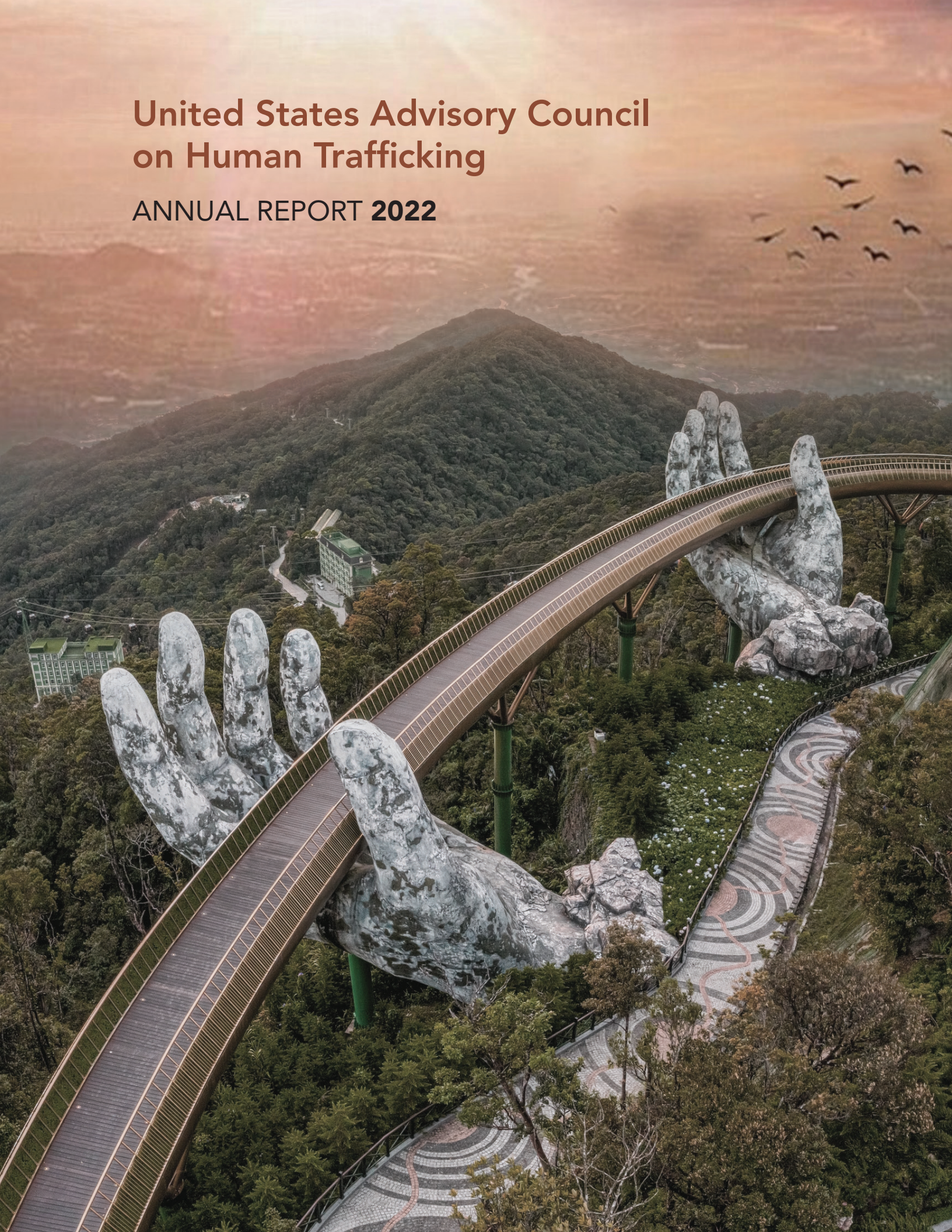


# United States Advisory Council on Human Trafficking

ANNUAL REPORT **2022**







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# Acknowledgments

As current members of the United States Advisory Council on Human Trafficking (Council), we are grateful to the federal agencies that dedicated time to meet with the Council in preparation of this report. This includes the U.S. Departments of Homeland Security, Labor, Justice, and State.

We are most grateful to the U.S. Department of State's Office to Monitor and Combat Trafficking in Persons and ICF staff for supporting the Council's work.

Finally, we thank President Joseph R. Biden, Secretary of State Antony Blinken, and members of Congress for providing an honorable platform for survivors of human trafficking to contribute their expertise in the United States.



ICF

# About the Council

The U.S. Advisory Council on Human Trafficking comprises 11 Survivor Leaders who bring their expertise and experience to advise and provide recommendations to the President's Interagency Task Force to Monitor and Combat Trafficking in Persons (PITF) to improve federal anti-trafficking policies.

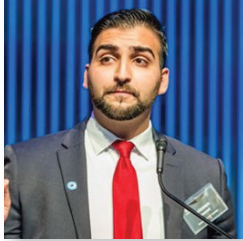
The Council was established on May 29, 2015, in section 115 of the Justice for Victims of Trafficking Act of 2015, Pub. L. 114-22, also known as the Survivors of Human Trafficking Empowerment Act. In December 2019, June 2020, and January 2021, the President appointed members of the Council to:

- Provide advice and recommendations to the U.S. government, specifically the Senior Policy Operating Group (SPOG) and the PITF,<sup>1</sup> to strengthen federal policy and programming efforts that reflect best practices in the anti-trafficking field.
- Review federal U.S. government policy and programs intended to combat human trafficking, including programs relating to the provision of services for victims.
- Gather information from U.S. government agencies, states, and communities for the Council's annual report.
- Publish an annual report that contains the findings derived from reviews conducted of federal government policy and programs.
- Serve as a point of contact for federal agencies reaching out to human trafficking survivors for input on anti-trafficking programming and policies in the United States.
- Represent the diverse population of human trafficking survivors across the United States.

The Council brings expertise from members' personal experiences of human trafficking as well as members' ongoing work and leadership in various national, state, and local anti-trafficking efforts. Information about each Council member is provided on pages 4-5.

<sup>1</sup> The PITF and the SPOG, which consists of senior officials designated as representatives of the PITF agencies, work year-round to address the many aspects of human trafficking both in the United States and around the world. PITF agencies regularly convene to advance and coordinate federal policies and collaborate with a range of stakeholders.

# U.S. Advisory Council on Human Trafficking



**Suleman Masood**  
Council Chair  
Subject matter expert in human trafficking and male victimization



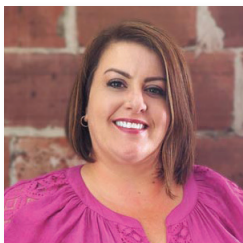
**Kwami Adoboe-Herrera**  
Board member of Not for Sale: One Step at a Time; Anti-trafficking advocate, consultant, and speaker  
*"He will judge the nations with HIS Truth."—Psalm 96*



**Tanya Gould**  
Council Vice Chair  
Survivor Leader expert and consultant  
*"The world cares very little what you or I know, but it does care a great deal about what you or I do."*  
—Booker T. Washington



**Marlene Carson**  
Founder of Rahab's Hope of Ohio; SurThriver;<sup>2</sup> Housing, programming, and social enterprise consultant  
*"And ye shall know the truth, and the truth shall make you free."—John 8:32, King James Version*



**Andrea Hipwell**  
Council Secretary  
Survivor Leader at Wellspring Living (Atlanta, GA);  
Survivor expert and consultant



**Katherine Givens**  
Co-Founder of Twelve 11 Partners  
*"...do what is right, love mercy, walk humbly with our God"—Micah 6:8*

<sup>2</sup> A SurThriver is a blended word describing a survivor who thrives in their healing process.



**Bella Hounakey**

Survivor consultant and subject matter expert  
*"To my fellow survivors: come alone; come in pairs; come in groups; it is our time to come together and speak out. I continue to stay in solidarity with you."*  
—Bella Hounakey



**Brenda Myers-Powell**

Co-Founder and Executive Director of the Dreamcatcher Foundation; Survivor expert; Motivational speaker; Published author  
*"Those who say it cannot be done are usually interrupted by someone doing it"*—Chinese proverb



**Jennisue Jessen**

Subject matter expert; Founder of Compass 31; Global educator; Organizational development consultant  
*"With the Lord is unfailing love and with him is full redemption."*—Psalm 130:7



**Rachel Thomas, M.Ed.**

Speaker; Trainer; Creator of "Ending the Game: An Intervention Curriculum for Victims of Commercial Sexual Exploitation" and "The Cool Aunt Series: A Sex Trafficking Prevention Course for Teens"  
*"The only thing necessary for evil to triumph is for good people to do nothing."<sup>3</sup> Let's do something!<sup>4</sup>*



**Courtney Litvak**

Survivor Leader and advocate; Subject matter expert, consultant, and public speaker  
*"But you belong to God, my dear children. You have already won a victory over those people, because the Spirit who lives in you is greater than the spirit who lives in the world."*—1 John 4:4, New Living Translation

<sup>3</sup> This quote is primarily associated with Edmund Burke, an 18th-century British statesman, economist, and philosopher.

<sup>4</sup> The addition to the quote is from Council member Rachel Thomas.

# About the President's Interagency Task Force

The President's Interagency Task Force to Monitor and Combat Trafficking in Persons was authorized by section 105(a) of the Trafficking Victims Protection Act of 2000, Pub. L. 106-386, and established by section 1(a) of Executive Order 13257 (Feb. 13, 2002).

The agencies of the PITF are:

Department of State (State)	Department of Education (ED)
Department of the Treasury (Treasury)	Department of Homeland Security (DHS)
Department of Defense (DOD)	Domestic Policy Council (DPC)
Department of Justice (DOJ)	National Security Council (NSC)
Department of the Interior (DOI)	Office of Management and Budget (OMB)
Department of Agriculture (USDA)	Office of the United States Trade Representative (USTR)
Department of Commerce (DOC)	Office of the Director of National Intelligence (ODNI)
Department of Labor (DOL)	Federal Bureau of Investigation (FBI)
Department of Health and Human Services (HHS)	U.S. Agency for International Development (USAID)
Department of Transportation (DOT)	U.S. Equal Employment Opportunity Commission (EEOC)



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# Introduction

“Those that fail to learn from history are doomed to repeat it.” —Winston Churchill.<sup>5</sup> This quote encompasses the theme of our 2022 report. Human trafficking is not just an international issue. It happens domestically all too often and must be viewed within a larger historical and social justice lens to understand it. If we seek to collectively eradicate human trafficking, we must dig deeper into our understanding of it to be nimble in the face of new challenges, grow, and forge new and stronger partnerships.

In our 2021 annual report,<sup>6</sup> we touched on themes that focused on:

- Being cognizant of the language used in the anti-trafficking movement;
- Understanding the root causes of human trafficking;
- Addressing child exploitation and online safety; and
- Reducing the demand for sex and labor trafficking.

We did so because human trafficking is complex and multifaceted. If we do not shine a light on and prioritize an understanding of its causes, how can we gain momentum to stop it? In this report, we seek to dig deeper into the above themes, as each speaks to our fundamental human rights as well as the key roles that systems and societal norms play in exacerbating vulnerabilities and emboldening traffickers and buyers who stand at the root of this heinous crime.

In this report, we also seek to partner with PITF agencies to implement several of the recommendations from our 2021 report, in particular:

- Increasing awareness of and adopting best practices to uphold the rights of victims of human trafficking as outlined in the Crime Victims’ Rights Act (CVRA); and
- Increasing labor trafficking investigations and prosecutions.

Through this partnership, we hope to ensure that all survivors are informed of and understand their rights and that all victims—whether they experienced sex or labor trafficking—have a true opportunity for justice and restitution.

This report is about sharing topics that draw from our personal and professional experiences that we, as a Council, believe are important to effectively address human trafficking today. This report reflects the passion of those with lived experience in the hope that it will prompt PITF agencies to critically explore these topics from the vantage point of those who have experienced human trafficking. We hope PITF agencies will use this information to guide the development of programs and policies that empower those who have been bought and sold, and seek to adopt new prevention strategies, particularly for underserved and under-resourced populations. We hope PITF agencies will assess how their current programs and policies can uplift survivors and empower survivors through increased prevention, prosecution, and protection efforts. We also hope that sharing our perspectives will deepen partnerships between agencies and survivors to promote engagement that is mutually beneficial and supportive and does not re-exploit survivors or the attributes their traffickers took advantage of, such as loyalty and resourcefulness.

Human trafficking has been interwoven into our history for too long. But we cannot allow complacency to take root. To honor those before us, survivors must be meaningfully engaged in this fight, as we are still only at the beginning of our efforts to truly address it at its root.

<sup>5</sup> See, e.g., Virginia Tech College of Liberal Arts and Human Sciences. (n.d.). *History repeating*. <https://liberalarts.vt.edu/magazine/2017/history-repeating.html>  
<sup>6</sup> U.S. Advisory Council on Human Trafficking (2021). *United States Advisory Council on Human Trafficking annual report 2021*. <https://www.state.gov/united-states-advisory-council-on-human-trafficking-annual-report-2021/>



# FORMS OF HUMAN TRAFFICKING<sup>7</sup>

**Forced Labor:** The term forced labor is defined for enforcement purposes in two separate sections of the United States Code. In the criminal statutes of Title 18, it encompasses the range of activities involved when an individual or entity uses prohibited means that include force or physical threats; psychological coercion; abuse of the legal process; a scheme, plan, or pattern intended to hold a person in fear of serious harm; or other coercive means to obtain the labor or services of a person. Once a person's labor is obtained by such means, the person's previous consent or effort to obtain employment with the trafficker does not preclude the person from being considered a victim, or the government from prosecuting the offender. Forced labor in Title 18 also encompasses when an individual or entity knowingly benefits, financially or by receiving anything of value, from participating in a venture that has engaged in providing or obtaining labor or services by prohibited means, knowing or in reckless disregard of the fact that the venture has engaged in providing or obtaining labor or services by such prohibited means. In the customs-related statute of Title 19, it is also defined in connection with the prohibition on the importation of goods produced wholly or in part by forced labor, including forced child labor; convict labor; and/or indentured labor under penal sanctions. In this context, forced labor is defined as: "all work or service which is exacted from any person under the menace of any penalty for its nonperformance and for which the worker does not offer himself voluntarily." In addition, Title 22 includes the following definition to describe this as a severe form of human 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 purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery."

■ **Forced Child Labor:** Forced child labor is always implicitly included in prohibitions related to forced labor in U.S. law. Although some children may legally engage in certain forms of work depending on the jurisdiction, forced child labor continues to exist both in the United States and globally, despite legal prohibitions and widespread condemnation.

**Sex Trafficking:** When a person is required to engage in a commercial sex act as the result of force, threats of force, fraud, coercion, or any combination of such means, or when a person under the age of 18 is caused to engage in commercial sex, that person is a victim of sex trafficking. Under such circumstances, perpetrators involved in recruiting, enticing, harboring, transporting, providing, obtaining, advertising, maintaining, patronizing, or soliciting a person for that purpose are guilty of the federal crime of sex trafficking. This is true even if the victim previously consented to engage in commercial sex.

<sup>7</sup> White House. (2021, December). *The national action plan to combat human trafficking*. <https://www.whitehouse.gov/wp-content/uploads/2021/12/National-Action-Plan-to-Combat-Human-Trafficking.pdf> (These definitions are derived from the federal legislation and other sources from PITF agencies and collected in the glossary of the National Action Plan to Combat Human Trafficking.)

**Child Sex Trafficking:** U.S. law explicitly includes a distinct definition of “sex trafficking of children.” Any child (under the age of 18) who has been recruited, enticed, harbored, transported, provided, obtained, advertised, maintained, patronized, or solicited to engage in a commercial sex act is a victim of human trafficking, regardless of whether or not force, fraud, or coercion is used. Children cannot consent to commercial sex, therefore, child sex trafficking occurs regardless of whether or not force, fraud, or coercion is used.

**Transnational or extraterritorial child sexual abuse (formerly referred to as child sex tourism):**

Transnational or extraterritorial child sexual abuse is a crime that occurs when an American citizen or legal permanent resident travels to a foreign country or resides abroad (whether permanently or temporarily) and engages in illicit sexual conduct with a child. Though not every instance of transnational or extraterritorial child sexual abuse is child sex trafficking, this offense can involve child sex trafficking when the offender engages in a commercial sex act with a child. It is also a crime to arrange or facilitate such travel for the purpose of commercial or private profit. This conduct is a crime whether or not the offender had the intent to engage in sexual activity with a child before the travel took place.



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## Additional Terms

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**Victim:** This term means a person that has suffered direct physical, emotional, or pecuniary harm as a result of the commission of a crime.

**Survivor:** A term used for an individual who suffered harm as a result of criminal conduct and that recognizes the strength it takes to continue on a journey toward healing in the aftermath of a traumatic experience.

**Victim-centered approach:** Placing the crime victim's priorities, needs, and interests at the center of the work with the victim; providing nonjudgmental assistance, with an emphasis on self-determination, and assisting victims in making informed choices; ensuring that restoring victims' feelings of safety and security are a priority and safeguarding against policies and practices that may inadvertently re-traumatize victims. A victim-centered approach should also incorporate a trauma-informed, survivor-informed, and culturally competent approach.

**Trauma-informed approach:** A trauma-informed approach recognizes signs of trauma in individuals and the professionals who help them and responds by integrating knowledge about trauma into policies, procedures, practices, and settings, and seeking to actively resist re-traumatization. This approach includes an understanding of the vulnerabilities and experiences of trauma survivors, including the prevalence and physical, social, and emotional impact of trauma. A trauma-informed approach places priority on restoring the survivor's feelings of safety, choice, and control. Programs, services, agencies, and communities can be trauma-informed.

**Survivor-informed:** A program, policy, intervention, or product that is designed, implemented, and evaluated with intentional leadership, expertise, and input from a diverse community of survivors to ensure that the program, policy, intervention, or product accurately represents their needs, interests, and perceptions.

**Cultural competence:** The ability of an individual or organization to interact effectively with people of different cultures. This includes drawing on knowledge of culturally based values, traditions, customs, language, and behavior to plan, implement, and evaluate service activities. Some organizations use the terms "cultural accountability" or "cultural responsiveness."

**Debt Bondage:** Debt may be used illegally as a prohibited means of compelling someone into forced labor. Some workers fall victim to traffickers or recruiters who unlawfully exploit an initial debt assumed as a condition of employment, while in certain countries some workers "inherit" the debt. Although contract violations and hazardous working conditions for migrant laborers do not in themselves constitute human trafficking, the imposition of costs and debts on these laborers can contribute to a situation of debt bondage. In other cases, employment-based temporary work programs in which the workers' legal status in the country is tied to a particular employer present challenges to workers who would like to flee from such an employer.

## Immigration Options

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**Continued Presence:** A temporary immigration designation provided to individuals identified by law enforcement as victims of “severe forms of trafficking in persons” who may be potential witnesses. This status allows human trafficking victims to lawfully remain in the United States temporarily and work during the investigation into the human trafficking-related crimes committed against them and during any civil action under 18 U.S.C. § 1595 filed by the victims against their traffickers. Continued Presence is initially granted for two years and may be renewed in up to two-year increments. Continued Presence recipients also receive federal benefits and services.

**T nonimmigrant status (“T visa”):** An immigration benefit that is available to eligible victims of “severe forms of trafficking in persons.” To be eligible, the victim must have complied with any reasonable request for assistance in a federal, state, local, tribal, or territorial investigation or prosecution of human trafficking cases, and meet other requirements. Victims under the age of 18 and victims unable to cooperate because of physical or psychological trauma are not required to comply with any reasonable law enforcement requests for assistance. The T visa is a tool intended to offer protection to victims and strengthen the ability of law enforcement agencies to investigate and prosecute human trafficking. T nonimmigrant status is valid for 4 years; T nonimmigrants may be able to adjust their status and become lawful permanent residents if they qualify.

**U nonimmigrant status (“U visa”):** An immigration benefit that is available to victims of certain qualifying crimes in the United States—including human trafficking—who have been helpful, are being helpful, or are likely to be helpful to law enforcement in the investigation or prosecution of the qualifying criminal activity and meet other requirements. The U visa is a tool intended to strengthen the ability of law enforcement agencies to investigate and prosecute certain types of crimes, while also protecting crime victims and encouraging them to come forward and assist law enforcement. U nonimmigrant status is valid for four years and can be extended in limited circumstances; U nonimmigrants may be able to adjust their status and become lawful permanent residents if they qualify.



# DIGGING DEEPER INTO CRITICAL THEMES OF THE COUNCIL'S 2021 REPORT

In our 2021 report, we called upon PITF agencies to “stand against harmful societal and cultural norms that enable human trafficking and that desensitize communities to exploitation and abuse, preventing victims from coming forward or seeking help.” In this section, we build upon these themes to highlight the importance of further understanding the language of the anti-trafficking movement and root causes of human trafficking, addressing child exploitation and online safety, and reducing the demand for sex and labor trafficking as they relate to the experiences of survivors and victims of human trafficking and anti-trafficking programs and policies.

We believe that if we do not understand and address these topics, we run the risk of continuing to use or adopt programs, policies, and language that promote sensationalism and do not address or reflect the extraordinary adversities that survivors experience. We believe that with a deeper understanding of these systemic, cultural, and societal practices and norms, there will be:

- Language that reflects our collective respect for all individuals with lived experience.
- Greater accountability for governments, non-governmental organizations (NGO), and other anti-trafficking allies.
- Improved services and programming for victims and survivors of human trafficking.
- Improved partnerships between survivors and anti-trafficking allies to enhance anti-trafficking programs and policies.

In reviewing this section, we urge PITF agencies to view our efforts to dig deeper into these critical themes through a trauma-informed lens so agencies can design practices that increase the identification and support of victims of human trafficking. Our goal is to strengthen the understanding that this fight against human trafficking is not one that is fought for survivors—but is one that we wage together, through strong collaboration with survivors, so that PITF agencies’ prevention, protection, prosecution, and partnership efforts are informed at every level by survivors of human trafficking.

# Being Cognizant of Language Used in the Anti-Trafficking Movement

## Overview

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Throughout the 2021 report, the Council noted the importance of language in the anti-trafficking movement. Specifically:

- We used the terms “Survivor Leader” and “Lived Experience Expert” interchangeably. We noted that “Survivor Leader” highlights strength and expertise in helping to end human trafficking, yet implies that the person’s hardship was solely in the past and only related to human trafficking. “Lived Experience Expert” encompasses both past, current, and generational experiences (i.e., systemic injustices and other traumas) and the person’s expertise in continuing to forge ways to positively affect systemic issues.
- We noted the importance of recognizing and using language that does not sensationalize the terms “force,” “fraud,” and “coercion” in ways that may provoke or capture public interest at the expense of accuracy (see Appendix B).

We also noted the importance of addressing specific cultural nuances and beliefs among survivor communities that may lead to survivors shunning services due to distrusting the government or other service providers or misunderstanding the benefits of services—in part due to the language that is used by service providers and government agencies and how such supports are offered.

In this section, we share why language remains critically important in the anti-trafficking movement. We also urge PITF agencies to consider specific words or phrases and their effects on victims and survivors of human trafficking and Lived Experience Experts when used in public awareness campaigns and materials, funding announcements, investigations, trainings, and elsewhere. We share some of the specific words used in the anti-trafficking movement today and the Council’s reflections and suggestions regarding each. We also share additional calls to action for PITF agencies when thinking about the language agencies use and the language and concepts that resonate within the survivor community.

## Digging Deeper

Make no mistake—words hold power. People who have not experienced trafficking have used or created words in this movement without fully understanding their impact or the experiences of survivors. Some words or phrases, even those that may be well-intentioned, do not speak to the severity of what trafficking truly is or how it has deeply affected the individuals who have lived through it. Some words may cause further harm and damage to individuals who have experienced trafficking and, in turn, undermine the anti-trafficking movement as a whole. Harmful language affects individuals who have experienced trafficking because it can:

- Promote sensationalism and desensitize the lived experiences of survivors of human trafficking by not accurately reflecting the severe and extraordinary trauma that survivors have experienced.
- Stigmatize survivors, which may decrease the likelihood of them coming forward.
- Perpetuate stereotypes about individuals with lived experience, which may affect their ability to achieve economic stability.

Therefore, the language we use must be culturally appropriate and trauma-informed. It must reflect and fully account for sex and labor trafficking experiences and the many different populations who may experience trafficking or be at the greatest risk. Language should further signify our collective respect for all individuals with lived experience, whom we have a moral and ethical obligation to serve. Simply put, we see the use of language as another area of accountability for the government, NGOs, and anti-trafficking allies who work in this movement.

In addition, language should not minimize the severity of human trafficking or be vague, especially when used by federal, state, tribal, or local government agencies or programs that serve individuals who have experienced trafficking. Unclear language may confuse victims or prevent and/or deter them from being identified or self-identifying. It may also prevent or deter survivors from accepting the services they need.

Figure 1 includes a list of common terms or phrases we have seen used to varying degrees today in federal, state, tribal, or local anti-trafficking efforts. These terms can carry different meanings when viewed from a survivor's perspective, and these meanings are often different than what stakeholders and allies intend. By sharing our reflections on these terms, we disclose whether some terms are harmful or appropriate. We also acknowledge that some of the harmful terms noted in Figure 1 have been a part of our shared lexicon for a long time and may continue to be a part of our common language in certain circumstances, but we urge PITF agencies to carefully consider the contexts within which these terms are used and specifically when referencing or engaging with victims or survivors.<sup>8</sup>

Through this section of our report, we seek to increase awareness about the effects these terms have on survivors and promote the use of more inclusive and trauma-informed language. We also seek to strengthen partnerships among survivors and PITF agencies to explore the effects language has on survivors and federal anti-trafficking efforts, which can help promote best practices in increased survivor engagement in all aspects of anti-trafficking work.

<sup>8</sup> We note that some of the harmful terms listed in Figure 1 may be used in other sections of this report, such as prostitution, acknowledging that they are terms commonly still used today despite the damage they may cause.



**We share our reflections about the terms and phrases below to inform how we believe PITF agencies should define and use them.** Specifically, we hope to inform and guide PITF agencies regarding the language used in human trafficking-related communications, including policies, reports, campaigns, videos, external and internal agency communications, funding announcements, investigations, and trainings. We understand, respect, and honor the fact that survivors of human trafficking use a myriad of terms to self-identify or describe their own experiences. We, as a Council, believe it is imperative for our government to prioritize the use of language that is accurate, empowering, and representative of most, while also avoiding terms that can cause widespread misunderstanding, misrepresentation, and potential harm. As citizens around the globe adopt the human trafficking-related language set forth by our U.S. government, we recommend PITF agencies consider the following:

Figure 1: Council Reflections and Suggestions on Terms in the Anti-Trafficking Movement

Term	Council Reflections and Suggestions
<b>Harmful Terms That Should not Be Used in the Anti-Trafficking Movement</b>	
<b>Child prostitute or child prostitution</b>	There is no such thing as a child prostitute. This phrase incorrectly presumes a child's capacity to consent. In fact, the Trafficking Victims Protection Act of 2000 defines sex trafficking as when "a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age." <sup>9</sup> These terms are damaging and reflect individuals profiting from the exploitation and rape of children. Children should instead be referred to as "child sex trafficking victims."
<b>Child pornography</b>	We understand that this phrase is currently used in treaties, conventions, and federal statutes. However, this phrase takes away from the severity of the heinous realities of child sexual abuse material (CSAM). Only "CSAM" should be used for this crime—to accurately call it what it is.
<b>John</b>	Using the word "John" civilizes perpetrators, diminishing the significant role that sex buyers play in the crime of trafficking. This term does not acknowledge the harm caused by sex buyers. We believe these individuals should be referred to as "sex buyers" or "active participants in harming individuals who experience trafficking."
<b>Prostitute or prostitution</b>	We acknowledge that these terms may be included in legal definitions, but the use of the terms "prostitute" or "prostitution" in connection with victims of sex trafficking tends to shift the blame to the victim and promote the criminalization of victims. These terms also imply some level of consent in situations where consent may be false, not informed, or given under false pretense, force, undue pressure, coercion, or fraud. PITF agencies, NGOs, elected officials, and other stakeholders should be cognizant of the contexts in which these terms are (or are not) used and ever aware of not blaming or stigmatizing victims of sex trafficking. The term "individuals in the commercial sex industry" should be used instead.
<b>Rescue</b>	The term "rescued" evokes images of victims who are restrained and physically freed by a rescuer. The uneven power dynamic between the "rescuer" and the person rescued promotes the White Knight Syndrome. <sup>10</sup> Many of us, if not most, had to fight our own way out of our trafficking situations. We had to make the hard decision and seize the right opportunity. The term "assisted" should be used instead of "rescued."

<sup>9</sup> Trafficking Victim Protection Act of 2000, 22 U.S.C. § 7102 (2000). <https://www.law.cornell.edu/uscode/text/22/7102>

<sup>10</sup> See, e.g., Krieger, M. J., & Lamia, M. C. (n.d.). The white knight syndrome: Rescuing yourself from your need to rescue others. *Psychology Today*. <https://www.psychologytoday.com/us/blog/the-white-knight-syndrome>

**Harmful Terms That Should not Be Used in the Anti-Trafficking Movement**

**Sex slave** We understand that this term is used in legal definitions. However, it is dehumanizing and should not be used in our collective efforts to end human trafficking. Nor should it be used to label those experiencing trafficking or those who have overcome it. It depicts an image of bondage and suggests a demoralizing infringement on a person’s choices and freedom, as well as their dignity. The term “human trafficking victim” should be used instead of “sex slave.”

**Sex work or sex worker** “Sex work” and “sex worker” are terms that imply that people can be bought or sold. In addition, the word “work” suggests that individuals in the commercial sex industry are provided some work-related benefits, such as health insurance or retirement plans. One cannot get a degree or certification in “sex work,” and this is not something that is taught in our schools. The term desensitizes and disregards the experiences of many individuals whose rights have been violated. Individuals who truly consent, voluntarily, to engage in commercial sex should instead be referred to as “individuals in the commercial sex industry.”

**Appropriate Terms to use in the Anti-Trafficking Movement**

**Client** In the context of service provision, the term “client” reflects an individual who has some autonomy and choice in seeking and receiving supports or services. The terms “beneficiary” and “recipient” insinuate a passive engagement or experience where an individual does not have choice or control. Individuals receiving services should be considered “clients,” “partners,” or “collaborators.”

**Lived Experience Expert or Survivor Leader** “Lived Experience Expert” and “Survivor Leader” are important terms to use when referring to professionals with lived experience of human trafficking. An expert is someone with comprehensive and authoritative knowledge or skill in a particular area.<sup>11</sup> Lived Experience Experts are invaluable and irreplaceable assets to the anti-trafficking field. Without them, the field is limited in its capacity to understand and research trafficking, provide services for those in need, and identify and address gaps as survivors’ needs shift. Lived Experience Experts are often left feeling inferior, treated as less than, and under-compensated in this movement. Yet it is our lived experiences that inform programs and policies. Individuals with lived experience who choose to join the fight against trafficking deserve to be regarded, respected, and compensated equally with non-survivor experts. Further, individuals with lived experience should be recognized and treated as experts and included in the highest levels of the anti-trafficking field.

**Pimp** The term “pimp” should be used by federal agencies interchangeably with “sex trafficker,” “perpetrator,” or “exploiter.” Each reflects destructive behaviors and actions and encourages real conversations about the harmful effects of glorifying the “pimp-hoe” culture. We must also divest ourselves of the notion that “pimps” are only associated with street culture because perpetrators with influence, money, and power can and should also be labeled as pimps.

<sup>11</sup> Oxford Learner’s Dictionaries. (n.d.). Expert. In *Oxford Advanced American Dictionary*. Retrieved July 11, 2022, from [https://www.oxfordlearnersdictionaries.com/us/definition/american\\_english/expert\\_1#:~:text=expert,-noun,at%20getting%20his%20own%20way](https://www.oxfordlearnersdictionaries.com/us/definition/american_english/expert_1#:~:text=expert,-noun,at%20getting%20his%20own%20way)

**Other Important Concepts or Terms**

**Consulting** Consulting draws from the personal, educational, and professional assets acquired by individuals with lived experience. Consultants who have lived through human trafficking not only bring their personal expertise but their natural, transferable, and learned skills to provide solution-based deliverables.

**Survivor-informed** We acknowledge and affirm the definition of “survivor-informed” in the federal “National Action Plan to Combat Human Trafficking” (NAP) and urge anti-trafficking stakeholders to also use and adopt this definition. The NAP defines survivor-informed as “a program, policy, intervention, or product that is designed, implemented, and evaluated with intentional leadership, expertise and input from a diverse community of survivors to ensure that the program, policy, intervention, or product accurately represents their needs, interests, and perceptions.”<sup>12</sup>

**Survivor-led** We view these initiatives as more effective than those that are only survivor-informed. Survivor-led initiatives ensure every aspect is collaboratively implemented, led, and monitored by individuals with lived experience of human trafficking. Survivors do not just have a seat at the table; they forge the partnerships needed to create the table.

**Storytelling** Individuals who have experienced human trafficking are more than just their stories. They are professionals with a story. Depending on where individuals are in their healing journey, sharing personal experiences can be empowering but should not be the only expectation from survivor engagement. An empowering storytelling approach offers an opportunity for the individual to take that experience and provide actionable takeaways to improve programs or policies.

**Trauma-informed** We acknowledge and affirm the definition of “trauma-informed” in the NAP<sup>13</sup> but also believe that trauma-informed approaches should be promoted and actively applied and should involve meaningful efforts to avoid it being used as a buzzword. In the anti-trafficking field, being trauma-informed should mean focusing not only on the event of trafficking itself but also on the whole person and the environment. It should focus not just on the treatment of trauma but on fostering the possibility of well-being using a healing-centered approach.<sup>14</sup> Furthermore, being trauma-informed is more than something to cross off a checklist. It is impossible to understand or implement without authentic survivor engagement and requires an understanding of the root causes of human trafficking (see page 19). It also must involve meaningful and demonstrable efforts to design service delivery processes that actively seek not to re-traumatize or re-exploit survivors.

<sup>12</sup> White House. (2021, December). *The national action plan to combat human trafficking*. <https://www.whitehouse.gov/wp-content/uploads/2021/12/National-Action-Plan-to-Combat-Human-Trafficking.pdf>

<sup>13</sup> *Id.*

<sup>14</sup> Ginwright, S. (2018, May 31). *The future of healing: Shifting from trauma informed care to healing centered engagement*. *Medium*. <https://ginwright.medium.com/the-future-of-healing-shifting-from-trauma-informed-care-to-healing-centered-engagement-634f557ce69c>

## Calls to Action

As we continue to move forward, we urge PITF agencies to review the Council's 2021 report reflections on language, as well as to carefully consider the effects the above terms have on survivors and the anti-trafficking movement. In our 2022 report, we also call upon PITF agencies to:

- Engage with survivors early and often in the process of preparing publicly available reports, public awareness campaigns, and funding announcements to ensure the language used is inclusive, culturally appropriate, trauma-informed, and respectful of all survivors of human trafficking.
- Increase awareness, training, and understanding among federal law enforcement and victim service grantees of additional terms that are meaningful and helpful to understanding the experiences of survivors of trafficking. Understanding these terms (listed below) can provide deeper insights into the complexity of human trafficking and its health, cognitive, and behavioral effects on survivors. This understanding can help law enforcement professionals better engage and support victim-witnesses throughout court processes. It can also help victim service grantees design better supports and programming for the survivors of human trafficking they serve. These terms include:
  - **Trauma-bond:** A psychological bond embedded in and fueled by abuse.
  - **Soul-ties:** Within the context of human trafficking, this phrase refers to the spiritual and emotional connection a victim may have with their perpetrator, making it hard to leave an abusive relationship.
  - **Cognitive dissonance:** When one engages in behaviors that conflict with one's beliefs, producing discomfort that leads to a change in those beliefs to reduce one's discomfort with them.<sup>15</sup>
  - **Self-extraction:** When a victim leaves the life of trafficking on their own.
  - **Stockholm syndrome:** A coping mechanism for a captive or abusive situation where individuals develop positive feelings toward their captors or abusers over time. This condition may occur in instances of child abuse, coach-athlete abuse, relationship abuse, and human trafficking.<sup>16</sup>
  - **Brainwashing (or mind control):** Also called coercive persuasion, it is a systematic effort to persuade individuals to accept a certain allegiance, command, or doctrine. Brainwashing is a technique designed to manipulate human thought or action against the desire, will, or knowledge of the individual.<sup>17</sup>
  - **Poly-victimization:** When individuals experience multiple victimization types; survivors of human trafficking are also commonly victims of other crimes before, during, or after their trafficking experience.<sup>18</sup>
  - **Revictimization:** The phenomenon central to understanding the experiences of victims of trafficking in which victims experience victimization not only from their primary exploitation but also from re-exploitation by their trafficker or from their experiences navigating the justice or service delivery process.
  - **Family, team, people, or folks:** An individual's community (though toxic and harmful) while experiencing trafficking.
  - **The life:** "The lifestyle" related to the experiences of sex trafficking.

<sup>15</sup> American Psychological Association. (n.d.). Brainwashing. In *APA Dictionary of Psychology*. Retrieved June 21, 2022, from <https://dictionary.apa.org/brainwashing>

<sup>16</sup> American Psychological Association. (n.d.). Cognitive dissonance. In *APA Dictionary of Psychology*. Retrieved June 21, 2022, from <https://dictionary.apa.org/cognitive-dissonance>

<sup>17</sup> Cleveland Clinic. (2022, February 14). *Stockholm syndrome*. <https://my.clevelandclinic.org/health/diseases/22387-stockholm-syndrome>

<sup>18</sup> Office for Victims of Crime. (n.d.). *Achieving excellence: Model standards for serving victims and survivors of crime: Glossary*. Office of Justice Programs. <https://ovc.ojp.gov/sites/g/files/xyckuh226/files/model-standards/6/glossary.html>

# Understanding the Root Causes of Human Trafficking

## Overview

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In our 2021 report, we called for PITF agencies to acknowledge and understand the complexity of the root causes of human trafficking and the contexts that drive, enable, or increase the risk of trafficking, including:

- A lack of equal access to social capital, education, recreational, and employment opportunities among impoverished and vulnerable communities.
- The perpetuation of harmful community and cultural norms among at-risk communities that may lead to survivors shunning social and mental health services or other support or government systems rooted in generations of mistreatment and mistrust. Such harmful cultural norms in the broader community also increase the risk of trafficking, including those that discredit or fail to acknowledge the historical and collective trauma of underserved populations, as well as the acceptance and glorification of exploitation and pornography.
- Systemic barriers in government, social services, or non-governmental programs that may exacerbate inequities for underserved populations or re-exploit those who have experienced victimization.

To help understand and address these root causes, we also called upon PITF agencies to adopt trauma-informed approaches when conducting anti-trafficking work or providing training and technical assistance (TTA). We specifically called for PITF agencies to understand and address:

- Generational and historical trauma and the cumulative emotional and psychological wounding over generations from group trauma experiences.
- Family and community trauma and the impacts of environment, home, and other social, political, or community contexts.
- Complex trauma and the effects of poly-victimization that survivors of trafficking may have experienced from sexual abuse and exploitation, forced labor, sexual assault, robbery, emotional abuse, or bullying.

The term “trauma-informed” has become a buzzword in the anti-trafficking field (see also page 17). However, one cannot be trauma-informed without also being culturally appropriate and culturally informed. In this section, we take the high-level recommendations from our 2021 report and present on-the-ground perspectives to support PITF agencies in addressing the root causes of human trafficking while exploring how cultural barriers directly affect survivors, especially among underserved populations.



Unsplash

Trauma affects individuals differently. For many survivors, exiting a trafficking situation is when the fight truly begins. Without addressing the root causes of human trafficking, we limit interventions to address only the “act” of trafficking versus responding to other aspects and vulnerabilities of the individuals who have experienced it. In doing so, we neglect the whole person. This leaves individuals at risk of being revictimized, and the cycle of trafficking continues while our efforts remain stagnant.

In this section, we dive deeper into some root causes of human trafficking while acknowledging that every trafficking experience is different. We hope that this discussion of systemic and cultural root causes that particularly affect historically underserved communities will assist PITF agencies in designing strategies that prevent trafficking from happening, strengthening service provision, and creating opportunities for survivors to thrive.

We also hope this section will serve as a catalyst for PITF agencies to explore key frameworks, such as adultification<sup>19</sup> and intersectionality,<sup>20</sup> and how dynamics like mental health, addiction, homophobia, poverty, criminalization, and gender bias intensify vulnerabilities for underserved communities. Understanding these dynamics affirms the urgency to implement our 2021 report recommendations—particularly those related to economic empowerment, housing and homeless assistance programs, increased care coordination, training, and accessibility to childcare—so that we can address trafficking at its root instead of continuing to chase it.

<sup>19</sup> Epstein, R., Blake, J. J., & González, T. (n.d.). *Girlhood interrupted: The erasure of Black girls' childhood*. Georgetown Law, Center on Poverty and Inequality. <https://genderjusticeandopportunity.georgetown.edu/wp-content/uploads/2020/06/girlhood-interrupted.pdf>

<sup>20</sup> In 1989, Kimberlé Crenshaw coined the term intersectionality to help explain the oppression of African American women. See: Crenshaw, K. (n.d.). Demarginalizing the intersection of race and sex: A Black feminist critique of antidiscrimination doctrine, feminist theory and antiracist politics. *University of Chicago Legal Forum*, 1989(1), Article 8. <https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1052&context=ucf>. According to an article printed in *Columbia Journalism Review*, the Oxford dictionary defines intersectionality as “the interconnected nature of social categorizations such as race, class, and gender, regarded as creating overlapping and interdependent systems of discrimination or disadvantage.” See: Perlman, M. (2018, October 23). *The origin of the term 'intersectionality.'* *Columbia Journalism Review*. [https://www.cjr.org/language\\_corner/intersectionality.php](https://www.cjr.org/language_corner/intersectionality.php)

## Digging Deeper

Traffickers do not necessarily target people; they target vulnerabilities. Marginalized communities and underserved populations may be targeted by traffickers because so many members of those communities lack basic human rights and access to employment, education, and other supports. We acknowledge that without buyers, there would be no trafficking, but also, without traffickers meeting buyers' demands, there would be no people experiencing trafficking (see also page 31). Below we highlight several pull and push factors—systemic, cultural, and societal root causes—that leave people vulnerable to exploitation and trafficking.

### Systemic Barriers and Challenges

Systemic barriers and challenges deny people equitable access to the resources they need to thrive and reach their fullest potential, including social and economic capital. These barriers, such as racism and poverty, are significant in underserved communities and may create conditions by which community members are more vulnerable to experiencing human trafficking. To successfully fight trafficking, we must dismantle these harmful systems and create positive systems that are inclusive to all. No community should be underserved or marginalized. By addressing and removing these barriers, we prevent people from being exploited, identify equitable service provisions for those who have experienced trafficking, and decrease revictimization by helping individuals who have overcome trafficking reintegrate into healthier communities.

Below are several systemic barriers and challenges that we believe intensify the risk of people experiencing trafficking (see Figure 2):

### Figure 2: Systemic Barriers and Challenges

#### **Racism**

We cannot combat trafficking without examining the link between racism and human trafficking, both in the United States and abroad. In so many countries, including the United States, slavery was legal and government sanctioned. Racism is embedded in our history and the histories of other nations that colonized and enslaved humans based on color, social and economic status, and culture. We must explore how the intersection of trafficking and racism has impacted victims and survivors—especially for Black communities in the United States who carry the generational trauma from historical slavery, Jim Crow, and mass incarceration and are also disproportionately affected by human trafficking today.<sup>21</sup> We cannot combat trafficking without first acknowledging its history and identifying and dismantling harmful systems and practices.

<sup>21</sup> See: Human Trafficking Search. (2014, April 30). *Human trafficking: Not all black or white*. <https://humantraffickingsearch.org/human-trafficking-not-all-black-or-white/>; Office to Monitor and Combat Trafficking in Persons. (2021, July 1). *Acknowledging historical and ongoing harm: The connections between systemic racism and human trafficking*. U.S. Department of State. <https://www.state.gov/acknowledging-historical-and-ongoing-harm-the-connections-between-systemic-racism-and-human-trafficking/>

## Poverty

Economic vulnerability is a significant root cause of human trafficking. Addressing poverty and income disparity should be a goal in prevention efforts. Due to systemic discrimination, people of color are disproportionately at risk of experiencing trafficking and poverty. The average White family has eight times the wealth of the average Black family and five times the wealth of the average Hispanic family.<sup>22</sup> People living in poverty often struggle to provide for themselves, their children, or their families. This increased vulnerability may stem from a genuine lack of opportunity and access to economic and other resources. It also may stem from a perceived lack of access where many impoverished communities of color in this country do not see themselves as a part of our economic infrastructure with viable upward mobility opportunities. These real and perceived limitations attract traffickers who may defraud, coerce, or force impoverished families or individuals into the cycle of trafficking.

## Justice System Involvement and Mass Incarceration

Addressing the race and class aspects of mass incarceration is enormously important in the discussion of human trafficking. Racial minorities and the poor are more likely to be arrested or convicted and are overrepresented in the prison system.<sup>23</sup> It is also true that Black women and girls are disproportionately represented among persons who have experienced sex trafficking.<sup>24</sup> For example, 57.5 percent of all juvenile arrests for prostitution-related exploitation are of Black children.<sup>25</sup> Since people of color experience both incarceration and sex trafficking at disproportionately higher levels than others, the intersection between mass incarceration and human trafficking cannot be ignored. We see this link as traffickers target incarcerated individuals through jailhouse recruiters who may be inside or outside the correctional facility. Traffickers target and groom incarcerated individuals, including individuals in the juvenile justice system, especially those with prostitution or drug-related arrests, by promising them safety, security, love, and drugs. Traffickers pick up vulnerable individuals (particularly those with limited resources, family, or social connections) upon their release from prison or juvenile detention and then exploit them for sex and/or labor. Far too often, these same individuals end up incarcerated again for crimes they were forced to commit at the direction of their traffickers—continuing the cycle of exploitation and incarceration.

Data further suggests that students, particularly Black students, involved in the juvenile justice system are also more likely to have been suspended or expelled from school than their White counterparts.<sup>26</sup> This increases the risk for youth to experience trafficking—particularly youth of color—because, without access to education, there are far fewer employment and career opportunities, thus making it difficult for young people to provide for their basic needs. Lack of education, access to affordable housing, and living wage employment opportunities combined with engagement in the justice system increase individuals' vulnerabilities to being targeted by traffickers.

## Restrictive and Confusing Immigration Systems

Restrictive and confusing immigration systems also increase vulnerabilities. Undocumented status leaves survivors vulnerable to trafficking since they often have limited resources, no identification, and are not able to work legally. These vulnerabilities may be compounded when survivors also fear that they could be arrested, detained, or deported by authorities if they attempt to report, leave, or seek help. Receiving legal status is empowering for survivors and is necessary to prevent revictimization. But the process of receiving legal status is often disempowering. Paperwork is onerous and hard to follow, particularly for non-English speakers. Further, these processes are not trauma-informed, as they often rely solely on the victim to prove their trafficking experience and force victims to recount their traumatic experiences multiple times throughout the immigration process. Legislative caps and long waitlists to receive visas also intensify vulnerabilities when individuals cannot receive social supports or work during waiting periods. As a result, as survivors wait to receive legal status through the immigration system that is intended to protect them, they may become more vulnerable to victimization or revictimization.

<sup>22</sup> Bhutta, N., Chang, A. C., Dettling, L. J., & Hsu, J. W. (2020, September 28). *Disparities in wealth by race and ethnicity in the 2019 survey of consumer finances*. Federal Reserve System. <https://www.federalreserve.gov/econres/notes/feds-notes/disparities-in-wealth-by-race-and-ethnicity-in-the-2019-survey-of-consumer-finances-20200928.htm>

<sup>23</sup> Leipold, A. (2019). Is mass incarceration inevitable? *American Criminal Law Review*, 56(1), 1579–1620.

<https://www.law.georgetown.edu/american-criminal-law-review/wp-content/uploads/sites/15/2019/06/56-4-Is-mass-incarceration-inevitable.pdf>

<sup>24</sup> Congressional Black Caucus Foundation. (2019). *Snapshot of the state of Black women & girls*. [https://www.cbccfinc.org/wp-content/uploads/2019/05/SoJo-Fact-Sheet-5\\_14\\_19.pdf](https://www.cbccfinc.org/wp-content/uploads/2019/05/SoJo-Fact-Sheet-5_14_19.pdf)

<sup>25</sup> *Id.*

<sup>26</sup> American Psychological Association Zero Tolerance Task Force. (2008). Are zero tolerance policies effective in the schools?: An evidentiary review and recommendations. *American Psychologist*, 63(9), 852–862. <https://doi.org/10.1037/0003-066X.63.9.852>



## Cultural/Societal Experiences and Norms

Addressing and understanding generational and historical traumas are also key to understanding cultural norms and societal experiences that increase vulnerabilities. Below, we share behaviors that have been accepted by society and still exist today. These norms need to be corrected to better protect populations who have been and are at risk of trafficking.

**The oppression of women and girls:** Historically, women and girls have been objectified, mistreated, ignored, and shamed. For centuries, women and girls have been among the most vulnerable in society, treated by the law and in the community as property.<sup>27</sup> Underpaid and overlooked, they often “hit the glass ceiling” before reaching their highest potential. Vestiges of these generational traumas and oppression remain present today. Women and girls still must overcome numerous obstacles at home, in the community, and at work; these obstacles may leave them vulnerable to trafficking.

### Historical Experiences of Black Women that Reverberate Today: The Story of Sara Baartman and the Fancy Girl Trades

**Saartjie (Sara) Baartman** was one of the first documented Black women known to have experienced sex trafficking. Although extreme, her experience showcases the objectification and oppression of Black women in the past—the generational impacts of which still reverberate today. Baartman was sold and displayed on stages for many years in the 1800s. She was viewed as an object and used for multiple experiments, and her body was displayed for people to observe, as it was considered “abnormal.” Even after her death, her body parts remained on display until the mid-1970s. She was never given freedom or agency—she was oppressed, objectified, gawked at, and abused for the shape and look of her body.

**Fancy girls** were mixed-race female slaves—ranging from young girls to adult women—viewed as property due to their pigment and legal status and whose hybrid-whiteness was used to market their services as sex laborers. For example, in the slave markets of New Orleans, “along with the social distinction, honor, and paternalism that could be wrung from the bodies and souls of the enslaved, slave traders were selling the buyers another fantasy: that other people existed to satisfy their desires.” The high prices of the fair skinned fancy maids symbolized dominance, desire, and the luxury of being able to pay for a sexual service that “had no material utility,” but was a “projection of the slaveholders’ own imagined identities as white men and slave masters.” In his May 1854 journal entry, Orville Browning, the Senator from Illinois, recounted his visit to a Lexington slave pen. He wrote, “In several of the rooms I found very handsome mulatto women, of fine persons and easy genteel manner, sitting at their needle work awaiting a purchaser.”

We emphasize these stories to illustrate the ongoing role generational trauma has on Black women today.

Sources: See, e.g., Crais, C., & Scully, P. (2010). *Sara Baartman and the Hottentot Venus: A ghost story and a biography*. Princeton University Press. <https://press.princeton.edu/books/paperback/9780691147963/sara-baartman-and-the-hottentot-venus>; Baptist, E. (2004). “Cuffy,” “fancy maids,” and “one-eyed men”: Rape, commodification, and the domestic slave trade in the United States. In W. Johnson (Ed.), *The chattel principle: Internal slave trades in the Americas*. Yale University Press; Gordon, T. A. (2015). *The fancy trade and the commodification of rape in the sexual economy of 19th century U.S. slavery* [Master’s thesis, University of South Carolina]. Scholar Commons. <https://scholarcommons.sc.edu/cgi/viewcontent.cgi?article=4647&context=etd>

Historically, Black women experienced enslavement and mistreatment, having no agency over their bodies (see box above). They were labeled “jezebels,” raped, forced to have children (or prevented from having children), and expected to nurture the families of their “owners” as well as their own. Young Black girls carry this generational trauma but also continue to be objectified, adultified, and over-sexualized today while also disproportionately experiencing trafficking.<sup>28</sup>

<sup>27</sup> Harvard Business School. (2010). *Women and the law*. [https://www.library.hbs.edu/hc/wes/collections/women\\_law/](https://www.library.hbs.edu/hc/wes/collections/women_law/)

<sup>28</sup> Epstein, R., Blake, J. J., & González, T. (n.d.). *Girlhood interrupted: The erasure of Black girls’ childhood*. Georgetown Law, Center on Poverty and Inequality. <https://genderjusticeandopportunity.georgetown.edu/wp-content/uploads/2020/06/girlhood-interrupted.pdf>; Human Trafficking Search. (2014, April 30). *Human trafficking: Not all black or white*. <https://humantraffickingsearch.org/human-trafficking-not-all-black-or-white/>

**Homophobia:** Lesbian, gay, bisexual, transgender, queer and/or questioning, intersex, asexual, two-spirit, and more (LGBTQIA2S+) persons face elevated threats of violence and discrimination in employment, healthcare, and educational opportunities. Some LGBTQIA2S+ individuals are ostracized from family and forced to leave their homes.<sup>29</sup> Many LGBTQIA2S+ individuals, especially youth, are at greater risk for homelessness.<sup>30</sup> The confluence of these factors leaves individuals—who sometimes experience little to no acceptance in family, employment, or society—at great risk for experiencing trafficking.

## The Important Distinction Between Causation and Risk

Above, we share what the Council believes are systemic, cultural, and societal causes of human trafficking, and below, we share several risk factors. We want to be clear that risk should not be misconstrued as causation, particularly for underserved populations vulnerable to trafficking. In our 2021 report, we called upon PITF agencies to increase focus on underserved human trafficking populations, including but not limited to youth, Indigenous populations, Black and Brown communities, LGBTQIA2S+ communities, boys and men, and individuals with disabilities. Here, we share more about individuals with substance use disorders (SUD) as well as individuals with disabilities—the social discrimination, implicit biases, and prejudice they often face may increase their risk of being preyed upon by traffickers.

**Individuals With Substance use Disorders:** Few survivors become addicted to drugs or alcohol during their trafficking experience—it is more common that those already battling a SUD are targeted by traffickers.<sup>31</sup> Addiction affects one's relationships with family, work, and the community. Addiction is not a choice; it is a disease<sup>32</sup> in which there is often limited access to medical care and insurance for individuals trying to access treatment to overcome it. There are many reasons why someone may experience a SUD. Often, childhood trauma can lead to addiction.<sup>33</sup> If there is a lack of family or community support, a child may turn to drugs or alcohol to numb their pain. This experience is only exacerbated for children who have a parent with a SUD or a parent who is in "the life" (see page 18). SUDs often lead to isolation and may make individuals more vulnerable to trafficking. For example, drugs or alcohol may become a part of a trafficker's means of coercion—an incentive the trafficker uses to lure or keep victims in a trafficking situation.

**Individuals With Disabilities:** Research suggests that individuals with disabilities—including those with physical disabilities, cognitive or intellectual disabilities, sensory disabilities, and mental health disorders—are at risk of experiencing human trafficking.<sup>34</sup> Many people with disabilities must rely on others to help them meet their basic needs and navigate everyday life. This reliance can create dependence on others and unequal power dynamics due to limited economic opportunity, mobility, and perceived social capital, making them more vulnerable to abuse and exploitation.<sup>35</sup> Additionally, the trauma of experiencing trafficking—and often reliving that experience through legal or immigration proceedings—can cause or exacerbate mental health challenges, which can lead to revictimization. For individuals who face cognitive, physical, and emotional disabilities, as well as mental health disorders resulting from their trafficking experience, the proper diagnoses, treatments, supports, and resources are critical.

<sup>29</sup> Office to Monitor and Combat Trafficking in Persons. (2014, June 20). *The vulnerability of LGBT individuals to human trafficking*. U.S. Department of State. <https://2009-2017.state.gov/j/tip/rls/fs/2014/233728.htm>

<sup>30</sup> See, e.g., Rosario, M., Schrimshaw, E. W., & Hunter, J. (2012, January). Risk factors for homelessness among lesbian, gay, and bisexual youths: A developmental milestone approach. *Children and Youth Services Review*, 34(1), 186–193. <https://doi.org/10.1016/j.childyouth.2011.09.016>

<sup>31</sup> Office to Monitor and Combat Trafficking in Persons. (2020, June 25). *The intersection of human trafficking and addiction*. U.S. Department of State. <https://2017-2021.state.gov/the-intersection-of-human-trafficking-and-addiction/index.html>

<sup>32</sup> See: National Institute on Drug Abuse. (2018, June). *Understanding drug use and addiction: Drug facts*. National Institutes of Health, U.S. Department of Health and Human Services. <https://nida.nih.gov/download/799/understanding-drug-use-addiction-drugfacts.pdf?v=9b2d8525f0ca1b03f816eaf71ece6ef2>; Leshner, A. I. (n.d.). *Exploring myths about drug abuse*. U.S. Department of Health and Human Services, National Institutes of Health. <https://archives.drugabuse.gov/exploring-myths-about-drug-abuse>

<sup>33</sup> See, e.g., Lamy, K., Tang, Y. L., Bradley, B., Cubells, J. F., & Ressler, K. J. (2010, November 3). Substance use, childhood traumatic experience, and posttraumatic stress disorder in an urban civilian population. *Depression and Anxiety*, 27(12), 1077–1086. <https://doi.org/10.1002/da.20751> (Childhood traumas inflicted by a parent, caretaker, or guardian that may increase the likelihood of addiction include experiencing physical, sexual, or emotional abuse; witnessing domestic violence; or having a parental figure who experiences mental health disorders and/or has been incarcerated.)

<sup>34</sup> See, e.g., Franchino-Olsen, H., Silverstein, H. A., Kahn, N. F., & Martin, S. L. (2020). Minor sex trafficking of girls with disabilities. *International Journal of Human Rights in Healthcare*, 13(2), 97–108. <http://doi.org/10.1108/IJHRH-07-2019-0055>; Reid, J. A. (2016, February 17). Sex trafficking of girls with intellectual disabilities: An exploratory mixed methods study. *Sexual Abuse: Journal of Research and Treatment*, 30(2), 107–131. <http://doi.org/10.1177/1079063216630981>

<sup>35</sup> Office for Victims of Crime Training and Technical Assistance Center. (n.d.). *Victims with physical, cognitive, or emotional disabilities*. <https://www.ovcttac.gov/taskforceguide/eguide/4-supporting-victims/45-victim-populations/victims-with-physical-cognitive-or-emotional-disabilities/>

## Calls to Action

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Without addressing the root causes of human trafficking, we cannot successfully end it or even reduce the risks for future generations. We hope that taking a deeper look into some of the root causes of human trafficking will catalyze change. We continue to urge PITF agencies to implement our 2021 report recommendations and:

- Build capacity and offer training to increase understanding among federal staff and victim service grantees of the above root causes, forge partnerships with survivors and subject matter experts on these topics, increase outreach initiatives to at-risk populations, and develop public awareness campaigns on these root causes and their intersections with human trafficking.
- Create a federal taskforce on missing and murdered Black women and girls, modeled after the federal taskforce for missing and murdered Indigenous women, to shed light on and help address the intersectionality of racism, poverty, and violence that befalls this population and increases their risk of experiencing human trafficking.<sup>36</sup>
- Increase research and data collection on generational trauma and its effects on human trafficking, especially among women, to inform the creation of enhanced and safer systems that protect women and prevent trafficking.
- Support state and local restorative justice approaches that focus on rehabilitation, education, and employment and training opportunities for youth who become involved with the justice system to decrease the likelihood of them experiencing trafficking.
- Support federal vacatur legislation that aligns with state efforts currently in place for victims and survivors of trafficking and supports individuals who end up in a cycle of incarceration because of unlawful acts traffickers compelled them to commit or because they were trying to flee their trafficker.
- Expand trauma-informed training for victim advocates and law enforcement who work in the immigration system and may engage individuals who have (or may have) experienced trafficking. This would help ensure experiences with the legal and immigration systems do not exacerbate trauma and lead to revictimization.

<sup>36</sup> A 2-year review of suspected human trafficking incidents across the country revealed that 40 percent of victims of sex trafficking were identified as Black women. Source: Davey, S. (n.d.). *Snapshot on the state of Black women and girls: Sex trafficking in the U.S.* Congressional Black Caucus Foundation. <https://www.cbccfinc.org/publications/health/snapshot-on-the-state-of-black-women-and-girls-sex-trafficking-in-the-u-s/>; In addition, the state of Minnesota created the first taskforce for missing and murdered African American women. Source: Office of Justice Programs. (2021, November 29). *Missing and Murdered African American Women Task Force*. Minnesota Department of Public Safety. <https://dps.mn.gov/divisions/ojp/Pages/missing-murdered-african-american-women-task-force.aspx>; The federal government has also created such taskforces to shed light on missing and murdered Indigenous peoples. See, e.g., Operation Lady Justice. (n.d.). *The Presidential Task Force on Missing and Murdered American Indians and Alaska Natives*. U.S. Department of Justice. <https://operationladyjustice.usdoj.gov/>

# Addressing Child Exploitation and Online Safety

## Overview

In our 2021 report, we called for:

- ED to update the “Human Trafficking in America’s Schools” guide to encourage schools to partner with advocates who are Survivor Leaders and can support youth who have experienced trafficking in navigating various systems of care.
- DHS/Blue Campaign to further promote online safety prevention efforts for youth and underserved populations by creating a tool similar to iGuardian that specifically addresses human trafficking and targets individuals at risk of human trafficking online, individuals exploiting others through human trafficking online, and/or potential online buyers of commercial sex from human trafficking victims.
- HHS, DOJ, and DHS to address the gaps and issues relating to the intersection between pornography, human trafficking, and child sexual exploitation.
- Congress to amend Section 230 of the Communications Decency Act to empower victims and their attorneys, states, territories, tribes, and localities to use all the applicable criminal and civil laws to effectively combat human trafficking, including all sexual exploitation of children online.

### Child Exploitation: Multiple Streams of Revenue

“Like many survivors of domestic minor sex trafficking, my trafficker generated multiple streams of revenue from the crimes perpetrated against me. First, he was paid by pedophiles for unlimited access to my young body and profited from the repeated rapes. Those crimes were often filmed or photographed by my trafficker and then used to blackmail the perpetrators. This second stream of revenue multiplied his power and profit. Finally, when or if the perpetrators who had assaulted me refused to be extorted, the crime scene images were sold and broadly disseminated so that each act of sexual violence was memorialized and profitable into perpetuity.”

—Jennisue Jessen, Member, U.S. Advisory Council

These recommendations and note to Congress aim to address a key priority of the Council—to prevent sexual abuse and exploitation of children, including sexual abuse that occurs online,<sup>37</sup> or is photographed/recorded and can be published online, producing CSAM. While there are clear distinctions between child sex trafficking and CSAM, there are critical intersections in which they overlap and must be addressed. CSAM is not synonymous with child sex trafficking; however, like child sex trafficking, all CSAM holds a commercial value to its producer and has a long-term traumatic impact on its victim. Additionally, CSAM is often produced by means of force, fraud, or coercion and can facilitate child sex trafficking.<sup>38</sup>

<sup>37</sup> Exploitation that occurs or continues online includes but is not limited to the placement of images, audio, or videos of CSAM online.

<sup>38</sup> Exec Order No. 13,903, 3 C.F.R. 6721–6723 (2020). <https://www.federalregister.gov/documents/2020/02/05/2020-02438/combating-human-trafficking-and-online-child-exploitation-in-the-united-states>

The online nature of CSAM adds a layer of trauma and exploitation to survivors' experiences of abuse that is heavily felt, though its full implications are not fully understood. Below, we share more about why this topic is important today in the anti-trafficking movement. We also call for PITF agencies to not only implement our 2021 recommendations but also identify promising practices to combat online sexual exploitation of children and increase research on how CSAM fuels human trafficking and how circulated CSAM impacts individual victims.



iStock

## Digging Deeper

Our world is at a critical, unprecedented juncture in which CSAM is at an all-time high. In 2021, the National Center for Missing & Exploited Children received approximately 29 million reports of CSAM compared to approximately 17 million in 2019.<sup>39</sup> Similarly, from January to September of 2021, Instagram removed 4,797,100 posts for child nudity and sexual exploitation—1.5 million more than in the entire year of 2020.<sup>40</sup> As these numbers have grown, so too have tips specifically related to child sex trafficking, up 36 percent from 11,798 in 2019 to 16,032 in 2021.<sup>41</sup> While we acknowledge that reports of child sex trafficking are lower than those of other related crimes, research indicates that actual victimization is likely much higher.<sup>42</sup> We believe that these numbers are not only relevant but critically important because

<sup>39</sup> National Center for Missing & Exploited Children (2021). *CyberTipline 2021 report*. <https://www.missingkids.org/gethelpnow/cybertipline/cybertiplinedata>

<sup>40</sup> Bischoff, P. (2022, January 11). *The rising tide of child abuse content on social media*. Comparitech. <https://www.comparitech.com/blog/vpn-privacy/child-abuse-online-statistics/>

<sup>41</sup> National Center for Missing & Exploited Children. (n.d.). *CyberTipline 2021 report*. <https://www.missingkids.org/gethelpnow/cybertipline/cybertiplinedata>

<sup>42</sup> Gibbs, D., Kluckman, M., Tueller, S., & Latzman, N. (2018, December). *Assessing the under-reporting of minor victim sex trafficking*. Office of Justice Programs, National Institute of Justice. <https://nij.ojp.gov/library/publications/assessing-under-reporting-minor-victim-sex-trafficking>; National Institute of Justice. (2020, August 4). *Gaps in reporting human trafficking incidents result in significant undercounting*. Office of Justice Programs. <https://nij.ojp.gov/topics/articles/gaps-reporting-human-trafficking-incidents-result-significant-undercounting>

our nation's immediate responses to CSAM today will determine the trajectory of the worldwide sexual exploitation of children for generations to come.

Many factors fuel this trajectory and may impact the direction it takes in the future. The theory of change at Figure 3 was created by the Council and represents where we stand as a society regarding the online sexual exploitation of children while providing a high-level outline reflecting the different possibilities that may take place based on our immediate actions or inactions. This theory of change is grounded in peer-reviewed research on CSAM, pornography, and pedophilia; current trends in online exploitation; fieldwork; and lived experience. It reflects what we believe are the four key factors that will influence outcomes related to the online sexual exploitation of children: (1) the effectiveness of prevention outreach efforts, (2) the justice system's enforcement of current laws, (3) the government's focus on technology to combat online exploitation, and (4) community members' willingness to report CSAM and the exploitation of children. Online sexual exploitation of children, and the experience of being recruited and groomed online, have affected many members of this Council personally and will continue to affect many more children at increasing rates unless we take immediate action.

The nature of technology today is such that anyone can consume, create, and distribute the material to and from anywhere around the globe—for good or for harm—and go largely unchecked. As a U.S. Department of State fact sheet noted, “perpetrators can pay to direct the sexual abuse of children from anywhere in the world while the abuse takes place in private homes, Internet cafes, or ‘cyber dens’ in or near the child’s community. Disturbingly, closed and highly protected online communities dedicated to the sexual abuse of children have proliferated.”<sup>43</sup> In addition, a British study led by the Internet Watch Foundation shines a light on the problematic global trajectory of CSAM, citing “a large increase in self-generated material—where children are manipulated into recording their own abuse before it is shared online—with the fastest-growing increase in such material occurring among seven to 10-year-olds.”<sup>44</sup>

Many survivors of sex trafficking were at one point exploited online—whether targeted and approached initially by a trafficker via social media, being advertised and sold via various websites, or having sexually explicit material circulated online.<sup>45</sup> The absence of strong proactive measures to identify and stop online sexual exploitation of children, as well as prosecute perpetrators of these crimes, empowers perpetrators and further victimizes the exploited. Further, federal law defines children exploited in commercial sex as victims of human trafficking, not criminal offenders; however, some state and local law enforcement agencies continue to arrest minors on prostitution-related charges.<sup>46</sup>

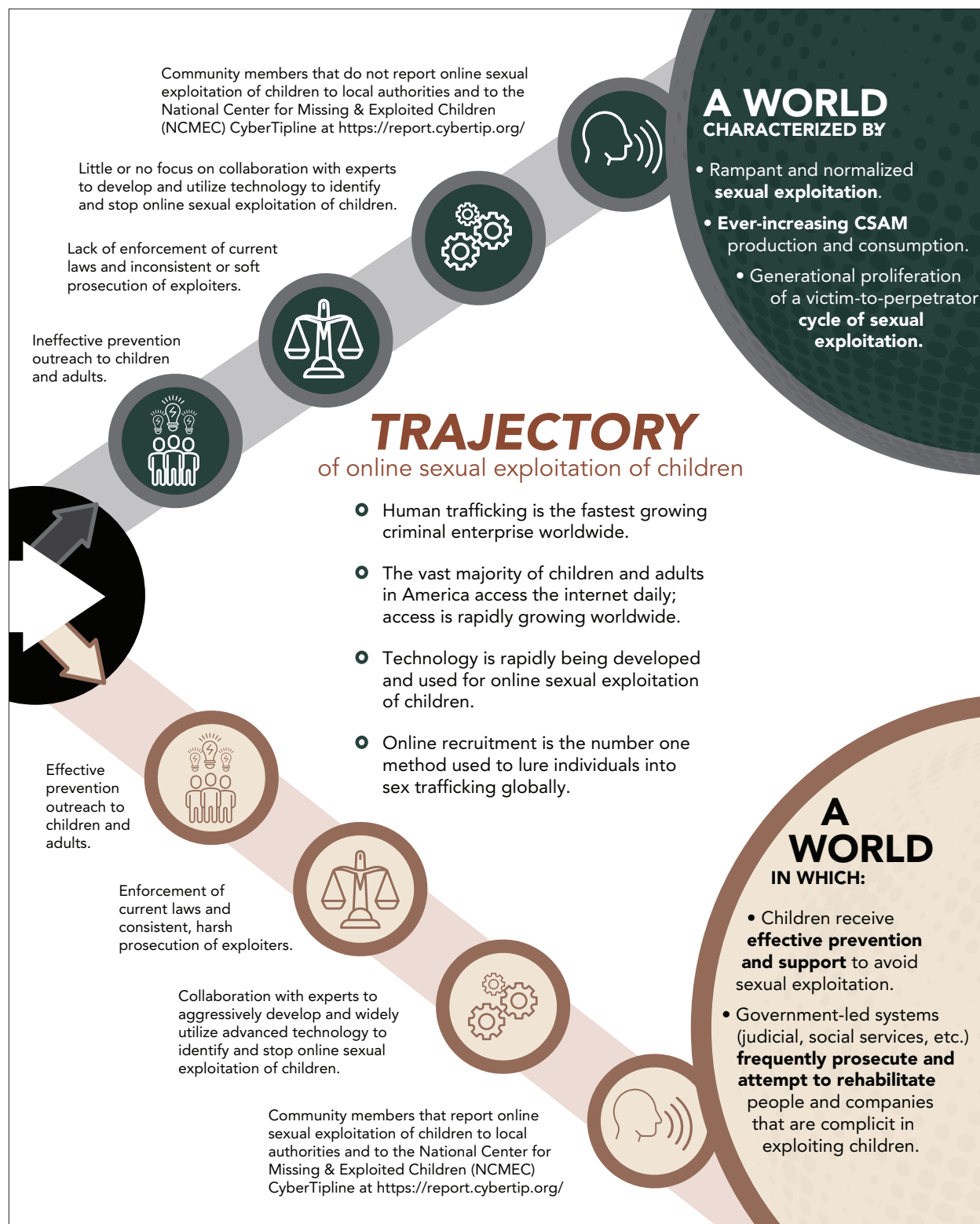
<sup>43</sup> Office to Monitor and Combat Trafficking in Persons. (2017, June 27). *Online sexual exploitation of children: An alarming trend*. U.S. Department of State. <https://2017-2021.state.gov/online-sexual-exploitation-of-children-an-alarming-trend/index.html>

<sup>44</sup> Milmo, D. (2022, January 13). 2021 was worst year on record for online child sexual abuse, says IWF. *The Guardian*. <https://www.theguardian.com/society/2022/jan/13/2021-was-worst-year-on-record-for-online-child-sex-abuse-says-iwf>

<sup>45</sup> See, e.g., Shapiro, L. R. (2021). Corporate liability of hotels: Criminal sanctions for online sex trafficking. *Journal of Internet Law*, 24(5), 3–10. [https://www.researchgate.net/publication/348972467\\_Corporate\\_Liability\\_of\\_Hotels\\_Criminal\\_Sanctions\\_for\\_Online\\_Sex\\_Trafficking](https://www.researchgate.net/publication/348972467_Corporate_Liability_of_Hotels_Criminal_Sanctions_for_Online_Sex_Trafficking)

<sup>46</sup> Office of Juvenile Justice and Delinquency Prevention. (2020, November 16). *Statistical briefing book: Law enforcement & juvenile crime*. <https://www.ojjdp.gov/ojstatbb/crime/qa05101.asp?qaDate=2019>

Figure 3: Trajectory of Online Sexual Exploitation of Children



Sources:

See, e.g., Feehs, K., & Wheeler, A. C. (2021). *2020 Federal human trafficking report*. Human Trafficking Institute. <https://traffickinginstitute.org/wp-content/uploads/2022/01/2020-Federal-Human-Trafficking-Report-Low-Res.pdf>; Ochab, E. U. (2017, July 29). *The world's fastest growing crime*. Forbes. <https://www.forbes.com/sites/ewelinaochab/2017/07/29/the-worlds-fastest-growing-crime/?sh=7b1070ba3aae>; United States Attorney's Office District of Rhode Island. (n.d.). *Human trafficking*. U.S. Department of Justice. <https://www.justice.gov/usao-ri/human-trafficking>; United Nations. (2021, October 30). *Traffickers abusing online technology, UN crime prevention agency warns*. <https://news.un.org/en/story/2021/10/1104392>

## Calls to Action

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We continue to urge PITF agencies to revisit and implement our 2021 recommendations related to the online sexual exploitation of children and to enforce laws that can protect victims of child sexual exploitation and trafficking.<sup>47</sup> In addition, we urge PITF agencies to consider the following calls to action:

- Create, fund, and publish research that assesses the effects (emotional, developmental, social, and physical) CSAM has on children and adults whose images (whether real or created by artificial intelligence) are being circulated.
- Create and update comprehensive, easily accessible resources that provide information and legal help for children who have been exploited online about their rights and ability to have those images removed from websites.
- Increase the research, development, and use of technology, artificial intelligence, predictive analytics, and public-private partnerships with technology companies to identify and address CSAM.
- Prioritize awareness training to state, local, tribal, and territorial law enforcement federal grantees pertaining to the intersection between CSAM and child sex trafficking so that minors are protected from unjust prosecutions and are instead referred to trauma-informed victim services.
- Become familiar with the EARN-IT Act and support its passage in any way possible to limit online service providers' immunity under Section 230 of the Communications Decency Act.<sup>48</sup>

<sup>47</sup> U.S. Advisory Council on Human Trafficking (2021). *United States Advisory Council on Human Trafficking annual report 2021*. <https://www.state.gov/united-states-advisory-council-on-human-trafficking-annual-report-2021/>

<sup>48</sup> EARN IT Act of 2022, S. 3538, 117th Cong. (2022). <https://www.congress.gov/bill/117th-congress/senate-bill/3538>



# Reducing Demand for Sex and Labor Trafficking

## Overview

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In our 2021 report, we called for:

- DHS/Blue Campaign to further promote online safety prevention efforts for youth and underserved populations by creating a tool similar to iGuardian that specifically addresses human trafficking and targets individuals at-risk of human trafficking online, individuals exploiting others through human trafficking online, and/or potential online buyers of commercial sex from human trafficking victims.
- DOJ and DHS to increase labor trafficking investigations and prosecutions by enhancing interagency partnerships; leveraging existing data on labor trafficking; coordinating with DOL to use existing data on U.S.-based employers and farm labor contractors and its third-party agents, such as foreign labor recruiters; and engaging labor market experts.

These recommendations were each developed to address a key objective of our work: demand reduction. Traffickers profit off of recruiting, transporting, transferring, harboring, or receiving vulnerable and marginalized populations by means of force, fraud, or coercion to perform commercial sex acts or provide labor or services without compensation.

To successfully reduce the demand that drives commercial exploitation in all its forms, we must target traffickers' profits and actively focus on the sources of harm, including, in the case of sex trafficking, buyers of sex. Therefore, this section will focus on demonstrating how the interruption of demand is an effective strategy to combat human trafficking. In this section, we share established federal government policy and cite trends that stand to challenge current laws and legitimize prostitution. We also discuss how labor and sex trafficking are driven by consumer demand and how those who have experienced exploitation move toward empowerment. We hope PITF agencies will use this information to strategically formulate policies and practices that reduce demand and champion and implement our 2021 report recommendations on this critically important topic.

## Digging Deeper

In December 2002, the White House issued a National Security Presidential Directive (NSPD-22) that served as a foundational resolution toward protecting human dignity and eradicating commercial sexual exploitation. NSPD-22 states, “The United States Government opposes prostitution and any related activities, including pimping, pandering, or maintaining brothels, as contributing to the phenomenon of trafficking in persons. These activities are inherently harmful and dehumanizing. The United States Government’s position is that these activities should not be regulated as a legitimate form of work for any human being.”<sup>49</sup>

Twenty years after the release of this pivotal commitment toward justice, there is a growing trend to legalize prostitution that is gaining momentum nationwide. Some advocates argue that prostitution is a legitimate field of work and a viable way to provide economic empowerment in underserved and marginalized communities. For example, the Open Society Foundations argues that decriminalization promotes safe working conditions, reduces the risk of spreading sexually transmitted diseases, and helps prevent abuses. “When sex work is decriminalized, sex workers can press for safer working conditions and use the justice system to seek redress for discrimination and abuse,” the group says, “Sex workers are more likely to live without stigma, social exclusion or fear of violence.”<sup>50</sup>

“It is a myth that paid sex is consensual. The buyer was always paying for me to waive my consent...that way he could do whatever he wanted.”

—a Survivor

Arguments for and against the legitimacy of prostitution as a viable means of work are often as passionate and compelling as they are confusing. To provide some insight into these arguments, we share a theory that sheds light on survivors’ experiences as a “Spectrum of Empowerment” (Figure 4).<sup>51</sup> Informed by Maslow’s hierarchy of needs,<sup>52</sup> this trauma-informed and victim-

centered theory is based on one Council member’s 25 years of lived experience, research, and fieldwork. The theory draws from the knowledge, experience, and expertise of those who have survived and escaped commercial sexual exploitation and prostituted peoples actively engaged in commercial sex; and direct service fieldwork serving both of those populations, spanning six countries. The theory aims to address the reality that, statistically, 95 percent of women engaging in commercial sex report having a history of childhood sexual assault<sup>53</sup> and offers a macro view of the trajectory of choices individuals may make as they move from childhood victimization toward empowerment. We believe it is critical to understand these choices as normal reactions to the trauma that individuals have endured. We hope that PITF agencies will consider this theory when developing demand reduction strategies—understanding the psychological effects of human trafficking and how one who was once victimized by the greed and lust of another might, in seeking empowerment, become an influential leader calling others to freedom or, alternatively, become a perpetrator of trafficking. We also note that while the Spectrum of Empowerment intends to highlight a diversity of experiences, it is not inclusive of all experiences. We recognize that not all survivors experience all steps, and others may not experience them sequentially.

<sup>49</sup> White House. (2002, December 16). *National security presidential directive/NSPD-22*. <https://ctip.defense.gov/Portals/12/Documents/NSPD-22.pdf>

<sup>50</sup> Open Society Foundations. (2015, April 10). *Ten reasons to decriminalize sex work*. <https://www.opensocietyfoundations.org/publications/ten-reasons-decriminalize-sex-work>

<sup>51</sup> Jessen, J. N. (2012). *The Spectrum of Empowerment: A paradigm for how exploited peoples move toward freedom*.

<sup>52</sup> McLeod, S. (2022, April 4). *Maslow’s hierarchy of needs*. SimplyPsychology. <https://www.simplypsychology.org/maslow.html>

<sup>53</sup> See, e.g., Farley, M., Cotton, A., Lynne, J., Zumbek, S., Spiwak, F., Reyes, M. E., Alvarez, D. A., & Sezgin, U. (2003). *Prostitution and trafficking in nine countries: An update on violence and posttraumatic stress disorder*. [www.prostitutionresearch.com/pdf/Prostitutionin9Countries.pdf](http://www.prostitutionresearch.com/pdf/Prostitutionin9Countries.pdf); Bracey, D. H. (1983). *The Juvenile prostitute: Victim and offender*. *Victimology*, 8(3–4), 151–160.; Harlan, S., Rogers, L. L., & Slattery, B. (1981). *Male and female adolescent prostitution: Huckleberry House sexual minority youth services project*. U.S. Department of Health and Human Services.

Figure 4: Spectrum of Empowerment



Sources:

- 1 Bracey, D. H. (1982). The juvenile prostitute: Victim and offender. *Victimology*, 8(3-4),151-160; Harlan, S., Rogers, L. L. & Slattery, B. (1981). *Male and female adolescent prostitution: Huckleberry house sexual minority youth services project*. U.S. Department of Health and Human Services; Farley, M. (2004). Prostitution is sexual violence. *Psychiatric Times*. <https://www.psychiatrictimes.com/view/prostitution-sexual-violence>; Norton-Hawk, M. (2001). The counterproductivity of incarcerating female street prostitutes. *Deviant Behavior: An Interdisciplinary Journal*, 22, 403-417; Silbert, M. H. (1980). *Sexual assault of prostitutes: Phase one*. National Center for the Prevention and Control of Rape, National Institute of Mental Health; Weisberg, K. D. (1985). *Children of the night: A study of adolescent prostitution*. D.C. Heath and Company.
- 2 Farley, M., Cotton, A., Lynne, J., Sybille, Z., Spiwak, F., Reyes, M. E., Alvarez, D., & Sezgin, U. (2003). Prostitution and trafficking in nine countries: An update on violence and posttraumatic stress disorder. *Journal of Trauma Practice*, 2(3-4), 33-74.
- 3 *Id.*
- 4 Potterat, J. J., Brewer, D. D., Muth, S. Q., Rothenberg, R. B., Woodhouse, D. E., Muth, J. B., Stites, H. K., & Brody, S. (2004). Mortality in a long-term open cohort of prostitute women. *American Journal of Epidemiology*, 159(8), 778-785. <https://academic.oup.com/aje/article/159/8/778/91471>

Bills to decriminalize sex work are being considered in New York, Massachusetts, Vermont, and Missouri, prompting concerns that the nature of the industry will lead to an increase in human trafficking.<sup>54</sup> Many of these efforts include the full decriminalization of pimping, operating brothels, and paying for sex. Full decriminalization, therefore, undermines the ability of law enforcement to actively investigate and effectively ascertain whether children or adults are being victimized in prostitution. It makes it more difficult to assist these victims and provide them with the services they need. A decade of experience with legalization and full decriminalization in countries like Germany and the Netherlands has taught us that these approaches do not effectively reduce harm, stigma, or violence,<sup>55</sup> nor do they improve working conditions. Rather, they dramatically increase the demand that drives commercial exploitation. Evidence examining legalized prostitution in 150 countries has found that marginalized communities experience higher inflows of trafficking to meet the greater, legalized demand.<sup>56</sup>

The same holds wherever increasing demand for cheap products and cheap labor are normalized as part of the economic system. In the United States, labor traffickers exploit and subjugate both foreign nationals and U.S. citizens. Labor trafficking victims in the United States and abroad produce some of the food we eat and manufacture some of the clothes we wear. They cultivate the fields we drive past every day and clean the buildings in which many of us work. Globally, it is estimated that there are 24.9 million people trapped in human trafficking, with 16 million victims of labor trafficking in the private industry, 4.8 million victims of sex trafficking, and 4.1 million victims of state-imposed forced labor.<sup>57</sup> As of June 23, 2021, DOL's Bureau of International Labor Affairs (ILAB) has identified 156 goods from 77 countries made by forced and child labor.<sup>58</sup> The Council would like to acknowledge DOL/ILAB's tireless efforts to compile this data and consult with other departments and agencies of the U.S. government to reduce forced and child labor internationally. These heroic efforts help to ensure that products made by forced labor and child labor in violation of international standards are hindered from importation into the United States.<sup>59</sup> Additionally, the Council is grateful to DHS's U.S. Customs and Border Protection for the implementation and enforcement of Section 307 of the Tariff Act of 1930 to prevent merchandise produced in whole or in part using forced labor from being imported into the United States.<sup>60</sup>

### Fair Pricing and Sourcing of Goods in Global Supply Chains

Consolidated global companies wield tremendous power in pricing and sourcing. When profit margins are affected by consumer demand and global supply chains, employers may contribute to an ongoing and ever-increasing cycle of exploitation by, among other things, employing third-party entities that seek out, hire, and commercially exploit individuals. To effectively combat trafficking, global companies must be held accountable to ensure fair pricing and sourcing of goods throughout their supply chains.

Source: LeBaron, G. (2020). *Combating modern slavery: Why labour governance is failing and what we can do about it*. Wiley Online Library. <https://www.wiley.com/en-us/Combating+Modern+Slavery:+Why+Labour+Governance+is+Failing+and+What+We+Can+Do+About+It-p-9781509513673>

<sup>54</sup> See, e.g., Thompson, D. (2021, September 10). *California may end arrests for loitering for prostitution*. AP News. <https://apnews.com/article/crime-arrests-california-bills-legislature-2ff3ea2352f335ecea16845919d5052>; Decriminalize Sex Work. (2022, January 1). *State bills to watch in 2022*. <https://decriminalizesex.work/state-bills-to-watch-in-2022/>; Gordon, E. (2017, August 3). *Prostitution decriminalized: Rhode Island's experiment*. WHYY. <https://whyy.org/articles/prostitution-decriminalized-rhode-islands-experiment/>

<sup>55</sup> Raymond, J. G. (2008, October 15). Ten reasons for not legalizing prostitution and a legal response to the demand for prostitution, *Journal of Trauma Practice*, 2(3-4), 315-332. [https://doi.org/10.1300/J189v02n03\\_17](https://doi.org/10.1300/J189v02n03_17)

<sup>56</sup> Cho, S. Y., Dreher, A., & Neumayer, E. (2013). Does legalized prostitution increase human trafficking? *World development*, 41, 67-82. <https://doi.org/10.1016/j.worlddev.2012.05.023>

<sup>57</sup> International Labour Organization & Walkfree Foundation. (2017). *Global estimates of modern slavery: Forced labour and forced marriage*. [https://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/documents/publication/wcms\\_575479.pdf](https://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/documents/publication/wcms_575479.pdf)

<sup>58</sup> Bureau of International Labor Affairs. (2021). *List of goods produced by child labor or forced labor*. U.S. Department of Labor. <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>

<sup>59</sup> Trafficking Victims Protection, 22 U.S.C. § 7112 (2006). [https://uscode.house.gov/view.xhtml?req=\(title:22%20section:7112%20edition:prelim\)#:-:text=22%20USC%207112%3A%20Additional%20activities%20to%20monitor%20and,Jump%20To%3A%20Source%20Credit%20Miscellaneous%20Codification%20Amendments%20C2%A77112](https://uscode.house.gov/view.xhtml?req=(title:22%20section:7112%20edition:prelim)#:-:text=22%20USC%207112%3A%20Additional%20activities%20to%20monitor%20and,Jump%20To%3A%20Source%20Credit%20Miscellaneous%20Codification%20Amendments%20C2%A77112)

<sup>60</sup> See, e.g., Tariff Act of 1930, 19 U.S.C. § 1307 (2006). <https://www.govinfo.gov/app/details/USCODE-2011-title19/USCODE-2011-title19-chap4-subtitle1-part1-sec1307/summary>; U.S. Customs and Border Protection. (n.d.). *Forced labor*. <https://www.cbp.gov/trade/forced-labor>

The efforts of PITF agencies, law enforcement, and NGOs to document and procure data on how, where, and in what manner labor trafficking occurs and to create a coordinated response are critical. Labor trafficking is a serious crime and needs to be acted upon as such, but these abuses cannot be eliminated through criminal law enforcement alone. It is also of paramount importance that we simultaneously address the root causes of human trafficking (see page 19), including consumer demand.

The unfortunate reality is that the adults and children in forced labor, in the United States and globally, are exploited in supply chains to meet our personal demands for cheap labor and cheap products. It is the consumers who drive the demand and the consumers who provide the profit incentive for traffickers. Traffickers follow the money that flows from our pockets. To effectively interrupt labor trafficking, we must acknowledge the ways in which we as individuals have been complicit in these crimes against humanity. We must learn to evaluate the products we consume and become accustomed to asking, “who made this and under what conditions?”

The great abolitionist Frederick Douglass reminds us, “no man can put a chain about the ankle of his fellow man without at last finding the other end fastened about his own neck.”<sup>61</sup> When individuals (knowingly or unknowingly) exploit others for commercial labor or sex, demand grows, and those who are purchased become a dehumanized commodity.

## Calls to Action

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Policies and programs must be grounded in the best possible understanding of the root cause of consumer demand that drives human trafficking at local, regional, national, and global levels to be effective. This remains critically important because human trafficking operates according to economic principles of supply and demand. One common thread between a person being commercially exploited and the trafficker profiting from their exploitation is that neither would exist if it were not for consumer demand.

Despite the enactment of criminal laws on human trafficking, statistics indicate that the number of investigations, prosecutions, and convictions is very small relative to the scale of the overall problem.<sup>62</sup> This means that criminal law enforcement needs to be intensified, particularly in response to companies and corporations profiting from forced labor, pimps exploiting individuals in commercial sex, and sex buyers. It is equally important to strengthen law enforcement responses to apply both sanctions for the offenders and remedies for those victimized by human trafficking.<sup>63</sup> We must concurrently undertake an extensive public education campaign to ensure citizens understand that elements of forced labor may be present within the supply chain of products that they purchase or the services for which they pay. We must actively support fair pay for workers and base our purchasing choices on the just treatment of those who make our products. Every person has the power and responsibility to reduce the demand for trafficking, and we call on every person to do so. We also continue to urge PITF agencies to implement our 2021 recommendations and consider the following calls to action:

<sup>61</sup> Douglass, F. (1883, October 22). *The civil rights case*. Teaching American History. <https://teachingamericanhistory.org/document/the-civil-rights-case/>

<sup>62</sup> Office to Monitor and Combat Trafficking in Persons. (n.d.) *2021 Trafficking in persons report: United States*. U.S. Department of State. <https://www.state.gov/reports/2021-trafficking-in-persons-report/united-states/>

<sup>63</sup> International Labour Organization & Walk Free Foundation. (2017). *Global estimates of modern slavery: Forced labour and forced marriage*. [https://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/documents/publication/wcms\\_575479.pdf](https://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/documents/publication/wcms_575479.pdf)

- Target demand through aggressive investigation and prosecution of all those participating in or profiting from human trafficking, including traffickers and pimps, sex buyers, and commercial enterprises utilizing forced labor.
- Prioritize grant-making to trauma-informed victim service providers that facilitate restoration through funding educational scholarships, including postgraduate studies, business internships, job placement, mental health services, and addiction recovery programs. As noted in the Spectrum of Empowerment, an emphasis on long-term restorative services can disrupt cycles of trauma by equipping those victimized by labor or sex trafficking to enter the marketplace with the viable professional skills and healthy coping strategies needed to move forward.
- Establish and disseminate a robust prevention education program so that adults and children across every race, subculture, and socio-economic group are equipped with a factual understanding of the risks and realities of human trafficking and are protected from being drawn into commercial exploitation or becoming complicit in the victimization of another.
- Prioritize the development of tools, online applications, and resources to equip the general public to make informed decisions on the products they purchase.<sup>64</sup>



Getty Images/Eric Wong/EyeEm

<sup>64</sup> See, e.g., the following resources and frameworks for companies: Bureau of International Labor Affairs. (n.d.). *List of goods produced by child labor or forced labor*. U.S. Department of Labor. <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>; Bureau of International Labor Affairs. (n.d.). *Comply chain*. U.S. Department of Labor. <https://www.dol.gov/ilab/complychain/>; Responsible Sourcing Tool. (n.d.). *Is human trafficking hidden in your supply chain?* <https://www.responsiblesourcingtool.org/>



# SUPPORTING THE IMPLEMENTATION OF SELECT 2021 COUNCIL REPORT RECOMMENDATIONS

Many victims do not recognize that they have experienced human trafficking when they first experience victimization. The inability to articulate the type of trauma they have experienced often makes it difficult for victims to come forward and disclose what they have gone through. To create a more inclusive approach that empowers victims and helps build trust with law enforcement, the burden of identifying victims of human trafficking should not lie solely with victims but also with the service providers, victim witness specialists, and investigators with whom they come into contact. It is these professionals who should have a duty to not only identify victims but also inform victims of their rights and ensure that they receive appropriate and consistent information about those rights. Following the release of our 2021 report, it became clear to the Council that more work was needed to educate victims on their rights and to bridge the immense gap between identifying victims of labor trafficking and seeking justice for them through the criminal justice system. Increased sharing, analysis, and use of data among federal agencies will help better inform labor trafficking investigations and prosecutions.

Therefore, in this section, we share recommendations to support PITF agencies in implementing two of our recommendations from our 2021 report, specifically relating to: (1) enforcing the Crime Victims' Rights Act (see also Appendix A) and (2) improving collaboration on data collection efforts to increase investigations and prosecutions of labor trafficking. We recognize that implementing these recommendations will require time, staffing, and resources to reach their full potential. The Council is committed to revisiting these recommendations with PITF agencies to ensure support is provided at all steps of the implementation phase.

# Crime Victims' Rights Act

In our 2021 report, we recommended:

- PITF agencies increase awareness of and adopt best practices to uphold the rights of victims of human trafficking as outlined in the CVRA (see Appendix A).<sup>65</sup>

## Implementation Opportunities and Recommendations

To support the implementation of this recommendation, the Council met with DOJ, DHS, and State to increase our understanding of how PITF agencies plan to implement it. We commend State's approach to ensuring victims understand their rights, interweaving explanations of the victims' CVRA rights at various touchpoints throughout a case, and ensuring that victims receive equitable support services. Specifically, we acknowledge State's efforts to meet with victims and provide a thorough breakdown of what the CVRA entails but also discuss proactive safety planning, including using translators when needed. Additionally, State assists victims with remittance, empowers victims by providing legal counsel options, and helps draft victim impact statements.

Many victims are not aware of how to classify their lived experiences and thus are not aware that they meet the statutory definition of a crime victim under applicable statutes, let alone that they may have statutory rights. In addition, because many victims do not self-identify, it is critical for PITF agencies to provide them with guidance in understanding each step of a case, as well as their rights throughout the criminal justice process (including detailed information on complaint processes). As victim witness specialists, investigators, and prosecutors improve efforts to share these rights, we can help increase victim cooperation and empower victims to have more agency, choice, and control in the process.

The Council also acknowledges DOJ's "National Strategy to Combat Human Trafficking," which prioritizes the need to increase training for investigators and advocates on treating survivors with fairness and dignity (which directly relates to key elements of the CVRA).<sup>66</sup> Additionally, the Council appreciated learning about DOJ's Victim Witness Assistance Work Group, which aims to strengthen the Department's response to the needs of victims and survivors of human trafficking at each stage of the criminal justice process, to assist them in achieving the safety and security needed as they journey out of their victimization. Finally, the Council acknowledges the DOJ's efforts to share information about the CVRA and the Victims' Rights and Restitution Act (VRRRA) with victims and their families as appropriate and based on the facts and circumstances of the investigations and prosecutions.

While the Council acknowledges that the CVRA and VRRRA do not apply unless or until an individual is a victim of a federal crime or an offense in the District of Columbia, sharing that it exists and affording its rights to victims of crime (which includes filing a complaint if the CVRA rights are not provided) are important ways to support self-identification, particularly for victims who may be hesitant to come forward otherwise (see box above). In addition, the Council also believes it is important to share information about these rights with potential victims, with whom federal investigators and prosecutors have contact, to increase cooperation in a potential criminal justice process. Therefore, to support the implementation of our 2021 recommendation, we further recommend:

<sup>65</sup> As part of this recommendation, the Council also recommended: (1) prominently posting the Victims' Rights and Restitution Act (VRRRA) and CVRA on agency websites and social media handles to raise awareness and ensure individuals understand the rights and services afforded to them, (2) providing tools to grantees to advertise or post copies of the VRRRA and CVRA on their respective websites as reminders of the rights of victims they serve, and (3) exploring and promoting additional protections under the VRRRA and the CVRA that are peer-reviewed and co-developed by survivors.

<sup>66</sup> U.S. Department of Justice. (2022, January). *National strategy to combat human trafficking*. <https://www.justice.gov/opa/press-release/file/1467431/download>



**DOJ and DHS create resources and screening protocols to increase efforts to help individuals self-identify as victims and to aid in the identification of victimization experiences.**

Failure to self-disclose victimization creates immense barriers for victims to access needed services and poses significant challenges for investigators to bring investigations and prosecutions. DOJ and DHS should collaborate with each other, researchers, clinicians, and NGOs that specialize in direct victim services to design, create, and disseminate resources, screening protocols, and trauma-informed interview guides that support investigators and victim witness specialists in building rapport with potential victims of trafficking to increase identification and victim cooperation. The creation of such resources should aim to help professionals engage with victims in ways that make them more comfortable in disclosing their victimization. Enhanced screening protocols for investigators may help better identify persons at risk and guide professionals in engaging conversations that may lead to victims feeling comfortable in sharing certain details related to their victimization. Such resources may also aid law enforcement, NGOs, and others in identifying indicators of victimization among individuals who are not yet prepared to self-identify.

**DOJ, State, and DHS increase TTA for federal investigators, victim witness specialists, prosecutors, and public defenders on sharing information about the CVRA and VRRRA with all potential victims.**

Many individuals may not have a clear understanding of their victimization or that they may be at risk of victimization. DOJ, State, and DHS investigators, other first responders, victim witness specialists, prosecutors, and public defenders should increase efforts to help potential victims understand their rights as well as process the trauma they have endured. Building capacity to enhance efforts to inform potential victims of their possible rights using a trauma-informed approach can help increase victim identification and cooperation throughout the criminal justice process and increase rapport and trust-building.

**DOJ, State, and DHS share CVRA and VRRRA information uniformly, consistently, and through all steps of the criminal justice process.**

We urge DOJ, State, and DHS to coordinate to ensure information shared with victims regarding the CVRA and VRRRA is consistent across agencies and provided at multiple points throughout a victim's involvement in the criminal justice process. Sharing consistent, clear, and accurate information about the CVRA and VRRRA helps ensure the victim and their family have a clear understanding of their rights, including their right to file a complaint. We also encourage DOJ, State, and DHS to share with each other existing resources each uses to promote the application of the CVRA and VRRRA. Additionally, we call upon DOJ, State, and DHS to explore innovative and different ways to share information about the CVRA and VRRRA (e.g., in writing and in various languages and for varying developmental capacities; via informational videos, with easy-to-follow imagery and concepts; via interactive information on each agency's website).

**State's Bureau of Consular Affairs add information about the CVRA in the "Know Your Rights" pamphlet, which includes information on legal rights and resources for individuals applying for employment- or education-based nonimmigrant visas.**

The "Know Your Rights" pamphlet may be one of the very first introductions to information on labor rights provided to certain nonimmigrant visa applicants.<sup>67</sup> The pamphlet is provided to individuals who come from all parts of the world and is available in many languages. The U.S. government created this pamphlet at the prompting of the William Wilberforce Trafficking Victims Protection Reauthorization Act, which reaffirms and strengthens the U.S. government's commitment to fight human trafficking and labor abuses.<sup>68</sup> Providing information on the CVRA within the pamphlet would allow certain nonimmigrant visa holders to be aware of the rights afforded to victims of crime in the United States.

<sup>67</sup> Bureau of Consular Affairs. (n.d.). *Rights and protections for temporary workers*. U.S. Department of State. <https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/temporary-workers.html>

<sup>68</sup> William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008. Pub. L. No. 110-457, 122 Stat. 5044 (2008). <https://www.congress.gov/110/plaws/publ457/PLAW-110publ457.pdf>

# Labor Trafficking Investigations and Prosecutions

In our 2021 report, we recommended:

- DOJ and DHS increase labor trafficking investigations and prosecutions by enhancing interagency partnerships; leveraging existing data on labor trafficking; coordinating with DOL to use existing data on U.S.-based employers and farm labor contractors and its third-party agents, such as foreign labor recruiters; and engaging labor market experts.

## Implementation Opportunities and Recommendations

The Council met with DOJ, DHS, and DOL to better understand data sharing among federal agencies to improve outreach, awareness, and investigation of suspected labor trafficking. We appreciated learning about DOL's data hub and commitment to assisting DHS's and DOJ's efforts to increase labor trafficking investigations. Specifically, we commend DOL's efforts to modernize its data collection approaches—maintaining a variety of labor certification records electronically, including visas and labor records that are fully processed and administrative case records that support labor certification determinations. DOL's modernized data hub offers federal partner agencies real-time access to critical data that can help federal law enforcement increase its understanding of labor trafficking and target industries where it remains prevalent.

We also appreciate DOJ, DHS, DOL, and State taking initial efforts to establish a federal interagency labor trafficking initiative to increase the identification, investigation, and prosecution of labor trafficking; identify common indicators and industries engaged in forced labor; and explore how to enhance victim assistance program supports for victims of labor trafficking. We further commend DOJ's "National Strategy to Combat Human Trafficking" and DHS's "Strategy to Combat Human Trafficking, the Importation of Goods Produced with Forced Labor, and Child Sexual Exploitation." Both focus on the importance of increasing awareness and outreach on labor trafficking.<sup>69</sup> To support the implementation of our 2021 recommendation and promote federal interagency collaboration on data sharing to enhance labor trafficking investigations and prosecutions, we recommend:

### **DOJ coordinate with DOL to ensure all relevant DOJ components have access to and can use data housed in DOL's data hub.**

We encourage DOJ to amend its existing data-sharing agreement with DOL to ensure appropriate DOJ components, including the FBI and Human Trafficking Prosecution Unit, can access relevant data sets like foreign labor certificates and petition records without restriction. This increased and real-time access to DOL data can help DOJ investigators and prosecutors proactively identify and investigate potential trends and "hot spots" where labor trafficking may occur. Additionally, we encourage DOL data experts to provide TTA to DOJ data experts and investigators on how best to interpret and use DOL data sets to discern trends within specific industries or communities.

<sup>69</sup> U.S. Department of Justice. (2022, January). *National strategy to combat human trafficking*. <https://www.justice.gov/opa/press-release/file/1467431/download>; U.S. Department of Homeland Security. (2020, January). *Strategy to combat human trafficking, the importation of goods produced with forced labor, and child sexual exploitation*. [https://www.dhs.gov/sites/default/files/publications/20\\_0115\\_plcy\\_human-trafficking-forced-labor-child-exploit-strategy.pdf](https://www.dhs.gov/sites/default/files/publications/20_0115_plcy_human-trafficking-forced-labor-child-exploit-strategy.pdf)



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**DOJ and DHS increase coordination with DOL on labor trafficking detection strategies throughout the criminal justice process so DOL can better support restitution efforts.**

DOL's Wage and Hour Division and Occupational Safety and Health Administration investigators are uniquely positioned to identify and refer potential labor trafficking cases. The Council encourages greater partnerships among DOL, DOJ, and DHS to increase detection and support labor trafficking investigations. Specifically, we encourage DOJ, DHS, and DOL to include their respective data analytics staff in formulating detection strategies to better leverage DOL's real-time data to help assess specific industries within communities and "paint a picture" of possible areas of labor exploitation. These data-driven partnerships can also guide investigative processes to follow data trends to identify potential employers and industries where labor trafficking is prevalent. We also encourage DOJ to keep DOL abreast of criminal justice processes to the extent needed and appropriate to coordinate with DOL to support restitution efforts.

**DOJ offer TTA to Enhanced Collaborative Model Programs to Combat Human Trafficking (ECM) and support to Anti-Trafficking Coordination Teams (ACTeam) to enhance the investigation and prosecution of labor trafficking cases.**

We acknowledge DOJ's Office for Victims of Crime's increased funding for ECMs and the growing focus on labor trafficking. We also acknowledge DOJ's "Development and Operations Roadmap" to hold ECMs more accountable in better identifying and bringing awareness to instances of labor trafficking.<sup>70</sup> Historically, many ECMs and ACTeams have focused primarily on sex trafficking. We believe there should be ECMs and ACTeams that primarily focus on labor trafficking or have distinct work groups that focus on sex or labor trafficking, respectively. Sex and labor trafficking are very different and require different detection, investigation, and prosecutorial strategies, approaches, and partners in the field.

<sup>70</sup> International Association of Chiefs of Police, Department of Justice Bureau of Justice Assistance & Office for Victims of Crime. (n.d.). *Multidisciplinary collaborative model for anti-human trafficking task forces: Development & operations roadmap*. [https://www.theiacp.org/sites/default/files/2020-06/Roadmap%20for%20Multidisciplinary%20Collaborative%20Model%20Anti-Human%20Trafficking%20Task%20Forces\\_1.pdf](https://www.theiacp.org/sites/default/files/2020-06/Roadmap%20for%20Multidisciplinary%20Collaborative%20Model%20Anti-Human%20Trafficking%20Task%20Forces_1.pdf)

To further increase support for ECMs and ACTeams, we encourage DOJ to offer training on the signs of labor trafficking, as well as how to help someone who does not realize that a crime is being or was committed against them. This may include training for law enforcement to better understand how to engage with individuals who may be potential victims of labor trafficking but, due to language or cultural barriers, may not be able to articulate they are a victim. We recommend DOJ coordinate this training development with labor market, supply chain, lived experience, and human trafficking subject matter experts who can help shed light on detecting instances of labor exploitation and working directly with potential victims. We also urge DOJ to coordinate with Lived Experience Experts to share information with ECMs and ACTeams about best practices to identify and support those who have experienced labor trafficking.

Finally, we urge DOJ to coordinate with DOL to support ECMs and ACTeams to build stronger partnerships with federal, state, local, and tribal labor market experts and workforce programs. Lack of engagement between labor market experts, workforce systems, and law enforcement is a significant gap in identifying instances of labor trafficking. Labor market experts distinctly understand how supply chains affect employers' profit margins and how employers may take "shortcuts" to increase their revenues, which can lead to the employment of third-party entities that seek out, hire, and exploit individuals. Prioritizing partnerships with labor market experts can increase the capacity of ECMs and ACTeams to identify and investigate employers engaged in labor trafficking. In addition, enhanced local partnerships with workforce programs can help improve referral and detection strategies.



# CONCLUSION

The lives of those who overcame slavery and went on to change the world both educate us and inspire us to act. Frederick Douglass, Sojourner Truth, and Harriet Tubman are only a few among a great many heroes of generations past who courageously used their own experiences to give voice to the atrocities of slavery. They were each victimized yet not defeated. The brutal details and raw humanity of their lives serve as a reminder of both how far we as a nation have come and how much further we must go to obtain the freedom of which they dreamed.

*"It is in your hands to create a better world for all who live in it."*

*—Nelson Mandela*

While slavery was formally abolished in the United States with the passing of the 13<sup>th</sup> Amendment on December 18, 1865, millions of people are still falling prey to human trafficking by means of force, fraud, and coercion. Those that have survived exploitation, past and present, have seen the best and worst of humankind, and their experiences have informed change. It is with great humility that the U.S. Advisory Council on Human Trafficking carries the echoes of their voices forward in our own.

Collaboration and survivor engagement must be the foundational basis of our national efforts if we are to have any hope of ending the scourge of commercial exploitation through human trafficking. The world bears witness to our collective action or inaction. Therefore, we ask that PITF agencies integrate the recommendations and insights compiled in our 2021 and 2022 reports into their interagency efforts to combat trafficking and, in doing so, effectively create a more just world.



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# Appendix A: Crime Victims' Rights Act and Victims' Rights and Restitution Act of 1990

## Crime Victims' Rights Act

### 18 U.S.C. § 3771: Crime victims' rights

#### (a) RIGHTS OF CRIME VICTIMS

A crime victim has the following rights—

- (1) The right to be reasonably protected from the accused.
- (2) The right to reasonable, accurate, and timely notice of any public court proceeding, or any parole proceeding, involving the crime or of any release or escape of the accused.
- (3) The right not to be excluded from any such public court proceeding, unless the court, after receiving clear and convincing evidence, determines that testimony by the victim would be materially altered if the victim heard other testimony at that proceeding.
- (4) The right to be reasonably heard at any public proceeding in the district court involving release, plea, sentencing, or any parole proceeding.
- (5) The reasonable right to confer with the attorney for the Government in the case.
- (6) The right to full and timely restitution as provided in law.
- (7) The right to proceedings free from unreasonable delay.
- (8) The right to be treated with fairness and with respect for the victim's dignity and privacy.
- (9) The right to be informed in a timely manner of any plea bargain or deferred prosecution agreement.
- (10) The right to be informed of the rights under this section and the services described in section 503(c) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(c)) and provided contact information for the Office of the Victims' Rights Ombudsman of the Department of Justice.

#### (b) RIGHTS AFFORDED

(1) **IN GENERAL.** In any court proceeding involving an offense against a crime victim, the court shall ensure that the crime victim is afforded the rights described in subsection (a). Before making a determination described in subsection (a)(3), the court shall make every effort to permit the fullest attendance possible by the victim and shall consider reasonable alternatives to the exclusion of the victim from the criminal proceeding. The reasons for any decision denying relief under this chapter shall be clearly stated on the record.

#### (2) HABEAS CORPUS PROCEEDINGS—

(A) In general. In a Federal habeas corpus proceeding arising out of a State conviction, the court shall ensure that a crime victim is afforded the rights described in paragraphs (3), (4), (7), and (8) of subsection (a).

#### (B) Enforcement.

(i) In general. These rights may be enforced by the crime victim or the crime victim's lawful representative in the manner described in paragraphs (1) and (3) of subsection (d).

(ii) Multiple victims. In a case involving multiple victims, subsection (d)(2) shall also apply.

(C) Limitation. This paragraph relates to the duties of a court in relation to the rights of a crime victim in Federal habeas corpus proceedings arising out of a State conviction, and does not give rise to any obligation or requirement applicable to personnel of any agency of the Executive Branch of the Federal Government.

(D) Definition. For purposes of this paragraph, the term "crime victim" means the person against whom the State offense is committed or, if that person is killed or incapacitated, that person's family member or other lawful representative.

#### (c) BEST EFFORTS TO ACCORD RIGHTS

(1) **GOVERNMENT.** Officers and employees of the Department of Justice and other departments and agencies of the United States engaged in the detection, investigation, or prosecution of crime shall make their best efforts to see that crime victims are notified of, and accorded, the rights described in subsection (a).

(2) **ADVICE OF ATTORNEY.** The prosecutor shall advise the crime victim that the crime victim can seek the advice of an attorney with respect to the rights described in subsection (a).

(3) **NOTICE.** Notice of release otherwise required pursuant to this chapter shall not be given if such notice may endanger the safety of any person.

#### (d) ENFORCEMENT AND LIMITATIONS

(1) **RIGHTS.** The crime victim or the crime victim's lawful representative, and the attorney for the Government

may assert the rights described in subsection (a). A person accused of the crime may not obtain any form of relief under this chapter.

(2) **MULTIPLE CRIME VICTIMS.** In a case where the court finds that the number of crime victims makes it impracticable to accord all of the crime victims the rights described in subsection (a), the court shall fashion a reasonable procedure to give effect to this chapter that does not unduly complicate or prolong the proceedings.

(3) **MOTION FOR RELIEF AND WRIT OF MANDAMUS.**—The rights described in subsection (a) shall be asserted in the district court in which a defendant is being prosecuted for the crime or, if no prosecution is underway, in the district court in the district in which the crime occurred. The district court shall take up and decide any motion asserting a victim's right forthwith. If the district court denies the relief sought, the movant may petition the court of appeals for a writ of mandamus. The court of appeals may issue the writ on the order of a single judge pursuant to circuit rule or the Federal Rules of Appellate Procedure. The court of appeals shall take up and decide such application forthwith within 72 hours after the petition has been filed. In no event shall proceedings be stayed or subject to a continuance of more than five days for purposes of enforcing this chapter. If the court of appeals denies the relief sought, the reasons for the denial shall be clearly stated on the record in a written opinion.

(4) **ERROR.** In any appeal in a criminal case, the Government may assert as error the district court's denial of any crime victim's right in the proceeding to which the appeal relates.

(5) **LIMITATION ON RELIEF.** In no case shall a failure to afford a right under this chapter provide grounds for a 2263 new trial. A victim may make a motion to re-open a plea or sentence only if—

(A) the victim has asserted the right to be heard before or during the proceeding at issue and such right was denied;

(B) the victim petitions the court of appeals for a writ of mandamus within 10 days; and

(C) in the case of a plea, the accused has not pled to the highest offense charged. This paragraph does not affect the victim's right to restitution as provided in title 18, United States Code.

(6) **NO CAUSE OF ACTION.** Nothing in this chapter shall be construed to authorize a cause of action for damages or to create, to enlarge, or to imply any duty or obligation to any victim or other person for the breach of which the United States or any of its officers or employees could be held liable in damages. Nothing in this chapter shall be construed to impair the prosecutorial discretion of the Attorney General or any officer under his direction.

(e) **DEFINITIONS**

For the purposes of this chapter—

(1) **COURT OF APPEALS.** The term "court of appeals" means—

(A) the United States court of appeals for the judicial district in which a defendant is being prosecuted; or

(B) for a prosecution in the Superior Court of the District of Columbia, the District of Columbia Court of Appeals.

(2) **CRIME VICTIM**

(A) In general. The term "crime victim" means a person directly and proximately harmed as a result of the commission of a Federal offense or an offense in the District of Columbia.

(B) Minors and certain other victims. In the case of a crime victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardians of the crime victim or the representatives of the crime victim's estate, family members, or any other persons appointed as suitable by the court, may assume the crime victim's rights under this chapter, but in no event shall the defendant be named as such guardian or representative.

(3) **DISTRICT COURT; court.** The terms "district court" and "court" include the Superior Court of the District of Columbia.

(f) **PROCEDURES TO PROMOTE COMPLIANCE**

(1) **REGULATIONS.** Not later than 1 year after the date of enactment of this chapter, the Attorney General of the United States shall promulgate regulations to enforce the rights of crime victims and to ensure compliance by responsible officials with the obligations described in law respecting crime victims.

(2) **CONTENTS.** The regulations promulgated under paragraph (1) shall—

(A) designate an administrative authority within the Department of Justice to receive and investigate complaints relating to the provision or violation of the rights of a crime victim;

(B) require a course of training for employees and offices of the Department of Justice that fail to comply with provisions of Federal law pertaining to the treatment of crime victims, and otherwise assist such employees and offices in responding more effectively to the needs of crime victims;

(C) contain disciplinary sanctions, including suspension or termination from employment, for employees of the Department of Justice who willfully or wantonly fail to comply with provisions of Federal law pertaining to the treatment of crime victims; and

(D) provide that the Attorney General, or the designee of the Attorney General, shall be the final arbiter of the complaint, and that there shall be no judicial review of the final decision of the Attorney General by a complainant.

# Victims' Rights and Restitution Act of 1990

## U.S.C. § 20141: Services to Victims

### (a) DESIGNATION OF RESPONSIBLE OFFICIALS

The head of each department and agency of the United States engaged in the detection, investigation, or prosecution of crime shall designate by names and office titles the persons who will be responsible for identifying the victims of crime and performing the services described in subsection (c) at each stage of a criminal case.

### (b) IDENTIFICATION OF VICTIMS

At the earliest opportunity after the detection of a crime at which it may be done without interfering with an investigation, a responsible official shall—

- (1) identify the victim or victims of a crime;
- (2) inform the victims of their right to receive, on request, the services described in subsection (c); and
- (3) inform each victim of the name, title, and business address and telephone number of the responsible official to whom the victim should address a request for each of the services described in subsection (c).

### (c) DESCRIPTION OF SERVICES

- (1) A responsible official shall—
  - (A) inform a victim of the place where the victim may receive emergency medical and social services;
  - (B) inform a victim of any restitution or other relief to which the victim may be entitled under this or any other law and manner in which such relief may be obtained;
  - (C) inform a victim of public and private programs that are available to provide counseling, treatment, and other support to the victim; and
  - (D) assist a victim in contacting the persons who are responsible for providing the services and relief described in subparagraphs (A), (B), and (C).
- (2) A responsible official shall arrange for a victim to receive reasonable protection from a suspected offender and persons acting in concert with or at the behest of the suspected offender.
- (3) During the investigation and prosecution of a crime, a responsible official shall provide a victim the earliest possible notice of—
  - (A) the status of the investigation of the crime, to the extent it is appropriate to inform the victim and to the extent that it will not interfere with the investigation;
  - (B) the arrest of a suspected offender;
  - (C) the filing of charges against a suspected offender;
  - (D) the scheduling of each court proceeding that the witness is either required to attend
  - (E) the release or detention status of an offender or suspected offender;
  - (F) the acceptance of a plea of guilty or nolo contendere or the rendering of a verdict after trial; and
  - (G) the sentence imposed on an offender, including the date on which the offender will be eligible for parole.
- (4) During court proceedings, a responsible official shall ensure that a victim is provided a waiting area removed from and out of the sight and hearing of the defendant and defense witnesses.
- (5) After trial, a responsible official shall provide a victim the earliest possible notice of—
  - (A) the scheduling of a parole hearing for the offender;
  - (B) the escape, work release, furlough, or any other form of release from custody of the offender; and
  - (C) the death of the offender, if the offender dies while in custody.
- (6) At all times, a responsible official shall ensure that any property of a victim that is being held for evidentiary purposes be maintained in good condition and returned to the victim as soon as it is no longer needed for evidentiary purposes.
- (7) The Attorney General or the head of another department or agency that conducts an investigation of a sexual assault shall pay, either directly or by reimbursement of payment by the victim, the cost of a physical examination of the victim which an investigating officer determines was necessary or useful for evidentiary purposes. The Attorney General shall provide for the payment of the cost of up to 2 anonymous and confidential tests of the victim for sexually transmitted diseases, including HIV, gonorrhea, herpes, chlamydia, and syphilis, during the 12 months following sexual assaults that pose a risk of transmission, and



the cost of a counseling session by a medically trained professional on the accuracy of such tests and the risk of transmission of sexually transmitted diseases to the victim as the result of the assault. A victim may waive anonymity and confidentiality of any tests paid for under this section.

- (8) A responsible official shall provide the victim with general information regarding the corrections process, including information about work release, furlough, probation, and eligibility for each.

(d) NO CAUSE OF ACTION OR DEFENSE

This section does not create a cause of action or defense in favor of any person arising out of the failure of a responsible person to provide information as required by subsection (b) or (c).

(e) DEFINITIONS

For the purposes of this section—

- (1) the term “responsible official” means a person designated pursuant to subsection (a) to perform the functions of a responsible official under that section; and
- (2) the term “victim” means a person that has suffered direct physical, emotional, or pecuniary harm as a result of the commission of a crime, including—
  - (A) in the case of a victim that is an institutional entity, an authorized representative of the entity; and
  - (B) in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, one of the following (in order of preference):
    - (i) a spouse;
    - (ii) a legal guardian;
    - (iii) a parent;
    - (iv) a child;
    - (v) a sibling;
    - (vi) another family member; or
    - (vii) another person designated by the court.

# Appendix B: Excerpt on Force, Fraud, and Coercion From 2021 Annual Report

It is important for (1) federal, state, tribal, territorial, and local investigators, prosecutors, and law enforcement, (2) federal, state, tribal, territorial, and local human services, housing and education agencies, and NGOs, (3) victims of human trafficking, and (4) members of the public to fully understand the meaning of force, fraud, and coercion relating to trafficking in persons.<sup>71</sup> It is equally important for these anti-trafficking stakeholders to recognize and use language that does not sensationalize these terms in ways that may provoke or capture public interest at the expense of accuracy. Below we share examples of each of these elements of human trafficking in the hope that all of the above stakeholders can use this information to:

- Support and promote victim self-identification and cooperation.
- Dispel inaccurate or misleading information, stigmas, and stereotypes, and discourage sensationalism of the realities of human trafficking.
- Increase data collection as well as improve the accuracy of data.
- Engage populations and communities that are reluctant to report.
- Strengthen human trafficking enforcement efforts, including by increasing and ensuring survivor-informed and victim-centered investigations and prosecutions, to achieve just results.
- Increase overall awareness, identification, and education about human trafficking.

This information will help law enforcement, and human services, housing, education agencies, and NGO stakeholders support victims of human trafficking so that victims will be able to:

- Increase self-identification and self-reporting in safe and secure ways.
- Understand survival mechanisms such as disassociation and denial and the psychological and physical impacts of human trafficking.
- Understand the benefits of working with anti-trafficking stakeholders.
- Understand and break free from the lies, fear, and control tactics traffickers instilled over time to deceive and exploit.
- Increase their understanding of the definitions of force, fraud, and coercion as they relate to their experiences of exploitation.

The below stakeholders can specifically utilize this information to:

## **Federal, state, tribal, territorial, and local investigators, prosecutors, and law enforcement**

- Enhance victim-centered, culturally responsive, and trauma-informed comprehensive training for law enforcement.
- Establish and rebuild or strengthen trust between law enforcement and victims by better understanding trafficker control and fear tactics.
- Identify traffickers or victims of human trafficking when investigating other potential crimes (e.g., wage theft).
- Identify sources of information and evidence to support prosecutions that do not rely solely on victim witness testimony.

## **Federal, state, tribal, territorial, and local human services, housing and education agencies, and NGOs**

- Ensure policies are victim-centered, culturally responsive, trauma-informed, and rooted in and supported by research and promising practices.
- Increase meaningful long-term partnerships with survivors with different lived experiences to ensure promising and best practices are used.
- Offer a more diverse range of services and resources to victims.
- Support the development of protocols and accountability measures by victim service organizations and taskforces that address the impacts force, fraud, and coercion may have on victims.

<sup>71</sup> A helpful resource on trauma-informed and victim-centered responses to human trafficking: Office for Victims of Crime Training and Technical Assistance Center. (2020). *Understanding human trafficking*. <https://www.ovcttac.gov/UnderstandingHumanTrafficking>

### Members of the public

- Understand how human trafficking is hidden in plain sight across the United States.
- Understand the complex and different ways human trafficking impacts victims' lives, their physical and psychological safety, their families, and livelihoods.
- Stand against harmful societal and cultural norms that enable human trafficking and that desensitize communities to exploitation and abuse, preventing victims from coming forward or seeking help.
- Identify and report potential trafficking based on a greater understanding of trafficking indicators.

Demonstrating what the terms force, fraud, and coercion mean as they relate to the experiences of a victim will help direct them to needed supports. Language used to describe these terms should be victim-centered and survivor-informed to deter misinterpretations, sensationalism, and stigmas that result in harm to victims or the failure to identify and provide services to victims. Ultimately, by building expertise in both what these terms mean as well as the psychological effects force, fraud, and coercion have on victims will help law enforcement and prosecutors investigate and prosecute cases and service providers offer effective wraparound supports.

It is also important to understand that traffickers' tactics related to force, fraud, and coercion may have only subtle differences or, in some instances, may overlap. We recognize that there is no one set approach to combat human trafficking, but we hope the below examples add value in presenting various possibilities that reflect recurring patterns of behavior that may indicate trafficking. Many of these examples could be categorized as force, fraud, or coercion; they aim to illustrate various ways a trafficker uses these means to obtain the labor or services of another person or to compel another person to engage in a commercial sex act:<sup>72</sup>

### Force<sup>73</sup>

This includes, but is not limited to: physical and/or sexual abuse; domestic violence; intimidation by causing or threatening physical harm with the presence of a weapon; inflicting violence on a victim's children or pets as punishment; not allowing victims to take their children if they attempt to leave the trafficker; threatening to injure or kill family, loved ones or pets to obtain compliance; not allowing the victim to travel or see family; forcefully restricting communication with family, loved ones, or anyone outside of the trafficking experience; forcing drug and substance use and abuse; restricting access to needed prescribed medications, mental health, and/or addiction services; restricting other medical care, or needed appointments; restricting the victim's mobility and access to any transportation; forcing victims to sign fraudulent binding contracts, documents, or nondisclosure agreements to keep victims silent and in bondage; requiring the victim be supervised at all times; forcing victims to work daily for any period of time; and/or restricting food and dietary needs.

### Fraud<sup>74</sup>

This includes, but is not limited to: deception by the trafficker intended to result in the trafficker's financial or personal gain; deception by making false promises, unjustifiable claims or lying about the trafficker's accomplishments or credentials; lying about and presenting fabricated or fraudulent companies or business ventures; establishing a false sense of credibility, security, and trust with victims; creating fake business deals and ventures that falsely promise financial freedom, stability, independence, safety, and security; stating the victim's children will be taken by child protective services; and/or changing the victim's name and identity to control and conceal them; threatening to take and/or spread compromising or explicit images of the victim.

### Coercion<sup>75</sup>

This includes, but is not limited to: methods of manipulation, persuasion, and breaking down boundaries over a period of time to obtain compliance; isolation; grooming, trauma bonding, brainwashing, gas lighting, blaming, normalizing, and desensitizing harmful behaviors and ideas; over-sexualizing, guilt, and shaming victims; manipulation of substance use and substance use disorders; making false promises of love and friendship; seizing personal identification and documents to immobilize and debilitate the victim; making individuals disclose their vulnerabilities and/or life and relational hardships to use against them; taking advantage of language or geographical barriers; instilling fear and opposition to law enforcement or stating the victim will be arrested and treated as the criminal; convincing victims that no one will love, support, or protect them besides the trafficker; witnessing harm to others or making victims believe they will be harmed if they do not comply based on knowledge that the trafficker has harmed others; and/or impregnating and having children with the victim.

<sup>72</sup> Additional helpful resources on the means that traffickers use to victimize individuals and the definitions of force, fraud, and coercion include: United Nations Office on Drugs and Crime. (2017). *Evidential issues in trafficking in persons cases: Case digest*. [https://www.unodc.org/documents/human-trafficking/2017/Case\\_Digest\\_Evidential\\_Issues\\_in\\_Trafficking.pdf](https://www.unodc.org/documents/human-trafficking/2017/Case_Digest_Evidential_Issues_in_Trafficking.pdf); Office on Trafficking in Persons. (2017, November 21). *Fact sheet: Human trafficking*. U.S. Department of Health and Human Services, Administration for Children and Families. <https://www.acf.hhs.gov/otip/fact-sheet/resource/fshumantrafficking>

<sup>73</sup> For additional information about the term force, see, e.g., Administration for Children and Families. (2021, June 25). *Responding to foreign national minor victims of trafficking* [Video]. YouTube. <https://www.youtube.com/watch?v=LYsvjr6qT9Y>

<sup>74</sup> For additional information about the term fraud, see footnote 72. In addition, the federal criminal forced labor statute (18 USC § 1589) does not include a means of fraud, although fraudulent conduct can in some cases contribute to a coercive scheme.

<sup>75</sup> For additional information about the term coercion, see footnote 72.



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