girls..."
US Government	640000	W and C	2006	[Link]	TIP Report 2007	Annually, according to U.S. Government-sponsored research completed in 2 approximately 800,000 people are trafficked across national borders, which not include millions trafficked within their own countries. Approximately 80 p of transnational victims are women and girls and up to 50 percent are minor
ILO	more than a million children	C	2005	[Link]	ILO	more than a million children are affected globally every year (ILO, 2002)
UNICEF	an estimated 1.2 million children	C	2007	[Link]	said UNICEF Executive Director Ann M. Veneman	Globally, an estimated 1.2 million children are trafficked each year, within countries as well as across borders," said UNICEF Executive Director Ann M. Veneman.]

* W = Women, C = Children, P = People



Home > Blogs > Jessica Valenti's blog

UNICEF calls for an end to child trafficking

Jessica Valenti · June 18, 2007 · 9:44am
Children

The United Nations Children's Fund (UNICEF) has called on governments, communities and families to increase efforts to prevent child trafficking.

w2[

UNICEF Executive Director Ann M. Veneman noted that every year globally, about 1.2 million children are trafficked. Children are trafficked into prostitution, into armed groups to serve as child soldiers, to provide cheap or unpaid labour, and to work as house servants or beggars.

Trafficking exposes children to violence, sexual abuse, severe neglect, and HIV infection, she pointed out, while violating children's right to be protected, to grow up in a family environment and to have access to education.

UNICEF called for punishing the perpetrators of human trafficking, which generates an estimated \$9.5 billion a year and fuels other criminal activities.

More

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DELEGATES' LOUNGE

How Rural Poverty Fuels Instability in Pakistan

By Eriposte

Discussions on the precarious situation in Pakistan today tend to be focused mostly on the threat from fundamentalist or "jihadi" militants. The focus on that threat is absolutely critical, however, there are underlying structural factors that also play a key role in Pakistan's instability. Rural poverty is a major factor that, so far, has not garnered the attention it deserves.

Eriposte is a regular contributor to The Left Coaster, where he frequently writes on issues pertaining to the Indian sub-continent. Below the fold is an in-depth post that explores the relationship between rural poverty and state security in Pakistan. For more on the relationship between poverty and terrorism see this post from UN Ambassador Susan Rice.

[read more.](#)



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Child Trafficking



© UNICEF/ HQ01-0412/ DeCesare

A sex worker sits with her son and daughter on a bare mattress in their home in a poor section of a major city in Colombia.

Trafficking is a violation of fundamental rights.

W2

[Trafficking in children is a global problem affecting large numbers of children. Some estimates have as many as 1.2 million children being trafficked every year.]

There is a demand for trafficked children as cheap labour or for sexual exploitation. Children and their families are often unaware of the dangers of trafficking,

believing that better employment and lives lie in other countries.

Child trafficking is lucrative and linked with criminal activity and corruption. It is often hidden and hard to address. Trafficking always violates the child's right to grow up in a family environment. In addition, children who have been trafficked face a range of dangers, including violence and sexual abuse. Trafficked children are even arrested and detained as illegal aliens.

Some facts:

- UNICEF estimates that 1,000 to 1,500 Guatemalan babies and children are trafficked each year for adoption by couples in North America and Europe.
- Girls as young as 13 (mainly from Asia and Eastern Europe) are trafficked as "mail-order brides." In most cases these girls and women are powerless and isolated and at great risk of violence.
- Large numbers of children are being trafficked in West and Central Africa, mainly for domestic work but also for sexual exploitation and to work in shops or on farms. Nearly 90 per cent of these trafficked domestic workers are girls.
- Children from Togo, Mali, Burkina Faso and Ghana are trafficked to Nigeria, Ivory Coast, Cameroon and Gabon. Children are trafficked both in and out of Benin and Nigeria. Some children are sent as far away as the Middle East and Europe.

Sexual exploitation

Sexual activity is often seen as a private matter, making communities reluctant to act and intervene in cases of sexual exploitation. These attitudes make children more vulnerable to sexual exploitation. Myths, such as the belief that HIV/AIDS can be cured through sex with a virgin, technological advances such as the Internet which has facilitated child pornography, and sex tourism targeting children, all add to their vulnerability.

- Surveys indicate that 30 to 35 per cent of all sex workers in the Mekong sub-region of Southeast Asia are between 12 and 17 years of age.
- Mexico's social service agency reports that there are more than 16,000 children engaged in prostitution, with tourist destinations being among those areas with the highest number.
- In Lithuania, 20 to 50 percent of prostitutes are believed to be minors. Children as young as age 11 are known to work as prostitutes. Children from children's homes, some 10 to 12 years old, have been used to make pornographic movies.

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> IPEC: Home > Child labour by sector

Trafficking of children

w2[Child trafficking is one of the worst forms of child labour. Although no precise figures exist, an estimated 1.2 million children - both boys and girls - are trafficked each year into exploitative work in agriculture, mining, factories, armed conflict, or commercial sex work.]

ILO Convention No.182 (1999) on the Worst Forms of Child Labour classifies trafficking among "forms of slavery or practices similar to slavery" and thereby a WFCL to be eliminated as a matter of urgency, irrespective of the country's level of development.

The trafficking of children, internally in countries, across national borders and across continents is closely interlinked with the demand for cheap malleable and docile labour in sectors and among employers, where the working conditions and the treatment grossly violates the human rights of the children, characterized by environments that are unacceptable (the unconditional worst forms) as well as dangerous to the health and the development of the child (hazardous worst forms). These forms range from bonded labour, camel jockeying, child domestic labour, commercial sexual exploitation and prostitution, drug couriering, child soldiering and exploitative or slavery-like practices in the informal industrial sector.

The ILO's International programme on the Elimination of Child Labour develops comprehensive programme interventions against child trafficking in the context of the situation and the realities in each country or region and takes into account the national, sub-regional and regional specificities of the root causes of children's vulnerability, mechanisms and routes used by traffickers, and the nature of exploitation that takes place, as well as the legal and cultural contexts.

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[Combatting trafficking in children for labour exploitation: A resource kit for policy-makers and practitioners](#)

This resource kit captures over 10 years of work by IPEC and its partners and makes the Programme's experiences and knowledge available to those who design, implement and improve policy and programming to fight child trafficking.



[Child trafficking: The](#)

PROTECTING THE POWERLESS

Protecting the Powerless

CHILD TRAFFICKING IN THE UNITED STATES

Photographer/Getty

by **MOLLY M. GINTY**

All that Kaela* wanted was these security she'd never had.

"When I was 12 and living at home, my father was an alcoholic who verbally and physically abused me," says Kaela, a 16-year-old from Toledo, Ohio. "One day I was out avoiding the house when an older man approached me on the street. He drove a beautiful

car, had business cards, and said he had so much money he could give me anything I wanted. I'd never had nice things — or had an adult treat me that well — so after we talked for a while, I got in his car and drove off with him."

Thus began Kaela's four years as a child prostitute. The man, a pimp

took her to a truck stop in Harrisburg, Virginia, where she met his stable of six underage sex workers. Together, they shared a motel room and all the marijuana and crack cocaine they could smoke. Turning 15, Stricksp

night, Kaela gave her \$500 to \$1,000 nightly wages to her pimp, who in exchange paid for her food, lodging,

clothes, and drugs. She was robbed, raped, and nearly lost to the streets until she entered drug rehab in May 2007 and joined a program to help the victims of child trafficking.

Kaela's case is not unique, according to child advocates, but part of a social epidemic that authorities are only now beginning to address.

W3 ["For far too long in America, the attitude toward child trafficking has been that it's terrible, but happens somewhere else," says Ernie Allen, president of the International Centre for Missing & Exploited Children in Alexandria, Virginia. "But this problem exists right here on Main Street, USA."

According to Allen, up to 300,000 Americans under age 18 are lured into the commercial sex trade each year. And according to the Central Intelligence Agency, more than 10,000 foreign children are brought here annually as sex slaves or indentured laborers. Whether they work in strip clubs or sweatshops, these boys and girls are victims of human trafficking. A \$9.5 billion-a-year industry, human trafficking is on the rise and has been reported in all 50 states.

PREYING ON THE VULNERABLE

Like Kaela, children targeted by traffickers often come from emotionally unstable or economically disadvantaged backgrounds that make them easy targets.

"When I was 10 years old and living in my native Cameroon, my uncle told me I could get a better education if I moved to Maryland and was adopted by a lady he knew," says Evelyn Chumbo, 22. "But the lady kept me locked in the house and forced me to cook and clean for her family. She never sent me to school, and beat me nearly every day. Since my family never had a phone in Africa, I didn't know how to use one to call for help. I only escaped after two years because my cousin came to work for the lady, saw how skinny I'd become, and helped me run away."

While some traffickers exploit immigrant children, others prey on native youngsters who seem lonely and seek affirmation from adults. "Children may be recruited by traffickers at shopping malls, in bus stations, and on the Internet," says Karrie Delaney, a spokeswoman for Shared Hope International, an

advocacy group in Arlington, Virginia.

Child trafficking victims are often held in illegal debt-bondage, told they owe money for their transport or lodging and that they must work long hours to pay it off. They may be threatened with violence to their families — or with public revelation of their shameful activities. Monitored by cameras and armed guards, they often live in paralyzing fear. Moved from job to job and from state to state, they seldom have relationships outside their virtual slavery and often believe no one cares to help.

ISOLATED, PHYSICAL ABUSE

Isolated and exploited, trafficked children may endure both physical and psychological torment.

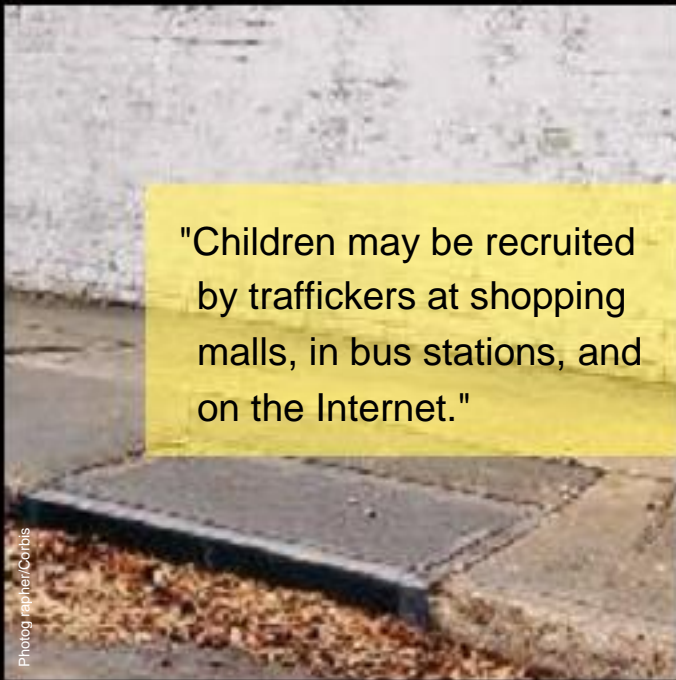
"Because I was a virgin, the men who brought me to the US to work as a prostitute initiated me by raping me again and again," says Rosa*, 14. After this violent "initiation," Rosa says, "I was taken to a different trailer every day, and every night I had to sleep in the same bed in which I had been forced to service customers."

In response to such trauma, victims often develop drug addiction, depression, post-traumatic stress disorder, and Stockholm syndrome, in which they come to sympathize with traffickers.

"After the abuse, my pimp would tell me to sit on his lap and ask me what was wrong," says Tina Frundt, a former child prostitute who now works for the Polaris Project, an anti-trafficking agency in Washington, DC. "When I said, 'You broke my arm,' he hit me and asked me again. I had to say, 'I fell down.' ... Instead of being angry at him, I grew angry at myself for not listening to him in the first place."

If they don't escape in time, as Frundt did, trafficking victims may embark on a lifetime of at-risk behavior.

"If we don't catch child sex workers early, 77 percent of them go on to engage in adult prostitution," says Celia Williamson, an associate professor of social work at the University of Toledo and organizer of Toledo's annual Sex Work and the Commercial Sex Industry Conference.



"Children may be recruited by traffickers at shopping malls, in bus stations, and on the Internet."

Photograph by Corbis

Smith, Christopher H., Chris Swecker, Susan Orr, Leisa B., Norma Hotaling, Frank Barnaba, and Ernie Allen. "Exploiting Americans on American Soil: Domestic Trafficking Exposed." Hearing Before the Commission On Security and Cooperation In Europe, One Hundred Ninth Congress. Rayburn House Office Building, Washington, D.C. 7 June 2005. Commission on Cooperation and Security in Europe - United States Helsinki Commission. p. 2-3. 28 Nov. 2008 < http://www.csce.gov/index.cfm?CFID=18849146&CFTOKEN=53&ContentRecordType=H&ContentRecord_id=348&ContentType=H&FuseAction=UserGroups.Home&Subaction=ByDate&UserGroup_id=10 >.

EXPLOITING AMERICANS ON AMERICAN SOIL: DOMESTIC TRAFFICKING EXPOSED

JUNE 7, 2005

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

WASHINGTON, DC

The hearing was held at 2 p.m. in room 2237, Rayburn House Office Building, Washington, DC, Hon. Christopher H. Smith, Co-Chairman, Commission on Security and Cooperation in Europe, presiding.

Commissioners present: Hon. Christopher H. Smith, Co-Chairman, Commission on Security and Cooperation in Europe; Hon. Benjamin L. Cardin, Ranking Member, Commission on Security and Cooperation in Europe; and Hon. Mike McIntyre, Commissioner, Commission on Security and Cooperation in Europe.

Witnesses present: Chris Swecker, Assistant Director, Criminal Investigative Division, Federal Bureau of Investigation; Susan Orr, Associate Commissioner, Administration on Children, Youth and Families, U.S. Department of Health and Human Services; Frank Barnaba, President and Founder, Paul & Lisa Program; Norma Hotaling, Executive Director and Founder, Standing Against Global Exploitation (SAGE) Project; Leisa B., survivor of domestic trafficking; and Ernie Allen, President and CEO, National Center for Missing and Exploited Children.

HON. CHRISTOPHER H. SMITH, CO-CHAIRMAN, COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Mr. SMITH. The Commission will come to order, and thank you for being—thank you to our witnesses and thank you, all of you, for being here today.

For almost a decade, the Helsinki Commission has pressed countries that participate in the Organization for Security and Cooperation in Europe—and have pressed them very hard—to take decisive action to address the trafficking of human beings for labor and sexual exploitation.

As a result of strong leadership from the U.S. Government at the Istanbul summit in 1999, the OSCE participating States committed "to end violence against women and children, as well as sexual exploitation and all forms of trafficking in human beings." All OSCE participating States, including the United States, are bound to implement that commitment.

In the last 6 years, governments around the world have awakened to this thriving international trade based on the exploitation of human beings, the denial of human liberty, and the destruction of human dignity. Much of this progress has been spurred by legis-

(1)

lation which I authored, by the intense diplomatic efforts made by the State Department and by political commitment at the highest levels, including President Bush.

Last Friday, the State Department issued its fifth annual "Trafficking in Persons" report, which is mandated by Congress in the Trafficking Victims Protection Act of 2000, or Public Law 106-386.

The U.S. Government estimates that, in addition to the 600,000 to 800,000 women, children and men bought and sold across international borders every year and exploited for forced labor or commercial sex, many are trafficked internally within the borders of individual countries. When internal trafficking victims are added to the estimates, the number of victims annually is in the range of 2 million to 4 million.

Today the Commission continues its commitment to eradicating this human rights abomination by turning the spotlight on the problem of domestic trafficking, the trafficking of American citizens and nationals right here in the United States.

As a result of the Trafficking Victims Protection Act (TVPA), foreign trafficking victims in the United States are by law required to be treated as victims rather than as criminals. The question before the Commission today is whether the same holds true in law, or in fact, for American citizen victims of trafficking.

The TVPA and its reauthorization, which was enacted in 2003, created a comprehensive framework for combating trafficking in persons abroad, as well as trafficking of foreign nationals into the United States.

In February, I introduced the Trafficking Victims Protection Reauthorization Act of 2005, joined by my good friend and colleague, Mr. Cardin—H.R. 972.

In addition to reauthorizing anti-trafficking programs here and abroad, the bill explicitly recognizes that trafficking in persons also occurs wholly within the borders of the United States.

H.R. 972 uses the definition of trafficking created by the TVPA to define trafficking of American citizens and nationals within the United States as domestic trafficking.

To address domestic trafficking, the bill would authorize new funds to the Federal Bureau of Investigation, authorize grants to State and local law enforcement for investigation and prosecutions, authorize grants for NGO victim service providers, establish a pilot program for residential rehabilitation facilities for domestic trafficking victims, and authorize a study of best practices and a pilot program for demand and reduction measures.

Similar to what has been accomplished in the international arena, these measures would begin to shift the paradigm so that our own citizens who are exploited are seen and treated as victims of crime.

^{w3f} Although anecdotal evidence is abundant, there are few statistics on the extent of domestic trafficking here in the United States.

The little research that does exist focuses on child victims. The most authoritative research, done by Richard Estes and Neil Weiner at the University of Pennsylvania, estimated that 300,000 children in the United States are at risk for commercial sexual exploitation, including trafficking, at any given time.

The largest group of substantially at-risk children are runaway, throwaway, or homeless American children who use survival sex to acquire food, shelter, clothing, and other things needed to survive on America's streets.

When we consider that according to the National Runaway Switchboard between 1.3 million and 2.8 million runaway and homeless youth live on America's streets every day, it would not be surprising to learn that the number of children trafficked in the United States is actually much higher than 300,000.]

The findings from the University of Pennsylvania report are chilling and have been, in part, the impetus for today's hearing.

This research found, for example, that: like other groups of sexually exploited persons, street children are exposed to violence, drug abuse, rape and sometimes even murder at the hands of the pimps, the customers and the traffickers that make up their world.

The sexual exploitation of children is not limited to particular racial, ethnic or socioeconomic groups, although children from poor families appear to be at somewhat higher risk of commercial sexual exploitation. In fact, most of the street children encountered in the study were Caucasian youths who had run away from middle-class families. One clear theme is the disproportionate number of street youth who have histories of recurrent physical or sexual abuse at home and took to the streets in a desperate effort to bring their abuse to an end.

Many street youths use drugs to deal with the emotional pain of being sexually victimized at home, and once on the streets, by four to 10 "customers" a day.

And last, according to these researchers, child sexual exploitation in the United States affects as many boys as girls, but boys are less well-served by social service and law enforcement systems because of the widespread belief that boys are better able than girls to fend for themselves. In time, research has shown many boys shift from being victims of sexual abuse to victimizing other boys and girls as pimps and traffickers.

The trafficking of Americans, particularly children, is largely a problem hidden from the view of most Americans. I look forward to hearing the testimony of our distinguished witnesses who are providing a distinct service to this Commission and the public by shining a light on this horrific abuse of our own citizens and our own nationals.

I'd like to yield, for any comments that he might have, to my good friend and colleague, Ben Cardin, the Ranking Member on the Helsinki Commission.

**HON. BENJAMIN L. CARDIN, RANKING MEMBER,
COMMISSION ON SECURITY AND COOPERATION IN EUROPE**

Mr. CARDIN. Let me thank Chairman Smith for conducting this hearing.

I think it's very, very important for us to review our own status as it relates to trafficking.

There has been no person in this world that has been more aggressive in fighting trafficking than our chairman, Chris Smith.

I've had the honor of traveling with him to many places in the world where he has raised this issue and raised the consciousness

Child Exploitation and Obscenity Section (CEOS) | Search | CEOS | All DOJ

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[Child Pornography](#)

Child Prostitution

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Domestic Sex Trafficking of Minors

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^{w3} [The trafficking section of this web page provides information on the international problem of cross-border transportation of children for sexual purposes. It is important to note that United States not only faces an influx of international victims of sex trafficking, but also the United States has its own homegrown problem of interstate sex trafficking of minors.]

[Trafficking and Child Sex Tourism](#)

[International Parental Kidnapping](#)

Although comprehensive research to document the number of children engaged in prostitution in the United States is lacking, it is estimated that about 293,000 American youth are currently at risk of becoming victims of commercial sexual exploitation.¹ Richard J. Estes and Neil Alan Weiner, *Commercial Sexual Exploitation of Children in the U.S., Canada and Mexico*, University of Pennsylvania, Executive Summary at 11-12 (2001) (available at <http://caster.ssw.upenn.edu/~restes/CSEC.htm>); see also Mia Spangenberg, *Prostituted Youth in New York City: An Overview* (available at http://www.ecpatusa.org/child_prosti_us.asp). The majority of American victims of commercial sexual exploitation tend to be runaway or thrown away youth who live on the streets who become victims of prostitution. *Id.* at 11-12. These children generally come from homes where they have been abused, or from families that have abandoned them, Richard J. Estes and Neil Alan Weiner, *Commercial Sexual Exploitation of Children in the U.S., Canada and Mexico*, University of Pennsylvania, at 3 (2001) [hereinafter Estes Report], and often become involved in prostitution as a way to support themselves financially or to get the things they want or need. *Id.*

[Child Support Enforcement](#)

Other young people are recruited into prostitution through forced abduction, pressure from parents, or through deceptive agreements between parents and traffickers. Francis T. Miko & Grace Park, *Trafficking in Women and Children: The U.S. and International Response*, at 7 (Updated July 10, 2003), at <http://www.usembassy.it/pdf/other/RL30545.pdf>. Once these children become involved in prostitution they are often forced to travel far from their homes and as a result are isolated from their friends and family. *Id.* Few children in this situation are able to develop new relationships with peers or adults other than the person who is victimizing them. *Id.* The lifestyle of such children revolves around violence, forced drug use and constant threats. *Id.*

Among children and teens living on the streets in the United States, involvement in commercial sex activity is a problem of epidemic proportion. Approximately 55% of street girls engage in formal prostitution. Estes Report, Executive Summary at 7. Of the girls engaged in formal prostitution, about 75% worked for a pimp. *Id.* Pimp-controlled commercial sexual exploitation of children is linked to escort and massage services, private dancing, drinking and photographic clubs, major sporting and recreational events, major cultural events, conventions, and tourist destinations. *Id.* About one-fifth of these children become entangled in nationally organized crime networks and are trafficked nationally. *Id.* at 8. They are transported around the United States by a variety of means - cars, buses, vans, trucks or planes, *Id.*, and are often provided counterfeit identification to use in the event of arrest. *Id.* The average age at which girls first become victims of prostitution is 12-14. Estes Report at 92. It is not only the girls on the streets that are affected -- for boys and transgender youth, the average age of entry into prostitution is 11-13. *Id.*

REMARKS OF

THE HONORABLE DEBORAH J. DANIELS
ASSISTANT ATTORNEY GENERAL
OFFICE OF JUSTICE PROGRAMS
AT THE
CONFERENCE ON CHILD AND FAMILY MALTREATMENT
PROTECTING OUR CHILDREN: NO JOB FOR THE LONE RANGER
ON
WEDNESDAY, JANUARY 28, 2004
SAN DIEGO, CALIFORNIA

Good morning. I'm very happy to be here today to talk about the critical issue of how best to protect our children from abuse, sexual exploitation, and other crime. As I noted in the title for this speech, protecting our children is no job for the lone ranger - in other words, no agency or individual can accomplish this critical function unilaterally. We all share this awesome responsibility, and we all must work together to prevent and respond to child abuse.

Having prosecuted these cases myself, I know how important it is to coordinate the various disciplines involved in child abuse investigations B not only to improve the investigative process, but, more importantly, to minimize trauma to the child victim. And I want to thank you all for the tremendous work you do every day on behalf of our nation's children and for your commitment to "Building A Safer World for Children."

Throughout my career as a prosecutor, I have worked toward this important goal. Back in the late 1980s, when I was chief counsel to the district attorney in Indianapolis, I headed a multi-disciplinary child protection team with members from criminal justice, medical, mental health, and child protective service agencies to improve our response in child abuse cases.

I also helped to establish a Child Advocacy Center in Indianapolis, based on the first such center in Huntsville, Alabama. As you may know, these centers work to meet the needs of abused children and their families in a warm, non-threatening environment. They're designed to help the child through the trauma of abuse, and avoid revictimization of the child occasioned by redundant interviews and inflexible, adult-oriented criminal justice and child protection systems.

As a happy by-product of this approach, we found that we also were able to develop better evidence to make a strong case against the perpetrator, helping to protect that child and perhaps other children from him in the future.

Now, as Assistant Attorney General for the Justice Department's Office of Justice Programs, I

I am pleased to have the opportunity to continue to work at the federal level to protect children and to hold perpetrators of abuse accountable for the terrible harm they inflict on their victims.

With funding from our Juvenile Justice Office, more than 400 Child Advocacy Centers now operate across the country based on the Huntsville model. At each center, law enforcement, child protective services, prosecution, mental health, and health care agencies work together, under one roof, as a multi-disciplinary team, to respond in a coordinated way to child abuse.

OJP is also assisting in the work of the Interagency Task Force to Combat and Monitor Trafficking in Persons, which the President established early in 2002 to coordinate the Administration's anti-trafficking initiatives.

The State Department estimates that, each year, between 800,000 and 900,000 human beings - most of them women and children - are bought, sold, or forced across the world's borders for sexual exploitation or forced labor. An estimated 18-to-20,000 people are trafficked into the United States each year. And our ^{w3} National Institute of Justice estimates that more than 200,000 children are trafficked within the United States each year for the purpose of commercial sexual exploitation.]

In addressing the United Nations General Assembly last September, the President called human trafficking "nothing less than a modern form of slavery, an unspeakable and unforgivable crime against the most vulnerable members of the global society."

Over the last three years, the President has signed into law three important pieces of legislation that bolster our national efforts against human trafficking.

In October, 2001, President Bush signed the Trafficking Victims Protection Act. The Act provides a range of new tools for the protection of, and assistance to, victims of human trafficking. It expands the criminal laws and enhances the penalties available to federal investigators and prosecutors pursuing traffickers. And it expands U.S. international activities to prevent victims from being trafficked in the first place.

The second new law, the PROTECT Act, makes it a crime for any person to enter the United States, or for any citizen to travel abroad, for the purpose of sex tourism involving children.

And last month, the President signed the Trafficking Victims Protection Reauthorization Act, which provides additional resources to assist the victims of human trafficking. It augments the legal tools that can be used against traffickers by empowering victims to bring federal civil suits against traffickers for actual and punitive damages. And it includes sex trafficking and forced labor as offenses under the Racketeering Influenced and Corrupt Organization statute - known as the RICO statute. This gives prosecutors powerful new tools to bring traffickers to justice. Just as important, this new law encourages our nation's 21,000 state and local law enforcement agencies to participate in the detection and investigation of human trafficking cases.

These three new laws provide important resources for our efforts to combat human trafficking. For example, the Trafficking Victims Protection Act authorized a new unit in the State Department called the Office to Monitor and Combat Trafficking in Persons to lead our international efforts to prevent trafficking.



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Prosecution

The [Center for International Crime Prevention and the United Nations Inter-regional Crime and Justice Research Institute \(UNICRI\)](#) is cooperating with the Philippine Government to extend technical assistance for capacity building and training among law enforcers, prosecutors, and service providers.

In the United States of America *The Trafficking Victims Protection Act of 2000*, enhances pre-existing criminal penalties in other related laws, affords new protections to trafficking victims and makes available certain benefits and services to victims of severe forms of trafficking. Under this law, one option that has become available to for some victims who assist in the prosecution of their traffickers is the "T-Visa" that allows the victim to remain in the United States of America.

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[Due to the highly clandestine nature of the crime of human trafficking, the great majority of human trafficking cases go unreported and culprits remain at large. There are reports that many human traffickers are associated with international criminal organizations and are, therefore, highly mobile and difficult to prosecute. Sometimes members of the local law enforcement agencies are involved in the lucrative business of illegal exportation or importation of human beings. Prosecution is further complicated by victims of trafficking being afraid to testify against traffickers out of fear for their and their family members' lives.

In order to combat the globalization of this criminal behavior, international policies and practices that encourage civil participation and cooperation with trafficking victims in the prosecution of traffickers have to be developed. Human trafficking laws must provide serious penalties against traffickers, including provisions for the confiscation of property and compensation for victims. At the same time, training is needed to ensure that an insensitive investigation and prosecution process does not further traumatize trafficking victims.]

Technical cooperation among countries and international law enforcement agencies is essential for investigating the extent and forms of trafficking and documenting activities of international criminal organizations. Special training is needed to develop the skills of local law enforcement agencies in the area of investigation and prosecution.

Source, transit, and destination countries should provide support mechanisms for trafficking victims involved in judicial activities. These would include extended witness protection services and opportunities to institute criminal and civil proceedings against traffickers. Destination countries should have a system of social support for victims and consider residency permission on humanitarian grounds for trafficking victims who cannot return home and/or cooperate with prosecutors.

It is also important that the police, prosecutors, and courts ensure that their efforts to punish traffickers are implemented within a system that is quick and respects and safeguards the rights of the victims to privacy, dignity, and safety.

"The U.S. Response to Human Trafficking: An Unbalanced Approach." Women's Refugee Commission. May 2007. p.p. 22 - 23, and 27 - 28. 06 Feb. 2009 <http://www.womenscommission.org/pdf/us_trfkg.pdf>.

establish certain exemptions from the T Visa requirement of law enforcement cooperation, including mental health and potential retaliation.

Service providers also advocate for requiring either law enforcement cooperation OR extreme hardship rather than both. ¹⁰⁷This would allow law enforcement to continue to offer incentives to cooperate while also protecting trafficked persons who have compelling reasons not to return home, such as potential retaliation. This would be consistent with a human rights approach to trafficking. Additionally, the T Visa application's "extreme hardship involving unusual and severe harm" is a stricter standard under U.S. immigration law than "extreme hardship." It is unclear why trafficked persons would need a more stringent test. Service providers advocate changing the standard to "extreme hardship."

Another important recommendation service providers made was for the U.S. Government to issue regulations on the adjustment of status for T Visa holders as well as on the U Visa. As noted earlier, after three years a T Visa holder may apply for permanent residency. Without regulations, T Visa holders are unable to adjust their status. This has a great effect on their rights and benefits under the law, including the immigration of their family members and the ability to travel outside the country. Regarding the U Visa, a form of immigration relief for noncitizen crime victims, the delay in regulations impacts the relief trafficked persons have available to them. Service providers hope that the lessons learned from the T Visa will have an impact on how the U Visa application and process is structured.

Law Enforcement Approach

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The United States law enforcement approach of cooperation and then services is at odds with the needs of trafficked persons. Consequently, the approach is not working as evidenced by service providers' accounts of their clients' refusal to report to law enforcement upon learning what cooperation entails. ¹⁰⁸This approach replicates the trafficking experience because offering incentives to cooperate is a form of coercion. It establishes a power relationship where law enforcement, just as the trafficker did, is deciding whether ¹⁰⁹the trafficked person will have access to even the most basic of needs like shelter and food. Just as the trafficker believes a person is only valued for her labor, the law enforcement approach treats a trafficked person as only valued for her information - without the information there is no reason to help.

The law enforcement approach is also in conflict with the mental capacity of many trafficked persons immediately after they are released from trafficking. Abraham Maslow's Hierarchy of Needs is a method of treatment with self-actualization at the top and basic survival needs like

Sadruddin, Natalia Walter and Jose Hidalgo, *Immigration in the Twenty-First Century: Human Trafficking in the United States: Expanding Victim Protection Beyond Prosecution Witnesses*, 16 STAN. L. & POL'Y REV. 405-406 (2005).

¹⁰⁷ ANONYMOUS (June 13, 2005).

¹⁰⁸ ANONYMOUS (Oct. 18, 2006).

¹⁰⁹ Interview with Judy Okawa, The Center for Traumatic Stress Studies (Oct. 17, 2006) (describing law enforcement's control over benefits and services as a repeating of the control the trafficker held over the person which continues their exploitation).

¹¹⁰ Interview with Judy Okawa, The Center for Traumatic Stress Studies (Oct. 17, 2006).

shelter, food and safety at the bottom.¹¹¹ The theory is that without meeting the lowest, most basic needs, the person will not be able to achieve higher cognitive levels. The nature of law enforcement work requires immediate and detailed accounts of the trafficking; however, trafficked persons need basic services and crisis counseling before speaking with law enforcement. The early interviews in particular result in retraumatization, the exacerbation of the trauma symptoms such as anxiety and the sense of danger, memory problems and a disjointed account that creates credibility concerns.¹¹² It is not surprising that law enforcement may not attain the information they seek. As a result, law enforcement cannot determine that the individual is trafficked and the person is then deported. **A trafficked person is much more likely to be an effective witness that results in a prosecution if they do not feel coerced and if they have had the opportunity to get the basic social services they need**.¹¹³

Service providers report that deportation of trafficked persons is still common, despite the TVPA's purported purpose to end this practice. In an Albany, New York case, service providers were provided advance notice from law enforcement of a pending raid where they anticipated recovering 95 trafficked persons who would need housing and services prepared. Newspapers reported the raid as a trafficking case, yet the 95 persons were not referred for services and are thought to have been deported.¹¹⁴ A raid of 11 massage parlors in the San Francisco, California, Bay Area recovered approximately 100 women. After interviewing all of the women over a 48-hour period, less than one-third were certified as trafficking victims; the remaining women were put into removal proceedings.¹¹⁵ In yet another case, one of 75 persons in an El Paso case revealed the details of her trafficking; everyone who remained silent was deported.¹¹⁶ This practice of rapid removal if identification cannot be made within a short time makes it highly unlikely that proper determinations are being made.¹¹⁷

The United States must adopt a balanced approach that yields more humane treatment of trafficked persons as well as an increased number of investigations and prosecutions. Service providers agree that benefits and services should be made available to all trafficked persons, regardless whether or not they choose to help law enforcement. If trafficked persons receive services first, then they will be less traumatized and more likely to recover.¹¹⁸ The better the recovery, the more likely and able a trafficked person may be to participate in an

¹¹¹ Maslow, A., & Lowery, R. (1998). *Toward a psychology of being* (3rd ed.). New York: Wiley & Sons.

¹¹² Interview with Judy Okawa, The Center for Traumatic Stress Studies (Oct. 17, 2006). Hussein Sadruddin, Natalia Walter and Jose Hidalgo, *Immigration in the Twenty-First Century: Human Trafficking in the United States: Expanding Victim Protection Beyond Prosecution Witnesses*, 16 STAN. L. & POL'Y REV. 405-406 (2005).

¹¹³ Remarks Prepared by Julianne Duncan, U.S. Conference of Catholic Bishops, for the Senior Policy Operating Group on Trafficking in Persons, Washington, D.C. (Feb. 9, 2005).

¹¹⁴ Ibid.

¹¹⁵ ANONYMOUS (Oct. 18, 2006).

¹¹⁶ Interview with Melynda Barnhart, International Rescue Committee (Oct. 27, 2006).

¹¹⁷ Remarks Prepared by Julianne Duncan, U.S. Conference of Catholic Bishops, for the Senior Policy Operating Group on Trafficking in Persons, Washington, D.C. (Feb. 9, 2005). Interview with Florrie Burke, Safe Horizon (Nov. 8, 2006) (describing this practice as occurring most often in large cases where the population must be divided into trafficked versus non-trafficked in a short amount of time).

¹¹⁸ Hussein Sadruddin, Natalia Walter and Jose Hidalgo, *Immigration in the Twenty-First Century: Human Trafficking in the United States: Expanding Victim Protection Beyond Prosecution Witnesses*, 16 STAN. L. & POL'Y REV. 379, 399 (2005) ("The greater the degree of social support, the lower the risk of long-term mental health consequences.")

and more federal dollars are invested in law enforcement task forces around the country. Therefore, in a country where there was already a distinct imbalance between protections and prosecutions, the scale is perhaps being tipped entirely in favor of law enforcement.

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CHILDREN¹⁴¹

^{w4f} Trafficked children are the least protected class of trafficked persons in the United States. They face immense difficulties in accessing benefits and are often deported.

All service providers pointed to the disturbing fact that while children are not required to cooperate with law enforcement by law, ¹⁴² they are in fact forced to cooperate because of a policy established through a Memorandum of Understanding (MOU) between HHS, DHS and DOJ. ¹⁴³ The MOU reads, "After a recommendation from DOJ or DHS, ORR will issue an eligibility letter to a person who has not attained 18 years of age, stating that the person has been subjected to a severe form of trafficking in persons." This policy forces law enforcement involvement because in order to make any recommendation, DOJ or DHS believes it must, at a minimum, interview the child. Even one interview with DOJ or DHS (both law enforcement bodies) constitutes law enforcement cooperation. In this interview, children are forced to talk about what happened to them, which in the majority of cases, they simply cannot do. ¹⁴⁴ These children, who cannot initially self-identify to law enforcement, are then ineligible for benefits through ORR.

To complicate matters further, no one, not even licensed child welfare agencies, can legally provide services to trafficked children without the ORR eligibility letter or a state court order establishing guardianship. Service providers do not seek guardianship because law enforcement assures them that they will make the request to ORR imminently. This assurance often lasts days or sometimes weeks before a child actually receives an ORR eligibility letter, so in the interim, there is no legal guardian, no protection, no services and no representation. The states' Children's Protective Services have largely declined to fill this role to help trafficked children, seeing their mandate as limited to intervening when parents are abusing or harming children.

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¹⁴⁰ Funding totals \$21 million for 42 task forces. U.S. Department of Justice, *Attorney General's Annual Report to Congress on U.S. Government Efforts to Combat Trafficking in Persons Fiscal Year 2005* 23 (June 2006) (reporting that 32 task forces have been formed with \$13 million). U.S. Department of Justice, Press Release, *Attorney General Alberto R. Gonzales Announces Enhanced Programs to Combat Human Trafficking* (Oct. 3, 2006) (announcing 10 more task forces funded with \$8 million).

¹⁴¹ For a detailed discussion of and recommendations on misidentification, deportation and service delivery problems, see Micah Bump et. al., *Second Conference on Identifying and Serving Child Victims of Trafficking*, 43 *International Migration* 343 (Sept. 2005).

¹⁴² Trafficking Victims Protection Act, Pub. L. 106-386, 114 Stat. 1464, 1475 § 107(b)(1)(C) (2000).

¹⁴³ Interagency Memorandum of Understanding Between the Department of Health and Human Services, the Department of Homeland Security and the Department of Justice (July 9, 2004) (see Appendix).

¹⁴⁴ Interview with Julianne Duncan, U.S. Conference of Catholic Bishops' Migration and Refugee Service (Oct. 20, 2006). Interview with Judy Okawa, The Center for Traumatic Stress Studies (Oct. 17, 2006).

¹⁴⁵ Interview with Julianne Duncan, U.S. Conference of Catholic Bishops' Migration and Refugee Services (Oct. 20, 2006). Interview with Christa Stewart, The Door (Nov. 8, 2006) (recommending systemic change in the child welfare system to identify and assist trafficked children). Interview with Vanessa Garza, Office of Refugee Resettlement, U.S. Department of Health and Human Services (Nov. 16, 2006). It is concerning that Ms. Garza, the

The consequences of this process are devastating for children who are indeed trafficked yet simply cannot tell anyone at that point what happened to them. The all-too-common response, unfortunately, is for DHS to put these children into removal proceedings and the juvenile detention system, known as "DUCS," Division of Unaccompanied Children's Services.¹⁴⁶ DUCS is a nationwide system of 35 shelters with more than 1,300 beds, which served approximately 8,000 children in 2005.¹⁴⁷ While case managers have been trained throughout the shelters and trafficking-related questions have been added to the initial intake,¹⁴⁸ it is unclear whether they are trained to help the child recount the experience and whether that is even advisable. Given the program length, trafficked children have just 45 days during which to speak out and become eligible for the benefits and protections. ORR acknowledges that this is not enough time to establish trust with a caregiver and be ready to recount the experience.¹⁴⁹ Therefore, trafficked children are not only left without services and put into the removal system, but they are also returned to their country of origin without regard to whether or not they may be re trafficked.¹⁵⁰

Advocacy efforts to amend this troubling process for trafficked children have been unsuccessful to date. However, recent changes in ORR staff that indicate that the situation may be improving in many respects, particularly regarding the Memorandum of Understanding. In other areas the situation remains problematic. It has been ORR's policy to place trafficked children into the Unaccompanied Refugee Minors (URM) Program, which is a culturally appropriate foster care program where they receive all necessary services and benefits.¹⁵¹ However, the recent change of staff at ORR may indicate a new policy direction. ORR's new anti-trafficking director has indicated that an alternative to an eligibility letter and placement into the URM Program, is for trafficked children to avail themselves of alternatives to the URM Program that do not require an eligibility letter such as state Children's Protective Services or shelter within DUCS. This¹⁵² proposal does not address the obstacles related to Children's Protective Services concerns involving the use of DUCS shelters for trafficked children.

The results of this system indicate that the United States is failing to offer protection to trafficked children and should amend it. The Women's Commission offers the following recommendations:

Director of ORR's Anti-Trafficking Program, does not understand the problems with the state systems as she believes that trafficked children should access Children's Protective Services.

¹⁴⁶ Interview with Julianne Duncan, U.S. Conference of Catholic Bishops' Migration and Refugee Services (Oct. 20, 2006). Interview with Ken Tota, Office of Refugee Resettlement, U.S. Department of Health and Human Services (Oct. 25, 2006) (noting that although practitioners commonly refer to the system as "DUCS" the official program title is the Unaccompanied Alien Children Program within the Division of Unaccompanied Children's Services.)

¹⁴⁷ Interview with Ken Tota, Office of Refugee Resettlement, U.S. Department of Health and Human Services (Oct. 25, 2006).

¹⁴⁸ Ibid.

¹⁴⁹ Ibid.

¹⁵⁰ Interview with Julianne Duncan, U.S. Conference of Catholic Bishops' Migration and Refugee Services (Oct. 20, 2006).

¹⁵¹ U.S. Department of Justice, *Assessment of U.S. Government Efforts to Combat Trafficking in Persons in Fiscal Year 2005* 4 (Sept. 2006).

¹⁵² Interview with Vanessa Garza, Office of Refugee Resettlement, U.S. Department of Health and Human Services (Nov. 16, 2006).

I. EXECUTIVE SUMMARY

Forced labor is a serious and pervasive problem in the United States. At any given time ten thousand or more people work as forced laborers in scores of cities and towns across the country. And it is likely that the actual number is much higher, possibly reaching into the tens of thousands. Because forced labor is *hidden, inhumane, widespread, and criminal*, sustained and coordinated efforts by U.S. law enforcement, social service providers, and the general public are needed to expose and eradicate this illicit trade.

This report documents the nature and scope of forced labor in the United States from January 1998 to December 2003. It is the first study to examine the numbers, demographic characteristics, and origins of victims and perpetrators of forced labor in the United States and the adequacy of the U.S. response to this growing problem since the enactment of the Victims of Trafficking and Violence Protection Act (Trafficking Act) of 2000. The report is based on data obtained from a telephone survey of 49 service providers that have worked with or are expert in forced labor cases, a press survey of 131 incidents of forced labor, and eight cases studies of forced labor in different regions of the United States. The study was conducted by a team of researchers from Free the Slaves and the Human Rights Center of the University of California, Berkeley.

Victims of forced labor come from numerous ethnic and racial groups. Most are "trafficked" from thirty-five or more countries and, through force, fraud, or coercion, find themselves laboring against their will in the United States. Chinese comprised the largest number of victims, followed by Mexican and Vietnamese. Some victims are born and raised in the United States and find themselves pressed into servitude by fraudulent or deceptive means. Over the past five years, forced labor operations have been reported in at least ninety U.S. cities. These operations tend to thrive in states with large populations and sizable immigrant communities, such as California, Florida, New York, and Texas—all of which are transit routes for international travelers.

Forced labor is prevalent in five sectors of the U.S. economy: prostitution and sex services (46%), domestic service (27%), agriculture (10%), sweatshop/factory (5%), and restaurant and hotel work (4%) (see p.14 for complete data). Forced labor persists in these sectors because of low wages, lack of regulation and monitoring of working conditions, and a high demand for cheap labor. These conditions enable unscrupulous employers and criminal networks to gain virtually complete control over workers' lives.

What Is Forced Labor?

The International Labor Organization (ILO) Convention Concerning Forced Labor (No. 29) defines forced labor, with exceptions, as:

...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.

The ILO Convention on the Elimination of the Worst Forms of Child Labour (No. 182) adds that these types of child labor comprise:

(a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labor, including forced or compulsory recruitment of children for use in armed conflict;

(b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;

(c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;

(d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

The United States government has been a leader in recognizing and combating forced labor worldwide. The 2000 Trafficking Act embodies an aggressive, proactive approach to the problem of human trafficking and forced labor which

- *criminalizes* procuring and subjecting another human being to peonage, involuntary sex trafficking, slavery, involuntary servitude, or forced labor;
- provides social services and legal *benefits* to survivors of these crimes, including authorization to remain in the country;
- provides funding to support *protection programs* for survivors in the United States as well as abroad; and
- includes provisions to *monitor and eliminate* trafficking in countries outside the United States.

Despite these considerable advancements, the Trafficking Act has some notable shortcomings. The Act conditions immigration relief and social services on prosecutorial cooperation and thus creates the perception that survivors are primarily instruments of law enforcement rather than individuals who are, in and of themselves, deserving of protection and restoration of their human rights.

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Furthermore, [more proactive measures need to be taken to train law enforcement officers, particularly at the local level, to identify victims and forced labor operations; improve cooperation and information sharing on forced labor between federal and state agencies; revise procedures for the handling of survivors; and provide survivors with protection, benefits, and compensation.

By and large, victims of forced labor are reluctant to report abuse to law enforcement personnel because they fear retribution from their traffickers. Many victims have an inherent fear of police based on their past experience with corrupt authorities in their home countries and communities. To overcome these obstacles there is an urgent need to train law enforcement personnel at all levels to recognize and assist trafficking victims.

Trafficking is defined almost exclusively as a federal crime to be handled by federal authorities. This limited mandate has hindered coordination between federal and state law enforcement agencies that, in turn, has allowed perpetrators of forced labor to go undetected. Moreover, federal law enforcement personnel are often unable to protect survivors and their families from traffickers because authorities lack the necessary legal tools, assistance, and funds to provide them with secure and safe refuge. Taken together, these obstacles can impede a survivor's willingness to cooperate in criminal investigations. ¹

Forced labor survivors are at significant risk of developing health related problems. Most survivors come from impoverished areas of the world where access to adequate health care is limited or nonexistent. Because forced labor victims often circumvent formal medical screenings for migrants, many arrive in the United States without proper immunizations and bearing communicable diseases. Once trafficked migrants reach their destination in the United States, they continue to face a variety of health risks as they begin working in dangerous and unregulated work environments. Those who work in the sex trade are especially at risk of contracting AIDS or other sexually transmitted diseases. Perpetrators of forced labor frequently use violence or the withholding of food as a means of "breaking," controlling, and punishing their workers.

Victims of forced labor often suffer psychological assaults designed to keep them submissive. Cut off from contact with the outside world, they can lose their sense of personal efficacy and control, attributes that mental health professionals have long considered essential to good mental and physical health. In such situations many forced labor victims become increasingly dependent on their captors, if merely to survive. While little is known about the specific psychological sequelae of forced labor, survivors often report feelings of depression, reoccurring nightmares, and panic attacks.

While the Trafficking Act has greatly amplified the federal government's role in investigating and prosecuting forced labor cases in the United States, the job of providing basic social and legal services to survivors has fallen squarely on the shoulders of nongovernmental organizations (NGOs) and social service agencies. Yet fewer than half of these agencies are able to meet these needs. Social service agencies report that finding appropriate housing for survivors has been one of their greatest challenges. Housing that is safe and secure can protect survivors from their former captors. Yet, housing of any kind can be costly for social service agencies. Much would be gained if these agencies were provided with greater financial support so that they can provide survivors of forced labor with safe and adequate housing and other basic legal and social services.

w4, w5 [We recommend that the U.S. government undertake the following measures to combat forced labor in the United States:

1. Start a broad-based awareness-raising campaign about human trafficking and forced labor in the United States with special attention to reaching immigrant communities. Private citizens should be informed about the characteristics of forced labor operations and how to identify potential victims. Further, increased public awareness about the demand for goods and services provided with forced labor can foster public pressure on employers and manufacturers to eradicate conditions that generate market vulnerabilities to the use of forced labor.

2. Improve the institutional capacity of law enforcement personnel at the local, state, and federal level to respond to forced labor and trafficking. The U.S. government should increase training and coordination of officials involved in the identification, investigation, and prosecution of perpetrators. In addition, more resources should be devoted to enable service agencies to aid existing clients and to conduct outreach that might result in identifying more victims.

3. Ensure better legal protections and monitoring of workers in sectors such as agriculture, domestic labor, garment industry, and food service that are particularly vulnerable to forced labor and trafficking. The U.S. government should promote accountability in those sectors, especially agriculture and garment manufacturing, that use subcontracting systems which violate labor laws and practices.

4. Correct aspects of migration policy that provide incentives for unscrupulous employers to use forced labor. The U.S. government should eliminate the visa requirement that mandates a worker to remain with one particular employer. This would help reduce the vulnerability of low-wage workers to exploitation.

5. Strengthen protection and rehabilitation programs for survivors. To address short-term needs of survivors, the U.S. government should create incentives for survivors to come forward and cooperate with law enforcement personnel. This includes developing mechanisms to protect victims and family mem-

bers vulnerable to retaliation and threats by traffickers in home countries. U.S. authorities should also review eligibility requirements for immigration relief as well as their administration to ensure these are consistent with the goal of supporting and protecting survivors. Increased public and private support to social service agencies is required in order to provide adequate, safe housing to survivors upon liberation from captivity. Once survivors feel safe and secure they are more likely to aid law enforcement personnel in the prosecution of suspected traffickers. ¹

Treatment of Survivors

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[Much of the criticism of the United States' approach to forced labor stems from the link between prosecution of perpetrators and serving victims. According to one top-level federal prosecutor, attitudes among prosecutors toward forced labor victims vary from "humanitarian"—where the focus is to alleviate the suffering of the victim—to "instrumental"—where victims are seen as necessary to win criminal cases. Under the Trafficking Act prosecutors are pivotal to meeting the needs of victims for social services and fulfilling the criminal enforcement aims of the statute. Yet these aims can at times clash, leaving victims unacknowledged or underserved, perpetrators unindicted, and service providers and law enforcement agents feeling frustrated.]

An illustration of this problem is apparent in the case of the Florida citrus workers. In May 2000 a Florida based NGO, the Coalition of Immokalee Workers (CIW), began investigating the plight of migrant workers employed by R&A Harvesting. CIW got involved after R&A Harvesting employees accused the driver of a van transporting migrant workers of "stealing" workers and severely beat the driver. Shortly thereafter CIW urged the Department of Justice to investigate what seemed to be a clear case of forced labor in Florida's citrus groves. Federal investigators, however, initially declined to pursue the case because, without adequate resources to investigate, they felt they could not prove involuntary servitude without victims who would be willing to testify. In response, CIW sent one of its own members to the camp, undercover, to document abuses. Even with this evidence, prosecutors wanted other witnesses, all of whom were trapped in the camp and terrified to leave for fear of what their boss might do to them. A year after the assault on the van driver, in April 2001, several CIW members went to the labor camp and handed out cards with the group's telephone number. The next day four workers called the organization asking for help to escape. Within hours, two cars driven by members of the group met the workers just outside the camp. The workers quickly jumped in and ducked down under the seats, too afraid to sit up until they were twenty miles away from their captors. The escaped captives agreed to be witnesses. With their help, prosecutors convicted Ramos, his two brothers, and a cousin of a host of charges, including conspiracy to hold workers in indentured servitude, extortion, and firearms charges.⁹⁰ Despite a successful resolution, almost a year had elapsed between the time when CIW first brought the case to the attention of prosecutors and the time when prosecutors had the evidence they wanted to charge the Ramos family. Meanwhile, the workers had continued to toil under slavlike conditions.

What makes for a good prosecution does not always serve the immediate safety needs of victims. On average, the investigation and prosecution of trafficking and forced labor cases takes between eight months and three years to complete, during which time victims may remain in situations of forced labor or in fear of their captors and associates.

When victims are liberated from situations of forced labor, their treatment by law enforcement varies greatly. For example, in the forced prostitution ring case—a case that was discovered before passage of the Trafficking Act—the victims found themselves imprisoned in a detention center while their perpetrators ran free. Federal agents began raiding the Cadena brothels in November 1997, arresting both victims and perpetrators. Agents then held the victims in a detention center, while many of the criminal ringleaders evaded arrest. An FBI agent involved in the case explained: "We couldn't let the witnesses loose because they want to go home—we'd lose them all. It just happened that way."⁹¹ To ensure that the victims were not deported, the investigating border patrol agent had to call immigration authorities every

D. Protection for victims

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In a number of countries, increased awareness of the seriousness of the human rights violations of trafficking victims has led to the creation of victim protection and assistance schemes. This is in line with the requirements of the Trafficking Protocol, which calls for a broad range of measures of protection and support for victims of trafficking. The majority of countries, however, have yet to establish effective victim protection mechanisms. Assistance and protection as the right of the victim in countries of origin, transit or destination should be unconditional, confidential and undertaken in ways that do not lead to social stigmatization and discrimination, or put the victim at risk of retribution from traffickers.]



At the recent South Asian UN.GIFT event held in India in October 2007, the working group on protecting victims of human trafficking outlined the following recommendations to enhance victim protection:

- (a) Ensure that human rights of the victims of trafficking are protected during rescue and subsequently during the rehabilitation and repatriation process. To this end, we call upon States and other organizations that run protective homes to adopt minimum standards of care, as well as appropriate rescue and repatriation protocols. These protocols must subsequently lead to appropriate legislation;
- (b) Call upon States and voluntary organizations to keep the best interests of the victim in mind at all times during their rehabilitation and devise sustainable livelihoods schemes best suited to their reintegration with society. In this regard, we also note the need to build partnerships and alliances with industries;
- (c) That rehabilitation as far as possible must be balanced between community-based and institution-based means and even within institutions the prime objective must always be the most suitable means of reintegrating survivors back into communities;
- (d) Call upon States to adopt suitable witness protection laws so that victim witnesses are able to complain and depose without fear at the time of trial.

E. International cooperation

A large number of United Nations entities, other international and non-governmental organizations, business, civil and academic groups, as well as committed individuals, address different aspects of human trafficking. People and groups acting alone and operating within national or local borders can have only a limited impact on trafficking in persons. Combining the efforts and resources of all stakeholders should be channelled into a coherent strategy where by each of these parts can be combined into a strong and focused whole.

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WHITE PAPER: The History, Controversies, and Future of U.S. Anti-trafficking Laws

Many would argue that slavery ended in the United States in 1865 with the victory of the Union Army in the U.S. Civil War, and the ratification of the 13th amendment in December of that year. Unfortunately, exploiting other human beings for profit is alive and well throughout the world, including the United States. Since the turn of the century, the international community has struggled to define what human trafficking is and to end it. The United States already has anti-slavery laws as well as laws addressing kidnapping and rape. But specific legislation is needed to address trafficking, which has proven difficult to write and enforce. However difficult, many believe strong laws and enforcement are the best tools in fighting this horrible crime.

w6 [Legislation is the cornerstone of anti-human trafficking efforts because it defines the problem and gives direction on how to solve it. To understand the current anti-trafficking legislation in the United States, it is necessary to understand the development of past laws, most importantly the United Nations Protocol and the United States' Trafficking Victims Protection Act. Analyzing their impact and recognizing their shortcomings is essential in improving anti-trafficking efforts. This leads to examining individual state laws, which show how the anti-trafficking movement is developing in the United States and provides another opportunity to expand the work in prevention of trafficking, protection of victims, and prosecution of traffickers. This knowledge— combined with critical thinking to analyze past, current, and future anti-trafficking efforts and a willingness to stop this crime—can result in the end of modern-day slavery.]

Human Trafficking and its Effect on Women and Girls

Human trafficking is also referred to as "modern-day slavery." Trafficking means that someone has been tricked and forced into performing some kind of labor for someone else's gain. The International Labor Organization (ILO) estimates that approximately 12.3 million people are enslaved in forced or bonded labor, child labor, sexual servitude, and involuntary servitude at any given time.

Of the millions of people that are trafficked each year, the majority are women and children who end up working in the commercial sex industry. Women and children (especially girl children) all over the world are especially vulnerable to sex trafficking, defined as the exploitation of women and children, within national or across international borders, for the purposes of forced sex work. Sex trafficking is a widespread problem, implicating nearly every country in the world:

- About two million women and children are held in sexual servitude around the world, but many experts believe the actual number of trafficked peoples is upwards of 10 times as many.²

¹ US State Department. *Trafficking in Persons Report*. 2007. Page 8.
<http://www.state.gov/g/tip/rls/tiprpt/2007/>.

² Captive Daughters. *The Cause of Sex Trafficking is the Demand for It*. 2006.
<http://www.captivedaughters.org/demand.htm>.

A summary of each country's efforts in the areas of prosecution, protection, and prevention are presented in the TIP Report. The U.S. government does not rank itself but does provide an analysis of its efforts against trafficking in the United States. The 2008 TIP Report ranked 153 countries and cited 17 others as special cases because not enough information was available, for a total of 170 countries ranked—the largest number to date.⁴¹

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Criticisms of U.S. Anti-trafficking Efforts

Despite setting the bar for comprehensive and aggressive domestic anti-trafficking legislation, creating an international regulatory system with the TIP Report, crafting new societal norms condemning human trafficking and raising public awareness, the TVPA has been criticized.

Political Bias of the TIP Report: Many critics are specifically dissatisfied with the TIP Report.

Although the U.S. president has power to put political and economic pressure on countries that are failing to step up their anti-trafficking efforts, some feel that foreign policy goals have taken precedence over raising awareness about human trafficking. For example, many protest that Kuwait and Saudi Arabia should have received economic sanctions from the United States because of their lack of action to end human trafficking, but have not because they are key oil producers. Other countries appear immune because of their partnership with the US in the war on terror, or because they are great powers with large economic influence.⁴²

Some question if sanctions are effective at all and argue that provoking powerful countries like China would only backfire.⁴³ Judging by the reaction of Malaysian authorities to its Tier 3 rankings in the 2006 TIP Report, who charged "the U.S.⁴⁴ state department of behaving as the uninvited 'judge, jury and prosecutor' without just cause," the TIP Report may incite less cooperative behavior instead of encouraging reform.

However, the opportunity for shaming on the international stage has proved successful in some countries, resulting in improved tier rankings. For example, after being ranked in 2007 as a Tier 2 Watch List country, Cambodia's government initiated a national anti-trafficking task force, increased law enforcement action against traffickers and corrupt officials, wrote a thorough anti-trafficking law, and began prevention measures.⁴⁵ This response to political pressure from the United States resulted in Cambodia's improved Tier 2 ranking in the 2008 TIP Report.

Like Cambodia, one study finds that most countries failing to comply with minimum standards listed on Tiers 2 or 3 have since "made serious attempts to implement effective anti-trafficking measures, enact anti-trafficking laws imitating the TVPA, and enforce their existing or newly amended laws prohibiting trafficking."⁴⁶

Credibility of the TIP Report: As the use and effects of the TIP Report are questioned, its data collection methods are also debated. With the possibility of having their image tarnished on the

⁴¹ U.S. Department of State. *Briefing on the Release of the Eighth Annual Trafficking in Persons Report*. June 4, 2008. <http://www.state.gov/g/tip/rls/rm/2008/105572.htm>.

⁴² Kaptstein, Ethan B. *The New Global Slave Trade*. *Foreign Affairs* 85:6 (Nov/Dec 2006) p.103-115.

⁴³ Feingold, David A. *Human Trafficking*. *Foreign Policy* 150 (Sept/Oct 2005) p. 30.

⁴⁴ Kuppusamy, Baradan. *Human Rights: US Report Lists Malaysia as 'Worst Offender'*. Global Information Network. New York: June 15, 2007.

⁴⁵ *Cambodia Placed on Tier 2 in 2008 Trafficking in Persons Report*. US Fed News Service. Washington, D.C.: June 5, 2008.

⁴⁶ Tiefenbrun, Susan W. *Updating the Domestic and International Impact of the U.S. Victims of Trafficking Protection Act of 2000: Does Law Deter Crime?* *Case Western Reserve Journal of International Law* 38:249 (2006/2007) pp. 270.

international stage and funds withheld as a result of a poor TIP Report ranking, country officials responsible for collecting data work under stress and scramble to meet deadlines. Non-governmental organizations have their own humanitarian agendas to push, and so both parties may have reason to distort the facts.⁴⁷ Similarly, some local governments are writing and passing anti-trafficking laws modeled closely after the guidelines of the TVPA while ignoring their unique needs, which is problematic as the methods and types of human trafficking often varies by location.

Others feel it is unfair that the United States government does not rank itself on the tier system, and questions the authority and methodologies employed to publish the report. In response, Ambassador Mark Lagon of the TIP Office has pointed out that in the past two years the U.S. government has reported on its own prevention, prosecution, and protection efforts, albeit without a tier ranking.⁴⁹ Lagon also explained the inevitable difficulties that come with relying on foreign governments to collect crucial statistics and information in putting together a factual report. He explained that much attention and progress in implementing victim assistance programs and anti-trafficking laws have been a direct result of the TIP Report.⁵⁰

Size of the Problem: Some critics question the amount of financial support provided to the TIP office given the low number of victims identified and granted T-visas in comparison to the large amount of money dedicated to finding victims and the high estimate of victims said to exist within the U.S. Between 2000 and 2005, only 788 victims had received T-visas—even though 5,000 T-visas are allocated every year and the U.S. government approximates the number of people trafficked in every year to be between 14,500 and 17,500.⁵¹ In 1999 the State Department estimated 50,000 people were trafficked into the United States every year, which was later downgraded to the 14,500-17,500 estimate. Yet in 2006, former Attorney General Alberto R. Gonzales admitted to Congress that even the lower numbers were possibly exaggerated.

One reason for this discrepancy may be the difficulties in locating and certifying victims because of their distrust of law enforcement, shame, and fear of retribution by their traffickers.⁵³ Accurate statistics have been difficult to confirm, but government and nonprofit leaders alike agree the problem is large and deserving of attention and assistance. Another issue that may be subverting real numbers is the difficulty in meeting the requirements of the T-Visa such as testifying against traffickers in court. Many trafficking victims are too afraid to participate in the case against their traffickers. Finally, measuring the number of T-visas only addresses international trafficking. When domestic trafficking is included, the problem is much greater.

Emphasis on Prosecution: Just as the T-visa is crucial in securing safety and humanitarian services for victims, prosecuting traffickers is a fundamental element in anti-trafficking efforts. But some say the emphasis on prosecution is disproportionate. Some argue that the "mere accumulation of prosecutions does not necessarily indicate the quality of the prosecutions or the significance of those

⁴⁷ Guinn, David E. *Defining the Problem of Trafficking: The Interplay of US Law, Donor, and NGO Engagement and the Local Context in Latin America*. Human Rights Quarterly 30:1. February 2008. Page 138.

⁴⁸ Ibid.

⁴⁹ U.S. Department of State. *Interview with Ambassador Mark Lagon*. June 4, 2008.

<http://fpc.state.gov/fpc/105548.htm>.

⁵⁰ Ibid.

⁵¹ Ibid.

⁵² Markon, Jerry. *Human Trafficking Evokes Outrage, Little Evidence*. The Washington Post. September 23, 2007. A01.

⁵³ Davis, Michael Cory. "Human Trafficking." *Hispanic* 20:8 (2007) pp. 46-48.

being prosecuted, e.g. whether they are minor figures or major traffickers." The many⁵⁴ resources dedicated to prosecution is said to be misplaced because of the low number of prosecutions in the United States.⁵⁵

Another common TVPA criticism is that although the United States' professes a victim-centered approach, the TVPA's implementation has focused more on prosecution and security "by conditioning access to critical human services and immigration relief upon cooperation with the criminal investigation or prosecution of the trafficker."⁵⁶ Because some local law enforcement officials are not well trained to recognize cases of human trafficking, victims otherwise eligible for a T-visa may be deported and become trapped in the human trafficking cycle once again.

Sex Trafficking Bias: For some, the victim-centered approach has gone awry and resulted in unequal treatment of different kinds of human trafficking victims. Journalist Debbie Nathan makes the claim that the TVPA might be disadvantaging some victims of human trafficking. She argues that the TVPA overemphasizes victims of sex trafficking and underemphasizes victims of forced labor.⁵⁷ Nathan believes the latter victims are less likely to have their traffickers prosecuted by the federal government and routinely receive less media attention than victims of sex trafficking.

Implementation of TVPA: Some are dissatisfied with the micromanaged approach of the TVPA and call for less analysis on its effects and more effort into actually enacting what has already been put into place. Georgetown Law Professor Dina Haynes has written on a number of criticisms of the TVPA in her paper "Used, Abused, Arrested and Deported: The Case for Extending Immigration Benefits to Protect Victims of Trafficking and Secure Prosecution of Traffickers." Although she calls the TVPA "quite comprehensive," she also states that its "legislation focuses too much on funding annual reports criticizing countries for failures to enact or adopt legislation, and too little on ensuring that anti-trafficking legislation and initiatives are actually *implemented*."⁵⁹

Opposition to Prostitution: The implementation of the TVPA may be seen as not only inefficient but also restrictive. Unlike the Palermo Protocol, the TVPA requires all nongovernmental organizations applying for financial support from the U.S. government to sign a disclaimer stating they oppose prostitution. This is based in the State Department findings that "both illegal sexual exploitation and state-regulated prostitution contribute greatly to the trafficking in women and children." Some argue this regulation prevents victims from receiving services they desperately need from organizations that do not agree with that belief, or that such a statement might alienate women they work to help.

Hope for the Future

The TVPA has many shortcomings, but governmental officials and nongovernmental activists alike readily agree that after the U.N. Protocol was passed, the U.S. has since developed and implemented one of the best examples of anti-trafficking legislation around the world. Through the TVPA's

⁵⁴ Ibid.

⁵⁵ Feingold, David A. *Human Trafficking*. Foreign Policy 150 (Sept/Oct 2005) p. 30.

⁵⁶ Shigekane, Rachel. *Rehabilitation and Community Integration of Trafficking Survivors in the United States*. Human Rights Quarterly 29 (2007) p. 113.

⁵⁷ Nathan, Debbie. *Oversexed*. The Nation. August/September 2005. Pp. 27-30.

⁵⁸ Ibid.

⁵⁹ Haynes, Dina. *Used, Abused, Arrest and Deported: The Case for Extending Immigration Benefits to Protect Victims of Trafficking and Secure Prosecution of Traffickers*. 2003. p. 19.
<http://law.bepress.com/cgi/viewcontent.cgi?article=1007&context=expresso>.

reauthorizations, the U.S. has demonstrated its commitment to the cause and dedication to improving its laws and overall efforts against trafficking.

Thomas Jefferson School of Law Professor Susan Tiefenbrun examines the effects of the TVPA in her paper "Updating the Domestic and International Impact of the U.S. Victims of Trafficking Protection Act of 2000: Does Law Deter Crime?" and concludes that "domestic measures implemented by the U.S. government in response to the TVPA have been slow and steady" but "indicate a positive trend toward the reduction of trafficking in the United States." In order⁶⁰ for the positive trend to continue, states need to be partners with the federal government.

Why State Anti-trafficking Legislation Is Needed in the United States

Since the TVPA passed, a number of individual states have written and passed anti-trafficking legislation. According to a 2006 report by the Center for Women Policy Studies, 24 states passed laws elevating the crime of human trafficking to a state felony offense. The earliest state law was passed in 2003, while many are as recent as 2007. Some question the purpose of state laws when the TVPA, a federal law criminalizing human trafficking, already exists. However, state laws are needed because incidences of trafficking will most likely be noticed at the local-level first, and it is crucial for local law enforcers to be able to recognize and address these incidences. They must also be prepared with laws and penalties that address human trafficking. Federal officials can pick the cases they want to pursue, and usually select "larger-scale cases, which might involve multiple defendants,⁶¹ multiple victims, and an extensive criminal enterprise with significant assets." In the event that the federal authorities are not interested in the case, local law enforcement must have the means and knowledge to prosecute human traffickers and offer services for victims of trafficking.

How State Anti-trafficking Laws Differ

The definition of human trafficking is not only disputed on a global scale but also varies among U.S. states. Some state legislation borrows closely from the TVPA's wording and others have written their own definitions. For example, New Jersey's law AB 2730 passed in 2004 uses language similar but not exact to the TVPA's. It defines a trafficker as someone who "knowingly recruits, lures, entices, harbors, provides or obtains the labor or services of another which involves involuntary servitude, promoting prostitution or benefits financially or otherwise by receiving anything of value from participation as an organizer, supervisor, financier or manager in a scheme or course of conduct which involves involuntary servitude or prostitution."

Even the slightest word difference from the TVPA has solicited complaints from nongovernmental organizations that see the differences as potential legal loopholes for traffickers. The Polaris Project, a Washington, D.C. based nongovernmental organization, has been on the forefront of this issue. On its website, Polaris provides a detailed model for state-level anti-trafficking legislation divided into three sections covering prosecution, prevention of trafficking, and victim protection. Other NGOs have

⁶⁰ Tiefenbrun, Susan W. *Updating the Domestic and International Impact of the U.S. Victims of Trafficking Protection Act of 2000: Does Law Deter Crime?* Case Western Reserve Journal of International Law 38:2 (2006/2007) pp. 249-280.

⁶¹ Center for Women's Policy Studies. "State Anti Trafficking Laws Fact Sheet." December 2007. <http://www.centerwomenpolicy.org/programs/trafficking/facts/documents/FactSheetonStateAntiTraffickingLawsDecember2007.rev9208.pdf>.

⁶² New Jersey State Legislation. *Assembly Judiciary Committee Statement to Assembly Committee Substitute for Assembly, No. 2730*. <http://www.njleg.state.nj.us/2004/Bills/A3000/2730_S1.HTM>. September 13, 2004.

⁶³ Polaris Project. *Model Comprehensive State Legislation to Combat Trafficking in Persons*. <http://www.polarisproject.org/images/docs/Model-Comprehensive-State-Legislation.pdf>.

also written their own "model legislation" such as the National Institute on State Policy of Trafficking of Women and Girls of the Center for Women Policy Studies.

Polaris has also compiled a "top 15" list highlighting problems in state legislation after reviewing current laws. The list gives an example of problematic language, suggested revisions, and an explanation of why it makes a difference. For example, Polaris encourages the revision of "language that refers to a state of prostitution to instead focus on acts of commercial sex" because "state laws addressing prostitution often do not include definitions of commercial sex acts as broad as the current Federal trafficking legislation."⁶⁴

Not only do other states have unique definitions of trafficking, but also a range of punishments corresponding to the varying degrees of wrongdoing. In Texas, someone charged with a first-degree felony of trafficking (meaning if the individual trafficked or transported someone "younger than 14 at the time of the offense" or if "the offense results in the death of a person who is trafficked") could get from five to 99 years in prison, or two to 20 for a second-degree felony.⁶⁵ Sentencing guidelines for those guilty of trafficking are not uniform in state legislations.⁶⁶

According to the National Institute on State Policy on Trafficking of Women and Girls, some states have criminalized sex trafficking and labor trafficking separately such as Arizona, Florida, Minnesota, and Mississippi—while other states such as Arkansas, Illinois, New Jersey, Texas, Louisiana, and Washington have "criminalized the broader offense of 'human trafficking.'"⁶⁷

Some states have also convened interagency task forces to address their own needs. For example, one task force in California was in charge of "collecting and analyzing data on trafficking into the state, evaluating the effectiveness of prevention and prosecution efforts, and examining collaborative models between government and nongovernmental organizations for protecting trafficking victims." The interagency task force also analyzed California's state programs offering services to victims of trafficking and its criminal statutes.⁶⁸ Although states must be commended for taking the initiative to write and pass anti-trafficking legislation—the variety of definitions, language, and penalties of state laws differing from the TVPA create confusion about the nature of human trafficking and how it should be stopped.

Responses of Local Law Enforcement

Northeastern University's Institute on Race and Injustice published a report in June 2008 titled "Understanding and Improving Local Law Enforcement Responses to Human Trafficking." In a survey of 3,000 local agencies, "between 73 and 77 percent of local, county and state law enforcement in the random sample (n=1661) perceive human trafficking as rare or non-existent in their local communities."⁶⁹ Interestingly, only "18 percent of local, country or state

⁶⁴ Polaris Project. *Top 15 Problem Areas in State Legislation*. <http://www.polarisproject.org/images/docs/Top%2015%20Problem%20Areas%20in%20State%20Bills%20on%20Trafficking.pdf>.

⁶⁵ Texas HB 2096 Chapter 20A. <<http://www.capitol.state.tx.us/tlodocs/78R/billtext/html/HB02096F.htm>>.

⁶⁶ Texas Penal Code Title 3 Punishments. <<http://tlo2.tlc.state.tx.us/statutes/docs/PE/content/htm/pe.003.00.000012.00.htm>>.

⁶⁷ Center for Women's Policy Studies. *Resource Guide for State Legislators: Model Provisions for State Anti-Trafficking Laws*. 2005. <http://www.centerwomenpolicy.org/programs/trafficking/guide/default.asp>.

⁶⁸ Center for Women's Policy Studies. *State Anti Trafficking Laws Fact Sheet*. December 2007. <http://www.centerwomenpolicy.org/programs/trafficking/facts/documents/FactSheetonStateAntiTraffickingLawsDecember2007.rev9208.pdf>.

⁶⁹ Farrell, Amy and Jack McDevitt. *Understanding and Improving Local Law Enforcement Responses to Human Trafficking*. U.S. Department of Justice. May 2008.

law enforcement agencies in the random sample have had some type of human trafficking training, 9 percent have a protocol or policy on human trafficking and only 4 percent have designated specialized units or personnel to investigate these cases" —⁷⁰suggested that training of these law enforcement groups is lacking. The good news is that from "2000 and 2006, the number of human trafficking investigations by respondents rose dramatically each year from 175 reported cases in 2000 to 750 in 2006" ⁷¹as law enforcement agencies have become more familiar with the TVPA and state legislation.

The Future of State-Anti-trafficking Laws

State government officials are increasingly aware of how their anti-trafficking laws are affecting their communities and have revised previous pieces of legislation with amendments to strengthen them. Advocates in the field are hopeful that soon all states will have their own comprehensive legislation. Furthermore, through a survey of the I-95 corridor states on their efforts to combat human trafficking, the National Governors Association was able to paint a general picture of the progress made thus far by state anti-trafficking legislation. Positive findings included evidence that "several states have either recently developed a training curriculum or are planning to do so in the near future" for law enforcement. ⁷²

However, inter-state collaboration is sorely lacking, although this communication is highly desired by individual state authorities. The report explained that "some states have internally developed policies and procedures for distributing information" while others "reach out to law enforcement in other jurisdictions and states on a case-by-case basis." Improvement in information-sharing between states could increase the efficiency of a wide range of governmental anti-trafficking programs, from the surveillance of suspected traffickers to the betterment of programs providing services to victims.

State laws and programs are important because federal agents cannot investigate the growing number of trafficking cases, prosecute the numerous traffickers, and certify all victims of trafficking in an efficient and timely manner. Local law enforcement is crucial in assisting federal authorities with information and human resources. State laws have both helped to take the burden off of federal authorities and have brought more awareness to the crime of human trafficking. State anti-trafficking laws serve a purpose because they make enforcing the laws and aiding victims more efficient, but the lack of uniformity and coordination has prevented state and local authorities from reaching their full potential in anti-trafficking efforts. The federal government has a role to play in assisting all states in writing clear and standardized laws against human trafficking and working to improve cooperation and communication between state authorities.]

How Soroptimist Works to End Trafficking of Women and Girls.

Soroptimist is an international volunteer organization for business and professional women who work to improve the lives of women and girls, in local communities and throughout the world. Soroptimist clubs undertake a number of different projects to confront local realities facing women and girls. Many projects directly and indirectly help trafficking victims and women vulnerable to trafficking by providing direct aid to women and girls, and giving women economic tools and skills to achieve financial empowerment and independence. As an organization, Soroptimist supports the following programs:

http://www.humantrafficking.neu.edu/news_reports/reports/documents/Understanding_and_Improving_ExecSumm.pdf.

⁷⁰ Ibid.

⁷¹ Ibid.

⁷² U.S. State Department. *Trafficking in Persons Report*. 2005. Page 17.

<http://www.state.gov/g/tip/rls/tiprpt/2005/>.

analysis

AN EXAMINATION OF STATE LAWS ON HUMAN TRAFFICKING

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The federal anti-trafficking statute, the Trafficking Victims Protection Act (TVPA), was enacted in 2000. Since that time, 36 states have addressed the issue of human trafficking through some manner of legislation. The proliferation of state anti-trafficking statutes is an important advancement in the anti-trafficking movement, and the Renewal Forum welcomes and encourages this development. This judgment is based on a simple resource calculation: the passage of state anti-trafficking statutes empowers local law enforcement agencies to investigate and prosecute trafficking cases - the federal statute does not so incentivize local efforts - and local law enforcement personnel in the aggregate dwarfs what federal law enforcement agencies are able and willing to deploy to fight human trafficking.

*However, the fact of a state having an anti-trafficking law may not be as important as having a **good** law, and every state anti-trafficking statute passed to date has significant defects. This analysis is intended to promote the passage of effective and authentically victim-centered anti-trafficking laws by the states, so as to create a national environment in which the practice of modern-day slavery is eradicated. This report is accompanied by the release of the Renewal Forum's Model State Law on Human Trafficking.*

¹ The term "human trafficking" is an unfortunate misnomer. The crime of human trafficking need not entail the movement of people; the crime of human trafficking is at root the exploitation of the person - compelling them to do something against their will - for the purpose of profiting from their labor or sex acts.

The principal author of this analysis is Ian Kitterman, currently Juris Doctor candidate at the Georgetown University Law Center. Mr. Kitterman's work with the Renewal Forum was supported by the Equal Justice Foundation of the Georgetown University Law Center, whose generosity is gratefully acknowledged.

w6[**SUMMARY OF FINDINGS**

1. As of today, 36 states have passed some sort of legislation regarding human trafficking.
 - Of these 36, 33 have criminalized the trafficking in persons.
 - Of these 33, 28 have passed statutes that criminalize both labor exploitation and sex exploitation.
 - Of these 28, 20 include adequately broad language recognizing that trafficking may be the result of force, fraud or coercion (fraud is the element most likely to be omitted), and define "sex" or "commercial sex" broadly enough to include crimes such as forcing a victim to participate in the production of obscenity.
2. The highest grade received by any state for its anti-trafficking statute is a B-. That state is Illinois. Only five states received a C- or better.
3. Fourteen states and the District of Columbia do not have anti-trafficking statutes, and so received a grade of "F." Six states with anti-trafficking statutes received a grade of "F" or "F+:" Colorado, Hawaii, Louisiana, South Carolina, Utah and Virginia.
4. No state is adequately protecting juvenile victims of sex trafficking - and this is by far the largest population of trafficking victims in the United States (the federal law holds that any juvenile under the age of 18 who engages in commercial sex is a victim of trafficking). While 21 states have specific laws against the exploitation of children in prostitution, these only criminalize the act of having sex with a prostitute under 18 (some states have a lower age threshold). Instead of giving these children their appropriate legal status as the victim of a crime, virtually every state treats the child victim as a perpetrator of a crime. While 14 states recognize that any child engaged in commercial sex is a victim of trafficking (in line with the federal standard), no states has shielded these children from prosecution under their prostitution statutes.
5. Only 23 states have made the trafficking of children a more grievous offense than trafficking in adults and, to reiterate, only 14 of those states have stated that a child is a victim of trafficking any time a child engages in commercial sex (whereas with adult victims, evidence that the trafficker employed force, fraud, or coercion to overcome the will of the victim is necessary to establish the crime of trafficking has occurred).
6. Oregon is the only state to give victims of trafficking an adequate defense for any crimes they were forced to commit by their traffickers. New Jersey provides a defense for trafficking victims but only for the crimes of trafficking and prostitution, not for any other crime they may have been forced to commit. Connecticut and Minnesota provide an affirmative defense for victims of trafficking but only for the crime of prostitution. Iowa has an affirmative defense for victims of trafficking but it lacks full effectiveness because it only shields crimes that were done under threat of serious, imminent injury. This does not take

into account the power of psychological coercion - fear - that the traffickers routinely utilize to control their victims.

7. Only three states, Illinois, Minnesota and Washington, have included in their trafficking law forfeiture language that benefits the victim. Washington's bill is the most victim orientated, as any revenue from the forfeited property goes first to restitution of the victim. Illinois and Minnesota have both found ways to incentivize law enforcement's pursuit of traffickers and help victims: Illinois gives half of any forfeiture value to a trafficking victim's fund and the other half to the agencies that helped prosecute the trafficker; Minnesota gives 40% to crime victim services, 40% to the appropriate state law enforcement agency and 20% to the prosecuting office of the trafficking perpetrator.
8. Missouri, California, and Illinois are the only states to have created a specific fund, separate from their general fund, to assist the victims of trafficking (who have typically endured profound psychological and physical trauma and need help to rebuild their lives). Connecticut has made a commitment to give money to the provision of services to victims of trafficking but has not created a separate fund reserved for such victim services.
9. Eleven states currently provide restitution to victims from the trafficker's pocket. Arizona, California, Delaware, Idaho, Illinois, Indiana, New Jersey, Rhode Island, and Pennsylvania all require perpetrators to pay for the value of services or at least the minimum wage for the hours the victims provided. Iowa also provides for restitution but it is not mandatory and Missouri provides for restitution but without guidelines on how that restitution should be based.
10. Only seven states, Connecticut, Florida, Illinois, Indiana, Minnesota, Oregon, Pennsylvania, give a private right of action to victims against their trafficker for punitive damages and the cost of attorney fees.
11. Of the 50 states and the District of Columbia, only seven direct that victims be assisted in obtaining federal and other benefits to which they are entitled. Missouri and New Jersey are the only states which direct that victims of trafficking be afforded their rights under the TVPA. California, Indiana, and New York have clauses that instruct officers to pursue certification for victims of trafficking within 15 days of coming in contact with them. Illinois and Iowa have certification clauses but instead of directing them to certify under Section 214.11(f)(1) of Chapter 8 of the Code of Federal Regulations, they direct officers vaguely to the federal Department of Justice.
12. California and Kentucky are the only states to guarantee trafficking victims privileged communications with their caseworkers.
13. Finally, Indiana and Kentucky are the only states to explicitly state that trafficking victims are to be treated as victims and not to be jailed. 1

"Report Card on State Action to Combat Human Trafficking." Center for Women Policy Studies. Ed. Center for Women Policy Studies. May 2007. pp. 4-5 and 7. 05 Feb. 2009 <<http://www.centerwomenpolicy.org/documents/ReportCardonStateActiontoCombatInternationalTrafficking.pdf>>.

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- **protection of victims** from intimidation, threats and reprisals from traffickers and protection of victims' privacy and anonymity;
- physical and mental **health care** services delivered by personnel who are trained to work with abused and traumatized women and girls;
- **legal and immigration assistance**;
- **translation services**;
- **educational and job readiness** programs.

We also consider two other criteria — whether states have created policies and procedures to ensure that trafficking victims have **access to services** and whether states provide victims with a **private right of action**.

We assess statutes that establish **Statewide Interagency Task Forces** based on the extent to which they include top leaders of essential state government agencies and key statewide and community-based nongovernmental organizations that serve women and girls from various communities in the state.

The 2004 **Connecticut** statute that created its **Interagency Task Force on Trafficking in Persons** is the model for other statutes — as it includes a mandate to ascertain the nature and extent of trafficking in the state, assess the adequacy of available services for victims of trafficking, and make recommendations for legislative, policy, and programmatic initiatives to respond to the findings.

We assess state laws that **regulate international marriage brokers (IMBs)** based on whether they include:

- **mandatory dissemination** of criminal and marital history of the prospective American client to women from other countries, in their own language;
- **mandatory dissemination** of basic US civil and legal rights information to women from other countries, in their own language;

- **civil penalties** for violations of the statute.

We assess state laws that **regulate travel service providers that facilitate sex tourism** based on whether they create both a **criminal offense** and a **civil penalty** for travel agencies and other travel service providers in the state that promote sex tourism.

Special Recognition: Several states enacted important provisions that we had not included in the Center's 2005 **Resource Guide**. We appreciate the forward-thinking leadership of these state legislatures and briefly describe these new provisions in the individual state report cards. Although these new provisions do not affect the state's overall grade, we are pleased to award these states **Special Recognition** for their outstanding leadership.

SUMMARY OF FINDINGS

^{w6} [Since 2002, when **Washington** became the first state in the United States to enact anti-trafficking legislation, states have made great strides forward in confronting these complex issues. We take this opportunity to honor **Washington** for blazing a trail for other states to follow — passing the first state criminalization law in 2003, creating the first statewide interagency task force in 2002, and passing the first legislation to regulate international marriage brokers (IMBs) in 2002.

As of December 31, 2006, 27 states had enacted some form of anti-trafficking law — including 25 state criminalization statutes, 10 laws to create statewide interagency task forces, commissions, or special studies, four laws to regulate international marriage brokers that operate in the state, and four statutes to regulate travel service providers that facilitate sex tourism.

We especially recommend that states consider creating **statewide interagency task forces**, by statute, as this is a strategy that has been proven effective in building partnerships among the executive branch, the legislature, law enforcement, advocates for

women's human rights, and such service providers as battered women's shelters, rape crisis centers, refugee and immigrant rights groups, legal services attorneys, and programs designed specifically to aid victims of trafficking. Through a statewide task force, these key leaders propose legislation that will confront trafficking in the state in the most effective manner — and with the broadest and deepest support of key leaders.

CRIMINALIZATION STATUTES

Laws to make trafficking in persons a state felony offense now are on the books in **Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, North Carolina, Pennsylvania, South Carolina, Texas, and Washington.**

Nine of these state laws provide for mandatory restitution to victims/survivors of trafficking — **Arizona, California, Idaho, Illinois, Indiana, Iowa, Missouri, New Jersey, and Pennsylvania.** And five states include requirements for asset forfeiture — **Illinois, Minnesota, New Jersey, Pennsylvania, and Washington.** Four states — **Connecticut, Illinois, Iowa, and New Jersey** — create an affirmative defense for trafficked persons so that they are not prosecuted for crimes they were forced to commit by their traffickers and captors. Five state laws criminalize traffickers' withholding or destruction of their victims' immigration or identification documents — **Iowa, Michigan, Minnesota, Mississippi, and Missouri.**

PROTECTION OF VICTIMS AND PROVISION OF SERVICES

Eleven states have enacted laws that provide for victim protections and provision of services — **California, Connecticut, Florida, Idaho, Illinois, Indiana, Iowa, Minnesota, Missouri, New Jersey, and Washington.**

We commend each of these states for taking the leadership to provide women and girls trafficked into their states with the essential protection and

assistance to ensure their safety and facilitate their physical and emotional recovery. We appreciate the difficulty many legislatures face in creating new service delivery programs that will require the expenditure of state funds, but we urge states to find a way to share their resources with women and girls who have been trafficked into their communities for forced labor and exploitation.

STATEWIDE INTERAGENCY TASK FORCES

In 2002, the **Washington** legislature created the first Task Force in the United States — designed to study the nature and extent of trafficking of persons into the state and to make recommendations for appropriate state legislative and policy responses. The **Washington State Task Force Against the Trafficking of Persons** thus became the first model for other states.

Nine additional states have passed laws creating similar **Statewide Interagency Task Forces** or state study commissions — **California, Colorado, Connecticut, Hawaii, Idaho, Iowa, Maine, Minnesota, and Nebraska.** The **Report Card** only assesses the actual legislation establishing the Task Force, but does not comment on the implementation, activities, or recommendations of these state Task Forces or study commissions.

REGULATION OF INTERNATIONAL MARRIAGE BROKERS (IMBs)

Four states have passed laws to regulate IMBs that operate in the state — **Hawaii, Missouri, Texas, and Washington.**

REGULATION OF TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM

In 2004, **Hawaii** became the first state to regulate travel agencies and others that facilitate sex tourism. In 2006, **Alaska, Missouri, and Washington** also enacted such laws.]

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REPORT CARD ON STATE ACTION TO COMBAT INTERNATIONAL

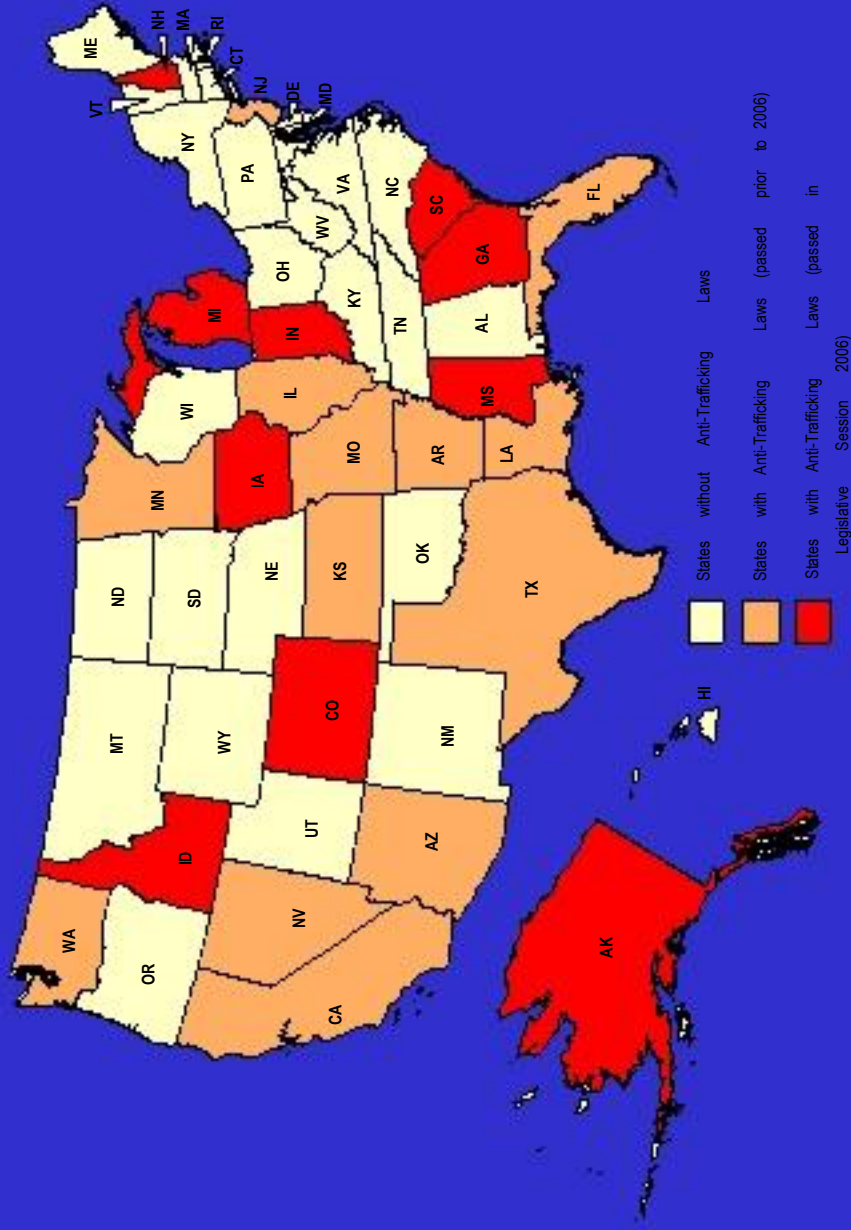
TRAFFICKING

	Criminalization Statutes	Victims Protection and Assistance	Statewide Task Forces	Regulating International Marriage Brokers	Regulating Travel Service Providers
ALABAMA	F	F	F	F	F
ALASKA	D+	F	F	F	C
ARIZONA	C+	F	F	F	F
ARKANSAS	B-	F	F	F	F
CALIFORNIA	B	B	A	F	F
COLORADO	D-	F	A-	F	F
CONNECTICUT	C	D	A	F	F
DELAWARE	F	F	F	F	F
FLORIDA	B	D	F	F	F
GEORGIA	B	F	F	F	F
HAWAII	F	F	A	C	A
IDAHO	C+	D-	A	F	F
ILLINOIS	B+	B	F	F	F
INDIANA	C+	B	F	F	F
IOWA	B+	C-	B	F	F
KANSAS	B-	F	F	F	F
KENTUCKY	F	F	F	F	F
LOUISIANA	B-	F	F	F	F
MAINE	F	F	A	F	F
MARYLAND	F	F	F	F	F
MASSACHUSETTS	F	F	F	F	F
MICHIGAN	B-	F	F	F	F
MINNESOTA	B	D	C+	F	F
MISSISSIPPI	B-	F	F	F	F
MISSOURI	C+	D	F	D+	A
MONTANA	F	F	F	F	F
NEBRASKA	B-	F	B	F	F
NEVADA	F	F	F	F	F
NEW HAMPSHIRE	F	F	F	F	F
NEW JERSEY	B+	D+	F	F	F
NEW MEXICO	F	F	F	F	F
NEW YORK	F	F	F	F	F
NORTH CAROLINA	B-	F	F	F	F
NORTH DAKOTA	F	F	F	F	F
OHIO	F	F	F	F	F
OKLAHOMA	F	F	F	F	F
OREGON	F	F	F	F	F
PENNSYLVANIA	B	F	F	F	F
RHODE ISLAND	F	F	F	F	F
SOUTH CAROLINA	C	F	F	F	F
SOUTH DAKOTA	F	F	F	F	F
TENNESSEE	F	F	F	F	F
TEXAS	B-	F	F	A	F
UTAH	F	F	F	F	F
VERMONT	F	F	F	F	F
VIRGINIA	F	F	F	F	F
WASHINGTON	B	C-	A	C	A
WEST VIRGINIA	F	F	F	F	F
WISCONSIN	F	F	F	F	F
WYOMING	F	F	F	F	F



States with anti -trafficking laws

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Source: Polaris Project, Westlaw, and State Legislatures

Reference Index Sheet

Whereas,	Children are potential victims of both commercial and sexual abuse by traffickers due to lack of education, gender disparity, inequality, violence, corruption, poverty, lack of employment opportunities, demand for cheap labor and services and an expanding globalized sex industry; and	<u>w1</u>
	Trafficking in Persons Report 2007	5
	Causes of Human Trafficking	6 - 9
	Human Trafficking and Modern-Day Slavery	10 - 11
	Meeting the Legal Needs of Child Trafficking Victims	14
Whereas,	UNICEF estimates that globally, 1.2 million children are trafficked each year, within countries, as well as across borders, including the United States and	<u>w2</u>
	CLT: Data Comparison Sheet	16
	UNICEF calls for an end to child trafficking	17
	Child protection from violence, exploitation and abuse	18
	Trafficking of children - Child labour by sector	19
Whereas,	200,000 or more children may be victims of domestic trafficking within the United States, leaving no state immune from trafficking; and	<u>w3</u>
	Protecting the Powerless: Child Trafficking in the United States	21
	Exploiting Americans on American Soil: Domestic Trafficking Exposed	23 - 24
	Child Prostitution - Domestic Sex Trafficking of Minors	25
	Protecting Our Children - No Job for the Lone Ranger	27
Whereas,	The majority of child trafficking cases go unreported due to the highly clandestine nature of the crime; policies and practices that encourage civil participation and cooperation with trafficking victims in the prosecution of traffickers must be developed and enforced; and	<u>w4</u>
	Prosecution	28
	The U.S. Response to Human Trafficking: An Unbalanced Approach	29 - 30
	Meeting the Legal Needs of Child Trafficking Victims	13, 15
	Hidden Slaves: Forced Labor in the United States	34 - 37
Whereas,	It is also important that police, prosecutors, and courts punish traffickers within a system that is quick and respects and safeguards the rights of the victims to privacy, dignity, and safety; and	<u>w5</u>
	Meeting the Legal Needs of Child Trafficking Victims	15
	Hidden Slaves: Forced Labor in the United States	34 - 37
	Human Trafficking: An Overview	38
Whereas,	The Federal Trafficking Victims Protection Act and existing state anti-trafficking statutes need improvement to fully protect and support the child victims of trafficking and approximately 25% of states have no anti-trafficking laws at all; now therefore be it	<u>w6</u>
	The History, Controversies, and Future of U.S. Anti-trafficking Laws	39 - 45
	An Examination of State Laws	47 - 48
	Report Card on State Action to Combat Human Trafficking	49 - 51
	Human Trafficking State Laws and Data - States with Anti-Trafficking Laws	52