

Human Trafficking Study

February 2012

Introduction: Although one of the League's principles is that the League believes in the individual liberties established in the Constitution of the United States, that principle alone, without a supporting study and consensus, is not enough for the League to act on human trafficking issues. Also known as modern-day slavery, trafficking has become a major human rights problem in Ohio and elsewhere.

LWV Ohio adopted a state study of human trafficking at its convention in May 2011. It was expected that the study would draw significantly from the work of the Ohio Attorney General's Trafficking in Persons Study (TIPS) Commission. A 2010 year-end report formed the basis for the League's consensus questions in that they address continuing issues; in fact, the new attorney general, Mike DeWine, has continued the study commission. House Bill 262—a "safe harbor" bill—is pending and would provide for victim services. A law passed in 2010 made trafficking in persons a stand-alone offense and easier to prosecute, but much work remained to be done.

(As an example of Ohio's shortcomings, Shared Hope International's Protected Innocence Initiative recently gave Ohio a grade of D because Ohio law does not distinguish between sex trafficking of an adult or a child and requires proof of the use of force, fraud or coercion. It provides insufficient protection of child victims. Also, training for law enforcement on human trafficking is not mandated.)

The scope of the LWVO study was to review the recommendations of the Ohio TIPS Commission 2010 Year End Report as well as other research materials, and determine what steps can be taken legislatively and through community coalitions to address the issues. Its purposes are to 1) allow the state and local Leagues to advocate for legislation assuring victims' rights, with a focus on how minor victims of sex trafficking are treated by the criminal justice system; 2) join in coalition with other organizations in their own communities, working to provide community-based services to victims; and 3) educate communities on how to recognize and report human trafficking. While prosecution of traffickers is important, equally important are the identification and rescue and rehabilitation of victims.

The consensus questions are attached. Local Leagues are encouraged to hold consensus meetings in February, March and early April (with official League response on the enclosed report form submitted by April 21). An email or Web site survey may be provided for if no meeting can be held. Alternatively, a League board may have a consensus discussion and complete the consensus report if it is confident it has membership support on the issue. It is intended that consensus results will be submitted to the state board for approval at its May meeting, and the position disseminated to local Leagues soon after so that Leagues can officially begin to address trafficking issues.

Background

Standard definitions:

The federal Trafficking in Victims Protection Act of 2000 defines “severe forms of trafficking in persons” as:

1. Sex trafficking in which 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; or
2. 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.

These are the generally accepted definitions for any discussion of human trafficking.

The National Situation:

Nationally, human trafficking is estimated to be a \$35 billion dollar industry. The Polaris Project, an organization founded in 2002 to eliminate human trafficking by serving victims and seeking systemic change, describes human trafficking as the fastest growing criminalized industry in the world, currently in second place and ahead of the illegal arms trade.

(Note that the Polaris Project favors a market-based strategy: Because human trafficking is driven by two primary factors—low risk and high profit—it can be eliminated by reaching the point where human trafficking becomes a high-risk, low-profit activity.)

Ohio Attorney General Mike DeWine, speaking at the national 2012 Human Trafficking Awareness Day, estimated that 100,000 children are involved in the U.S. sex trade, half of the estimated 200,000 victims. Many begin at the ages of 12-14. Of the 200,000, an estimated 14,500 to 17,000 are foreign nationals trafficked into the U.S. each year.

Cases of human trafficking have been reported in all fifty states. The majority of victims are commercial sex trafficking victims, and about 80 percent are female. In the forced labor area, domestic servants, farm and factory workers are most commonly trafficked.

The United States is one of top 10 destinations for human trafficking. It is the most frequent destination for victims from Latin America and Caribbean nations and one of top 10 for victims from Asia (other than Asian countries). People are trafficked from Mexico, Central America, East Asia, S. Asia, Africa and Europe for forced labor and sexual exploitation.

Exploitation is possible because movement in the global economy is difficult to disrupt. Borders are open and documents are forged, making identification of trafficking victims impossible before forced labor begins. Trafficked victims often are moved from their country of origin through several countries and may be resold before reaching their final destination.

A common feature of trafficking is the exorbitant fees for transportation and housing that place victims in potential debt bondage. As an example, victims in Thailand were steered to particular lenders who were working with traffickers. Victims had to put up their families' land to secure loans. Northern Thai farmers earn less than \$500 per year, and could not repay loans.

The Ohio Situation:

The 2010 Year End Report of the Attorney General's TIPS Commission estimated that nearly 800 foreign-born persons could be at risk for both labor and/or sex trafficking in Ohio. Ohio was cited as not only a destination place for foreign-born trafficking victims, but also as a recruitment place.

The TIPS Commission estimated that nearly 3,000 American-born youth in Ohio, primarily from high-risk groups such as runaways and homeless youth, are at risk of exploitation and another 1,000 under age 18 have been trafficked into the sex trade over the course of a year.

The city of Toledo has been ranked by the FBI as fourth in the nation for investigations, arrests and rescues of children forced into prostitution. This first came to public attention in 2005, through Operation Precious Cargo in Harrisburg, PA. The FBI found that of 151 victims of sex trafficking, 45 were children, and 78 of the 151 were from Toledo. (Toledo's proximity to Canadian borders and lax Ohio laws contributed to the situation. Ohio is also vulnerable because of its interstate highway network and high number of truck stops.)

The FBI started its Innocence Lost Task Force in Toledo in 2006 as the result of the Precious Cargo case in Harrisburg. Toledo is considered an origin city, with girls recruited and shipped to other states. (At the time, more than 100 pimps were operating in Toledo.) The task force has focused on sex trafficking of minors; as of January 2012, six cases are pending federal prosecution. At this point, cases are being prosecuted at the federal level; federal mandatory sentences are higher and it is important to assure victims that the perpetrators will get prison time. Federal law prevails when interstate commerce is involved. The growing use of internet postings or cell phone use by pimps to sell girls may also create a federal case. (As an aside, a case becomes federal if condoms are involved because condoms are not manufactured in Ohio.)

While it appears that sex trafficking, particularly of minors, is the more heinous crime and receives more attention, forced labor trafficking also exists in Ohio. The TIPS Commission noted that Ohio's increasing foreign-born population provides a pool of legal and illegal immigrants who may be forced to work against their will in agriculture, sweat shops, restaurants, as domestics and in other seemingly legitimate businesses.

Identifying Victims:

No community is considered to be immune from human trafficking. A Homeland Security Victim/Witness Specialist noted that there is the potential for identifying human trafficking victims

anywhere a service is provided for a fee. They could be nannies, working for an escort service or a nail salon, in a restaurant or a sweat shop.

Indicators of victimization include: evidence of being controlled; evidence of inability to make decisions, bruises or chronic STD's; back pain or other signs of physical abuse, apparent fear or depression, not speaking on own behalf or scripted answers to questions; no passport or other forms of identification or documentation; tattoos or other marks indicating "ownership" by their exploiters; an older male with very young female; clothes that are mostly the kind typically worn for doing sex work. Security measures at the site of exploitation and multiple cell phones or iPads are other indicators.

Victims do not always see themselves as victims. Their cultural or religious background may deter them from telling their full story. They may feel ashamed and not want their families to know their circumstances. They may have a fear of police and be reluctant to speak to someone wearing a gun or uniform. Women may be reluctant to speak with male investigators. Also, the "Stockholm Syndrome" may cause them to identify with their traffickers. As an example, 130 men from Honduras were found to be labor trafficked in Buffalo, NY, but described their lives as "perfect."

Victim-Centered Approach:

Law enforcement and social service agency professionals are in agreement on a victim-centered approach to dealing with people who are trafficked. Homeland Security Investigations describes its approach as one that recognizes that in order to successfully investigate and prosecute traffickers, victims must be stable and free from fear and intimidation to be effective witnesses. Gaining the trust of a victim is seen as an important first step in providing any assistance.

Meeting the needs of victims requires law enforcement and service providers to understand the physical and psychological trauma that victims frequently suffer. They need to understand cultural differences and be able to communicate with those who may not speak English.

The TIPS Commission identified the basic needs of victims in its 2010 report: Safety; basic needs (food, clothing); safe, temporary housing; medical care; legal assistance; and interpretation/translation if they are not English-speaking. Longer term, needs include comprehensive case management, education and job training, life skills, alcohol and drug treatment, residential trauma treatment and social support.

On the legislative side, Ohio law does not exempt a victim of human trafficking from the state's solicitation statute. Treatment of minors engaged in prostitution is not consistent throughout the state. Enactment of a "safe harbor" law would ensure that minors who are victims of human trafficking will be provided with appropriate services, and are not charged with prostitution.

Obstacles to Service Delivery:

A survey conducted for the TIPS Commission found that only 118 identified human trafficking cases were being served by service providers statewide in 2009. Only 12 agencies were providing any services

to victims of human trafficking and only five agencies reported providing specific anti-human trafficking services.

The issues identified as barriers to providing services were a lack of funding/resources, a lack of training/information about human trafficking, a lack of knowledge about the services trafficking victims need, not knowing how to identify victims, and a lack of organizational policies or procedures. Clients identified barriers to accessing services as lack of knowledge about available services; fear of violence against self or family, lack of community human trafficking awareness, and shame/embarrassment; captivity; and lack of knowledge of victim's rights.

Ohio now has several local coalitions working to build awareness and connect victims with services. Greater awareness has led to improvements in the provision of services, but not enough; the shortage of mental health and substance abuse services is particularly severe. One of the biggest gaps identified by the Toledo Juvenile Court is the lack of therapeutic foster homes (group homes were found to not work well).

Obstacles to Prosecution: Threats of retaliation frequently inhibit witnesses from testifying against their traffickers. Beyond that factor, there is a need to train prosecutors to understand trafficking, and to train advocates and GALs (Guardians ad Litem) so that they have the same training as law enforcement.

Recommendations:

Recommendations from the Study Commission's Victim Services Subcommittee to improve service delivery include the following:

1. Training on the scope, incidence and impact of human trafficking and response protocols;
2. Emergency response and comprehensive case management for victims of trafficking;
3. Short- and long-term residential programs for victims of trafficking;
4. Trauma-specific therapy;
5. Legal assistance.

Among these, the first priority is a) to build local anti-trafficking coalitions around the state to improve local capacity to identify and respond to victims; b) to provide training to all of the major social services systems and networks in the state; and c) to build capacity for emergency response and comprehensive case management in all five geographic areas of the state. The second priority is to develop trafficking-specific, trauma-sensitive residential programs throughout Ohio. Third, an effort should be made to increase the number of trained therapists available to treat victims of trafficking, and to increase the number of trained attorneys available to represent victims of trafficking.

Recommendations of the Demand Reduction Subcommittee included the use of john schools to encourage behavior change and greater enforcement of labor laws. While john schools may not work with hard-core offenders, they are believed to work well with first-time offenders. A longer-term intervention strategy would focus penalties more harshly on the customers of prostitution. There is also

some thought about registering pimps and johns as sex offenders. The Training and Law Enforcement Subcommittee encouraged expanded training and improved communication among law enforcement.

References:

Ohio Trafficking in Persons Study Commission 2010 Year End Report, www.ohioattorneygeneral.gov/HumanTrafficking. The commission is made up of elected officials, law enforcement, prosecutors, survivors, advocates and service providers, and works through six sub-committees. Initially, the commission sought to adopt new criminal law language and build awareness of the trafficking problem. The commission is continuing its work, focusing on provision of victim services and training for law enforcement and service providers.

The Polaris Project and the National Human Trafficking Resource Center, www.PolarisProject.org. The Polaris Project is a nonprofit organization dedicated to combating human trafficking in the United States and abroad. The Polaris Project operates the National Human Trafficking Resource Center—a hotline established by the Department of Health and Human Services. The Polaris Project fields calls from Ohioans and tracks Ohio legislative efforts.

Shared Hope International, www.sharedhope.org. Shared Hope International exists to rescue and restore women and children in crisis. The organization is a leader in a worldwide effort to prevent and eradicate sex trafficking and slavery through education and public awareness. Shared Hope recently gave Ohio a grade of D because its laws do not protect children caught up in the sex trade.

Freedom Network Training Institute, www.freedomnetworkusa.org. Members of the Freedom Network (USA) have provided services to trafficked persons in some of the major trafficking cases in the United States to date and have actively promoted a human rights response to trafficking worldwide and in the United States. The training institute has provided training for law enforcement, service providers and advocates in Ohio.

Ohio Legislative Service Commission, Analysis of HB 262, “Safe Harbor for Exploited Children,” www.lsc.state.oh.us. The LSC drafts, analyses and tracks all bills introduced by the Ohio General Assembly.

Rep. Teresa Fedor, PowerPoint Presentation to League of Women Voters Lobbyists, August 9, 2011 (contact Rep. Fedor at 614-644-6017). Rep. Fedor’s presentation provided an overview of the subject of trafficking, its impact on victims, and recommendations for Ohio.

Consensus Questions: Human Trafficking

Please circle your answer or indicate by check mark, as appropriate.

1. Human forced labor and sex trafficking should be stopped through legislation and changes in public policy.

Strongly agree Agree Disagree Strongly disagree No consensus

2. Victims of human trafficking should be provided with services on an as-needed basis to facilitate integration into the community, including but not limited to....

(Check all items to be included)

- Counseling
- Drug and alcohol treatment
- Safe housing
- Physical and mental health care
- Legal representation
- Job training
- ESL/GED/education
- Employment assistance

3. Minors who have been commercially sexually exploited or forced into slave labor should be legally considered as victims and given special physical and mental health care.

Strongly agree Agree Disagree Strongly disagree No consensus

4. Cooperation and collaboration among state and local agencies is necessary to enforce prohibitions and prosecute traffickers and other offenders (consumers).

Strongly agree Agree Disagree Strongly disagree No consensus

5. There should be aggressive enforcement of laws dealing with traffickers and offenders (consumers).

Strongly agree Agree Disagree Strongly disagree No consensus

6. Strategies to reduce the demand for commercial sex and forced labor trafficking should be employed by law enforcement agencies and the courts (an example would be court-ordered attendance at “john schools”).

Strongly agree Agree Disagree Strongly disagree No consensus

7. Training and education of the public, law enforcement, and service providers should be widely available.

Strongly agree Agree Disagree Strongly disagree No consensus

8. Funding (state and local) should be provided as necessary to treat victims, prosecute traffickers and consumers, and enhance awareness of the issue through training.

Strongly agree Agree Disagree Strongly disagree No consensus