

Trafficking: Modern Day Slavery

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April 2003

WHAT IS TRAFFICKING?

Trafficking in persons is the illegal trade in human beings, through abduction, the use of threat or force, deception, fraud or “sale” for the purposes of sexual exploitation or forced labor. This is also referred to as modern day slavery. The following case studies exemplify what trafficking looks like in the United States:

CASE ONE: The Vietnamese government facilitated seemingly legitimate US work contracts for several Vietnamese workers. Work in the USA actually meant toiling in a garment factory in American Samoa, where wages were withheld and indignities included working inhumane hours in high temperatures with one bathroom break a day. Given their physical isolation, obtaining help was very difficult. Ultimately, however, convictions were made and recent convictions indicate that this is one of the largest trafficking cases prosecuted by the U.S. government.

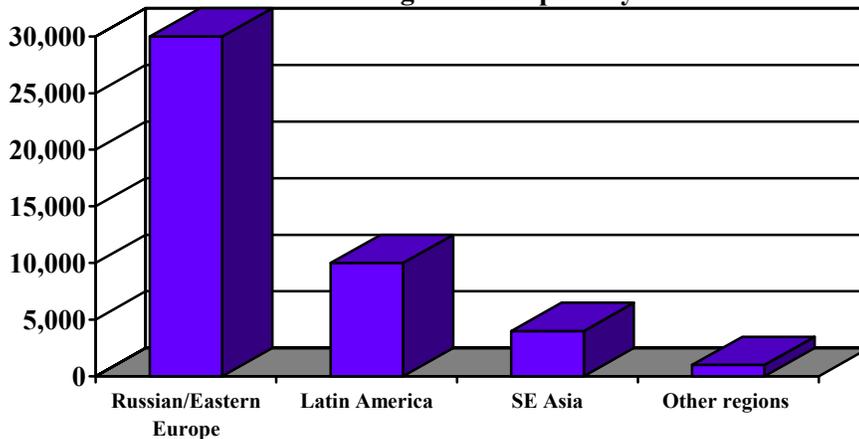
CASE TWO: Three Indonesian women were lured to the US with offers of restaurant work but were then forced into prostitution to "pay back" their traffickers. They managed to escape their captors and their traffickers were prosecuted by the US Attorney's office in the Southern District.

In both of these cases, the individuals have been offered or are obtaining counseling, shelter, legal services, case management for public benefits, and referrals for other long-term needs.

WHO IS TRAFFICKED?

- According to the United Nations (UN) 700,000-4 million people are trafficked internationally each year.
- People are lured from countries with high rates of poverty, political instability, and/or violence in SE Asia (30,000), Latin America (10,1000), Russia/Eastern Europe (4,000), Other Regions (1,000) - TABLE 1
- There are approximately 50,000 trafficked victims that enter the US each year. The primary receiving states are New York, California, and Florida.
- The average age of trafficking victims when discovered in the U.S. is 20 years
- People are trafficked to the U.S. to work in many sectors including; domestic labor, sweatshop labor, agriculture, sex industry, servile marriages, entertainment, and begging/peddling.
- UNDP estimates that that trafficking in women and girls for sexual exploitation in the U.S. is a \$7 billion/ year business.
- A person who is trafficked is considered a victim of a serious crime under U.S. law and has the right to protection and assistance under the Victims of Trafficking and Violence Prevention Act (VTVPA).

**People lured from countries
with high rates of poverty**



IMPORTANT LEGISLATION AND FEDERAL POLICY

The 13th Amendment of the Constitution outlaws slavery and involuntary servitude. The VTVPA of 2000 is a federal law that focuses on prevention, protection, and prosecution. The law defines a *severe form of trafficking* as:

Section 103 (8)

(a) 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

(b) 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.

Legal Definitions

Force, Fraud, or Coercion”

these terms are the key element in both subsections (a) and (b). Force, fraud or coercion can take many forms: Force- physical. Fraud- trickery. Coercion - threats of serious harm to or physical restraint against any person Or; Any scheme ,plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person or; the abuse or threatened abuse of the legal process.

Certification

Individuals are certified as victims of trafficking by the Office of Refugee Resettlement of the United States Department of Health and Human Services. The condition of certification is that they must demonstrate a willingness to cooperate with law enforcement and that they have made an application for a T Visa, and/or whose continued presence is necessary to aid in prosecution.

“Continuous Presence”

Status designed to ensure easy access to benefits, protection and shelter.

T Visa

Provides a route to secure immigration status

Smuggling

Someone may have been told they are being brought to the US for one purpose and then the arrangement changes once they arrive. For example, if an individual pays someone to bring them here and once here have to pay off debt and forced to work in prostitution.

Even if a person is smuggled and pays someone to bring them to the US, once they arrive and their understanding of the situation changes and the conditions change such that they no longer have a choice- then this may be a case of trafficking.

Assets of a T visa

- Legal residency for applicant and affected family members
- Ability to apply for permanent residency after three years
- Legal work
- Office of Refugee Resettlement assistance

Difficulties for T visa applicants

- If rejected, possibility of deportation and having to start migration process again

Convicting Traffickers

Convicted traffickers may receive prison sentences from to 20 years to life, pay fines and pay full restitution to victims.

SERVICES AND BENEFITS

Trafficked people are eligible for services and benefits regardless of immigration status. Certain government funded programs provide; crisis counseling, short-term shelter or housing assistance, and mental health assistance. As a service provider you may come into contact with trafficked victims. It is important to pay attention to the circumstances of someone's arrival, and the conditions upon arrival in the U.S.. The following are questions to consider when trying to identify victims:

- Did the person come to the US for a specific job/or other purpose?
- Upon arrival, was he/she forced to do different work than what was promised?
- Who was in control of the travel arrangements, documents?
- Does the individual have access to their personal documents, identification papers etc?
- Does the person owe money to the employer?
- Can he/she leave the situation?
- Has she/he been threatened with harm if he/she tries to leave?
- Have their family members been threatened?
- Have they experienced other threats such as deportation?
- Reporting them to the INS?
- What are the conditions of their work i.e. hour and wages?
- Is their freedom restricted in any other way?

Challenge to service provision

- Certification process lengthy
- Many victims continue to be undocumented for long periods of time placing them at continual risk due to a need for financial stability, housing

RESOURCES AND FURTHER INFORMATION

Readings

International Trafficking in Women to the United States: A Contemporary Manifestation of Slavery and Organized Crime

Amy O'Neil Richards, Nov. 1999. <http://www.cia.gov/csi/monograph/women/trafficking.pdf>

Hidden in the Home: Abuse of Domestic Workers and Special Visas in the U.S. – U.S. Laws and Their Enforcement: Domestic Workers Falling Outside Government Scrutiny And Protections In Violation of International Law

Human Rights Watch, 6/01, Vol. 13, No.2 (G)
<http://www.hrw.org/reports/2001/usadom/>

U.S. Congress: The UN and the Sex Slave Trade in Bosnia: Isolated Case or Larger Problem in the UN System?

House Subcommittee in International Operations and Human Rights April 24, 2002
http://www.house.gov/international_relatoins/iohr107.htm

U.S. Trapped: Human Trafficking for Forced labor in the Commonwealth of the Northern Mariana Islands (a U.S. Territory)

Global Survival Network 1999. <http://www.globalsurvival.net/pdf/9905cnmi.pdf>

U.S.: International Matchmaking Organizations: A Report to Congress

U.S. Immigration and Naturalization Services
<http://www.ins.usdoj.gov/graphics/aboutins/repstudies/Mobrept.htm>

Contacts

Freedom Network (USA) to Empower Trafficked and Enslaved Persons <http://www.freedomnetworkusa.org/>

West Coast

Coalition to Abolish Slavery and Trafficking, Los Angeles (213) 385-5584
<http://www.traficked-women.org/>

Northeast

Safe Horizon, New York City (718) 899- 1233
International Organization for Adolescents, New York City - iofa@iofa.org

Mid-West

Midwest Immigrant and Human Rights Center, Illinois (312)-660 1370

Mid-Atlantic

Break the Chains Campaign, Institute for Policy Studies, Washington DC <http://www.ips-dc.org/campaign>
Human Rights Watch, Washington DC/ New York <http://www.hrw.org/about/projects/women.html>
International Human Rights Law Group – Initiative Against Trafficking in Persons, Washington, DC
http://www.hrlawgroup.org/initiatives/trafficking_persons/

Southeast

LUCHA: A Women’s Legal Project, Florida (305) 573-1106 x 1060
Refugee Women’s Network Inc., Georgia (404) 296 –3967

Governments Resources

Trafficking in Persons and Worker Exploitation Task Force
(888) 428-7581

Violence Against Women Office (VAWO), U.S. Department of Justice
(202) 307-6026

Child Exploitation and Obscenity Section/ Criminal Division, U.S. Department of Justice
(202) 514 –5780

Office to Monitor and Combat Trafficking in Persons, U.S. Department of State
(202) 312 –9639

Office of Refugee Resettlement, U.S. Department of Health and Human Services
(202) 401-9246

References

American Immigration Lawyers Association. 2002. *Immigration & Nationality Law Handbook*.

Coalition to Abolish Slavery and Trafficking, Los Angeles. <http://www.traficked-women.org/>

International Organization for Adolescents. <http://www.iofa.org>

Freedom Network (USA) to Empower Trafficked and Enslaved Persons <http://www.freedomnetworkusa.org/>

New York City Community Response to Trafficking Training Manual. December 2002.

Resources and Contacts on Human Trafficking. February 5, 2003. http://www.hrlawgroup.org/initiatives/trafficking_persons/

Safe Horizon Anti-Trafficking Initiative. 2003. New York, NY.

Trafficked Persons Rights Project. <http://www.tprp.org>

Victims of Exploitation and Trafficking Assistance – A Project of Boat People SOS Inc. <http://www.bpsos.org>

Women’s Bureau of U.S. Department of Labor in collaboration with the U.S. Department of Justice, Health and Human Services and State.
2002. *Trafficking in Persons: A Guide for Non-Governmental Organizations*
