

# THE FACTS: SEX TRAFFICKING



## **SCOPE OF HUMAN TRAFFICKING GLOBALLY AND NATIONALLY<sup>1</sup>**

- Human trafficking includes both sex trafficking and labor trafficking and is the second largest – and fastest growing – criminal industry in the world. In 2008, traffickers made \$31 billion buying and selling humans. Different sources estimate this figure to be as high as \$32 billion.<sup>2</sup>
- The International Labor Organization (ILO) estimates that there are at least 12.3 million adults and children in forced labor, bonded labor, and commercial sexual servitude at any given time. Of these victims, the ILO estimates that at least 1.39 million are victims of commercial sexual servitude, both transnational and within countries. According to the ILO, 56 percent of all forced labor victims are women and girls.<sup>3</sup>

## **SEX TRAFFICKING AND PROSTITUTION**

- Sex trafficking, one form of human trafficking, is not limited to cases involving:
  - Foreign nationals, but includes U.S. citizens and legal permanent residents;
  - Force, fraud or coercion, but includes cases involving a variety of means of recruitment and enticement;
  - Transportation or movement across a border, but may occur within a city, county, state or country;
  - Sexual exploitation, but may overlap or intersect with human smuggling and/or labor trafficking cases.
- Sex trafficking and prostitution are a part of the same continuum of criminal activity, that is, the sexual exploitation of women and girls.
- Demand fuels the purchase of human beings for sex. Demand is comprised of a culture that tolerates or promotes sexual exploitation; men who buy commercial sex; exploiters who make up the sex industry; and states that are complicit in providing safe haven for pimps and traffickers either as source or destination countries.<sup>4</sup>

## **SCOPE WITHIN MINNESOTA**

- The Office of Justice Programs of the Minnesota Department of Public Safety compiles quantitative data via survey to measure the scope of trafficking (both labor and sex) in Minnesota. OJP found that:
  - In 2006, 43% of service providers reported serving at least one trafficked person, while 21% were unsure as to whether they had served a trafficked person.<sup>5</sup>
  - In 2007, about half (47%) of service providers reported working with only US citizens who had been trafficked into sexual exploitation from within the state of Minnesota, as well as from other states such as Wisconsin and California.<sup>6</sup> In 2007, seven service providers had worked with 342 Native women who were trafficked.<sup>7</sup>
  - Over a three year period ending in 2008, service providers identified 731 sex trafficking victims and 93 labor trafficking victims.<sup>8</sup>
- According to one service provider, 8,000 to 12,000 people are estimated to be involved in prostitution/sex trafficking in Minnesota every day.<sup>9</sup>
- In a North Minneapolis research project on prostitution/sex trafficking, 56% of people involved had their first experience in prostitution/sex trafficking as a juvenile (under age 18). Studies in other U.S. cities found similar figures (Chicago, 62%; San Francisco, 78%).<sup>10</sup>
- The average age of a girl's entry into prostitution/sex trafficking is 12 to 14 years old.<sup>11</sup>

## **LEGAL PROTECTION AGAINST SEX TRAFFICKING**

Sex trafficking is a form of slavery and involuntary servitude resulting in grave human rights violations. Whether acting on its own or by and through state and local governments, the United States must guarantee freedom from slavery and institutions and practices similar to slavery; the individual human rights to life, security of person and freedom from torture; freedom from discrimination; equal protection of the laws; and the right to an effective remedy.<sup>12</sup>

## The Trafficking Victims Protection Act (TVPA)

- The federal definition of the act of sex trafficking is “the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.”<sup>13</sup>
- The TVPA defines “severe forms of trafficking,” as a “commercial sex act[s]...induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age.”<sup>14</sup>
- The term “commercial sex act” means any sex act on account of which anything of value is given to or received by any person.<sup>15</sup>
- Federal law establishes criminal penalties for “Whoever knowingly – in or affecting interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States, recruits, entices, harbors, transports, provides, or obtains by any means a person; or benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act described in violation of paragraph (1), Knowing that force, fraud or coercion...will be used to cause the person to engage in a commercial sex act, or that the person has not attained the age of 18 years and will be caused to engage in a commercial sex act.”<sup>16</sup>
- The term “victim of a severe form of trafficking” means a person subject to an act or practice described as “severe forms of trafficking in persons”or 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.<sup>17</sup>
- The term “victim of trafficking” means a person subject to an act or practice described as “severe forms of trafficking in persons” or a person subject to recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.<sup>18</sup>
- The TVPA established the T-visa for foreign nationals who have experienced a “severe form of trafficking.” After three years, T-visa holders can apply for legal permanent residency.<sup>19</sup> However, from fiscal year 2002 through fiscal year 2006, Citizenship and Immigration Services has only granted 729 T-visas, even though it may grant up to 5,000 annually.<sup>20</sup>
- The TVPRA of 2008, the William Wilberforce Trafficking Victims Protection Act Reauthorization, increases protections available to trafficking victims in the U.S. through newly authorized programs to assist U.S. victims of trafficking and vulnerable-to-trafficking unaccompanied foreign national children brought to the United States.<sup>21</sup>
- The Wilberforce Act requires the Department of Justice to create a new model state law to further a “comprehensive approach” to investigating and prosecuting human trafficking, and to do so by drafting provisions that criminalize sex trafficking without proof of force, fraud or coercion, and whether or not the victim is a minor.<sup>22</sup>

## Minnesota Law

- Minnesota passed its anti-trafficking statute in 2005.<sup>23</sup> Minnesota amended its anti-trafficking statute in 2009.
- Sex trafficking is defined as “receiving, recruiting, enticing, harboring, providing, or obtaining by any means an individual to aid in the prostitution of the individual” or “receiving profit or anything of value, knowing or having reason to know it is derived from [sex trafficking].”<sup>24</sup>
  - The term “prostitution” means engaging or offering or agreeing to engage for hire in sexual penetration or sexual contact.<sup>25</sup>
  - The words “by any means” indicate that an individual may not consent to sex trafficking. Consent or mistake as to age shall be no defense to prosecutions under section [609.322](#) or [609.324](#).<sup>26</sup>
- Under Minnesota law, the term victim has the following meaning:
  - “Sex trafficking victim” means a person subjected to the practices in M.S. § 609.321, subd. 7a (sex trafficking).
  - “Victim” means a natural person who incurs loss or harm as a result of a crime, including a good faith effort to prevent a crime.<sup>27</sup>
  - The term “victim” does not include the person charged with or alleged to have committed the crime.<sup>28</sup>
- Minnesota punishes sex trafficking with a maximum of 15 years for an adult, 20 years for an individual under 18, and 25 years where an aggravating factor is involved.<sup>29</sup>

## HOUSING CHALLENGES

- Shelters which specifically serve U.S. citizen trafficked persons are few in number. In most shelters, potential guests who would be labeled as former prostitutes raise safety concerns and concerns about their criminal records; however, shelters that accept anyone could be a safety concern to a person who has been trafficked.<sup>30</sup>

- The waiting lists for public housing or Section 8 housing are often long, yet people who have been trafficked must secure safe housing quickly.<sup>31</sup>
- Renting or buying a home often requires financial means, a good credit history, and a passable background check; many trafficked persons face difficulties overcoming these barriers.<sup>32</sup>

## **HEALTH ISSUES**

- In a European study examining health consequences of being trafficked, most people reported symptoms including dizzy spells, headaches, fatigue, memory loss, and stomach or abdominal pain.<sup>33</sup> Trafficked persons reported headaches as the worst physical symptom; this physical pain probably stems from blows to the head or neck, in addition to being a physical manifestation of emotional trauma.<sup>34</sup>
- Other trafficked persons reported back pain, both from physical abuse and stress, and dental problems.<sup>35</sup>
- Injuries from physical abuse included being “hit, kicked, punched, struck with objects, burned, cut with knives, and raped” by traffickers or clients.<sup>36</sup>
- Distress about reproductive and sexual health are also concerns reported by trafficked persons.<sup>37</sup> Sexually transmitted infections (STIs) and unwanted pregnancies are two common concerns.<sup>38</sup>
- Weight loss and loss of appetite in addition to fatigue are not only a result of emotional duress, but also complicated by working conditions, such as “work[ing] as many as 12 to 14 hours per day and...be[ing only] permitted a few hours of sleep or rest—despite serving as many as 20 to 30 clients per day.”<sup>39</sup>
- Working conditions plagued by violence and deprivation of essential needs and treatment compound the effects of injuries.<sup>40</sup>
- Other prevalent health issues that trafficked people have reported include pelvic pain, gastrointestinal problems, and dermatological complaints.<sup>41</sup> These physical problems reflect common post-traumatic symptoms.<sup>42</sup>

## **MENTAL HEALTH ISSUES**

- Trafficked persons often suffer from post-traumatic stress disorder, flashbacks, insomnia, disassociation, depression, anxiety, and suicidal thoughts.<sup>43</sup>
- Traffickers will disguise themselves as significant others initially, initiating “cycles of seduction, rejection, and abuse that is characteristic of intimate partner violence...[which leads to] increasing their entrapment and diminishing their coping capacity.”<sup>44</sup>
- Although memory loss is a common problem among trafficked persons, a person’s credibility with law enforcement and judges lessens with discrepancies and inconsistencies.<sup>45</sup>
- Trafficked persons often face victim-blaming attitudes and stigma.<sup>46</sup>

## **CHEMICAL DEPENDENCY OBSTACLES**

- Traffickers frequently will encourage drug addictions as a means of controlling trafficked persons.<sup>47</sup> This stratagem binds the trafficked person to the trafficker because the trafficked person feels compelled to work in order to maintain the feeling from drug usage. In cases where use becomes dependency, women are further tied to their trafficker to work in order to support their addiction.<sup>48</sup>
- Moreover, trafficked persons under the influence of drugs or alcohol might be able to work longer hours, perform otherwise risky or objectionable acts with clients, and work with more clients than usual.<sup>49</sup>
- Occasionally trafficked persons will use alcohol and drugs as a way to tolerate abuse. In order to numb themselves, trafficked persons will use drugs or alcohol “to make themselves ‘be able to do’ what they were being made to do.”<sup>50</sup> Some trafficked persons will self-medicate using drugs as a form of stress relief.<sup>51</sup>

## ENDNOTES FOR “THE FACTS: SEX TRAFFICKING ”

- <sup>1</sup> The Polaris Project, home to the U.S. National Human Trafficking Resource Center, points out the difficulties of estimating the numbers of victims of human trafficking and provides additional statistics to those cited in this section. Polaris Project, “Human Trafficking Statistics,”(2009), <http://nhtrc.polarisproject.org/materials/Human-Trafficking-Statistics.pdf>.
- <sup>2</sup> United Nations Inter-Agency Project on Human Trafficking; Polaris Project; and University of Iowa Center for Human Rights.
- <sup>3</sup> U.S. STATE DEPARTMENT, TRAFFICKING IN PERSONS REPORT (2009), <http://www.state.gov/documents/organization/123357.pdf>
- <sup>4</sup> Adopted from D. Hughes, The Demand for Victims of Sex Trafficking, 2005.
- <sup>5</sup> Minnesota Office of Justice Programs and Minnesota Statistical Analysis Center, Human Trafficking in Minnesota: A Report to the State Legislature. 2006. p. 6-7.
- <sup>6</sup> Minnesota Office of Justice Programs and Minnesota Statistical Analysis Center, Human Trafficking in Minnesota: A Report to the State Legislature. 2007. p. 2, n.140.
- <sup>7</sup> Minnesota Office of Justice Programs and Minnesota Statistical Analysis Center, Human Trafficking in Minnesota: A Report to the State Legislature. 2007. p. 19-20, n.140.
- <sup>8</sup> Minnesota Office of Justice Programs and Minnesota Statistical Analysis Center, Human Trafficking in Minnesota: A Report to the State Legislature. 2008.
- <sup>9</sup> V. Carter, Executive Director, Breaking Free, Press Release March 13, V. Carter estimated 6-8,000 in 2000 as cited in D. Hughes, “Race and Prostitution in the United States”, <http://www.uri.edu/artsci/wms/hughes/pubtrfrep.htm>. For more information on prostitution see, D. Hughes, “Fact Sheet: Domestic Sex Trafficking and Prostitution in the United States” at same URL.
- <sup>10</sup> L. Martin (Ph.D.), “North Minneapolis Prostitution Research Project”, conducted at Folwell Center, Minneapolis, MN (research conducted fall 2006, write-up in progress) - Sample size: 135.
- <sup>11</sup> Action Network to End Sexual Exploitation in Minnesota, “Buying Sex Stops Here.” 2008 citing R.J. Estes, Ph.D., and N. A. Weiner, Ph.D. “Commercial Sexual Exploitation of Children in the U.S. Canada and Mexico,” [http://www.sp2.upenn.edu/~restes/CSEC\\_Files/Exec\\_Sum\\_020220.pdf](http://www.sp2.upenn.edu/~restes/CSEC_Files/Exec_Sum_020220.pdf); see also U.S. Department of Education, “Human Trafficking of Children in the United States: A Fact Sheet for Schools.” 2007.
- <sup>12</sup> RESTATEMENT (THIRD) OF THE FOREIGN RELATIONS LAW OF THE UNITED STATES § 321 cmt. b (1987); see also International Covenant on Civil and Political Rights, Dec. 16, 1966, art. 50, 999 U.N.T.S. 171, TIAS ; Nature of the General Legal Obligation on States Parties to the Covenant, Human Rights Committee, General Comment 31, U.N. Doc. CCPR/C/21/Rev.1/Add.13 (2004).
- <sup>13</sup> 22 U.S.C. § 7102(9).
- <sup>14</sup> 22 U.S.C. § 7102(8)(A).
- <sup>15</sup> 22 U.S.C. § 7102(3)(2008).
- <sup>16</sup> 18 U.S.C. § 1591(2008).
- <sup>17</sup> 22 U.S.C. § 7102(13)(2008).
- <sup>18</sup> 22 U.S.C. § 7102(14)(2008).
- <sup>19</sup> 8 U.S.C. § 1101(a)(15)(T).
- <sup>20</sup> U.S. STATE DEPARTMENT, TRAFFICKING IN PERSONS REPORT 2007 49 (2007), <http://www.state.gov/documents/organization/82902.pdf>
- <sup>21</sup> The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, “50 Key Provisions,” Salvation Army, <http://www.sapromise.org/pdfs/WilberforceTVPRA2008.pdf>
- <sup>22</sup> Id.
- <sup>23</sup> MINN. STAT. § 609.321, subd. 7(7) subd. 7a (2009) (definition); 2005 c 136 art 17 s 19-23.
- <sup>24</sup> MINN. STAT. § 609.321, subd. 7a (2009).
- <sup>25</sup> M.S. § 609.321, subd. 9 (2008).
- <sup>26</sup> M.S. § 609.325, subd. 2 (2008).
- <sup>27</sup> M.S. § 611A.01 (2008).
- <sup>28</sup> M.S. § 611A.01 (2008).
- <sup>29</sup> MINN. STAT. § 609.322 (2009).
- <sup>30</sup> Polaris Project. “Equal Benefits for All Survivors of Human Trafficking in the United States.” June 2007. p. 2.
- <sup>31</sup> USAID. “The Rehabilitation of Victims of Trafficking in Group Residential Facilities in Foreign Countries.” September 2007. p. 23.
- <sup>32</sup> Polaris Project. “Equal Benefits for All Survivors of Human Trafficking in the United States.” June 2007, p. 2.
- <sup>33</sup> London School of Hygiene and Tropical Medicine, “Stolen Smiles: The Physical and Psychological Health Consequences of Women and Adolescents Trafficked in Europe,” 2006. p. 46.
- <sup>34</sup> Id., p. 48-49.
- <sup>35</sup> Id., p. 51.
- <sup>36</sup> London School of Hygiene and Tropical Medicine. “The Health Risks and Consequences of Trafficking in Women and Adolescents: Findings from a European Study.” 2003 p. 45.
- <sup>37</sup> Id., p. 47.
- <sup>38</sup> Id., p. 48.
- <sup>39</sup> London School of Hygiene and Tropical Medicine, “Stolen Smiles: The Physical and Psychological Health Consequences of Women and Adolescents Trafficked in Europe,” 2006. p. 48.
- <sup>40</sup> London School of Hygiene and Tropical Medicine. “The Health Risks and Consequences of Trafficking in Women and Adolescents: Findings from a European Study.” 2003 p. 45.
- <sup>41</sup> Id., p. 45-46.
- <sup>42</sup> London School of Hygiene and Tropical Medicine, “Stolen Smiles: The Physical and Psychological Health Consequences of Women and Adolescents Trafficked in Europe,” 2006. p. 51.
- <sup>43</sup> Polaris Project. “Equal Benefits for All Survivors of Human Trafficking in the United States.” June 2007. p. 2.
- <sup>44</sup> London School of Hygiene and Tropical Medicine. “The Health Risks and Consequences of Trafficking in Women and Adolescents: Findings from a European Study.” 2003 p. 52.
- <sup>45</sup> London School of Hygiene and Tropical Medicine, “Stolen Smiles: The Physical and Psychological Health Consequences of Women and Adolescents Trafficked in Europe,” 2006. p. 49.
- <sup>46</sup> Polaris Project. “Equal Benefits for All Survivors of Human Trafficking in the United States.” June 2007. p. 2.
- <sup>47</sup> Id.
- <sup>48</sup> London School of Hygiene and Tropical Medicine. “The Health Risks and Consequences of Trafficking in Women and Adolescents: Findings from a European Study.” 2003 p. 52.
- <sup>49</sup> Id., p. 55.
- <sup>50</sup> London School of Hygiene and Tropical Medicine, “Stolen Smiles: The Physical and Psychological Health Consequences of Women and Adolescents Trafficked in Europe,” 2006. p. 38.
- <sup>51</sup> London School of Hygiene and Tropical Medicine. “The Health Risks and Consequences of Trafficking in Women and Adolescents: Findings from a European Study.” 2003 p. 55.