

HUMAN TRAFFICKING

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What Is Human Trafficking?

- ❖ A form of modern-day slavery
- ❖ Involves the exploitation of persons for commercial sex or forced labor, plus the inability to extricate oneself from that situation
- ❖ Often involves crossing an international border, but does not require moving a victim
- ❖ Traffickers use *force, fraud, or coercion* to control their victims

A HIDDEN CRIME - TRAFFICKERS SUBJUGATE & SILENCE VICTIMS

- ❖ Beatings & Rape
- ❖ Threats – Overt & Subtle – To Victim & Others
- ❖ Threat of Legal Process -- Deportation
- ❖ Isolation
- ❖ Document Confiscation
- ❖ Withholding Pay
- ❖ Debt Bondage

ROOT CAUSE OF TRAFFICKING: GREED

- ❖ Lucrative Criminal Market
- ❖ Generates Billions of Dollars each year
- ❖ Goal – Maximize Profits
- ❖ Low Risk

Who Are Victims of Human Trafficking?

- ❖ Approximately 800,000 to 900,000 victims annually trafficked across international borders worldwide; between 18,000 and 20,000 victims trafficked into United States annually.
- ❖ More than half of victims trafficked into United States are children; victims are probably about equally women and men.

Where We've Been . . .

United States v. Kozminski,
487 U.S. 931 (1988).

Involuntary Servitude

18 U.S.C. § 1584

“Whoever knowingly and willfully holds to involuntary servitude, or sells into any condition of involuntary servitude, any other person for any term, or brings within the United States any person so held shall be fined ... or imprisoned not more than 20 years, or both.”

Enacted in 1947

13th Amendment

“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.”

Ratified December 18, 1865

Where We Are . . .

**Trafficking Victims
Protection Act of 2000**

"TVPA"

Forced Labor

18 U.S.C. § 1589

- ❖ Knowingly providing or obtaining the labor or services of a person through
 - Force, physical restraint, or threat of either
 - Threats of **serious harm** to that person or another
 - Any scheme, plan, or pattern that places the victim in fear of serious harm, or
 - The abuse or threatened abuse of the legal process

Forced Labor con't.

"Serious harm" means any harm, whether physical or nonphysical, including psychological, financial, or reputational harm, that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue performing labor or services in order to avoid incurring that harm.

Forced Labor con't.

"Abuse or threatened abuse of law or legal process" means the use or threatened use of a law or legal process, whether administrative, civil, or criminal, in any manner or for any purpose for which the law was not designed, in order to exert pressure on another person to cause that person to take some action or refrain from taking some action.

Forced Labor con't.

❖ Penalties:

- Max. 20 years and \$250K fine
- Max. life and \$250K fine if death results, or kidnapping, aggravated sexual abuse, or attempt to kill involved.

Sex Trafficking

18 U.S.C. § 1591

- ❖ The knowing recruitment, harboring, transportation, provision, or obtaining of a person through **force, fraud, or coercion**, for the purpose of a commercial sex act, or in which the person induced to perform such an act is under 18 years of age.
 - When a minor is trafficked for a commercial sex act, there is no need to prove force, fraud, or coercion.

Sex Trafficking con't.

- ❖ "Commercial Sex Act"

"Any sex act, on account of which anything of value is given to or received by any person."

Sex Trafficking Penalties

- ❖ *force, fraud, or coercion, or victim under 14: mandatory min. 15 yrs., max. life & \$250K fine*
- ❖ *no force, etc. and victim 14 but under 18: mandatory min. 10 yrs., max. life & \$250k fine*

Document Servitude

18 U.S.C. § 1592

- ❖ Holding an actual or purported identity document of a victim in the course of committing any trafficking crime
 - Documents held by the trafficker need not be genuine, and even holding a victim's fraudulent passport is punishable.

Max. 5 yrs. and \$250K fine

Foreign Labor Contracting Fraud, 18 U.S.C. § 1351

- ❖ "Whoever knowingly and with intent to defraud recruits, solicits or hires a person outside the United States for purposes of employment in the United States by means of materially false or fraudulent pretenses, representations or promises regarding that employment ..."

5 yrs. and \$250K fine

United States of America

v.

Timothy H. Bradley

&

Kathleen Mary

O'Dell

Identifying Crime of Human Trafficking

- ❖ Non-verbal clues to link to human trafficking:
 - Living conditions of potential victims
 - Physical abuse
 - Working conditions
 - Restriction of movement indicators
 - Behavior indicators of intense fear or depression
- ❖ Lack of ID or immigration documents
 - Possession of false or fraudulent documentation

Identifying Victims of Trafficking

- ❖ How did you get here?
- ❖ Where do you live, eat and sleep?
- ❖ Do you owe someone money?
- ❖ Is someone keeping your legal/travel documents?
- ❖ Were you threatened if you tried to leave?
- ❖ Has your family been threatened?
- ❖ Were you ever physically abused?
- ❖ Were you ever forced to stay in one place?
- ❖ Who are you afraid of?

Trafficking Victim's Perspective

- ❖ Do not speak English, unfamiliar with U.S. culture
- ❖ Distrust of officials, fear of deportation
- ❖ Do not self-identify as victims
- ❖ Current situation may still be better than where they came from
- ❖ May be unaware of rights or intentionally misinformed about rights in this country
- ❖ Fear for safety of families in their home countries, who are often threatened by traffickers

TRAUMATIC STRESS REACTIONS

- ❖ ISOLATION
- ❖ SHAME AND GUILT; SELF-BLAME
- ❖ ANXIETY, FEARS
- ❖ PANIC
- ❖ PHYSICAL SYMPTOMS (headaches, stomachaches, muscle tension)
- ❖ FEELING HELPLESS OR TRAPPED
- ❖ PROBLEMS TRUSTING OTHER PEOPLE
- ❖ POSTTRAUMATIC STRESS SYMPTOMS

Victims of Trafficking and Their Needs

- ❖ Immediate assistance
 - Housing, food, medical, safety and security, language interpretation and legal services
- ❖ Mental health assistance
- ❖ Income assistance
 - Cash, living assistance
- ❖ Legal status
 - Continued Presence Status; T visa

TVPA Immigration Relief

❖ Continued Presence

- Temporary immigration status to effectuate prosecution of traffickers

❖ T Visa & U Visa (for some crime victims)

- Provides 4 years of immigration relief and a work permit