

COMMON MYTHS AND MISCONCEPTIONS ABOUT HUMAN TRAFFICKING IN THE U.S

The following document summarizes some of the commonly-held myths and misconceptions regarding the definition of human trafficking and the types of human trafficking operations that exist in the United States. The goal of the document is to address these misconceptions and help shape a more accurate "lens" for identifying and understanding trafficking. A "Top 10" List is provided below.

Myth 1: Under the Federal definition, trafficked persons can only be foreign nationals or are only immigrants from other countries.

Reality: The Federal definition of human trafficking includes both US citizens and foreign nationals - both are equally protected under the Federal trafficking statutes and have been since the TVPA of 2000. Human trafficking encompasses both transnational trafficking that crosses borders and domestic or internal trafficking that occurs within a country. Statistics on the scope of trafficking in the US are only accurate if they include both transnational and internal trafficking of foreign nationals as well as US Citizens.

Myth 2: Trafficking is essentially a crime that must involve some form of travel, transportation, or movement across state or national borders.

Reality: The legal definition of trafficking, as defined under the Federal trafficking statutes, **does not require transportation**, although transportation may be involved in the crime, and although the word connotes movement. Human trafficking is not synonymous with forced migration or smuggling. Instead, human trafficking is more accurately characterized as "compelled service" where an individual's will is overcome through force, fraud, or coercion.

Myth 3: Human trafficking is another word for human smuggling.

Reality: There are many fundamental differences between the crimes of human trafficking and human smuggling. Both are entirely separate Federal crimes in the United States. Most notably, **smuggling is a crime against a country's borders, whereas human trafficking is a crime against a person**. Also, while smuggling requires illegal border crossing, human trafficking involves commercial sex acts or labor or services that are induced through force, fraud, or coercion regardless of whether or not transportation occurs.

Myth 4: There must be elements of physical restraint, physical force, or physical bondage when identifying a trafficking situation.

Reality: The legal definition of trafficking **does not require physical restraint, bodily harm, or physical force**. Psychological means of control, such as threats, or abuse of the legal process, are sufficient elements of the crime. Unlike the previous Federal involuntary servitude statutes (U.S.C. 1584), the new Federal crimes created by the Trafficking Victims Protection Act (TVPA) of 2000 were intended to address "subtler" forms of coercion and to broaden previous standards that only considered bodily harm.

Myth 5: *Victims of trafficking will immediately ask for help or assistance and will self-identify as a victim of a crime.*

Reality: **Victims of trafficking often do not immediately seek help or self-identify as victims of a crime**, due to lack of trust, self-blame, or training by the traffickers. It is important to avoid making a snap judgment based on the first interviews and to understand that trust will take time to develop. Continued trust-building and patient interviewing is often required to get to the whole story.

Myth 6: *Trafficking victims always come from situations of poverty or from small rural villages.*

Reality: Although poverty certainly is highly correlated with human trafficking because it often is a factor of vulnerability, **poverty alone is not a single causal factor or universal indicator of a human trafficking victim**. Trafficking victims can come from a range of income levels and many may come from families with higher socioeconomic status.

Myth 7: *Sex trafficking is the only form of human trafficking.*

Reality: Elements of human trafficking can occur in the commercial sex industry as well as in situations of forced labor or services. **Human trafficking encompasses both “sex trafficking” and “labor trafficking,” and can affect men and women, children and adults.**

Myth 8: *Human trafficking only occurs in illegal underground industries.*

Reality: Elements of human trafficking can be identified whenever the means of force, fraud, or coercion induce a person to perform commercial sex acts, or labor or services. **Trafficking can occur in legal and legitimate business settings as well as underground markets.**

Myth 9: *If the trafficked person consented to be in their initial situation or was informed about what type of labor they would be doing or that commercial sex would be involved, then it cannot be trafficking or against their will because they “knew better.”*

Reality: **A victim cannot consent to be in a situation of human trafficking.** Initial consent to commercial sex or a labor setting prior to acts of force, fraud, or coercion (or if the victim is a minor in a sex trafficking situation) is not relevant to the crime, nor is payment.

Myth 10: *Foreign national trafficking victims are always undocumented immigrants or here in this country illegally.*

Reality: Foreign national trafficked persons can be in the United States through either legal or illegal means. Although some foreign national victims are undocumented, a significant percentage may have legitimate visas for various purposes. **Not all foreign national victims are undocumented.**

HUMAN TRAFFICKING STATISTICS

The following is a list of available statistics estimating the scope of Human Trafficking around the world and within the United States. Actual statistics are often unavailable, and some may be contradictory due to the covert nature of the crime, the invisibility of victims and high levels of under-reporting. Further obstacles include inconsistent definitions, reluctance to share data, and a lack of funding for and standardization of data collection. Particularly lacking are estimates on the number of American citizens trafficked within the U.S.

Human Trafficking Worldwide

- 27 million – Number of people in modern-day slavery across the world.
 - **Source:** Kevin Bales of *Free the Slaves*.
 - According to the U.S. Department of State's 2007 Trafficking in Persons Report (TIP Report), estimates vary from 4 to 27 million.
 - The International Labor Organization (ILO) estimates 2.4 million people were victims of human trafficking from 1995-2005. This estimate uses the UN Protocol definition of human trafficking, and includes both transnational and internal data.
- 800,000 – Number of people trafficked across international borders every year.
 - **Source:** U.S. Department of State, *Trafficking in Persons Report: 2007*.
 - Note:
 - The TIP Report in 2001 and 2002 estimated this figure at 700,000;
 - The TIP Report of 2003 reported 800,000 to 900,000 victims;
 - The TIP Reports of 2004 through 2006 reported 600,000 to 800,000 victims.
- 1 million – Number of children exploited by the global commercial sex trade, every year.
 - **Source:** U.S. Department of State, *The Facts About Child Sex Tourism: 2005*.
- 50% – Percent of transnational victims who are children.
 - **Source:** U.S. Department of Justice, *Report to Congress from Attorney General John Ashcroft on U.S. Government Efforts to Combat Trafficking in Persons in Fiscal Year 2003: 2004*.
- 80% – Percent of transnational victims who are women and girls.
 - **Source:** U.S. Department of State, *Trafficking in Persons Report: 2007*.
- 70% – Percent of female victims who are trafficked into the commercial sex industry. This means that 30% of female victims are victims of forced labor.
 - **Source:** U.S. Department of Justice, *Assessment of U.S. Government Activities to Combat Trafficking in Persons: 2004*.
- 161 – Countries identified as affected by human trafficking:
 - 127 countries of origin; 98 transit countries; 137 destination countries.
 - Note: Countries may be counted multiple times and categories are not mutually exclusive.
 - **Source:** UN Office on Drugs and Crime, *Trafficking in Persons: Global Patterns: April 2006*.
- 32 billion – Total yearly profits generated by the human trafficking industry.
 - \$15.5 billion is made in industrialized countries.
 - \$9.7 billion in Asia
 - \$13,000 per year generated on average by each "forced laborer." This number can be as high as \$67,200 per victim per year.

Human Trafficking Statistics | Polaris Project

- **Source:** ILO, *A global alliance against forced labor*: 2005.

Foreign Nationals Trafficked into the U.S.

- 14,500 - 17,500 – Number of foreign nationals trafficked into the United States every year.
 - This is the most recent U.S. government statistic. However, it is constantly being revisited, and a newer statistic is currently under study and review.
 - **Source:** DOJ, HHS, DOS, DOL, DHS, and USAID. *Assessment of U.S. Government Efforts to Combat Trafficking in Persons*: June, 2004
 - The TIP Report in 2001 estimated this number at 45,000-50,000¹
 - The TIP Report in 2002 estimated 50,000
 - The TIP Report in 2003 estimated 18,000 – 20,000²
- 1, 379 – Number of foreign national victims of human trafficking certified by the Department of Health and Human Services (HHS) from October 2000 through FY 2007.
 - 131 minors, and 1,248 adults
 - These victims originate from at least 77 different countries.
 - **Source:** U.S. Department of Health and Human Services Anti-trafficking in Persons Department; U.S. Department of State *Trafficking in Persons Report*: 2007.
- 1,318 – Number of T visas granted by the Department of Homeland Security (DHS) from FY 2000 through November 1, 2008 to human trafficking survivors. 729 visas were issued between FY 2000 and FY 2006.
 - Another 1,076 derivative T visas were granted to family members.
 - DHS is authorized to issue up to 5,000 T-visas per year.
 - **Source:** USCIS; U.S. Department of State, *Trafficking in Persons Report*: 2007.

Human Trafficking of U.S. citizens within the U.S.

- 244,000 – Number of American children and youth estimated to be at risk of child sexual exploitation, including commercial sexual exploitation, in 2000.
 - **Source:** Estes, Richard J. and Neil A. Weiner. *The Commercial Sexual Exploitation of Children in the U.S., Canada, and Mexico*. The University of Pennsylvania School of Social Work: 2001. Study funded by the Department of Justice.
- 38,600 – Estimated number of an approximate 1.6 million runaway/throwaway youth at risk of sexual endangerment or exploitation in 1999.
 - **Source:** U.S. Department of Justice: Office of Juvenile Justice and Delinquency Prevention, *Runaway/Throwaway Children: National Estimates and Characteristics*. NISMART Series: 2002.
- 12-14 – Average age of first involvement in prostitution
 - **Source:** Estes, Richard J. and Neil A. Weiner. *The Commercial Sexual Exploitation of Children in the U.S., Canada, and Mexico*. The University of Pennsylvania School of Social Work: 2001.

¹ Amy O'Neil Richard. *International Trafficking in Women to the United States: A Contemporary Manifestation of Slavery and Organized Crime*. Center for the Study of Intelligence: November 1999.

² DOJ, HHS, DOS, DOL, DHS, and USAID. *Assessment of U.S. Government Efforts to Combat Trafficking in Persons*: August 2003.

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Human Trafficking within the U.S. by State

Very little research has been done to determine the extent of human trafficking on the state level. Several state-wide reports have been published however, due to data collection limitations the following statistics should be taken as baseline estimates only. These statistics are not definitive or comprehensive estimates.

California:

- 559 – Potential victims identified between Dec. 1, 2005 and March 12, 2007 by five CA Task Forces.
- 57 – Number of applications for continued presence submitted during the same time period.
 - **Source:** CA Alliance to Combat Trafficking and Slavery Task Force, *Human Trafficking in California Final Report*: October 2007.

Virginia:

- 43 – Number of trafficking victims served by 4 organizations in Northern Virginia.
 - **Source:** Polaris Project, *Fact Sheet on Human Trafficking*.

Wisconsin:

- 200 – Number of identified cases of sex and labor trafficking.
- 85% – Proportion of victims in the 200 identified cases who were adults.
- 75% – Proportion of victims in the 200 identified cases who were victims of sex trafficking.
 - Data obtained through a survey of over 1,300 sexual assault and domestic violence service providers, law enforcement and district attorney's offices, with a 30% return rate.
 - **Source:** WI Office of Justice Assistance, *Hidden in Plain Sight: A Baseline Survey of Human Trafficking in Wisconsin*: February 2008.

U.S. Investigations, Prosecutions, and Convictions

It is likely that the numbers of traffickers convicted are higher than those reported below. Defendants may be charged with other crimes such as kidnapping, immigration violations or money laundering for strategic or technical reasons. Also note that data is not comparable across agencies as a result of the complexity of investigations and the incompatibility and limitations of agency data systems.

Federal Bureau of Investigations (FBI) Civil Rights Unit:

- 751 – Number of trafficking cases opened between 2001 and April 5th, 2007.
 - The numbers of cases opened has increased: from 54 in 2001 to 126 in 2006,
- 185 – Convictions
 - The number of convictions has increased: from 15 in 2001 to 70 in 2006.
 - Includes joint investigations with ICE, and both sex and labor trafficking.
 - **Source:** Government Accountability Office, *Human Trafficking: A Strategic Framework Could Help Enhance the Interagency Collaboration Needed to Effectively Combat Trafficking Crimes*: 2007.

FBI Crimes Against Children Unit – Innocence Lost National Initiative:

- 327 – Number of trafficking cases opened from 2004 through June 5th, 2007.
 - The number of cases opened has increased every year: from 67 in 2004 to 103 in 2006.
- 182 – Number of convictions.
 - The number of convictions has also increased: from 22 in 2004 to 43 in 2006.
 - **Source:** GAO, *Human Trafficking: A Strategic Framework Could Help Enhance the Interagency Collaboration Needed to Effectively Combat Trafficking Crimes*: 2007.

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Civil Rights Division/Criminal Section and U.S. Attorney's Offices (Dept. of Justice):

- 139 – Number of trafficking cases prosecuted 2001 – June 14, 2007, under the Trafficking Victims Protection Act, (TVPA).
 - 100 cases of sex trafficking; 39 cases of labor trafficking.
- 19 – Number of trafficking cases prosecuted 1995 – 2000, prior to the TVPA.
 - 7 cases of sex trafficking; 12 cases of labor trafficking
- 302 – Number of defendants convicted 2001 – June 14, 2007, under the TVPA
 - 228 sex trafficking; 74 labor trafficking
- 67 – Number of defendants convicted 1995 – 2000, prior to the TVPA.
 - 20 sex trafficking; 47 labor trafficking
 - **Source:** GAO, *Human Trafficking: A Strategic Framework Could Help Enhance the Interagency Collaboration Needed to Effectively Combat Trafficking Crimes: 2007.*

Immigration and Customs Enforcement (ICE):

- 899 – Number of trafficking cases opened between FY 2005 and May 31st, 2007
 - 557 sexual exploitation; 257 forced labor; 85 other
- 264 – Number of convictions.
 - 129 sexual exploitation; 17 forced labor; 118 other
 - **Source:** GAO, *Human Trafficking: A Strategic Framework Could Help Enhance the Interagency Collaboration Needed to Effectively Combat Trafficking Crimes: 2007.*
- 61 – Number of arrests for child sex tourism made by ICE Operation Predator from July 2003 through June 2007.
 - **Source:** DOJ, *Assessment of U.S. Government Activities to Combat Trafficking in Persons: September 2007.*

TYPES OF TRAFFICKING CASES IN THE UNITED STATES

The following document provides a brief overview of the types of trafficking cases that have emerged within the United States including, both sex and labor trafficking, as well as domestic and transnational trafficking. The following list is not exhaustive, and the potential presence of human trafficking occurring within each of the industries listed below should be assessed on a case-by-case basis.

Labor Trafficking

- Domestic Servitude/Domestic Worker Cases
 - Nannies
 - Maids/Housekeepers
- Small Businesses/"Mom and Pop" Operations
 - Landscaping
 - Nail salons
 - Restaurants
 - Industrial cleaning
 - Construction
 - Hospitality
- Peddling Rings/Sales Crews
 - Magazine sales crews
 - Flowers/Candy sales crews
- Large-Scale Labor Cases
 - Agricultural
 - Factory settings (i.e. garments; food processing)
 - Other large factory work environments (i.e. industrial welding)

Sex Trafficking

- "Hostess" Bar/Club Operations with Inflated-Price Schemes
 - These cases may be classified as labor trafficking if commercial sex acts do not occur. However, these operations often involve some linkage with commercial sex acts.
 - Eastern European/Russian stripping or exotic dancing "Go-Go Clubs"
 - Latino cantina bars
 - Asian room salons, hostess clubs, and other karaoke clubs
 - Domestic strip clubs and gentleman's clubs
- Residential/Underground Brothel Settings
 - Residential brothels can be based in homes, apartments, hotel/motel rooms, trailer parks, mobile trailers, and other outdoor locations.
 - Residential brothels are diverse and can include both foreign born and US citizen populations.

Types of Trafficking Cases | Polaris Project

- Escort Services (Both Incall and Outcall)
 - Bar/Hotel-based
 - Internet-based
 - Private parties (house, club, lap dance clubs)
 - Boat cruises
 - Phone chat lines

- Pimp-Controlled Prostitution
 - Hotel-based
 - Internet/Escort-based
 - Private parties
 - Street-based
 - Truck stops
 - Other miscellaneous locations

Other

- International Marriage Brokers/Servile marriage
- Personal sexual servitude



LABOR TRAFFICKING FACT SHEET



The Trafficking Victims Protection Act of 2000 (TVPA) defines labor trafficking as: "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." The TVPA also recognizes sex trafficking, which is discussed in a separate fact sheet. A modern-day form of slavery, labor trafficking is a fundamental violation of human rights.

Forms of Labor Trafficking

There are several forms of exploitative practices linked to labor trafficking, including bonded labor, forced labor and child labor.

- **Bonded labor**, or debt bondage, is probably the least known form of labor trafficking today, and yet it is the most widely used method of enslaving people. Victims become bonded laborers when their labor is demanded as a means of repayment for a loan or service in which its terms and conditions have not been defined or in which the value of the victims' services as reasonably assessed is not applied toward the liquidation of the debt. The value of their work is greater than the original sum of money "borrowed."
- **Forced labor** is a situation in which victims are forced to work against their own will, under the threat of violence or some other form of punishment, their freedom is restricted and a degree of ownership is exerted. Forms of forced labor can include domestic servitude; agricultural labor; sweatshop factory labor; janitorial, food service and other service industry labor; and begging.

Child labor is a form of work that is likely to be hazardous to the health and/or physical, mental, spiritual, moral or social development of children and can interfere with their education. The International Labor Organization estimates worldwide that there are 246 million exploited children aged between 5 and 17 involved in debt bondage, forced recruitment for armed conflict, prostitution, pornography, the illegal drug trade, the illegal arms trade and other illicit activities around the world.

Identifying Victims of Labor Trafficking

Victims of labor trafficking are not a homogenous group of people. Victims are young children, teenagers, men and women. Some of them enter the country legally on worker visas for domestic, "entertainment," computer and agricultural work, while others enter illegally. Some work in legal occupations such as domestic, factory or construction work, while others toil in illegal industries such as the drug and arms trade or panhandling. Although there is no single way to identify victims of labor trafficking, some common patterns include:

- Victims are often kept isolated to prevent them from getting help. Their activities are restricted and are typically watched, escorted or guarded by associates of traffickers. Traffickers may "coach" them to answer questions with a cover story about being a student or tourist.
- Victims may be blackmailed by traffickers using the victims' status as an undocumented alien or their participation in an "illegal" industry. By threatening to report them to law enforcement or immigration officials, traffickers keep victims compliant.
- People who are trafficked often come from unstable and economically devastated places as traffickers frequently identify vulnerable populations characterized by oppression, high rates of illiteracy, little social mobility and few economic opportunities.



- Women and children are overwhelmingly trafficked in labor arenas because of their relative lack of power, social marginalization, and their overall status as compared to men.

Health Impacts of Labor Trafficking

In addition to the human rights abuses that define their involuntary servitude, victims of labor trafficking suffer from a variety of physical and mental health problems:

- Various methods of forced labor expose victims of labor trafficking to physical abuse such as scars, headaches, hearing loss, cardiovascular/respiratory problems, and limb amputation. Victims of labor trafficking may also develop chronic back, visual and respiratory problems from working in agriculture, construction or manufacturing under dangerous conditions.
- The psychological effects of torture are helplessness, shame and humiliation, shock, denial and disbelief, disorientation and confusion, and anxiety disorders including posttraumatic stress disorder (PTSD), phobias, panic attacks, and depression.
- Many victims also develop Traumatic Bonding or “Stockholm Syndrome,” which is characterized by cognitive distortions where reciprocal positive feelings develop between captors and their hostages. This bond is a type of human survival instinct and helps the victim cope with the captivity.
- Child victims of labor trafficking are often malnourished to the extent that they may never reach their full height, they may have poorly formed or rotting teeth, and later they may experience reproductive problems.

Assistance for Victims of Labor Trafficking

When victims of trafficking are identified, the U.S. government can help them stabilize their immigration status, and obtain support and assistance in rebuilding their lives in the United States through various programs. By certifying victims of trafficking, the U.S. Department of Health and Human Services (HHS) enables trafficking victims who are non-U.S. citizens to receive federally funded benefits and services to the same extent as a refugee. Victims of trafficking who are U.S. citizens do not need to be certified to receive benefits. As U.S. citizens, they may already be eligible for many benefits.

As a result of the certification or eligibility letters issued by HHS, victims can access benefits and services including food, health care and employment assistance. Certified victims of trafficking can obtain access to services that provide English language instruction and skills training for job placement. Since many victims are reluctant to come forward for fear of being deported, one of HHS' most important roles is to connect victims with non-profit organizations prepared to assist them and address their specific needs. These organizations can provide counseling, case management and benefit coordination.

If you think you have come in contact with a victim of human trafficking, call the **National Human Trafficking Resource Center at 1.888.3737.888**. This hotline will help you determine if you have encountered victims of human trafficking, will identify local resources available in your community to help victims, and will help you coordinate with local social service organizations to help protect and serve victims so they can begin the process of restoring their lives. For more information on human trafficking visit www.acf.hhs.gov/trafficking.

HUMAN TRAFFICKING CHEAT SHEET

Overview

- Human trafficking is a form of modern-day slavery.
- Human trafficking is prevalent in many countries around the world. Different countries may be primarily sites of origin, transit, destination, and/or internal trafficking.
- Cases of human trafficking have been reported in all fifty states of the United States (Free the Slaves).
- Human trafficking is a market-based economy that exists on principles of supply and demand. It thrives due to conditions which allow for high profits to be generated at low risk.

What is Human Trafficking?

- As defined in the Trafficking Victims Protection Act of 2000, the legal definition of "severe forms of trafficking in persons" is:
 - 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 an act has not attained 18 years of age; or
 - b) 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.
- Under the legal definition, trafficking victims in the US can be divided into three populations:
 - Minors (under age 18) involved in commercial sex;
 - Adults age 18 or over involved in commercial sex via force, fraud, or coercion;
 - Children and adults forced to perform labor and/or services in conditions of involuntary servitude, peonage, debt bondage, or slavery, via force, fraud, or coercion.
- Victims are trafficked for a wide variety of purposes, such as commercial sex, agricultural work, or housekeeping, yet they all share the loss of one of our world's most cherished rights—freedom.
- There is no one consistent face of a trafficking victim. Trafficked persons can be rich or poor, men or women, adults or children, and foreign nationals or US citizens.
- There is no one consistent face of a trafficker. Traffickers include a wide range of criminal operators, including individual pimps, small families or businesses, loose-knit decentralized criminal networks, and international organized criminal syndicates.

The Law

- Human Trafficking is a crime under US and international law, as well as under many state laws.
- The Trafficking Victims Protection Act (TVPA) of 2000 is the main US law on trafficking. It has been reauthorized in 2003, 2005 and 2008.
- The "Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children" is the main international law on the subject.

Statistics

- The number of trafficking victims in the US is largely unknown. However, hundreds of thousands of US citizen minors are estimated to be at risk of commercial sexual exploitation, and the US State Department estimates that 14,500-17,500 foreign nationals are trafficked into the country each year.

Myths and Misconceptions

- It is important to dispel certain myths about trafficking.
 - Trafficking is not smuggling or forced movement.
 - Trafficking does not require transportation or border crossing, and does not only happen to immigrants or foreign nationals.
 - Trafficking does not require physical force, physical abuse, or physical restraint.
 - The consent of the victim is considered irrelevant, as is payment.