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“A Vital Christian Presence in Social Work”

COMBATting HUMAN TRAFFICKING

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The Problem of Human Trafficking

Given the growing problem of human trafficking around the world, and increasing in the United States, helping professionals working in faith-based organizations are needed to be vigilant on how to recognize and assist trafficking victims escape their fates of brutal slavery. Often trafficking is happening right in front of our eyes, and yet most professionals fail to recognize this egregious human rights violation. Fortunately, many concerned persons in the faith-based community are mobilizing resources to find and rescue victims. This presentation will highlight the scope, dynamics, types, causes, and signs of human trafficking. In addition, the presentation will give an overview of the services available to eligible victims and suggest intervention and safety protocols.

What is Human Trafficking?

Trafficking of persons is the illegal trade in human beings through abduction, the use of threat or force, deception, fraud, or sale for the purpose of forced labor and/or commercial sex. Trafficking also applies to people who are held against their will to pay off a debt - otherwise known as debt bondage or peonage. Trafficking is a form of modern-day slavery found within the U.S., and throughout the world. It is a crime which may be prosecuted under federal and/or state laws, and often includes other crimes such as kidnapping, human smuggling, slavery, peonage, visa fraud, labor violations, racketeering, assault, murder, rape, and other violent crimes. Elements of force, fraud, and coercion, or consent are irrelevant when minors are involved in commercial sex.

The Traffickers

Traffickers can be associated with sophisticated international organized crime networks or small criminal networks and local gangs. Traffickers may be male or female, family members, and also affluent and seemingly upstanding members of the community. Incredibly, recruiters, working to ensnare persons for traffickers, are *often* women or others persons known and trusted by the targeted victims. Traffickers exploit vulnerable persons by putting them in slave-like conditions for profit or personal gain. They brutally utilize a variety of techniques to entrap men, women, and children in prostitution and other commercial sex trades, or into labor situations, such as domestic servitude, factory or migrant agricultural work.

Trafficking Does Not Require Transportation

The word “trafficking” is a misnomer and often misunderstood. To some the word implies that human trafficking occurs *only* when people are moved across borders. More accurate descriptive terms for human trafficking might be *entrapment* or *slavery*. Yes, some trafficking involves criminal networks in which a person is transported between countries and between cities within countries for the purposes of forced labor and/or commercial sexual exploitation. However, the actual transportation of a victim is *not* required for a situation to be defined as human trafficking. Instead, the specific methods used by the traffickers to recruit and hold an individual in an exploitive situation are determining factors in defining trafficking situations. In fact, a victim of trafficking may find him or herself entrapped in one location, say as a domestic servant for an individual family, for several years before they are able to escape. Other victims may be entrapped in their home town and forced to perform sexual services in local brothels or massage parlors. Finally, the person who is entrapped after taking a job voluntarily may also be a trafficking victim.

The Causes of Human Trafficking

The sharp rise in global trafficking can be traced to many inter-related political, economic, regional, and cultural factors. There are many causes of trafficking. Human trafficking generates enormous profits for traffickers and their accomplices. Systemic and individual factors that are linked to human trafficking are listed below.

Systemic factors include:

- High demand for commercial sex and/or inexpensive workers
- Political instability, civil unrest and war
- Political and police corruption
- Growth of organized crime
- Lack of adequate law enforcement, legal protections, community protections or sanctions
- Cultural attitudes and religious practices
- Poverty

Individual vulnerability factors include:

- Poverty
- Young age
- Female

- Lower socioeconomic class
- Limited education
- Lack of work opportunities in the area
- Lack of family support (e.g. orphaned, runaway, homeless, family members collaborating with traffickers)
- Lack of knowledge of the schemes used by traffickers
- History of previous sexual abuse
- Refugee status
- Health or mental health challenge
- Living in an area otherwise vulnerable to trafficking (e.g. police corruption, high crime, brothels, etc.)

The causes of human trafficking are complex. The following section will discuss further economic factors that contribute to the pandemic of human trafficking.

The Economics of Human Trafficking

At its core, human trafficking is about profit. Therefore, human trafficking can be understood by using the basic economic constructs of *supply* and *demand*.

The Supply Variable

Women and children are most vulnerable to trafficking. Reports suggest that worldwide eighty percent of trafficking victims are women and children.¹ In fact, with tens of millions of persons worldwide manifesting most of the systemic and individual risk factors, there is an endless reservoir of potential trafficking victims around the world. These persons remain at risk of being swept into the net of trafficking. Some victims are outright kidnapped or in some way removed from their homes and forced to supply their services or labor.

Other victims – who lack adequate income, resources, education, or other legitimate opportunities to support their families and wanting improve their lives - are easily preyed upon by traffickers. Young girls in rural China, for instance, long to leave their isolated villages for a better standard of living via a marriage or job elsewhere. Savvy traffickers entice them away from their home villages with promises of jobs or marriages. Eager to believe such promises, unsuspecting persons agree to leave their homes for work in a more affluent city or country, like the U.S. or a marriage in another area. Unfortunately, when they arrive many are not gainfully employed or honorably married as promised. Instead, they are forced to work long hours in the commercial sex trade, or in factories, farms, and in private homes for little or no money. In these situations, it is important to recognize that while the victims may have initially agreed to travel and to work or marry, they did *not* consent to be trafficked. These false promises are examples of fraud.

The Demand Variable

On the other side of the equation is *demand*. Worldwide, there seems to be an inexhaustible demand for cheap, easily accessible sex, and low-cost or free labor. The following sections will discuss the sex and labor demand areas.

The Demand for Commercial Sex

The demand for commercial sex is high in many countries in which throngs of men routinely frequent brothels and other commercial sex venues. The high demand for sex creates extremely lucrative incentives for traffickers to recruit and entrap females, with the highest demand for young girls. Younger girls are known to command higher prices (and highest profits for traffickers) for commercial sex activities often because it is believed the younger girls do not have HIV/AIDS or other sexually transmitted diseases. It is common for prostituted persons to service up to twenty men a day because the demand for sexual services is so high and the profits to traffickers so large. International trafficking of women is also aided by the Internet. For example - largely because of

¹ Report to Congress from Attorney General Alberto R. Gonzales on U.S. Government Efforts to Combat Trafficking in Persons in Fiscal Year 2005. June 2006, U.S. Department of Justice, Washington, DC, pg.16.

the Internet² - there are new demand sources, such as importing of record-high numbers of women from Vietnam to Taiwan as “mail order brides.” Also, young women from Burma, North Korea, Russia, and Vietnam have been purportedly trafficked into densely populated regions of China and India, where there is an increasing imbalance in the ratio of men to women. The women are promised a “real husband”, citizenship, and better life when they arrive in India or China. Tragically, many are reportedly trafficked as forced brides, concubines, and prostituted persons.³

Sex Tourism

Ubiquitous sex tourism and child pornography sites have further fueled the demand for commercial sex worldwide. Men from wealthier countries who travel can easily book “sex tours” on the Internet or through travel agencies. They travel to less developed countries where they take advantage of young, vulnerable women and children without serious concern of prosecution by the local law enforcement officials. Child sex tourism is a particularly heinous crime in which individuals traveling in foreign countries engage in sexual activities with minors.

Note: Child sexual tourism is not prosecuted under the TVPA. In April of 2003, the U.S. passed the PROTECT ACT. This law strengthened our government’s ability to prosecute sexual tourism criminal cases.

The Demand for Labor

There is also a strong demand for inexpensive labor. The strong demand for inexpensive labor is seen in venues such as hotels and restaurants, agriculture and hidden venues such as factory sweatshops and private homes (domestic servants and child care workers.) Specific types of labor trafficking are presented later in this presentation.

Organized Crime and Human Trafficking

Local pimps, family members, or other small-time criminals can be involved in trafficking. However, increasingly in the U.S., gangs and larger organized crime networks are now significantly involved in the sale and distribution of humans for exploitation. Trafficking in human beings is lucrative because unlike drugs, which are sold and quickly consumed, a human being can be used and sold multiple times for repeated profit. According to the FBI, human trafficking generates \$9.5 billion in annual revenue.⁴ It is the fastest growing criminal activity in the world today, and at the present rate of expansion, it will soon surpass profits made by criminal networks through the sale of guns and drugs.

World-wide Estimates

Given that trafficking is a clandestine and illegal activity, accurate estimates of the problem are elusive and exact numbers are difficult to determine. Within its annual Trafficking in Persons

² Report to Congress from Attorney General Alberto R. Gonzales on U.S. Government Efforts to Combat Trafficking in Persons in Fiscal Year 2005. June 2006, U.S. Department of Justice, Washington, DC, pg.16.

¹⁹ The Trafficking in Persons Report, June 2005, U.S. State Department, Washington, DC, pg. 13.

⁴ The Trafficking in Persons Report, June 2005, U.S. State Department, Washington, DC, pg. 13.

Report, the U.S. Government estimates that between 600,000 to 800,000 persons are trafficked across international borders each year.⁵ Some international and non-governmental organizations (NGOs) estimate a much higher number. This figure does not reflect the number of persons trafficked within countries each year. The International Labor Organization places the total number of persons enslaved in some type of labor, indentured servitude, or commercial sex exploitation as high as 12.3 million people around the world.⁶

In 2005, the U.S. Government estimated that 80% of the internationally trafficked victims were female, and that 70% of these victims were trafficked for the commercial sex industry.⁷ Additionally, it is estimated that over one million children are exploited in the sex trade each year.⁸ It is also important to note this figure does not reflect the indeterminate number of people trafficked within countries.

U.S. Estimates

Similar to the world-wide estimates provided earlier, accurate estimates of the problem within the U.S. are difficult to determine, and only a few national studies have been done to quantify this population. The U.S. Government estimates that approximately 14,500 to 17,500 victims are trafficked into the U.S. each year.⁹ This often-cited figure, however, may significantly *underestimate* the actual number of trafficking victims located in the U.S. This statistic captures only those victims who are *trafficked into* the U.S. from other countries. It does not reflect the number of U.S. citizens who are trafficked within the U.S., nor does it address the total number of victims in the U.S. at any one time.

The U.S. is considered a destination country for human trafficking. The bulk of trafficking victims originate from the countries of the former Soviet Union, Korea, Vietnam, China, Indonesia, and South and Central America. Besides the U.S., other significant points of destination for human trafficking victims include other industrialized areas in Europe and Asia. Every year, the U.S. Department of Justice (DOJ) issues a report to Congress on U.S. government efforts to combat trafficking in persons. According to the June 2006 report, since 2001, the DOJ has prosecuted a total of 91 cases, and convicted 140 traffickers.¹⁰ Of the 70 successful convictions, 62 were for sex trafficking (89%).¹¹ Moreover, the report indicates that since 2001, 841 adults and children were “certified” and determined to be eligible to receive public benefits to the same extent as refugees.¹²

⁵ The Trafficking in Persons Report, June 2006, U.S. State Department, Washington, DC, pg. 6.

⁶ Cited in The Labor Trafficking Fact Sheet, Rescue and Restore Campaign, the U.S. Department of Health and Human Services, Washington, D.C. (2005).

⁷ Attorney General’s Annual Report to Congress on U.S. Government Activities to Combat Trafficking in Person, June 2006, pg. 3.

⁸ The Trafficking in Persons Report, June 2005, U.S. State Department, Washington, DC, pg. 22.

⁹ ILO Minimum Estimate of Forced Labour in the World, April 2005, pg. 35.

¹⁰ Report to Congress from Attorney General Alberto R. Gonzales on U.S. Government Efforts to Combat Trafficking in Persons in Fiscal Year 2005. June 2006, U.S. Department of Justice, Washington, DC, pg.16.

¹¹ Report to Congress from Attorney General Alberto R. Gonzales on U.S. Government Efforts to Combat Trafficking in Persons in Fiscal Year 2005. June 2006, U.S. Department of Justice, Washington, DC, pg.16.

¹² Report to Congress from Attorney General Alberto R. Gonzales on U.S. Government Efforts to Combat Trafficking in Persons in Fiscal Year 2005. June 2006, U.S. Department of Justice, Washington, DC, pg. 6.

U.S. Federal Legal Definition of Human Trafficking

On October 28, 2000, the Trafficking Victims Protection Act of 2000 (TVPA) was signed into law in the U.S. and later reauthorized in 2003 and 2005. The TVPA established human trafficking as a federal crime and supplemented the existing laws that apply to human trafficking, including those passed to enforce the 13th amendment outlawing slavery and involuntary servitude. The TVPA also established new tools and resources to combat trafficking and provides an array of services and protections for victims of severe forms of trafficking. The definition for human trafficking outlined within the TVPA identifies the extreme kinds of exploitation for which victims are eligible for services under this law. To assess whether or not the activity meets the definition of human trafficking, government officials consider both the type of work victims are made to perform, and if the use of force, fraud, or coercion was involved. The state of servitude is critical to defining trafficking. “As such, ‘trafficking’ denotes the act of placing someone in servitude and everything done knowingly that surrounds or contributes to it.”¹³ Persons under the age of 18 who are exploited through commercial sex fit the definition of trafficking regardless of the existence of force, fraud, or coercion.

The three key elements of human trafficking are described below:

- **“Force”** is the most powerful and obvious method to control and exploit trafficking victims. The list of the forms of brutal physical force is endless, but most commonly includes kidnapping, rape and gang rape, physical and sexual assault, restraint, confinement, isolation, torture, mutilation, starvation, forced/intentional drug addiction, threats of assault or actual assaults against family members, and even murder.
- **“Fraud”** or deception is another method used by traffickers to recruit and then entrap their victims. The tactics of fraud/deception traffickers use to initially recruit persons typically involve false promises of marriage or employment. Traffickers may also collaborate with family or friends of potential victims to further create the illusion of truth for what they are promising. One technique is to lure unsuspecting victims into their trafficking networks with false promises of good jobs and better lives. Often, the trafficker assists the person to travel away from home or into another country for a fee. Upon arrival, the trafficker increases the fee, and forces the victim to work in a specific industry in order to pay off the debt. The debt is used to hold the victim in the situation.

For example, a common promise by traffickers made to young girls is that they will be placed in high paying jobs in a wealthy country. It is a compelling offer because the promise of a lucrative career means the girls would be able to send money home to support others in their families. As a rule, the promises are false, and the girls end up exploited in commercial sex or in domestic servitude or sweatshops/factories.

¹³ The Trafficking in Persons Report, June 2005, U.S. State Department, Washington, DC, pg. 24.

- **“Coercion”** involves “the use of threats of serious harm, physical restraint of any person, any scheme, plan or pattern intended to create the belief that a person will have restraint used against them, and the abuse or threatened abuse of the legal process.”¹⁴

A common method of coercion used in both sex and labor trafficking is that the trafficker will hold the victim in a state of service by threatening to harm the victim’s family either here in the United States or abroad. Many victims know that the traffickers will follow through on their threat.

Types of Human Trafficking

The two broad categories of human trafficking are sex trafficking and labor trafficking. This section will present the manifestations of each type and discuss their distinct characteristics and dynamics.

Sex Trafficking

Worldwide, hundreds of thousands of trafficking victims are used in prostitution and other commercial sex trafficking activities. As stated in the U.S. Attorney General’s 2006 Report to Congress, global estimates reveal that “more than 80% of human trafficking victims are women and girls, and 70% of them are forced into sexual servitude.”¹⁵ The TVPA made sex trafficking a specific violation of federal law and outlined harsh penalties for traffickers. This means that traffickers convicted of federal offenses such as sex trafficking under the TVPA, can spend up to life in prison, lose their property and assets, and be required to fully compensate victims.¹⁶

Victims of trafficking are used in various forms of commercial sexual exploitation, including:

- Prostitution
- Pornography
- Exotic dancing/stripping
- Massage parlors
- Escort services
- Modeling studios

In the U.S., as in other countries, sex trafficking operations can be found in highly-visible venues, such as street prostitution or strip clubs, as well as more underground systems, such as closed brothels or child sex tourism operations conducting “business” out of residential homes. Often,

¹⁴ Trafficking Victims Protection Act of 2000, Public Law 106-386, Sec 103.

¹⁵ Report to Congress from Attorney General Alberto R. Gonzales on U.S. Government Efforts to Combat Trafficking in Persons in Fiscal Year 2005. June 2006., U.S. Department of Justice, Washington, DC, pg. 3.

¹⁶ Trafficking Victims Protection Act of 2000, Public Law 106-386, Sec. 111-112.

victims begin by dancing or stripping in clubs and are often coerced into more exploitative situations of prostitution and pornography.

The Connection between Prostitution and Sex Trafficking

A correlation exists between prostitution and increases in sex trafficking. A National Security Presidential Directive notes that “prostitution and related activities, which are inherently harmful and dehumanizing, contribute to the phenomenon of trafficking in persons, as does sex tourism, which is an estimated \$1 billion per year business worldwide”. The U.S. State Department states that, “Prostitution and its related activities - including pimping *and* patronizing or maintaining brothels – fuels the growth of modern-day slavery by providing a façade behind which traffickers for sexual exploitation operate.”¹⁷ The U.S. Department of State further describes the link between prostitution and sex trafficking by stating, “Where prostitution is legalized or tolerated, there is a greater demand for human trafficking victims and nearly always an increase in the number (supply) of women and children trafficked into the commercial sex industry.”¹⁸

Labor Trafficking

The largest numbers of trafficked people throughout the world are enslaved through forced labor and indentured servitude. As mentioned earlier in this manual, the International Labor Organization (ILO) estimates that there are 12.3 million people enslaved in forced labor, bonded labor (also called peonage), child labor, sexual services, and involuntary servitude at any given time.¹⁹ As with sex trafficking, persons convicted for labor trafficking may be sentenced to lengthy prison sentences, be required to forfeit personal property and fully compensate victims.

Forms of Labor Trafficking

There are many forms of labor trafficking. Typically, victims are lured into labor trafficking situations in hopes of earning money for themselves and their families. Labor trafficking involves work that is usually performed in low-wage jobs often visible to the public. The following are examples of labor trafficking:

- Farming / agricultural work
- Landscaping / construction
- Hotel or tourist industries
- Janitorial services
- Restaurant / cooks / waitresses
- Factory work (in brutal conditions with long work hours sometimes referred to as “sweatshops”)
- Domestic servitude / housekeeping / nannies
- Entertainment / modeling
- Peddling / panhandling

¹⁷ U.S. Department of State, *The Link between Prostitution and Sex Trafficking*, November 2004.

¹⁸ Trafficking in Persons Report, revised June 2005, U.S. Department of State Publication 11252, pg. 19.

¹⁹ ILO Minimum Estimate of Forced Labour in the World, April 2005, pg. 1.

Labor trafficking victims are often forced to work long hours in inhumane working conditions, with few or no breaks. The work is often physically demanding, and employers may be abusive. In some instances, victims have been chained to their stations and are not even provided regular breaks to use the restroom. It is important to note that many females who are recruited to work as models, dancers, and domestic servants may eventually be required by their “employer” to perform sexual services. Many forms of labor trafficking also include components of sexual abuse and exploitation.

Legal Status Options for Foreign Victims (Immigration Relief)

“Continued Presence” Status, T-Visas and U-Visas

The TVPA authorized the provision of temporary immigration relief to victims of severe forms of trafficking who lack legal status in the United States. “Continued Presence”, the T-Visa, and the U-Visa are three common types of relief that allow victims to remain in the United States legally.

“Continued Presence” Status

One of the most immediate forms of immigration relief for victims of trafficking is the issuance of “Continued Presence” (CP), which is a status requested by federal law enforcement to ensure the physical presence of a potential witness for testimony during criminal prosecution of traffickers. CP is usually issued in one-year increments, and can be renewed. ICE processes applications for CP in its Parole and Humanitarian Assistance Branch and when CP is authorized ICE forwards the application to USCIS who processes the paperwork for the employment authorization document and form I-94 card based on the CP.

Note: In order to establish eligibility for CP, a victim is not required to cooperate with law enforcement’s criminal investigation of the trafficker(s), but they must be considered by law enforcement as a potential witness to the criminal prosecution and meet the other conditions as described in the statutes.

T-Visa

The T-Visa allows trafficking victims temporary residence in the U.S without fear of deportation for up to four years. Under certain circumstances, family members such as spouses, parents, children and unmarried siblings may apply for “derivative” T-Visas, in order to join the victim in the U.S. In order to be eligible for a T-Visa, each victim applicant must demonstrate that he or she:

- 1) Is a victim of a severe form of trafficking as described by the TVPA.
- 2) Is physically present in the United States due to trafficking.
- 3) Comply with all reasonable requests for assistance in the investigation or prosecution of the trafficking offenses.
- 4) Would suffer extreme hardship involving unusual and severe harm if removed from the United States.

Note: Derivative applicants, immediate family members of victims who are also applying for T-Visas, do not need to meet the above criteria. They only have to show that they meet the requisite familial relationship and they are admissible into the U.S.

U-Visa

U-Visas may be available to aliens who have suffered substantial physical or mental abuse as a result of being subjected to a broad range of crimes committed against them in the United States. These criminal activities include rape, torture, incest, domestic violence, sexual assault, involuntary servitude, and many other crimes, which are commonly experienced by trafficking victims. Consult an immigration attorney to see what interim relief may be available. Recipients of U Visas qualify only for a work permit. They are not eligible for the benefits and services provided to refugees.

Services Available to Trafficking Victims

Victims of trafficking may be eligible for a wide range of benefits and services regardless of their immigration status. Certain government-funded programs, services, and assistance that are necessary for the protection of life and safety, such as crisis counseling, intervention programs for victims of criminal activity, short-term shelter or housing assistance, and mental health assistance, are available to anyone.²⁰

Benefits to Trafficking Victims

Once certified, victims will receive an official letter from ORR “certifying” that the individual is recognized as a victim of a severe form of trafficking and is eligible for the following services:

- Housing assistance
- Employment assistance (including Job Corps)
- Medical and dental care
- Food stamps
- English language training
- Mental health services
- Income assistance including Supplemental Security Income (SSI) and Temporary Assistance for Needy Families (TANF)
- Refugee matching grant
- Unaccompanied Refugee Minor Program
- Legal services²¹

²⁰ Trafficking in Persons: A Guide for Non-governmental Organizations (2002). A publication prepared by the Women’s Bureau of the U.S. Department of Labor, The U.S. Department of Justice, et al.

²¹ The Trafficking Victims Protection Act of 2000, Sec. 107.

How to Recognize Human Trafficking – The “Red Flags”

Because trafficking victims often do not self-identify, it is important for all helping professionals to know how to recognize the “red flags” of trafficking and think about opportunities to take a second look at any suspicious situations. We all need to be on guard for the clues of potential human trafficking. The U.S. federal government lists the “red flags” of trafficking as the following:²²

- Evidence of being controlled (rarely alone, seems to be under constant surveillance, isolated or cut off from family and friends, bruises, fear of speaking for themselves.)
- Evidence of inability to move or leave a job.
- Persistent fear, depression, anxiety, or submissive or stupor-like behavior (signs of trauma.)
- No passport or other identifying documentation.
- Excessive work hours - not free to take time off.
- Unpaid for work completed or paid very little.
- Lives with co-workers and “employer”- no privacy.
- Untreated illnesses and infections.
- Active in commercial sex industry or works “off the books” in low-paying job.

In addition to the above red flags, there are many other guides to identifying victims of trafficking. For an excellent guide see *Hiding in Plain Sight: A Practical Guide to Identifying Victims of Trafficking in the U.S.*

www.uri.edu/artsci/wms/hughes/hiding_in_plain_sight.pdf

How to Distinguish Between Human Smuggling and Human Trafficking

Two forms of illegal entry into the U.S are smuggling and trafficking. This section will cover how to distinguish between the two phenomena. Knowing how to differentiate between the two is important because persons involved solely in smuggling are not eligible for the special immigration relief and services authorized by the TVPA.

Human Smuggling

Smuggling is a criminal activity whereby persons illegally transport others across international borders for work or other reasons. There are literally hundreds of thousands of persons who put themselves in dangerous and even deadly situations in order to be smuggled illegally into the U.S. These individuals, desperate for a better life, hire people to transport them across blazing hot deserts and stash them in freight trains, cargo ships, and even in the trunks of cars, in order to enter the U.S. without the proper documentation or inspection from authorities at the border. The person generally agrees to pay a transportation fee, and is free to leave their transporters once in the U.S. If they are provided work, smuggled persons may be reasonably paid, and as importantly, they are free to leave the work if they choose without serious repercussions. It is important to note that smuggling can become trafficking.

²² Rescue and Restore Campaign, “Look beneath the Surface” Fact Sheet. Department of Health and Human Services. (2005).

Human Trafficking

In contrast to smuggling, trafficked persons are victims. As we have learned, they are unable to leave a situation without serious and sometimes life-threatening consequences to themselves and/or their families. In many situations, a person may have agreed to be smuggled into a country, and may have agreed to pay a fee or perform work. However, they become trafficking victims when they are held against their will, and when force, fraud, and coercion is used to maintain them for the purpose of exploitative labor or sexual services.

Key Differences Between Human Trafficking and Smuggling²³

TRAFFICKING	SMUGGLING
Must contain an element of <i>Force, Fraud</i> or <i>Coercion</i> (actual, perceived or implied,) unless under 18 years old and involved in commercial sex acts.	The person being smuggled is generally cooperating.
Forced labor and/or exploitation.	There is no actual or implied coercion.
Persons trafficked are victims.	Persons smuggled are violating the law. They are not victims.
Enslaved, subjected to limited movement or isolation, or had documents confiscated.	Persons are free to leave, change jobs, etc.
Need not involve the actual movement of the victim.	Facilitates the illegal entry of person(s) from one country into another.
No requirement to cross an international border.	Smuggling always crosses an international border.
Person must be involved in labor/services or commercial sex acts, i.e., must be “working.”	Person must only be in the country or attempting entry illegally.

Note: The above government fact sheet “Trafficking vs. Smuggling” does not provide a precise legal distinction of the differences between smuggling and trafficking. Fact scenarios are often complex; in such cases expert legal advice should be sought.

Once it is suspected that someone may be trafficked, more information is needed. If possible, helping professionals should contact people with trafficking expertise in their area, and let others conduct the more in-depth interviews. For organizations with trafficking service experience, see the list of OVC-funded grantee programs found at the following website:

www.ojp.usdoj.gov/ovc/help/traffickingmatrix.htm

²³ Human Smuggling and Trafficking Center, Fact Sheet, HSTC@State.gov. (2006).

- **Don't assume the person with the potential victim is a friend you can trust:** Traffickers, or others working with them, have been known to go with victims to social services agencies and hospitals for services or treatment. Traffickers often monitor and control the victim's conversations and interactions so that the victim has limited opportunities to reach out for help.
- **Know your agency's safety plan and be prepared for emergency intervention:** Your agency may already have a policy for handling violent situations and/or working with clients to develop a safety plan. Tips for developing a safety plan with clients are discussed later in this module.
- **Be discreet:** If at all possible, speak with the potential victim alone in order to obtain information about his or her situation. Be discrete in requesting a private conversation with the potential victim. It may be easier to arrange this private conversation if your agency policy is to always do screenings and assessments with patients/clients in private. When the potential victim is reluctant to go with you to a private location, or if the person(s) with them does not want them to speak with you alone, be very cautious – do not press the issue. It is better to be safe than put the potential victim in a dangerous situation.
- **Do not re-traumatize a victim:** Be very mindful that the questions you ask may be potentially upsetting. Strive to be sensitive. Do not ask questions intended to provoke an emotionally charged response. For example, a basic question such as, “do you have any family?” may evoke a strong emotional response. Thus, be prepared to respond to a victim's distress and highlight their strengths. If the victim is highly distressed, find a mental health professional trained in trauma work to counsel him/her.
- **Do not collect or document more information than you need:** Ask only the questions you need to identify the individual as a potential trafficking victim and assess his/her safety, and make an appropriate referral. Be mindful that you and your case records may not be protected from a subpoena if there is ever a case against the victim or the trafficker.

Finding an Interpreter

Because trafficking victims may not speak English, finding a trusted person who speaks the potential victim's language may be a challenge. The next exercise will help you identify language resources in your community. Remember too, that the national trafficking hotlines have information on over 150 languages. There will be times when it is necessary to use an interpreter to interview potential trafficking victims. The following exercise is to discuss the local language resources. There is also a federal government organization with information and guidance for agencies on language access to federal programs and activities. This organization is called Meaningful Access for People who are Limited English Proficient. Their website can be found at:

www.LEP.gov

Key Screening Questions to Ask Potential Trafficking Victims

The following are key questions on trafficking and can be used as a general screening tool for experienced social service providers and law enforcement professionals for possible referral to U.S. authorities and legal advocates. Upon referral, U.S. authorities will conduct a more extensive investigation of the suspected trafficking. While these questions can be used as a general first interview guide for any intake personnel, it is recommended that the questions are asked in coordination with an experienced trafficking social service or legal professional. At all times, intake personnel should be mindful of any potential risks in asking these questions.

- What type of work do you do?
- Are you being paid?
- Can you leave your job?
- Can you come and go as you please?
- Have you or your family been threatened?
- What is your working and living condition like?
- Where do you sleep and eat?
- Do you have to ask permission to eat/sleep/go to the bathroom?
- Are there locks on your doors/windows so you cannot get out?
- Has your identification or documentation been taken from you?²⁴

Questions to Assess Immediate Safety

For those entrapped in trafficking situations, helping professionals must assess the victim's *immediate* threat of harm. The safety risks to victims are real. Traffickers who are involved in criminal enterprises use force to control their victims and have access to weapons. The following is a *brief* safety assessment to supplement your agency's existing safety assessment procedures. When possible, work with local law enforcement officials to assess safety risks.

1. Have you ever been threatened or seriously injured by the person you live with?
2. Do you have reason to believe that you will be seriously injured (or killed) if you return to where you are staying today? (If yes, consult your supervisor.)
3. Why do you believe you are in serious danger? What is happening?
4. How do you plan to keep yourself safe if you are threatened today?

Help Victims Develop a Safety Plan

Assist victims develop a basic safety plan that helps to determine what they can do to keep safe. It does not have to be written, although it is best if written and a copy is placed in the client's file. The plan should be detailed enough to anticipate potential harmful situations and what the interviewee will do to keep safe. The human trafficking service organization Safe Horizon has

²⁴ Rescue and Restore, HHS, "Look beneath the Surface" question card. Publication funded by the U.S. Department of Health and Human Services, Washington, D.C. (2003).

written an informative safety planning guide. The guide offers suggestions on how to keep clients, workers, and attorneys safe when working with trafficking victims. The website for Safe Horizon is:

www.safehorizon.org

Determine if you are a Mandated Reporter

Human trafficking may include emotional and physical abuse, as well as sexual abuse and exploitation of children. Therefore, it is important for all service professionals to know their state mandatory reporting laws. While state laws may vary, in general, certain types of professionals are mandated to report incidences of child abuse, neglect, and sexual exploitation of children under the age of 18 to local child protective services and/or the local police. Many laws identify professionals such as law enforcement officers, health care workers, social workers, mental health professionals, domestic violence/ victim advocates, school personnel, and substance abuse counselors as mandatory reporters. Some states even mandate commercial film or photograph processors to report suspected incidences of child exploitation and child pornography. Eighteen states require all citizens to report suspected child abuse and neglect. Be familiar with your professional code of ethics, the protocols and procedures of your agency, and discuss the situation with your supervisor.

Caveat: If the youth is accompanied by an adult, and it is unknown if the adult is involved in any way with the trafficking, use extreme caution in moving to report the situation. If possible, tactfully separate the youth from the adult for an interview. Discuss with your supervisor if a call should be made. If, after conferring with your supervisor, the decision is made not to call because of safety concerns, document this in your services notes.

Reporting Suspected Trafficking of Minors

If, after conferring all relevant internal and external policies, the decision is made to call authorities, it is recommended that the social service worker, along with the supervisor and victim, call the local child protection authorities. The social service worker should first explain to the youth the reason for the call.

During the call, the social service worker should:

- Identify the case as one of suspected human trafficking.
- Give the evidence.
- Reveal any risk or safety issues that might affect the youth or the youth's family if the youth is immediately removed from the trafficking situation.

In a situation in which authorities are to be called involving the trafficking of a minor, the police should always be summoned. If the child is accompanied by an adult, the adult will need to be questioned as to his or her involvement in the trafficking.

If it is not safe to remove the youth from the trafficking situation immediately, the social service worker should discuss with the authorities the next step to prevent further trafficking and/or abuse. The plan may include FBI involvement to begin to monitor the situation and gather evidence for an

eventual prosecution. The plan may include protections for the youth without immediate removal *until and unless the youth is safe*.

Summary

This presentation had covered the basics on the scope, signs, and dynamics of human trafficking. Services are available *if* victims are rescued. Victims are entrapped and most can not escape. Many in the faith-based community, like The Salvation Army, are stepping forward to develop outreach efforts to trafficking victims as expressions of Christ's love for those suffering under brutal labor and/or sexual slavery.