



INSTITUTE ON RACE AND JUSTICE

TRAFFICKING IN PERSONS

RESEARCH BRIEF

MAY 2006

Trafficking of persons has become an increasingly important international human rights concern and a serious challenge to local, state and federal law enforcement. It is estimated that between 600,000 and 800,000 people are trafficked internationally each year and 14,500 to 17,500 people are trafficked annually into the United States (Miko, 2004; U.S. Department of Justice, 2004). Additionally, when trafficking within nations is included, figures may rise as high as 2 to 4 million (Miko, 2004). While trafficking in persons is not a new phenomenon, it currently represents one of the fastest growing areas of international criminal activity.

DEFINITIONS

Human trafficking constitutes a modern day form of slavery characterized by coercion, fraud, control and subordination in which individuals are exploited sexually or forced into labor situations against their will. While many trafficked individuals are moved to new or foreign locations, movement itself is not what constitutes trafficking; the force, fraud or coercion exercised on that person by another to perform or remain in service is the defining element of trafficking in the modern usage (U.S. Department of State, 2005).

The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Article 3, defines trafficking as:

The recruitment, transportation, transfer, harboring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services,

slavery or practices similar to slavery, servitude or the removal of organs.
(http://www.unodc.org/unodc/en/trafficking_protocol.html)

In the United States, the Department of Justice defines trafficking in persons as:

Sex trafficking: the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act, in which a commercial sex act is induced by force, frauds or coercion or, in which the person force to perform such an act is under the age of 18. Sex trafficking describes acts such as forced prostitution, child sex tourism, and mail order brides.

Labor trafficking: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud or coercion for the purposes of subjection to involuntary servitude, peonage, debt bondage or slavery. Forced labor can include labor demanded to repay a loan or money given to fund transport, parents pledging their children to work in exchange for a loan, cases where the value of work rendered exceeds an original sum owed, forcing someone to stay in a job due to threat of harm to themselves or another, or peonage in which debtors are bound in servitude to creditors.

Trafficking is distinguished from smuggling in that trafficking always involves force, fraud or coercion, can be either domestic or transnational, and results in ongoing profits for traffickers from victims' labor. Smuggling, in contrast, is voluntary, always transnational, and involves single payment for transportation.

THE SCOPE OF HUMAN TRAFFICKING

The worldwide movement toward globalization combined with an increasing presence of poverty and civil unrest in countries marred from years of economic and political instability resulted in wider public attention for the problem of human trafficking. Although trafficking of persons is not a new phenomena, the crisis has recently been exacerbated by factors including a global economy, increased easy of travel, continued subordination of women, economic hardship, high demand for trafficked individuals, inadequacy of law enforcement and legislation, treatment of trafficking cases as illegal immigration and the potential criminalization of trafficking victims. Attention to the problem has given rise to a more universal acknowledgement of risk factors and consequences of trafficking including human rights violations, criminal threats, links to terrorism and organized crime, and strategies to combat trafficking are beginning to be developed (Miko, 2004; U.S. Department of Justice, 2004).

National Trafficking Concerns

Within the United States, trafficking issues exist on two fundamental levels, victims trafficked into the United States from other source nations, and victims trafficked within domestic borders. According to the Department of Justice (2006), 14,500 to 17,500 people are estimated to be trafficked into the United States each year, and trafficking victims rescued in connection with federal government activities have come from more than fifty different countries. Most of the trafficking victims who are trafficked into the

United States are believed to originate from countries that make up East Asia and the Pacific, Latin America and Europe and Eurasia.

It is important to note that U.S. citizens are also targeted and trafficked within the United States as well. These domestic trafficking victims often include underage girls and boys who are prostituted by pimps or through gangs, a common scenario in large cities throughout the country, including Boston. Research estimates that between 100,000 and 300,000 children in the United States are victims of commercial sexual exploitation and trafficking annually (Estes and Weiner, 2002). According to one study, the majority of women trafficked domestically are African American (Raymond and Hughes, 2001). Domestic trafficking may involve the forced labor of citizens of the United States in sweatshops, construction, agricultural industries and domestic service.

Victims of both international and domestic trafficking are often hidden from law enforcement or other public officials in American society. Barriers such as language, fear of deportation, threats of retribution from traffickers and deportation may prevent victims from coming forward.

International Trafficking Concerns

It is estimated that as many as 800,000 people are trafficked across international borders worldwide annually (U.S. Department of Justice, 2006). Internationally, human trafficking differs based on a country's political structure and conditions, culture, economy and the relationship of local law enforcement to the community. A few examples of the different forms of trafficking are provided below.

- In countries in political turmoil may experience high rates of trafficking due to erosion of government authority, armed conflict and poverty.
 - In northern Africa, for example, young girls and women are abducted from conflict zones and forced to serve as sex slaves to rebel commanders (Adepoju, 2005).
- In some impoverished countries, families desperate to meet the basic needs of their members are forced to sell or contract their children who may end up falling victim to traffickers.
- Countries with a tolerance for slavery are also at a high risk for trafficking.
 - The Roma people, whose history includes widespread persecution by other Europeans and enslavement, have been found working under forced labor conditions in Hungary (International Labour Office, 2005).
- Countries experiencing a transition in their economies are also ripe for trafficking.
 - The collapse of social controls following the demise of the former Soviet Union led to high unemployment rates and limited opportunities, especially for women, who have since fallen victims to traffickers who prey on their vulnerability (Shelley, 2003).

The differences between countries also affect how victims are recruited, where the activity of the trafficked person takes place, methods of transport, and the ways in which trafficking might be interdicted.

EFFORTS TO ADDRESS HUMAN TRAFFICKING

It becomes obvious the impact of human trafficking is far reaching and widespread, and although initiatives are in place with the ultimate goal being the eradication of trafficking in persons, the crisis is so deeply and systemically rooted that there still remains a long way to go. The following section profiles some highlights of interventions and efforts to date.

National Efforts. In recent years, the issue of human trafficking has received increasing attention within the United States, including the enactment of the following legislation:

- In 2000 the US Congress passed The Trafficking Victims Protection Act (TVPA), which was designed to protect victims of trafficking and foster increased prosecution of traffickers. Through this legislation, victims became eligible for benefits and services, including a T-visa (a temporary visa allowing for residence and the provision of assistance with permanent resident status after three years), and penalties for trafficking were enhanced. Most importantly, for the first time criminal sanctions were applied in relation to the use of psychological as well as physical coercion .
- In 2003, Congress reauthorized the TVPA. The Trafficking Victims Protection Reauthorization Act (TVPRA) allowed trafficking victims to sue their traffickers in U.S. courts and eliminated the requirement that trafficking victims under the age of 18 must cooperate with the investigation and prosecution of traffickers in order to be eligible for a T-Visa.
- The most recent version of the TVPA, signed into law in January of 2006, shifts the focus to both the demand side of trafficking as well as domestic human trafficking. It strengthens efforts against people who purchase commercial sex acts in the United States, and it places a new priority on domestic trafficking by investing significant resources for local and state law enforcement to investigate and prosecute traffickers of U.S. citizens and permanent residents.
- Additionally, 16 states have passed laws related to the trafficking of persons (PolarisProject, 2006).

Following the enactment of legislation, numerous changes have taken place. Between fiscal years 2001 and 2005, federal prosecutors charged 189 defendants with sex trafficking and 59 defendants with labor trafficking (U.S. Department of Justice, 2006). Furthermore, 1,605 T-visas have been issued to trafficking victims between fiscal years 2001 and 2004 (Office of Immigration Statistics, 2004), and the Department of Justice has provided funding to 32 jurisdictions across the nation to establish anti-human

trafficking task forces to confront the challenges of human trafficking identification, investigation and prosecution.

International Efforts. Laws governing trafficking vary throughout the world, and while some nations comply with minimum standards of prohibition and punishment, others do not. The U.S. State Department annual report ranks nations on a tier system in relation to level of compliance. Some nations that possess a significant trafficking problem comply fully with minimum standards for elimination of trafficking. In 2004, such nations included Australia, Austria, Belgium, Canada, Columbia, Czech Republic, Denmark, France, Germany, Ghana, Hong Kong, Italy, Lithuania, Macedonia, Morocco, Netherlands, New Zealand, Norway, Poland, Portugal, South Korea, Spain, Sweden, Taiwan, and the United Kingdom. Nations that are not compliant with minimum standards include Bangladesh, Burma, Cuba, Ecuador, Equatorial Guinea, Guyana, North Korea, Sierra Leone, Sudan, and Venezuela (Miko, 2004). Despite these differences, a variety of strategies exist to develop programs and initiatives to combat human trafficking through international alliances and further, collaborative efforts to combat trafficking have been initiated through integrative efforts of the United States, the Group of Eight, the United Nations, and the Organization for Security and Cooperation in Europe (OSCE). For example, the United States Office of International Affairs has assisted in evidence gathering and extradition efforts on an international scale. Furthermore, a variety of international efforts and agreements have been adopted in an attempt to combat human trafficking. Some such efforts include the following:

- In November of 1997, The United States and European Union participated in a predominantly education based joint initiative against trafficking focusing on trafficking in women from Russia and Eastern Europe.
- Beginning in 1999, a Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children was initiated in conjunction with the U.N. Convention Against Transnational Organized Crime. The protocol was ratified in 2003 and its objectives include the prevention and combating of trafficking in persons, the provision of protection and assistance to victims of trafficking, and the promotion of cooperation among state parties to meet these objectives.
- The Protocol to the Convention on the Rights of the Child on Sale of Children, Child Prostitution and Child Pornography was signed by 88 countries and ratified by 16. This protocol was effective as of January 2002.
- In 2002, The Council of the European Union implemented a decision to strengthen police and judicial cooperation as well as standardize laws and policies with member nations. Further, there have been significant efforts internationally, on part by the United States, to train law enforcement, heighten public awareness about trafficking in source countries, and educate potential victims. (Miko, 2004; http://www.unodc.org/unodc/en/trafficking_protocol.html).

UNDERSTANDING AND IMPROVING LAW ENFORCEMENT RESPONSES TO HUMAN TRAFFICKING

In October 2005, the National Institute of Justice provided funding to Northeastern University to help provide information to law enforcement agencies, investigators, prosecutors and service providers about the quantity and quality of current law enforcement responses to trafficking and identify successful models for recognizing, reporting and intervening in situations of human trafficking. The current Northeastern University study is designed to:

- Answer theoretical questions about identification, reporting and collaborative investigation among agencies in relation to a “new” or “specialized” crime.
- Develop an understanding of how police identify, report, and investigate trafficking incidents
- Determine the success of different strategies to increase identification, investigation, and prosecution of trafficking cases
- Provide information to law enforcement agencies, investigators, prosecutors, and service providers regarding the quantity and quality of current law enforcement responses to trafficking
- Identify successful models for recognition, reporting, and intervening in situations of human trafficking
- Identify characteristics shared by offenders, victims, or individuals benefiting from trafficking
- Identify and share a series of “best practices” developed by law enforcement agencies nationally

To complete this assessment, researchers at Northeastern University will undertake the following research:

1. Survey a national sample of law enforcement agencies (N = 4,000) to identify how human trafficking is defined, the number of investigations conducted, the extent of reporting, the nature of coordination with other agencies, and what are considered to represent “best practices” in attempting to address the issue of human trafficking.
2. Conduct an in-depth survey with law enforcement, non-governmental organizations, advocates and prosecutors taking part in multi-jurisdictional anti-human trafficking task forces. The detailed task force survey will identify innovative ways jurisdictions have utilized multi-agency models to deal with challenges of human trafficking identification, investigation, and prosecution.
3. Conduct in-depth case studies in Boston, St. Louis and Phoenix to garner a comprehensive understanding of local law enforcement efforts to investigate human trafficking, interdict traffickers, investigate successful case, and provide services to victims. Sites were chosen based on distinct dynamics, with all demonstrating current utilization of multi-agency approaches to addressing trafficking in persons.

It is the goal of the authors that this study should culminate in not only a more comprehensive understanding of the nature of and responses to human trafficking, but that an additional result will be the development of training tools on best practices for identifying, reporting, and investigating cases of human trafficking.

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