

Human Trafficking and Your State

Legislative Opportunities to
Fight Human Trafficking

November 21, 2014



**Alliance To End
Slavery & Trafficking**

A Project Of Humanity United



- Introduction to ATEST
- Human Trafficking 101
- Runaway and Homeless Youth Act
- Uniform Law Commission



About ATEST

- The Alliance to End Slavery and Trafficking (ATEST) is a U.S. based coalition that advocates for solutions to prevent and end all forms of human trafficking and modern slavery around the world.
- We advocate for lasting solutions to prevent labor and sex trafficking, hold perpetrators accountable, ensure justice for victims and empower survivors with tools for recovery.

ATEST Coalition Members



Human Trafficking Overview

Trafficking is the global practice of exploiting men, women and children for purposes of commercial sexual exploitation or for use in conditions of labor servitude.

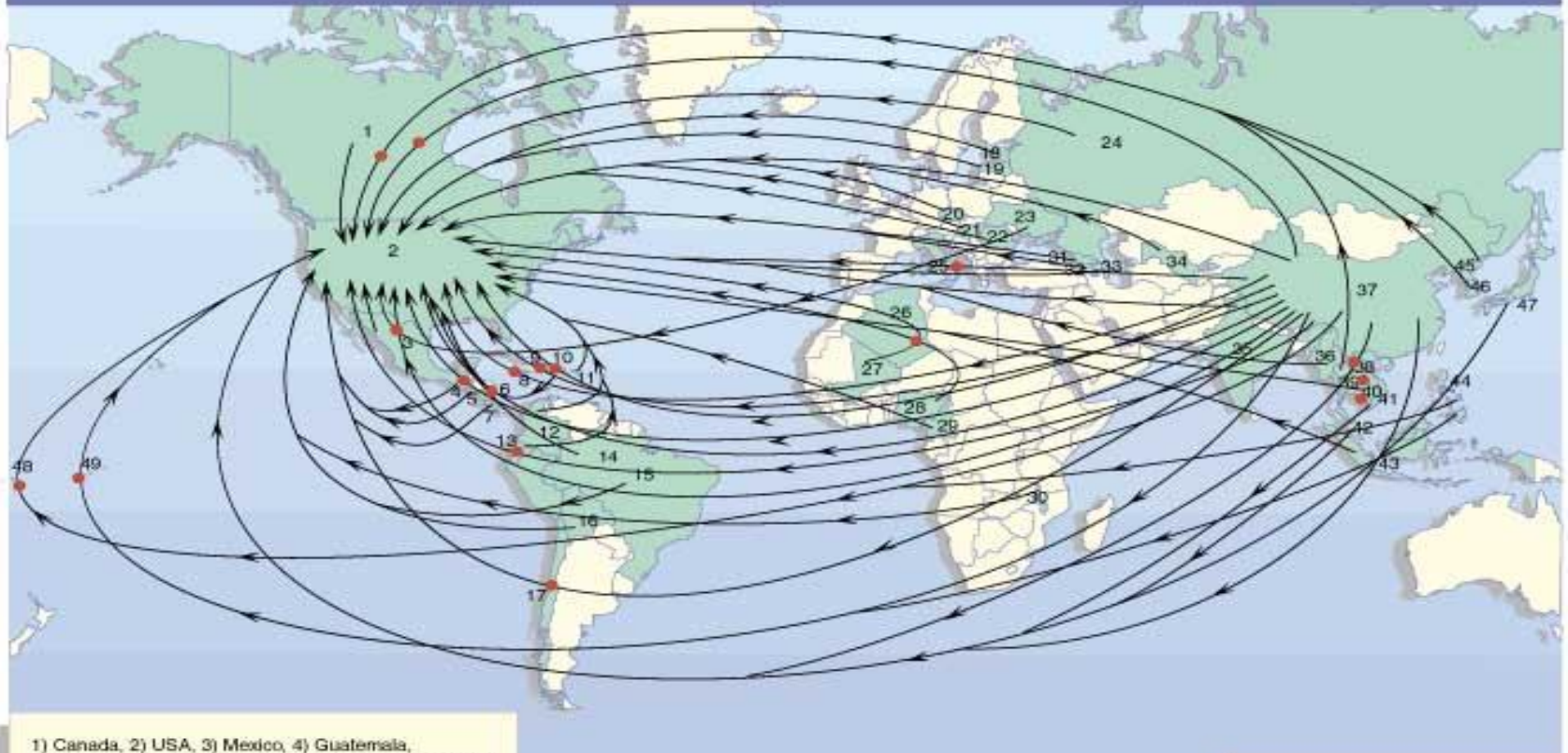


Human Trafficking

- Trafficking is the practice of exploiting adults and children for labor servitude or for commercial sex.
- Tactics used by recruiters, traffickers and their associates are often the same tactics used by batterers and can mirror dynamics of domestic violence.
- Traffickers use violence, threats, deception, debt bondage, and other manipulative tactics to trap victims in horrific situations every day in America.



Trafficking of Persons, Especially Women and Children: USA Routes



- 1) Canada, 2) USA, 3) Mexico, 4) Guatemala,
- 5) El Salvador, 6) Nicaragua, 7) Costa Rica, 8) Jamaica,
- 9) Haiti, 10) Dominican Republic, 11) Puerto Rico,
- 12) Colombia, 13) Ecuador, 14) Peru, 15) Brazil, 16) Bolivia,
- 17) Chile, 18) Estonia, 19) Latvia, 20) Czech Republic,
- 21) Hungary, 22) Romania, 23) Ukraine, 24) Russia,
- 25) Italy, 26) Algeria, 27) Mali, 28) Nigeria, 29) Cameroon,
- 30) Malawi, 31) Georgia, 32) Armenia, 33) Azerbaijan,
- 34) Uzbekistan, 35) India, 36) Burma, 37) China, 38) Laos,
- 39) Thailand, 40) Cambodia, 41) Vietnam, 42) Malaysia,
- 43) Indonesia, 44) Philippines, 45) North Korea,
- 46) South Korea, 47) Japan, 48) Nauru, 49) Kiribati.

Routes represent at least one documented case of trafficking of persons. See individual country reports for additional information.

■ Countries with trafficking activity
● Transit Stop

Source: © The Protection Project
 Johns Hopkins University
 School of Advanced
 International Studies

Created by Neha Mathur

March 2002

General Statistics: International Labour Organization (2012)

- 20.9 million human trafficking victims, worldwide

Gender	Age
11.4 million (55% are female)	18 yrs old+ = 74% of victims (15.4 million)
9.5 million (45% are male)	>17 yrs old = 26% of victims (5.5 million)

- 14.2 million labor trafficking victims
 - 60 % are male
- 4.5 million sex trafficking victims
 - 1 million are children



Human Trafficking Defined: The Law



Human Trafficking Laws

- United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons
- Trafficking Victims Protection Act (TVPA)
 - Reauthorizations
- State laws



Trafficking Under U.S. Federal Law

Trafficking Victims Protection Act of 2000

In 2000, the United States passed a federal law against human trafficking to protect victims of trafficking and to prosecute their traffickers.

- Creates a legal definition of human trafficking.
- Makes victims of trafficking eligible for benefits and services under Federal or state programs.
- Reauthorization (2003, 2005, 2008, 2013)



The 3 P's of the TVPA

- **Protects** victims of trafficking by authorizing immigration remedies for victims of a severe form of trafficking.
- Creates new law enforcement tools to strengthen the **prosecution** and punishment of traffickers, making human trafficking a federal crime with severe penalties.
- Seeks to **prevent** human trafficking by increasing economic opportunities abroad and increasing public awareness.



Human Trafficking – TVPA Definition

The federal term "severe forms of trafficking in persons" means:

- A. **sex trafficking** in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age.

- A. 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.

22 U.S.C. § 7102(8) (2008).



Homeless Youth Defined

The definition of homeless youth varies by federal program. The preferred definition of “homeless youth” or “unaccompanied homeless youth” is an individual, 12 - 24 years of age, who is living on their own, without a parent or guardian, and is without a safe, stable living arrangement.

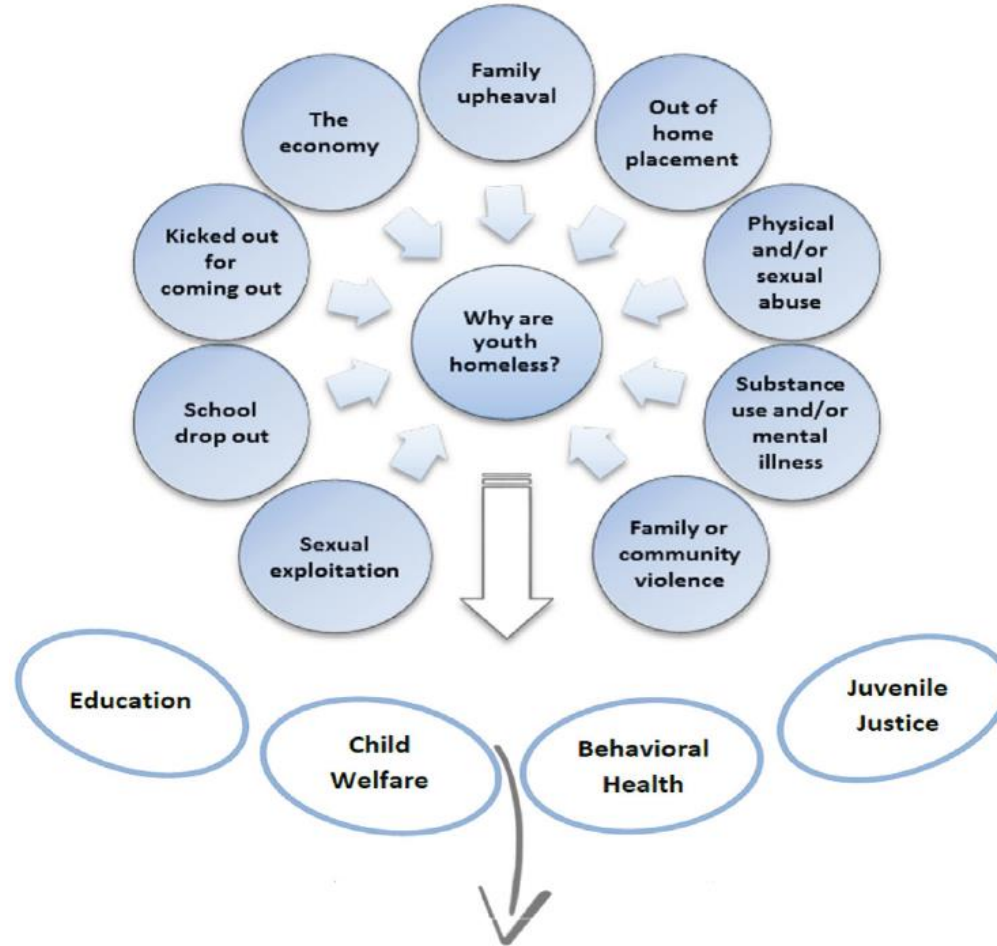


Characteristics of Homeless Youth

- **Abuse:** Research finds that 40 to 60 percent of all homeless youth have experienced physical abuse, and between 17 and 35 percent have experienced sexual abuse.
- **Child Welfare Involvement:** Up to one-third of youth aging out of foster care experience homelessness. National studies have shown that between 21 and 53 percent of homeless youth have a history of placement in foster care.
- **Racial Disparities:** Unaccompanied homeless youth come from every race and ethnicity. However, studies in three regions have noted overrepresentation of African Americans in urban areas and American Indians in rural areas.
- **Economy:** The recent recession has had a significant negative impact on youth employment which impacts levels of homelessness. Just over half of youth ages 18-24 are currently employed, the lowest it has been since the government began collecting data in 1948.
- **Disconnection from Schools:** Approximately half of homeless youth have not completed high school.
- **Sexual Orientation or Gender Identity:** There is an overrepresentation of lesbian, gay, bisexual, transgendered, and questioning (LGBTQ) youth in the runaway population due in part to family rejection because of their sexual orientation or gender identification. 20 to 40 percent of homeless youth are LGBTQ.
- **Criminal Justice Involvement:** Much of this is due to arrests that stem from activities associated with daily survival such as panhandling, loitering, or sleeping outdoors. In addition, homeless youth on the streets are often victims of commercial sexual exploitation and labor trafficking.



Why Youth Become Homeless



Youth slip through the cracks of these systems and remain homeless or become homeless



Why Runaway and Homeless Youth are Vulnerable to Human Trafficking

- A homeless youth service provider in New York City found that approximately one in four youth had been a victim of sex trafficking or had engaged in survival sex, and that 48% of those who engaged in a commercial sex activity did so because they didn't have a safe place to stay.
- Runaway and homeless youth often lack supportive networks and are disconnected from caring adults. This disconnection and desperation makes youth vulnerable to being targeted by those who want to take advantage of their vulnerability.
- Runaway youth are often approached by traffickers at transportation hubs, shelters or other public spaces.
- Homeless youth who lack basic necessities needed to survive will exchange sex or commit crimes to access what they need to live.



Runaway and Homeless Youth Act (RHYA)

Effective Service Response to Runaway and Homeless Youth

- Administered by the HHS, RHYA funds three key pillars of intervention to help homeless, exploited and trafficked youth:
 - Outreach to Connect Youth to Services
 - Youth and Family Crisis Intervention Housing & Services
 - Longer-term Housing for Homeless Youth That is Youth-Appropriate and Service-Rich



Runaway and Homeless Youth Act (RHYA)

Effective Service Response to Runaway and Homeless Youth

- For 40 years these interventions have been the foundation for the development of a continuum of services for runaway, homeless, exploited and trafficked youth.
- There are approximately 400 RHYA-funded projects across the United States.
- Resources are scarce. With only \$115 million in federal money for all of these programs, many communities do not benefit from these high quality and youth-appropriate services.



State Policy Resources for Legislators

- Runaway and Homeless Youth and the Law: Model State Statutes:
http://www.nn4youth.org/system/files/ABA_Runaway_eBook.authcheckdam.pdf.
- Alone Without A Home: A State-By-State Review of Laws Affecting Unaccompanied Youth (September 2012):
<http://tinyurl.com/Alone-Without-A-Home>



Data from the National Human Trafficking Resource Center

- 17, 890 Human Trafficking Cases Reported in the United States
- 2, 537 cases this year
- Top ten states by call volume:
 - CA
 - TX
 - FL
 - NY
 - MD
 - OH
 - VA
 - NJ
 - IL
 - GA



ULC Uniform Act

- Uniform Law Commission adopted the Uniform Act on Prevention of and Remedies for Human Trafficking in July 2013
- The Uniform Act came about after the ABA submitted a request to the ULC for a uniform state code to address human trafficking
- 22 substantive provisions
- Provisions intended to address all forms of trafficking and all types of victims



ULC Uniform Act

- Criminal provisions and capacity building for state
 - Trafficking an individual
 - Forced labor
 - Sexual servitude
 - Patronizing a victim
 - Business entity liability
 - Aggravating circumstances
 - Asset forfeiture
 - Human trafficking council



ULC Uniform Act

- Victim Assistance
 - Restitution
 - Victim confidentiality
 - Civil Action
 - Display of public awareness sign/hotline number



ULC Uniform Act

- Victim Protection
 - Affirmative defense
 - Vacating convictions
 - Safe harbor



ULC Uniform Act

- 2014 Legislative Session
 - Legislation based on Uniform Act was introduced in 14 states (AL, AZ, CO, DE, FL, KY, LA, NE, NH, OH, PA, SC, VA, WV)



Q&A

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