

Time to Broaden our Approach to Human Trafficking: Integrating Labor and Sex Trafficking into our Crime Victim Response



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The Advocates for Human Rights

Founded in 1983, The Advocates for Human Rights is an NGO dedicated to the **promotion and protection of internationally recognized human rights** locally, nationally, and internationally.

- Refugee and Immigrant Rights
- International Justice
- Human Rights Education
- Women's Human Rights

Session Objectives

- ❖ Understand forms of human trafficking - sex and labor
- ❖ Share what labor trafficking looks like in MN
- ❖ Discuss how human trafficking intersects with other crimes
- ❖ Explore unique vulnerabilities and approaches to working with vulnerable populations
- ❖ Practice identification and response

Human Trafficking?

A young woman from an impoverished Latin American family, pays someone to bring her across the U.S. border so she can work for her aunt's spa.

When she arrives, she is told that as payment for her work, she will only receive housing in the basement of the aunt's house and help "learning the ropes" of life in MN.

Instead of cutting hair, she gives "massages" to customers.

She agrees to stay after her aunt threatens to report her to immigration and the local police if she tries to leave the home.

Human Trafficking?

- What is “Human Trafficking”?
- What does it look like here?
- How can I identify it?
- How do I respond?





Our Approach

- What is your approach to this work with crime victims?

- What is an example of how you implement your specific approach?

Our Approach

- What is your approach to this work with crime victims? **HUMAN RIGHTS FRAMEWORK**
- What is an example of how you implement your specific approach?
 - Use International Human Rights Law and Standards to guide our work
 - Gives context to the broader issue – from individual to global
 - Government responsibility to protect victims and hold offenders accountable
 - Framework to monitor and evaluate programs and services
 - Helps us to answer the question: Is Minnesota fulfilling its obligations when it comes to trafficking? Do we meet human rights standards?

Our Approach

- What is your approach to this work with crime victims? **TRAUMA-INFORMED**
- What is an example of how you implement your specific approach?
 - Trauma education
 - Specific Trauma-Informed Practices to working with trafficking survivors
 - Accompaniment and Safety
 - Survivor-guided response

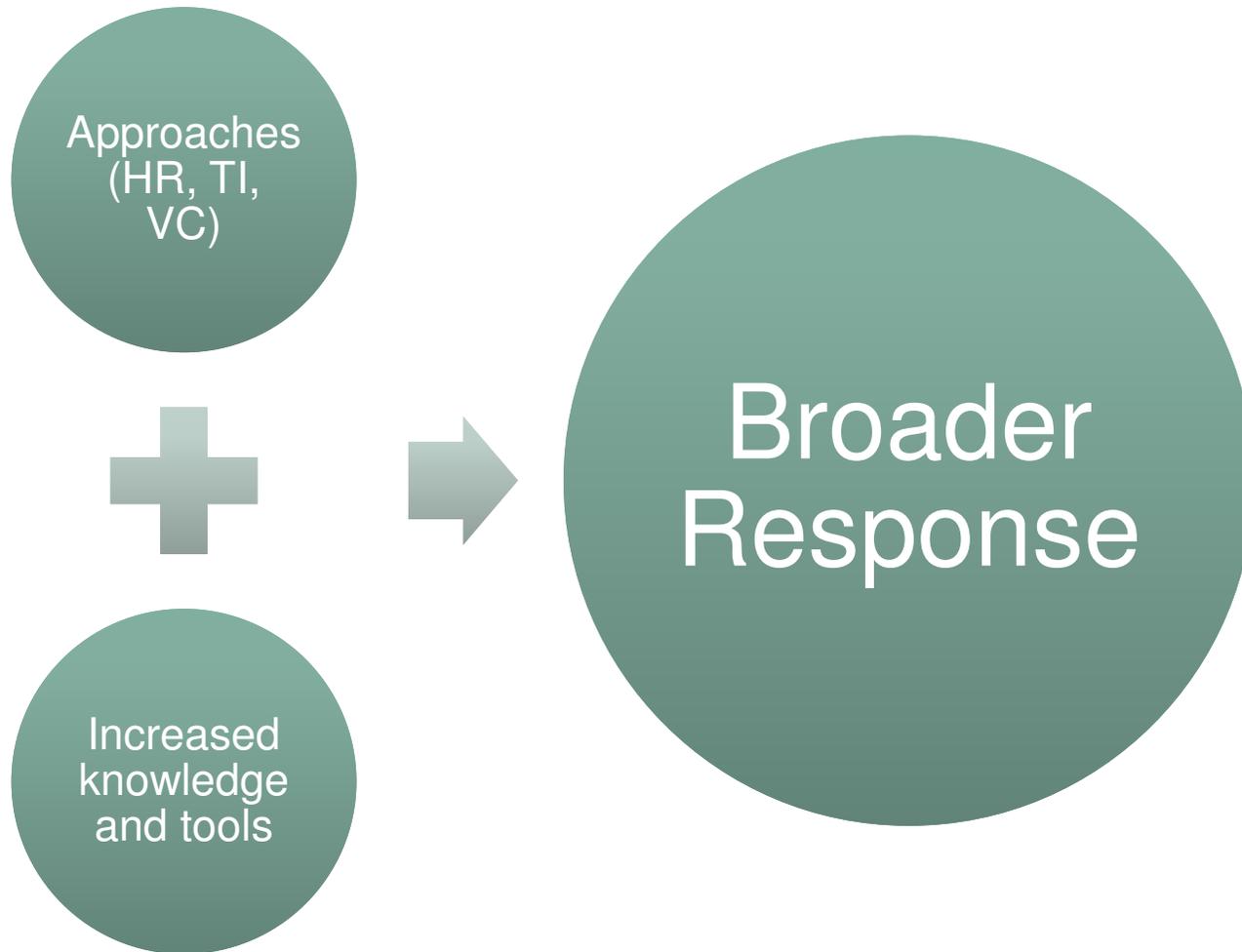
Our Approach

- What is your approach to this work with crime victims? **VICTIM-CENTERED**
- What is an example of how you implement your specific approach?
 - Victim safety prioritized
 - Investigation and prosecution is not dependent on victim testimony
 - Victims are given choices and options
 - Victims have access to advocacy at all stages
 - Victims and survivors participate in shaping the systems response

Broadening our Response

- These three approaches overlap
- Your **approach defines what you see**
 - You are more likely to see more forms of human trafficking if you use a human rights-based, trauma-informed, and victim-centered lens
 - More likely to see overlapping forms of victimization

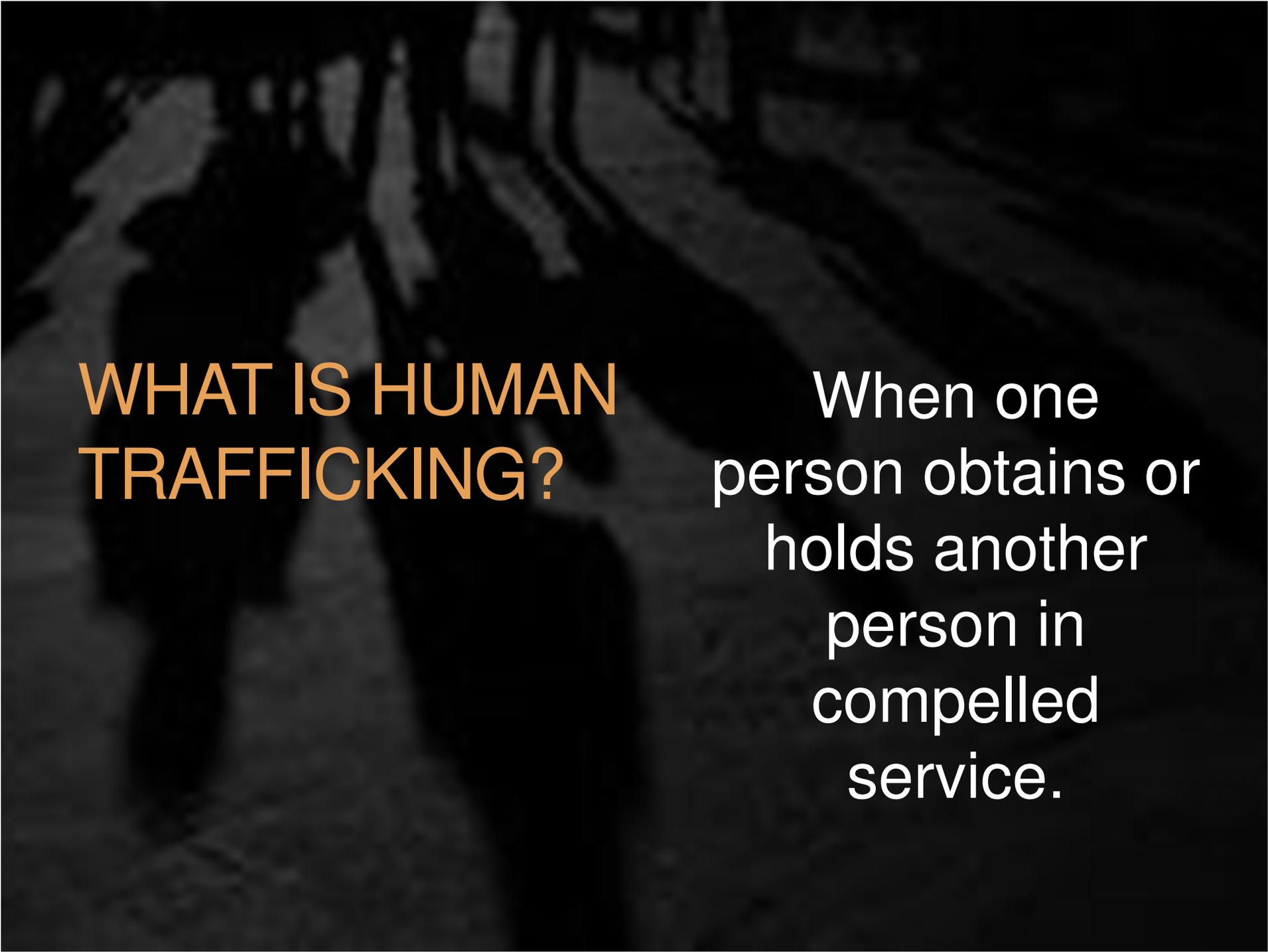
The Components of a Broader Response



Why we need to Broaden our Response:

“Keep in mind that many victims do not self-identify as ‘human trafficking victims’ due to a lack of knowledge about the crime itself and the power and control dynamics typically involved in human trafficking situations.”

- National Human Trafficking Resource Center, Polaris Project
Comprehensive Human Trafficking Assessment 2 (2011)



WHAT IS HUMAN TRAFFICKING?

When one
person obtains or
holds another
person in
compelled
service.

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graph TD; A((Human Trafficking)) --> B((Sex Trafficking)); A --> C((Labor Trafficking));
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Human
Trafficking

Sex
Trafficking

Labor
Trafficking

Legal Definitions



United Nations
Palermo Protocol



Federal Trafficking
Victims Protection Act



Minnesota Law

Human Trafficking: Federal Break Down

Action

What the trafficker did to get the victim

- Recruitment, transportation, harboring, enticing, or obtaining

Means

How the victim was brought into and kept in the situation

- Force – physically/sexually, bodily harm
- Fraud – lies, false promises, fake contracts
- Coercion – threats of violence, shame, threats of deportation or notifying authorities
- Unless under 18 (for sex trafficking)

Purpose

What purpose/goal?

- Involuntary servitude
- Debt bondage
- Slavery
- Commercial Sex Act

Human Trafficking: MN Break Down

Action

What the trafficker did to get the victim

- Recruitment, transportation, transfer harboring, enticing, provision, obtaining, or receipt

Means

How the victim was brought into and kept in the situation

- By **any** means
- Regardless of victim's age

Purpose

What purpose/goal?

- Debt bondage
- Forced Labor or services
- Slavery or slave-like practices
- Prostitution

Sex Trafficking Definitions

Federal Law

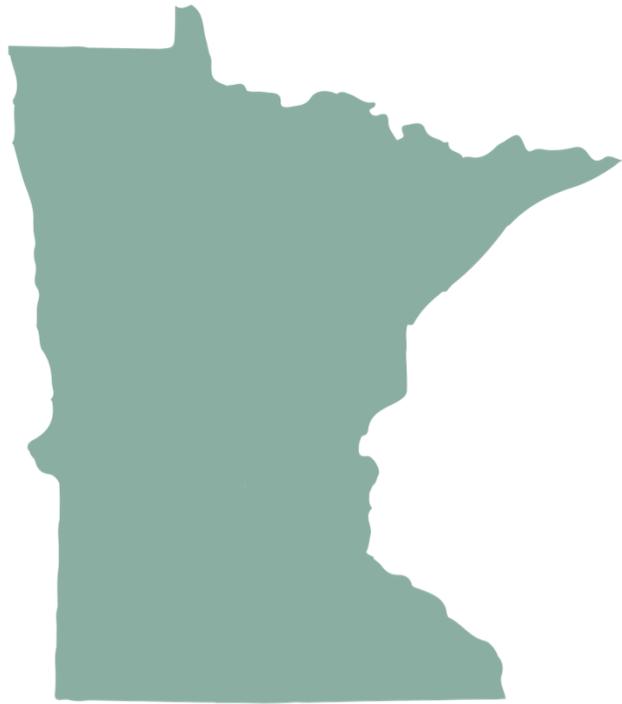
Requires showing of **force, fraud, or coercion** if victim is over 18.

Trafficked for purposes of **commercial sex act**

Minnesota Law

Victim can be trafficked "**by any means**" regardless of age.

Trafficked for purposes of **prostitution**



“Sex trafficking is not new to Minnesota, nor is it confined to the Twin Cities metropolitan area; it affects communities throughout the state.”

- *Sex Trafficking Needs Assessment for the State of Minnesota, The Advocates for Human Rights, October 2008.*

In  pimping
is sex
trafficking.

Prostitution and
Sex Trafficking on
same continuum of
exploitation.



Labor Trafficking Definitions

Federal Law

Requires showing of **force, fraud, or coercion**

For purposes of **involuntary servitude, peonage, debt bondage, or slavery**

Minnesota Law

Victim can be trafficked "**by any means**"

For purposes of **debt bondage, forced labor, slavery or slave-like practices, or organ removal**

Minnesota Labor Trafficking Prosecution

CAUTION

Federal
definition of
labor trafficking

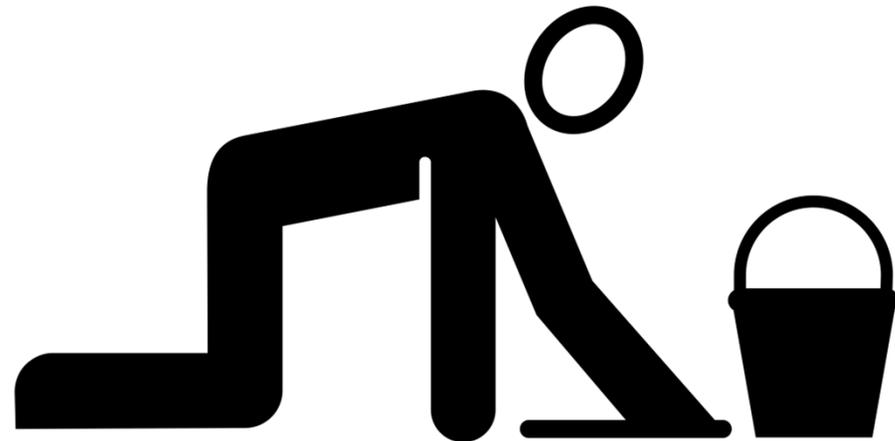


federal criminal
statutes that
penalize forced
labor and
trafficking

- FBI began investigating the Vietnamese restaurant in Mankato after a tip from an NGO
- Criminally prosecuted under Forced Labor statute (18 USC 1589).
- First federal Forced Labor case in the District of Minnesota.

The most common type of labor trafficking in MN:

Female domestic servants recruited from other countries to provide housekeeping and child care in homes (*without* pay; *with* threats, force, and intimidation)



Labor Trafficking and Labor Exploitation

More than

60%

of labor trafficking cases involved known labor law violations

Top labor law violations

in labor trafficking cases:

1. Wage theft, other wage and hour violations
2. Unsafe working conditions
3. Sexual harassment

Asking the Right Questions: A Human Rights Approach to Ending Trafficking and Exploitation in the Workplace, The Advocates for Human Rights (forthcoming)

Dynamics of Human Trafficking

Who is being trafficked?

How does this happen?

Where is it happening?



**Who is being
trafficked?**

Human Trafficking Risk Factors

Poverty

Youth

Race

History of abuse

History of exploitation

Disability

Chemical dependency

Lack of support systems

Lack of immigration status



**How does
trafficking
happen?**

How does it happen?

Recruitment / Offer



Breaking /
Point of No Return



Barriers to escape /
Methods of control



**Where is it
happening?**

Where does human trafficking occur?

- Domestic Service
- Commercial Sex Industry
- Factories
- Peddling / Door to Door Sales
- Agriculture / Farms
- Criminal Activity (stealing, drug transport)
- Restaurant / Bars
- Construction
- Hotel / Motel Housekeeping
- Nail Salons
- Carnivals
- Food Processing /Canneries / Agricultural Facilities
- Schools; shelters; libraries; etc.



Do you see it?

Learning to
identify
trafficking
victims
among the
people you
interact with
is the first
step!



Understanding the Trafficking Survivor

Trauma Barriers

- Afraid family back home will suffer if reported
- Trauma bonding to or extreme fear of trafficker/ employer
- Appearing hostile
- Distrustful of authority
- Jumpy, anxious, fearful, unrealistic expectations
- Inconsistent stories

Circumstantial Barriers

- Lack of identifying documents
- Employer controlled housing
- Not holding own money or paid only in room and board
- No permanent address or phone number
- Unfamiliar with location or language

Why don't sex trafficking victims leave?

- ▶ Ongoing actual or threat of abuse / torture / rape
- ▶ Making an “example” out of another victim
- ▶ Threats to family or children
- ▶ Causing and exploiting a pregnancy; chemical addiction
- ▶ Pressure and guilt by playing the “friendship/boyfriend” card
- ▶ Isolation; exploiting feelings of worthlessness
- ▶ Blackmail; pornography
- ▶ Withholding money or identity documents
- ▶ Threat of prosecution or deportation

Why don't labor trafficking victims leave?

Lack of Knowledge

- Victims don't know their rights or what to do when they are violated

Fear of retaliation

- Employers and traffickers threaten deportation or physical harm
- Workers don't want to lose their "job" or are afraid

Lack of Access

- Workers don't know where to go or what agency can help and don't have the time to wait for case to settle

Asking the Right Questions: A Human Rights Approach to Ending Trafficking and Exploitation in the Workplace, The Advocates for Human Rights (forthcoming)

Are You Seeing Labor Trafficking?

Debt bondage

Forced labor or services

Slavery or Slave-like Practices

Organ removal

- **Is someone holding your personal documents for you?** (*I.D., Passport, or Papers*)
- **Does someone else control the decisions you make about your life?** (*Where you go; where you live; who you talk to; when you see your family; whether you take breaks at work; whether you work when you are sick or injured; or how you spend your money*)
- **Do you owe money to your boss, the person who hired you, or the person who helped you find the job?** (*Money is taken directly from your pay to cover a debt or for travel; the amount you owe increases; or the amount you owe does not decrease*)
- **Are you receiving all your pay?** (*Not paid at all; not paid on time; not paid as promised; or paid in housing, food, or other things*)
- **Are you afraid something bad will happen to you or someone else if you leave your work?**

Are You Seeing Sex Trafficking?

- Prostitution
- Pimping

- Are you having sex for money or anything of value – clothing, food, housing?
- Does someone, other than a dependent, take all or some of the money you get from having sex?

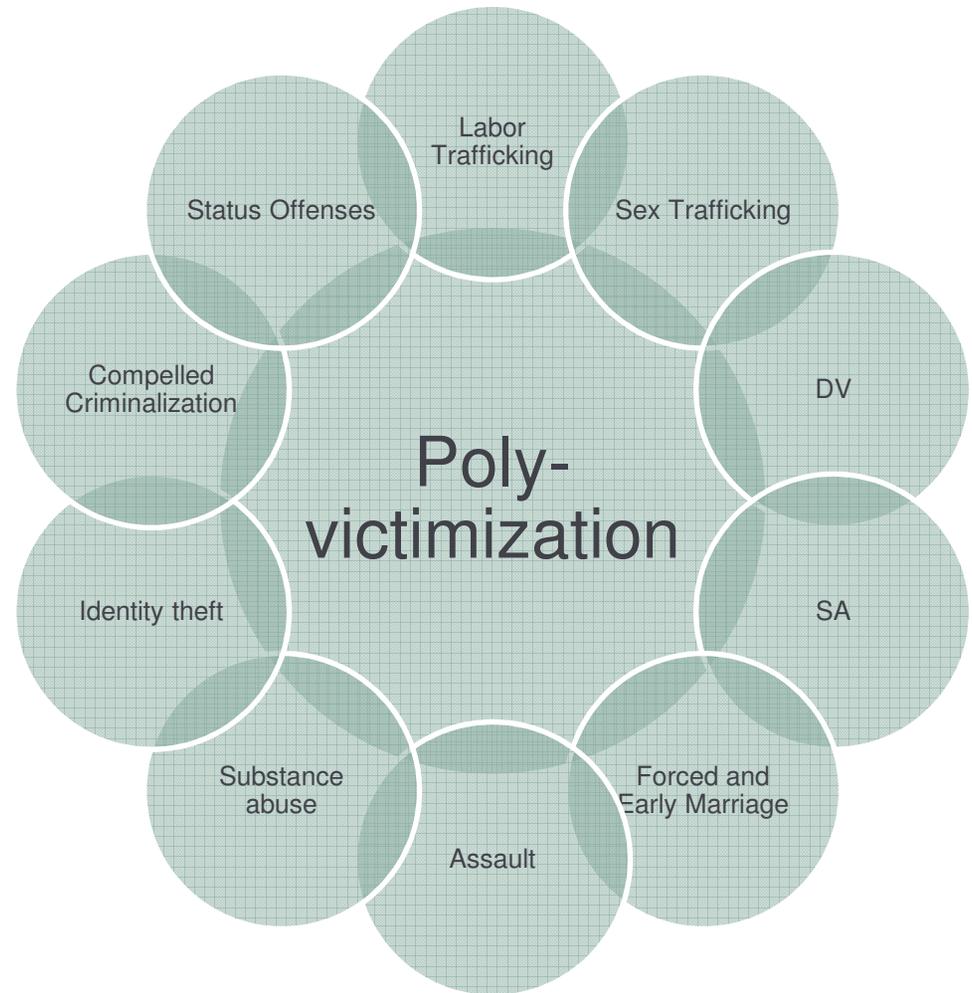
Signs for:

- Law enforcement
- Hotel staff
- Educators
- Healthcare workers
- License and Code Compliance officials
- Community

Human Trafficking and Other Forms of Victimization

Poly-victimization

- Labor / Sex Trafficking
- Domestic violence
- Sexual Assault
- Forced marriage
- Assault
- Substance-induced offenses
- Identity theft
- Compelled criminalization
- Broad status offenses



Practice Identifying Human Trafficking

Scenario Discussion

- Is this Human Trafficking?
- Why?
- What else is it?



Building Your Response to Human Trafficking

Anti-trafficking History in MN

2005

MN anti-trafficking laws passed.
Vick law enforcement Task Force established.

2006

Statewide Human Trafficking Task Force created.

2008

Sex Trafficking Needs Assessment identifies gaps in legal system.

2009

Sex trafficking laws amended to increase penalties against traffickers.

2010

A Future, Not a Past and MN Safe Harbor initiatives begin examining response to sexually exploited youth.

2011

Safe Harbor enacted.

2011-2012

Statewide consultation process creates the No Wrong Door model for Safe Harbor.

2013

Safe Harbor amended and initial Safe Harbor system funding secured.

2014

Safe Harbor takes effect August 1, 2014

2015-2016

Labor Trafficking / Exploitation Report

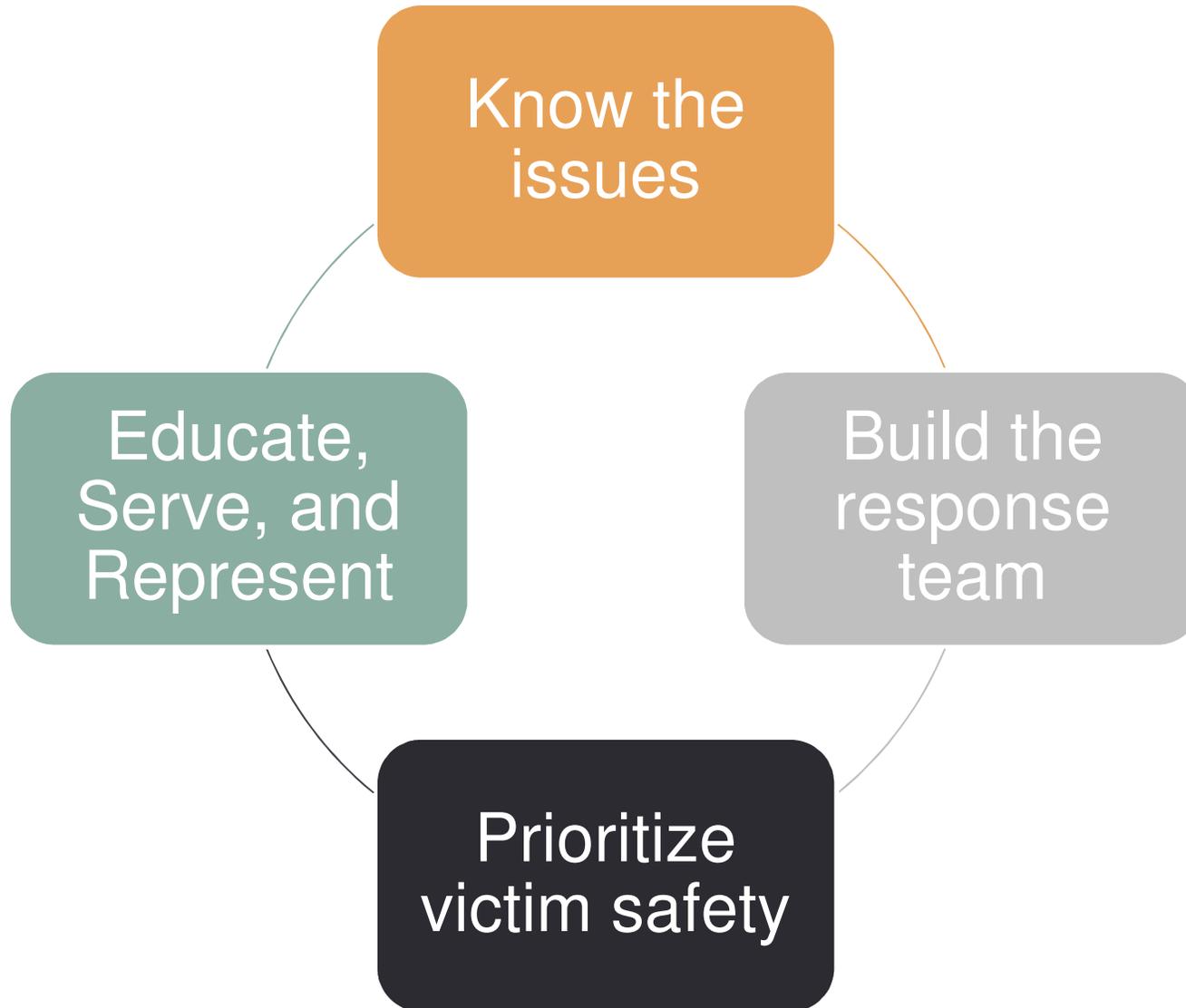
Broadening our Response

- Our approach informs the way we view the victim from identification through response
- We need to broaden and integrate our response because :
 - Victims experience victimization in overlapping ways
 - The needs of victims are too complex to be handled within silos
 - Our approaches require a broader response
- We broaden our response by:
 - Changing our approach
 - Learning new knowledge and tools
- The broader response to human trafficking, both sex and labor, helps promote a more comprehensive response to all crime victims

Needs of Trafficking Victims: Comprehensive Services

- **Safety and basic survival: food, water, medical; emotional and psychological acceptance**
- Belonging
- Physical needs: clothing, personal items, housing
- Trauma counseling, peer support, and mental health
- Education and skills training
- Employment
- Transportation
- Advocacy in criminal justice system
- Legal status: immigration; expungement of record; identity
- Legal services to regain control over life choices: children, marriage, housing, employment, finances

Collaborative Response



Unique Needs of Foreign-born Victims

Vulnerabilities and Challenges

- Victims often find themselves in a foreign country: cannot speak the language and unfamiliar with the culture
- Traffickers frequently take away the victims' travel and identity documents, telling them that if they attempt to escape, the victims or their families back home will be harmed, or the victims' families will assume the debt
- Traffickers lie to the victims and manipulate their high level of isolation and lack of support
- May be legally or illegally in the U.S., or traffickers may fraudulently manipulate victim's status

Unique Needs of Foreign-born Victims

Solutions and Response:

- Increased emphasis on survivor education, strengths, and belonging in the community
- Appropriate screening procedures to assess for protections under federal and state law
- Well-trained and collaborative response from legal advocates, victim services, and federal and state law enforcement
- “Per capita” funding available for services through specific providers (through partners of US Department of Health and Human Services Office on Trafficking in Persons or US Department of Justice Office for Victims of Crime)

Survivor Recovery: Critical Themes

1. Safety
2. Social Support
3. Choice/ Agency
4. Relief of unrealistic work
5. Feeling “human” or equal
6. Sparing children from same fate

- Sharon Doering, *Human Trafficking Recovery: Conceptual and Dimensional Considerations in a Stage Model* (dissertation) (2012), 94

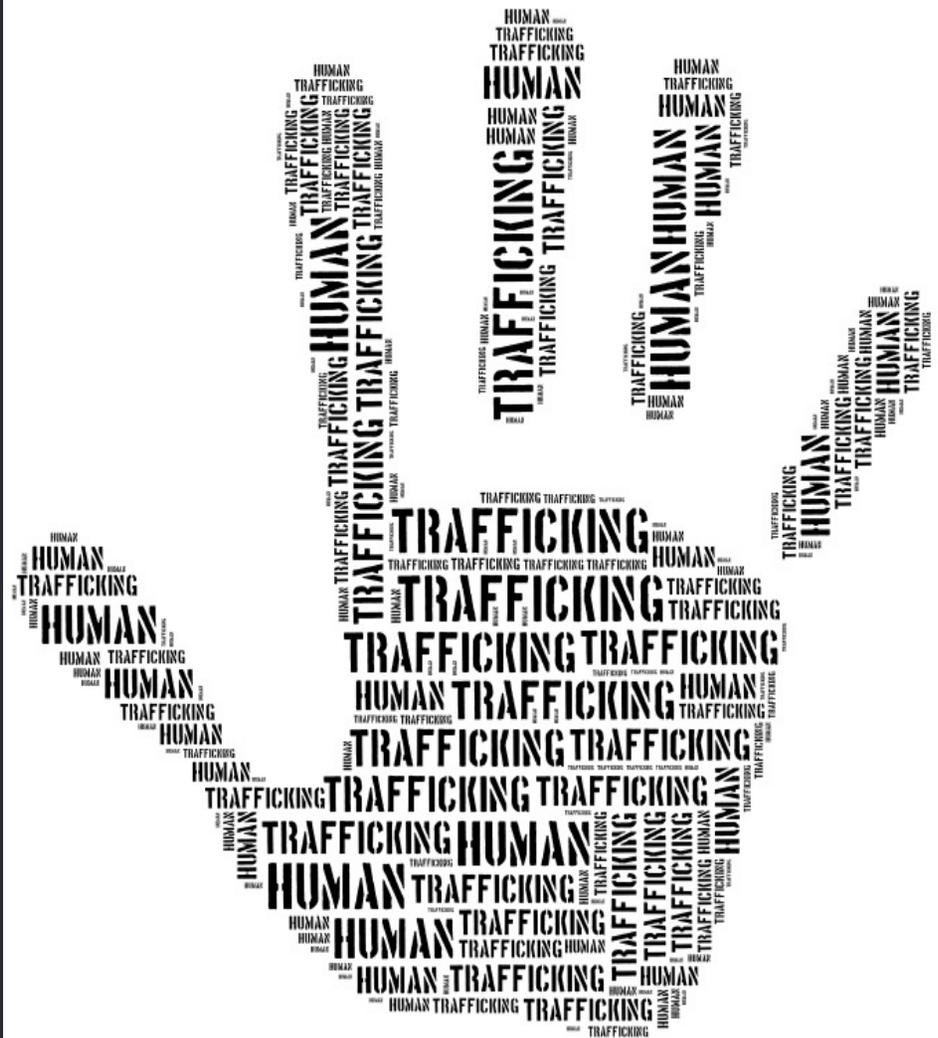
Building Response Under a Human Rights-Based, Trauma-Informed, Victim-Centered Approach

Tools and Practices

- Human Rights-Based:
 1. Use human rights standards to guide
 2. Victim safety / Offender accountability
 3. Government responsibility
- Trauma-Informed and Victim-Centered:
 1. Safety first, at every stage
 2. Accompany
 3. Use screening tools well
 4. Provide trauma education
 5. Focus on long-term results

Stop trafficking and sexual exploitation **BEFORE** it occurs.

Every \$1 spent on prevention and early intervention, saves us \$34 in costs later.



Practice Developing Your Response

Response Discussion



*Together, we can create a
society where **ALL** are
Valued and Protected.*

Thank you!

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