

Human Trafficking

A Decade's Track Record, Plus Techniques for Prosecutors and Police Moving Forward

BY SARA ELIZABETH DILL

Maria was a young teenager in Mexico, dreaming of a life in America. Her cousin's girlfriend would come to visit, wearing fancy clothing, and speaking to Maria about cars, music, and boys. Even more amazing to Maria was the amount of money this woman was sending back to Mexico. Finally, Maria agreed to go to the United States, smuggled across the border, with the dreams of a good job and better life. When she arrived, her passport and identification card were taken, she was raped repeatedly, drugged, and held hostage in a rundown house. She was forced to perform sexual acts for money. All of the money was taken by the man who ran the house and the girl whom Maria trusted, to pay off the debt for Maria's travel to the United States and her daily cost of living and housing. Maria was told she was an illegal and a criminal, and that if she ran away the police would arrest her and deport her to Mexico. Even worse, the men threatened to kill her family if she ever escaped or told the police. Eventually, Maria was rescued when the police raided the brothel, but she now has the daunting task of living with a sexually transmitted disease, fighting a fierce addiction to methamphetamine and cocaine, and finding a

way to forget the torture and abuse she endured.

Sex slaves and forced laborers arrive in the United States every day, held in inhumane conditions and subjected to torture. Our nation outlawed slavery in December 1865 with the passage of the Thirteenth Amendment, which states: "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction." Sadly, slavery still occurs within our borders, at numbers higher than anything seen during the African slave trade. At the height of the slave trade, 80,000 people were transported annually. The most recent State Department Trafficking in Persons Report ("TIP Report") estimates that 600,000 to 800,000 individuals are trafficked each year. (*See 2010 TIP Report, available at <http://www.state.gov/g/tip/rls/tiprpt/2010/index.htm>.)* Slavery has evolved, taken on new forms, sought out new victims, and exists worldwide as the second highest money maker for organized crime and other criminal groups.

For as little as \$100 (US dollars), a person can buy a teenage girl in Cambodia to take home or to a brothel as a slave, whether for sex or forced labor. If the person

only wants one session with a girl, the cost is \$1.50. Families in Haiti give away their children as servants to other families under a system known as “restavek,” meaning “one who stays with.” Children in Africa are forced to be soldiers, 10-year-olds carrying AK-47s, murdering innocent civilians, raping women and children, sometimes even their own family members. Drugs are used in all of these situations to control the victim, increase vulnerability, and create an addiction that binds victims to their captors and forces them to return even when they escape or are rescued. And then there are the children born into brothels—pure profit for the brothel owners, as any medical or housing expenses are considered additional debt to the mother until the child can start working as a slave or prostitute.

In a 1999 address, UN Secretary General Kofi Annan stated, “Violence against women is perhaps the most shameful human rights violation. And it is perhaps the most pervasive. It knows no boundaries of geography, culture, or wealth. As long as it continues, we cannot claim to be making real progress towards equality, development, and peace.” One year later, in 2000, the Trafficking Victim’s Protection Act (TVPA) was enacted in the United States, creating new criminal offenses, strengthening the penalties for human trafficking, and providing immigration relief for victims. Internationally, 2000 marked the signing of the Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime (Palermo Protocol), a global agreement to fight human trafficking and protect basic human rights. (See full text of the Palermo Protocol, *available at* http://www.segretariatosociale.rai.it/INGLESE/codici/tratta_esseri_umani/protocol_ing.pdf.)

Human trafficking involves labor trafficking (forced labor, bonded labor, involuntary domestic servitude, and child exploitation); and sex trafficking (pornography, strip clubs, and forced prostitution). Child soldiers are also a global concern, leading to the Child Soldiers Prevention Act (2008). In 2000 it was estimated that 13 million children were displaced as a result of warring conflicts, making them even more vulnerable to traffickers. While this article will not focus on child soldiers, it is certainly an element of human trafficking that cannot be ignored.

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The Palermo Protocol defines human trafficking as,

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

The United States and most other nations adopted an identical or similar definition for their own legislation.

Before the passage of the TVPA, there were fewer than four human trafficking prosecutions per year in the United States. From 2000–2005, the average number of prosecutions per year was 18. From 2005–2010, the average rose to 40 cases per year. In the Department of Justice’s current fiscal year, 52 cases have already been charged. In 2009, over 4,000 traffickers were convicted worldwide.

Operation Predator was launched in July 2003, targeting individuals who prey on children for sexual gratification, both domestically and internationally. Since its inception, 12,800 individuals have been arrested. One example of this is a conviction in October 2010, when a US male citizen traveled to Russia and brought a 12-year-old boy back with him to use for sexual services. At sentencing, he will face a maximum of 25 years in prison.

Ten years later, following amendments and reauthorizations, including the PROTECT ACT, we can now look back to see what has worked, what efforts have failed or been largely unsuccessful, and examine the current state of human trafficking. In so doing, we can develop new methods of investigation and ways to greater assist victims and prevent them from becoming victims in the first place. Having spent the last 13 years (including prior to the enactment of the TVPA) researching human trafficking, working with victims, and assisting in investigations, this author realized that many of the current and widely used practices are not working and are not effective. After speaking with many agents, prosecutors, victims, and victim advocates, it appears we need to shift the focus and advocate for new laws and policies. Therefore, this article will propose new methods of investigating and prosecuting human trafficking to substantively decrease demand, expand resources for victims regardless of immigration status or citizenship, and create a world where human slavery is no longer tolerated, profitable, or worth the risk.

The Face of Human Trafficking in 2011

In order for law enforcement and prosecutors to effectively combat human trafficking, they must first be aware of how this crime is carried out, the different methods used in recruitment, transportation, and sale, as well as understand the many different actors or organizations involved in the modern slave trade.

Given the expansion of human trafficking networks, prosecutors are now in a unique position to utilize human trafficking investigations in order to dismantle an entire enterprise, not just the few individuals involved in trafficking or prostitution. For example, traffickers

law enforcement has the unique opportunity, at many different places in the operation, to locate victims and obtain evidence against the traffickers. Traditionally, law enforcement looks for the criminals, and the investigation proceeds from that perspective. However, in human trafficking, law enforcement should instead look for victims, whether through the use of traditional methods (informants, community complaints, or surveillance), or by coordinating efforts with groups such as CAASE, DIGNITY, and the Salvation Army. These groups are on the street, meeting with prostituted women and children, offering them a safe haven and escape. If law enforce-

Traffickers use the same routes to transport humans as they do to move guns and drugs.

use the same routes to transport humans as they do for drugs or guns. If a trafficking victim is skillfully interviewed, he or she will be able to describe modes of transportation, people, buildings, sounds, and lengths of time. Even more important, if corrupt law enforcement or border officials are involved, the victim will likely have had direct, face-to-face contact with these individuals. Thus, human beings can provide much more information than drugs or guns ever could.

The battle against human trafficking must also be considered a national security concern. If organized crime entities are able to bring people into the country undetected, or with false identities, our borders are not secure from terrorists or others who may seek to enter the country through similar channels. If the routes and means are already well-established, what then would deter a terrorist or agent of a foreign government from paying to use these same routes?

The fight against human trafficking has typically involved the “3Ps”: punishment, protection, and prevention. However, the 3Ps have now become the “3Ds” of victim misperception in many nations: detention, deportation, and disempowerment. This shift makes victims less likely to assist in prosecution, and frequently results in lost opportunities when victims are jailed, or worse, deported, before their stories can be discovered. Much of this is the result of the common view of prostituted individuals as criminals rather than victims. If nations and law enforcement continue to follow the 3Ds, human trafficking and slavery will continue to thrive, as investigations will not result in successful prosecutions.

How Are Victims Trafficked?

Given the complex nature of modern human trafficking,

ment can find victims, these people will lead them to the traffickers. One very simple way to seek out victims is to train law enforcement to view prostitution-related arrests and runaways differently.

Traffickers employ recruiters, transporters, document forgers, fake employment agencies, pimps, and brothel owners—not to mention corrupt doctors to handle medical emergencies, sexually transmitted diseases, and abortions. Victims are obtained through coercion, false pretenses, kidnapping, and buyer-seller transactions, often proposed by family members. Women are also becoming perpetrators, able to gain the confidence of other women and girls, making them feel safe and persuading them to go along willingly. In reality, the women involved in human trafficking are often the most ruthless and violent. The Internet has become another trafficking tool, as it is easy, inexpensive, and it makes it possible to mask origins of postings and allows for access across borders. Victims are transported by land, air, or as sea cargo, which is by far the most dangerous for victims, but is being used with increasing frequency.

Traffickers also use fake contracts for employment based on false promises for visas and lawful employment (as maids, nannies, dancers, waitresses, or models), recruiting in cities and towns that are economically depressed and where women have no other viable economic options. Traffickers pay for the travel, make all arrangements, but the victims soon find themselves enslaved or held in debt bondage with no hope of escape. Even those who are offered the opportunity to work off their debt will in reality never achieve freedom; the debt, which is typically \$50,000 just for transportation and immigration, increases daily with interest and charges for food and lodging.

An examination of recent human trafficking cases

provides insight into what human trafficking currently looks like in the United States.

In November 2010, in the Northern District of California, the main defendant in a human trafficking and forced domestic servitude case received 37 months in prison, a restitution order of \$83,866.61 to the victims, and a \$346,000 forfeiture to the government. In Maryland, five men were charged in a scheme to transport individuals from Virginia and the District of Columbia to Maryland, forcing the victims into prostitution and engaging in violence and threats with other prostitution rings. In Tennessee, 29 people were charged with sex trafficking of juveniles, auto theft, credit card fraud, gang activity, identity theft, and other offenses. This case involved a Somali-run human trafficking organization where girls younger than 14 were forced into prostitution. The ring stretched from Minneapolis to Nashville.

In September 2010, authorities in Chicago uncovered a west side child prostitution ring with connections to local street gangs. Young girls were recruited or kidnapped by gang members and forced to work as prostitutes. The traffickers used houses around Chicago as brothels.

Most notably, at the end of November 2010, a Rhode Island investigation of brothels broke up a sex trafficking ring and resulted in the arrest and charging of all the male customers. This is what needs to happen if the demand for human sex slaves is to be curtailed.

As shown by the sample of recent cases, prosecutors and law enforcement need to be aware that human trafficking occurs daily in their jurisdictions, regardless of the size of the city. Frequently, traffickers seek women from small towns and rural areas, girls looking for a better life and the glamour of the big city. This is not a crime that can be ignored simply because the forced prostitution does not occur in a particular jurisdiction. Victims come from everywhere.

Vulnerable Populations and Human Trafficking

According to the 2009 TIP Report, women and girls comprise at least 80 percent of the world's trafficking victims. They are exploited in fields and brothels, in homes and arenas of conflicts, and in factories and fisheries. Women continue to be enslaved in commercial sex around the world and are often arrested for participating in a crime that victimizes them when they should instead be provided with services and benefits from a well-trained police force implementing proven and compassionate victim identification measures.

Human trafficking preys on the most vulnerable of populations—the most destitute, uneducated, those with no hope and nowhere to turn; people who think no other alternatives or options exist. This belief is reinforced when many victims of trafficking who try to escape con-

ditions of forced labor or sexual exploitation end up in immigration detention centers without access to legal aid counseling or medical care.

In 2007, more than 66 million girls worldwide did not have access to education. They grow up, join the ranks of illiterate girls, and increase the gender gap between men and women. Girls that are denied access to education are more likely to be trapped in a cycle of poverty and disease, forced into child marriage or prostitution, or become victims of human trafficking or domestic violence. Any efforts globally to combat human trafficking must involve governmental recognition of the equality of women, including education and job training.

A woman or child victim of human trafficking lives eight years from the time the enslavement begins. The average inmate sentenced to death spends almost 13 years awaiting execution while appealing the sentence or seeking a pardon. The difference is that the trafficked woman has no hope of escape or survival, there is no appeal to the traffickers, and the victims are told if they *are* found they will be deported or placed in jail.

Prostituted children are made, not born, forced onto the streets by myriad circumstances beyond their control. Frequently they come from abusive homes, have endured physical or sexual assaults, regardless of social class or income level. A trigger event generally pushes them over the edge and into the streets. The shaming that results in many families after a traumatic event or sexual assault only further traumatizes the victim. Traffickers and pimps know about these vulnerabilities, and initially act as a parent figure or other caretaking role in order to gain the individual's trust and loyalty. Victims feel that they have nowhere to turn, nothing else to do. From here, the traffickers gain control over the person's life, mind, and emotions. Part of the fight against human trafficking and forced prostitution must focus on the vulnerable populations and what is occurring in homes and in schools. Social workers, educators, and law enforcement must step in and become more proactive to prevent children from ever reaching the streets.

Interviewing victims is a lengthy process, and requires forging bonds of trust and understanding. Cultural considerations are especially paramount to understanding the victim's fears, trauma, and ways of telling a story.

Victims of sexual abuse, rape, and torture are often, if not always, reluctant to talk about their experiences. The trauma frequently causes victims to shut down, suppress, or feel embarrassed. Traffickers use physical and psychological means as well as narcotics to gain control over their victims—creating a dependency from which the victims cannot and are unwilling to escape. Victims may also blame themselves in instances where they accepted a bogus job offer or were conned by a “boy-

friend” but ended up being trafficked and forced into prostitution. Great care must be taken in interviewing victims, as it may take multiple interviews before the victim opens up, trusts, and feels safe enough to talk about what happened. Law enforcement should have victim-witness advocates on hand, and take a “safety first” approach. The victim’s immediate medical and psychological needs should be met, as this will make the victim more credible and allow for more productive interviews and investigations. The more a victim trusts and feels comfortable with the interviewer, the more he or she will open up and be able to provide specific detailed information about the traffickers.

Inquiry must also be immediately made as to the victim’s family. In many situations, especially those involving transnational organized crime, families are held hostage, in debt bondage, or threats are made (and carried out) if victims escape or cooperate with law enforcement. Retaliation is a very real threat and concern for victims in deciding whether to assist law enforcement or testify.

Cooperation with nongovernmental organizations (NGOs) is vital to any investigation. Frequently victims will be more willing to talk to an advocate than to law enforcement. Advocates are also better trained and more knowledgeable about cultural differences and other considerations that aid in any victim interview. Thus, law enforcement should have an open line with various NGOs and victim groups, to allow for an immediate response any time trafficking victims are brought in.

Investigating and Prosecuting Human Trafficking

Many different entities are involved in human trafficking, and prosecutors and law enforcement must discover what entities are operating within their jurisdiction, as well as coordinate with other jurisdictions. International criminal syndicates that traffic drugs, guns, and people often use the same routes for all three. Transnational organized crime (TOC) continues to grow in volume, geographic reach, and profitability. Globalization has resulted in increased profits and further growth. The fast-paced spread of TOC increases the risks of proliferation and catastrophic terrorism as terrorists collude with TOC groups to move money, people, and materials around the globe. Corruption increases with TOC groups, weakening a state’s capacity to enforce the rule of law and inhibiting investigations and prosecutions. When combined with the high profitability of human trafficking, TOC groups pose the greatest threat and are often the most ruthless.

TOC is heavily involved in human trafficking, given its high profits and the fact that TOC groups can handle all aspects of trafficking: transportation, documentation, transit, accommodations, guided border crossings,

financial resources, and the contacts necessary to bribe law enforcement and immigration officials.

There are also domestic syndicates, mainly the local street gangs. However, in recent years, international gangs such as the MS-13 have added human trafficking to their repertoire. These syndicates are also involved in money laundering, identity theft, and cyber crime. Family operations in human trafficking are also common, using family members across borders to assist. On the labor side, independently owned businesses have contractors and agents across borders who provide laborers. Finally, there are loosely based organizations moving people on a limited scale, or individuals operating on a small scale.

The most common trafficking groups are as follows:

- International criminal syndicates with diverse activities, using the same routes for drugs, guns, and people;
- Local criminal syndicates, including street gangs;
- Family operations with extended family working together across international borders;
- Independently owned businesses with contractors and agents who provide laborers;
- Loosely based acquaintances or organizations moving people on a limited scale; and
- Individuals, pimps, bar owners, and executives.

These groups follow various business models, as profit is the common motivation and driving force. Prosecutions often fail to address this, and do not seize assets and bank accounts in order to truly penalize and inhibit the traffickers financially. In any investigation, it is important to note that the more hierarchical the group is, including advanced structure and organization, the more likely the traffickers are to engage in violence as a part of trafficking. Additionally, these groups have frequent crossover between legitimate and illegitimate activities, as the business interests are used to facilitate trafficking and other illicit activities, including money laundering, document forgery, bribery, smuggling, election influence, and tax evasion. As the corruption has spread across borders, organized crime enterprises are now working together at a level of organization and cooperation never seen before, to protect and assist in the transportation routes for everyone’s mutual benefit.

There are five basic models that human traffickers frequently follow, and law enforcement should be aware of these in conducting investigations and coordinating efforts between various intelligence and security groups.

Natural Resource Model. In this, the focus is on short-term profits; women are sold as if they are readily available natural resources. Traffickers engage in the recruitment of women and the sale to intermediaries who deliver

them to the market. The intermediary is usually the closest criminal organization. Profits are hidden through basic consumption, or used to purchase another commodity for quick sale. Under this model, the most egregious human rights violations occur, as traffickers have no long-term connection to the women (short-term profit).

Trade and Development Model. Under this model, prevailing in East Asia, the traffickers operate as a business, from start to finish, from recruitment to exploitation. This model allows for the highest profits (avoidance of resale or intermediaries). Assets are returned through underground banking (gold shops, bars, money laundering).

Supermarket Model: Low Cost and High Volume. This is the model most frequently utilized by traffickers in Central and North America. Profits are maximized by moving large numbers of people for small sums of money. Children and more vulnerable populations are the primary target, and this requires significant profit sharing with local border officials and law enforcement (given the increased visibility and frequency of the movement of people). Detection of trafficking is difficult, as traffickers often hide victims amongst the large-scale smuggling operations. This model also has high human rights violations and fatalities because there is little profit to be obtained from each individual.

Violent Entrepreneur Model. This model is most prevalent in the Balkans, where large numbers of women are sold off by crime groups who maintain control of the victims from recruitment to exploitation. The traffickers feed off of the instability and civil conflict in the origin countries and take control of existing markets by using force against established crime groups. Corruption of local and state officials is rampant in this model, as the high profits are used to finance other illicit activities or invest in legitimate businesses. Brutal violence is commonly utilized against the victims.

Traditional Slavery with Modern Technology. For many crime groups, trafficking in persons is just one part of their criminal profile, giving them modern transport links and significant financial resources. Victims are often exploited in the most physically dangerous conditions and small profits are sometimes returned even to family members of the victims.

Regardless of the model used, profit is the common motivation and driving force. Victims are seen as commodities that can be sold and resold. However, often the profits go undetected and law enforcement fails to seize assets or utilize forfeiture proceedings by investigating the other related activities that serve as depositories or laundry mats for the illicit proceeds.

New Law Enforcement Investigative Strategies

Generally, law enforcement prefers to focus on narcotics

or arms investigations. This ignores the fact that human trafficking is frequently perpetrated by the same people who are involved in drugs and guns. Victims can provide much more useful evidence and information than can a kilogram of cocaine or a handgun. For example, a victim can describe modes of transportation, languages heard, scenery or landscape, whether travel occurred at night or during the day and for how long, voices, descriptions of people, smells, sounds. These are factors that can assist investigators and prosecutors that only a human being can describe. Law enforcement should not ignore brothels, prostitution rings, or massage parlors, as they will likely be able to reach much larger and broader targets by utilizing accounts of rescued or escaped victims, undercover law enforcement agents, and strategically recruited informants.

This can work both domestically and internationally. However, there are difficulties because traffickers frequently move houses and change the routes used. This is why it is so important for law enforcement to act quickly, communicate, and have task forces and designated contacts in place to coordinate investigative and responsive efforts. Additionally, cooperation among border guards, customs, visa and consular processing officials, immigration, health services, money laundering controls, communications and transportation sectors, and all levels of law enforcement should be encouraged.

Intelligence collection for human trafficking must focus on the country of origin (recruitment and export), the countries of transit (transportation), and the destination countries (reception, demand, and exploitation). At any stage in the process, traffickers need to advertise; they need to rent, buy, or use premises; they need modes of transportation, communications, financial transaction providers, food, clothing, and medical care providers. Human trafficking creates a trail of evidence unlike any other crime. Intelligence sources may be found across the spectrum of the crime, and law enforcement should adopt a broad based approach to intelligence collection, analysis, and investigative activities rather than focusing narrowly on offenses committed within their jurisdiction.

How are victims and traffickers discovered? This is a local, community based effort with cooperation at state, country, and international levels. It starts with raising awareness, letting people know that this is happening in their own backyards, and telling them what to look for. Churches, hospitals, stores, law offices, and other service industries are good places to start. On the criminal side, a close look needs to be taken at every prostitution or massage parlor case. A defendant from another country, who speaks limited English and is going to be bonded out very quickly, could very well be a victim of trafficking.

Drug dealers and those in the narcotics industry may also

be sources of information. The frequent use of narcotics to control and subdue victims allows those that prey on them an easier time. Although cooperation is not always an attractive or viable option with a recently arrested drug dealer, if the person has information about human traffickers, the priority should be on saving those being held captive.

A few areas must be given special attention by those investigating human trafficking:

- Recruitment methods—use of deception, coercion, abduction, or kidnapping. What is the person being recruited for and from where? Are intermediaries used?
- Advertising media—Internet, TV, radio, newspapers, printed media, travel or tourism offices, employment or temporary agencies, word of mouth.
- Stolen or forged passports, travel documents, and identity documents—preparation, acquisition, payment methods used, location of agents/forgers, falsification methods. Immigration and visa fraud—preparation and acquisition, falsification methods and means, corruption and blackmail of officials.
- Travel routes—mode of travel, patterns of itineraries, ticket procurement, payment methods.
- Rentals or safe-house accommodations—location, provisions, owner, and intermediaries.
- Means of communication—mobile phones, emails, fax.
- Financial transactions—use of legitimate business to launder or hide proceeds, corrupt bank officials.
- Information from airlines, shipping, trucking, bus, and railway companies.

One of the key areas to target traffickers is their need to market their “product” by advertising the availability of women and children to potential customers. If victims can be located, so can the traffickers. However, this requires proactive law enforcement, using advanced technology and a desire to find the traffickers.

Both prosecutors and public defenders at initial hearings need to be cognizant of the prevalence of human trafficking, and take steps to interview a potential victim prior to the victim’s release into the community where the traffickers will quickly move the individual to a new location. Police officers also need to alter their perspectives, and not simply view every suspected prostitute as a criminal. Even those working on the streets may be trafficking victims. Online searches are key, such as craigslist and other advertising services, websites, escort services, and nude dancing or other similar sites.

When interviewing someone arrested for prostitution or other sexual services-related offenses, some signs of potential trafficking include: restricted freedom, no identification or passports, the presence of “concerned” individuals, shame, reluctance to talk, a story that sounds

scripted, no family involvement or contact, bruises or other injuries, and a general mistrust. It may take a few interviews and some investigation to determine whether you are dealing with a trafficking victim. He or she is likely terrified, fears deportation, harm to family members, and has probably interacted with corrupt law enforcement.

Once you do suspect trafficking, contact the local US attorney’s office or Immigration and Customs Enforcement (ICE). They will respond immediately, especially if the victim’s life or safety is in danger. Also immediately see if any social or medical services are needed. The Department of Homeland Security has a hotline specifically for trafficking cases (1-866-347-2423).

Immigration and Human Trafficking

One of the largest impediments to victim cooperation and human trafficking investigations is a broken immigration system in the United States and elsewhere. Frequently, victims are viewed only as criminals, as prostitutes in a country without authorization, and are detained and then quickly deported. Time is not taken to interview the victims or investigate the possibility of human trafficking rings.

One such example is a case from Europe. Anna’s trafficker kept her in submission through physical abuse—beatings, rape, and slicing her with knives. He abducted her from Albania and moved her to a Western European country, where she was forced into prostitution for five months. He then took her to a second country, where she told border authorities she was traveling on a false passport in hopes of getting help. The police sent her to a refugee camp where she was released back to her trafficker. Anna spent the next four years in forced prostitution, including four forced abortions. Anna’s trafficker was caught and deported to Albania, leading her to go to the police to report the trafficking ring. However, rather than providing assistance, authorities deported Anna to Albania where the trafficker, to this day, remains free. Anna has been denied residency and relief in multiple Western European nations, but has been able to resettle in the United States.

One of the key provisions of the TVPA allows for the granting of a visa to victims of human trafficking, with the possibility for lawful permanent residency after three years in the United States. Although the annual limit for T-visas is 5,000, since 2002 (the inception of the program), only 3,000 applications have been received. Out of these, 70 percent were approved. These numbers are drastically lower than the number of victims in the United States. The Department of Health and Human Services certifies trafficking victims, making them eligible for the same benefits as refugees. Eligibility for the T-visa is not dependant on a prosecution or conviction,

nor is a law enforcement supplement required.

However, unless a victim advocate or immigration attorney is brought in at the outset, it is unlikely that a victim will even know that this benefit exists. Further, the prosecuting attorney cannot apply for the victim or represent the victim before immigration officials. Therefore, it is imperative that law enforcement and prosecutors be knowledgeable about the T-visa and that a call to an attorney or victim advocate to ensure that the victim has representation for applying for a T-visa be a required part of these investigations.

Unfortunately, although the United States has taken steps towards immigration benefits for victims of trafficking, this benefit has not spread worldwide. Currently, 104 nations still do not have laws, policies, or regulations to prevent a trafficking victim's deportation. Victims thus have little incentive to cooperate with law enforcement, as everything the traffickers told them comes true: police will detain and deport them.

However, we also need to find a way to protect the victims trafficked within the United States. Sadly, while refugee benefits and services are available to individuals trafficked into the United States, these same rehabilitative programs are not readily available to our own children, sisters, and brothers. Women are often sent back to the abusive homes or lives from which they fled and became vulnerable to traffickers, unable to receive the medical treatment, therapy, and job training for reentry into society that so many of them require. We need to make the same services available to domestic victims of trafficking in order to prevent the vicious cycle of revictimization.

Government Responsibility

Finally, any solution for reducing human trafficking necessarily includes the consideration of government laws and policies that potentially promote or facilitate human trafficking. For example, in the 2010 TIP Report, the US State Department described 10 “troubling governmental practices” in regards to human trafficking:

1. Complicity of law enforcement officials in trafficking offenses.
2. Legal and administrative penalties imposed on trafficking victims as a direct result of their enslavement, including, but not limited to, penalties for engaging in prostitution or immigration offenses.
3. Guest worker programs giving “sponsors” or employers inordinate power over migrant workers’ legal status and basic freedoms, and denying victims any ability to make a complaint.
4. Lack of meaningful legal alternatives to the involuntary repatriation of victims.
5. Trade policies and agreements/regimes that fail to

safeguard against forced labor and labor exploitation, particularly when involving states that have a poor record of addressing labor exploitation.

6. Barriers to citizenship. Without birth certificates, national identification cards, or other identity documents, stateless persons and some indigenous groups are vulnerable to being trafficked.
7. Bilateral labor agreements between source and destination governments that allow employers to confiscate/withhold travel documents and allow summary deportation of workers without trafficking victim protections.
8. Lack of education available to women, girls, and other populations that blocks them from mainstream economic advancement and leaves them vulnerable to trafficking.
9. Internal migration controls. When populations within a country can move within the country's borders only with special permission, they often turn to the underground economy where traffickers flourish.
10. Clumsily conceived “anti-trafficking” activities, such as wholesale raids of worksites or brothel districts without initial investigation to determine whether trafficking is occurring, or of the suspension of emigration or immigration or other activities (in the name of fighting trafficking) for an entire country or nationality.

(See 2010 TIP Report, available at <http://www.state.gov/g/tip/rls/tiprpt/2010/142750.htm#12.>)

Prosecutors should be aware of these practices, and examine their own internal methods of investigating human trafficking operations to make sure that they are looking at every angle.

Not only must pressure be applied to foreign governments to fix the problems in these areas, but training and resources must be provided. In addition, agencies and countries must be willing to engage in intelligence sharing. There are still 62 nations that have not yet convicted a single trafficker under laws in compliance with the Palermo Protocol.

Forced prostitution and trafficking occur because the victims are viewed as second-class citizens, as people who don't have rights, who can be subjected to inhumane treatment without a second thought. Social perceptions and gender inequality provide a breeding ground for trafficking, as countries with the most straight-laced and sexually conservative societies (India, Pakistan, Iran) have a disproportionately large number of forced or unwilling prostitutes. In India alone, it is estimated that there are two to three million prostitutes, most of whom entered the trade unwillingly. In other nations, prostitution may be

entered into willingly, as it is the only economically viable option. However, no one ever enters willingly into the slave-like conditions traffickers maintain to control their victims.

Further, our laws themselves provide a troublesome double standard. The age of consent to participate in sexual act is 16–18 in most jurisdictions. We frequently prosecute individuals for engaging in sexual activity with those under the age of consent. However, when police arrest prostituted children, no consideration is given to the fact that legally, these children cannot consent. Even those women who continue to engage in prostitution beyond the age of consent need to be viewed as victims, because when they were tricked or forced into prostitution, they were children, unable to consent or understand. A few jurisdictions, including Las Vegas and Dallas, have developed special units within the police department to specifically deal with this problem—often with amazing results in saving children and obtaining leads to investigate human traffickers.

Governments must make an effort to reduce the demand for commercial sex acts. Sweden has taken a significant step in this regard. A government study revealed that most of the profits generated by the global prostitution industry go directly into the hands of human traffickers. In response to this, and the escalating trafficking problem in Europe, Sweden decriminalized those providing sexual services for money, and heavily increased the penalties and fines for those soliciting prostitutes. The government sought to provide rehabilitative services to the women, including health care, psychological treatment, and job training.

In the first year this law was in effect, Sweden experienced a drastic decrease of the number of individuals trafficked into the country. Sadly, trafficking increased in the surrounding nations. However, if all nations would adopt such a law, traffickers would have nowhere to go. The European Union is in the best position to implement a continent-wide program, decreasing demand to the point where it no longer becomes profitable, thus cutting off a major source of revenue for traffickers and saving hundreds of thousands of victims.

Anyone who has worked extensively in state criminal court frequently sees how, in many prostitution cases, the women are arrested while the johns go free. The names of those soliciting are rarely even written down as witnesses. As long as this continues to be the case, and the penalties are minimal, demand will be high and the market for trafficked women and children will remain strong.

Although great progress has been made in the fight against human trafficking, sentences must be strengthened. Many traffickers only pay fines, restitution, and return to trafficking and other illicit activities after only one or two years in jail. Forfeitures are not used as frequently as they should be, allowing traffickers to continue to profit.

How do we stop this most basic abuse of human rights and decency? Simple. Eliminate the demand. If no one is seeking out child or adult sexual services, if labor standards are enforced, if violators face jail and high fines that eliminate profitability, cost-benefit analysis will result in a drastic reduction in demand. Organized crime and street gangs will no longer receive the high profits, and the resulting inability to pay off corrupt law enforcement, border patrols, and politicians will result in these operations grinding to a halt.

As President Obama stated at the release of the 2010 TIP Report, “victims of modern slavery have many faces. They are men and women, adults and children. Yet, all are denied basic human dignity and freedom. All too often suffering from horrible physical and sexual abuse. It is hard for them to imagine that there might be a place of refuge.” In order to stop the global abuse of human rights and slavery, international cooperation must increase, but the true work needs to occur at the local level. Even if we save just a few women or children at a time, it makes all the difference in the world for that person. As prosecutions increase, penalties become harsher, and the seizure of financial assets and awarding of restitution takes away trafficking’s profitability and increases the risk factor, only then will human trafficking decline. We have an obligation as human beings to protect one another from harm. We cannot allow slavery to continue to exist in the twenty-first century. ■