



*Florida State University  
Center for the Advancement of Human Rights*

# Florida Responds to Human Trafficking

**D** **Podobriawane na zhiwota** **Угнетение**

**e**  
**u**  
**d**  
**a**  
失去家人



**D**  
**e**  
**a**  
**t**  
**h**  
威脅

**Безнадёжность** **Tortura** **Otwlichane**

FLORIDA DEPARTMENT OF  
**CHILDREN  
& FAMILIES**  
Office of Refugee Services



*The words on the cover represent some of the languages spoken by people from all over the world who are trafficked and depict aspects of human trafficking.*

失去家人

Lost of family

*Chinese*

威脅

Threat

**Безнадѣжностъ**

Hopelessness

*Russian*

**Узнетение**

Servant

**Podobriawane na zhiwota**

Seeking better lives

*Bulgarian*

**Otwlichane**

Kidnapping

Deuda

Debt

*Spanish*

Tortura

Torture

The Florida Department of Children and Families, Department of Health and Human Services, Office of Refugee Services and the Office of Refugee Resettlement Grant No.LK061, funded this project. The Center for the Advancement of Human Rights also provided funding and support for this effort. The points of view expressed are those of the authors and do not necessarily represent official position or policies of the Department of Children and Families or Department of Health and Human Services.

The contents of this publication may be reprinted with the following acknowledgement:

The material was reprinted from the Florida State University, Center for the Advancement of Human Rights publication entitled "*Florida Responds to Human Trafficking.*"

*Florida State University  
Center for the Advancement of Human Rights*

# Florida Responds to Human Trafficking

FOR MORE INFORMATION CONTACT:  
Florida State University  
Center for the Advancement of Human Rights  
Human Trafficking Project  
Terry Coonan, Executive Director  
Robin Thompson, Program Director  
426 West Jefferson Street  
Tallahassee, Florida 32301-1602  
(850) 644-4550  
FAX (850) 644-4633  
<http://www.cahr.fsu.edu>



Fall 2003

## Acknowledgments

The Florida State University Center for the Advancement of Human Rights wishes to thank the Department of Children and Families (DCF), Office of Refugee Services (ORS) for funding and supporting this project. We thank, in particular, Jane Criswell, Patricia Grogan, and Katherine Dresser, whose ideas, insights, understanding and presence on this Project have been constant and strong. Their support, guidance and vision enabled the Center to create an unprecedented statewide collaboration of people, resources and information on human trafficking. This collaboration is the starting point for professionals and the public at large to understand the horrors of human trafficking, to learn about available resources, and to respond and help its victims. The Center also thanks Susan K. Chase, Data Support Administrator, Family Safety, and the DCF District 10 and 11 staff who assisted our researchers in their data collection efforts.

The Center gratefully acknowledges and thanks the members of the Florida State University Human Trafficking Working Group, whose expertise fueled our efforts and whose hard work and contributions resulted in the many ideas and recommendations you will find throughout this Project and in this Report. The Working Group is a collection of dynamic and compassionate individuals, all of whom are dedicated to ending human trafficking. We also gratefully acknowledge the assistance of federal prosecutors Dana Gershengorn, Child Exploitation and Obscenities, Criminal Division and Tamara Miller, Civil Rights Division, Criminal Section, both of the United States Department of Justice, who attended and participated in our Working Group, as well as Paul Almanza also of the Child Exploitation and Obscenities, Criminal Division at the Department of Justice who, along with Ms. Gershengorn, contributed to this Report. Steven Lize of the Croft Institute, University of Mississippi has been of great help both in the Working Group and in his contributions to this Report, and we thank him too.

Finally, and most of all, we thank the survivors of trafficking who allowed us to interview them. Their wisdom, courage, insight and lives have touched us. They are our teachers and their words are woven into this Report.

*Florida State University Center for the Advancement of Human Rights  
Human Trafficking Project Team*

# TABLE OF CONTENTS

<b>WORKING GROUP AND FSU PROJECT TEAM</b> .....	<b>i</b>
<b>EXECUTIVE SUMMARY</b> .....	<b>1</b>
<b>INTRODUCTION</b> .....	<b>7</b>
<b>CHAPTER ONE</b> .....	<b>10</b>
Introduction to Human Trafficking: Background and Overview	
<b>CHAPTER TWO</b> .....	<b>37</b>
Trafficking Cases in Florida: Victims and Perpetrators	
<b>CHAPTER THREE</b> .....	<b>63</b>
Rights and Remedies: The Trafficking Victims Protection Act (TVPA)	
<b>CHAPTER FOUR</b> .....	<b>72</b>
Special Issues Facing Trafficked Children	
• <i>Immigration Law</i>	
• <i>Scenarios</i>	
<b>CHAPTER FIVE</b> .....	<b>112</b>
Social Services Responses	
<b>CHAPTER SIX</b> .....	<b>146</b>
Law Enforcement Responses	
<b>CHAPTER SEVEN</b> .....	<b>181</b>
Labor Trafficking: History, Context, and Remedies	
<b>CHAPTER EIGHT</b> .....	<b>195</b>
Coordinating a Community Response to Trafficking	
<b>CHAPTER NINE</b> .....	<b>205</b>
Next Steps	
<b>APPENDIX A</b> .....	<b>209</b>
Recommendations	
<b>APPENDIX B</b> .....	<b>222</b>
Florida Anti-Trafficking Programs And Service Providers	

<b>APPENDIX C.....</b>	<b>239</b>
Governmental Organizations	
<b>APPENDIX D.....</b>	<b>241</b>
Non-Governmental Organizations	
<b>APPENDIX E.....</b>	<b>248</b>
Anti-Trafficking Service Providers And Programs	

# Human Trafficking Working Group and FSU Project Team

## Membership

### **Leslye Boban**

Regional Director  
International Rescue Committee  
Miami

### **Ronnie Bower**

Clinical Coordinator  
Florida Center for Survivors of Torture  
Clearwater

### **Major John Carroll, Ph.D**

Staff Services & Inspections  
Broward County Sheriff's Office  
Fort Lauderdale

### **Mary Ellen Dougherty, SSND**

Grant Project Administrator  
Migration and Refugee Services  
United States Conference of Catholic  
Bishops  
Washington, District of Columbia

### **Maria Jose T. Fletcher**

Supervising Attorney/Director  
Lucha: A Women's Legal Project  
Florida Immigrant Advocacy Center  
Miami

### **Edward W. Geiger**

Special Agent, Fort Myers Resident Agency  
Federal Bureau of Investigation  
Fort Myers

### **Laura Germino**

Coordinator, Anti-Slavery Campaign  
Coalition of Immokalee Workers  
Immokalee

### **Celena Grant**

Community Relations Service Manager  
Florida Commission on Human Relations  
Tallahassee

### **Johni Hardiman**

Assistant State Attorney, 11<sup>th</sup> Judicial  
Circuit  
Miami

### **Thomas Kirwin**

First Assistant U.S. Attorney  
Northern District of Florida  
Tallahassee

### **Marvelle McIntyre Hall**

Assistant United States Attorney  
Criminal Division  
Public Corruption and Civil Rights  
United States Attorney, Southern District  
Miami

### **Douglas Molloy**

Chief Assistant United States Attorney  
Middle District of Florida U.S. Attorney's  
Office  
Fort Myers

### **Leigh Nations, MSW, MPH**

Director Program Design and Development  
Lutheran Services Florida  
Tampa

### **Captain Alan Phillips**

Commanding Officer  
Salvation Army  
Tallahassee

### **Terri Poore, MSW**

Director of Public Policy  
Florida Council Against Sexual Violence  
Tallahassee

### **Anna Rodriguez**

Victim Advocate  
Victim/Witness Assistance Section  
Collier County Sheriff's Office  
Naples

**Lieutenant Bill Rule**  
Victim Services Bureau  
Collier County Sheriff's Office  
Naples

**Faina Sakovitch**  
Center for Survivors of Torture and Refugee  
Services  
Clearwater

**Rob Williams**  
Florida Legal Services  
Tallahassee

**Nina Zollo**  
Legal Director  
Florida Coalition Against Domestic Violence  
West Palm Beach

**FSU Human Trafficking Project Team**

**Terry Coonan**  
Executive Director  
FSU Center for the Advancement of Human  
Rights  
Tallahassee

**Robin Thompson**  
Program Director  
FSU Center for the Advancement of Human  
Rights  
Tallahassee

**Robin Perry**  
Assistant Professor  
FSU School of Social Work  
Tallahassee

**Graciela Marquina**  
Graduate Student  
FSU School of Social Work  
Tallahassee

**Stefan Schmitt**  
Graduate Student  
FSU School of Criminology  
Tallahassee

**Julie Steen**  
Graduate Student  
FSU School of Social Work  
Tallahassee

**Pippin Whitaker**  
Graduate Student  
FSU School of Social Work  
Tallahassee

**Final Report**

**Vania Llovera**  
Program Assistant  
FSU Center for the Advancement of Human  
Rights  
Tallahassee  
*Design, Layout, Illustrations*

## EXECUTIVE SUMMARY

This Report is divided into nine chapters, each one detailing important and significant aspects of human trafficking in Florida. The first chapter introduces the topic, and the last one offers a series of recommendations for future work. A series of recommendations follows each chapter and all of the recommendations are listed in Appendix A. Although somewhat limited in scope due to project and funding parameters, this Report covers a wide variety of topics and issues.

**Chapter 1, "Introduction to Human Trafficking: Background and Overview,"** describes human trafficking, both in the United States and globally. The United States is very much a "destination country" for trafficking; and similarly, Florida is one of the top three "destination states" within the U.S. Florida's economy, demographics, large numbers of immigrants, the presence of military bases, industrial sectors such as a large service industry, agriculture and the presence of large airports, coastlines and other transit ports makes our state attractive to traffickers. We do not know how many people are trafficked into the U.S. annually; recent estimates range from 18,000 to 50,000. As human trafficking is clandestine, and its victims are hidden and afraid to come forward, there is much that we do not know. However, we do know that people who do not speak English, who are very poor or in any way vulnerable due to age, disability or education, often are preyed on by traffickers. We also know of the tactics traffickers use, ranging from outright kidnapping to making false promises of better lives and work in the U.S. People who are trafficked come from unstable and economically devastated places. They may have been victimized or abandoned, such as "throw away kids." Many are seeking work so that they can provide for themselves and their families. Traffickers count on economic deprivation, high rates of illiteracy and people who are desperate. This chapter also gives an overview of the landmark federal legislation, the Trafficking Victims Protection Act of 2000 (TVPA).

**Chapter 2, "Trafficking Cases in Florida: Victims and Traffickers,"** summarizes several actual Florida trafficking cases and describes both the victims and the traffickers. These human trafficking cases represent three main types of exploitation addressed by the TVPA including: sex trafficking, forced labor, and domestic servitude. The traffickers range from

those who trafficked people to meet personal or family needs (typical of domestic servitude cases) to organized criminal enterprises (more typical of sex trafficking and forced labor cases). *United States vs. Cadena* represents one of the most high profile and egregious cases of trafficking yet uncovered and prosecuted in Florida and, in many ways, is typical. In this case, recruiters lured young girls and women to the United States with false promises of legitimate work and the ability make money to support their families. When they arrived in the U.S., these women and girls were forced into the brutal and horrifying existence of forced prostitution. They were regularly beaten, raped, and held as slaves. Several of these survivors agreed to be interviewed by the FSU Project. They told us how they survived and gave us insight into the conditions of their captivity. They also gave us information on how the world outside of their brothel prisons might have intervened to help them: how they could have gotten help if, for instance, a health care professional had picked up on the signs of their abuse, or a law enforcement officer had understood Spanish, or a neighbor had called the police, or a highway rest room had a hotline number or poster with information. The overwhelming need that the women shared following their emancipation from sexual servitude was that of physical security, a fact that all who work in the field of human trafficking should keep in mind. These survivors' voices, and others like them, are crucial to our being able to develop cogent and relevant policy responses.

The brutality of the traffickers is overwhelming, even to read. They use tactics ranging from threats of violence to the victims and their families in their home countries to intricate and complex psychological torture and manipulations, such as one trafficker who stole a lock of the victim's hair and a shoe, convincing her that this gave him power over her. Traffickers make their victims completely dependent on them financially and socially; workers are not permitted to leave the premises and if they do, they are guarded and restricted in their movements. Victims know that any suspicious action on their part could land them in jail, deported, severely beaten or even dead.

**Chapter 3, "Rights and Remedies: the Trafficking Victims Protection Act,"** gives more detail on the TVPA and how it can provide for relief and support to victims of trafficking. In order to be eligible for immigration relief, an individual must be certified as a victim of a

severe form of trafficking by the Office of Refugee Resettlement, Department of Health and Human Services. It is a prerequisite for this relief that the person is willing to assist law enforcement "in every reasonable way" in the investigation and prosecution of severe forms of trafficking and be one whose "continued presence" is necessary for the prosecution or who has applied for a T visa. Different rules apply if the victim is under 15 years of age. The T visa is a 3-year, non-renewable visa that is uniquely available to victims of trafficking. The TVPA also created the U visa to help victims of crime, including victims of trafficking. Regulations for that visa have not been adopted since passage of the 2000 Act, but the federal government has established an interim process for the U visa.

**Chapter 4, "Special Issues Facing Children,"** gives a detailed account of the problems and issues trafficked children face, particularly in an immigration context. It is a tragic reality that unaccompanied immigrant and refugee children traditionally have fared poorly in the U.S. immigration system. Their special needs, for the most part, are rarely met. Child victims of human trafficking face even greater obstacles than would other unaccompanied, undocumented minors. Often physically and sexually abused, they have distinctive medical, psychological and legal needs that must be addressed. They are often abandoned, neglected, and especially if trafficked, are extremely vulnerable and unable to seek help on their own. Very few children have representation in legal proceedings against them and are severely disadvantaged when facing the U.S. immigration law and benefits system. Remedies such as asylum and the Special Immigrant Juvenile Status do exist, however, and it is incumbent on the State and others to provide them with the help and relief they need and to which they are entitled.

Chapter 4 also contains ten hypothetical scenarios depicting children who are trafficked, the dangers and conditions they faced, where the "outside world" intervened and what might be done to assist them. These are fictionalized composites, but are based on actual cases and accounts of trafficked children.

**Chapter 5, "Social Services Responses,"** discusses how victims of trafficking face a number of needs from secure shelter to health care and legal services. Unfortunately, communities

and service providers from around Florida, for the most part, are not familiar with trafficking nor do they know how to identify and assist trafficking victims. This chapter also offers details on the social services needs victims face and gives a ten-point protocol checklist for providers to help them work with victims of trafficking. These points encourage providers to: identify and screen for trafficking, provide or refer victims to needed services, understand special issues facing trafficked children, determine service needs for trafficked persons, conduct training and be informed about human trafficking, network with other service providers and law enforcement, provide interpretation services, understand cultural contexts and client realities, assess and provide for safety to clients, uphold the importance of confidentiality and provide safety for staff.

**Chapter 6, "Law Enforcement Responses,"** offers guidelines to law enforcement concerning the important role it plays as "first responder" to crime scenes. That is, law enforcement is likely to be the first outside agency in any community to uncover, and so be able to help, victims of trafficking. This also makes law enforcement's role in collecting evidence and working with victims all the more important. They must become trained so that they can identify victims and perpetrators, paying attention to certain key indicators. For instance, in cases of domestic servitude, law enforcement should determine if the victim is from the same country as the trafficker and recruited by the traffickers themselves. In sex or labor exploitation cases, they should see if the traffickers have elaborate systems of "lookouts," have made false promises regarding work in the U.S. and regularly rotate victims from place to place. Law enforcement and victim advocates must develop a team approach to cases of human trafficking. Their ability together to help victims of trafficking can make or break a criminal case. This makes it incumbent on law enforcement agencies to be sensitive to victim needs and issues, taking care of their immediate needs such as shelter, health care and security. Additionally, law enforcement must become familiar with social services agencies that assist victims of trafficking and develop close ties with them.

**Chapter 7, "Labor Trafficking: History, Context, Rights and Remedies,"** describes trafficking or "modern-day slavery", by looking at its historical and legal context. There is a myriad of ways that Florida employers have enslaved and trafficked labor. Acts of peonage

and debt-bondage where employees are kept as virtual slaves still occur, and this chapter details three recent cases that depict these horrible human rights abuses. It is a mistake to assume that all trafficked laborers are undocumented immigrants. Many migrate to Florida legally but still are vulnerable and because they cannot speak English, or must support their families in their home countries, traffickers prey upon them. There are criminal remedies available to victims under the TVPA, civil relief under the Migrant and Seasonal Agricultural Worker Protection Act, as well as creative ways to end labor trafficking such as responsible consumerism (not buying goods made with trafficked labor), corporate responsibility campaigns, and labor organizing.

**Chapter 8, "Coordinating a Community Response to Trafficking,"** explores ways that communities can form multi-disciplinary responses to trafficking. There are examples of these relatively recent responses around the nation including the Washington State Task Force and the Bay Area Anti-Trafficking Task Force. It is important for communities and states to engage in local, collective, grass roots organizing. Trafficked persons have a variety of needs and it is highly unlikely that one or two agencies alone will be able to help them. This chapter discusses the standard features to effective coordinated community responses including: bringing key players to the table and getting the "buy in" from a range of community actors such as victim services agencies, law enforcement, and local refugee task force members. It is also important to determine a purpose for organizing and set forth a mission such as conducting outreach or being able to respond quickly to a law enforcement raid on a trafficking crime scene. Local coordinating team members also should decide on structure and logistics, so members know what to expect and what is expected of them.

**Chapter 9, "Recommendations and Next Steps,"** plots a path for future activities. This chapter calls on the State to continue to support the work of the Center for the Advancement of Human Rights at Florida State University by, among other things:

- Continuing the Human Trafficking Working Group;
- Funding a "Clearinghouse" at the Center that would house information and provide technical assistance for law enforcement, social services, criminal justice system

personnel, victim advocates and others in the non-profit sector, health care professionals and others;

- Seeing that foreign-language media outlets take on the issue of trafficking, informing the public - and trafficking victims - of the remedies available to survivors and where to get help. Television and radio can run entertainment, news and other informational programs about human trafficking.
- Supporting the Center's development of training for law enforcement, social services and other key community members on human trafficking so that they can identify and assist victims of trafficking;
- Helping to link current state, national and international efforts so that Florida is leveraging its work with others in this quickly-developing field and not duplicating efforts; and
- Supporting the development of local or regional trafficking task forces, perhaps beginning with the already-established six Refugee Task Forces.

## INTRODUCTION

The term "human trafficking" generally is unknown to the majority of Floridians, and if they have heard it, most assume it is not really relevant to Florida. If asked to define it, comments would most likely focus on forced prostitution or perhaps on farmworkers. Few would recognize it as a multi-billion dollar global enterprise, and even fewer would know what they could do to help its victims and assist in the prosecution of its perpetrators.

Social service providers and law enforcement are on the front lines of first encountering and so identifying victims of trafficking. However, neighbors, office workers, and all Floridians who are consumers of trafficked goods and services also come into contact with victims of trafficking and those who enslave them. This report is the first attempt in Florida to give an overview of the problem and suggest how we, as a State, can address this horrific phenomenon.

The Florida State University Center for the Advancement of Human Rights (Center) has worked over the past year to produce this Report. The Center's contract with the Florida Department of Children and Families (DCF), Office of Refugee Services (ORS), required it to produce a Final Report that included policy recommendations. The Center did this by establishing a "Working Group" of experts from around the State to study the issue and responses to victims of trafficking. For this Report, the DCF asked the Center, with help from the Working Group to do the following:

- Develop a protocol for identifying victims within the social services and law enforcement contexts;
- Develop a protocol for delivering services to and making referrals for victims, including recommendations on protocol implementation;
- Make recommendations on the method by which to coordinate a community response;
- Recommend ways to establish local, state, national and international relationships and begin implementation of such relationships; and
- Make policy and program recommendations to the department for best practices of service providers for meeting the needs of victims of human trafficking.

Over the past year, the Center and the Working Group met several times, both in person and via teleconferences. The Center's Project Team attended national conferences and meetings, interviewed victims of trafficking, service providers, and law enforcement officers and sought out assistance and information from many different national and international trafficking experts. One team member also learned about trafficking from an international perspective, traveling to Kazakhstan and Russia, in connection with other University-based projects. This work, plus extensive research and literature reviews, generated information about human trafficking in general, as well as specific data about human trafficking in Florida and is reflected in this Report.

That being said, it is important to note that this Report is preliminary and more of a first word than a final set of recommendations and analysis. As is reiterated throughout this Report, much work remains to be done to address human trafficking in Florida.

### **Editorial Notes**

We ask the reader to consider the following editorial comments:

This Report is about human trafficking, a phenomenon that must be understood and appreciated from a global perspective. However, both our charge under this project and the practical reality of producing a Report over a short period of time, necessitated our focusing on Florida rather than on trafficking and all of its global implications. So, while we reference international efforts and recognize the impact that global migration patterns, war, instability within and among nations, and world economic disparities, have on trafficking in Florida, we do not do so in-depth.

The terms "victim" or "survivor" of "trafficking" or "human trafficking" are all used interchangeably.

Women, men and children are all trafficked, and so this report refers to trafficked persons as both "he" and "she." However, women and children are overwhelmingly trafficked, particularly in the sex trades and are at the highest risk of being trafficked in other labor arenas because of their relative lack of power, social marginalization, and their overall status

as compared to men. It is important to recall that those who are victims of trafficking are very often the most marginalized, vulnerable, and powerless in society, and most often and unfortunately these are women and children. Among the children who are trafficked, often it is the daughters and girls who are seen as less "valuable" and "expendable," hence more readily sold as slaves or more easily kidnapped.

The terms "FSU Human Trafficking Project Team" and "Project Team" refer to the persons who are both hired and retained by the Center to provide services in this project. They are listed on page ii under "Human Trafficking Working Group and FSU Project Team."

Finally, there is purposeful redundancy among chapters regarding trafficking in general and specific topics of importance, such as the Trafficking Victims Protection Act of 2000 (TVPA). This will assist readers who wish to review sections of this Report, as opposed to reading it in its entirety.

# CHAPTER 1

## **Introduction to Human Trafficking: Background and Overview**

In this age of globalization and technological and scientific progress, human trafficking is a growing criminal industry that exploits people and violates basic human rights on a multitude of levels. Increased international trade and competition create the demand for cheap labor and higher profit margins; this fosters extensive labor exploitation. Economic prosperity, coupled with patriarchal cultural norms that devalue women and children, also supports a growing and increasingly profitable sexual exploitation industry. Advanced electronic forms of communication and Internet advertisements facilitate this oppressive and exploitive industry.

The world population has tripled since World War II, creating a base of millions of disempowered people, vulnerable to exploitation.<sup>1</sup> War, political upheaval, and civil violence continue throughout the world, increasing poverty and forcing millions of people to migrate to other countries. Mass migration furthers people's vulnerability by degrading social and familial supports.<sup>2</sup>

### **A Broad Definition of Human Trafficking Using the United Nations Definition**

One of many contentious issues surrounding the phenomenon of human trafficking is the task of defining the problem. The United Nations and the United States, for example, define human trafficking differently.

The United Nations defines "human trafficking," also referred to as "trafficking in persons" and "modern-day slavery," in the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons,

especially Women and Children. According to the definition in the Protocol, human trafficking is:

The recruitment, transportation, transfer, harboring, or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction or fraud, of deception, of the abuse of power or a position of vulnerability or of the giving or receiving of payment 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 labor or services, slavery or practices similar to slavery, servitude or the removal of organs.<sup>3</sup>

...a comprehensive definition of trafficking must cover the acts, means, and purposes that constitute this offense.

Commentators have asserted that a comprehensive definition of trafficking must cover the *acts, means, and purposes* that constitute this offense.<sup>4</sup> In the UN definition, human trafficking *acts* include: recruiting a person, transporting a person from one location to the next, transferring a person from one keeper to another, harboring a person, or receiving a person, when the means of human trafficking are used. Human trafficking *means* include: threatening to use force on a person, using force against a person, coercing a person, abducting a person, committing fraud against a person, deceiving a person, abusing the power that the perpetrator holds over a person in a position of vulnerability, or exchanging payment for the perpetrator or any other person to have control over another person. The UN Protocol further defines the *purpose* of the act or acts of trafficking: in a word, it is done for "exploitation." Such exploitation, the Protocol notes, includes prostituting or otherwise sexually exploiting a person, forcing a person to provide labor or services, using a person as a slave or similarly to a slave, using a person as a servant, or removing a person's organs.

The Protocol likewise clarifies two important points pertaining to consent and persons under the age of 18. First, it establishes that when a person subjects another to any of the means of trafficking, even if the subject

person consents to the intended exploitation (the purpose of trafficking), that person is still legally a victim of human trafficking.

*In legal terms, the trafficking of children is analogous to statutory rape: the child is deemed incapable of consenting to the act.*

Second, the Protocol clarifies an important legal issue regarding the trafficking of children. The Protocol clearly states that if a child (a person under 18 years of age) is subjected to any of the trafficking acts for the purpose of exploitation, then that child is a victim of human trafficking even if the *means* of trafficking were not employed. A child is a victim of trafficking whenever someone commits an act of trafficking against the child for the purpose of exploitation. Moreover, it is legally irrelevant whether or not the child supposedly consented to the trafficking act. In legal terms, the trafficking of children is analogous to statutory rape: the child is deemed incapable of consenting to the act.

### **The Definition of Human Trafficking in U.S. Law**

U.S. law differs somewhat from international law in how it defines and criminalizes human trafficking. In Section 103(8) of the Victims of Trafficking and Violence Protection Act of 2000,<sup>5</sup> Congress enacted a somewhat narrower definition of the crime, establishing that *a severe form of trafficking 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 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.

"Force, fraud, or coercion" are key elements in both of these subsections. Under the Trafficking Victims Protection Act of 2000 (TVPA), use of **force** includes both physical and psychological forms of force. Overt

*The TVPA recognizes that more subtle forms of restraint such as threats of deportation can constitute force.*

force, threats of force, or even threats of legal coercion that are used to create "a climate of fear" and to compel services all fall under the rubric of "force." Attorneys for traffickers have argued - unsuccessfully - that when there was no captivity or physical confinement of victims, there was no use of force. The TVPA recognizes that more subtle forms of restraint such as threats of deportation can constitute force.

**Fraud** is understood to mean trickery or deception - a very common tactic of traffickers in luring potential victims to leave their home countries in hopes of better economic opportunities. **Coercion** can mean 1) threats of serious physical harm to or physical restraint against any person; 2) any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against the person; or 3) the abuse or threatened abuse of the legal process.

The TVPA and subsequent T visa regulations define the specific offenses that constitute human trafficking under U.S. law, and the definitions are interrelated. Sex **trafficking** is defined as the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act. **Involuntary servitude** is defined as 1) a scheme, plan, or pattern intended to cause a person to believe that, if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or physical restraint or 2) the abuse or threatened abuse of the legal process. **Peonage** is defined as a status of involuntary servitude based upon real or alleged indebtedness. **Debt bondage** is defined as the condition of a debtor who has pledged his or her personal services in security for debt but whose services are not reasonably applied toward relieving the debt, or the length and nature of services are not limited and defined.

## Human Rights Foundations and Human Trafficking

*In the pre-Civil War South, replacing a slave cost the modern equivalent of \$40,000; slaves in the 21<sup>st</sup> century can be purchased for as little as \$90.*

Notwithstanding their differences, both the UN and U.S. definitions of trafficking in persons are expansive ones that encompass a wide variety of offenses. Central to both is the inherent connection between human trafficking and slavery. While for many Americans, the word 'slavery' evokes images of the antebellum South, as a 21<sup>st</sup> century phenomenon it is not limited by either race or geography. In relative economic terms, slavery is also more affordable than ever. In the pre-Civil War South, replacing a slave cost the modern equivalent of \$40,000; slaves in the 21<sup>st</sup> century can be purchased for as little as \$90.<sup>6</sup> Because people are currently such inexpensive "commodities" for those seeking a profit, even the death of a slave is a relatively minor business expense. It follows that medical and other care is usually out of the question for victims of modern-day slavery.

Slavery involves more than labor without compensation. Modern-day slavery means controlling a person's life through coercion, whether that coercion is physical, psychological, or cultural. Slavery includes sexual servitude, domestic servitude, and debt bondage because the use of coercion is implicit in the definition of these acts.<sup>7</sup> In addition, the purposes of human trafficking are inherently tied to slavery. Whether traffickers control the person for sex, pornography, labor, services, servitude, or their bodily organs, the victims are exploited as slaves.

For centuries, oppression, enslavement, and even torture of disempowered populations has been a global problem. Human trafficking is a continuation of such exploitation, and one of the most egregious human rights violations of the 21<sup>st</sup> century. Enslavement of persons has long been proscribed globally. However, in our modern society, human rights are at an alarming low for those individuals most at risk. Increased communication via the Internet and a more open international economy

are just two changes in today's world that have directly and indirectly facilitated the new slave trade. The sale of bodies, labor, and services constitutes slavery because the victims serve their traffickers or masters without restitution. Although in some cases the traffickers give their victims enough money to pay for food, such minimal remuneration merely traps the victims in a cycle of ever-increasing debt owed to their traffickers for living expenses.<sup>8,9,10</sup> Again, human trafficking is control of another person's life through coercion, which violates basic human rights as understood by modern society.

### **Why does trafficking exist?**

Although numerous national and international laws proscribe slavery, it still thrives. Human trafficking likewise persists and is facilitated by more fluid international borders, and by corrupt law enforcement practices. As a business venture, it is profitable and relatively low-risk, and people support it unknowingly by buying slave-labored goods.

*For people forced into servitude, sex work, and other forms of exploitation, life outside of the control of an owner may appear impossible or unrealistic, and often it is.*

Another reason human trafficking persists is that the victims it exploits may not be aware of their own rights or of the laws and services that can help them. Even if people can imagine liberation, they may be so conditioned to their servitude that freedom may only appear to be a remote possibility. There are many people who labor in Haiti, India, Russia, China, and even the United States, who have never been introduced to the concept or the real possibility of freedom.

For people forced into servitude, sex work, and other forms of exploitation, life outside of the control of an owner may appear impossible or unrealistic, and often it is. A lifetime spent as a slave may foster a world view in which the victim sees exploitation as part of his or her unfortunate but inevitable station in life. The exploited person may even identify the trafficker as a caretaker. Thus, the reasons and excuses for

slavery become even more insidious, affecting traffickers and slaveholders as well as the victims.<sup>11</sup>

*Slavery is a pervasive national and global problem.*

### **How Prevalent is Human Trafficking?**

Slavery is a pervasive national and global problem. The Central Intelligence Agency (CIA) estimated in 1999 that approximately 50,000 women and children were trafficked into the United States annually for purposes of forced labor. Other governmental and non-governmental agencies reported the same estimate.<sup>12, 13, 14</sup> However, the source of each estimate can be traced to the 1999 CIA estimate and a 1997 internal governmental estimate of unknown origin.<sup>15</sup> The methodology used to estimate the number of women and children victims remains undisclosed, and official sources rarely mention estimates of trafficked men. In the third Trafficking in Persons Report, the U.S. State Department reports that the new government estimate of individuals trafficked into the United States each year is 18,000-20,000.<sup>16</sup> While the new estimate includes children and women, as well as men, the estimate does not include internal trafficking victims who are U.S. citizens and who are trafficked within U.S. borders.<sup>17</sup> The exact methodology used to create the new estimate, like that used to create the old estimate, continues to be unavailable.

Because human trafficking is illegal and covert, it is by definition difficult to obtain even an approximate number of trafficking victims. Perhaps the often-cited governmental estimate extrapolated upon known victim testimony, exposure of previous trafficking operations, or other indirect means. The fact remains that the global and national dimensions of human trafficking are not subject to precise quantification. One estimate derived by author and human rights activist Dr. Kevin Bales is that globally, approximately 27 million people may be living in slavery today, many of them victims of human trafficking.<sup>18</sup> As a final note, estimates of how many children may be victims of trafficking are particularly elusive

because, in addition to the above reasons, children lack knowledge about their rights as humans and as children.

### **Who is trafficked and what are the characteristics and contexts of trafficking?**

While there appear to be certain commonalities among victims, we cannot accurately profile all victims for two primary reasons. First, the official estimates suggest that we are only aware of a very small fraction of the

*Another noticeable trend among victims is that children can be more vulnerable than adults. For example, in Thailand the sale of a daughter may finance a new television set.*

<sup>10 or 01</sup> total number of human trafficking victims. ' ' Known victims may have little in common with victims yet to be discovered. Secondly, there is no innate personal characteristic that makes someone a victim. Human traffickers operate in a multitude of cultures and contexts, and victim selection may occur more by random opportunity than by design. Perhaps the most challenging aspect of attempts to profile victims of trafficking is that traffickers prey opportunistically in a wide variety of circumstances.

There are, however, certain commonalities among the known adult and child victims of trafficking. The most common trend among victims is that traffickers appear to select people who are vulnerable.<sup>22,23</sup> That is, it is rare for traffickers to select a victim who is politically connected, financially well-off, or independent. Another noticeable trend among victims is that children can be more vulnerable than adults. For example, in Thailand the sale of a daughter may finance a new television set.<sup>24</sup>

*People who do not speak English may also be targets for trafficking to the United States because they will be linguistically isolated here and therefore less likely to escape and alert authorities.*

Traffickers frequently identify vulnerable populations in which people do not have basic needs met, where there is oppression, or where there is little social mobility or few economic opportunities. People who do not speak English may also be targets for trafficking to the United States because they will be linguistically isolated here and therefore less likely to escape and alert authorities. Notably, not everyone who is trafficked in the United States arrives here illegally. Foreign citizens already in the United States

who are desperate to remain may be vulnerable to traffickers because of their unwillingness to return to their home countries. American citizens, often street-children, runaways, or the very poor, may become human trafficking victims as well. Overall, both runaway or "thrown away children" and people attempting to cross international borders are among the most vulnerable to human trafficking.<sup>25</sup>

Traffickers take advantage of national political turmoil, which can create the need for people to seek work outside of their country. Traffickers often use existing infrastructures to recruit and abduct victims. For example, mail-order bride organizations, semi-legitimate travel agencies, and Internet job advertisements that appear legitimate are common avenues that traffickers use to lure and transport victims.

Traffickers often use deception rather than overt force, especially in the recruiting phase. Traffickers promise victims a better life, good pay, and any number of believable opportunities. Deception is particularly effective with children because they frequently do not understand what they will be doing.<sup>26</sup> For example, traffickers tell victims that they will work as "companions" when in fact the trafficker intends them to be prostitutes. Parents of children are often deceived as well, sometimes releasing their children to recruiters for small advances on their children's supposed future wages, often unaware of their child's fate. Deception and fraud may be easier with children, but traffickers use it for people of all ages.<sup>27</sup>

Traffickers exert psychological and physical power over the victim in a variety of ways. Sometimes traffickers tell the victim that he or she is in the U.S. illegally and will be jailed or deported if he or she tries to escape from the trafficker. At other times, traffickers confiscate travel documents and identification papers. The result in either case is that the trafficker has made the victim fear, or has increased their fear, of law enforcement and

*Traffickers routinely threaten victims with physical harm, death, or harm to the victim's family.*

prison. Again, children are especially vulnerable, as they frequently are unaware of laws and requirements for immigration and identification documents. Traffickers routinely tell victims that law enforcement will not help them - and they often are right. Law enforcement officials may be unaware of trafficking laws, may not be able to identify victims of human trafficking, or even may be complicit with the traffickers in certain instances. Law enforcement does not always investigate warning signs and may unknowingly use an interpreter who is in league with the traffickers. Traffickers routinely threaten victims with physical harm, death, or harm to the victim's family. Traffickers also mentally abuse their victims and withhold medical care and assistance. Some reports detail how traffickers force victims into drug addiction, and how some victims use drugs to self medicate so that they can endure their situations.<sup>28</sup>

*Human trafficking and smuggling of persons are two distinct though not unrelated offenses.*

In many cases, traffickers do not have to exert continued force to obtain submission from a victim. Victims may be compliant with the traffickers' demands because they see life in the U.S. as preferable to the desperate or dangerous living conditions in their home countries. Other victims have no other way to provide for their families. Some religious philosophies instruct that hardship in this life is punishment for sins in an earlier life, and such religious philosophies can be perverted by traffickers to manipulate victims into submission.<sup>29</sup> Still other people may become resigned to their fate and not actively resist it because of low social status in their countries of origin. Additionally, children may comply with traffickers' demands because they have been taught that they must obey adults.

### **How is Trafficking Different from Smuggling?**

Human trafficking and smuggling of persons are two distinct though not unrelated offenses. As noted above, the TVPA establishes a legal

definition of "severe forms of human trafficking" that governs U.S. law. Smuggling, in contrast, is defined under U.S. law as "knowingly [having] encouraged, induced, assisted, abetted, or aided any other alien to enter or to try to enter the United States."<sup>30</sup> From a factual standpoint, the definitions may become blurred because both can involve acts in which foreign nationals are illegally brought into the United States. Important differences distinguish these activities.

Smuggling typically involves only the transportation phase of migration. That is, a smuggler will provide assistance so that a person may enter another country without documents or without complying with normal visa procedures. Normally a smuggler makes his or her profit upfront, and ceases to have any relationship with the "client" once the illegal entry has been effected.

A very different dynamic evolves in a human trafficking operation. As is the case with smuggling, the foreign national may once again be provided assistance in order to enter a country illegally. Human trafficking, however, is premised upon a continuing and exploitative relationship with the victim. The victim most often remains under the control of the trafficker long after entering the new country. The fees owed by the victim to the trafficker for the smuggling aspect of the operation are rarely acquitted at once or prior to the illegal entry. The heart of the human trafficking enterprise, in fact, lies in precisely the opposite dynamic: its very purpose is to extend and even increase the debt that the victim owes to the trafficker.

Smuggled persons by definition always travel voluntarily. Trafficked persons may begin their trip voluntarily (under the impression that they are merely being smuggled) but coercion or fraud may render them trafficking victims after they have entered the destination country.

Trafficked persons are used and exploited over an extended period of time, and are not free to leave the employment situation in which their traffickers place them. Foreign nationals who enter the U.S. in smuggling operations may work for wages that by U.S. standards appear exploitative, but do so voluntarily. The litmus test for distinguishing their situations from those of trafficking victims is their ability to walk away from their worksites of their own volition.

*Many people are unaware of the extent or even existence of trafficking, particularly trafficking in children.*

### **How do Traffickers "Get Away With It?"**

Too often, traffickers have little to fear from the communities in which they operate. Many people are unaware of the extent or even existence of trafficking, particularly trafficking in children. The ease with which victims are hidden, cultural acceptance of prostitution, and the lucrative profits to be made through pornography or sexually oriented businesses may all contribute to the lack of response on the part of local communities where trafficking occurs.<sup>31</sup> In addition, public corruption is not unknown both within and outside the U.S. and can involve a variety of arrangements including sex, money, and blackmail.<sup>32</sup> When children are victims, law enforcement may not recognize warning signs of abuse and may be unaware of the extent of child exploitation practices in their jurisdictions.

Until recently, traffickers have had little to fear from the justice system. They have the financial resources to hire attorneys, post bail, and engage the system. The credibility of victims has at times been discounted by judges or juries if those victims appeared to have come voluntarily to the United States, violated immigration laws, or lied to protect themselves or their families. Victims also may not be forthcoming about their own exploitation if they fear retribution by the traffickers against either themselves or their families at home. In some instances victims may

commit suicide, traffickers may murder them, or the government may deport them, all of which make successful prosecutions more difficult.<sup>33</sup>

Human trafficking cases can also be logistically difficult to prosecute, creating further risks to the victim. Victims, perpetrators, and witnesses may be hundreds of miles apart or separated by international borders. If the government repatriates a victim or witness, the prosecution loses important evidence. In one case, prosecutors had to drop charges against an American trafficker-pedophile when his victim, a young boy, returned to his family in Mexico.<sup>34</sup> Child victims are more likely to be sent home to be with their families or to be assigned to live with a relative in this country. Neither the child's best interests nor the pursuit of justice may be a priority for such guardians and relatives. In certain instances, family members may even sell the children back into the same exploitative or abusive environments from which they escaped.

*Victims of human trafficking suffer from psychological damage, malnutrition, and extreme stress, all of which combine to threaten the health of a significant portion of the world's population.*

### **What happens to all the victims?**

Among the many consequences of human trafficking, there is one that is little mentioned as a global problem. Victims of human trafficking suffer from psychological damage, malnutrition, and extreme stress, all of which combine to threaten the health of a significant portion of the world's population. Sexually transmitted diseases frequently infect victims of sex trafficking. Child victims of 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. Traffickers inflict severe injuries on victims of human trafficking, resulting in the need for intensive medical care, and at times leading to permanent disability or death. As a public health concern likely affecting uncounted millions, human trafficking is an escalating global crisis.

*As a public health concern likely affecting uncounted millions, human trafficking is an escalating global crisis.*

Those forced into the sex industry face heightened dangers in specific areas. They are regularly subjected to rape and physical and mental abuse. Additionally, traffickers and pimps in the sex industry sometimes force women to have abortions, frequently in primitive, crude, and illegal medical facilities.<sup>35</sup> In the sex industry, victims are frequently abused on areas of their bodies that will not present visible or sexually displeasing marks.<sup>36</sup> Sexual exploitation affects victims on many levels, destroying human hope and dignity, and rendering victims far more prone to health risks such as HIV/AIDS and other sexually transmitted diseases.

The consequences of trafficking that are most pervasive appear by far to be the psychological ones. Human trafficking and slavery in general force the victim to accept a mutilated sense of reality. Stories abound in which victims, once freed from debt-bondage, insist that they still need to repay the debt to their captors. In a recent Florida case, several women freed from forced prostitution still thought of themselves as 'illegal' despite being reassured that they were victims of a crime, not criminals. Slave-children, or *restaveks*, from Haiti know nothing other than days filled with grueling work; they do not understand that they are entitled to an education, medical care, or even affection.<sup>37,38,39</sup> Human traffickers exert total control over another person for the purpose of exploitation, and the psychological ramifications are crippling.

### **What are the legal responses?**

The TVPA is the current guiding legislation in the United States but it is certainly not the first legislation to attempt to deal with the problem of human trafficking. There has been a long evolution of international human rights legislation to combat human trafficking.

Before the TVPA, the United States did not possess a comprehensive law that penalized human trafficking specifically. What existed previously

were old anti-slavery laws and laws that addressed commercial sexual exploitation. Specifically, sex trafficking cases were prosecuted under the Mann Act, which could punish traffickers with up to 15 years of imprisonment in cases involving transportation of minors. However, it was difficult to obtain more than 1-2 years imprisonment for cases involving adult victims. While involuntary servitude statutes were used for labor trafficking cases, maximum sentences were five years and/or \$5,000 fines.

One of the primary limitations of relying upon the previous laws was the difficulty of proving that the victim was forced into the sex industry. Owners of sexually-oriented businesses could easily coerce or force a victim to sign a contract either before or after trafficking. Many victims could not read or understand the contract they signed because they were not highly literate, at least not in English. In other cases, victims could be threatened with harm to themselves or their families if they did not sign the contract.

The U.S. government began to address the human trafficking problems that were specific to the United States by the late 1990s. On October 28, 2000, while the United Nations was drafting the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, the 106th United States Congress passed the Victims of Trafficking and Violence Protection Act of 2000 (VTVPA), Division A of which is referred to as The Trafficking Victims Protection Act of 2000 (TVPA).<sup>40</sup>

The TVPA created several tools that did not exist in prior laws. Domestic trafficking is included in the definition of trafficking in addition to international trafficking. The TVPA acknowledges that labor trafficking is human trafficking as well as sex trafficking. The specific act of human trafficking itself is criminalized, with enhanced penalties. In general, the

TVPA addresses the problem of human trafficking with a three-pronged response of prevention, protection, and prosecution measures.

The TVPA created a new T visa status for victims of severe forms of human trafficking. Victims are also granted a civil remedy in the form of a right to compensation for their involuntary servitude (for more detail regarding the TVPA's measures to protect victims, *see* Chapter 3: Rights and Remedies). The TVPA further establishes a new task force to combat trafficking in persons. Finally, the TVPA mandates that the federal government publish an annual report on the global status of trafficking in persons.

The vast majority of U.S. government-related efforts to combat human trafficking in the United States operate according to the provisions of the TVPA. Although the U.S. government enacted the TVPA in 2000, non-governmental organizations (NGOs) have addressed the problem of human trafficking for decades. Most NGOs have approached the problem in the context of meeting victim needs, and several law firms have organized pro bono legal assistance for victims. NGOs will continue to be central to effectively addressing the problem of human trafficking. (*see* Appendices B-E for a list of NGOs that are located or provide services in Florida and the United States.)

### **Since the TVPA**

During the U.S. FY 2001-2002 there were 21 human trafficking prosecutions nationally that resulted in the convictions of 92 perpetrators. The Department of Justice and U.S. Attorney's Offices initiated three times as many prosecutions in FY 2001-2002 as compared to FY 1999-2000 or FY 2000-2001. Since January 2001, the Department of Justice has charged, convicted, or secured sentences against 65 traffickers in 14 cases. The Justice Department had 125 open trafficking investigations at the end of 2002 (twice the amount of the previous year). Federal

immigration authorities granted 300 "continued presence" requests, received 150 T visa applications, 23 of which were granted, and Health and Human Services (HHS) nationally certified 350 victims of trafficking. The federal government has issued over \$9.5 million in grants to aid service provision and is supporting The National Worker Exploitation Task Force complaint line (1-888-428-7581) where people can call to report suspected trafficking.<sup>41,42,43</sup>

### **Persistent Limitations**

*The Act accords services to victims provided that they agree to cooperate with all reasonable requests to assist in a trafficking investigation or prosecution.*

Although the TVPA provides tools for the protection of victims and the prosecution of traffickers, the Act is currently limited in its ability to provide services that meet the diverse short-term and long-term needs of victims of trafficking. The Act accords services to victims provided that they agree to cooperate with all reasonable requests to assist in a trafficking investigation or prosecution (if the victim is 15 or older). In the event that a trafficker is not located, that law enforcement does not pursue a case, or that law enforcement determines that a victim is not necessary for the investigation or prosecution of a trafficker, the victim will have difficulty in obtaining law enforcement endorsements required under the Act to become certified and therefore eligible for services. Moreover, the certification process itself can take many months, leaving vulnerable "pre-certified" victims in need of services in the interim.

The focus of the TVPA on prosecutions has another unfortunate downside: children, the very persons who are most vulnerable to trafficking exploitation, often do not make good witnesses in court. Children often have difficulty recalling events. When they do recount events, their recall may be at variance with what they have disclosed previously. In addition, legal jargon and courtroom procedures are completely alien and frightening to them. Finally, on even the logistical level, they depend upon adult guardians to bring them to legal meetings and to court. If this is

not a priority for the adult guardian, the children likely will not be effective witnesses.

### **Trafficking in Florida**

International and national estimates of the number of human trafficking victims are difficult to come by, and estimates of the numbers of traffickers and trafficking victims in Florida is no different. It is yet unclear exactly how many people are trafficked into and out of the State of Florida, precisely who the traffickers are, or how victims can best be identified and assisted.

*Regardless of the national estimate used, the number of trafficking victims in Florida is most likely substantial.*

As mentioned previously, U.S. government sources estimated in 2002 that approximately 50,000 women and children are trafficked into the United States annually.<sup>44</sup> This year the estimate was revised in June to 18,000-20,000 men, women, and children who are expected to be trafficked into this country each year.<sup>45</sup> Regardless of the national estimate used, the number of trafficking victims in Florida is most likely substantial. International trafficking victims have been identified in twenty states throughout the nation, with Florida identified as one of the top three states (with New York and California) reportedly receiving the majority of the women and children trafficked annually into the U.S.<sup>46,47</sup>

### **Florida's Structural and Economic Characteristics**

In addition to the rough estimates provided by the government, we can identify certain characteristics about Florida that make it conducive to the human trafficking industry. The demand for trafficking victims in Florida may be increasing because Florida's economy is heavily dependent on both agriculture and tourism: two sectors where trafficking can flourish. For example, one of the easiest ways to traffic victims is for them to overstay visas, and traffickers appear to bring women into the U.S. on B-1 business visas, B-2 tourist visas, F-1 student visas, and P-1 and P-3

entertainer visas.<sup>48</sup> In addition, Florida has over 5,000 registered travel vendors, as reported by the Florida Department of Agriculture. Travel agencies are regular collaborators with traffickers, either deliberately assisting them by creating fake travel documents or unwittingly booking "tour groups" through travel agency referral programs.<sup>49</sup> Miami International Airport ranks among the top points of entry for trafficking victims, and Los Angeles, New York and Miami are the three leading U.S. cities for visa fraud.<sup>50</sup>

*One Florida domestic violence program has reported suspected forced prostitution of a "mail order bride" on a Florida military base.*

U.S. military bases represent some of the greatest demand sites for sex services, including the South where the bases have created the market for an infrastructure of sex clubs, brothels and massage parlors similar to those found near military bases abroad. Large numbers of women and girls, particularly Asians, have been trafficked to the United States to work in the sex industries surrounding military bases.<sup>51</sup> There are eight military bases in Florida that employ over 32,000 civilians and house over 57,000 military personnel.<sup>52</sup> One Florida domestic violence program has reported suspected forced prostitution of a "mail order bride" on a Florida military base.<sup>53</sup> Due to the large number of personnel at Florida military bases, it is likely that a number of trafficked women and girls may be living in areas surrounding these bases.<sup>54,55</sup>

### **Effect of the TVPA in Florida**

The TVPA has helped combat human trafficking by enhancing penalties for traffickers and improving services for victims, but it certainly has not eradicated human trafficking in Florida. Since passage of the TVPA, Florida has at least 19 certified victims in-state, including migrant farm workers held as indentured servants and victims of sex trafficking. Florida also has resettled some of the victims from "the American Samoa" case, where over 230 Vietnamese and Chinese were trafficked by Daewoosa into American Samoa and forced to work in a sweatshop. However, as

*Given the small number of arrests and even smaller numbers of convictions, we probably have not made a dent in Florida's trafficking problem.*

early as 1999, Florida law enforcement reported that the state was "inundated" with trafficked women from Russia, Ukraine and Central Europe.<sup>56</sup> Since then, there is a litany of case reports in the news.<sup>57</sup> Given the small number of arrests and even smaller numbers of convictions, we probably have not made a dent in Florida's trafficking problem. It is also difficult to know whether the new law is serving as a deterrent because there are few convicted traffickers to serve as examples.

### **Florida's Demographic Characteristics**

Florida's general demographic patterns make it possible to estimate the demographic characteristics of trafficking victims in the state. Florida ranks third nationally in the number of immigrants within its borders and fourth in terms of overall immigration. Over 70% of Florida's immigrant population is from the Caribbean, Mexico, Central America, and South America. During the 1990s, large numbers of immigrants arrived from the Latin American nations, making for an increase of 70% in that immigrant population. Immigration from Asian nations to Florida has also increased by 78% during the last 10 years. Florida's population is rich with many cultures and new immigrants.<sup>58,59</sup>

According to a study conducted by the Coalition Against Trafficking in Women, the ethnic and cultural makeup of the resident and immigrant population of an area is a strong indicator of the ethnic and cultural characteristics that will be desired of persons trafficked into that area for purposes of sexual exploitation.<sup>60</sup> Given Florida's current demographic trends, it is likely that a large majority of victims of trafficking brought into the state will be Caribbean, Mexican, Central American, South American, or Asian in origin.

Not surprisingly, the known Florida trafficking cases reflect this profile (*see* Chapter 2: Trafficking Cases in Florida: Victims and Perpetrators).

*United States vs. Cadena* involved trafficked Mexican girls, some as young as 13, who were regularly rotated between 11 cities in Florida from 1996-1997.<sup>61</sup> Another case revealed that 500 to 1,000 women and girls from China, Korea, Malaysia, Thailand, and Vietnam were shuttled around the country, including Florida.<sup>62</sup>

While a profile of trafficking victims in Florida is emerging, it is neither exhaustive nor definitive. Nonetheless, it is safe to say that victims will continue to originate from the most vulnerable, oppressed, and disadvantaged among us. Moreover, until more trafficked persons come to the attention of authorities and others, it will remain difficult to determine the prevalence of trafficking or to definitively profile who is trafficked and their conditions of captivity.

## **Chapter 1: RECOMMENDATIONS**

1. Awareness of the nature and extent of human trafficking is foundational to preventing and ending human trafficking. The **Center for the Advancement of Human Rights at Florida State University (Center)** should continue its research and collect data that gives an accurate picture of the extent and prevalence of human trafficking in Florida. This should include assessing the numbers of businesses and industries that employ trafficked persons, labor contractors who traffic and/or employ victims of trafficking, data on the number of homeless persons who are enslaved, data on children who are trafficked, the prevalence and numbers of domestic workers who are trafficked, where trafficking victims are from and how to best help them. The Center can draw this information from interviews with law enforcement, social service providers, trafficking survivors and by working with other agencies and organizations that collect trafficking data.
2. People are trafficked into Florida from all over the globe. It is important for all those who assist victims of trafficking to contact technical assistance providers (*see* appendices B - E), anti-trafficking organizations, the **Center and Working Group members** to actively seek out quality training and education on how to identify and assist victims based on the victims' cultural contexts and needs. This recommendation applies especially to **agencies receiving federal grants from the Departments of Justice and Health and Human Services, refugee service agencies, law enforcement agencies, prosecutors, non-profit victim advocacy agencies and immigrant-focused, or similar**

**community programs. Professional schools (e.g., nursing, social work, law, medicine, business, mental health)** should also incorporate information concerning human trafficking into their curricula. (Professors also may contact the Center and the numerous technical assistance providers for information and assistance.) It is also important for the **Center** to extensively promote and disseminate information on trafficking training and educational opportunities to all those described in this recommendation to ensure broad coverage of topics and wide access by relevant stakeholders.

3. The **Center** should send this Report to all those mentioned in this recommendation as part of its public awareness activities.

## Endnotes

<sup>1</sup> Bales, K. (2002). The social psychology of modern slavery. *Scientific American*, 286(4), 80-88.

<sup>2</sup> Hughes, D. M. (2000). The "Natasha" trade: The transnational shadow market of trafficking in women. *Journal of International Affairs*, 53(2), 625-651.

<sup>3</sup> *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Crime*, (2000).

<sup>4</sup> Protection Project. (2003). *Definition of trafficking in persons*. Retrieved May 03, 2003, 2003, from [http://www.protectionproject.org/q\\_a/dtp.htm](http://www.protectionproject.org/q_a/dtp.htm)

<sup>5</sup> The full legal citation for this law is Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No. 106-386, Div. A, 114 Stat. 1464, enacted October 28, 2000. Division A of this law is referred to as The Trafficking Victims Protection Act of 2000 ("TVPA")

<sup>6</sup> Bales, K. (1999). *Disposable people: New slavery in the global economy*. Berkeley, Calif.: University of California Press.

<sup>7</sup> Anti-Slavery International. (2002). *Human traffic, human rights: redefining victim protection*. London, England: Anti-Slavery International.

<sup>8</sup> Bales, K. (1999). *Disposable people: New slavery in the global economy*. Berkeley, Calif.: University of California Press.

<sup>9</sup> Bales, K. (2000). Expendable people: Slavery in the age of globalization. *Journal of International Affairs*, 53(2), 461-484.

<sup>10</sup> Raymond, J. G., D'Cunha, I, Dzuhayatin, S. R., Hynes, H. P., Rodriguez, Z. R., & Santos, A. (2002). A comparative study of women trafficked in the migration process: Patterns, profiles, and health consequences of sexual exploitation in five countries (Indonesia, the Philippines, Thailand, Venezuela, and the United States).

<sup>11</sup> Bales, K. (2002). The social psychology of modern slavery. *Scientific American*, 286(4), 80-88.

<sup>12</sup> Protection Project. (2002). Human rights report on trafficking of persons, especially women and children: United States Country Report. Retrieved September 28, 2002, from <http://209.190.246.239/ver2/cr/us.pdf>

<sup>13</sup> U.S. Department of State. (2001). *U.S. pressing forward to stop trafficking in women and children*. Retrieved May 28, 2002, from <http://secretary.state.gov/www/picw/trafficking/artpress.htm>

<sup>14</sup> U.S. Department of State. (2002). *Victims of trafficking and violence protection act of 2000: Trafficking in persons report June 2002*: U.S. Department of State.

<sup>15</sup> Ibid.

<sup>16</sup> U.S. Department of State. (2003). *Victims of trafficking and violence protection act of 2000: Trafficking in persons report June 2003*: U.S. Department of State.

<sup>17</sup> Ibid.

<sup>18</sup> Bales, K. (1999). *Disposable people: new slavery in the global economy*. Berkeley, Calif.: University of California Press.

<sup>19</sup> Bales, K. (2002). The social psychology of modern slavery. *Scientific American*, 286(4), 80-88.

<sup>20</sup> U.S. Department of State. (2001). *U.S. pressing forward to stop trafficking in women and children*. Retrieved May 28, 2002, from <http://secretary.state.gov/www/picw/trafficking/artpress.htm>

<sup>21</sup> U.S. Department of State. (2002). *Victims of trafficking and violence protection act of 2000: Trafficking in persons report June 2002*: U.S. Department of State.

<sup>22</sup> Aronowitz, A. A. (2001). Smuggling and trafficking in human beings: The phenomenon, the markets that drive it and the organizations that promote it. *European Journal on Criminal Policy and Research*, 9, 163-195.

<sup>23</sup> Protection Project. (2002). Human rights report on trafficking of persons, especially women and children: United States Country Report. Retrieved September 28, 2002, from <http://209.190.246.239/ver2/cr/us.pdf>

<sup>24</sup> Bales, K. (1999). *Disposable people: New slavery in the global economy*. Berkeley, Calif.: University of California Press.

<sup>25</sup> Hogeland, C, & Rosen, K. (1991). *Dreams lost, dreams found: Undocumented women in the land of opportunity, a survey research project of Chinese, Filipina, and Latina undocumented women*. San Francisco, CA: Coalition for Immigrant and Refugee Rights and Services.

<sup>26</sup> Raymond, J. G., Hughes, D. M., & Gomez, C. J. (2001). *Sex trafficking of women in the United States: International and domestic trends*. Retrieved June 19, 2002, from [http://www.uri.edu/artsci/wms/hughes/sex\\_traff\\_us.pdf](http://www.uri.edu/artsci/wms/hughes/sex_traff_us.pdf)

<sup>27</sup> Ibid.

<sup>28</sup> Campagna, D. S., & Poffenberger, D. L. (1988). *The sexual trafficking in children: An investigation of the child sex trade*. Dover, Massachusetts: Auburn House Publishing Company.

<sup>29</sup> Bales, K. (1999). *Disposable people: New slavery in the global economy*. Berkeley, Calif.: University of California Press.

<sup>30</sup> 8 U.S.C. Sec. 1227(a)(1)(E)(i)

<sup>31</sup> Bales, K. (1999). *Disposable people: New slavery in the global economy*. Berkeley, Calif.: University of California Press.

<sup>32</sup> Raymond, J. G., D'Cunha, J., Dzuhatin, S. R., Hynes, H. P., Rodriguez, Z. R., & Santos, A. (2002). A comparative study of women trafficked in the migration process: Patterns, profiles, and health consequences of sexual exploitation in five countries (Indonesia, the Philippines, Thailand, Venezuela, and the United States).

- <sup>33</sup> Campagna, D. S., & Poffenberger, D. L. (1988). *The sexual trafficking in children: An investigation of the child sex trade*. Dover, Massachusetts: Auburn House Publishing Company.
- <sup>34</sup> Ibid.
- <sup>35</sup> Ibid.
- <sup>36</sup> Raymond, J. G., D'Cunha, I, Dzuhayatin, S. R., Hynes, H. P., Rodriguez, Z. R., & Santos, A. (2002). A comparative study of women trafficked in the migration process: Patterns, profiles, and health consequences of sexual exploitation in five countries (Indonesia, the Philippines, Thailand, Venezuela, and the United States)
- <sup>37</sup> Cadet, J.-R. (1998). *Restavec: From Haitian slave child to middle-class American*. Austin, TX: University of Texas Press.
- <sup>38</sup> National Coalition for Haitian Rights. (2002). *Restavek no more: Eliminating child slavery in Haiti*: National Coalition for Haitian Rights.
- <sup>39</sup> Slavin, J. P. (N.D.). Restavek: Four-year-old servants in Haiti. *Thursday's child*.
- <sup>40</sup> **U.S. Department of State.** (2002). *Victims of trafficking and violence protection act of 2000: Trafficking in persons report June 2002*: **U.S. Department of State.**
- <sup>41</sup> **Anti-Slavery International.** (2002). *Human traffic, human rights: Redefining victim protection*. London, England: Anti-Slavery International.
- <sup>42</sup> **U.S. Department of State.** (2002). *Victims of trafficking and violence protection act of 2000: Trafficking in persons report June 2002*: **U.S. Department of State.**
- <sup>43</sup> **U.S. Department of State.** (2003). *Victims of trafficking and violence protection act of 2000: Trafficking in persons report June 2003*: **U.S. Department of State.**
- <sup>44</sup> **U.S. Department of State.** (2002). *Victims of trafficking and violence protection act of 2000: Trafficking in persons report June 2002*: **U.S. Department of State.**
- <sup>45</sup> U.S. Department of State. (2003). *Victims of trafficking and violence protection act of 2000: Trafficking in persons report June 2003*: U.S. Department of State.
- <sup>46</sup> Raymond, J. G., Hughes, D. M., & Gomez, C. J. (2001). *Sex trafficking of women in the United States: International and domestic trends*. Retrieved June 19, 2002, from [http://www.uri.edu/artsci/wms/hughes/sex\\_traff\\_us.pdf](http://www.uri.edu/artsci/wms/hughes/sex_traff_us.pdf)
- <sup>47</sup> Protection Project. (2002). *Human rights report on trafficking of persons, especially women and children: United States Country Report*. Retrieved September 28, 2002, from <http://209.190.246.239/ver2/cr/us.pdf>
- <sup>48</sup> Information provided by the Florida Department of Children and Families, Office of Refugee Services in July 2002; as cited in: Florida Coalition Against Domestic Violence. (2002). *Services to victims of a severe form of trafficking, Research done by the Florida Coalition Against Domestic Violence for grant application 93-598*. to: **Office of Refugee Resettlement, Department of Health and Human Services.**

<sup>49</sup> Richard, A. O. (2000). International trafficking in women to the United States: A contemporary manifestation of slavery and organized crime. Retrieved October 2, 2002, from <http://www.cia.gov/csi/monograph/women/trafficking.pdf>

<sup>50</sup> Ibid.

<sup>51</sup> Raymond, J. G., Hughes, D. M., & Gomez, C. J. (2001). *Sex trafficking of women in the United States: International and domestic trends*. Retrieved June 19, 2002, from [http://www.uri.edu/artsci/wms/hughes/sex\\_traff\\_us.pdf](http://www.uri.edu/artsci/wms/hughes/sex_traff_us.pdf)

<sup>52</sup> Information provided by the Florida Department of Children and Families, Office of Refugee Services in July 2002; as cited in: Florida Coalition Against Domestic Violence. (2002). Services to victims of a severe form of trafficking, *Research done by the Florida Coalition Against Domestic Violence for grant application 93-598*. to: Office of Refugee Resettlement, Department of Health and Human Services.

<sup>53</sup> Florida Coalition Against Domestic Violence. (2002). Services to victims of a severe form of trafficking, *Research done by the Florida Coalition Against Domestic Violence for grant application 93-598*. to: Office of Refugee Resettlement, Department of Health and Human Services.

<sup>54</sup> Hughes, D. M. (2001). The "Natasha" trade: Transnational sex trafficking. *National Institute of Justice Journal*.

<sup>55</sup> Information provided by the Florida Department of Children and Families, Office of Refugee Services in July 2002; as cited in: Florida Coalition Against Domestic Violence. (2002). Services to victims of a severe form of trafficking, *Research done by the Florida Coalition Against Domestic Violence for grant application 93-598*. to: Office of Refugee Resettlement, Department of Health and Human Services.

<sup>56</sup> Richard, A. O. (2000). International trafficking in women to the United States: A contemporary manifestation of slavery and organized crime. Retrieved October 2, 2002, from <http://www.cia.gov/csi/monograph/women/trafficking.pdf>

<sup>57</sup> Information provided by the Florida Department of Children and Families, Office of Refugee Services in July 2002; as cited in: Florida Coalition Against Domestic Violence. (2002). Services to victims of a severe form of trafficking, *Research done by the Florida Coalition Against Domestic Violence for grant application 93-598*. to: Office of Refugee Resettlement, Department of Health and Human Services.

<sup>58</sup> Ibid.

<sup>59</sup> Richard, A. O. (2000). International trafficking in women to the United States: A contemporary manifestation of slavery and organized crime. Retrieved October 2, 2002, from <http://www.cia.gov/csi/monograph/women/trafficking.pdf>

<sup>60</sup> Raymond, J. G., Hughes, D. M., & Gomez, C. J. (2001). *Sex trafficking of women in the United States: International and domestic trends*. Retrieved June 19, 2002, from [http://www.uri.edu/artsci/wms/hughes/sex\\_traff\\_us.pdf](http://www.uri.edu/artsci/wms/hughes/sex_traff_us.pdf)

<sup>61</sup> Richard, A. O. (2000). International trafficking in women to the United States: A contemporary manifestation of slavery and organized crime. Retrieved October 2, 2002, from <http://www.cia.gov/csi/monograph/women/trafficking.pdf>

<sup>62</sup> Protection Project. (2002). Human rights report on trafficking of persons, especially women and children: United States Country Report. Retrieved September 28, 2002, from <http://209.190.246.239/ver2/cr/us.pdf>

## CHAPTER 2

### Trafficking Cases in Florida: Victims and Perpetrators

In recent years local, state, and federal law enforcement officials throughout Florida have discovered a number of human trafficking cases. The following are profiles of the traffickers and their victims in a number of these cases. The profiles are drawn from court documents, published media sources, and from interviews conducted by the FSU Human Trafficking Project Team with both human trafficking victims and with law enforcement officials. Owing to privacy rights and confidentiality concerns, all the names of victims have been withheld in these profiles.

*Human trafficking cases in Florida represent three main types of exploitation addressed by the Trafficking Victims Protection Act: sex trafficking, forced labor, and domestic servitude.*

Research and interviews done by the FSU Human Trafficking Project Team evidence many of the same phenomena increasingly documented by other researchers and human rights groups worldwide regarding human trafficking as a criminal enterprise. Human trafficking cases in Florida represent three main types of exploitation addressed by the Trafficking Victims Protection Act: sex trafficking, forced labor, and domestic servitude. The traffickers themselves range from individuals who engaged in trafficking to meet personal needs or needs of their families (typical of domestic servitude cases) to organized criminal enterprises (more typical of sex trafficking and forced labor cases, where the human trafficking was part of a larger commercial enterprise). Consistent with the findings of other researchers worldwide, human trafficking in Florida appears to benefit both legitimate industries (such as agricultural production) and illegal industries (such as prostitution and alien smuggling).

#### **Commercial Sex Trafficking: The Cadena Case**

In November 1997, Federal agents from both the FBI and U.S. Border Patrol raided six Florida brothels simultaneously. The agents uncovered an

*The Cadena case marked one of the most high profile - and most egregious - instances of human trafficking in modern America.*

organized prostitution ring involving Mexican nationals who had trafficked an estimated 25-40 young Mexican women and girls between 1996 and 1997 into the United States. Lured by promises of nonexistent jobs, the young women were forced to work as prostitutes in trailers in migrant farmworker communities throughout Florida and South Carolina. The *Cadena* case marked one of the most high profile - and most egregious - instances of human trafficking in modern America.

### *The Traffickers*

The Cadena-Sosa family is from southeastern Mexico. As an extended family, they grew up and lived beside many of their future victims in the small colonial towns that border the city of Veracruz. The slave trade they created was a family business: four brothers, their mother, one of their wives, and two uncles conspired together to recruit, smuggle, and then forcibly exploit a still unknown number of Mexican girls and young women. Working both sides of the border for at least 18 months, the family ran brothels in Johns Island, South Carolina as well as numerous sites in Florida (Lake Worth, Okeechobee, Fort Pierce, West Palm Beach, Fort Lauderdale, Fort Myers, Fort Pierce, Avon Park, Boynton Beach, Ocoee, Zolfo Springs, and Homestead). Authorities estimate that the Cadenas earned over \$2.5 million in two years time, and that the family still has extensive property holdings in Mexico.

The Cadena trafficking enterprise began with seemingly casual approaches to young women in the Veracruz area, often by Antonia Sosa (the mother of the four Cadena-Sosa brothers) or by Carmen Cadena (the wife of Juan Luis Cadena). Utilizing well-dressed, apparently successful women as the initial recruiters was clearly a conscious tactic adopted by the Cadena family to inspire trust on the part of their intended victims. Typically, the recruiters told the young girls (and their parents) that the Cadenas needed waitresses to work in the family's restaurant in Florida or needed nannies

*The recruiter would assure the girl and her parents that the Cadenas in the United States would treat her as family, and that the Cadenas would vouch for her safety and well being.*

to care for the children of the Cadena-Sosa brothers. The recruiters promised their future victims that they could earn \$400 a week as well as tips, and that the required \$2000 smuggling cost could be readily repaid with such wages. Per capita income in Veracruz is \$40 a week, so the prospect of ten times that income was lucrative and enticing. Often the recruiter closed the sales pitch with a home visit to the girl and her family. The recruiter would assure the girl and her parents that the Cadenas in the United States would treat her as family, and that the Cadenas would vouch for her safety and well being. The female recruiter invariably promised that the girl could return to Mexico if she was not happy. Frequently the recruiter would cap the deal by giving the girl's family several dollars worth of pesos, as a sign of good faith.

The Cadena family would then arrange for the girls to be smuggled into the United States. Again, it was Antonia Sosa's brother and her four sons who allegedly arranged and at times conducted this smuggling. Typically the girl would pay for a \$25 bus ticket to the border town of Matamoros, at which point she would place herself in the hands of smugglers (*coyotes*) to be secreted across the Rio Grande River into Texas. Most often, the girls were kept in safe houses initially by the smugglers. Within a few days of the border crossing, the girls would then be picked up in a van driven by a member of the Cadena Sosa family. An initial stop was invariably at a Houston K-Mart where the traffickers would ask the girls for their measurements and then purchase lingerie and suggestive clothing for them. This was the first glimpse many of the girls had of a life in the United States that would be very different from that which they had been promised.

What then ensued was a hellish initiation period of brutal rapes, beatings, and forced sex designed to break down the girls' resistance to the work they would be compelled to do. For some, this was accomplished by

several days spent in a Houston brothel where they were forced to have sex with ten men each before being driven on to the Cadena family brothels in Florida. For others, it was rapes and beatings at the hands of the Cadena-Sosa brothers themselves and their associates that accomplished the same psychological task of breaking down the women. A number of the young girls who were virgins when they arrived in the United States were "taught" to have sex by being raped in turn by each of their Cadena handlers. In at least one instance, a woman accompanied the male traffickers to Texas and instructed the newly arrived girls about the nature of the work they were about to undertake and its specifics - that the girls were to spend 15 minutes with each "john," charge \$20 for each "trick," etc.

Upon delivering the women to Florida, the traffickers dispatched them in groups of four or five to the various brothels operated by the family. The brothels were little more than trailers or cheap rundown houses, usually in remote locations near migrant farmworker camps. The traffickers rotated the women between brothels, typically keeping them at a location for 15 days or so before moving them again. This strategy kept the women unsure of where they were, ensured that no lasting relationships could be built with clients, and provided johns with "fresh women" on a regular basis. The women were held at gunpoint, accompanied at all times, and forced to have sex with 25-30 men per day. If the girls refused to service a client, they would be beaten. If they continued to resist, they would be taught a lesson by being brutally raped by their captors. One woman protested after being told to speed up her sex acts with clients. When she insisted that she was not a machine, her captors locked her in a dark closet for fifteen days, allowing her out only to use the bathroom.

The traffickers forced the women to work twelve hours a day, six days a week. A Cadena employee called a *ticketero* would meet clients at the door of the trailer, charge them \$20, and hand them a condom. Of the \$20

door fee, \$10 went to the house, \$7 was withheld to pay off the woman's smuggling debt (\$2000-\$3000), and the woman was allowed to keep the remaining \$3. On many occasions, after all the clients had left for the evening, the guards forced the women to have sex with them as well. Each night the women slept on the same mattresses where they had been forced to service clients the previous twelve hours. While the women were closely guarded in each location, rules appear to have varied by the house. Several became pregnant, and were forced by their captors to have abortions (the cost of which was added to their smuggling debts). In at least one instance, when the traffickers discovered that one of the women was pregnant they kicked her in the abdomen and she subsequently miscarried.

*After the federal prosecution - under laws that predated the harsher sentences dictated by the Trafficking Victims Protection Act of 2000 - Rogerio Cadena pled guilty to federal slavery and prostitution charges.*

After the federal prosecution - under laws that predated the harsher sentences dictated by the Trafficking Victims Protection Act of 2000 - Rogerio Cadena pled guilty to federal slavery and prostitution charges. He received a 15-year prison sentence, and was ordered to pay a \$1 million judgment. Six other Mexican nationals pled guilty to similar charges, receiving sentences of 2-6 years in prison.

#### *The Victims*

The heart of the Cadena criminal enterprise lay in the family's ability to lure young, desperate Mexican women into coming to the United States and then force them into prostitution in order to pay off their smuggling debt. The young women victimized by this enterprise - many of whom were as young as 14 and legally still children - had in fact been working for a number of years in their native Mexico to assist their destitute families. Few had completed more schooling than junior high. Several already had small children, and they were typically performing unskilled or semi-skilled labor around the Veracruz area such as lemon picking, belt making, and housecleaning. Significantly, they did not report having been

*The specter of a sinister male trafficker was absent from their stories - almost invariably it was a woman who had recruited them.*

victims of labor exploitation in their native Mexico. Most agreed to oral contracts in which they committed to six months of work with the Cadena family in the United States. The specter of a sinister male trafficking recruiter was absent from their stories - almost invariably it was a woman who had recruited them. Even relatives were at times complicit in the trafficking scheme: one woman was recruited by her cousins and another by the adult daughter of her stepfather.

Once they had arrived in the United States and begun their sexual servitude, the traffickers controlled them by a variety of means. Beatings, rapes, and death threats were the crudest forms of discipline utilized by their captors. Equally effective however, were psychological forms of coercion: ignorance of where they were, inability to speak English, an acute and constant sense of isolation, and threats that their families in Mexico would be killed were they to try to escape from the traffickers. One woman was trafficked along with her sister, and the Cadenas saw to it that the girls were always held in separate locations, each knowing that the other would suffer consequences if she tried to escape.

As is often the case in situations of severe victimization, complex relationships evolved between the women and a number of their captors. *Ticketeros* and gang members supposedly fell in love with certain women, resulting in the women benefiting from small favors such as extra food, small gifts of cash, or the "privilege" of sitting outside in the sun. At least one woman (who was not part of the FSU interviews) appears to have become a willing participant in the enterprise, going home to Mexico for vacations and subsequently returning to Florida to resume work. While no clinical assessment of the victims was done as part of the FSU interviews, there were glimpses of what might be termed the "Stockholm Syndrome" - the attachment to their captors that some hostages develop.

*This created one of the few instances where the traffickers relinquished total control - at least momentarily - over their victims: the women were able to use public restrooms in these facilities without their pimps or drivers being present.*

Notwithstanding the extreme isolation of the women both physically and psychologically, the FSU interviews revealed that there were in fact a number of points of contact with the U.S. public during their period of sexual servitude. While constantly accompanied by their traffickers when they were out in public, the women at certain points had access to supermarkets (Winn Dixie and Publix), laundromats, Mexican food stores (in the migrant communities), and Western Union offices (where they wired money home to their families). During transits from one brothel to another, the women were allowed to accompany the traffickers into gas stations and fast food restaurants on Florida highways. This created one of the few instances where the traffickers relinquished total control - at least momentarily - over their victims: the women were able to use public restrooms in these facilities without their pimps or drivers being present. While realistically this offered no opportunity for escape, it perhaps suggests the existence of places where information can be made available to trafficking victims about their rights in the United States.

While their captors, for the most part, denied the women adequate medical care, there was still a connection with the U.S. medical community. Someone in league with the traffickers - a Spanish-speaking male, who appeared to the women to be a doctor - occasionally visited the brothels and dispensed medicines. Severe beatings at times also necessitated treatment at emergency medical clinics, but the traffickers invariably accompanied the women to the medical facilities when this happened. Typically, the women were coerced into telling medical personnel that the traffickers were their husbands and that their injuries were the results of accidents. At times the medical personnel spoke no Spanish, and the traffickers themselves handled all the English communications with the doctors and nurses. Even more severe medical emergencies seem not to have resulted in communications that might have led to the women's emancipation. Abortions were performed on women who became pregnant

and within weeks the women were required to return to the brothels to resume work. In one instance a woman was accidentally shot in the foot by a drunken pimp, and she remained hospitalized for 15 days. This was the same woman who had traveled back and forth from Mexico several times, and she returned to the brothels after recovering from her injury.

*The other prime source of interaction between the victims and the public was of course the very sexual commerce that the women were forced to transact.*

The other prime source of interaction between the victims and the public was of course the very sexual commerce that the women were forced to transact. The sheer number of forced sex acts - as many as 25-30 a day, six days a week - meant that the women's very livelihood was predicated upon contact, however circumscribed, with a large pool of males. In many ways, the Cadena criminal enterprise was consciously constructed to mitigate the possibility that this large group of "johns" might assist in liberating the female victims of sex trafficking. The vast majority of clients were migrant farmworkers, - many of whom were most likely undocumented themselves, - and therefore not disposed to contact law enforcement authorities. Armed pimps were omnipresent in the brothels, a further means of discouraging the "johns" from assisting the women. The frenetic pace at which the women were expected to transact their sex acts - little more than 15 minutes per client - not only maximized profits but also minimized contact between the women and the "johns."

The constant and repeated transfers of the women from one brothel to another at two week intervals further served to guarantee that no meaningful relationships could be established between the women and sympathetic clients. The somewhat narrow ethnic and linguistic background of the clientele also made the criminal enterprise difficult to investigate from a law enforcement perspective. Because the Cadena operation pandered to a Spanish-speaking migrant farmworker population (that was itself both geographically and culturally insulated from mainstream Florida life), the criminal syndicate proved difficult to

infiltrate for white, English-speaking law enforcement officers. In fact, it was not until a Border Patrol investigator posed as a cable television installer that he was able to conduct effective surveillance of a trailer in Palm Beach County where a number of the trafficking victims were being held.

Notwithstanding efforts by the Cadenas to minimize contact between the sex trafficking victims and their clients, there appear to have been numerous sympathetic "johns." When some realized that the women were working as slaves, they left without demanding sex. Others tried to facilitate escape attempts, usually with very little success due to the constant presence of the armed pimps. One of the women, only 17 at the time she was being held, described an encounter with a sympathetic client who offered to help her escape. Ultimately, she confessed, it was her overwhelming sense of fear that led her to decline the offer. Another client tried to arrange an escape attempt for one of the girls so that she could live with and care for his mother, but the escape rendezvous was thwarted by the presence of an armed guard. Several clients apparently called the police about the operation, but the traffickers were warned of the police approach and were able to hide the women in time. The FSU interviews further revealed that not all the "johns" were the stereotypical Spanish-speaking migrant farm workers - the clientele also included businessmen and at least one man who was an engineer.

*The FSU interviews further revealed that not all the "johns" were the stereotypical Spanish-speaking migrant farm workers - the clientele also included businessmen and at least one man who was an engineer.*

The FSU interviews with the sex trafficking victims also revealed a number of curious contacts that the women had with the public sphere. One such contact came when the women in one house demanded that their pimps take them out to a dance club. The pimps complied, but required that the women sit at their table all night and not interact with anyone else at the nightclub. Again, however, the women reported being able to use the restroom where at least momentarily they were separated from their

captors. One of the women even reported an unguarded conversation in the restroom between herself and a Mexican woman who worked at the bar. The two discussed possibilities of an escape; the bar employee, however, proposed that the victim stay at her house and work as a prostitute under her own supervision.

This was consistent with a number of other reported incidents in which neighbors or employees of Mexican food stores identified the women as prostitutes but not as victims of trafficking. Consequently, encounters with such persons did not lead to emancipation for the victims. Another circumscribed contact with the public sphere occurred when the women in one house convinced one of the traffickers to take them to the beach on one of the few days when they were not forced into sex acts. He did so, but maintained close control of them for the duration of the outing. The victims also reported that one of their neighbors - a Mexican-American woman - did know the true nature of the Cadena operation. This woman was enamored of one of the *ticketeros*, however, and so did not report the operation to law enforcement. In fact, it appears that she even became complicit in the operation, serving as a translator for the traffickers on one of the occasions when police visited the trailer where women were being held.

The sex trafficking victims were not allowed any unsupervised communications with their families back home in Mexico. The traffickers monitored weekly phone calls that the women were allowed to make, and they also accompanied the women to Western Union offices when money was to be wired home.

During their period of exploitation, the sex trafficking victims had very limited access to U.S. mass media sources. Isolated as their captors kept them, the women still reported certain contacts. Almost all of them had

access to television, apparently a concession by their traffickers to the monotony of the women's captivity. Several of the victims recounted watching American cartoon shows - a sad reminder that many were still children during the time period in which they were so brutally exploited. Others reported watching Spanish soap operas (*telenovelas*), Spanish talk shows such as *Marta Susana*, and *Cristina*, and current events shows in Spanish such as *Primer Impacto* (it was in watching this show that several learned that dialing 911 would bring emergency assistance). Many of them had access to Spanish radio stations, which they would typically listen to late at night when they were at last allowed a respite from the otherwise endless rotation of clients. They seem to have favored Spanish pop stations, and one even recalled that she had listened to *Romance 106.5*. The women also had very limited access to magazines, which included Spanish language editions of *Cosmopolitan*, the TV Guide (*TV Notas*), and *Vanidades*. As narrow as their contact with American media sources proved, such contact nonetheless demonstrates that there is a narrow window of opportunity for providing information to victims of human trafficking. Almost all of the victims interviewed articulated a desire that such information should have been available to them, particularly the fact that though they may have been illegal, they still had certain rights in this country.

The other surprising discovery from the FSU interviews with victims of sex trafficking was the revelation that during their period of captivity many had had encounters or "near-encounters" with U.S. law enforcement officials. As reported above, several clients apparently reported the brothel operations to local police. The traffickers, however, had lookouts with cell phones posted several blocks from each brothel and so were invariably notified in advance of police approaches to their trailers. On several occasions they were able to hide the women as well as the condoms and prostitution records before the police arrived.

*On several other occasions, the traffickers were able to coerce the women into deceiving police officers who arrived.*

On several other occasions, the traffickers were able to coerce the women into deceiving police officers who arrived. The women either told the police that the traffickers were their husbands or their fathers. In one house, the women (who had learned from *Primer Impacto* about 911) also discovered a telephone in one of the closets that the traffickers did not know about. The women plugged the phone into a phone jack, dialed 911, and quickly hid the phone again. An ambulance and firefighters arrived shortly thereafter, but were unable to speak Spanish. One of the traffickers who spoke English told the emergency personnel that there was no problem there and that no one had placed a call. The women repeated this effort on several other occasions, but never encountered a dispatcher who spoke Spanish. After several more 911 calls, the traffickers grew more suspicious and the women concluded that it was both too futile and too dangerous to continue calling 911.

Reluctance on the part of the trafficking victims to make contact with U.S. law enforcement officials may be attributed to a number of different factors. Many of the victims had ambivalent feelings about law enforcement officials in their native Mexico, and assumed their impressions of many Mexican police officers as venal and corrupt would characterize U.S. law enforcement officials as well. The traffickers reinforced such fears, telling the women that they had bought the complicity of local police in their prostitution venture. The traffickers also reminded the women constantly that they were in the United States illegally, and that the women themselves would be imprisoned for many years if U.S. officials found them. Adding to these fears were the traffickers' threats of reprisals against the victims' families at home in Mexico if the women escaped and turned themselves in to American law enforcement officials.

Sadly, such fears and mistrust of U.S. law enforcement officials persisted even when the women were emancipated in the November 1997 Border Patrol and FBI raids on the Cadena brothels. Federal agents who participated in the raids reported that a number of the women greeted them not with relief but rather with suspicion and hostility. Arrested and kept initially with lower level functionaries of the Cadena family, many of the women did not even immediately self-identify as trafficking victims. It took several months of patient work by law enforcement officials to earn the trust of the victims.

*The overwhelming need that all the women shared following their emancipation from sexual servitude was that of physical security, and this was articulated repeatedly throughout the interviews.*

In summary, the FSU interviews of the 1996-1997 Mexican victims of sex trafficking revealed a group of women that have survived remarkable trauma and exploitation. The overwhelming need that all the women shared following their emancipation from sexual servitude was that of physical security, and this was articulated repeatedly throughout the interviews. Clearly related to this was the very high sense of satisfaction that the victims felt regarding the living arrangements made for them in the local domestic violence shelter where they spent almost a year after their release from detention. The women appeared to have found an important balance of both autonomy and companionship in this group setting, and for many it provided their first sense of physical and emotional security they had known in several years. The women value the support that they received from lawyers at the Florida Immigrant Advocacy Center and social workers at the local domestic violence shelter.

On the other hand, the trauma and emotional wounds that the women carry as a result of their experience was clearly visible, even after the passage of six years. Most felt a sense of guilt and of shame, and a number spoke of ongoing depression and nightmares. One woman continued to refer to herself as "illegal," even after she was reminded that she now has legal

status here in the United States. Other comments reflected an ongoing sense of stigma - one woman noted that she tries hard to behave well ("*necesito portarme bien*"), as if she were somehow culpable for the acts she was forced to perform as a victim of sex trafficking. Many recognize that counseling and psychological support services might help them, but few have sought such help. Most victims want to *forget* what had been done to them.

*Fearing reprisals at the hands of traffickers who escaped U.S. justice, many remain here because it is the only place where they feel some modicum of security.*

Lastly, the interviews revealed a certain paradox: while these women were among the first in the United States to be certified (officially recognized) as victims of human trafficking, few would choose to reside here permanently if they could live safely in Mexico. Fearing reprisals at the hands of traffickers who escaped U.S. justice, many remain here because it is the only place where they feel some modicum of security. Several actually attempted to settle back in Mexico, but found that the widespread publicity generated by their case left them stigmatized in their own hometowns. (One woman recounted being met by neighbors in the airport, and before they had even exited the airport premises her neighbors had confronted her with questions of how much she had charged men for sex in the United States.) While certain American law enforcement officials have voiced concerns over the possibility that non-U.S. citizens may now attempt to secure legal status in the United States through generic human trafficking claims, there was absolutely no indication of this in the interviews completed with these Mexican victims of sex trafficking.

### **Trafficking for Forced Agricultural Labor & Sexual Abuse: The Tecum Case**

One of the first human trafficking victims granted a T visa was a young indigenous woman from Guatemala who was kidnapped and smuggled into South Florida by Guatemalan native Jose Tecum. He forced the girl to

work in the tomato fields during the day and then required her to perform sexual acts for him at night when his wife was not present.

### *The Trafficker*

Unlike the Cadena family, Jose Tecum appears to have become involved in human trafficking not so much as a commercial venture but for far more personal and obsessive reasons. A Guatemalan native from the same central highlands area as his victim, he stalked and harassed the young girl for years in her home village while she was still a minor. Though his U.S. lawyer later attempted to depict him as an illiterate tomato picker, evidence revealed that he was a wealthy man in Guatemala and a *coyote* who for years had smuggled illegal workers into the United States. The victim and her family had resisted Tecum's advances, finding him too old for the young girl. Tecum persisted, threatening to kill her and other members of her family if they refused to let him marry her. One night he raped the victim at her family home in Guatemala. He subsequently kidnapped her, bringing her illegally through Mexico, across the Arizona border, and ultimately to South Florida. Shortly before arriving with her to his home in Florida, he revealed that he was married and had three children who resided with him and his wife. He subsequently told his wife that the victim was his daughter-in-law.

*Upon her arrival in Florida, Tecum destroyed the girl's Guatemalan cedula - her national I.D. card, and her only form of identification.*

Upon her arrival in Florida, Tecum destroyed the girl's Guatemalan *cedula* - her national I.D. card, and her only form of identification. He then announced that the girl owed him \$1000 in smuggling fees, and that she must work off her debt performing farm labor in the fields. Tecum garnered almost all of her agricultural wages. He would also come to her room at night and force her to have sex with him. On one such occasion, his wife discovered them together and flew into a rage. Tecum physically assaulted his wife, who called the police. When law enforcement arrived, they treated the case as a domestic violence call, but were perplexed to

*Tecum physically assaulted his wife, who called the police. When law enforcement arrived, they treated the case as a domestic violence call, but were perplexed to find the victim cowering in a corner unable to speak much English.*

find the victim cowering in a corner unable to speak much English. When it eventually became clear that she had been kidnapped and abused by Tecum, a victim advocate of the Sheriff's Office took her to a local domestic violence shelter. A federal jury eventually convicted Tecum on six counts of kidnapping, immigration violations, slavery, and conspiracy to manufacture false documents. Tecum is currently serving a nine-year prison sentence.

### *The Victim*

Raped, kidnapped, and smuggled into the United States while she was still a young teenager, the victim in the *Tecum* case found herself in a world completely removed from that of her indigenous culture in Guatemala. The trafficker coerced her on threatening her entire family in her home country. Her trafficker also employed psychological coercion unique to their native culture: at one point he stole a lock of her hair and one of her shoes and told her that the objects had been used in witchcraft ceremonies that would bind her to him willingly or unwillingly. Though he raped her and sexually abused her on numerous occasions, she later noted that he had never struck her. Her cultural isolation, financial dependence, and the threats of reprisals against her family sufficed to keep her compliant and subjugated. It took the victim advocate six visits in the same day to the Tecum house before she could convince the victim that she was actually free to leave the premises. When she finally did so, the victim was able to gather all her personal belongings in a single grocery bag. Even as the young girl was liberated and taken away from the house where she had been kept a prisoner, she was unable to comprehend that she was being set free: her most insistent request was that the victim advocate pay off the remainder of the debt she supposedly owed to Tecum.

*During the ensuing court proceedings against Tecum, he threatened the victim repeatedly in the courtroom in their native K'iche dialect.*

During the ensuing court proceedings against Tecum, he threatened the victim repeatedly in the courtroom in their native K'iche dialect. The U.S.

Attorney who prosecuted the case exercised special care and witness preparation with the victim, given that courtroom proceedings were so alien to her indigenous Guatemalan life experience. Her victim advocate remains in close contact with her even today, as does the FBI agent who investigated her case from the federal side.

### **Trafficking for Forced Agricultural Labor: The *Ramos* Case<sup>1</sup>**

In 1999, the Coalition of Immokalee Workers - an advocacy group of more than 2000 members - began hearing reports through its worker network of a slavery operation being run near Lake Placid, Florida. According to the reports, an extended family of Mexican subcontractors, Ramos, were buying and selling migrant farm laborers, forcing them to work for little or no pay. Investigators subsequently discovered that the Ramos family had employed thousands of workers, most of them undocumented, from South Florida to North Carolina. Most had been transported from Arizona by the Ramoses and then made to pay \$1000 for alleged transportation costs. Held in debt bondage, the migrant workers were not allowed to leave the control of the Ramoses until they had acquitted their debt. The Ramos family charged exorbitant costs for room and board, and most of the migrant workers returned to Mexico and Central America having made little to nothing for their months of labor in Florida's fields.

#### *The Traffickers*

Ramiro Ramos and Juan Ramos were Mexican immigrants who first came to the United States in the early 1980s, working their way up from orange pickers to labor contractors in South Florida. As contractors they acquired a particularly unsavory reputation, known for violence and suspected of the 1997 murder of a van driver who had been shot in the head, execution style, next to his vehicle. In May of 2000, they assaulted a van driver who was preparing to drive forty of their migrant workers to a new work

location. Holding the farm workers at gunpoint, the Ramoses and their armed confederates pistol-whipped the driver until he was unconscious. Federal agents who later searched the Ramos's house uncovered a veritable arsenal of automatic weapons - items that *New Yorker* author John Bowe observed are "not normally associated with labor management."

*Pursuant to an undercover investigation by the Coalition of Immokalee Workers, the Ramoses were shown to have held countless migrant farmworkers in slave-like conditions.*

Pursuant to an undercover investigation by the Coalition of Immokalee Workers, the Ramoses were shown to have held countless migrant farmworkers in slave-like conditions. The Ramoses or their employees monitored the workers 24 hours a day, patrolling the worker compounds and agricultural fields with cell phones and weapons. The traffickers routinely used intimidation and violence to keep the workers subjugated. After the Coalition helped three workers to escape, there were finally witnesses available to testify about the Ramos's criminal enterprise. Federal agents arrested the Ramos brothers and their cousin Jose Luis. In November 2002, a federal judge sentenced the Ramos brothers to 12 years imprisonment and their cousin to ten years for conspiring to hold workers in involuntary servitude, harboring undocumented workers, interfering with interstate commerce by extortion, and using firearms during the course of a violent felony. The judge also ordered the defendants to forfeit over \$3 million in real estate and personal property that were determined to be the proceeds of their criminal enterprise or items used in furtherance of the criminal conspiracy.

*Witnesses at the Ramos's trial testified that the brothers had employed as many as 700 migrant farmworkers from January 2000 to June 2001.*

#### *The Victims*

Witnesses at the Ramos's trial testified that the brothers had employed as many as 700 migrant farmworkers from January 2000 to June 2001. Almost all of these, to some degree, may have been victimized by the type of debt bondage practiced by the Ramoses. The cases of the three workers who ultimately escaped and testified against the traffickers typify many of

the migrant farmworkers who are exploited by forms of involuntary servitude.

All three of the victims in this case were natives of the state of Campeche in the Yucatan Peninsula area of Mexico. Ethnically, they were Mixe Indians, and their native language was Mixe, a Mayan dialect. The oldest, age 43, was the father of six children and lived in a house built of cardboard. A second was 38, and had a wife and six children with whom he lived in a one room straw home. The third was 18 years old, and lived with his wife and infant in his mother's home. All three eked out a subsistence living as farmhands, earning as little as five or six dollars a day when work was available. None had remained in school beyond the sixth grade. Draining their life savings or borrowing money, each managed to come up with the \$250 required to travel north and be smuggled across the border by a *coyote*.

All three of the men found themselves penniless and stranded in an Arizona border town. Along with some thirty other migrant workers, they were able to sleep in an abandoned trailer home for about a week. Approached by a recruiter, they were packed into a van and driven to Lake Placid, Florida. The van made no stops along the way, and the farmworkers were not fed or even allowed to leave the vehicle to relieve themselves. Upon their arrival in Lake Placid, the workers found themselves "sold" to the Ramos brothers, who allegedly paid a thousand dollars for each of them. No contracts were signed. The Ramos brothers merely announced that the recruits owed them \$1000 each in transportation fees, and that they would "beat the f\*\*\*" out of any worker who tried to leave without paying back the debt in full.

The Ramoses took the men to a former bar that had been converted into a dormitory for the migrant workers. Six men were assigned to each room,

*Forced to work in the fields twelve hours a day, six to seven days a week, the workers were constantly monitored by armed guards.*

where they slept on bare mattresses. Forced to work in the fields twelve hours a day, six to seven days a week, the workers were constantly monitored by armed guards. Every Friday evening, the Ramoses would convene the workers for "payday." Each worker would be paid cash - after money had been deducted for the Arizona-Florida transportation fee, for rent, food, work equipment, daily transportation to the fields and back again, and a check-cashing charge. Little remained in the way of the "wages" after these multiple deductions. Still facing the formidable task of paying back the Ramoses the \$1000 transportation debt, the migrant workers remained virtual slaves in the fields of South Florida.

### **Trafficking for Domestic Servitude: South Florida Case**

In February 2001, an officer from a Sheriff's Office in South Florida responded to a 911 call. Upon arriving at a residential apartment complex, the officer met a woman who said that a housekeeper whom her company had brought to the United States was upstairs and that she wanted the housekeeper returned to her apartment. The woman further claimed that the housekeeper had broken her contract and that she wished to take the housekeeper from the apartment, drive her to Miami, and put her on a plane back to the housekeeper's home in Central America. In the investigation that ensued, the Sheriff's Office and FBI uncovered a situation that bore all the hallmarks of a domestic servitude trafficking case. The investigation remains ongoing.

#### *The Alleged Traffickers*

The alleged traffickers in this instance were a Latin American businessman and his wife who reside in South Florida. They have brought in a number of women from Central America - all apparently on tourist visas - who were then confined in the couple's home and exploited as domestic help. In this case they arranged for the victim to travel to the Miami Airport through an employment agency in the victim's native

country. Through this employment agency they had promised the woman a job as a live-in maid. The woman was to be paid \$400 a month for her first six months of work, \$450 a month for the next six months, and \$500 a month thereafter. Her "contract" was to be for a total of two years.

*He took her to his residence, where she was informed of her domestic job duties. Beginning the next day, she found herself a virtual prisoner in this home.*

The woman arrived in the United States in May 2000. The businessman met her in the Miami Airport upon her arrival. He took her to his residence, where she was informed of her domestic job duties. Beginning the next day, she found herself a virtual prisoner in this home. Her employers required her to work from 6:45 AM to 7:00 PM every day (approximately 73 hours per week). While she had been promised that her employers would provide her three meals a day, she was given nothing for breakfast or lunch, and for dinner was thrown a hot dog or hamburger. Her only contact outside the house was an evangelical Christian Church that she was allowed to attend on Sundays. Even here, her employers insisted on draconian controls: they required her to give them the name, address, telephone number, Driver's License number, and Social Security number of each church member with whom she associated. Noticing that the victim was often hungry, church members would give her food as gifts. When the trafficker's wife discovered this, she confiscated and threw out all such food.

The traffickers became more abusive and exploitative as time went on. They confiscated the victim's passport, and monitored phone calls that she made to her son and daughter in Central America. The home had cameras in almost every common space, and the victim's movements were under constant surveillance. The doors of the house and gates of the property were also wired to an alarm system. The promised pay raises were not forthcoming, and instead the victim's employers insisted that she remain working until she had paid off her transportation debt. She generally received less than \$200 a month after the traffickers had deducted what

*The male trafficker also told her that he could make her "disappear," as he had done to other people.*

they said she owed them. When the couple discovered that the victim was maintaining her own records of what she owed and what had been deducted from her pay, they took away these records and destroyed them. The couple took care never to hit her physically but they constantly abused her verbally. The male trafficker also told her that he could make her "disappear," as he had done to other people. He went as far as to show her a photo of his son, in a Florida law enforcement uniform, telling her that this son took care of all the family's law enforcement "needs" (subsequent inquiries revealed that the son had no connection to, or knowledge of, the trafficking scheme).

When the male trafficker learned that the victim had fled his house and was refusing to return, he became furious. He repeatedly phoned persons from the victim's church, threatening them with deportation (many of the church members are undocumented foreign nationals). He destroyed the victim's passport and personal papers, as well as the few items of clothing and personal belongings that she left behind.

#### *The Victim*

The victim in this case was neither young nor uneducated (two traits that are otherwise often typical of trafficking victims). In her forties, she had completed some college work and had run a business in her native country. However, her business had accrued debt and it was the need to pay off this debt that led her to seek employment in the United States through her friend's job agency. She came legally to the United States on a tourist visa that she received from the U.S. Embassy in her home country. She remains in the United States pending further law enforcement proceedings against her alleged traffickers. She is still in very close contact with the victim advocate from the Sheriff's office that is investigating her case.

## **Conclusion**

These profiles provide a window into the violent and abusive world of human trafficking. The voices and stories of these victims and the horrendous acts of these traffickers shock our consciences and should compel all of us - from law enforcement to grocery store clerks to neighbors - to assist victims and to help bring these criminals to justice.

## **Chapter 2: RECOMMENDATIONS**

4. The **Office of Refugee Resettlement**, in its national anti-trafficking public awareness campaign, should post anti-trafficking messages at places where trafficked persons are likely to go, such as Western Union terminals and offices, highway rest stops, retail, grocery and drug stores, laundromats, and other markets that cater to populations that are known to have a high number of trafficked persons among them. These **businesses** should display information on how to get help if you are a victim or want to help someone you suspect may be trafficked. The **Center, Working Group members and federal grantees** should assist in disseminating this information to the appropriate places. Any public awareness campaign and materials should acknowledge the risks involved for trafficked persons if they are seen picking up brochures with trafficking information or such brochures are found in their possession.
  
5. **Foreign language media** (e.g., Spanish, Russian, Haitian-Creole) outlets (radio, television, print) in Florida should broadcast and disseminate information about trafficking victims' rights and remedies, including where to go to get help, as a public service.

- 6. Foreign language media (e.g., Spanish, Russian, Haitian-Creole) should incorporate information about trafficking into its regular news, entertainment and other programming, so that people can learn about trafficking including where and how to help those who might be trafficked.**
  
- 7. Local Refugee Task Forces and the statewide Working Group should give to local and statewide foreign language media, respectively, information about trafficking (what it is, victim's rights, where to get help, etc.).**

## Endnotes

<sup>1</sup> For a comprehensive journalistic account of the *Ramos* case, see the article by John Bowe, *Nobodies: Does Slavery Exist in America?* (The New Yorker, April 21 & 28, 2003).

## CHAPTER 3

### Rights and Remedies: The Trafficking Victims Protection Act

*The Trafficking Victims Protection Act of 2000 (TVPA) creates a new range of rights and remedies for victims of severe forms of human trafficking.*

The Trafficking Victims Protection Act of 2000 (TVPA) creates a new range of rights and remedies for victims of severe forms of human trafficking. Such remedies are particularly tailored for victims who may be present in the United States without valid legal immigration status. For such victims, the TVPA offers a number of ways to regularize their immigration status.

#### Certification

In order to be eligible for immigration relief under the TVPA, an individual must have been certified as a victim of trafficking by the Office of Refugee Resettlement (ORR), Department of Health and Human Services (DHHS). The prerequisite for certification is that the victim be willing to assist law enforcement "in every reasonable way" in the investigation and prosecution of severe forms of human trafficking and

1. be one whose "continued presence" in the United States is essential to the Attorney General for the prosecution of traffickers; or
2. have applied for a T visa.

#### 1. Continued Presence

Continued presence is a provisional measure whereby BCIS (Bureau of Citizenship and Immigration Services, formerly the INS) may utilize provisional measures such as parole, voluntary departure, stays of removal, or deferred action to allow a non-citizen to remain in the United States while an investigation and prosecution of a trafficker goes forward. Such protection is tenuous at best - it is effective only so long as the non-citizen's continued presence is necessary for prosecuting the trafficker. At

any point in which BCIS determines that the victim is no longer needed for the prosecution, removal proceedings against the victim could be implemented.

## **2. T Visas**

On January 31, 2002, the Department of Justice issued interim regulations governing the issuance of T visas. To qualify for a T visa, a non-citizen must demonstrate that he or she:

- (a) is or has been a victim of a severe form of human trafficking;
- (b) is physically present in the United States on account of trafficking;
- (c) has complied with reasonable requests by law enforcement to assist in the investigation and or prosecution of traffickers (if the victim is 15 or older); and
- (d) would suffer "extreme and unusual hardship" if removed or deported back to the victim's home country.

The regulations impose a further requirement (not included in the TVPA) upon victims of trafficking: in order to qualify for a T visa, the victim must also have had contact with a law enforcement agency.

- *One is or has been a victim of a severe form of human trafficking*

A T visa applicant may satisfy this requirement by (1) demonstrating that he or she has been granted continued presence; or (2) providing a federal law enforcement agency (LEA) endorsement; or (3) submitting sufficient credible secondary evidence. This third means of qualifying entails a showing of good faith attempts to secure an LEA endorsement, or other forms of evidence such as affidavits by witnesses.

- *One is physically present in the U.S. on account of trafficking*

A person applying for a T visa may satisfy this requirement by demonstrating that he or she is (1) currently a victim of trafficking; or (2) recently liberated from a trafficking situation; or (3) here on account of

past trafficking and whose continued presence in the U.S. is directly related to the original trafficking. The regulations in this area appear to make it difficult to qualify for the T visa unless one's emancipation from a trafficking situation has been very recent. Moreover, victims who escape on their own also face an additional burden of proof: they must demonstrate that they did not have a "clear chance to leave the United States" in the time that elapsed between their escape and their receiving assistance from a law enforcement agency. Meeting this additional burden requires a showing that the victim was inhibited by trauma, injury, lack of resources, or the loss of travel documents to the traffickers.

- *One has complied with reasonable requests to assist with investigations or prosecutions*

*Both the TVPA and its implementing regulations make immigration relief for trafficking victims contingent upon the victims' cooperation with law enforcement investigators and prosecutors.*

This requirement evinces one of the distinguishing characteristics of the TVPA: it is as much a tool for prosecutors as it is a remedy for victims. Both the TVPA and its implementing regulations make immigration relief for trafficking victims contingent upon the victims' cooperation with law enforcement investigators and prosecutors. This obligation is nonetheless governed by "reasonableness," and the BCIS has noted that not every law enforcement request may be reasonable. By way of example, obligating a victim to wear a wire and meet with the trafficker may not comprise a "reasonable request." The regulations note that "reasonableness" is determined according to a totality of the circumstances. Such circumstances include general law enforcement and prosecutorial practices, the nature of the victimization, and the specific circumstances of the victim - his or her age, maturity, level of fear, and level of traumatization. Moreover, child victims under the age of 15 are exempted entirely from this requirement.

- *One would suffer extreme hardship involving unusual and severe harm if removed*

This last requirement may prove the most problematic for victims of human trafficking. In immigration law terms, it constitutes the highest burden that foreign nationals must meet in order to avoid removal (deportation). Typically, economic hardship or social disruption that one would suffer if returned to one's homeland does not suffice. While it is clearly economic desperation that drives persons into the hands of traffickers, such desperation does not conversely protect them from deportation. The regulations do identify factors that may be relevant (though not dispositive) in proving "unusual and severe harm":

- the age and personal circumstances of the victim;
- serious physical or mental illness for which medical or psychological attention would not be available in the victim's home country;
- the physical and psychological consequences of the victim's particular trafficking situation;
- how loss of access to U.S. courts, the U.S. criminal justice system, and U.S. civil remedies would affect the victim;
- whether there is a reasonable expectation that laws or cultural norms in the victim's home country would penalize that person for having been a victim of human trafficking;
- whether there is a likelihood that the trafficker or persons acting on behalf of the trafficker would harm the victim in his or her home country; and
- whether the victim's individual safety would be seriously threatened by civil unrest or armed conflict in their native country.

T visa applications are adjudicated by the BCIS Vermont Service Center. The visas are valid for three years and may not be renewed. Applicants may receive work authorization once their T visa has been approved. T

visa holders may furthermore apply for adjustment of status to permanent resident following their three years in nonimmigrant T status. To do so, they must file an application for adjustment of status within 90 days of the expiration date of their T visa. Having done so, they continue to hold valid T status until BCIS adjudicates their petition for adjustment. Up to five thousand T visas can be awarded to principal applicants. There is no cap on the number of derivative T visas that can be issued to family members of the principal applicants.

### **U Visa**

The TVPA created another more general remedy for non-citizens who have been victims of criminal activity. To qualify for a U visa, the non-citizen must demonstrate:

- (a) that he or she has suffered substantial physical or mental abuse from a particular criminal activity;
- (b) that he or she possesses information about the criminal activity;
- (c) that the criminal activity occurred in the U.S. or violated U.S. law; and
- (d) that a government official has certified that the victim has been, is likely to be, or is being helpful to an investigation or prosecution of the criminal activity.

The BCIS has noted that it will still allow otherwise eligible victims to seek relief for crimes that occurred prior to the enactment of the TVPA. Among the crimes enumerated by the TVPA as grounds for qualifying for this visa are the following:

- Murder and Attempted Murder
- Manslaughter
- Felonious Assault
- Rape
- Torture
- Human Trafficking
- Incest
- Domestic Violence
- Sexual Assault
- Abusive Sexual Contact
- Prostitution

- ❑ Female Genital Mutilation
- ❑ Being Held Hostage
- ❑ Peonage
- ❑ Involuntary Servitude
- ❑ Slave Trade
- ❑ Kidnapping or Abduction
- ❑ False Imprisonment
- ❑ Unlawful Criminal Restraint
- ❑ Extortion
- ❑ Blackmail
- ❑ Witness Tampering
- ❑ Obstruction of Justice
- ❑ Perjury

Like T visa recipients, those who are approved for U visas are given non-immigrant status for three years that is non-renewable. As in the case of T visa holders, U visa holders can apply for permanent residence. Up to ten thousand U visas can be awarded each year. To date however, the Department of Justice has not issued regulations regarding the application process for U visas. Absent such regulations, this immigration remedy remains merely prospective. An August 30, 2001 INS Memo notes that non-citizens who are identified as potential U visa grantees should not be removed from the U.S. "until they have had the opportunity to avail themselves of the provisions of the TVPA." The same memo cautions that "INS personnel should keep in mind that it is better to err on the side of caution than to remove a possible victim . . ." Interim relief measures available for BCIS use would include parole, deferred action, and stays of removal. Notwithstanding this memo, certain BCIS offices still refuse to adjudicate requests for U visa interim relief.

### **Social Service Benefits**

Non-citizens certified by ORR as trafficking victims are eligible for the same public benefits as those given to refugees. Such services include the following:

- ❑ Temporary Assistance for Needy Families (TANF)
- ❑ Medicaid
- ❑ Food Stamps

- The Women, Infants, and Children (WIC) Program
- State Children's Health Insurance Program
- Supplemental Security Income (SSI) (subject to program restrictions)
- English language training
- Employability services
- Case management
- Interpretation services
- Day care
- Transportation assistance
- Cash assistance
- Assistance in obtaining Employment Authorization Documents (EAD)
- Home management training

It is important to note that these benefits may be time-limited and may have specific financial eligibility requirements.

### **Health Care**

In Florida, certified victims of trafficking also can receive free, albeit time-limited, health assessments and immunizations at all of Florida's 67 County Health Departments (CHD). If appropriate, they can also receive services at CHD Sexually Transmitted Disease (STD) clinics. The South Florida-based Florida Freedom Partnership also helps pre-certified victims and provides basic health care services onsite, including a general exam, immunizations, a tuberculosis test, and referrals to a hospital or clinic that offers free services to individuals without income or health insurance. Other services include preventative medical care (such as obesity control, smoking cessation and nutrition) and mental health care.

### Chapter 3: RECOMMENDATIONS

8. Information about the TVPA should be widely disseminated by service professionals to their membership. This includes, but is not limited to: members of the **bench and bar, law enforcement and others in the justice system** so that they can know of the rights and remedies available to those who are trafficked and the laws and punishments that await those who violate it. Professional associations, including the **Florida Bar, Office of Supreme Court Administrator** (judicial training office), **Florida Department of Law Enforcement, Florida Sheriff's Association, Police Chiefs Association, the Public Defender's Association and Florida Prosecuting Attorneys Association, The Florida Association of Women Lawyers, Florida Medical and Nursing Associations, the Florida Chapter of the National Association of Social Workers, Florida Network of Victim Witness Services, Florida Coalition Against Domestic Violence, Florida Council Against Sexual Violence, Florida Alcohol and Drug Abuse Association**, should proactively seek out training on the TVPA and human trafficking. The **Center** should assist in developing or coordinating training and providing technical assistance to those who request it. The **Center** should send a copy of this Report to all of the above associations (*see* Recommendation 3 above).
  
9. **Prosecutors and law enforcement**, at the federal, state, and local levels should meet and develop strategies to coordinate how to best prosecute traffickers, using the

TVPA, other federal laws, and state laws. In particular, law enforcement and prosecutors should strategize on which laws would apply (state and/or federal) as well as how state and federal prosecutors are best able to mount a strong and successful prosecution. The Center should facilitate the provision of training by publicizing training events and disseminating other information to professionals in order to aid them in their efforts to become more knowledgeable about trafficking (see [www.cahr.fsu.edu](http://www.cahr.fsu.edu)).

10. Public defenders and those who represent the interests of children accused of crimes or delinquent acts relating to their status as victims of trafficking, should seek out education and become trained on how to best represent them. Others in the justice system, such as *guardians ad litem*, and delinquency and dependency court judges should also seek out information and training on how to recognize and handle cases involving children who may be trafficked. The Center should facilitate the provision of training by publicizing training events and disseminating other information to professionals in order to aid them in their efforts to become more knowledgeable about trafficking (see [www.cahr.fsu.edu](http://www.cahr.fsu.edu)).

# CHAPTER 4

## Special Issues Facing Trafficked Children

### Immigration Law and Policies

Child trafficking victims in the U.S. typically fall within a distinct subset of immigrants that has attracted growing concern in recent years: the category of unaccompanied foreign-born children.

Thousands of foreign-born children enter the U.S. each year unaccompanied by a parent or guardian. They come for a variety of reasons. Many are seeking work. Others are fleeing exploitation or persecution in their homelands, such as child prostitution, bonded labor, or female genital mutilation. Many enter on their own, but an increasing number do so with the assistance of smugglers. In recent years, the federal government has taken an average of 5000 unaccompanied minors annually into custody because of their immigration status. Included in this group are runaways, abandoned children, and also victims of human trafficking. Children in this situation are particularly vulnerable: after hazarding the dangers of solo travel as well as potential exploitation from smugglers, they then face the complexities of the U.S. legal system alone.

*U.S. immigration law and policy has consistently failed to meet the special needs of these children.*

U.S. immigration law and policy has consistently failed to meet the special needs of these children. Of the 5000 or so children that have annually been taken into custody, many have remained for an indefinite period in detention facilities here in the United States. During detention they have been subjected to shackling and strip searches, and many have been held with violent juvenile offenders. In the past, INS exercised two inherently conflicting roles with such children: the agency served as both the children's jailer and the party entrusted with determining the children's

best interests. Such conflicting roles escaped neither the attention of advocates nor that of legislators.<sup>1</sup>

The Homeland Security Act of 2002 transferred responsibility for the care and placement of these children from INS to the Department of Health and Human Services (DHHS), Office of Refugee Resettlement (ORR). This transfer of responsibility marks an important change in U.S. treatment of unaccompanied alien minors, in that the best interests of such children will now be determined by an agency that has extensive experience in the welfare and immigration needs of children. This change became effective on March 1, 2003.

Notwithstanding this transfer of responsibility, the legal terrain has changed very little for unaccompanied alien minors. From an immigration law perspective, these children face all the legal limitations that adult foreign nationals do. Because removal proceedings are civil in nature, non-citizens do not possess many of the rights accorded criminal defendants. Most significantly, this means that while in theory non-citizens have a right to an attorney, there is no Sixth Amendment right to one provided at government expense. In practice, this means that very few undocumented children have representation in legal proceedings against them. Moreover, deportation itself is not considered punishment, so no Eighth Amendment protections against cruel or unusual punishment can be asserted in a deportation proceeding.

*In practice, this means that very few undocumented children have representation in legal proceedings against them.*

Case law has further established that rules of evidence do not generally apply in deportation proceedings. Neither are Miranda warnings required to be given to undocumented people when they are detained. In fact, even Fourth Amendment rights are not generally applicable, and evidence obtained in what would otherwise constitute illegal searches or seizures can still be admissible in removal proceedings. Unlike criminal

defendants, persons in removal proceedings have no Fifth Amendment right to remain silent, and if they are nonresponsive, their silence can leave them open to adverse inferences by the immigration judge.

*For all of the above reasons, unaccompanied minors who face the U.S. immigration law system operate at a distinct disadvantage.*

Unaccompanied foreign-born children have historically found themselves vulnerable to a further quirk in U.S. immigration law: admissions regarding deportability made to an immigration judge by an unaccompanied child under the age of sixteen are not admissible in court, while the same admissions made by an unaccompanied child in front of an INS officer outside of court *can* be used against him or her. In practice, this has meant that unaccompanied children - held alone in INS detention - have often been intimidated into making admissions that make them deportable. This has resulted in a curious anomaly: an immigration judge is prohibited from accepting such admissions in court, but is allowed to accept the statements if they were given to an INS official outside of court. For all of the above reasons, unaccompanied minors who face the U.S. immigration law system operate at a distinct disadvantage.

The 1985 *Flores v. Reno* settlement agreement continues to govern the custodial care and treatment of unaccompanied immigrant minors in the United States. The agreement requires the government to place children for whom release is pending or for whom no release option is available in the least restrictive setting appropriate to the child's age and special needs. However, the agreement contains certain exceptions to this policy, and allows the government to continue the detention of children deemed to be at risk of either flight or criminal behavior. In cases that involve an influx of children or an "emergency" (as defined by the government), the agreement further allows the government to detain children.

Even with the transfer of responsibility for unaccompanied and undocumented minors to ORR, such children still face significant legal

handicaps. Children in federal custody still have no guarantee of legal counsel and no guarantee of the appointment of *guardians ad litem* to represent their best interests. Procedurally they still lack certain important safeguards, and the possibility remains that for lack of bed spaces in more appropriate settings, many will still be commingled with juvenile delinquents. For many years, INS was criticized for its reliance on dental radiograph exams to determine the age of unaccompanied children. Many experts believe that this type of test is unreliable and has resulted in many juveniles being misclassified as adults - the result being that such children have been detained in adult facilities, even more to their detriment. Clearly a more accurate method of determining the age of unaccompanied children should be provided.

### **Legal Remedies for Child Victims of Trafficking**

Child victims of trafficking are of course eligible for the same immigration law relief as adult victims: T visas, "Continued Presence" status, and U visas, when this third form of relief becomes available (*see* Chapter 3: Rights and Remedies: The Trafficking Victims Protection Act).

*Asylum may represent another possible remedy for child, as well as adult victims of human trafficking.*

Asylum may represent another possible remedy for child, as well as adult victims of human trafficking. Of the five enumerated grounds that make one eligible to seek asylum (persecution on account of race, religion, nationality, political opinion, or a social group to which one belongs), it is the legal category of "social group" - in this case, perhaps victims of human trafficking from a particular country - that would give rise to an asylum claim. Such a claim would be subject to all the legal limitations that in general make asylum difficult to obtain. The victim would have to prove either severe past persecution or a well-founded fear of future persecution in their home country on account of belonging to a particular social group. Until new asylum regulations are forthcoming in the wake of

the *Matter of R.A.* case, the exact parameters of social group claims, especially as they concern gender-based violence committed by private (non-state) actors, remain unclear.

*Another legal remedy potentially available to child victims of trafficking is Special Immigrant Juvenile Status.*

Another legal remedy potentially available to child victims of trafficking is Special Immigrant Juvenile Status. Congress created this remedy in 1990 to provide legal immigration status to children who become juvenile court dependents. It is unique as the only remedy in U.S. immigration law that expressly includes the "best interests of the child" in its eligibility criteria. Recognizing that state juvenile courts have particular expertise in determining the "best interests" of children subjected to abuse, Congress constructed a remedy for non-U.S. citizen minors who have been victims of abuse, neglect, or abandonment.

To be eligible for this remedy, the child must be present in the United States, must be declared dependent on a juvenile court (with a determination that family reunification is no longer a viable option), and must be certified by the court as one who for reasons of the child's best interests should not be returned to his or her home country. In this context, it is solely the juvenile court that determines what is in the child's best interests. This remedy rectifies the inherently conflictive role that INS previously exercised in which it had an institutional mandate to deport unaccompanied minors while simultaneously being responsible for their best interests.

However, implementation of this remedy throughout the past decade was largely ineffective, due in no small part due to INS resistance to the process. The statute allowed INS to retain the power to decide whether or not to consent to juvenile court jurisdiction, and INS routinely declined to refer the cases of immigrant juveniles to the state courts. Ironically, one of the criteria INS used in making such decisions was whether or not an INS

*Child victims of human trafficking face even greater obstacles than would other unaccompanied undocumented minors. Often physically and sexually abused, they have distinctive medical and psychological needs that must be addressed.*

District Director determined that dependency proceedings would be in the best interests of the immigrant child. Such an approach clearly contradicted the intent of the law itself, reviving the very conflict of interest that had necessitated the legislation in the first place. With the recent reorganization of INS, responsibility for consenting to juvenile court jurisdiction for immigrant juveniles now resides with the ORR. Advocates are hopeful that ORR will more readily issue consent in future cases.

Child victims of human trafficking face even greater obstacles than would other unaccompanied undocumented minors. Often physically and sexually abused, they have distinctive medical and psychological needs that must be addressed. Taught by those who trafficked them to fear government officials - and in particular, law enforcement and immigration officers - they will initially be very distrustful of the system. The exploitation they have suffered requires an immigration law response that acknowledges both their youth and their special needs as victims.

## **Chapter 4: RECOMMENDATIONS**

11. There is a general lack of research and information on how to best help and work with children who are victims of trafficking. The **State** (primarily **Florida Department of Law Enforcement [FDLE]**, **Department of Children and Families [DCF]**, **Department of Juvenile Justice [DJJ]** and federal government (primarily **Department of Justice [DOJ]**, **Health and Human Services [HHS]**) should focus technical assistance efforts on helping law enforcement and social service providers to understand the patterns of trafficking affecting minors and to better assist children. The **Center** should assist in these efforts by working with organizations that assist children such as the USCCB and Florida Immigrant Advocacy Center (FIAC) and providing technical assistance to state agencies and others.
12. Children are particularly vulnerable victims of trafficking and anyone who is working with child victims should use interview specialists who are skilled in how to interview child trafficking victims. The **Center**, local **Refugee Task Forces** and the **Working Group** should help to identify such interview specialists.
13. **Any advocate or professional who provides care to child victims of trafficking** should receive specialized training to understand their emotional state, the trauma they have suffered, and the particular needs they have as minor foreign nationals.

14. The **Working Group** should recommend whether, when and how the State should provide representation for trafficked children. The **Working Group** should consider the use of trained, special legal advocates or *guardians ad litem*, to advocate for children.
15. The **Working Group, Center** and **DCF** should seek out more information concerning the presence of trafficked children who are in DCF custody or supervision, or who are subjects of calls into the State's child abuse hotline.
16. The **Center** should facilitate **DCF** and **DJJ** collaborations to help them to discover and assist children who may be victims of trafficking. This could include discussions at the state level, as well as local level working groups.
17. The **Center** should meet with the **Child Welfare and Community Based Care Program Office** (formerly Office of Family Safety), and other sections of DCF that might come in contact with child or adult victims of trafficking, to offer technical assistance as well as design and assist in the delivery of training on human trafficking. This could include the Center developing screening tools and protocols.
18. The Homeland Security Act (HR 5005), Section 462, which pertains to the transfer of responsibility for Unaccompanied Alien Children from INS to HHS, says in (b)(1)(A) that the director of ORR shall be responsible for " ...developing a plan to be submitted to Congress on how to ensure that qualified and independent legal counsel is timely appointed to

represent the interests of each such child..." In light of this recommendation, the **ORR** at HHS should include in its plan that legal counsel utilize Special Immigrant Juvenile Status proceedings to assist child victims of trafficking who may be eligible for this legal immigration remedy, where appropriate.

- 19. ORR and Florida funded agencies** should work to identify and assist children in the custody of state or local governments, not just those in HHS custody.

## Endnotes

<sup>1</sup> A critical appraisal of the exercise by INS of these two conflicting roles was undertaken by the Women's Commission for Refugee Women and Children. *See Prison Guard or Parent? INS Treatment of Unaccompanied Refugee Children* (May 2002); *see also United States of America: Unaccompanied Children in Immigration Proceedings* (Amnesty International Report, 2003). In the legislative realm, Senator Dianne Feinstein introduced the "Unaccompanied Alien Child Protection Act" in September 2000. The bill sought to establish minimum standards for the care of unaccompanied alien children who are in federal government custody, including mechanisms that would ensure that all such children have access to counsel as they navigate the complexities of U.S. immigration law.

## **Child Victims of Trafficking: Case Scenarios**

Each of the following case scenarios describes a child who is trafficked. These scenarios combine situations and facts derived from a variety of sources, including researched and documented experiences of trafficking victims, media accounts, and experiences of non-governmental organizations, Working Group members and other experts. The stories depict various forms of trafficking and are designed to help service providers, law enforcement and others who come into contact with victims of trafficking to recognize, help and protect them. The reader also can use these scenarios as teaching tools and examples of how children become victims of trafficking and how people in communities around Florida can assist them.

### **Scenarios**

The scenarios are divided into four sections labeled A through C.

- Section A provides information about the victim's background, including where the victim grew up and how he or she was first trafficked.
- Section B outlines the method by which a social service provider, law enforcement officer, or other person discovered the victim and what happened to the victim immediately after discovery.
- Section C briefly discusses the victim's status as a potential victim of trafficking under the Trafficking Victims Protection Act of 2000 (TVPA).<sup>1</sup>

### **Intervening in Child Trafficking**

In each of these scenarios, there are several instances where an individual, agency, business or organization might have intervened to protect and assist a trafficked child. It is important to note that there are many different ways that a trafficked child could come to the attention of authorities and individuals. This makes it important that *all* possible interveners be able to identify and refer a child. Therefore, several possible interventions are depicted, such as victim identification, throughout the sections below. These redundancies are designed to reflect the unpredictable realities surrounding trafficking and the broad-based responsibilities that many agencies, organizations, businesses, and individuals have to intervene.

These possible intervention points are grouped into general categories and ask the reader to consider whether and how these organizations and individuals might act.

### **Law Enforcement**

- Assuming they could identify him or her as a minor, could law enforcement identify the child as a victim of trafficking (notice signs such as lack of immigration documents, inability to speak English, nature of work such as prostitution)? If they could not easily establish that the person was a minor, what kinds of investigations would they conduct?
- Did airport officials (e.g., law enforcement, Immigration and Customs Enforcement, private security) have clues that could have helped them to detect a possible trafficking case?
- Did law enforcement know about victim services for children, including those who are trafficked? Did they make appropriate referrals?
- Did local and federal law enforcement (FBI) effectively communicate and coordinate?
- Did law enforcement call in the Child Protection Team to conduct an appropriate age, cultural, and language-specific forensic interview?
- Did local law enforcement contact the U.S. Attorney Office point of contact for trafficking? (In Florida, there are contacts in the Northern, Middle and Southern Districts.)
- Should local law enforcement have called the Worker Exploitation Task Force complaint line?
- Did law enforcement contact the local Refugee Task Force or other coordinating entity for assistance?
- Did law enforcement contact the local anti-trafficking NGO for assistance?
- Should law enforcement have contacted federal immigration enforcement?
- Once in custody, did law enforcement offer the child specific consultation regarding her or his potential status as a victim under the TVPA?
- Should someone have called the child abuse hotline?

## **Social Services - Non-profit/non-governmental Organizations (NGO)**

- Could the NGO identify the child as a victim of trafficking (notice signs such as lack of immigration documents, inability to speak English, nature of work such as prostitution)?
- Did the NGO know about victim services for children, including those who are trafficked? Did they make appropriate referrals?
- Did the NGO have trained victim advocates on staff to assist the child?
- Did the NGO consult with the trafficked person and with that person's permission call the U.S. Attorney Office point of contact for trafficking?
- Did the NGO contact the local Refugee Task Force or other coordinating entity for assistance?
- Did the NGO contact or have links with interview specialists to be able to conduct an appropriate age, cultural and language-appropriate interview?
- Should someone have called the child abuse hotline? (If subject to mandatory reporting requirements, they legally must.)
- Did a legal/immigration advocate offer the child specific consultation regarding her or his potential status as a victim under the TVPA and other legal rights?
- Did the child access and receive crisis and/or sexual abuse counseling?
- Did the child receive needed medical care and health screening such as for STD's, malnutrition, or infections diseases?
- Did the local domestic violence or sexual assault program identify, assist and/or refer the child for services?
- Did the NGO have a good relationship with federal and local law enforcement? Did they notify law enforcement of suspected trafficking activities?

## **Governmental Organizations**

### **Department of Children and Families (DCF) or Community Based Care (CBC) Provider**

- Could DCF identify the child as a victim of trafficking (notice signs such as lack of immigration documents, inability to speak English, nature of work such as prostitution)?

- Did DCF use age, culture and language-appropriate interpreters? Or, should DCF have called the Child Protection Team to do this?
- Did DCF try to get the child a letter from ORR granting benefits as a Victim of Trafficking?
- Did DCF contact the local Refugee Task Force or other coordinating entity for assistance?
- Did DCF or the CBC refer the child to refugee services for services as an Unaccompanied Refugee Minor?
- Did DCF contact the U.S. Attorney Office point of contact for trafficking? (In Florida, there are contacts in the Northern, Middle and Southern Districts.)
- Should local DCF have called the Worker Exploitation Task Force complaint line?
- Should DCF have contacted federal immigration enforcement?
- Should someone have called the child abuse hotline?
- Did DCF advocate before the court for the appointment of a *guardian ad litem* for the child?
- Did the child have legal counsel to address immigration concerns?

#### Department of Juvenile Justice (DJJ)

- Could DJJ workers identify the child as a victim of trafficking (notice signs such as lack of immigration documents, inability to speak English, nature of work such as prostitution)?
- Did DJJ identify and refer the child as a victim of trafficking as opposed to a juvenile offender?
- Did DJJ contact federal authorities (U.S. Attorney, FBI, Work Exploitation Task Force complaint line)?
- Should someone have called the child abuse hotline?
- Did DJJ contact the local Refugee Task Force or other coordinating entity for assistance?
- Did DJJ contact or have links with interview specialists to be able to conduct an appropriate age and language-appropriate interview?
- Should someone have contacted federal immigration enforcement?

- Did DJJ try to get the child a letter from ORR granting benefits as a Victim of Trafficking?
- Did DJJ refer the child to DCF Refugee Services for services as an Unaccompanied Refugee Minor?
- Did the child have legal counsel to address immigration concerns?

U.S. Department of Labor, Wage and Hour Division

- Was there a cause of action for lost wages?

**Community/Neighbors/Good Samaritans**

- Did faith community congregations, membership, or leadership recognize or suspect trafficking? How did they assist the victim or how might they have assisted? Did they report suspected trafficking?
- Did neighbors, schools or others the child came in contact with, recognize or suspect trafficking? Did they report it?
- Did landlords or business owners call law enforcement or federal authorities (e.g., U.S. Attorney, FBI, Work Exploitation Task Force complaint line) when they saw suspicious activity?
- Did businesses (e.g., restaurants, hotels, agricultural industry) seek help from law enforcement and anti-trafficking groups to conduct regular audits of their labor contractors and labor practices to ensure they were not employing trafficked persons?
- Did local immigrant and refugee organizations conduct public awareness activities and outreach to communities so that they might be better able to identify and assist trafficked persons, particularly children?
- Did local immigrant and refugee organizations work with law enforcement, justice system personnel, domestic violence and sexual violence providers and others who were likely to come in contact with victims of trafficking and to be able to readily assist the child who was trafficked?

## 1. Ginger from Indonesia - 16, Mail Order Bride<sup>2,3,4</sup>

### *A. Background*

Ginger lived with her family in Jakarta, Indonesia until she turned 16 in the fall of 2000. Ginger barely had an elementary-level education, and she was the third child in her poor family of five children. She hoped that she could live the "American dream" and send money home to her family. She also thought that if she were married to an American man, then she could legally move to the United States and pursue her dreams.

A recruiter for a mail-order bride organization met with Ginger's family and posted her picture on the web with other information available to website customers for a fee. A man named Jim began sending Ginger letters through the mail-order-bride organization, and a month later, Jim made arrangements to travel to Indonesia to marry Ginger and bring her to his home in Tampa, Florida. When Jim arrived, he gave Ginger's family gifts. He said he was wealthy and would send Ginger's family money to help support them. Ginger and her family believed Jim because they knew of two other families who received financial support from their daughters' foreign husbands. After a quick marriage and visa arrangements, paid for by Jim, Ginger left for her new life.

When Ginger and Jim first arrived in the United States, customs officials at the Los Angeles International Airport insisted on questioning both of them separately, which upset Ginger because she spoke very little English. After thirty minutes of questions, the customs officials allowed them to board their flight to Florida. Ginger felt incredibly relieved and happy as they left the Airport in Tampa. That was the last time Ginger felt happy in America. When Ginger arrived at her new home, she saw it was run-down and small. Jim started to treat her harshly, forcing her to have sex with him and to become his maid. Whenever she asked Jim to write a letter to her family and send them money, he would become angry and scream at her. He blamed his financial problems on her, and said if she wanted to help her family, she "better stop being a lazy wife and start working." Jim told Ginger that he would not send anything to her family, not even a

letter, until she paid Jim the \$20,000 she owed him. Jim said he would hold her travel and identification papers until she had paid him back.

Jim told Ginger that she could not work at a regular job because she was uneducated but that she could work for his friend Dave, who ran an escort service. Ginger was scared that being a "gentleman's escort" could mean sex and she was correct. His friend was a pimp and Jim arranged for Ginger to work as a prostitute. Desperate to earn some money, help her family, and avoid making her husband angry, Ginger agreed to the job.

The first night Ginger had to work, Ginger discovered that she was not the first of Jim's foreign wives. She met another woman who thought she was "married" to Jim and who was recruited by the same company. When she confronted Jim about the other wife, Jim told her that the marriage didn't count in the U.S. and that if Ginger did not work, he would sell her to a brothel where she could serve 20 or 30 men a night. Jim also threatened to tell her family she was a prostitute and to never let her go home. Afraid to fail her family and believing Jim's threats, Ginger saw no other option than prostitution.

### *B. Discovery*

Weeks later, Ginger was arrested for prostitution. The local police department had difficulty communicating with her because she did not speak English well. The interrogating officers thought Ginger looked and acted like a minor, so they contacted the Florida Department of Juvenile Justice. Ginger saw herself as "an illegal" and was afraid that she would be thrown in jail. She also felt protective of Jim, despite his abuse, and would not tell anyone where she had lived or where she was from. She did not want Jim, her lifeline in the U.S., to be thrown in jail.

The investigator sent by DJJ attempted to locate Ginger's family. Ginger had a *guardian ad litem* (GAL) who represented her in the court proceedings. Ginger is in juvenile detention. No one, including her GAL, knows about her family in Indonesia or Jim. Ginger is currently receiving training in English language skills and attending group and individual counseling sessions.

### *C. Trafficking Status*

According to the Trafficking Victims Protection Act of 2000 (TVPA), Ginger is a trafficking victim. Because she is under 18, and has been exploited for sex and domestic work, Ginger's situation fulfills both criterion (a) and (b) of a severe form of trafficking in persons. Ginger meets criterion (a) because she was under 18 when she was procured to provide sexual services to Jim. This makes Ginger a child victim of a severe form of trafficking. Additionally, since Ginger was recruited under a fraudulent agreement - supposed marriage - for the purpose of forcing her into involuntary servitude as a sexual and domestic servant and later forcing her into prostitution, her situation fulfills criterion (b) of a severe form of trafficking in persons.

## 2. Sara from Mexico - 16, Domestic Service Worker<sup>5,6</sup>

### A. Background

Sara lived in Mexico with her husband and a two-year-old son until her husband left them. Sara had no marketable skills, almost no education, and she was desperate to earn money to support her son. A friend told Sara about a housekeeping job at a U.S. hotel in Panama City, Florida. Sara's friend took her to an interview a week later, in Mexico. Sara was excited to find out how much money she could make and believed that she had finally found a way to support her family. Sara was concerned about leaving her son because she had to sign a one-year contract in order to get the job. Still, Sara felt that she could better provide for her son if she left him with her parents and sent money home to support him. Sara did not speak English, but she was promised that she would receive English tutoring.

To get the job, Sara had to pay her future employer \$3,000 for a passport, work visa, and for travel expenses to Panama City. Outside of the Mexican/American border, the van driver dropped Sara and three other women off at a small house in a desolate area. Sara and her companions had to wait there until the following day when another van came to take them across the border. After a grueling five-day journey filled with van changes and very little food, Sara and the other three women arrived at the hotel in Panama City. When they pulled around to the back of the hotel, a middle-aged man approached the van. The van driver pointed to the man and told the women that the man was the hotel manager, and he was their boss. Sara's new employer took the women's passports and visas and informed them that it was his policy to hold his employees' important papers for them while they paid him back for their visas and travel expenses. He also told them that if they were discovered without their papers, they would be arrested or deported. He forced Sara and the other women to live at the hotel and took room and board out of their paychecks. Additionally, their new employer said he would deduct a portion of their paychecks to repay the debt they owed.

Sara worked as a housekeeper for ten to sixteen hours a day, seven days per week. Since she had no money and did not speak English, Sara rarely left the hotel. On two or three occasions, Sara and a few other women went to Mass at the nearby Catholic Church. They always left immediately after church because they were afraid that, if they were discovered, they would be arrested and deported.

After six months, Sara and the other women still had not received a paycheck because their "debt" had not been repaid. Sara asked her employer for some money to send home to her son, but her employer refused. Sara could not find out how much she had already paid her employer or how much she owed. She worked for another year without pay while her employer continued to hold her papers and threaten her with arrest and deportation if she did not comply with his rules.

#### *B. Discovery*

After working at the hotel for over one and a half years, Sara became desperate for help and began to try to talk to guests at the hotel. It took several months for Sara to find a guest who spoke Spanish and who would speak to Sara in confidence. She finally found someone willing to talk to her when her employer and fellow employees were not around.

The guest decided to call federal immigration authorities. The federal investigators found no papers for Sara and the other women (the papers had been cheap forgeries, which the hotel manager destroyed to cover his tracks). The manager/boss was arrested for illegal hiring practices.

Federal immigration authorities determined that Sara qualified as a victim of trafficking and placed her in an Unaccompanied Refugee Minor (URM) program. There, she received social services and legal advocacy assistance. Sara and two of the adult women who worked with Sara stayed in the United States in order to aid in the prosecution of the hotel manager. Sara felt that she could not return home, as her family was ashamed of her and believed that she was a criminal because U.S. authorities had called to ask them questions.

### *C. Trafficking Status*

Sara may not have been tortured or sexually exploited, but the hotel manager lied to her, and exploited her. Sara could be deemed a victim of trafficking under the Trafficking Victims Protection Act of 2000 (TVPA). She was recruited under a fraudulent agreement. She was coerced and held in a debt-bondage situation when the owner of the hotel took away her papers and threatened her.

### 3. Ana from Mexico - 11, Child Prostitute<sup>78</sup>

#### *A. Background*

Ana lived a poor life in Mexico, and she knew she was a burden on her family. She had no hope for her future until a Mexican businesswoman told her family that she could make a very good living waiting tables at one of her American restaurants. Ana remembers that her family consented to sending her to the U.S. and understood that Ana would send money home to help her family. Ana also remembers that he gave her family some money as an advance on Ana's wages.

Ana could not remember how she crossed the border into the country or how long she had been working. Ana also did not know where she was or how to speak English. It was later discovered from fellow victims that Ana was smuggled into the country on foot and then taken by van through Texas, Louisiana, Mississippi, and Alabama to Florida on major highways with three other women and one girl.

As with many child victims of trafficking, Ana was neither aware that she needed special papers, nor that she was in the country illegally. When Ana arrived, she was told that she was "in trouble" and that if police discovered her they would put her in jail. Ana was told that if she ever went to get help from the police, her family would be murdered. Ana believed the threats because the traffickers knew where her family lived.

Ana remembers refusing to have sex when she was first confined to a trailer that served as a portable brothel, primarily providing services to migrant farm-workers. When she was ordered to have sex with the men, Ana tried to escape. Her captors caught and later beat and raped her. They then told her that she would service men all day and night. Ana cannot remember what happened next. She remembers one day that the police came to the trailer. They tried to talk to her and an adult victim but the officers did not understand or speak Spanish. When the police saw one of the traffickers sitting outside another trailer, they brought him over to speak with the girls and act as a translator. The trafficker told the girls that the police were there to arrest them. Ana does not know what he told

the police, but the police left the trailer without searching and finding the four other women who were inside.

### *B. Discovery*

Periodically a customer would have sympathy for Ana and offer to contact law enforcement. However, Ana's captors were well-organized and had lookouts notify them when law enforcement officers were en route to the trailers. After several failed investigations of anonymous reports of child neglect and prostitution around the trailers, law enforcement arranged a covert investigation. Because the officers arrived in plain clothes and in one ordinary car, Ana's captors did not think that they were the police.

During the subsequent raid, officers found what they thought were five women living in a two-bedroom trailer with two men. The officers saw sex magazines and condoms lying out in plain sight by the front door. They later noticed that the females appeared quite young and suspected that some were minors. Regardless of her apparent age, Ana and the other women in the trailer spent the next several months in adult detention while a full investigation was under way.

### *C. Trafficking Status*

Ana fulfills criterion (a) of the TVPA because she was purchased and transported for commercial sexual exploitation. Since she was under 18 and procured for the purpose of commercial sexual exploitation, Ana is a child victim of a severe form of trafficking.

#### **4. Julie from Georgia - 15, U.S. Runaway turned Prostitute<sup>9,10,11</sup>**

##### *A. Background*

Julie began to run away from home near Orlando, Florida when she was 12 in order to avoid physical and sexual abuse in her home. When she was 13, she met a 15-year-old girl in a group home. Julie and the other girl became friends and the older girl told Julie that she survived on the streets by prostituting herself. When they ran away again, Julie found the other girl who introduced her to a pimp. Julie agreed to prostitute herself for housing, food, and spending money, believing that she would work as Julia Roberts had in the movie "Pretty Woman."

A couple of months passed, and the other girl was found murdered. Julie knew it was because she was in trouble with her pimp. When Julie's pimp started to move her around Florida and to other states, she realized that she had no choice but to comply or she would end up dead like her friend.

When she was 14, Julie became pregnant and begged to quit. Julie wanted to go to a group home and have her baby. Her pimp refused and forced her to have an abortion. Julie's pimp told her to call him her boyfriend when he took her to a nearby clinic. The clinic nurse and doctor asked Julie very few questions. Julie's pimp paid for the abortion and insisted that Julie pay him back by working extra hours. After the abortion, Julie became depressed and hopeless and experienced constant abdominal discomfort. Her pimp gave her crack cocaine so that she would forget her pain and depression and serve more customers. Julie became addicted.

##### *B. Discovery*

Months later, the police arrested Julie for trying to buy crack. Julie was placed in juvenile detention and her parents were contacted. Because of her history of running away, Julie remains in juvenile detention pending juvenile drug court proceedings.

### *C. Trafficking Status*

Julie was exploited in the commercial sex industry and transported across state lines and is a victim of trafficking, even though she is a United States citizen. According to the TVPA, trafficking includes transporting a person, regardless of where they came from. When the pimp recruited Julie to become a prostitute and travel to provide sex, Julie was being recruited for the purpose of committing a commercial sex act. But since Julie was under 18, it does not matter whether she was forced or coerced into prostitution. Julie meets the criterion for subsection (a) of the TVPA definition of a victim of a severe form of trafficking.

## 5. Isabel from Venezuela - 16, Kidnapped and Forced into Prostitution<sup>12 13</sup>

### *A. Background*

Isabel grew up in a comfortable home in Maracay, Venezuela with a loving family. When she was 15, Isabel's life suddenly changed. She was exploring a local shopping district with a few friends, when they stopped for lunch. At the restaurant a beautiful young businesswoman approached them, saying she was traveling alone and would enjoy their company. The businesswoman lavished compliments on the girls about their appearance and their intelligence. The woman bought their lunch and told them that if they could make a good sales pitch, she would give them part-time jobs selling cosmetics for her in Maracay. The girls accompanied her to her nearby hotel room to audition with some of her products. The woman was generous with the girls, offering them gourmet cookies and pouring them fancy drinks.

After having a drink, Isabel remembers waking up in a very dark freight bin of a small boat; her friends were not there but several other women were. She was unaware that the woman had sold her and that she was being shipped across the Gulf of Mexico. When someone finally opened the bin, Isabel was extremely weak and had difficulty adjusting to what little light there was. The women were ushered off the boat and into vans. The man in the passenger seat of Isabel's van told her she was now his property. "You are in America illegally. If the police here finds you, they will throw you in jail, so don't try to escape. If you get to the Army base here, they will turn you in to the police too. You will work for me as a prostitute until you have earned your freedom and if you do not do what I say, I will kill you. Your life is not worth the trouble of teaching you lessons."

Weak, exhausted, and in shock, Isabel could not respond. When the van stopped, Isabel and the other women were taken into a trailer where two men always guarded them. After two days, when Isabel felt stronger, she tried to escape by breaking her window, but one of the men caught Isabel before she could get out, and he beat her. Her boss told her she was lucky he didn't feel like killing her and that this was her fault because she didn't complain when he told her the deal. He and the two other men gang raped her. Isabel

gave up completely. She was forced to work as a prostitute for 11 months, sometimes servicing 30 men a day from the local military base in Florida. In the months that followed, Isabel does not remember feeling angry or scared: she says she lost the ability to feel. Isabel spent most of her time indoors and was permitted to leave the building only when escorted by one of the men on a trip to the local drug store.

### *B. Discovery*

After noticing the bruises from her beating and hearing her plea for escape, one of the "johns" who used Isabel reported the brothel to the police. As a result of prior evidence gathering, the local police suspected that the women (police did not realize she was a minor) were victims of human trafficking, and immediately contacted the FBI. Isabel and the others were rescued one week later during an FBI raid. Isabel was not held in custody as a prostitute because the investigators believed she and several women at the brothel were being forced into prostitution and were not there by choice. Believing her to be an adult, the FBI referred Isabel to crisis counseling, legal services, and medical care. Isabel was placed in a domestic violence shelter while the FBI completed their investigation and built their case against Isabel's captors.

### *C. Trafficking Status*

Isabel was exploited in the commercial sex industry, physically brutalized, and transported across international borders. She is a victim of sex trafficking because she was recruited by the woman at the market, and later transported across international borders, for the purpose of prostitution. Furthermore, Isabel was under 18 when she was kidnapped and forced to perform commercial sex acts. Isabel clearly meets the criterion of subsection (a) for the TVPA's child victim of a 'severe form of trafficking in persons.'

## 6. Jean Luc from Haiti - 12, Restavèk Child/Domestic Worker<sup>14,15,16</sup>

### A. Background

Jean Luc was born in a remote part of Haiti. When he was nine, his parents gave him to a local businessman who lived in Port-au-Prince. They knew that he would not be paid for his work, but because the businessman promised that the child would be placed in school, the child's parents thought this was the best option for Jean Luc's future. Jean Luc's parents were not callous; they were among the roughly eighty percent of the population in Haiti that lives below the absolute poverty line. The businessman's offer appeared to offer their child a chance at a better, longer life.

For two years, Jean Luc lived as a *restavèk* with the business man in Port-au-Prince. If he did not do exactly as his owner wished, he would be beaten, deprived of food and water, or both. He never went to school. When he was 11, the businessman moved to the United States and put Jean Luc on a boat to Ft. Lauderdale, Florida. Once there, the businessman never allowed Jean Luc to leave the house. When he was not home, he locked Jean Luc in a closet without food or water.

### B. Discovery

One day when entertaining several colleagues for dinner, one of them saw Jean Luc quickly eat all of the food left on the guests' plates. The guest mentioned this behavior to the businessman, who brushed off the occurrence explaining that the boy had a high metabolism. Deeply concerned that the boy's life might be in danger, the guest called the child abuse hotline, triggering a child abuse and neglect investigation. When the DCF investigators came to the house the next morning, the businessman was unable to produce identifying papers for the boy. Due to the boy's obviously emaciated condition, the investigator recommended Jean Luc's immediate removal to a shelter and contacted law enforcement to arrest the businessman.

When DCF removed Jean Luc from the businessman's home, they took him to the hospital immediately, where he stayed for nearly two weeks and recovered from

dehydration and malnutrition. DCF also called the victim specialist at the Bureau of Immigration and Customs Enforcement (BICE) and the Office of Refugee Resettlement. After being released from the hospital, DCF petitioned the court to place Jean Luc into emergency foster care as federal immigration authorities declined to take custody of him. Jean Luc will stay in foster care until his parents are located or he is declared a dependent of the State of Florida. Until that time, Jean Luc has access to proper nutrition and medical care.

Unfortunately, Jean Luc does not have a translator with him regularly and he is not receiving counseling specific to Haitian culture or his situation as a child victim of trafficking and former house slave. He has had one appointment with an attorney from the local legal advocacy agency, and he does not have a *guardian adlitem*.

### *C. Trafficking Status*

Although Jean Luc is under 18 and may be a child victim, he was not recruited, harbored, or otherwise used for the purposes of a commercial sex act, so he does not meet criterion (a) of a severe form of trafficking in persons. However, he worked and lived in slavery. In fact, the businessman who "owned" Jean Luc recruited him to work as a domestic slave and later transported him to the United States to continue using him as his personal servant. Section (b) requires that the person be forced or coerced into the slavery. Jean Luc's parents knew that he would not be paid for his work. The salient point is that the businessman forced Jean Luc to comply with his demands. It is also important to remember that since Jean Luc is a child, the *means* of trafficking are not required in order for him to meet the criterion of the TVPA trafficking definition. Therefore, he is a child victim of a severe form of trafficking in persons, and would be even if his captor had not used force.

## 7. **Paula from Thailand-12, Illegal Adoption/Domestic Worker**<sup>17</sup>

### *A. Background*

Paula was the oldest of five children in a family that lived in a remote mountainous region of Thailand. When a local businessman offered her family a new wide-screen television in exchange for Paula, they agreed. Her family was told that she would be adopted by a wealthy World Bank executive and his wife. The executive and his wife lived in Thailand and were preparing to move to Tampa, Florida. The businessman assured Paula's parents that Paula would receive an excellent American education.

When she arrived in the United States, the executive and his wife told Paula that she was their servant and that she would work, doing whatever they told her to do, in order to earn her room and food. Paula never went to school and was not allowed outside. She worked every day from 6:00AM until 11:00PM doing household chores, cooking, and anything else she was told to do. Paula lived with that family for two years and when she was 14, the man raped her. That evening, Paula fled, got lost, and found herself in the middle of a run-down neighborhood.

After two days of wandering, a pimp picked up Paula. He fed her and promised her lots of money and protection if she worked for him. Paula worked as a prostitute for six months, until one night a "john" beat her so badly that she had to stay in the hospital for two days.

### *B. Discovery*

The hospital staff provided services for Paula and called law enforcement, although Paula pleaded with the doctors and nurses not to make a report and told the hospital staff she was 18. Law enforcement took Paula to a juvenile detention center. The DJJ probation officer contacted DCF and notified them of Paula's arrest and their inability to find a parent or guardian. DCF took no action and several weeks later, Paula appeared in juvenile court on prostitution charges. Neither DJJ, the court, nor any other agency

contacted federal immigration authorities or suspected she might be a child trafficking victim.

*C. Trafficking Status*

Paula is a trafficking victim under the TVPA because she was under 18 when she was recruited for an illegal international adoption. Specifically, Paula was recruited under a fraudulent agreement - adoption - for the purpose of forcing her into involuntary servitude as a domestic servant, which means her situation could fulfill criterion (b) of a severe form of trafficking in persons.

## 8. Hernando from Guatemala - 16, migrant farmworker<sup>1819</sup>

### *A. Background*

Hernando grew up poor in Guatemala, the second of seven sons. When he turned 15, Hernando decided to go to the United States to find work on a farm. Hernando, his uncle, and several of Hernando's friends met with two farmwork recruiters who said they made at least \$200 a day at a tomato farm in the U.S. The two recruiters arranged for work visas (H-2B visas) and charged Hernando and the others \$3500 each for the visas and transportation into the United States. Hernando and six companions each paid \$1000 up front with the understanding that they would pay off the rest of the money to the farm by the end of the season.

When Hernando arrived in the U.S. with his friends, the "bosses" at the farm paid the recruiters what the workers owed for travel. The bosses told Hernando and his companions that they would live at the labor camp on the farm, never leave the farm, and that they would pay the men \$0.01 per pound of tomatoes picked, which would average out to about \$50 per day if they picked 200, 25-pound buckets. The bosses said they would hold out all but \$6 a day until the men had repaid their debt. That \$6 was to pay for food, housing at the labor camp, and anything else the workers needed. The bosses also held all their work papers, assuring them that once they paid off the cost of recruitment, they would get their papers back and could make more money. The bosses told the workers that they would be in big trouble if they left the farm, and that they would be arrested and deported if law enforcement caught them without their papers.

The workers were never told how much more they owed or when their debt would be paid off. Hernando found it virtually impossible to pick 200 buckets a day: rain, drought, and exhaustion always set him back. After four months with no sign of a pay increase, Hernando and a group of five other workers tried to escape the farm to find other work but the bosses chased them and caught them a mile from the labor camp. The bosses beat them and took them back to the farm. The bosses told Hernando and his friends that they

had made progress in paying their debt before their escape, but because of the attempted escape they now owed an extra \$1000 each.

### *B. Discovery*

A local anti-trafficking advocacy organization made regular visits to talk with the workers and one day, after talking to Hernando for the first time, they agreed to help him and his friends escape. Afraid of an increasing debt, an impossibly long journey home without money or papers, and the possibility of going home empty handed at the end of the season, Hernando's friends refused to try another escape, but he agreed to try once more. After his escape, Hernando wanted to help his friends but he did not want to stay in the United States unless he could earn money for his family. He also wanted to see the traffickers punished. The advocacy organization informed him that he would need to stay in the United States until the case against his captors was completed because he was a "material witness." They also told Hernando that law enforcement could arrest and detain him to ensure that he remained in the United States. Hernando agreed to testify in court about the labor practices and to help law enforcement in any way he could.

### *C. Trafficking Status*

If Hernando were an adult, to meet criterion (b) of "a severe form of trafficking in persons," he would have to be recruited, harbored, transported, provided, or obtained 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 to be a victim of trafficking. Hernando and his friends were recruited for labor purposes with lies, or fraudulent arrangements, about what they would be doing in the United States and how much money they would be making. Moreover, when he arrived in the United States, the traffickers coerced Hernando into forced labor by withholding his papers, lying about a debt and violence.

This is enough to qualify Hernando as a victim of "a severe form of trafficking in persons," according to the TVPA. Moreover, Hernando is under 18, so the use of force,

fraud, or coercion is not necessary for Hernando to meet the requirements of being a trafficked person under the TVPA.

## 9. Tatyana from the Ukraine - 16, living with aunt and desperate to stay in U.S.<sup>20 21</sup>

### *A. Background*

Tatyana is a seventeen-year-old from the Ukraine. She moved to Atlanta, Georgia when she was 16 to live with her aunt for six months on a B-2 tourist visa. Tatyana loves to go out dancing every weekend. One night she saw her boyfriend, Boris, and told him she was upset because her visa was about to expire. She was having too much fun, and did not want to go back to the Ukraine. Tatyana was also concerned about limited opportunities for her future if she returned. Boris said he knew a person Tatyana could meet who could help her stay in the U.S. Boris told her that he had heard something about a law "where if you work, you can get an extended visa." Even though Boris had begun calling Tatyana "his woman" and started physically abusing her, she took his advice and met Boris' friend, Ivan. Ivan told her if she met him the next day with her visa, passport, and \$300, he would set her up with a job. Tatyana and Boris met Ivan the next day and she gave him her papers and \$300. Boris told Tatyana that in one week she would be moving to Miami to an apartment Ivan had arranged for her, where he would stay with her from time to time. Boris said that her new job would be working as a cocktail waitress. When she arrived in Miami, Tatyana discovered that she had to work at a strip club, where she was supposed to have sex with customers who would pay her new "boss," Ivan.

Tatyana said she wanted to leave, but Ivan told her she owed him \$5,000 for the new work visa, rent, food, and transportation. Tatyana pled with Boris, telling him that she loved him and that he must help her. Boris laughed at Tatyana and said, "Get used to it - it's better here than in Ukraine." Ivan charged Tatyana for a new work visa that she never saw. After a few months, Tatyana ran away, but Ivan's gang members caught and beat her badly. She was told that if she tried to leave again, both her and her aunt's lives were over.

### *B. Discovery*

Tatyana developed a rapport with one of the regulars at the strip club who later agreed to help Tatyana escape. The customer brought two friends with him one night and tried to leave the strip club with Tatyana. The club's bouncers attempted to stop the men from removing Tatyana and a fight broke out. When the police were called to break up the fight, they took her into custody. The DJJ probation officer contacted DCF, DCF found her aunt and returned Tatyana to Atlanta. Tatyana also had to report to the juvenile court in Miami on juvenile criminal charges.

### *C. Trafficking Status*

Tatyana was under 18 when she was transported across state lines for the purpose of committing a commercial sex act, which means she meets the criterion for section (a) of the TVPA. Because she was under 18, Tatyana is a victim of a severe form of trafficking.

## 10. Jorge from Columbia - 12, Sent to a better life by his family<sup>22,23,24</sup>

### *A. Background*

Jorge was born outside of Bogota, Columbia where his birth parents sold him when he was seven to a rich family that lived in the city. Jorge lived as this family's personal servant, but he was a small boy and was not as useful as his owners had hoped he would be. When Jorge was 11, an American businessman named Sam, who knew his captors/owners, offered to adopt Jorge and take him back to the United States. The family sold Jorge to the businessman, officially abandoning him so that Sam could adopt Jorge. Jorge lived at a private orphanage in Bogota for roughly four months, until Sam officially adopted Jorge and brought him to Florida.

Sam took care of Jorge, giving him plenty of food and reasonable household chores. However, as soon as Jorge's adoption in the U.S. was finalized, Sam forced Jorge to pose nude on film. Sam sold child pornography on the Internet and through black market stores. Sam brought in other boys, girls, and men occasionally and videotaped them with Jorge, but most of the pornography involved only Jorge. Eventually, Sam moved beyond making pornography to sexually molesting Jorge.

### *B. Discovery*

A neighbor thought she saw Jorge looking out the window of Sam's house one afternoon, but never saw him going to school or playing with other neighborhood kids. The neighbor was concerned and contacted the child abuse hotline. When child protective investigators arrived at the house, Sam seemed nervous and denied that a child lived there. The investigators left after Sam insisted on showing them around his house - Jorge was in a hidden closet. The investigators later discovered that Sam recently adopted a boy, and they contacted law enforcement. Law enforcement obtained a warrant to search Sam's house and this time they found Jorge along with pornographic photographs of Jorge. Local law enforcement arrested Sam and called the local Child Protection Team to conduct a medical screening and forensic interview.

*C. Trafficking Status*

Jorge is a trafficking victim under the TVPA. This case fulfills criterion (a) because Jorge was eleven when he was brought to the United States for the purpose of pornography, a commercial sex act.

## Endnotes

<sup>1</sup> The complete Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No. 106-386, can be found online at [http://209.190.246.239/tvpa\\_text.pdf](http://209.190.246.239/tvpa_text.pdf). The Act contains three Divisions, A through C. This chapter discusses Division A of the Act, which is titled the Trafficking Victims Protection Act of 2000 (TVPA). The TVPA defines two forms of trafficking: *sex trafficking* and *a severe form of trafficking in persons*. *Sex trafficking* is defined as "recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act." The TVPA defines *a severe form of trafficking in persons* as "(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, 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."

<sup>2</sup> Hughes, D. M. (1999). *Pimps and predators on the Internet: The Coalition Against Trafficking in Women*.

<sup>3</sup> Human Rights Caucus: Presentation of Rebecca Bryan, House of Representatives (2001).

<sup>4</sup> Raymond, J. G., D'Cunha, I, Dzuhayatin, S. R., Hynes, H. P., Rodriguez, Z. R., & Santos, A. (2002). A comparative study of women trafficked in the migration process: Patterns, profiles, and health consequences of sexual exploitation in five countries (Indonesia, the Philippines, Thailand, Venezuela, and the United States).

<sup>5</sup> Protection Project. (2002). Human rights report on trafficking of persons, especially women and children: United States Country Report. Retrieved September 28, 2002, from <http://209.190.246.239/ver2/cr/us.pdf>

<sup>6</sup> Testimony of Laura J. Lederer, Director of The Protection Project, Senate (2000).

<sup>7</sup> Merida, K. (2002, April 7, 2002). Of human bondage. *Washington Post*.

<sup>8</sup> Smith, S. (1999, April 9, 1999). Women smuggled into U.S., forced into prostitution try to recoup \$1M. *Broward Daily Business Review*, p. B9.

<sup>9</sup> Campagna, D. S., & Poffenberger, D. L. (1988). *The sexual trafficking in children: An investigation of the child sex trade*. Dover, Massachusetts: Auburn House Publishing Company.

<sup>10</sup> Estes, R. J., & Weiner, N. A. (2001). *The commercial sexual exploitation of children in the U.S., Canada, and Mexico*. PA: University of Pennsylvania School of Social Work.

<sup>11</sup> Vittachi, A. (1989). *Stolen childhood: In search of the rights of the child*. Cambridge, UK: Polity Press.

<sup>12</sup> Testimony of Laura J. Lederer, Director of The Protection Project, Senate (2000).

<sup>13</sup> *The sex trade: Trafficking of women and children in Europe and the United States: Hearing before the Commission on Security and Cooperation in Europe, One Hundred Sixth Congress, first session, June 28, 1999*, iii, 70 (1999).

<sup>14</sup> Bales, K. (1999). *Disposable people: New slavery in the global economy*. Berkeley, Calif.: University of California Press.

<sup>15</sup> National Coalition for Haitian Rights. (2002). *Restavek no more: Eliminating child slavery in Haiti*: National Coalition for Haitian Rights.

<sup>16</sup> Slavin, J. P. (N.D.). *Restavek: Four-year-old servants in Haiti*. *Thursday's child*.

<sup>17</sup> Estes, R. J., & Weiner, N. A. (2001). *The commercial sexual exploitation of children in the U.S., Canada, and Mexico*. PA: University of Pennsylvania School of Social Work.

<sup>18</sup> Ibid.

<sup>19</sup> Anti-Slavery International. (2002). *Human traffic, human rights: Redefining victim protection*. London, England: Anti-Slavery International.

<sup>20</sup> Ibid.

<sup>21</sup> Estes, R. J., & Weiner, N. A. (2001). *The commercial sexual exploitation of children in the U.S., Canada, and Mexico*. PA: University of Pennsylvania School of Social Work.

<sup>22</sup> Ibid.

<sup>23</sup> Slavin, J. P. (N.D.). Restavek: Four-year-old servants in Haiti. *Thursday's child*.

<sup>24</sup> Vittachi, A. (1989). *Stolen childhood: In search of the rights of the child*. Cambridge, UK: Polity Press.

## CHAPTER 5

### Social Services Responses

Persons who work in social service agencies must be able to identify a victim of trafficking and once identified, understand how to assist that person. This includes being able to distinguish how a victim of trafficking might compare to the provider's other clients as well as understanding the benefits and services that are uniquely available to victims of trafficking. Service providers also need to know about community, state, and national resources available to assist victims of trafficking and how to develop strong linkages and networks among local service providers, NGOs and law enforcement - both federal and state - so that they all can be part of delivering services to victims.

*Most service providers report that one of the most important groups with which to network and collaborate is law enforcement, and for good reason.*

#### Important Linkages to Law Enforcement

Most service providers report that one of the most important groups with which to network and collaborate is law enforcement, and for good reason. Law enforcement officers are often the "first responders" to a crime scene where many victims of trafficking are discovered. They are often the first to discover and identify victims, and they provide the initial keys to enable the victims to obtain needed social services benefits. Additionally, federal authorities have interpreted the laws that govern victim benefits certification through U.S. Department of Health and Human Services (HHS), to require a *federal* law enforcement endorsement. Such endorsements verify that the trafficking victim-applicant has assisted law enforcement by complying with any reasonable request for information and assistance in the trafficking investigation and prosecution of the alleged trafficking case.

Law enforcement can also help victims of trafficking access needed services. For instance, the Collier County Sheriff's Office, Victims

Services Unit has provided extensive support and assistance to victims of trafficking, helping them to find housing, providing in-house interpretation services, and providing security. By coordinating with non-profit service providers and accessing a variety of non-profit and other local services on the victim's behalf, particularly in the short term, law enforcement can help the victim, and prepare him or her to be a witness against the traffickers.

### **Trafficking Protocol for Social Services**

As knowledge and understanding of human trafficking increases, a number of national and state organizations are developing training modules, best practice manuals, protocols and other outreach and technical assistance materials. For instance, the Freedom Network,<sup>1</sup> of which the Coalition of Immokalee Workers and Florida Immigrant Advocacy Center (FIAC) are members, has received federal funding to provide technical assistance to service providers, law enforcement and others for trafficking issues. They have developed a comprehensive training program for service providers. In coordination with the Florida Coalition Against Domestic Violence Human Trafficking Project, the Freedom Network conducted a training in Tampa, on September 9, 2003. Also, the International Association of Chiefs of Police has received federal funding to produce information materials for law enforcement. Those materials are in development.

A definitive and comprehensive protocol that provides key information and outlines preferred practices could be a very valuable tool for providers. However, neither the FSU Project Team nor the Working Group has found that such a protocol for identifying and working with victims of trafficking exists. That being said, the absence of an "industry standard" does not prohibit us from identifying some common best

practices and suggesting the following protocol checklist for service providers.

#### *Service Provider Protocol Checklist*

1. *Identify and Screen for Trafficking*
2. *Provide or Refer Victims to Needed Services*
3. *Understand Special Issues Facing Trafficked Children*
4. *Determine Service Needs for Trafficked Persons*
5. *Conduct Training and Be Informed about Human Trafficking*
6. *Network with Other Service Providers and Law Enforcement*
7. *Provide Interpretation Services*
8. *Understand Cultural Contexts and Client Realities*
9. *Assess and Provide for Client Safety and Understand the Importance of Confidentiality*
10. *Provide Safety for Staff*

#### **Protocol Elements**

These ten key elements to a basic social services protocol are described below.

##### *Element 1: Identify and Screen for Trafficking*

Identifying victims of human trafficking is very difficult. Trafficking is a hidden reality and its victims are isolated and intimidated into secrecy and silence. Even if their captors allow them to leave their work or confined premises, traffickers monitor their every move and prevent access to help.

There is no single way to identify a victim of trafficking, and service providers may encounter them in a variety of circumstances and places,

from urban centers to rural communities to suburbia.<sup>2</sup> Similarly, a wide range of service providers - from community-based victim service agencies, clergy, health care, mental health, domestic violence centers, rape crisis programs, legal services to refugee assistance organizations, child protection teams, and government benefits agencies - may come into contact with trafficking victims and so need to know how to react and help them.

### Identification of Trafficking is Critical

It is rare for someone to self-identify as a victim of trafficking. More likely, an individual will come to the attention of a person or agency for some other reason. Therefore, it is vitally important for service providers to have a heightened awareness that a person might be trafficked. At this time, providers should not screen all clients for signs that they are or may have been trafficked in their lives. Rather, once staff is trained on the basics of trafficking, they should pursue screening only if their "radar" is alerted that trafficking might be an issue.

*All considerations should be taken to approach a child in a way appropriate for his or her age and experience.*

Identification can be much more difficult when the person seeking or needing services is a child. All considerations should be taken to approach a child in a way appropriate for his or her age and experience. For that reason, providers should collaborate with and bring in a counselor or other professional who is skilled in interviewing children. Child sexual abuse victim interviewers often are able to conduct the interview or at least offer guidance on age- and experience-appropriate interviewing methods.

### Trafficking Screening Questions:

The following interview questions can provide guidance to service providers. They are not a conclusive checklist and answers may or may not be indicative of whether a person is trafficked. Interviewers should

*Each person's circumstance is different and the interviewer must be insightful, sensitive and patient.*

understand that it is highly unlikely that a person will be able or willing to answer these questions the first time they are asked, or even during subsequent interviews. Also, the interviewer should never conclude that, for example, because only ten percent of the questions indicate the person is trafficked, she or he is *not* a victim of trafficking. Each person's circumstance is different and the interviewer must be insightful, sensitive and patient. These questions pertain, for the most part, to adults who are trafficked in the sex industry as well as other labor situations. There is a great need to research and develop a screening tool for children who are trafficked, as many of the questions posed here would be too complicated or beyond a child's understanding of her or his situation.

## **Trafficking Screening Questions**<sup>3</sup>

### **Origins**

- Did you come to the U.S. for a specific job or purpose?
- When you got here, did you have to do different work than you expected?
- Were you kidnapped or sold?
- Who was in control of your travel arrangements and documents?

### **Migration Status**

- What is your immigration status? Do you have authorization to work in the U.S.?
- Do you have personal documents such as identification papers, passports, birth certificates, etc.?
- Were you told what to say to immigration when you arrived?

### **Employment Issues**

- Who is your employer?
- Does your employer provide you with housing, food, clothes or uniforms?
- Did you sign a contract? What did it say?
- Do you owe money to your employer?
- Did your employer/boss tell you what to say if the police came? (e.g., told you to lie about your age, relationship, or your work?)
- Are you forced to have sex as part of your job?
- Can you freely leave the employment/situation?
- What happens if you make a mistake at work?
- What are the conditions of employment (including pay and hours of work)?
- Does your employer hold your wages (or charge for room, board, food, or transportation)?
- Are there guards where you work, or video cameras there to monitor and make sure no one leaves?

### **Safety Issues**

- Have you or your family been threatened with harm if you try to leave?
- What is your understanding of what would happen if you left your job?
- What would happen if you went home or were returned to your home country?
- Have you been threatened with deportation or reporting to immigration if you try to leave?
- Have you been physically harmed? Deprived of food, water, sleep, medical care or other life necessities? Forced to ask permission for things like food, water, or medical care?
- Has anyone threatened your family?

### **Social Networks**

- Are you allowed to buy clothes and food on your own?
- Can you come and go as you please? Are there rules about this?
- Can you freely contact (phone, write) your friends and family?
- Are you free to have a relationship with someone?
- Are you isolated from your community (people of the same national or cultural background)?
- Can you bring friends to your house?

*Element 2: Provide or Refer Victims to Needed Services*

It is often extremely difficult, if not impossible, for trafficking victims to receive the services that they need. Services may be nonexistent or inaccessible. Or, service providers might be unaware of available services and may not understand the victims' needs. Except for services and law enforcement activity in parts of South and Southwest Florida, most communities and service professionals in Florida are unaware of the existence of human trafficking and have not worked together to network or build a "coordinated community approach" to assist victims.

Thanks to recent activity at the State level through the Department of Children and Families (DCF), Office of Refugee Services (ORS), and federal funding, service providers and communities are learning more about trafficking and are working together. For example, a network of providers and others in South Florida has recently formed the Florida Freedom Partnership (FFP). The FFP is a partnership of four agencies working together to provide rapid comprehensive support services to pre-certified victims of trafficking while building the capacity of the South Florida community to better understand and respond to the needs of trafficked persons. FFP received two grants to provide comprehensive services to both pre-certified and certified victims of human trafficking. The two grants were awarded by the Department of Justice's (DOJ), Office for Victims of Crime (OVC) for the period of January 1, 2003 to December 31, 2005, and by the Department of Health and Human Services (HHS), Office of Refugee Resettlement (ORR) to provide funding to work directly with victims of trafficking and to educate the community about the facts of human trafficking.

*The FFP is a partnership of four agencies working together to provide a rapid, comprehensive support service to pre-certified victims of trafficking while building the capacity of the South Florida community to better understand and respond to the needs of trafficked persons.*

Also, the Florida Coalition Against Domestic Violence received a grant from the Office of Refugee Resettlement to raise awareness and develop

training and outreach materials for domestic violence and sexual violence programs statewide. Other service providers and networks, such as the 211 Resource and Referral Network, also are including "human trafficking" in their service delivery options. (See Appendices B-E for a directory of state, national and international NGOs and other service providers.)

*One of the biggest problems facing children who are trafficked is that they are undetected and unidentified.*

*Element 3: Understand Special Issues Facing Trafficked Children<sup>4</sup>*

Children are trafficked individually, with other children, or with adults. Like adults, children come from a variety of countries and experiences. They may also be United States citizens who are trafficked within this country. One of the biggest problems facing children who are trafficked is that they are undetected and unidentified. They can be mistakenly identified as adults, be detained and deported through the Bureau of Immigration and Customs Enforcement (BICE) detention for undocumented minors or adults (and returned to traffickers or families who sold them to traffickers), be placed in overburdened child welfare systems or be released back to the traffickers.<sup>5</sup> Even when placed in the child welfare system, if they are not identified as being trafficked, they will not receive appropriate and needed services and could be moved into unstable and unsecured placements, causing them further trauma.

The number of children who are trafficked is increasing, although HHS has "determined eligible" for services only 20 children nationwide since September 2002. According to the United States Catholic Conference of Bishops (USCCB), the 20 children whom HHS had deemed eligible for services as of September 2002 have the following characteristics:

- Most (13) are unaccompanied, four are with a parent;
- Most are girls;
- All but two were trafficked in the sex trade;

- All but one are teens;
- They come from the Pacific Islands, former Soviet Union, Latin America, Southeast Asia;
- Most are marginal to their families or are "street children";
- Several were trafficked by close family members;
- Emotional vulnerability and threats to their families were used to control them;
- All have significant physical and mental health issues; and
- Periods of enslavement range from several months to three or more years.<sup>5</sup>

The Office of Refugee Services reports that from January to June 25, 2003, four more children have been deemed eligible.

*Based on the trafficked children served to date, the USCCB recommends that a "continuum of care in which the child experiences the most stability (or the least disruption) should become the norm for child victim referrals."*

Children are especially vulnerable and so have great needs starting with safety and long-term stability.<sup>6</sup> Based on the trafficked children served to date, the USCCB recommends that a "continuum of care in which the child experiences the most stability (or the least disruption) should become the norm for child victim referrals."<sup>7</sup> Safe and secure housing and an overall supportive environment for the child is critical. Additionally, the child should immediately receive an appointment of a trained *guardian ad litem* or legal advocate to:

- protect the best interests of the child throughout investigations and immigration processes;
- meet with the child regularly;
- conduct investigations into his or her circumstances, both in Florida and in their country of origin;
- recommend the types of placements and services; and
- suggest other plans necessary to meet the child's needs.<sup>8</sup>

Trafficked children may be detected and assisted in Florida by Child Protection Teams (CPT). When child abuse or neglect is suspected, law enforcement can call the CPT. Their members, a medical director, team coordinator and case coordinator, all work together to assist law enforcement and DCF (*see* Chapter 6: Law Enforcement Responses).

In Florida, children who are trafficked can qualify for the Unaccompanied Refugee Minor (URM) program, which can include foster care at special facilities. Currently, few services are specifically targeted to trafficked minors. Those that exist include legal services from the FIAC, mental health, legal and other services through the FFP (although minors still are not all specifically targeted for services, the FFP unit still assists them), and shelter and home placements through Lutheran Immigration Services and the USCCB.

Effective March 1, 2003, the care and shelter of unaccompanied alien minors has shifted from INS to ORR at HHS. Many believe that with this change, children will no longer be detained in unfavorable conditions but cared for by agencies in environments more conducive to their well being.

*Service providers should realize that their clients will require assistance for several years, and they should not assume that after one issue is resolved, the provider's work is done.*

#### *Element 4: Determine Service Needs for Trafficked Persons*

Trafficked persons have short and long-term needs. The trauma of having been trafficked may well remain with them for their entire lives and reemerge in many ways over time. Service providers should realize that their clients will require assistance for several years, and they should not assume that after one issue is resolved, the provider's work is done. For instance, trafficking prosecutions can go on for years, thus requiring the victim witnesses to re-tell their stories, and to again relive their traumatization.

Over both the short and long-term, victims need a variety of services. Moreover, as they move through various systems, their needs may change. For instance, a victim may need more intense safety planning and protection during the pendency of a prosecution, but this may lessen after the traffickers are convicted. Conversely, a victim's safety needs may be a constant concern for years after conviction. The capacity of a victim to go from agency to agency for assistance will improve over time as she or he learns what to do and where to go. A good case manager is very important to a victim being able to obtain initial benefits, explaining victims' rights, troubleshooting inevitable problems and barriers to assistance, and in general, providing guidance to the victim on negotiating confusing and vexing social services networks. Providers should not assume that all victims of labor or sex trafficking would need the same services and respond the same way to interventions as their last client in a similar circumstance had responded.

Victims face a number of basic needs that include:

1. Shelter;
2. Legal services and advocacy (including immigration assistance);
3. Health care (including HIV and STD testing, mental health counseling);
4. Case management to assist victims with:
  - job skills development and placement,
  - access to public benefits,
  - translator services,
  - criminal justice system information and assistance (victims rights information, access to witness protection programs), and
  - safety planning and assistance, and
5. Aftercare.

*There are no shelters for victims of trafficking in Florida.*

### 1. Shelter

There are no shelters for victims of trafficking in Florida. Victims have been housed at domestic violence centers, the Krome Service Processing Center, (a federal detention facility in South Miami-Dade County), juvenile detention facilities (Boystown), a motel (Comfort Inn), The Salvation Army, and soon, through the Florida Freedom Partnership facilities (limited to adults and in South Florida only). Safe shelter is crucial for a victim of trafficking, both in terms of basic survival and protection from the trafficker. It is also important that law enforcement and prosecutors know that the victims, as witnesses, are in a place where they can be interviewed and are available to assist in investigation and prosecution.

Traditional shelters are neither ready-made nor automatically appropriate for victims of trafficking. For instance, homeless shelters may not be able to provide necessary security. Domestic violence shelters may not have room to accommodate a large number of victims. (This is important as anti-trafficking advocates report that it is often better for victims to be housed together as they have bonded throughout their trauma and need one another.)

The experiences of one Florida domestic violence center, which accommodated over a dozen trafficking victims for one year during the pendency of a federal prosecution, illustrates both the successes and challenges of housing trafficking victims at a domestic violence shelter. The successes included superior security, clean and comfortable facilities and the presence of on-site advocates and medical care. Federal victims crime funds compensated the domestic violence program for providing services and shelter to the trafficking victims.

Some of the challenges included the need to make exceptions to some traditional shelter rules. Victims could not discuss their cases, the shelter modified curfews, allowed access by federal law enforcement to the victims, had to explain trafficking victims' presence to the rest of the population, and the shelter had to remove emergency beds for domestic violence client use for an extended period of time. This experience also illustrated how necessary it was for the victims' lay and attorney advocates to negotiate with the federal authorities on an almost daily basis to make the shelter arrangements work successfully.

## 2. Legal Services and Advocacy

*Legal assistance is crucial to victims being able to understand their rights and remedies and to make decisions.*

Trafficking victims face complex legal issues related to their immigration status, legal rights, and eligibility for benefits and services. Legal assistance is crucial to victims being able to understand their rights and remedies and to make decisions. In Florida, FIAC and Florida State University's Center for the Advancement of Human Rights are examples of programs that provide legal services to victims of trafficking. Additionally, the Florida Department of Children and Family's Office of Refugee Services also contracts with Catholic Charities, Church World Service, the Human Rights Institute of St. Thomas University, and Jacksonville Area Legal Aid to provide legal services to refugees. Once they become certified, trafficking victims are entitled to receive some services from these same groups.

Attorneys who represent victims of trafficking can provide a myriad of services to their clients. They can help them obtain release from immigration detention facilities to more appropriate shelter; recruit other attorneys to represent their clients in other matters *pro bono*; provide case management services in coordination with other not-for-profit organizations; block deportation; obtain temporary immigration status, work authorizations, medical treatment, fee waivers, and counseling

services; file for the Department of Health and Human Services' certification letter and supplements for family members; and help them to obtain housing, food, and clothing.

For instance, during the *Cadena* cases, FIAC attorneys were present at interviews, depositions, and all meetings between the clients and the Department of Justice, Civil Rights Division, the U.S. Attorney's offices, the FBI, and the INS Border Patrol. FIAC and the Center have also handled several trafficking and labor exploitation cases involving farm workers.

### 3. Health Care

Whether male or female, adult or child, and regardless of how they were victimized, or the type of work they were forced to do, victims of human trafficking suffer a range of physical and mental health trauma. Moreover, general medical problems can develop or worsen during transportation to their destination<sup>9</sup> as well as while in captivity. Even after they are discovered, trafficking survivors are often re-traumatized by the various systems they encounter, and those systems also may fail to provide them needed health care. For instance, the police may arrest and jail victims unless they are properly identified, victims can be deported or threatened with deportation, welfare agencies can reject them for services and assistance, and prosecutors and investigators can make them relive horrific trauma each time they are interviewed.

*Even after they are discovered, trafficking survivors are often re-traumatized by the various systems they encounter, and those systems also may fail to provide them needed health*

The illegal and clandestine nature of human trafficking makes it difficult to catalogue all of the specific health care concerns victims of trafficking face. Nonetheless, health care providers who provide services to immigrants, refugees and asylees should be familiar with many health matters affecting victims of trafficking. Service providers should have access to health care that offers basic services including general and

*...trafficking victims arrive and may suffer from malnutrition, serious dental problems, and disease.*

gynecological examinations, immunizations, tuberculosis tests, and referrals to a hospital or clinic that offers free services to individuals without income or health insurance.<sup>10</sup> In fact, the recently filed Trafficking Victims Protection Reauthorization Act of 2003, H.R. 2620, calls for research on "the interrelationship between trafficking in persons and global health risks."

In Florida, health care is available to pre-certified victims in South Florida through the Florida Freedom Partnership. Certified victims can receive health screenings and immunizations from county health departments.

#### *Physical health care issues*

Victims of human trafficking often are from poor countries or communities.<sup>11,12,13,14</sup> "Poverty is an important indicator of health and illness."<sup>15</sup> Therefore, victims of trafficking arrive and may suffer from malnutrition, serious dental problems, and disease. An increase in the prevalence of infectious diseases (like tuberculosis) is also present in populations of trafficked migrants.<sup>16</sup> Non-contagious diseases like diabetes "may be a significant problem associated with human trafficking."<sup>17</sup> Trafficked victims also may suffer from substance abuse or addiction problems because traffickers push them into it<sup>18</sup> or because victims need to self-medicate<sup>19</sup> to escape their horrendous reality. Of course, their captors regularly deny them needed health care.

*...the mental and emotional consequences of being a victim of human trafficking can be severe and "longer lasting than physical scars."*

#### *Mental health issues*

It is impossible to know the preexisting mental health condition of people before they were trafficked. Regardless, the mental and emotional consequences of being a victim of human trafficking can be severe and "longer lasting than physical scars."<sup>20</sup> There are no available and reliable data on mental illness in trafficked migrants and so we rely on studies with similar populations. The incidence of psychiatric disease, like depression

and suicide, in illegal migrants is higher than in other populations.<sup>21</sup> In addition, prostitute populations have been found to have a higher rate of suicide than other groups.<sup>22</sup> The mental health consequences to children who are trafficked are also devastating.<sup>23</sup>

### *Culture Shock*

*Victims of human trafficking and refugees experience extreme changes in their language, customs, and values.*

Victims also may suffer "cultural shock" or "social, psychological, or emotional difficulties in adapting to a new culture or similar difficulties in adapting to one's own culture as the result of rapid social or cultural changes."<sup>24</sup> Victims of human trafficking and refugees experience extreme changes in their language, customs, and values. Moreover, language, customs, and values of their new home country are not only different from the victim's experiences, "but also are perceived by some refugees and some people in the country of refuge as superior to the language, customs, and values of the refugee."<sup>25</sup> Language and customs may interfere with the ability of health care providers to reach the trafficked victim. For example, some populations in developing countries have low expectations of government help regarding health care.<sup>26</sup> These victims may not be able to know, understand, or trust the benefits and resources that may be offered to them in the U.S.

### *Health Care and Children*

*Children are one of the most vulnerable populations of trafficking victims.*

Children are one of the most vulnerable populations of trafficking victims. Child victims, like adults, will likely suffer severe and long-lasting symptoms and consequences of rape, torture, kidnapping, and mental and emotional abuse. Regarding sexual exploitation, "virtually all [children] suffer long-term physical and emotional injuries."<sup>27</sup> The sexually exploited child's recruitment and the child trafficking victim's recruitment are the same: forced abduction, deceit (sometimes parents or older siblings are involved with traffickers), or pressure from parents (for economical-political reasons). Traffickers take children far away from their

hometowns, families and friends. Children are subjected to all types of abuse and violence. Traffickers may push children into drug and alcohol consumption.<sup>28</sup> Like adults, children may self-medicate as a way to ease the tremendous physical and emotional pain.

*Victims of human trafficking often suffer multiple victimizations.*

#### *Health Consequences Compared with Other Victimizations*

Victims of human trafficking often suffer multiple victimizations. While the experience of being trafficked is unique, people who are trafficked may share characteristics with non-trafficked victims of rape, torture, kidnapping, domestic violence, as well as with prostitutes, and present similar health care issues.

#### *Rape*

Like sexual assault and rape victims who are not trafficked, victims of trafficking may have severe physical and emotional health consequences: pelvic pain, sexual difficulties (including infertility), urinary difficulties, sexually transmitted diseases, rectal trauma, and psychological trauma, among others.<sup>29</sup> Testimonials<sup>30</sup> and other research studies indicate that rape is a regular reality for many trafficked women and children.<sup>31</sup> Research studies have shown that sexual exploitation victims are subject to high rates of torture, psychological harm and even homicides.<sup>32</sup> In her testimony to Congress, "Rosa" described how she was trafficked and raped.<sup>33</sup> Other trafficked persons such as domestic servants and farm workers, sweatshop workers are also raped and report serious trauma.

*The physical effects and symptoms of torture are innumerable and include scars, headaches, hearing loss, cardiovascular/respiratory problems, and limb amputation.*

#### *Torture*

Torture can be defined as "the deliberate, systematic or wanton influence of physical or mental suffering by one or more persons acting alone or on the orders of any authority, to force another person to yield information, to make a confession, or for any other reason."<sup>34</sup> The physical effects and symptoms of torture are innumerable and include scars, headaches,

hearing loss, cardiovascular/respiratory problems, and limb amputation. Many victims of human trafficking face similar victimizations at the hands of their traffickers. The psychological effects of torture are, among others: helplessness, shame and humiliation, shock, denial and disbelief, disorientation and confusion, and anxiety disorders including post traumatic stress disorder (PTSD)<sup>35</sup>, phobias, panic attacks, and depression.<sup>36</sup> Experts point to those who treat torture survivors as among the best qualified to treat the myriad of mental and physical health problems facing trafficking survivors.

### *Kidnapping*

Victims of kidnapping also suffer physical and emotional abuse. Victims may be deprived of food, water, and bathroom facilities. Captors cut victims' ears or fingers to send them to the victims' families. Some victims also have dental pain (objects may have been forced into or around their mouths) and visual problems due to being held captive in darkness for long periods of time.<sup>37</sup> Many victims develop PTSD,<sup>38</sup> as well as Stockholm Syndrome.<sup>39,40</sup> Stockholm Syndrome 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 to cope with the captivity.<sup>41,42,43</sup> If not kidnapped, victims of human trafficking may still experience a "hostage" situation where, even though victims are not guarded at all times, fear and debt bondage stop them from being able to leave.<sup>44</sup>

### *Domestic Violence*

The consequences of domestic violence are physical and psychological trauma, and even include the possibility of death as victims are killed by batterers or escape violent relationships by committing suicide. Victims of domestic violence usually suffer verbal and physical abuse, sexual assault and rape. Psychologically, battered victims will likely experience

shame and guilt and often assume responsibility for their batterer's violent behavior.<sup>45</sup> As in domestic violence situations, trafficking victims are not only isolated by their "batterers," they also may find themselves isolated by language barriers and lack of knowledge of their rights.<sup>46</sup> Battered and trafficked victims may develop an attachment to their captors<sup>47</sup> and take a long time to self-identify their victimizations.

*Women and children trafficked into prostitution are likely to have multiple and severe physical and mental health conditions.*

### *Prostitution*

Women and children trafficked into prostitution are likely to have multiple and severe physical and mental health conditions. They may experience gynecological problems such as chronic pelvic pain, unwanted pregnancy, and cancer. HIV/AIDS presents its own category of health concerns. Trafficked persons are not able to make their clients use condoms and do not receive regular (or any) health care services. Victims become infected with HIV at a rate that is higher than the general population.<sup>48</sup> They then infect their "clients,"<sup>49</sup> who also spread the disease.<sup>50</sup> This problem becomes more alarming when men sexually victimize trafficked girls and boys, who are virgins as young as eight years old.<sup>51</sup>

*The survivors interviewed by the Project Team spoke about how good case management enabled them to pick up the pieces of their lives and move forward.*

#### 4. Case Management and Access to Public Benefits

The survivors interviewed by the Project Team spoke about how good case management enabled them to pick up the pieces of their lives and move forward. There was a remarkably favorable difference in levels of post-captivity adjustment in those victims who received intensive and regular case management services. If done properly, case management helps the client gain access to all of their service needs and receive ongoing assistance to continue on a path to recovery and self-sufficiency. Case management<sup>52</sup> should include:

- An intake, during which time a victim is assessed to determine his or her needs;

- A service plan that responds to those needs and to strive to reach the victim's goals;
- An explanation of the individual's rights under the law and the role of the partner agencies, law enforcement, and the Department of Justice;
- Other criminal justice system information and assistance (victims rights information, access to witness protection programs);
- Safety planning and assistance;
- Coordination with community networks and with agencies whose services the victim may require;
- Bus passes;
- Cash assistance;
- Employment services;
- Referrals to service providers;
- English as a Second Language (ESL) and literacy tutorials;
- Continued communication with case manager; and
- Other services which the client may need.

##### 5. Aftercare

Trafficking survivors' short and long-term needs can be very similar. Long-term needs, however, tend to get less attention and can be more difficult to address as not much is known about them and because policy makers, prosecutors and law enforcement focus on the short term needs of their own investigations and prosecutions. Also, there is little or no funding available to support these long-term needs despite the fact that a survivor of trafficking will bear the scars of his or her captivity for many years and the process of healing may be life long. The recent testimony of Reverend Lauran Bethell before Congress offers good insight into many of these long-term needs and gives service providers aftercare principles for victims of trafficking.<sup>53</sup> These ten principles are:

1. The victim should always be kept at the center of any planning for aftercare.
2. There are no "quick fixes."
3. Safety and security must be felt.
4. A community environment provides the greatest opportunity for healing.
5. Compassionate listeners need to be available.
6. There must be a component of economic support.
7. There must be an educational/skill development component to aftercare.
8. Medical care must be available.
9. Provisions must be made for victims who are HIV positive.
10. Legal advocacy needs to be provided.

***Element 5: Conduct Training and Be Informed about Human Trafficking***

All service providers should have core-competency training on how to recognize, respond to and assist victims of trafficking. This training would include information on: what constitutes human trafficking, how to identify a victim, prevalence, laws including the TVPA, safety and security, benefits and services available, and resources. The checklist items listed in this chapter provide a good outline for service provider training.

***Element 6: Network with Other Service Providers and Law Enforcement***

Most service providers, such as rape crisis centers, health care clinics, legal services offices, migrant and immigrant rights organizations, domestic violence centers, mental health clinics and other community-based organizations, as well as other governmental agencies like DCF and law enforcement, report heavy case loads, shifting priorities and shrinking budgets. Moreover, victims of trafficking need an array of services: they

*...victims of trafficking need an array of services:...*

may have suffered multiple victimizations, are under different threats from traffickers, have serious health needs dependent on their history and age, and their immigration status and the criminal case against their traffickers may be in limbo. This makes it critical for community organizations to link with one another, first to assess resources that are currently available, second to develop a plan for responding to a victim of trafficking, third to deliver services and fourth, to work toward improving and coordinating services in the future.

The laws regarding prosecution of traffickers and benefits to victims of trafficking are complex and evolving, requiring knowledge of federal laws, program benefits and processes, as well as state programs and laws. Therefore, links with local U.S. Attorneys' Offices, the FBI, BICE, and others are important. The development and sustenance of a federal/state/local coordinated community approach to serving victims of trafficking is an important foundation for all communities. (*See Chapter 8: Coordinating a Community Response to Trafficking.*)

### ***Element 7: Provide Interpretation Services***

Service providers who interview or screen clients must have access to qualified and/or certified interpreters. It can take repeated interviews over several different sittings to discern if a person is a victim of trafficking, the extent of his or her victimization and how to best help: impossible tasks if the victim does not have the assistance of a qualified interpreter. Interpreter services must be both linguistically and culturally appropriate. Also, while not ideal, providers can use telephonic interpreter services such as those provided by ATT Language Line.

In Florida, the Florida Center for Survivors of Torture and Refugee Services has an available bank of interpreters who receive language training as well as information about the socio-political circumstances of a

client's country, thus being able to better understand the context and so more accurately interpret for them. Also, the Florida Freedom Partnership (FFP), an alliance of several South Florida agencies, utilizes its own in-house translator resources for Spanish, Haitian Creole, French and Portuguese on a consistent basis. For other languages such as Russian and Vietnamese, the FFP does not have reliable in-house capacity. However, they have begun to leverage translation support from ethnic communities, American Red Cross, universities and mutual aid associations for a number of languages. The Collier County Sheriff's Office has also developed interpreter services in-house.

Interpreters should be sensitive to the victims, as well as be trained and certified. Advocates and other service providers should be trained on how to work with interpreters, insisting on accurate word for word translations and understanding that interpretation may take a significantly longer time. There is also the potential risk posed to victims and service providers when they recruit translators from clients' ethnic or social communities. That is, the interpreter may be allied with the trafficker. Therefore, it is critical that providers screen the interpreters to ensure that they are not associated with the traffickers.

### ***Element 8: Understand Cultural Contexts and Client Realities***

Service providers must be aware of the trafficked person's social, cultural and political realities. This means that questions and interactions should be respectful of that client's realities and perspectives. The contexts of trafficking victims' lives may include oppression, fear, violence, ambivalence, conflict, and extreme poverty. Some victims may feel resigned to tolerate these conditions. Responses of victims of trafficking can be very different from one person to the next. There can be other factors to pay attention to, such as gender-specific realities. For instance, it would be better to ask a young Hispanic male if he "made the smart

*Service providers must be aware of the trafficked person's social, cultural and political realities.*

choice not to escape after seeing what happened to the others?" rather than asking "were you afraid of what the boss would do if you left?"<sup>54</sup>

Trafficking victims come from all over the world and the types of victimization vary greatly, ranging from forced sex work and domestic servitude, to sweatshop or farm labor. People are trafficked for work in the hotel and restaurant industries, or in any business industry where labor is contracted for through "middlemen."<sup>55</sup> Moreover, one victim can suffer multiple victimizations: a woman trafficked to work in a sweatshop or as a domestic worker, may also be raped by her employer. A 17-year-old girl trafficked for prostitution could also be beaten by her pimp/boyfriend.

Service providers cannot expect to hear all of the details from victims immediately. Trafficking victims have endured great pain and trauma. They understandably believe much of what the traffickers have told them about the harm that will come to them and their families if they reveal the truth. "Breathing space" is crucial for clients, and providers must be patient when dealing with victims of trafficking.

*Element 9: Assess and Provide for Client Safety and Understand the Importance of Confidentiality*

Providers must understand that a victim of trafficking can be at great risk of harm, and that confidentiality is crucial to his or her safety. Safety levels can vary depending on the traffickers' network, knowledge, type of case and a host of other factors. Safety can also depend on the traffickers, who might have been arrested, how at risk the traffickers "up the line" might be, and how much the victim can affect their traffickers' level of risk of arrest and prosecution.<sup>56</sup>

*Providers must understand that a victim of trafficking can be at great risk of harm, and that confidentiality is crucial to his or her safety.*

Some questions to assess a victim's level of endangerment are:

- What is their ability to function in daily life, thus blend in, away from the attention of their community?
- Who is looking for them, where?
- Is the danger greater if they stay together in the same location?
- How much of a threat is their own community (do the traffickers know community members and have ready access to information about victims)?
- Who is implicated in the trafficking enterprise or in using 'sex services'?
- What is their status in the community?<sup>57</sup>

There are a number of ways to provide security to victims and staff. For instance, providers could give victims cell phones or "panic" devices so they can quickly call for help, victims and staff can take self-defense and risk-reduction instruction by law enforcement, and law enforcement can do a "security audit" of any housing and staff facilities to point out vulnerable areas. Global positioning technology can also help, as well as "stalk the stalker" devices and programs that law enforcement might already have in place. These can all be used to help a victim of trafficking to be safe.

*All agencies working with victims of trafficking need to ensure the safety of their work environments and of any shelters where victims of trafficking are housed.*

### ***Element 10: Provide Safety for Staff***

As noted in Element 9 above, safety is of the utmost concern for both victims and the service provider's staff. All agencies working with victims of trafficking need to ensure the safety of their work environments and of any shelters where victims of trafficking are housed. Their traffickers may still be at large in the community and could pose threats of physical harm to victims of trafficking and staff. Many of the security measures put in place will need to resemble those of a domestic violence shelter.

Providers should regularly meet with law enforcement agencies to develop and refine safety plans for both victims and for staff.

### **Florida Anti-Trafficking Programs and Services**

There are several Florida agencies and organizations that provide services or whose programming involves working with victims of trafficking. These descriptions are found in Appendix B, authored in large part by the agencies themselves or derived from their websites. They give an overview of service and program activity statewide and in local areas. This is not an exhaustive list of providers and services, but rather it is an introduction to some of the programming around Florida.

### **Conclusion**

Safety and security are of primary importance to victims of trafficking. There is a wide range of other services that victims of trafficking need and which social service providers and others can offer. However, a great deal of work remains to be done in the service provider community including training to identify, assist and refer victims and linking with other organizations and agencies such as law enforcement and existing anti-trafficking efforts.

## **Chapter 5: RECOMMENDATIONS**

20. The **Center** should make information on trafficking training opportunities available, and community-based victim service agencies should contact the Center and other technical assistance providers (*see* Appendices B-E) to receive regular and ongoing training on how to identify and assist victims of trafficking, as they may be the first contacts with a victim. This includes front line advocates as well as supervisors and organization leaders.
21. The **Center** and **Working Group** should examine issues and needs relating to interpreters for victims of trafficking, with a special focus on making sure that interpreters are qualified, sensitive to trafficking issues, and familiar with the implications of interpretations for victim witnesses in the criminal justice context. In addition, **DCF, Office of Refugee Services (ORS)** and its translator trainings and services, should evaluate whether their training could be enhanced and supplemented with information relevant to interpreting in cases of human trafficking. The **Center** should research whether there are standards or training for interpreters now available.
22. The **Center** and **Working Group** should examine how communities could create community-based "Interpreter Banks" of competent interpreters who could be contacted by service providers and law enforcement in trafficking cases. Interpreters should be subjected to screening criteria and sensitized to the issues of human trafficking through specialized training. Communities could pool together their

current interpreter resources (preferably voluntary interpreters and translators as most agencies do not have budgets for translation costs) for the "Interpreter Bank."

23. The **Center** and **ORS** should explore how to fund interpreter services and who might be able to provide these services for pre-certified and certified victims of trafficking.
24. The **Center** and the **Working Group** should gather information regarding security standards and guidelines and the development of "trafficking safety plans" for housing, services, travel, work, and other victim and staff needs. These should be sensitive to the level of risk posed to the victim by the trafficker. For example, a domestic servant victimized by one couple might have different risks than a group of women forced into prostitution by a sophisticated organized crime operation. The **Center** should look at security plans already developed by NGO's who serve victims of trafficking and by others such as domestic violence programs. The **Center** and service **providers** who develop safety plans should work with law enforcement on their development and implementation. The **Center** should disseminate information on security standards and guidelines on its website and as part of its outreach efforts.
25. **Staff who work with victims of trafficking** should attend security training, self-defense and first aid courses, and local law enforcement should look to developing or assisting them in receiving such training. Agencies should have a security plan in place for

potential acts of violence and/or possible attempts by traffickers to obtain information or attempt to abduct victims of trafficking.

26. **Local non-profit victim advocacy and support agencies** that work with victims of trafficking and **local prosecutors and law enforcement** should be familiar with each others' responsibilities and duties and coordinate with one another to help victims of trafficking.
27. Social services agencies have experienced severe budget cuts and will require additional funding and support in order to assist victims of trafficking. The **Center** should assist in making information available concerning grant opportunities to support work on trafficking.
28. The **Center** should provide technical assistance to the health care community, including public health care providers on human trafficking. This should include the development and implementation of training and outreach materials.
29. **Health care providers** should request that their professional associations and others from whom they receive continuing education programming and information (such as medical society newsletters), provide training and/or information to them regarding the particular infectious diseases to which victims of trafficking - especially women and children - are exposed.

- 30. The Center should also make this Report available to statewide health care associations, so they may understand the context for their developing an increased awareness and professional capacity concerning human trafficking.**
  
- 31. The Center should research and developed screening questions for children who might be victims of trafficking.**

## Endnotes

<sup>1</sup> The Freedom Network (USA) is a national network of service providers who are experts on the issue of human trafficking. See <http://www.freedomnetworkusa.org/members.html> for more information.

<sup>2</sup> Vital Voices Global Partnership. (2002). *Anti-trafficking tool kit*. Vital Voices Global Partnership. Retrieved, from the World Wide Web: <http://www.vitalvoices.org/programs/anti-trafficking/toolkit>

<sup>3</sup> Compiled from Safe Horizon, Christa Stewart; Stop Trafficking of People: An Introductory Resource, Migration and Refugee Services, USCCB; the FCADV Trafficking Project; and the FSU Working Group Members.

<sup>4</sup> Credit for much of this section goes to Duncan, J. (2002, November 13-15, 2002). *From vulnerability to self-sufficiency: The cycle of assisting trafficked children in the United States*. Paper presented at the Human Rights Challenge of Globalization in Asia-Pacific-US: The Trafficking in Persons, Especially Women and Children, Honolulu, Hawaii.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> Maloney, Sarah. "Conference and Symposium Reports TransAtlantic Workshop on 'Unaccompanied/Separated Children: Comparative Policies and Practices in North America and Europe' held at Georgetown University, 18-19 June 2001. *Journal of Refugee Studies*, Vol. 13, no. 1 (2002). This recommendation is not specific to child victims of trafficking but rather to the larger group of unaccompanied minors of which trafficking children are a subset. See also the Homeland Security Act, which "... contemplate[s] that children's access to counsel and guardians will be improved by the ORR [Office of Refugee Resettlement]. The HSA charges the ORR with the responsibility of 'compiling, updating and publishing at least annually a state-by-state list of professionals or other entities qualified to provide guardian and attorney representation services for unaccompanied alien children' and 'to develop a plan to be submitted to Congress on how to ensure that qualified and independent legal counsel is timely appointed to represent the interests of such child, consistent with the law..." - Nugent, C., & Schulman, S. (2003). A new era in the legal treatment of alien children: The Homeland Security and Child Status Protection Acts. *Interpreter Release*, 80(7).

<sup>9</sup> Gushulak, B., & MacPherson, D. (2000). Health issues associated with the smuggling and trafficking of migrants. *Journal of Immigrant Health*, 2(2), 67-78.

<sup>10</sup> These services will be provided in South Florida by the Florida Freedom Partnership, see below for descriptions and contact information.

<sup>11</sup> Mananzan, M.-J. (1993). Violence against women. *Women Magazine*, 55-58.

<sup>12</sup> Dios, A. J. d. (1998). *Confronting trafficking, prostitution and sexual exploitation in Asia: the struggle for survival and dignity*. Gale Group. Retrieved, 2002, from the World Wide Web: <http://www.uri.edu/artsci/wms/hughes/mhvasia.htm>

<sup>13</sup> Dios, A. J. d. (1999). Prostitution and trafficking in women. *Nivedini-A Sri Lankan Feminist Journal*, 7(n2), 72.

- <sup>14</sup> Gushulak, B., & MacPherson, D. (2000). Health issues associated with the smuggling and trafficking of migrants. *Journal of Immigrant Health*, 2(2), 67-78.
- <sup>15</sup> *Refugee health problems and issues* (2003). Refuge Health - Immigrant Health. Retrieved, 2003, from the World Wide Web: [www3.baylor.edu/~Charles\\_Kemp\\_/refugee\\_health\\_problems.htm](http://www3.baylor.edu/~Charles_Kemp_/refugee_health_problems.htm)
- <sup>16</sup> Gushulak, B., & MacPherson, D. (2000). Health issues associated with the smuggling and trafficking of migrants. *Journal of Immigrant Health*, 2(2), 67-78.
- <sup>17</sup> International Organization for Migration. (Summer 2000). There are ways to curb the worldwide traffic in migrants. *Trafficking in Migrants: Quarterly Bulletin*, 21.
- <sup>18</sup> Asia and Pacific Islander Institute on Domestic Violence. (2003). *Trafficking considerations and recommendations for domestic violence advocates*. Asia and Pacific Islander Institute on Domestic Violence. Retrieved June 14, 2003, from the World Wide Web: <http://www.apiahf.org/apidvinstitute/Critical%20Issues/trafficking.htm>
- <sup>19</sup> Dios, A. J. d. (1999). Prostitution and trafficking in women. *Nivedini-A Sri Lankan Feminist Journal*, 7(n2), 72.
- <sup>20</sup> Bertone, A. M. (2000). Sexual trafficking in women: International political economics and the politics of sex. *Gender Issues*, 18(1), 4.
- <sup>21</sup> Gushulak, B., & MacPherson, D. (2000). Health issues associated with the smuggling and trafficking of migrants. *Journal of Immigrant Health*, 2(2), 67-78.
- <sup>22</sup> Yates, G., Mackenzie, R., & Swofford, A. (1991). A risk profile comparison of homeless youth involved in prostitution & homeless youth not involved. *Journal of Adolescent Health*, 12(7), 545-548.
- <sup>23</sup> Mirkinson, J. (1997). The global trade in women. *Earth Island Journal*, 13(n1), 30.
- <sup>24</sup> Mumford, D. B. (2000). Culture shock among young British volunteers working abroad: Predictors, risk factors and outcome. *Transcultural Psychiatry*, 37, 73-87.
- <sup>25</sup> *Refugee health problems and issues* (2003). Refuge Health - Immigrant Health. Retrieved, 2003, from the World Wide Web: [www3.baylor.edu/~Charles\\_Kemp\\_/refugee\\_health\\_problems.htm](http://www3.baylor.edu/~Charles_Kemp_/refugee_health_problems.htm)
- <sup>26</sup> Rank, M. G., Ouellette, P., Rodriguez, L., Hutchison, W., Perez, K., Dougherty, C., et al. (2002). *A comparative study of trauma survivors: Nicaragua, Dominican Republic, South Florida [preliminary report/analysis]*: Center for Disaster Management and Humanitarian Assistance. University of South Florida.
- <sup>27</sup> Estes, R. (2001). *The sexual exploitation of children: A working guide to the empirical literature*. Pennsylvania: University of Pennsylvania.
- <sup>28</sup> Ibid.
- <sup>29</sup> The Center for Victims of Torture. (1999). Overview and effects of torture [Educational Material].

- <sup>30</sup> Testimony before the Senate Foreign Relations Committee: Subcommittee on Near Eastern and South Asian Affairs, U.S. Senate 4 (2002).
- <sup>31</sup> Asia and Pacific Islander Institute on Domestic Violence. (2003). *Trafficking considerations and recommendations for domestic violence advocates*. Asia and Pacific Islander Institute on Domestic Violence. Retrieved June 14, 2003, from the World Wide Web: <http://www.apiahf.org/apidvinstitute/Critical%20Issues/trafficking.htm>
- <sup>32</sup> Dios, A. J. d. (1999). Prostitution and trafficking in women. *Nivedini-A Sri Lankan Feminist Journal*, 7(n2), 72.
- <sup>33</sup> Testimony of Rosa, a trafficking survivor, before the Senate Foreign Relations Committee on Near Eastern and South Asian Affairs, April 04, 2000, United States Congress, 106th Sess. 867 (2000).
- <sup>34</sup> The Center for Victims of Torture. (1999). Overview and effects of torture [Educational Material].
- <sup>35</sup> Asia and Pacific Islander Institute on Domestic Violence. (2003). *Trafficking considerations and recommendations for domestic violence advocates*. Asia and Pacific Islander Institute on Domestic Violence. Retrieved June 14, 2003, from the World Wide Web: <http://www.apiahf.org/apidvinstitute/Critical%20Issues/trafficking.htm>
- <sup>36</sup> The Center for Victims of Torture. (1999). Overview and effects of torture [Educational Material].
- <sup>37</sup> Ibid.
- <sup>38</sup> Favor, A., Degortes, D., Colombo, G., & Santonastaso, P. (2000). The effects of trauma among kidnap victims in Sardinia, Padova, Italy. *Psychological Medicine*, 30(4), 975-980.
- <sup>39</sup> Ibid.
- <sup>40</sup> Kuleshnyk, I. (1984). The Stockholm syndrome: Toward an understanding. *Social Action & the Law*, 10(2).
- <sup>41</sup> Ibid.
- <sup>42</sup> Auerbach, S., Kiesler, D., Strentz, T., & Schmidt, J. (1994). Interpersonal impacts and adjustment to the stress of simulated captivity: An empirical test of the Stockholm syndrome. *Journal of Social & Clinical Psychology*, 13(2), 207-221.
- <sup>43</sup> Graham, D., Rawlings, E., Ihms, K., & Latimer, D. (1995). A scale for identifying "Stockholm Syndrome" reactions in young dating women: Factor structure, reliability, and validity. *Violence & Victims*, 10(1), 3-22.
- <sup>44</sup> Bertone, A. M. (2000). Sexual trafficking in women: International political economical and the politics of sex. *Gender Issues*, 18(1), 4.
- <sup>45</sup> Governor's Task Force. (1994). *The First Report of the Governor's task force on domestic violence*. Tallahassee.
- <sup>46</sup> Ibid.

<sup>47</sup> Asia and Pacific Islander Institute on Domestic Violence. (2003). *Trafficking considerations and recommendations for domestic violence advocates*. Asia and Pacific Islander Institute on Domestic Violence. Retrieved June 14, 2003, from the World Wide Web: <http://www.apiahf.org/apidvinstitute/Critical%20Issues/trafficking.htm>

<sup>48</sup> Beyrer, C. (2001). Shan women and girls and the sex industry in Southeast Asia; political causes and human rights implications. *Social Science & Medicine*, 53(4), 543-550.

<sup>49</sup> World Health Organization Regional Office for the Western Pacific. (2001). *STI/HIV: Sex work in Asia*.

<sup>50</sup> Dios, A. J. d. (1999). Prostitution and trafficking in women. *Nivedini-A Sri Lankan Feminist Journal*, 7(n2), 72.

<sup>51</sup> This is because "clients" are trying to avoid becoming infected with venereal disease and AIDS, and because in some countries there is a belief of that having sex with a virgin can cure venereal disease. Mirkinson, J. (1997). The global trade in women. *Earth Island Journal*, 13(n1), 30.

<sup>52</sup> This is based on FFP's description of case management services provided to pre-certified victims of trafficking.

<sup>53</sup> Testimony of Rev. Lauran Bethell. Aftercare for Victims of Trafficking, U.S. House of Representatives, Committee on International Relations, Sub-Committee on International Terrorism, Nonproliferation and Human Rights, June 25, 2003.

<sup>54</sup> Interview questions compiled by Mark Kappelhoff, Civil Rights Division, U.S. Department of Justice.

<sup>55</sup> Bowe, J. (2003, April 21 & 28, 2003). Nobodies: Does slavery exist in America? *The New Yorker*.

<sup>56</sup> Asia and Pacific Islander Institute on Domestic Violence. (2003). *Trafficking considerations and recommendations for domestic violence advocates*. Asia and Pacific Islander Institute on Domestic Violence. Retrieved June 14, 2003, from the World Wide Web: <http://www.apiahf.org/apidvinstitute/Critical%20Issues/trafficking.htm>

<sup>57</sup> Ibid.

## CHAPTER 6

### Law Enforcement Responses

*The Trafficking Victims Protection Act of 2000 (TVPA) gives the U.S. justice system a tool that is intended to aid law enforcement in dealing with the trafficking of human beings.*

Law enforcement confronts a series of challenges when addressing human trafficking as an endemic problem in today's global society. The Trafficking Victims Protection Act of 2000 (TVPA) gives the U.S. justice system a tool that is intended to aid law enforcement in dealing with the trafficking of human beings. As the TVPA recognizes, labor is both a crime in and of itself and part of a criminal global infrastructure through which human beings are trafficked into and around the United States.

The standard assumption that all people who come to the United States work here of their own free will does not hold true, as has been evidenced in the human trafficking cases investigated by the FSU Project Team. Recognition of this new reality now requires that law enforcement take an active role in investigating the criminal labor exploitation of people who fall under the ambit of the TVPA. This new responsibility represents a departure from prior practice, in which law enforcement either ignored the foreign nationals' immigration status, did not recognize them as victims of trafficking or, in the worst case scenario, merely referred them to immigration officials for deportation.

The new approach to human trafficking crafted by the TVPA establishes federal jurisdiction under which criminal cases may be prosecuted and under which victims can receive protection and social services (*see* Chapter 3: Rights and Remedies: The Trafficking Victims Protection Act of 2000). Human trafficking cases involving foreign nationals who speak different languages, and who come from varied social and cultural contexts, pose distinctive challenges to U.S. law enforcement. This is especially true where victim interviews and evidence gathering are

concerned, because they comprise key elements of prosecutions in federal courts.

U.S. law enforcement has yet to develop a uniform approach for investigating and prosecuting human trafficking cases. While human trafficking is likewise a relatively new phenomenon in Europe, the European Union law enforcement community has fashioned its own response in recent years.

### **The European Experience**

Human trafficking has been addressed in Europe from a law enforcement perspective since the 1998 inception of the European Law Enforcement Organization (EUROPOL). The European Union established this organization with the goal of fostering cooperation between the law enforcement agencies of its various member states.

*Human trafficking has been addressed in Europe from a law enforcement perspective since the 1998 inception of the European Law Enforcement Organization (EUROPOL).*

Instrumental in EUROPOL's approach to human trafficking was *The European Union Ministerial Conference on the Trafficking of Women*, which in 1997 issued "The Hague Ministerial Declaration on European Guidelines for Effective Measures to Prevent and Combat Trafficking in Woman for the Purpose of Sexual Exploitation." This declaration recommended the introduction of temporary residency status and protective measures, as well as access to social and medical services for trafficking victims, as a means of facilitating law enforcement's efforts to combat the trafficking of women. EUROPOL also has developed specific definitions regarding human trafficking as it impacts law enforcement efforts in Europe. Some of the definitions established by EUROPOL may prove helpful when addressing this problem in the United States in context of the TVPA.

For law enforcement it is necessary to differentiate between the trafficking of human beings and "alien smuggling" since both involve distinct though not unrelated crimes. EUROPOL defines trafficking as the "...sustained economic exploitation of the victim, which continues long after the movement from a source country to a destination country has taken place," while alien smuggling is defined as "facilitated illegal immigration" that finds its profits in circumventing immigration controls.<sup>1</sup> Both definitions are useful in addressing the effects that the TVPA might have on law enforcement operations and procedures.

It is noteworthy that the European Directorate of EUROPOL decided to merge the strategies to counter illegal immigration with those devised to combat human trafficking. Initially, separate strategies had been developed, but upon recognizing the operational similarities of these two phenomena, European officials opted for a combined approach in combating both human trafficking and smuggling (illegal immigration).<sup>2</sup>

EUROPOL recognizes as examples of trafficking of human beings the following offenses:

- Sexual exploitation
- Child pornography (first introduced as a crime involving the trafficking of children in 1998)
- Illicit trade in abandoned children
- Illicit labor
- Illicit trade in human organs and tissue<sup>3</sup>

*The EUROPOL definition of the offenses that comprise human trafficking are broader than those identified in the TVPA.*

The EUROPOL definition of the offenses that comprise human trafficking are broader than those identified in the TVPA. The EUROPOL definition also does not distinguish "severe" forms of human trafficking as does the TVPA.

Another important element of any law enforcement response to human trafficking is the treatment of the role of organized crime. At this stage, there is limited information available regarding the complicity of organized crime groups in human trafficking activities in the United States. EUROPOL, however, has discerned significant involvement on the part of organized crime in human trafficking, including a clear division of labor between the recruiters, the procurers and other organized crime actors. EUROPOL sources note that these groups most often come from the same countries as their victims.

*European law enforcement officials further estimate that only 5% of the victims they encounter are actually kidnapped for the purpose of human trafficking.*

European law enforcement officials further estimate that only 5% of the victims they encounter are actually kidnapped for the purpose of human trafficking. Their explanation for this is that there is an abundance of women who are lured by prospects of a better life in the west. The great majority of the victims of human trafficking are recruited by means of deceit or false promises, either through acquaintances, advertisements in commercial media, or through "marriages" of convenience.

EUROPOL also has found that the use of false documents is a common means of entering a destination country. Nevertheless, there are clearly also victims who enter on legal visas (e.g., tourist, student, and temporary work permits) and who then violate the terms of their visa, typically by overstaying. A common *modus operandi* of the criminals is to confiscate the travel documents of their victims in order to exert greater control over them.

As to the statistical profile of victims of human trafficking in Europe, most appear to be women between the ages of 18 to 30. Of this group, 27% to 30% were previously active as prostitutes in their home countries and knowingly took up work in the sex industry in the destination country. Even with those who anticipated doing sex work, they clearly did not

expect to find themselves trafficked and exploited so brutally by traffickers. European sources note that there are recent indications of an increased demand for underage victims for sexual exploitation.

The conclusions of a number of the different reports generated by EUROPOL underscore the necessity of developing a standard reporting template that can be used in the implementation of an operational policing strategy to combat human trafficking. Essentially, this is the same challenge that confronts the U.S. law enforcement community.

#### *Trafficking of Migrants: An Inter-governmental Perspective*

*The International Organization for Migration (IOM) has for its part identified a host of causal factors that contribute to the human trafficking of migrants.*

The International Organization for Migration (IOM) has for its part identified a host of causal factors that contribute to the human trafficking of migrants. The conclusions drawn from the research and fieldwork of this intergovernmental organization explore particular causes of trafficking in the United States. Factors that the IOM has identified as contributing to the trafficking of migrants include the following:

- Migrants are driven by war, persecution, violence, poverty, the search for better opportunities or by deceptive promises of good jobs and high salaries to accept the services of traffickers.
- Regular migration possibilities have decreased due to the increase of restrictive migration policies.
- Appropriate anti-trafficking legislation is scarce or its enforcement is weak.
- A market for irregular migration services has emerged.
- Migrants in an irregular situation during transit or at destination are vulnerable to deportation. They, therefore, fall prey to criminal networks or unethical employers. Control is maintained through confinement, debt bondage, retention of travel documents, security guards, violence or threats of violence.

- Exploitation takes place under conditions that violate the fundamental human rights of the migrants involved.
- Trafficking affects all the countries involved - sending, transit and receiving—by increasing irregular migration movements and in some cases by establishing the presence of international organized crime networks.<sup>4</sup>

*One of the preferred destination countries for human trafficking is the United States.*

### **A U.S. and Florida Perspective**

One of the preferred destination countries for human trafficking is the United States. While there is not yet a uniform policing strategy in the United States for combating this new global crime, the TVPA provides a general roadmap for constructing an approach. The Project Team, based on the research carried out over the last year, has identified certain areas that appear to be particularly challenging to law enforcement. The remainder of this chapter enumerates and discusses these areas and recommends how the U.S. and Florida law enforcement communities might more effectively combat human trafficking.

### *Law Enforcement Guidelines*

Successful investigations and prosecutions of crimes of human trafficking require law enforcement officials to approach traffickers differently from the ways they might approach other criminal investigations. The TVPA makes clear that a victim-centered investigation is necessary in order to uncover this type of crime, as it is the trafficking victims who will provide investigators and prosecutors with crucial information and evidence. Congress designed the TVPA for the very purpose of providing incentives to victims of trafficking to cooperate with law enforcement in the investigation of trafficking crimes, offering the victims both legal status and the social service benefits accorded refugees. However, with a few significant exceptions, knowledge of this new law and its implications for

victims of human trafficking have only slowly come to the attention of the U.S. and Florida law enforcement communities.

The Project Team addressed varied forms of human trafficking identified by the TVPA. FSU research and interviews revealed that the three main forms of trafficking enumerated in the TVPA - sex trafficking, involuntary labor, and domestic servitude - have occurred in Florida. Also discernible in the Florida case studies examined, and of significant importance to the law enforcement community, is an emerging pattern in which underage victims are trafficked.

Crimes defined by the TVPA fall under federal jurisdiction and are prosecuted on a federal level. Although, there are other crimes that are perpetrated by traffickers that may also be prosecuted under state law. These include violent crimes of murder, kidnapping, battery, assault, sexual battery, and false imprisonment. Most often it is local law enforcement personnel who initially encounter victims of trafficking in the course of their field operations. It follows that it is these local law enforcement agencies that must be able to identify the perpetrators and victims of such crimes. A policing strategy on a local level will need to incorporate cooperation with federal authorities in the investigation and prosecution of human trafficking, as well as coordinate efforts with local social service providers to meet the immediate needs of trafficking victims who are emancipated.

The immediate concerns for law enforcement regarding this and other crimes are: to identify when a crime is taking place, to stop crimes that are in progress, and to secure evidence for subsequent prosecutions and trials. In light of these law enforcement mandates, the following steps are relevant for first responders in incidents involving human trafficking:

- 1) Identify the crime of trafficking,
- 2) Identify victims and perpetrators,
- 3) Manage victims of trafficking as witnesses, and
- 4) Secure evidence for court proceedings.

*The Working Group meetings convened under the aegis of the project confirmed that local law enforcement officers are among those most likely to initially come upon victims of human trafficking.*

### *1) Identify the Crime of Human Trafficking*

The Working Group meetings convened under the aegis of the project confirmed that local law enforcement officers are among those most likely to initially come upon victims of human trafficking. At present, the most formidable challenge for local law enforcement appears to be the difficulty of identifying persons encountered in criminal investigations as victims of human trafficking. A major factor in not recognizing human trafficking is the potential to confuse it with smuggling. In the past, this has led law enforcement to arrest victims and not recognize or prosecute the traffickers. In an effort to facilitate the ability of law enforcement to recognize the crime of human trafficking, the Project Team has developed trafficking scenarios based on actual cases (*see* Chapter 4: Special Issues Facing Trafficked Children).

To obtain immigration and social services benefits under the TVPA, a human trafficking case must involve federal authorities. Also, it is important that trafficking is detected early on. This is essential in order to avoid contamination of witness testimonies that unquestionably occurs if too much time passes between victim liberation and the actual initiation of a federal investigation. Ideally, federal authorities (FBI and United States Attorney's Offices) should be consulted from the instant that local law enforcement suspects that it has a human trafficking case.

From a legal standpoint, the TVPA establishes that the following conditions constitute human trafficking:

- Where there has been coercion by means of force, deception, or fraud (including illegal debts owed to the trafficker which are paid off through the victim's labor).
- Where the victim has been subjected to coercion and is unable to freely remove him or herself from their situation of exploitation.
- Where the coercion has been psychological either in part or in its entirety (a new element introduced by the TVPA, distinguishing it from the prior Mann Act that required there to have been an element of bodily harm).
- Crimes involving immigrant children without parents or legal guardians, especially those involved in prostitution.

The case data collected by the Project Team suggests that victims of trafficking will be isolated from the outside world and that their contact with others is generally restricted to those to whom their services are offered. Human trafficking poses an additional problem in that a law enforcement officer may come upon a "crime scene" that is dynamic and the officer may have great difficulty distinguishing between perpetrators and victims. The case studies analyzed on this project suggest that the following scenarios may have potential trafficking implications:

*Human trafficking poses an additional problem in that a law enforcement officer may come upon a "crime scene" that is dynamic and the officer may have great difficulty distinguishing between perpetrators and victims.*

- Domestic abuse/violence calls for service (such as in the *Tecum* case);
- "False" or poorly explained 911 calls (such as was reported in the FSU interviews of sex trafficking victims);
- Vice raids where foreign nationals are encountered;
- Foreign nationals who lack personal legal identification documents, or whose documents are controlled by a third party;
- Encounters with migrant workers where a foreman or supervisor attempts to keep the group away from contact with the law

enforcement officer or attempts to control all communication between the officer and the group;

- Bar brawls where someone is demanding that another person pay money owed to him; or
- Crimes involving immigrant children who do not have parents or legal guardians, especially prostitution crimes.

These are the kind of occasions where law enforcement unknowingly encounters victims of human trafficking. In many of these instances, it will be the perpetrators themselves who provide an alleged "explanation" of the situation to law enforcement officials. In these cases, the first responding officer should note the following about immigrants who may be victims of human trafficking:

- What are their living conditions?
- What are their working conditions?
- Are there indications of restriction of movement (i.e. are they allowed to leave the premises)?
- Are they forced to make frequent moves?
- Are there any behavioral indicators of severe dependency?
  - o Submissive behavior?
  - o Fearful behavior in the presence of others?
- Who is in physical possession of their legal documents of identification?
- Who insists on providing information to law enforcement?
- Are they legally in the country?

## *2) Identify Victims and Perpetrators*

The fact that human trafficking cases are recent phenomena for the U.S. law enforcement community necessarily means that there are no general protocols yet for identifying the victims and perpetrators of human

trafficking. Because the victims will most often aid in the identification of perpetrators, they need to be identified early on by law enforcement.

The early recognition of human trafficking victims is also important for the prosecution of cases. If such identification takes place too late, the testimony given by such witnesses may be considered too compromised to establish a good legal case to present in court.

Human trafficking generally originates in a source country, often involves a country of transit through which the victim is transported, and ends in the destination country. Trafficking schemes often involve organized crime with a high degree of division of labor, beginning with the recruitment of victims in a source country, the use of smugglers in transit countries, and exploitation of the victim in the destination country by criminal elements. While typically U.S. law enforcement personnel will encounter victims in the third phase of a trafficking operation, they may also discover links to the first two phases as well.

The data collected by the Project Team suggests several identifiers for victims, as well as perpetrators of human trafficking:

Domestic servitude:

- The trafficker is usually from the same source country as the victim;
- The victim is often recruited by the trafficker themselves;
- Fake marriages and/or marriage brokering agencies are often utilized to facilitate immigration; and
- The victim may also secure legal entry into the destination country by means of tourist status or some other non-immigrant visa category.

Trafficking for the purpose of sexual or labor exploitation:

- Human trafficking in this context is kept from public view (e.g. victims are typically secluded in brothels);
- Traffickers often are prepared for contact with law enforcement and utilize warning systems, such as lookouts, who alert the traffickers to the approach of law enforcement officers;
- Victims often are rotated from location to location periodically. This serves to both disorient the victims and prevent them from establishing relationships with clients. This movement necessarily involves some sort of organized form of transportation throughout the country;
- False promises typically are made to victims regarding the jobs they are to perform in the United States;
- Personal travel or legal identification documents often are not in the possession of the victims; and
- Victims typically are unable to move around independently and freely outside of the labor environment, (i.e., victims are constantly "accompanied" by someone who serves as a guard). The victims generally have no independent social life.

In contexts such as these, it is essential that local law enforcement be aware that victims often do not self-identify as victims. Neither law enforcement nor the trafficked persons themselves see that they have certain rights and are entitled to apply for legal status. Thus, a trafficking case may not be identified until after the confidence of the victim is gained. Several cases investigated by the Project Team underscore the vital role played by law enforcement victim advocates in fostering such confidence. Rapport established early on with victims both allows their needs to be best met and facilitates the investigative process. It is not until a victim advocate has gone through several sessions of interviews with an

intimidated victim that human trafficking may be identified as a component of the crime under investigation.

### *3) Manage Victims of Trafficking as Witnesses*

The case studies indicate that most often it will be information gathered from the victim that forms the basis upon which a human trafficking investigation is initiated. In some cases, victims are reluctant to cooperate with law enforcement for a wide variety of reasons, all of which must be addressed. The reasons range from fear and distrust of law enforcement originating from their cultural and social experiences in their home countries, to fear and distrust purposely reinforced by the perpetrators.

#### *Establish Communication: Identify and Address Cultural, Linguistic, and Social Diversity*

The cultural and social diversity that characterize victims of human trafficking impacts the way they should be managed as witnesses, as well as the manner in which the investigation of their cases is carried out by law enforcement. Effective communication is essential in gaining a victim's trust as well as defining her/his immediate needs. Effective witness management extends into the courtroom when the time comes to present testimony and evidence to a jury.

*The cultural and social diversity that characterize victims of human trafficking impacts the way they should be managed as witnesses, as well as the manner in which the investigation of their cases is carried out by law enforcement.*

The following points illustrate a number of the challenges that law enforcement confronts when having to interview potential victims of trafficking:

- Victims come from different social and ethnic backgrounds than the investigating officers;
- There may be a language barrier between the victim and the investigating officers;
- There may be significant cultural differences between the victim and U.S. law enforcement officials;

- Victims may be completely unaware of their rights or may have been intentionally misinformed about their rights in this country;
- Victims' life experiences with law enforcement in their home countries may stand in the way of establishing trust on their part;
- Victims may not self-identify as such initially; and
- The victims may fear not only for their own safety but also for that of their families in their home countries.

Law enforcement should secure a culturally and linguistically competent interpreter when a victim demonstrates any of the above-mentioned characteristics. Ideally, such a person could serve as a language interpreter and be able to interpret the cultural values and unique behaviors that are characteristic of the victim's national and ethnic background.

When considering culturally and linguistically competent interpreters, it is important to recognize that the interpreter might come from the same area in the home country as the victim and/or the perpetrator. A previously existing relationship might exist and can cause problems when it comes to unbiased interpreting. Another problem that has recently surfaced is that an interpreter may become so personally involved in a case that he or she might encourage victims to embellish their testimony. A final risk is that interpreters drawn from an ethnic community in the United States may actually be complicit with traffickers in that community and for that reason would not provide unbiased interpreting. All of these scenarios have recently impacted federal human trafficking cases.

Local law enforcement agencies as first responders generally do not have the resources to maintain trained interpreters on staff. However, one Sheriff's Department in Southwest Florida has successfully crafted an informal program to allow its law enforcement officers language support

*The Collier County Sheriff's Office has established an internal list of volunteer interpreters of different ethnic and cultural backgrounds.*

services in the field. The Collier County Sheriff's Office has established an internal list of volunteer interpreters of different ethnic and cultural backgrounds. These interpreters are employees of the Sheriff's Office or have passed their background check and are considered trustworthy. In addition to their language skills, they also have an understanding of the specific needs and operational procedures utilized in law enforcement.

Interpreters in this informal program will either be trained victim advocates or will work in conjunction with a victim advocate and an investigator when interviewing the witness. The experience of Collier County Sheriff's Office offers operational guidelines on how an "interpreter pool" can be maintained and how the interviews should occur:

- Pre-interview briefings are important, in which all parties are informed about the suspected circumstances of the crime under investigation.
- A victim needs assessment is also helpful. Often victims are reluctant to talk about their experience. The gender and ethnic background of the investigator and interpreter, as well as the victim advocate, may play a role in this situation.
- There should be operational agreement on who will ask the questions and how the interview will be conducted.
- If an investigator leads the interview, he/she should address the interviewee directly, rather than asking the interpreter to formulate a question.
- There should be previous agreement on communicating through signs when someone needs a break or an issue needs clarification (e.g., when the interpreter feels that the interviewee is being evasive or isn't telling the truth).
- The possibility exists that the person being interviewed may claim not to understand English, when in fact they do. Investigators, as

well as interpreters, should be aware of this possibility and its implications for an ongoing investigation.

- Interpreters need to inform investigators about relevant cultural and social factors that might impact the interviewee's behavior. For example, in some cultures a police officer is considered a figure of authority and looking directly at such a person would be considered disrespectful. Such lack of eye contact on the part of a witness might lead a U.S. investigator to mistakenly conclude that the interviewee is not telling the truth.
- The interpreter must point out when the literal meaning of a specific term or phrase differs between English and the interviewee's language.
- Kinship terms in English often have different connotations in other languages. This needs to be clarified and an agreement found on how this is to be interpreted (e.g., the term "uncle" in English doesn't differentiate between maternal or paternal male relatives, while some languages do. In this case the interpreter should state "Father's brother" or "Mother's brother").

The Collier County Sheriff's Office model constitutes an example of cooperation between trained victim advocates and a network of volunteer interpreters who together assist investigators. In providing both language interpretation skills and cultural knowledge to officers in the field, the program has proved critical to the successful prosecution of a number of trafficking cases, and has also facilitated the identification of victim needs.

*The cases reviewed by the Project Team indicate that a successful investigation and prosecution of a human trafficking case is victim-centered.*

#### *Victim Needs: Social Services*

The cases reviewed by the Project Team indicate that a successful investigation and prosecution of a human trafficking case is victim-centered. This requires lending support to a traumatized and confused victim before one can gain his/her confidence. Apart from establishing

effective means of communication, it is also necessary to identify the needs of a human trafficking victim who potentially comes from a country with completely different cultural, religious, economic, and social values.

Law enforcement must recognize that once victims of trafficking are liberated from the traffickers, they generally will be incapable of finding outside support due to the isolation they have suffered while in captivity. This especially impacts first responders in law enforcement because it places them in the initial position of having to arrange for such support.

There are three areas of general victim needs. First, victims need immediate physical support. This includes housing, food, medical care, safety and security. Second, victims need psychological support and third, they need financial support. Given that victims often will be found in a state of confusion and trauma, it is necessary to provide them with security for their future. The need for physical safety and personal security was the overwhelming initial post-emancipation need identified by the sex trafficking victims interviewed by FSU researchers. The other needs victims face, such as food, shelter, medical care, advocacy and legal representation, potentially are available through victims services within federal and local law enforcement offices as well as from programs such as the Florida Freedom Partnership in South Florida. (*see* Chapter 5: Social Services Responses). The FFP and other local agencies can help victims before they are certified as "victims of trafficking" by Health Human Services. After victims are certified, they are entitled to a full range of benefits (food stamps, TANF, Medicaid, etc.) to the same extent allowed to refugees in the U.S. (*see* Chapter 4: Special Issues Facing Trafficked Children). There are non-governmental and governmental social service providers in Florida that can offer immediate support to victims of trafficking. This list can be consulted and the closest service

provider contacted in the event that social service support is necessary (*see* Appendices B-E).

The interests of the victims and/or the social service providers who offer support to victims of trafficking do not necessarily coincide with those of law enforcement and prosecutors. This can lead to problems when it comes to securing witness testimony and guaranteeing that witnesses are available to law enforcement for legal proceedings. For example, after a potential trafficking situation was recently discovered, a social service provider unilaterally decided that it was better for the victims to return to their home country rather than remain in the U.S. to assist with the prosecution. This led to the loss of vital witness testimony in this case. Similarly, if law enforcement fails to collaborate with service providers who can work with the victim, explain what is happening and gain that victim's trust, the victim also could be "lost" in terms of being a helpful and participating witness. Investigators, as well as prosecutors, must be aware of such potential divergence of interests and these should be addressed up front and as an investigation continues.

For a successful prosecution of a human trafficking case, the cooperation between federal authorities, local law enforcement, and social service providers is essential. Approaching a victim-centered investigation and prosecution from the standpoint that this is a "healing process" in which the victim is empowered is helpful in conceptualizing how such an investigation and prosecution should be carried out.

#### *Underage Victims and Child Protection Teams*

In 1984, Section 39.303, Florida Statutes created Child Protection Teams (CPTs) in order to provide the Department of Children and Families (DCF) and law enforcement with assistance in cases of suspected child abuse or neglect. Comprised of a Medical Director, a Team Coordinator

and a Case Coordinator, these teams adopt a multi-disciplinary approach in responding to potential cases of child abuse and neglect.<sup>5</sup> CPTs supplement the child protective investigation activities of both DCF and Florida law enforcement agencies by providing them with the expertise of abuse specialists.

In Florida, cases of suspected child abuse are reported to either law enforcement or to DCF. When this occurs, a DCF investigative officer or a police officer accompanies the child and his or her family to a local emergency room where an abuse specialist carries out a forensic medical examination. If a specialist is not available onsite, a Child Protection Team can be contacted for support. In Florida these teams have access to specialized medical videoconferencing systems through which sophisticated medical evaluations can be carried out, even if the abuse specialist is not locally available.<sup>6</sup> Wearing headphones and receiving instructions from the abuse specialist that the patient does not hear, a trained nurse at the local emergency room serves as the remote examiner's "hands" and verifies whether there are grounds to believe that child abuse has occurred.

These forensic medical services provided by CPTs are potentially very useful to law enforcement when dealing with cases of trafficked children even though these teams were not created with human trafficking in mind. Several other social and medical support functions provided by CPTs are also potentially applicable in investigating child trafficking cases. These services include:

- Forensic Interviews (videotaped one-on-one interviews conducted by a case coordinator with the child in a child-friendly atmosphere, which can elicit information for the prosecution of a case);
- Nursing Assessments;
- Child and Family Assessments;

- Psychological and Psychiatric Evaluations; and
- Expert Court Testimony.

Child Protection Teams are available to the DCF and to law enforcement throughout the State of Florida.<sup>7</sup>

#### *4) Secure Evidence for Court*

The collection of evidence starts with the first law enforcement officer on the scene, and it is this officer who will introduce the case to the jury with his or her testimony. Typically, incidents involving human trafficking will be dynamic and change from moment to moment. It will not always be clear who the perpetrators and who the victims are. As with any potential crime scene, the first and foremost task is to isolate the scene of the incident itself and to separate the witnesses. This should be done in any case where a suspected crime is involved. The earlier this occurs, the less contaminated the testimony will be for presentation in court, and the easier it will be to cross reference testimony between witnesses who have not yet had the chance to agree to a "common story."

*Law enforcement at times may fail to identify human trafficking simply because there is an inability to recognize evidence of this offense.*

In order to qualify as a victim of human trafficking under the provisions of the TVPA, it must be demonstrated that the victim suffered force, fraud or coercion at the hands of the alleged trafficker. This must have occurred to such a degree that it led to a situation where the victim could not remove him or herself from the exploitative situation.

Law enforcement at times may fail to identify human trafficking simply because there is an inability to recognize evidence of this offense. In the *Ramos* case (see Chapter 2: Trafficking Cases in Florida: Victims and Perpetrators) authorities prosecuted an offender for aggravated battery against a van driver (who made his living transporting foreign farm laborers between job sites), without recognizing that the offender was

actually a trafficker trying to discourage any independent transport of laborers outside of his control. It was not until later, when one of the captive laborers escaped, that a federal prosecution revealed the incident to be part of a larger trafficking scheme.

### *Evidence of Coercion*

Coercion can be exerted in three ways: physical force, threats of force, and/or finally, physically and psychologically. Case studies researched by the Project Team found that traffickers employed deceit and psychological coercion against their victims in addition to actual violence. As seen in Box 1, the following types of coercion are typical indicators and evidence of human trafficking:

#### Box1

##### *1) Fraud/Financial Coercion*

- Can involve false promises at the time of recruitment.
- Can involve particular financial arrangements:
  - o Money owed to traffickers/employers.
  - o Debt repayment schemes in which the debt grows incrementally.
- Can involve control of the immigration status and legal documents of the persons recruited.

##### *2) Physical Coercion*

- Can be evidenced by physical signs of abuse.
- Can be evidenced by physical restriction of movement.

##### *3) Psychological Coercion*

- Can be evidenced by behavioral indicators on the part of victims.
- Can be evidenced by environmental indicators, such as disparate living conditions between victims and those who control them.
- Can be discernible in the role/relationship between figures of authority/command and dependents.

Evidence of coercion can be secured in two general forms: testimonial evidence and physical evidence. Typically, it is testimonial evidence that leads to the identification of a crime. Physical evidence is then

subsequently collected to substantiate or refute witness testimony. In order to recognize human trafficking, it is necessary for law enforcement to develop an awareness of the types of questions that might lead to this identification, and consequently to the collection of testimonial and physical evidence. Boxes 2-4 list questions that can elicit testimonial information regarding human trafficking.

## Box 2

### *Testimonial Evidence: Fraud/Financial Coercion*

- How was the person recruited?
- Who recruited the person?
- Did the person come to this country for a specific job that he or she was promised?
- Who promised them this job?
- Was he or she forced to do different work?
- Who forced them into doing different work than what was promised?
- Was there some sort of work contract signed?
- Who organized the travel?
- How was payment for this travel handled?
- Does the person owe the employer money?
- Are there records or receipts of what is owed to the employer/recruiter?
- Are there records/receipts of what was earned/paid to the person?
- How were financial transactions handled?
- Is the person in possession of his or her own legal (I.D.) documents? If not, why?

### *Testimonial Evidence: Physical Coercion and Physical Abuse*

- Was the person ever threatened with harm if he or she tried to leave?
- Did the person ever witness any threats against other persons if they tried to leave?
- Has the person's family been threatened?
- Does the person know about any other person's family ever being threatened?
- Was there any physical abuse towards that person, or was it ever witnessed against another person?
- What type of physical abuse was witnessed?
- Were there any objects or weapons used in the physical abuse?
- Where are these objects or weapons located?
- Was knowledge of this abuse ever communicated to a person outside of this situation? If yes, who and when?
- Did anyone ever witness the abuse personally?
- How were medical problems handled, and who attended to them?

### **Box 3**

#### *Testimonial Evidence: Physical Coercion*

- In what ways is freedom of movement restricted?
- Does the person live and work in the same place?
- What were the conditions under which the person was left unattended?
- Were there instances of physical restriction through locks, chains, etc.?
- Where are the locks used and who has the keys to them?
- How was movement in public places handled?
- Who supervised victim movement in public places?
- How was the purchase of private goods and services handled?
- What forms of media or telecommunication did the person have access to?

### **Box 4**

#### *Testimonial Evidence: Psychological Coercion*

- a. Behavioral indicators:
  - Who is the person afraid of?
  - Why is the person afraid of them?
  - What is the person's perception of law enforcement and how did they get that impression?
- b. Environmental Indicators:
  - Where did the person live/eat/sleep?
  - Where did the alleged perpetrators live/eat/sleep?
  - Are the living conditions between the two excessively disparate?
- c. Role/relationship between figures of authority/command and dependents:
  - Is there evidence of possible "Stockholm" or "Patty Hearst" Syndrome where the victim, because of his or her dependency, actually begins to identify with the trafficker?

The early identification of a human trafficking case depends on the awareness of the initial responding law enforcement agency. Answers to any of these questions may reveal evidence of human trafficking. The more organized and aware the initial response to an incident involving a

potential human trafficking case is, the better the chances that the prosecution will be able to make a successful case in court.

The collection of physical evidence, be that from persons or from locations, requires that a judicial search be conducted. In this regard it is important to secure the scene of the crime (or the person who may have evidence in their immediate possession). The following types of physical evidence might be encountered when investigating human trafficking (Boxes 5-7):

#### Box 5

##### *Physical Evidence: Fraud/Financial Coercion*

- Receipts, financial record documents and/or computer records
- Phone records as possible method to document personal relationship between involved persons.
- Possession by the suspected traffickers of immigration or identification documents belonging to the victims

##### *Physical contact evidence*

- Latent fingerprints on documents
- Handwriting
- Possibly DNA evidence (e.g., to document rape)

#### Box 6

##### *Physical Evidence: Physical Coercion*

- Documentation of physical marks of abuse on the victim:
  - o Forensic Photography
  - o Medical Exam (Sexual Assault Evidence Kit)
- Collection of any weapons or objects used in physical abuse
  - o Documentation of location of these implements and/or tools
  - o Contact evidence - latent fingerprints, DNA on these implements and/or tools that might prove who has been in contact with them.

## **Box 7**

### *Physical Evidence: Psychological Coercion*

- Behavioral Indicators
  - o Videotaped witness statements that might help provide proof of the traumatized behavior of a victim.
  - o Interviews conducted by experts (e.g., Child Protection Teams, Victim Advocates, etc.)
- Environmental Indicators
  - o Photographic/video documentation of living conditions.
  - o Photographic/video documentation of spatial restrictions.

### *A Case in Point*

The *Tecum* case provides an excellent example of how physical and testimonial evidence were used together to substantiate the prosecution's charge of human trafficking (*see* Chapter 2 for further information regarding this case). The abuse the victim had experienced at the hands of the perpetrator began in rural Guatemala, where she had been kidnapped and raped by the perpetrator. He had then brought her to the United States where she lived in indentured servitude. The case came to light when the perpetrator's wife caught her husband raping the victim. This led to the perpetrator beating his wife; she placed a domestic violence call to law enforcement. It took repeated interviews by a victim advocate before law enforcement was able to recognize the case as one that involved human trafficking.

During the trial, the prosecution presented a lock of hair from the victim, which had been retrieved by law enforcement from the perpetrator's jacket. This physical evidence proved critical in documenting one form of coercion that the trafficker had employed against his victim: preying on her indigenous Guatemalan beliefs, he had told her that possessing a lock of her hair gave him possession of her entire person.

Testimonial evidence also proved crucial to securing a conviction for human trafficking. The prosecution brought the victim's family from Guatemala to testify in court before the jury. Neither the victim nor her family had any familiarity with judicial procedures in the United States. Even more fundamentally, they had no experiential knowledge of a justice system that exists to prosecute wrongdoers or to empower victims. The prosecutor in the case stated that when the family first saw the courtroom prior to the trial, they gave the impression that they had just entered the "bridge of the Starship Enterprise." Among the factors that helped reduce this social and cultural gap were efforts by the prosecution to demonstrate to the family that the aim of prosecution is to provide vindication to victims for their suffering.

The jury had to be equally sensitized with regard to their own limited understanding of the background that had made the victims's severe exploitation possible. To achieve this, the prosecution showed a videotape of the victim's and her family's living conditions in Guatemala. Prosecutors entered this videotape into evidence with the assistance of the law enforcement officers who had been sent to film the video in Guatemala.

The *Tecum* case illustrates how far reaching different types of evidence can be when prosecuting a human trafficking case. It is incumbent upon law enforcement and prosecutors to recognize and identify these different types of evidence, and the earlier this is done, the less contaminated and more credible the evidence will be to a jury. At the same time, it is necessary to generate an understanding on the part of the victim for the type of justice that is being pursued, as well as sensitize the jury towards the victim's cultural background. These become critical concerns when securing evidence in a human trafficking case.

## **Prosecutors' Reflections**

State and federal prosecutors who are part of the FSU Human Trafficking Working Group have offered their own insights into what they think are the most important issues and needs that they face as they investigate and prosecute human traffickers. The following is a summation of their reflections.

### *Putting the Victim First*

The prosecution of human traffickers is part of the broader, holistic approach that the United States has crafted in response to the troubling phenomenon of human trafficking. Prosecutors, along with other state and federal agencies, non-governmental groups, and social service providers, share a common approach, built on the notion that everyone in the system is working on behalf of the victims. Prosecutorial activity, in this sense, is another dimension of advocacy.

Prosecutors should always put the safety, education and concerns of the victims first and foremost throughout case investigation and prosecution. Criminal prosecution should empower the victims, and should facilitate their healing process so that they see the crimes committed against them condemned and the people who harmed them punished.

### *Crucial role of the Victim Advocate*

In order to accomplish this goal, the prosecutor needs the victim advocate to establish a trusting and empathetic relationship with the victim. Both law enforcement and non-governmental organization (NGO) victim advocates play important roles in assisting the victims. Once they have established a good relationship with the victim, an advocate can inform the victim about his or her legal rights, benefits, and possible outcomes, and can help the victim to understand the investigation and prosecution of trafficking crimes. This is crucial, as many trafficking victims, on account

of cultural and socio-economic reasons, will have little or no understanding of the American criminal justice process. In all likelihood, they will mistrust law enforcement based on their experiences in their native country. The prosecutor must rely on the victim advocate to acquaint victims with the stages of a prosecution (from investigation to trial) and convey to the victims their importance in each of those stages. The advocate also should relay the questions and concerns of the victim to the prosecutor, so that those questions can be addressed. This important relationship of trust and advocacy between the victim advocate and the victim can make or break a trafficking prosecution.

#### *Law Enforcement as First Responder*

Local law enforcement needs to be aware that they are probably the first agency to identify and become involved in trafficking cases. In several cases prosecuted in Southwest Florida, local law enforcement discovered trafficking crimes when making routine service calls for aggravated assaults, domestic disturbances, batteries, and other crimes. For instance, trafficking cases have been discovered when law enforcement officers have broken up fights between traffickers and victims trying to escape; and talked to prostitutes who, when asked, provided horrific details of being forced to work off their "debt" from being smuggled into the United States. With this in mind, local law enforcement needs to be alert and be able to identify trafficking in its various forms, whether it is forced prostitution, indentured servitude, peonage or other forms of forced labor. An important step for local law enforcement to take is to contact the U.S. Attorney's Office and victims advocacy groups when they suspect trafficking, so that they can begin and develop the investigation of these crimes.

*Federal and State "Point Persons "*

While there are strong federal laws in this area, there may be instances when state laws are more applicable. Therefore, in order to make sure that the victims are helped and traffickers are held accountable, it is crucial to have a designated contact person at each of Florida's twenty state attorney offices, each Office of the United States Attorney in Florida and law enforcement offices statewide so that they can coordinate their efforts and address each case promptly and appropriately.

*Special Focus: Assisting Child Victims*

Prosecutors, advocates, and NGOs faced with potential prosecutions involving child victims should be mindful of the child protection provisions located in 18 U.S.C. 3509. The protections for child victims in a federal prosecution are often more extensive than those found on the state level. These protections should be considered when deciding the appropriate forum in which to proceed with a child trafficking prosecution.

For example, 18 U.S.C. 3509(b) provides for alternatives to live in-court testimony of a child victim, including testimony by 2-way closed circuit television, or videotaped depositions. State prosecutors can protect child witnesses in these ways, allowing testimony by closed circuit television or video. For strategic reasons, a prosecution team may decide that live testimony is preferable. In those circumstances, 18 U.S.C. 3509 provides for the closure of the courtroom to all non-essential personnel when a child testifies. Prosecutors should also remember that an adult attendant, at the discretion of the court, may be allowed to remain "in close physical proximity to or in contact with the child while the child testifies" under 18 U.S.C. 3509(i). This attendant can be a parent, relative or even a member of an NGO.

Training for NGOs and local law enforcement is imperative to effectively identify and combat these cases. NGOs are often the first to identify child sex trafficking cases through their intensive street work and vigorous advocacy on behalf of victims and immigrants. Many traffickers will routinely provide child victims with false identification documents that depict the child as being over 18 years old, when in fact he or she is not. In particular, local law enforcement needs to be trained to look beyond the surface in child prostitution cases, and ask the necessary questions in order to identify potentially trafficked child victims.

When a potential child victim in a trafficking case is identified, local law enforcement must be sensitive to the special needs of child victims. For example, once a law enforcement officer determines that a trafficking case may exist, he or she should stop questioning a child until a forensic medical interview by a trained child interviewer can be coordinated (if possible). This type of interview not only mitigates the trauma of multiple interviews of a child by untrained personnel, but also creates a stronger prosecution that will ultimately benefit the child victim at trial.

Available resources and people who are trained on trafficking will vary depending on the locale. For example, in Miami there is access to trained child interviewers at almost any given time; this is not true throughout Florida. While it is preferable for a trained interviewer to conduct such interviews, it may not always be feasible.

Additionally, law enforcement and NGOs need to work together to support child victims of trafficking as soon as they are found. It is imperative that child victims be placed in safe, secure housing as soon as possible. Because local government may only have juvenile detention facilities available to house child victims of trafficking, NGOs and law enforcement should coordinate placement of child victims in more

supportive environments whenever possible. In order to facilitate the prompt placement of child victims in an appropriate environment, law enforcement and NGOs should be working together *before* specific cases are identified.

NGOs and law enforcement agents should also work to minimize any potential for disagreement with respect to particular cases. For example, an NGO may believe that the additional trauma of asking a child to testify in court as part of a prosecution may not be appropriate in a particular case, while law enforcement may determine that the benefits of the child's testimony merit asking the child to testify. In such cases, both the NGO and law enforcement should remember that they have the same goal: helping the child victim and preventing, by prosecution of the traffickers, the victimization of other children. Close coordination between NGOs and law enforcement can minimize the potential for future disagreement concerning the handling of a particular case.

Finally, prosecution teams should be aware of the potential new sentences under the recently enacted PROTECT Act of 2003, which could apply to trafficking cases (Pub.L. 108-21, enacted 4/30/03). For example, there are now mandatory minimum sentences for the transportation of a minor for sexual purposes. There is also a mandatory life sentence for an individual who transports a child for purposes of prostitution if that individual has any prior child sex offense on his or her record (state or federal).

## **Chapter 6: RECOMMENDATIONS**

32. **Law enforcement agencies** should develop and adopt human trafficking protocols to focus on, among other things: victim identification and management, crime scene investigations, laws and responsibilities, coordination and communication among jurisdictions, how to "take the lead" on trafficking cases so as not to harm the victims, and other related issues. Within their professional associations and training academies, law enforcement should implement training on these protocols. The **Center** should provide protocol information to key law enforcement agencies on trafficking.
33. In the meantime, before protocols are officially developed and adopted by law enforcement, **law enforcement** (including first responders, supervisors, and police chiefs and sheriffs) should be trained on how to recognize human trafficking; how to assist victims; how to coordinate among federal, state and local levels of law enforcement; and how to investigate human trafficking crimes. This could include training tools such as videos, short "roll-call" modules and longer, in-depth training on topics such as understanding victims, victim interviews, crime scene investigations, and state and federal collaboration. The **Center** should develop and make training on trafficking available to Florida's law enforcement community.
34. Permanent and ongoing training procedures for **Florida law enforcement** personnel concerning human trafficking should be implemented. One means of

doing so would be to propose and prepare a training module for submission to the **State Criminal Justice Standards and Training Commission** for approval as an officially sanctioned career development and in-service course. The **Working Group** should explore with state and local law enforcement mechanisms to institutionalize law enforcement training on trafficking.

35. The **Center** should make available to law enforcement, including state and federal prosecutors, updated and easily accessible guides to social services available in Florida to victims of trafficking.
36. **Prosecutors, their investigators, and prosecutors' victim advocates/advisors**, including those working in **United States Attorneys Offices** and in **Florida's twenty state attorneys offices**, should be trained on how to recognize human trafficking, how to assist victims, and how to investigate and prosecute human trafficking crimes. The **Center** should develop and make training available, and provide information about training, to prosecutors as outlined above.
37. **State and federal prosecutors** should be familiar with local non-profit victim advocacy and support agencies that have the training and the capacity to provide services to victims of trafficking.
38. **State and federal investigators and prosecutors** should work together to streamline the interview process for children, so that child victims of trafficking are spared multiple interviews by multiple agencies.

39. **Prosecutors and law enforcement** should assist in securing effective protection for trafficking victim witnesses before, during and after a trafficking investigation.
40. **State and federal investigators and prosecutors** should participate in ongoing efforts to coordinate anti-trafficking work done by governmental and nongovernmental organizations in Florida.
41. All 20 **state attorneys offices**, each of the three **United States Attorneys Offices** and each **law enforcement agency** in Florida should designate a trafficking contact person so that cases can be coordinated and addressed promptly and appropriately.

## Endnotes

<sup>1</sup> EUROPOL, 2002: "Trafficking of Human Beings for Sexual Exploitation: a European Union Perspective."  
[http://www.europol.eu.int/index.asp?page=publ\\_traffickingofhumanbeings](http://www.europol.eu.int/index.asp?page=publ_traffickingofhumanbeings) - viewed May 14, 2003

<sup>2</sup> EUROPOL, 2002: "Crime Assessment - Trafficking of Human Beings into the European Union" [http://www.europol.eu.int/index.asp?page=publ\\_crimeassessmentTHB](http://www.europol.eu.int/index.asp?page=publ_crimeassessmentTHB) -viewed May 14,2003

<sup>3</sup> EUROPOL, 2002: "Trafficking of Human Beings for Sexual Exploitation: a European Union Perspective."  
[http://www.europol.eu.int/index.asp?page=publ\\_traffickingofhumanbeings](http://www.europol.eu.int/index.asp?page=publ_traffickingofhumanbeings) - viewed May 14, 2003

<sup>4</sup> taken from: [http://www.iom.int/en/who/main\\_policies\\_trafficking.shtml](http://www.iom.int/en/who/main_policies_trafficking.shtml)

<sup>5</sup> <http://www.childprotectioncenter.com/cpt.asp>

<sup>6</sup><http://www.imcca.org/showinfo.asp?arID=104>

<sup>7</sup>A list of contact addresses is available at the following website: <http://www.cms-kids.com/CPTHome.htm>.

## CHAPTER 7

### Labor Trafficking: History, Context, Rights and Remedies

*Modern-day slavery is alive in the United States and in Florida.*

Modern-day slavery is alive in the United States and in Florida where many traditional labor markets, such as the agricultural industry, the domestic and commercial cleaning industry, factories, restaurants, hotels, nursing homes, and even the State's amusement parks, benefit from trafficked labor. Slavery takes root and thrives in industries where "sweatshop" conditions generally prevail. It is the most extreme form of abuse along a continuum, which includes sub-poverty wages, lack of benefits, harsh working conditions, and little or no worker protections. As described in other parts of this report, both adults and children can be victims of labor trafficking and are extremely difficult to identify.

#### *Background*

##### *Agricultural Labor: Legal History and Context*

Florida has a long history of forced labor in agriculture.<sup>1</sup> During the first half of the twentieth century, Florida repeatedly passed laws that compelled workers to work in order to pay debts to their employers and defended the constitutionality of such laws long after other southern states had abandoned the effort. The last such case to come before the Supreme Court was *Pollack v. Williams*, 322 U.S. 4 (1944) where Florida law was again held to violate the federal anti-peonage statutes. Only two years before (1942), the state's largest agricultural employer, U.S. Sugar, and the Sheriff of Glades County had been indicted by a federal grand jury for conspiring to hold Black American farmworkers in peonage.<sup>2</sup>

During the last half of the twentieth century, new forms of peonage have evolved as the nature of Florida's farm labor force has changed. Until the 1960s, the majority of farmworkers in Florida were African Americans.<sup>3</sup>

The prevalent form of peonage was the "company store model." As farmworker demographics have changed, what is described below as the "coyote system" has replaced the company store as the most common form of peonage.

### *Peonage and Debt-Bondage*

In 1867, the United States abolished the system of peonage that allowed slave holders "to establish, maintain, or enforce, directly or indirectly, the voluntary or involuntary service or labor of any persons as peons, in liquidation of any debt or obligation, or otherwise..."<sup>4</sup> Over time, various forms of peonage and debt bondage - the "company store" model and the "coyote" or "transport" model - have re-emerged.

#### The "Company Store"

In the "company store" model, the employer supplies workers with food, shelter, and other facilities on credit and thus creates the underlying debt. Generally, the charges for these items are considerably above their market value so that the weekly charges are more than the worker's weekly earnings. Each week the worker falls farther and farther into debt. Workers are threatened with physical harm if they leave without paying their debt. This type of peonage was most common twenty years ago when hundreds of farm labor contractors<sup>5</sup> operating between Florida and North Carolina engaged in these practices. Today it is much less frequent.

*The "coyote" is a smuggler who charges undocumented persons to lead them across the border or transport them within the United States.*

#### The "Coyote" or Transport Model

The other model of debt bondage is centered on smuggling persons. The "coyote" is a smuggler who charges undocumented persons to lead them across the border or transport them within the United States. Workers too poor to pay up-front for transportation to jobs in far away fields are offered rides on "credit". There are many variations, and often the service includes delivering the workers to a specific employer, usually a farm

labor contractor. The charge for this service has increased from about \$300 to \$400 in the early 1980's to perhaps from \$1,000 to \$1,600 today.<sup>6</sup>

In this model, workers are held by force and threats of violence while working off the transportation debt. They must pay for this through continuous and forced labor in agriculture. Often, while working off the ride, workers incur yet more debt for rent, food, and other expenses extended to them by their employers. The total debt may take months to work off, a process ultimately decided arbitrarily by the employer, who maintains total control over any records of payment and credit. For example, in a recent case, workers with a \$1,000 debt each for a ride from Arizona to Florida still owed \$400 after a year of harvesting in an orange picking slavery operation.

*Violence, including beatings, shootings, pistol-whippings, sexual assault, and the threat of violence, are the tools of enforcement to hold workers against their will.*

Workers in this situation are not free to change jobs or look for better-paid employment elsewhere to pay off their debt more quickly. Enforcers, equipped with cell phones to inform employers of workers' movements or with guns, keep constant watch over the workforce. Violence, including beatings, shootings, pistol-whippings, sexual assault, and the threat of violence, are the tools of enforcement to hold workers against their will. The employer's interest is in recouping his investment, turning a profit, and in ensuring an available workforce - even workers who have paid off their debt to the employer's satisfaction have been forcibly blocked from leaving.

Debt bondage has been on the rise in the past decade. It is difficult to estimate the numbers of workers held in debt bondage, but one Florida-based anti-trafficking group, the Coalition of Immokalee Workers (CIW), has uncovered, investigated, and helped in the prosecution of three major, multi-state, multi-worker slavery operations in the past six years, and has assisted the Department of Justice in two other prosecutions. CIW reports

that these efforts have resulted in freedom for more than a thousand vegetable and citrus pickers held against their will. Other investigations are ongoing, and according to the CIW, information of past slavery operations indicate higher numbers of farmworkers who are enslaved in Florida.

### *Guest Worker Programs: H-2A and H-2B Visa*

*Workers are vulnerable to trafficking even if they enter the country legally and hold guest worker visas.*

Workers are vulnerable to trafficking even if they enter the country legally and hold guest worker visas. Some commentators find that workers who hold H-2A and H-2B visas are particularly vulnerable to trafficking. Under the H-2A program, workers are issued an H-2A visa, which authorizes them to work for a specific employer. Workers are not free to change employers. H-2A employers are generally free to reassign workers to other employers in the H-2A program. Workers are therefore confronted with a simple choice: they are free to work for the employer who holds their visa or return to their country of origin.

While the H-2A program is limited to agricultural workers, a separate H-2B program is for foreign workers who enter the U.S. to perform temporary work that is non-agricultural in nature. The workers in this latter category can enter the United States to perform either skilled or unskilled labor. Typical jobs include landscape labor, forestry work, housekeeping in hotels and motels, attending stables, tree planting, and restaurant service. The H-2B visa requires a labor certification - a somewhat cumbersome process whereby the U.S. employer demonstrates that there is a shortage of U.S. nationals either able to or willing to perform the work in question. Unlike H-2A farmworkers, H-2B non-farmworkers do not have to be provided housing by their employers.

Throughout the Southeastern United States, and in particular in Georgia, South Carolina and North Carolina, jobs which were once filled by farm

labor contractors operating company stores are now filled by H-2A workers. Similarly, there were allegations during the 1980's that Mexican forestry workers in the Northwest were being held in involuntary servitude. Today, H-2B workers largely fill those jobs.

*Today in Florida*

*The agricultural industry in Florida remains fertile ground for the seeds of slavery to take root and grow.*

The agricultural industry in Florida remains fertile ground for the seeds of slavery to take root and grow. Labor conditions for farmworkers, in general, are poor. In addition to the average farmworker earning only \$7,500 a year, farmworkers receive no sick leave, no holiday or vacation pay, no pensions, no medical insurance, no overtime pay for overtime work, and are excluded from the National Labor Relations Act's protections for organizing. As a 2001 U.S. Department of Labor Report to Congress stated, speaking of U.S. agriculture as a whole

The National Agricultural Worker Survey (NAWS) paints a very grim picture of the conditions under which farmworkers live and work. Low wages, sub-poverty annual earnings... all add up to a labor force in significant economic distress... Production of fruits and vegetables has increased and global demand for American produce continues to grow, but agricultural worker earnings and working conditions are either stagnant or in decline.<sup>7</sup>

In Florida and along the East Coast today, the vast majority held in agricultural slavery are immigrant workers, mostly from Mexico and Guatemala, many of indigenous descent. Those held in slavery simply reflect the overall makeup of the farm labor force today (95% of the general farmworker workforce are of Latino/indigenous origin). Less than 2% of those held in peonage are U.S. citizens of African-American descent and African-Americans make up less than 2% of the farmworker workforce. For both immigrants and citizens, traffickers and slavers exploit vulnerable populations.

*A mistaken but common assumption is that only undocumented immigrant workers are trafficked.*

A mistaken but common assumption is that only undocumented immigrant workers are trafficked. The *Flores* case, for example (see below), involved both undocumented and documented workers who had been trafficked from Arizona and Florida to South Carolina to work by force. Still other immigrant workers who immigrate with visas have their documents taken from them and are held against their will. United States citizens held against their will often include homeless people who are seeking jobs and income and who also are vulnerable to falling into debt because of drug or alcohol addictions. Workers held in modern-day slavery, regardless of immigration status, come from extreme poverty, are unable to pay upfront for transportation, and suffer from the imbalance of power between workers and employers that prevails in agriculture. In addition, those without papers have an added vulnerability of being disoriented and fearful.

#### *Three Cases of Florida Agricultural Slavery<sup>8</sup>*

The following are three examples of slavery operations where the CIW has assisted in federal prosecutions:

##### *United States vs. Ramos*

In November 2002, three Lake Placid, Florida-based agricultural employers were convicted in federal court on slavery, extortion, and weapons charges, and sentenced to a total of nearly 35 years in prison and the forfeiture of \$3 million in assets. The men, who employed over 700 farmworkers, threatened workers with death if they were to try to leave, and pistol-whipped and assaulted, at gunpoint, passenger van service drivers who gave rides to farmworkers leaving the area. (The Ramoses were also subjects of a police investigation several years previous of a murder of a van driver attempting to transport farmworker passengers out of town.) These employers controlled the workers' housing, work, transportation to and from the groves, and even owned the stores in town

where they brought workers to purchase food. The employers also threatened other area storeowners, coercing the merchants not to sell van service tickets for out-of-town travel to farmworkers in their employ. Attacking van drivers and coercing storeowners had the same effect as putting up a fence or blocking a road - it cut off possible escape routes. In short, the employers controlled every aspect of the workers' lives. After two years of investigation by the CIW, the case was brought to trial by federal authorities.

*Three agricultural employers held over 400 men and women in debt bondage in LaBelle and Immokalee, Florida and South Carolina.*

*United States vs. Flores*

Three agricultural employers held over 400 men and women in debt bondage in LaBelle and Immokalee, Florida and South Carolina. The workers, mostly of indigenous Mexican and Guatemalan descent, were forced to work 10-12 hour days, 6 days per week, for as little as \$20 per week under the constant watch of armed guards. Workers were woken up before dawn with gunshots. The workers testified to beatings, pistol-whippings, and shootings of those who tried to escape. One was beaten simply for telling others that people did not have to work by force in the United States. People who attempted to visit the employers' labor camps - priests, vendors, friends, and relatives were threatened, beaten, and their vehicles were shot. Following five years of investigation by several escaped workers and CIW members, the slavers were sentenced in 1997 to 15 years each in federal prison, a historic sentence. These employers had worked from their Florida base from the mid-80s until their arrests.

*United States vs. Cuello*

In 1999, a South Florida tomato employer held over 30 people in two trailers in the isolated swampland west of Immokalee. He "bought" them from a coyote for \$1,000 each, and kept them under constant watch, threatened them with harm, and paid them as little as \$40 a week. Three workers escaped from the camp and took refuge in town, only to be

tracked down and assaulted by the boss, who tried to run them down with his truck a few weeks later. The workers sought help from the CIW. The boss served three years in federal prison.

#### *Labor Exploitation Under U.S. Agreement*

In a series of articles from September 2002,<sup>9</sup> the *Orlando Sentinel* and *Baltimore Sun* detailed how labor contractors kept workers from Micronesia and the Marshall Islands virtually enslaved. The article called the labor contracting "a ruthless international business in which thousands of Pacific islanders are shipped to the United States on one-way tickets and consigned by 'body brokers' to one to two years of virtual servitude" at area nursing homes and amusement parks, including SeaWorld. The articles cite to an internal memorandum from the then-INS stating that "contracts forcing recruits to pay damages if they walk off the job may violate the Trafficking Victims Protection Act of 2000." It is unresolved as to whether a 16-year-old agreement between the U.S. and the island nations that permits residents of the Federated States of Micronesia and the Republic of the Marshall Islands to enter the United States without visas and work is valid under the TVPA.

#### *Legal remedies: Criminal Prosecutions and the TVPA*

The TVPA has resulted in increased resources and personnel being devoted by the Department of Justice (DOJ) to prosecution of slavery cases. In Florida farm work, there have been five criminal prosecutions involving Florida-based farmworker slavery operations by the DOJ's Civil Rights Division in the past six years; additional cases are pending. In July 2001, Attorney General Ashcroft announced that fighting trafficking would be a top civil rights priority for DOJ.<sup>10</sup> Advocates report that the Department's investigative arm, the FBI, has not similarly increased resources and personnel devoted to slavery investigations, and many note

*The TVPA has resulted in increased resources and personnel being devoted by the Department of Justice (DOJ) to prosecution of slavery cases.*

that this disconnect may pose problems for increasing the number and rapidity of criminal prosecutions.

Florida farmworker victim/witnesses from four recent slavery prosecutions that the CIW has been involved in have received visas, with others pending. Still other witnesses are in the process of receiving visas. Some of the witnesses will also be participating in educational programs, housing and benefits assistance during prosecution. These are among some of the benefits allowed under the TVPA that are granted to "certified" victims of trafficking.

*Federal criminal prosecutions are tools to put violent slavers, whose operations often have the reach and level of violence of organized crime syndicates, behind bars.*

Federal criminal prosecutions are tools to put violent slavers, whose operations often have the reach and level of violence of organized crime syndicates, behind bars. These prosecutions can bring justice and peace of mind to victims when they see that these traffickers are punished and stopped from enslaving others.

*Civil Relief Under the Migrant and Seasonal Agricultural Worker Protection Act and the Fair Labor Standards Act*

Both the Migrant and Seasonal Agricultural Worker Protection Act ("AWPA") and the Fair Labor Standards Act ("FLSA") may provide workers with effective civil remedies against the underlying economic exploitation, which is involved in all trafficking situations.<sup>11</sup>

The Fair Labor Standards Act mandates payment of the minimum wage and regulates deductions from the worker's pay. To the extent that impermissible deductions reduce a worker's wages below the statutory minimum, they violate the Act. The type of deductions that lie at the heart of both the company store and the coyote system almost always will result in major violations of the Fair Labor Standards Act. (See e.g., *Washington v. Miller*, 721 F.2d 797 (11<sup>th</sup> Cir. 1983), labor camp workers were paid

less than minimum wage in terms of cash received and facilities provided and *Arriaga v. Florida Pacific Farms*, 305 F.3d 1228 (11<sup>th</sup> Cir. 2002) grower violated FLSA by failing to reimburse Mexican workers for transportation and visa costs during first work week.)

The Migrant and Seasonal Agricultural Worker Protection Act also provides causes of action for failure to pay wages when due, for knowingly providing false or misleading information to workers concerning the terms, conditions or existence of agricultural employment, and for violating the terms of working arrangements with workers.

Perhaps, most important, both the Fair Labor Standards Act and the Migrant and Seasonal Agricultural Worker Protection Act contain a broad definition of "employer" which allows cases to be brought against both the contractor and the grower under what is known as the "joint-employer" theory.

There is a myriad of ways that employers have enslaved and trafficked labor into and within the State of Florida. Advocates, prosecutors, law enforcement, attorneys and others are working hard on many levels to help those enslaved to see justice and realize the benefits to which they are entitled under the law. They are also working hard to raise awareness about and eliminate the dire labor conditions under which trafficking can so easily occur. Clearly, civil actions and criminal prosecutions both can provide relief to workers victimized by traffickers. As one federal prosecutor noted, it is possible to combine labor violations with criminal prosecutions by adding counts of labor law violations to criminal indictments.

*Clearly, civil actions and criminal prosecutions both can provide relief to workers victimized by traffickers.*

In addition, there are ways for workers to obtain relief outside of the legal models described here, including through responsible consumerism,

corporate responsibility campaigns and labor organizing. This kind of creative thinking and effective advocacy will continue to offer hope to the people who are victimized by labor trafficking.

## **Chapter 7: RECOMMENDATIONS**

42. **Business and industry** should audit and review their labor contracting and employment practices to make sure that trafficked persons are not among their labor force. The **Center**, and others willing to do so (such as **local anti-trafficking efforts** and **Refugee Task Forces**), should provide training and outreach to businesses, including providing information and technical assistance to local and state **Chambers of Commerce**.
43. **Employers** should post information about human trafficking in the workplace so that employees can know their rights as well as know what they might do to help people they suspect are trafficked.
44. It is unclear how communities and agencies can better reach and help victims of domestic servitude; this population is particularly isolated. The **Working Group** should prioritize looking at this population and making recommendations on how to best assist them.
45. **Labor rights advocates and attorneys** should receive training on human trafficking and the rights and remedies available to clients who are victims of trafficking. The **Center** should make information available on its website and otherwise concerning available training opportunities.
46. **Experts in labor and criminal law** should propose ways that the rights of the victim can be optimized in legal proceedings; for example, determining ways for civil and criminal cases to proceed that would best restore and bring justice to the victim. The **Working Group**

**should facilitate discussions regarding victims' legal rights.**

## Endnotes

For an excellent history of peonage in the southern states since Reconstruction, see Daniel, P. (1972). *The shadow of slavery: Peonage in the south 1901-1969*. Urbana: University of Illinois Press; see also Shofner, J. H. (1981). The legacy of racial slavery: Free enterprise and forced labor in Florida in the 1940s. *Journal of Southern History*, XLVII, 411.

<sup>2</sup> The indictment was dismissed for improper grand jury selection; the following season U.S. Sugar obtained Bahamian guest workers to harvest its crop. The case is the only instance in which a Florida grower has been even charged with involuntary servitude.

<sup>3</sup> This led to what Cindy Hahamovitch has described as a "Southern" model of labor control in agriculture that prevailed all along the Atlantic Coast and was based primarily on racial coercion. See Hahamovitch, C. (1997). *The fruits of their labor: Atlantic coast farmworkers and the making of migrant poverty, 1870-1945*. Chapel Hill, NC: University of North Carolina Press.

<sup>4</sup> Peonage abolished, 42 U.S.C. § 1994.

<sup>5</sup> Both the company store and the coyote system revolve around the institution of the farm labor contractor. Farm labor contractors ("FLCs") are the intermediaries who for a fee, recruit, transport, and supervise farmworkers. They offer employment, make other representations about the job terms, and transport workers to the farm, ranch or processing plant. In most cases, the farm labor contractor will not only contact and move the workers, but will also stay on the farm as the workers' supervisor, foreman and paymaster. Often, the contractor controls the housing and other vital aspects of the workers' everyday needs. The isolated location of many labor camps and differences in language and culture mean that the farm labor contractor often is the only link between the workers and the outside community. Especially when the workers are new immigrants, the contractor may be the worker's banker, landlord, transportation service, restaurant, and check-cashing service.

<sup>6</sup> In 1982, the cost to the worker from Phoenix to Bonita Springs was \$450 of which \$400 went to the coyote and \$50 to the contractor. The coyote fee in the *Ramos* case was \$1,000. See Williams, R. (2003). Memorandum: Human trafficking in Florida agriculture. Tallahassee, FL.

<sup>7</sup> Laura Germino, Coalition of Immokalee Workers.

<sup>8</sup> *Ibid.*

<sup>9</sup> Roche, W. F., & Mariano, W. (2003, September 15). Indentured in America, Trapped in servitude far from their homes. *Baltimore Sun*.

<sup>10</sup> Press release, July 18, 2001: Departments of Justice and State issue human trafficking regulation and guidelines for prosecutors and investigators. (2001). Retrieved June 26, 2003, from <http://www.usdoj.gov/opa/pr/2001/July/331ag.htm>

<sup>11</sup> In addition to private remedies, both laws are also enforced by the United States Department of Labor.

## CHAPTER 8

### Coordinating a Community Response to Trafficking

*A multidisciplinary coordinated community response is one of the best ways for communities to respond to human trafficking.*

A multidisciplinary coordinated community response is one of the best ways for communities to respond to human trafficking. Trafficked persons have a variety of needs and developing a community response to human trafficking will require the collaboration of many persons, agencies and organizations. Indeed, a recent federal policy "tool kit" calls on communities to "Develop interagency task forces and working groups at the local, state, and federal level to share information, resources and best practices for combating trafficking and related forms of violence against women."<sup>12</sup>

There are a number of standard elements necessary to building and sustaining a coordinated community response. However, since every community is different, the coordinated response that a community develops also will differ and depend on a range of factors in that community. Available resources and funding; the presence of "champions" to lead the effort; past coordination efforts (particularly those centered on immigrants, refugees, women's or children's rights, or human rights advocacy); the willingness to commit to a new or capacity-building endeavor; timing (a recent trafficking raid that raised public interest); the presence of community based advocates; and the lack of competing priorities, all will factor into the ability of a community to create and sustain a coordinated effort around human trafficking. In Florida, the six community-based Refugee Task Forces located in Northeast Florida, Tampa/St. Pete, Orlando, Palm Beach County, Broward County and Miami-Dade County are excellent resources and are good places to begin work to form local coordination efforts around trafficking.

Individual and systems advocacy are essential to effective community responses mainly because building a response to trafficking is *new* and will require *changes* in the ways things have been done and in the way community members see trafficked persons. Therefore, whether on the local, state or national level, the presence of strong and effective community-based advocates, or "change agents," is critical. For instance, the federal Trafficking Victims Protection Act of 2000 (TVPA) defines certain immigrants who are forced to work in the sex industry as "victims of a severe form of trafficking" and allows them to access benefits. In the past, they were "prostitutes," seen by many as criminals who should be deported. Under the TVPA, the legal response toward immigrants, sex workers, disenfranchised and impoverished persons and others who have been trafficked has shifted, and so the systems and organizations that work with them also must shift their approaches. Advocates from both within and outside the social services, justice and other systems will need to work hard within communities to help systems see that those who are trafficked are neither culpable nor criminals, but rather are individuals who have specific rights, who deserve protection and who are important to prosecuting traffickers.

*There are other places to look for analogies and lessons in developing a coordinated community response, including the domestic violence movement.*

There are other places to look for analogies and lessons in developing a coordinated community response, including the domestic violence movement.<sup>3</sup> In addition, and directly relevant to anti-trafficking, are other state and local coordinated responses, several of which are still developing.

They include:

- Washington State's Task Force,<sup>4,5</sup>
- Dallas-Fort Worth Victims of Trafficking Initiative,<sup>6</sup>
- New York City Working Group,<sup>7</sup>
- Hawaii's Anti-Trafficking Task Force,<sup>8,9,10</sup>

- Bay Area Anti- Trafficking Task Force in San Francisco,<sup>11</sup>
- NYC Task Force Against Sexual Exploitation of Young People,<sup>12</sup>  
and
- International coordination efforts.<sup>13,14</sup>

Links with these local, state and international efforts will continue to enhance and support our mutual efforts to respond to trafficking.

### **The How-To's of Establishing a Coordinated Community Response**

Determining who should be involved in a coordinated community response, the purpose of the endeavor and deciding on logistics are important to developing and sustaining an effective effort.

#### **1. Determine Who Should be Involved**

A comprehensive approach to assisting victims of trafficking should include the following persons or organizational representatives:

##### Federal Government<sup>15</sup>

- Department of Justice/ United States Attorney Office
- Victim Witness coordinators
- FBI
- Department of Homeland Security
- Bureau of Immigration and Customs Enforcement (BICE)/  
Bureau of Citizenship and Immigration Services (BCIS)/Border  
Patrol
- Department of Labor

##### State Government

- Department of Children and Families (child protection, refugee  
services)
- State Attorney
- Public Defender
- Department of Labor
- Department of Agriculture (inspections)

##### Non-governmental organizations (NGOs)

- Immigrant legal services
- Refugee assistance organizations

- Children's services organizations
- Child Protection Team
- Local legal services/ legal aid
- Faith based organizations (Catholic Charities, Lutheran Services of Florida, Salvation Army, etc.)
- Interpreter services
- Local certified domestic violence programs
- Local sexual violence programs
- Other crime victim assistance organizations
- Crisis counseling programs
- Homeless shelters
- Labor (migrant, farmworker) organizations
- Adoption agencies

#### Local/Regional

- Refugee Task Forces
- County Health Departments
- Law enforcement (police and sheriff officers and victim advocates)
- County government (mayor's office, county commissioner, etc.)
- Education community: school board, teachers
- Local domestic violence councils and task forces
- *Guardian ad Litem*
- Adult, juvenile and dependency court representatives
- Labor rights advocates

#### Other

- Survivor(s) of trafficking
- Corporate, business community
- Health care providers (clinics, mental health, hospital, immigrant/refugee health care providers)
- Civic organizations

## **2. Determine the Purpose for Organizing**

Community coordination can have one or more purposes. Among them are:

- To inform and organize community members who come in contact with victims of trafficking on how to identify, respond and provide safe, meaningful, effective services;

- To advocate on behalf of victims of trafficking;
- To develop best practices polices and protocols for contact organizations, including an "emergency" plan for providing services to victims;
- To conduct outreach and public information campaigns that build awareness of the problem;
- To work with local and statewide English and foreign language media to incorporate information about human trafficking into news, entertainment and other programming;
- To develop local resources such as "interpreter banks" and names of child interview specialists who can be called on when trafficking cases arise;
- To help agencies that serve trafficked persons to develop and implement safety and security plans for clients and staff;
- To train and get the health care community involved with this issue;
- To assist employers in auditing their labor practices so that they do not employ trafficked people (either directly or through labor contractors);
- To coordinate and advocate for resources for existing programs and for the creation of new programs or initiatives;
- To advocate for law and policy changes;
- To facilitate training on trafficking; and
- To change the underlying philosophies and social conditions that create and sustain human trafficking (gender and race inequality, poverty, political instability, immigration policies).

For instance, the Bay Area Anti-Trafficking Task Force, "a regional network of service providers and advocates working on behalf of persons trafficked to the United States for the purpose of sexual or economic exploitation," in the San Francisco Bay area, has a fourfold mission:

- (1) to ensure that trafficked persons are treated as survivors of criminal activity (not criminals) and have full access to justice and to linguistically- and culturally-appropriate services, including victim-centered social, mental health, medical, legal, education and vocational assistance;
- (2) to engage in advocacy at the local, regional and national levels on behalf of trafficked persons, with the goal of pursuing full prosecution of all traffickers and full protection/services for trafficked persons;
- (3) to act as a clearinghouse for research on trafficking to the greater Bay Area; and
- (4) to increase public awareness about the crime of trafficking through community outreach and organizing, education and training.<sup>16</sup>

The Dallas-based Victims of Trafficking initiative "...advocates eradicating our society of the trafficking of persons through the prevention of trafficking of persons, the protection of the victims of trafficking and the prosecution of the traffickers."<sup>17</sup>

### **3. Decide on Structure and Logistics**

After determining membership and purpose, coordinated community response team members should determine a number of logistical and organizational issues. These are important as members will need to determine if and to what extent they will be able to participate. Answering these questions also helps the response team members to assess their resources such as availability of meeting space and administrative support. These logistics include:

- Who will lead the effort and relatedly, will you have chairs or co-chairs?
- When (and how often) will you meet?

- Where will you meet and for how long?
- Who will send out meeting notices, agendas, minutes?
- Will you develop a strategic plan?
- Who will disseminate information about the coordinated community response's efforts to other interested persons (e.g., will you have a newsletter)?
- Will you include and recruit others? How?
- Will you network with other coordinated community responses around trafficking? How?
- How will members learn about resources, grants, technical assistance and other tools to help them with their work?
- How will you measure success or know you have met your goals?

As we keep abreast of the work of local and state anti-trafficking coordination efforts, and begin to work with local communities in Florida, we all can continue to gather information and suggestions about how these local efforts can work most effectively to help victims of trafficking and hold traffickers accountable.

## **Chapter 8: RECOMMENDATIONS**

47. **Office of Refugee Services (ORS)** should support the Center's provision of technical assistance to communities on how they can best network, pool and leverage resources and so better identify and serve victims of trafficking. This should include a best practices guide.
  
48. Federal law offers strong benefits to victims and punishments to traffickers, thus making the **United States Attorneys, FBI, Department of Homeland Security** and **other federal offices** central to regional and community efforts to respond to human trafficking. As such, these **federal offices** should have a strong presence in any local or regional coordinated response, and should consider leading such efforts.

## Endnotes

<sup>1</sup> National Advisory Council on Violence Against Women, & Violence Against Women Office. (2003). *Toolkit to end violence against women, chapter 16*. Retrieved June 14, 2003, from [http://toolkit.ncjrs.org/vawo\\_16.html](http://toolkit.ncjrs.org/vawo_16.html)

<sup>2</sup> A good example of how a local task force is working together is the Dallas-based Victim of Trafficking Initiative (VTI). At a recent meeting, English as a second language providers told the group that they have had to change their regular curriculum for victims of trafficking because the students regularly were being interrupted by law enforcement and other service providers, making it difficult for both students and teachers. A coordinated community effort like the VTI makes it possible to raise and address issues like this.

<sup>3</sup> See Shepard, M., & Pence, E. (1999). *Components of community intervention projects*. Thousand Oaks, CA: Sage Thousand Oaks, CA 1999 and Jaffe, P. G., Lemon, N. K., Sandler, I, & Wolfe, D. (1996). *Working together to end domestic violence*. Tampa, FL: Mancorp Publishing.

<sup>4</sup> Washington State Task Force Against Trafficking in Persons. (2002). *Washington State Task Force Report On Trafficking in Persons*. Olympia, WA: State of Washington Department of Community, Trade and Economic Development.

<sup>5</sup> Gelineau, K. (2003, April 23). Anti-voyeurism, human trafficking bills head to Governor's office. *The Associated Press State & Local Wire*.

<sup>6</sup> See <http://www.edcctexas.org/programs.html>; contact: Lisa David at [lisad@dal.theirc.org](mailto:lisad@dal.theirc.org)

<sup>7</sup> DeStefano, A. M. (2003, April 23). Meeting to address human trafficking. *Newsday (New York), Queens Edition*.

<sup>8</sup> See <http://www.globalhawaii.org/PDF/trafficking.htm> Contact: Dr. Nancie Caraway email: [nancie@hawaii.edu](mailto:nancie@hawaii.edu)

<sup>9</sup> Viotti, V. (2003). Task force to help fight against human trafficking. *Honolulu Advertiser*.

<sup>10</sup> Human Slavery Project. (2003). *UH-Manoa Globalization Research Center conference ends with plan for Hawai 'i human trafficking task force*. Retrieved June 27, 2003, from [http://www.globalhawaii.org/PDF/Trafficking\\_taskforce.html](http://www.globalhawaii.org/PDF/Trafficking_taskforce.html)

<sup>11</sup> <http://www.geocities.com/iclsf/bayareatrafficking.html>

<sup>12</sup> See [oifa@iofa.org](mailto:oifa@iofa.org)

<sup>13</sup> International Organization for Migration. (December 1999 / January 2000). Information campaigns against trafficking. *Trafficking in Migrants: Quarterly Bulletin*, 20.

<sup>14</sup> International Organization for Migration. (Summer 2000). There are ways to curb the worldwide traffic in migrants. *Trafficking in migrants: Quarterly bulletin*, 21.

<sup>15</sup> Federal officials, particularly United States Attorneys offices are very important to regional responses as the TVPA mandates that in order for victims to receive benefits,

federal law enforcement has to certify they are complying with reasonable law enforcement requests.

<sup>16</sup> <http://www.geocities.com/iclsf/bayareatrafficking.html>

<sup>17</sup> Email from VTI Coordinator, Lisa David to Robin Thompson, June 24, 2003.

## CHAPTER 9

### Next Steps

*Human trafficking, or modern-day slavery, is not new. Yet, it is a very new topic to many people in Florida.*

Human trafficking, or modern-day slavery, is not new. Yet, it is a very new topic to many people in Florida - from consumers who eat tomatoes harvested by farmworker slaves, to the service provider who doesn't know whether or not victims of trafficking number among her clients. Each chapter of this report highlights information about trafficking that a wide range of professionals and service providers should know, and yet each chapter just scratches the surface of understanding the phenomenon of trafficking.

Three issues have emerged as most important. First, the statewide work under this project must continue. One year is not enough time to determine all of what must be done to help victims of trafficking and to do the necessary outreach and communication to providers and other key contacts for victims of trafficking. Second, because service providers and law enforcement are often the first contacts with trafficking victims, they must be informed and able to identify and assist victims of trafficking. Third, collaboration among key service providers, law enforcement and many others at the local level is crucial. This includes wide dissemination of information and assistance to Florida's communities on human trafficking. The final ten recommendations focus on ways to implement these important next steps.

## **Chapter 9: RECOMMENDATIONS**

49. The **Department of Children and Families, Office of Refugee Services**, should continue to support the Center and the Human Trafficking Working Group, a multi-disciplinary body comprised of federal, state and local governmental and non-governmental organizations. The **Working Group** membership should be expanded to include health care professionals, agricultural interests, the business community and Department of Homeland Security personnel under whose jurisdiction human trafficking falls.
50. The **State** should support the Center in instituting a "Human Trafficking Clearinghouse" to assist law enforcement, service providers and others to access resources and the most recent and complete information regarding human trafficking, such as training opportunities, outreach materials and legal developments.
51. The **Center** should:
- provide outreach and technical assistance to communities and local organizations seeking to develop coordinated responses to trafficking,
  - conduct training programs at statewide or local conferences,
  - receive and disseminate information about trafficking laws, rights and remedies, and
  - generally assist state and local groups who need information and assistance in assisting victims of trafficking.

52. All training, materials, and approaches to addressing human trafficking should take into account and be responsive to the cultural and linguistic needs of its victims. Ideally, this means **representatives from key ethnic communities** should plan, design and conduct outreach to potential victims of trafficking.
53. **Office of Refugee Services (ORS)** should provide information on trafficking, technical assistance providers and training opportunities to Refugee Task Force members and encourage the creation of trafficking subgroups within these Task Forces.
54. **Grantees** (e.g., **Florida Freedom Partnership, Florida Coalition Against Domestic Violence**) who are receiving grants from the Federal government to work with victims of trafficking should regularly network with one another and share what they are learning with each other, the Working Group and with other service providers around the state.
55. Federal and state cooperation and collaboration is critical in forming an effective response to human trafficking in Florida. The **local/state/federal coordination efforts** already begun should be strengthened and replicated.
56. Local communities, including state-sponsored **Refugee Task Forces**, should consider forming human trafficking working groups or networks. The **Center** should provide technical assistance to them on how to form and sustain a local anti-trafficking effort.

57. The **Center** should produce awareness materials such as "Know Your **Rights**" brochures and advocacy guides for those assisting victims of trafficking.
58. The **Center, State** and others should coordinate with local, state and national efforts to increase public awareness regarding human trafficking. Successful public health campaigns (anti-smoking, HIV/AIDS, domestic violence, drunk driving, those that target immigrant and refugee populations) should be examined and, where appropriate, replicated.
59. The **Center**, through work and advice from the FSU School of Communications, should develop a media outreach plan. Specifically, the media should be educated and more aware of the extent and prevalence of human trafficking. **Media, both English and non-English speaking outlets**, should offer free airtime and space for public service announcements regarding the crime of human trafficking and services available to victims.
60. The **Working Group** and the **Center** should explore ways to empower survivors of trafficking within their own communities to identify and help other victims.

## APPENDIX A

### Recommendations

#### Chapter 1: Introduction to Human Trafficking: Background and Overview

1. Awareness of the nature and extent of human trafficking is foundational to preventing and ending human trafficking. The **Center for the Advancement of Human Rights at Florida State University (Center)** should continue its research and collect data that gives an accurate picture of the extent and prevalence of human trafficking in Florida. This should include assessing the numbers of businesses and industries that employ trafficked persons, labor contractors who traffic and/or employ victims of trafficking, data on the number of homeless persons who are enslaved, data on children who are trafficked, the prevalence and numbers of domestic workers who are trafficked, where trafficking victims are from and how to best help them. The Center can draw this information from interviews with law enforcement, social service providers, trafficking survivors and by working with other agencies and organizations that collect trafficking data.
2. People are trafficked into Florida from all over the globe. It is important for all those who assist victims of trafficking to contact technical assistance providers (*see* appendices B - E), anti-trafficking organizations, the **Center** and **Working Group members** to actively seek out quality training and education on how to identify and assist victims based on the victims' cultural contexts and needs. This recommendation applies especially to **agencies receiving federal grants from the Departments of Justice and Health and Human Services, refugee service agencies, law enforcement agencies, prosecutors, non-profit victim advocacy agencies and immigrant-focused, or similar community programs. Professional schools (e.g., nursing, social work, law, medicine, business, mental health)** should also incorporate information concerning human trafficking into their curricula. (Professors also may contact the Center and the numerous technical assistance providers for information and assistance.) It is also important for the **Center** to extensively

promote and disseminate information on trafficking training and educational opportunities to all those described in this recommendation to ensure broad coverage of topics and wide access by relevant stakeholders.

3. The **Center** should send this Report to all those mentioned in this recommendation as part of its public awareness activities.

## **Chapter 2: Trafficking Cases in Florida: Victims and Perpetrators**

4. The **Office of Refugee Resettlement**, in its national anti-trafficking public awareness campaign, should post anti-trafficking messages at places where trafficked persons are likely to go, such as Western Union terminals and offices, highway rest stops, retail, grocery and drug stores, laundromats, and other markets that cater to populations that are known to have a high number of trafficked persons among them. These **businesses** should display information on how to get help if you are a victim or want to help someone you suspect may be trafficked. The **Center, Working Group members and federal grantees** should assist in disseminating this information to the appropriate places. Any public awareness campaign and materials should acknowledge the risks involved for trafficked persons if they are seen picking up brochures with trafficking information or such brochures are found in their possession.
5. **Foreign language media** (e.g., Spanish, Russian, Haitian-Creole) outlets (radio, television, print) in Florida should broadcast and disseminate information about trafficking victims' rights and remedies, including where to go to get help, as a public service.
6. **Foreign language media** (e.g., Spanish, Russian, Haitian-Creole) should incorporate information about trafficking into its regular news, entertainment and other programming, so that people can learn about trafficking including where and how to help those who might be trafficked.
7. **Local Refugee Task Forces** and the **statewide Working Group** should give to local and statewide foreign language

media, respectively, information about trafficking (what it is, victim's rights, where to get help, etc.).

### **Chapter 3: Rights and Remedies: The Trafficking Victims Protection Act (TVPA)**

8. Information about the TVPA should be widely disseminated by service professionals to their membership. This includes, but is not limited to: members of the **bench and bar, law enforcement and others in the justice system** so that they can know of the rights and remedies available to those who are trafficked and the laws and punishments that await those who violate it. Professional associations, including the **Florida Bar, Office of Supreme Court Administrator** (judicial training office), **Florida Department of Law Enforcement, Florida Sheriff's Association, Police Chiefs Association, the Public Defender's Association and Florida Prosecuting Attorneys Association, The Florida Association of Women Lawyers, Florida Medical and Nursing Associations, the Florida Chapter of the National Association of Social Workers, Florida Network of Victim Witness Services, Florida Coalition Against Domestic Violence, Florida Council Against Sexual Violence, Florida Alcohol and Drug Abuse Association**, should proactively seek out training on the TVPA and human trafficking. The **Center** should assist in developing or coordinating training and providing technical assistance to those who request it. The **Center** should send a copy of this Report to all of the above associations (*see* Recommendation 3 above).
9. **Prosecutors and law enforcement**, at the federal, state, and local levels should meet and develop strategies to coordinate how to best prosecute traffickers, using the TVPA, other federal laws, and state laws. In particular, law enforcement and prosecutors should strategize on which laws would apply (state and/or federal) as well as how state and federal prosecutors are best able to mount a strong and successful prosecution. The **Center** should facilitate the provision of training by publicizing training events and disseminating other information to

professionals in order to aid them in their efforts to become more knowledgeable about trafficking (*see* [www.cahr.fsu.edu](http://www.cahr.fsu.edu)).

10. **Public defenders** and those who represent the interests of children accused of crimes or delinquent acts relating to their status as victims of trafficking, should seek out education and become trained on how to best represent them. Others in the justice system, such as *guardians ad litem*, and **delinquency** and **dependency court judges** should also seek out information and training on how to recognize and handle cases involving children who may be trafficked. The **Center** should facilitate the provision of training by publicizing training events and disseminating other information to professionals in order to aid them in their efforts to become more knowledgeable about trafficking (*see* [www.cahr.fsu.edu](http://www.cahr.fsu.edu)).

#### **Chapter 4: Special Issues facing Trafficked Children**

11. There is a general lack of research and information on how to best help and work with children who are victims of trafficking. The **State** (primarily **Florida Department of Law Enforcement [FDLE]**, **Department of Children and Families [DCF]**, **Department of Juvenile Justice [DJJ]** and federal government (primarily **Department of Justice [DOJ]**, **Health and Human Services [HHS]**) should focus technical assistance efforts on helping law enforcement and social service providers to understand the patterns of trafficking affecting minors and to better assist children. The **Center** should assist in these efforts by working with organizations that assist children such as the USCCB and Florida Immigrant Advocacy Center (FIAC) and providing technical assistance to state agencies and others.
12. Children are particularly vulnerable victims of trafficking and anyone who is working with child victims should use interview specialists who are skilled in how to interview child trafficking victims. The **Center**, local **Refugee Task Forces** and the **Working Group** should help to identify such interview specialists.

13. **Any advocate or professional who provides care to child victims of trafficking** should receive specialized training to understand their emotional state, the trauma they have suffered, and the particular needs they have as minor foreign nationals.
14. The **Working Group** should recommend whether, when and how the State should provide representation for trafficked children. The **Working Group** should consider the use of trained, special legal advocates or *guardians ad litem*, to advocate for children.
15. The **Working Group, Center** and **DCF** should seek out more information concerning the presence of trafficked children who are in DCF custody or supervision, or who are subjects of calls into the State's child abuse hotline.
16. The **Center** should facilitate **DCF** and **DJJ** collaborations to help them to discover and assist children who may be victims of trafficking. This could include discussions at the state level, as well as local level working groups.
17. The **Center** should meet with the **Child Welfare and Community Based Care Program Office** (formerly Office of Family Safety), and other sections of DCF that might come in contact with child or adult victims of trafficking, to offer technical assistance as well as design and assist in the delivery of training on human trafficking. This could include the Center developing screening tools and protocols.
18. The Homeland Security Act (HR 5005), Section 462, which pertains to the transfer of responsibility for Unaccompanied Alien Children from INS to HHS, says in (b)(1)(A) that the director of ORR shall be responsible for " ...developing a plan to be submitted to Congress on how to ensure that qualified and independent legal counsel is timely appointed to represent the interests of each such child...." In light of this recommendation, the **ORR** at HHS should include in its plan that legal counsel utilize Special Immigrant Juvenile Status proceedings to assist child victims of trafficking who may be eligible for this legal immigration remedy, where appropriate.

19. **ORR and Florida funded agencies** should work to identify and assist children in the custody of state or local governments, not just those in DHS custody.

## **Chapter 5: Social Services Responses**

20. The **Center** should make information on trafficking training opportunities available, and community-based victim service agencies should contact the Center and other technical assistance providers (*see* Appendices B-E) to receive regular and ongoing training on how to identify and assist victims of trafficking, as they may be the first contacts with a victim. This includes front line advocates as well as supervisors and organization leaders.
21. The **Center** and **Working Group** should examine issues and needs relating to interpreters for victims of trafficking, with a special focus on making sure that interpreters are qualified, sensitive to trafficking issues, and familiar with the implications of interpretations for victim witnesses in the criminal justice context. In addition, **DCF, Office of Refugee Services (ORS)** and its translator trainings and services, should evaluate whether their training could be enhanced and supplemented with information relevant to interpreting in cases of human trafficking. The **Center** should research whether there are standards or training for interpreters now available.
22. The **Center** and **Working Group** should examine how communities could create community-based "Interpreter Banks" of competent interpreters who could be contacted by service providers and law enforcement in trafficking cases. Interpreters should be subjected to screening criteria and sensitized to the issues of human trafficking through specialized training. Communities could pool together their current interpreter resources (preferably voluntary interpreters and translators as most agencies do not have budgets for translation costs) for the "Interpreter Bank."

23. The **Center** and **ORS** should explore how to fund interpreter services and who might be able to provide these services for pre-certified and certified victims of trafficking.
24. The **Center** and the **Working Group** should gather information regarding security standards and guidelines and the development of "trafficking safety plans" for housing, services, travel, work, and other victim and staff needs. These should be sensitive to the level of risk posed to the victim by the trafficker. For example, a domestic servant victimized by one couple might have different risks than a group of women forced into prostitution by a sophisticated organized crime operation. The **Center** should look at security plans already developed by NGO's who serve victims of trafficking and by others such as domestic violence programs. The **Center** and **service providers** who develop safety plans should work with law enforcement on their development and implementation. The **Center** should disseminate information on security standards and guidelines on its website and as part of its outreach efforts.
25. **Staff who work with victims of trafficking** should attend security training, self-defense and first aid courses, and local law enforcement should look to developing or assisting them in receiving such training. Agencies should have a security plan in place for potential acts of violence and/or possible attempts by traffickers to obtain information or attempt to abduct victims of trafficking.
26. **Local non-profit victim advocacy and support agencies** that work with victims of trafficking and **local prosecutors and law enforcement** should be familiar with each others' responsibilities and duties and coordinate with one another to help victims of trafficking.
27. Social services agencies have experienced severe budget cuts and will require additional funding and support in order to assist victims of trafficking. The **Center** should assist in making information available concerning grant opportunities to support work on trafficking.

28. The **Center** should provide technical assistance to the health care community, including public health care providers on human trafficking. This should include the development and implementation of training and outreach materials.
29. **Health care providers** should request that their professional associations and others from whom they receive continuing education programming and information (such as medical society newsletters), provide training and/or information to them regarding the particular infectious diseases to which victims of trafficking - especially women and children - are exposed.
30. The **Center** should also make this Report available to **statewide health care associations**, so they may understand the context for their developing an increased awareness and professional capacity concerning human trafficking.
31. The **Center** should research and developed screening questions for children who might be victims of trafficking.

## **Chapter 6: Law Enforcement Responses**

32. **Law enforcement agencies** should develop and adopt human trafficking protocols to focus on, among other things: victim identification and management, crime scene investigations, laws and responsibilities, coordination and communication among jurisdictions, how to "take the lead" on trafficking cases so as not to harm the victims, and other related issues. Within their professional associations and training academies, law enforcement should implement training on these protocols. The **Center** should provide protocol information to key law enforcement agencies on trafficking.
33. In the meantime, before protocols are officially developed and adopted by law enforcement, **law enforcement** (including first responders, supervisors, and police chiefs and sheriffs) should be trained on how to recognize human trafficking; how to assist victims; how to coordinate among federal, state and local levels of law enforcement; and how to investigate human trafficking

crimes. This could include training tools such as videos, short "roll-call" modules and longer, in-depth training on topics such as understanding victims, victim interviews, crime scene investigations, and state and federal collaboration. The **Center** should develop and make training on trafficking available to Florida's law enforcement community.

34. Permanent and ongoing training procedures for **Florida law enforcement** personnel concerning human trafficking should be implemented. One means of doing so would be to propose and prepare a training module for submission to the **State Criminal Justice Standards and Training Commission** for approval as an officially sanctioned career development and in-service course. The **Working Group** should explore with state and local law enforcement mechanisms to institutionalize law enforcement training on trafficking.
35. The **Center** should make available to law enforcement, including state and federal prosecutors, updated and easily accessible guides to social services available in Florida to victims of trafficking.
36. **Prosecutors, their investigators, and prosecutors' victim advocates/advisors**, including those working in **United States Attorneys Offices** and in **Florida's twenty state attorneys offices**, should be trained on how to recognize human trafficking, how to assist victims, and how to investigate and prosecute human trafficking crimes. The **Center** should develop and make training available, and provide information about training, to prosecutors as outlined above.
37. **State and federal prosecutors** should be familiar with local non-profit victim advocacy and support agencies that have the training and the capacity to provide services to victims of trafficking.
38. **State and federal investigators and prosecutors** should work together to streamline the interview process for children, so that child victims of trafficking are spared multiple interviews by multiple agencies.

39. **Prosecutors and law enforcement** should assist in securing effective protection for trafficking victim witnesses before, during and after a trafficking investigation.
40. **State and federal investigators and prosecutors** should participate in ongoing efforts to coordinate anti-trafficking work done by governmental and nongovernmental organizations in Florida.
41. All 20 **state attorneys** offices, each of the three **United States Attorneys Offices** and each **law enforcement agency** in Florida should designate a trafficking contact person so that cases can be coordinated and addressed promptly and appropriately.

## **Chapter 7: Labor and Trafficking: History, Context, and Remedies**

42. **Business and industry** should audit and review their labor contracting and employment practices to make sure that trafficked persons are not among their labor force. The **Center**, and others willing to do so (such as **local anti-trafficking efforts** and **Refugee Task Forces**), should provide training and outreach to businesses, including providing information and technical assistance to local and state **Chambers of Commerce**.
43. **Employers** should post information about human trafficking in the workplace so that employees can know their rights as well as know what they might do to help people they suspect are trafficked.
44. It is unclear how communities and agencies can better reach and help victims of domestic servitude; this population is particularly isolated. The **Working Group** should prioritize looking at this population and making recommendations on how to best assist them.

45. **Labor rights advocates and attorneys** should receive training on human trafficking and the rights and remedies available to clients who are victims of trafficking. The **Center** should make information available on its website and otherwise concerning available training opportunities.
46. **Experts in labor and criminal law** should propose ways that the rights of the victim can be optimized in legal proceedings; for example, determining ways for civil and criminal cases to proceed that would best restore and bring justice to the victim. The **Working Group** should facilitate discussions regarding victims' legal rights.

## **Chapter 8: Coordinating a Community Response to Trafficking**

47. **Office of Refugee Services (ORS)** should support the Center's provision of technical assistance to communities on how they can best network, pool and leverage resources and so better identify and serve victims of trafficking. This should include a best practices guide.
48. Federal law offers strong benefits to victims and punishments to traffickers, thus making the **United States Attorneys, FBI, Department of Homeland Security** and **other federal offices** central to regional and community efforts to respond to human trafficking. As such, these **federal offices** should have a strong presence in any local or regional coordinated response, and should consider leading such efforts.

## **Chapter 9: Next Steps**

49. The **Department of Children and Families, Office of Refugee Services**, should continue to support the Center and the Human Trafficking Working Group, a multi-disciplinary body comprised of federal, state and local governmental and non-governmental organizations. The **Working Group** membership should be expanded to include health care professionals, agricultural interests, the business community and Department of Homeland Security personnel under whose jurisdiction human trafficking falls.

50. The **State** should support the Center in instituting a "Human Trafficking Clearinghouse" to assist law enforcement, service providers and others to access resources and the most recent and complete information regarding human trafficking, such as training opportunities, outreach materials and legal developments.
51. The **Center** should:
- provide outreach and technical assistance to communities and local organizations seeking to develop coordinated responses to trafficking,
  - conduct training programs at statewide or local conferences,
  - receive and disseminate information about trafficking laws, rights and remedies, and
  - generally assist state and local groups who need information and assistance in assisting victims of trafficking.
52. All training, materials, and approaches to addressing human trafficking should take into account and be responsive to the cultural and linguistic needs of its victims. Ideally, this means **representatives from key ethnic communities** should plan, design and conduct outreach to potential victims of trafficking.
53. **Office of Refugee Services (ORS)** should provide information on trafficking, technical assistance providers and training opportunities to Refugee Task Force members and encourage the creation of trafficking subgroups within these Task Forces.
54. **Grantees** (e.g., **Florida Freedom Partnership, Florida Coalition Against Domestic Violence**) who are receiving grants from the Federal government to work with victims of trafficking should regularly network with one another and share what they are learning with each other, the Working Group and with other service providers around the state.
55. Federal and state cooperation and collaboration is critical in forming an effective response to human trafficking in Florida. The **local/state/federal coordination efforts** already begun should be strengthened and replicated.

56. Local communities, including state-sponsored **Refugee Task Forces**, should consider forming human trafficking working groups or networks. The **Center** should provide technical assistance to them on how to form and sustain a local anti-trafficking effort.
57. The **Center** should produce awareness materials such as "Know Your Rights" brochures and advocacy guides for those assisting victims of trafficking.
58. The **Center, State** and others should coordinate with local, state and national efforts to increase public awareness regarding human trafficking. Successful public health campaigns (anti-smoking, HIV/AIDS, domestic violence, drunk driving, those that target immigrant and refugee populations) should be examined and, where appropriate, replicated.
59. The **Center**, through work and advice from the FSU School of Communications, should develop a media outreach plan. Specifically, the media should be educated and more aware of the extent and prevalence of human trafficking. **Media**, both **English and non-English speaking outlets**, should offer free airtime and space for public service announcements regarding the crime of human trafficking and services available to victims.
60. The **Working Group** and the **Center** should explore ways to empower survivors of trafficking within their own communities to identify and help other victims.

## APPENDIX B

### Florida Anti-Trafficking Programs And Service Providers

The following is a list of Florida anti-trafficking programs and service provider contact information. These organizations may provide direct services in addition to advocacy and other functions, in which case they will be listed in the service provider section as well. This list is not exhaustive.

The organizations listed have come to our attention as reputable and important ones in the field of human trafficking. We have familiarity with some more than others, and have not done an evaluation of any of their services. We encourage the use of this list as a beginning point for research and information gathering and users should evaluate each organization's utility and appropriateness.

<b>ORGANIZATION</b>	<b>WEBSITE</b>	<b>CONTACT</b>
<b>Catholic Charities, Diocese of Venice, Inc.</b>	<a href="http://www.catholiccharitiesdov.org">www.catholiccharitiesdov.org</a>	Peter Routsis-Arroyo, LCSW SUAREZ@DioceseofVenice.org (941)484-9543 Venice, FL
<b>Coalition of Immokalee Workers</b>	<a href="http://www.ciw-online.org">www.ciw-online.org</a>	Laura Germino laura.germino@ciw-online.org 239-657-8311 Immokalee, FL
<b>Florida Center for Survivors of Torture (FCST)</b>	<a href="http://www.gcjfs.org/svc-survivors.htm">www.gcjfs.org/svc-survivors.htm</a>	Ronnie Bower FCSOT@yahoo.com 727-450-7273 Clearwater, FL
<b>Florida Coalition Against Domestic Violence</b>	<a href="http://www.fcadv.org">www.fcadv.org</a>	Robin Thompson r-t@worldnet.att.net 850-425-2749 850-907-0693 Tallahassee, FL
<b>Florida Council Against Sexual Violence</b>	<a href="http://www.fcasv.org">www.fcasv.org</a>	Terri Poore tpoore@fcasv.org 850-297-2000 Tallahassee, FL
<b>Florida Freedom Partnership (FFP), IRC Miami Regional Director</b>	<a href="http://www.theirc.org/Miami">www.theirc.org/Miami</a>	Leslye Boban Leslye@mia.intrescom.org 305-443-0102 Coral Gables, FL

*Anti-Trafficking Programs and Services Providers (continued)*

<b>ORGANIZATION</b>	<b>WEBSITE</b>	<b>CONTACT</b>
<b>Florida Immigrant Advocacy Center (FIAC)</b>	www.fiacfla.org	305-573-1106 Miami, FL
<b>Lutheran Services Florida, Inc</b>	www.lsfnet.org	Danielle Kearney dkearney@lsfnet.org 813-875-1408 1-800-651-1853 Tampa, FL
<b>PAEC Migrant Education project at the Center for Civic Education and Service</b>	www.fsu.edu/~service/projectspr.html#paec	Ericka Zdenek 850-488-9660 Tallahassee, FL
<b>Refugee Resettlement Program, United States Catholic Charities Refugee and Immigration</b>	www.ccdosp.com/services/refugee.html	Rafael Morales refugee@ccdosp.org 727-893-1311x250 St Petersburg, FL
<b>Salvation Army of Florida, Tallahassee Office</b>	www.salvationarmysouth.org/FLA.htm	Captain Alan Phillips salarmmc@aol.com 850-222-0304 Tallahassee, FL
<b>Victims Services Center</b>	kite.globalsecuresite.com/ssl/www.vscmiami.org/cgi-local/multiform/help.html	info@vscmiami.org 305 374-9990 Miami, FL

**Catholic Charities, Diocese of Venice, Inc.**

**A. Contact information**

**Address:** Catholic Charities, Inc.  
1000PinebrookRd  
Venice, FL 34292-1426

**Phone:** (941)484-9543

**Fax:** (941)484-1121

**Contact:** Mr. Peter Routsis-Arroyo, LCSW

**B. Agency Description**

Catholic Charities, Diocese of Venice, Inc. is located in a 10-county area of south Florida. The mission of Catholic Charities is to fight poverty, strengthen families and build communities. These activities shall ensure human dignity and enhance the quality of life for all persons, regardless of race, creed or color.

**C. Services Provided**

Within the geographical area of the Diocese reside people of various ethnic, cultural and religious backgrounds. Catholic Charities, Diocese of Venice provides a wide variety of established and effective services, including emergency and direct assistance; family counseling; Refugee Resettlement; Immigration assistance; and English as a Second Language, Citizenship, Positive Parenting, and Elderly Outreach Assistance programs. Catholic Charities, Diocese of Venice has over 21 sites within the Diocese containing programs and personnel who function collaboratively to deliver the highest quality of services to their clients. The Diocese programs are designed and implemented to assist clients to become self-sufficient. Staff currently has the ability to offer these programs to English, Cuban, and Haitian speaking clients, as well as provide access to comprehensive, certified linguistic resources for eastern European and other languages.

In addition, the Diocese has REAP offices in Collier and Sarasota counties specifically providing refugee employment services in those counties, as well as serving Lee, DeSoto, Charlotte, Hendry and Glades counties. In Collier County, the Diocese has two full-time case managers, a part-time case manager, a part-time receptionist, and an on-site supervisor. In Sarasota, the Diocese has a full-time case manager, a part-time case manager, and a part-time receptionist. The aforementioned staff has years of experience in the areas of refugee employment, program development, community networking, and outreach. They are dedicated and committed to ensuring that their clients have effective programs in their jobs and in the community. The Diocese of Venice is an active participant in area Refugee Task Forces.

#### **D. Future Plans**

The Catholic Charities, Diocese of Venice has the infrastructure already in place and has had experience working with victims of trafficking, victims of domestic violence, victims of sexual violence and victims of torture. Staff is trained on the Oracle Database system. Community support from employers, clients and co-existing agencies in all counties where Catholic Charities, Diocese of Venice provides services for the agency is good. Catholic Charities, Diocese of Venice enjoys the benefits of having an active Board of Directors and a central administrative office in Venice, Florida that provides financial oversight and program auditing. Catholic Charities, Diocese of Venice recently completed a self-study and was informed last month that they are a nationally accredited organization.

#### **Coalition of Immokalee Workers**

##### **A. Contact information**

**Address:** Anti-Slavery Campaign  
Coalition of Immokalee Workers  
PO Box 603  
Immokalee, FL 34143

**Phone:** 239-657-8311 (fax - same)

**Email:** workers@ciw-online.org, or  
laura@ciw-online.org

**Contact:** Laura Germino

## **B. Agency Description**

The Coalition of Immokalee Workers (CIW) is a community-based worker organization of over 2,000 members, the majority of whom are Latino, Mayan Indian, and Haitian immigrants working in low-wage jobs throughout Florida and along the US East Coast. CIW organizes for fair wages and working conditions, respect and dignity, better and cheaper housing, and an end to slavery and indentured servitude. Its general program integrates four specific focus areas: community organizing, education, leadership training, and labor rights/anti-slavery. Its Anti-Slavery Campaign takes a worker-based approach to eliminating modern-day slavery in the agricultural industry. The approach combats already-existing slavery operations case-by-case through a distinct method of outreach, investigation, community/government collaboration towards criminal prosecutions, and peer orientation/counseling. It also focuses on prevention of future slavery through CIW's national corporate responsibility campaign calling on the fast-food industry to use its influence as major produce buyers to clean up labor abuses, including slavery, in its supply chain.

The CIW is the Southeast region co-coordinator of the national Freedom Network Training Institute, which trains law enforcement and community service agencies on how to identify and assist trafficked and enslaved people.

## **C. Services Provided**

In the past five years, CIW has uncovered, investigated, and assisted the U.S. Department of Justice (DOJ) in the prosecution of three violent slavery operations involving over a thousand workers in several states, including Florida, Georgia, and the Carolinas. In addition, CIW acted as consultants to the DOJ in two other cases. In one recent operation, employers of over 700 farmworkers threatened workers with death if they were to leave, and pistol-whipped and assaulted - at gunpoint - passenger van service drivers who gave rides to farmworkers leaving the area. In another, workers who attempted to escape were beaten, pistol-whipped, and shot at, working under the constant watch of armed guards.

CIW works with certified and uncertified trafficked persons. Its program includes community outreach, worker education, investigating, assisting captives to escape when necessary, coordinating community justice efforts with federal agencies, including the DOJ. CIW also uses its extensive community network to provide comprehensive assistance to trafficking victims, including placing victims in safe housing with meals provided by a faith-based organization, assisting them in finding work, and acting as a liaison to immigration and labor rights attorneys such as the Florida Immigrant Advocacy Center (FIAC) for social welfare and legal needs. In addition, CIW provides training, rights workshops, and a community support network for trafficked persons. CIW provides peer counseling by workers who have survived similar situations, who help explain to frightened workers that they are in a safe place and what options are available to them. CIW also consults with and helps orient victims in other kinds of cases if peer counseling is needed, coordinating with FIAC.

As a community organization with a large farmworker membership, CIW is able to detect slavery rings and keep track of worker/witness movement, due to CIW's community roots and extensive networks in the migrant labor world. The CIW assists victims and witnesses in contacting the Department of Justice, if they wish to, when a slavery operation is brought to its attention. CIW also advocates for the victims/witnesses if the DOJ takes on a case, helping to explain the US legal system and the interview process to the victims/witnesses, and maintaining throughout the process a relationship of trust and confidence during confusing and difficult times while keeping in contact with victims/witnesses throughout the investigation and prosecution phases. The CIW facilitates access to experts and witnesses for federal authorities investigating a slavery operation, bridging cultural, linguistic and geographical divides.

#### **D. Languages Available**

Spanish, Haitian Creole, Mexican and Guatemalan indigenous languages including Zapotec, Ttotzil, Nahual, Mam, and Quiche.

#### **E. Training and Outreach**

CIW provides education and peer-support for both long-time CIW members and recently escaped victims of exploitation. At the broader worker community level, the CIW does constant awareness-raising, and its general membership becomes aware of and able to educate other workers on the problems of and remedies for those held in slavery. Peer educators conduct multi-state outreach to isolated migrant labor camps on general labor issues. During this worker-to-worker outreach, educators may talk with enslaved workers about their rights and about their ability to speak out against such situations. This is vital since recently-arrived workers are usually in great fear of both their employers and the authorities. CIW also does training and outreach with the non-worker community, including law enforcement, social service agencies, churches, businesses, and the general public.

#### **F. Future Plans**

In addition to participating in case by case investigations and prosecutions of this most egregious human rights violation, the CIW is actively working to prevent future US agricultural slavery. Towards that goal, CIW has launched a national corporate responsibility campaign to encourage the fast-food industry to take responsibility for the conditions under which their products are harvested. Through creative actions and organizing, CIW members, including ex-captives, have become nationally and internationally known for their fight to end sweatshops and slavery in the fields.

## **Florida Center for Survivors of Torture and Refugee Services**

### **A. Contact Information**

**Address:** Florida Center for Survivors of Torture (FCST) and Refugee Services,  
Gulf Coast Jewish Family Services, Inc.  
407 S. Arcturas Avenue  
Clearwater, FL 33765 USA

**Phone:** 727-450-7273  
727-450-7283

**E-mail:** FCSOT@yahoo.com; refugeemh@yahoo.com

**Website:** www.gcjfs.org

**Established:** October 2000

**Contact:** Ronnie Bower

**Office Hours:** Monday - Friday, 8:30AM to 5:00PM

### **B. Services Provided**

Gulf Coast Jewish Family Service's Refugee Resettlement Program provides resettlement services including employment, housing, medical, mental health, legal, educational, and social services to all individuals eligible for refugee services (including certified victims of trafficking). Mental Health Interpretation Services are also available through a network of trained interpreters that assist clients in mental health related appointments. The Community Family Strengthening and Integration Project (CFSI) is a collaborative grant project designed to provide acculturation services to Southeast Asian refugee children and their families, especially focusing on improving school readiness among refugee children.

The Florida Center for Survivors of Torture Program (FCST) provides intensive case management, assessment, service planning, linkage, and advocacy for medical, mental health, legal, educational, and social services needs to victims of politically motivated torture. FCST also coordinates individual and family therapy, as well as community-based support groups. FCST has served over 200 primary and secondary survivors of torture since October 2000. The majority of clients served have been adult with a near equal distribution of men and women. The program currently services approximate 55 school age children. There is no time limit for enrolment in this program. Primary psychological issues and symptoms that clients have presented with include Post Traumatic Stress Disorder, Depression, Generalized Anxiety Disorder, and Adjustment Disorder. FCST clients have undergone a multitude of medical challenges ranging from minor wounds to terminal cancer and organ transplants. Legal issues surrounding immigration status have been a focus within the last year of the program, as many new referrals seeking political asylum have been accepted. Social service issues continue to be addressed with clients ranging from attaining medical coverage to food stamps to adequate housing. Educational issues with survivors of torture have been a treatment focus for many of FCST's clients ranging from enrolling in English classes to attaining college degrees.

FCST has contracted interpreters in the following languages: Albanian, Arabic, Creole, Dinka, English, French, German, Italian, Laotian, Russian, Serbo-Croatian, Spanish, Ukranian, and Vietnamese.

### **C. Training and Outreach**

Programs provide extensive community trainings to area agencies working with refugee/immigrant and torture survivors within the medical, legal, mental health, social service, and educational realms. Training is focused on refugee/survivor needs and consultation is provided as needed. Community training has sensitised providers to torture survivor issues and allowed for ease in access to services that otherwise may not have been attained.

FCST's programs connect with nearly every type of human service agency within the Tampa Bay Area to provide education on refugee/torture survivor needs. Training topics are often determined by the area agencies with a focus on refugee/torture survivor issues within that setting. Programs establish linkages with network providers, allowing clients to attain quality services from providers that have been trained and are sensitive to their needs.

## **Florida Coalition Against Domestic Violence**

### **A. Contact information**

**Contact:** Florida Coalition Against Domestic Violence  
425 Office Plaza Dr.  
Tallahassee, FL 32301

**Phone:** (850) 425-2749

**Fax:** (850)425-3091

**Hotline:** 1-800-500-1119

**Contact:** Robin Thompson or Jennifer Pace

### **B. Agency Description**

The Florida Coalition Against Domestic Violence (FCADV) is a 501(c)(3) organization that is governed by a 19-member board of directors. FCADV serves as the professional association for the state's 38 certified domestic violence centers, and it is the primary representative of battered women and their children in the public policy arena.

FCADV recently received a grant from the Office of Refugee Resettlement (ORR), Department of Health and Human Services (HHS) to increase awareness of trafficking issues among domestic violence and sexual violence programs. This includes strengthening direct service provision to victims of trafficking, creating a trafficking technical assistance resource network and materials to assist service providers, expanding current community networks to focus on needs of victims of severe forms of trafficking, developing a service delivery plan, and providing shelter space in already-existing domestic violence transitional housing facilities for trafficked persons. Several of the 38 certified domestic violence centers working with FCADV have first-hand

experience in working with victims of trafficking in Florida, particularly those centers located in areas with large immigrant populations.

### **C. Services Provided**

Direct service delivery activities under the FCADV trafficking grant will include setting aside beds in domestic violence center transitional housing facilities for victims of trafficking. These facilities provide housing for up to 2 years. Further, and most importantly, this grant will build upon transitional housing services and include a plan for delivering services to clients who are certified victims of severe forms of trafficking and eligible children who are trafficked.

Twenty of the statewide domestic violence centers are also equipped with sexual violence programs. Since the majority of these twenty centers are in rural areas, these centers are able to provide a better range of services to trafficked persons in the rural areas in which they may be more likely to be found.

Local domestic violence programs, as well as FCADV at the state level, have served as the driving forces behind the creation and sustenance of local and state collaborations whose goals have been delivering victim-centered safety and services. These collaborations are directly responsible for increased services to victims in communities ranging from migrant farm workers in Immokalee to African Americans in rural Calhoun County, from the Seminole Indian Reservation to a rural elderly community in Pasco County. This expertise is the base from which FCADV is expanding to include victims of severe forms of trafficking.

### **D. Eligibility**

Those who are victims of domestic violence and their children are eligible for services from state-certified domestic violence programs. It is anticipated that this population will include victims of trafficking.

### **E. Language Capabilities**

FCADV houses a statewide hotline and contracts with ATT language programs to provide a full array of translation services to its clients. In addition, FCADV contracts with Safespace in Miami to operate a Spanish and Haitian Creole hotline where trained staff and volunteers from those communities answer crisis calls.

### **F. Training and Outreach**

A critical part of FCADV's work has been outreach to traditionally underserved communities and collaborating within communities in a culturally competent manner. The training department develops informational material such as posters, manuals, brochures, safety plans, and other products. In addition, the training department has developed a variety of evaluations and pre and post-tests that are used to measure training effectiveness.

Under the auspices of the trafficking grant, FCADV will develop a core competency-based training curriculum for domestic and sexual violence service providers on human

trafficking. This core curriculum will build on the current knowledge base of providers concerning domestic violence and sexual violence, highlighting the distinct and separate needs faced by victims of trafficking. The curriculum will eventually be modified to reflect basic, intermediate and advanced issues regarding service delivery to victims of trafficking. It is hoped that each of FCADV's 38 member domestic violence centers and the Florida Council Against Sexual Violence (FCASV) member programs will benefit from receiving training and materials regarding human trafficking.

### **G. Future Plans**

FCADV will create relevant, user-friendly technical assistance materials and resources for domestic violence and sexual violence programs on trafficking. FCADV and partnering agencies will create a practical technical assistance handbook for advocates that that will be updated quarterly and publish on the FCADV website. FCADV has successfully created multi-disciplinary networks within rural and underserved communities in Florida, which it will use to educate communities about trafficking victims.

## **Florida Council Against Sexual Violence**

### **A. Contact information**

**Address:** Florida Council Against Sexual Violence  
1311 A Paul Russell Road, Suite 204  
Tallahassee, FL 32301

**Phone:** (850) 297-2000 xt. 15

**Fax:** (850) 297-2002 fax

**Email:** tpoore@fcasv.org

**Website:** www.fcasv.org

**Contact:** Terri Poore, MSW, Director of Public Policy  
Leesa Gibson

### **B. Agency Description**

The Florida Council Against Sexual Violence (FCASV) is a statewide not-for-profit agency that serves as a coalition of the state's rape crisis programs. Its mission is to lead, educate, advocate, serve and network on behalf of individuals impacted by sexual violence. FCASV is committed to achieving the following goals: improving Florida's sexual violence programs, including seeking funding, resources and services; collaborating with agencies from many different fields, including prosecutors, law enforcement, social workers and medical professionals to advance the issue of sexual violence; providing up-to-date information and training to Florida's professionals; raising public awareness about the impact of sexual violence; working with policy makers on issues that affect sexual violence survivors and the programs that serve them; and reducing the risk of sexual violence through public awareness, prevention education, increased prosecution, and criminal justice system accountability of perpetrators.

### **C. Services Provided**

The members of FCASV's coalition are primarily rape crisis programs that serve adults and adolescents (12 and over). Victims are not required to be certified victims of trafficking in order to receive services. In-depth counseling services may, in some cases, have a waiting list or time limit (e.g., 6 sessions), depending on individual program guidelines.

The following services are provided by most rape crisis centers free of charge: 24-hour specialized hotline services, Information & Referral and Crisis Intervention; advocacy including accompaniment through medical and legal proceedings; support groups and counseling; and medical intervention provided by specialized personnel in an appropriate setting.

#### **D. Languages Available**

FCASV has many materials in both English and Spanish and has Spanish speakers on staff

#### **E. Training and Outreach**

The office of FCASV serves as a resource to the state on sexual violence issues. They host a statewide conference and many trainings, bringing state-of-the-art information to Florida's service providers. They also provide technical assistance to agencies seeking to improve their services for rape victims, and FCASV provides up-to-date information to the public through FCASV's information line on all aspects of sexual violence, including rape, child sexual abuse, stalking and sexual harassment. FCASV works closely with the Department of Health's Sexual Violence Prevention Program on their awareness initiatives. FCASV's members are comprised of professionals and programs across the state that help rape victims in local communities.

### **Florida Freedom Partnership**

#### **A. Contact information**

**Address:** Florida Freedom Partnership  
P.O. Box 144727  
Coral Gables, FL 33114-4727

**Phone:** Information Line: 305-443-0102 (8:00 - 5:00 PM)

**Email:** traffickingff@yahoo.com

**Contact:** Joy Braun

#### **B. Agency Description**

The Florida Freedom Partnership (FFP) is a partnership of four agencies working together to provide a rapid, comprehensive support service for victims of trafficking while building the capacity of the South Florida community to better understand and respond to the needs of trafficked persons. FFP was awarded two grants to provide comprehensive services to both pre-certified and certified victims of human trafficking. The two grants were awarded by the Department of Justice's (DOJ) Office of Victims of Crime (OVC) for the period of January 1, 2003 to December 31, 2005 and from the Department of Health and Human Services (HHS), Office of Refugee Resettlement

(ORR) to work directly with victims of trafficking and to educate the community about the facts of human trafficking.

### **C. Services Provided**

To help combat human trafficking, FFP offers case management, shelter, legal services, and medical and mental health care to victims of trafficking in South Florida. Victims may contact FFP's hotline directly or be referred by law enforcement, the DOJ, service providers, or good Samaritans. The Rapid Response Team includes the program specialist, a trauma counselor, and, if required, a translator to respond directly to a case. At intake, a victim is assessed to determine his or her needs, and a service plan is developed to respond to those needs and to strive to reach the victim's goals. After explaining their individual rights under the law and the role of the partner agencies, law enforcement, and the DOJ, the program specialist coordinates efforts within the network and with agencies whose services the victim may require.

Case management provides victims with on-site rapid assessment and intake, an orientation of services available to victims of trafficking, coordination between network agencies, bus passes, cash assistance, employment services, referrals to service providers, English as a Second Language and literacy tutorials, and service plans. Shelter is available to victims in a safe, undisclosed facility that has twenty-four hour monitoring and security. On site, victims receive basic health care services including a general exam, immunizations, a tuberculosis test, and referrals to a hospital or clinic that offers free services to individuals without income or health insurance. Three meals a day are available to victims staying at the shelter. Mental health advocates give on-site crisis intervention and twenty-five hours of individual counseling to victims to help them achieve stability. Lawyers and paralegals aid victims with civil legal matters and immigration issues at no cost to the victim. They help obtain and file paperwork for the HHS certification letter, employment authorization documents, T-visa, fee waivers, and file supplements for family members.

For cases in other parts of Florida, FFP has funding to relocate victims, when appropriate, to the Miami area so that they may receive a full compliment of comprehensive services. FFP will not be able to offer shelter, mental health or case management services outside of South Florida, although in some cases, they may be able to provide legal assistance.

### **D. Services and Issues for Children**

FFP does not have the capacity to shelter children with their grant but they could provide mental health, legal and other services if the children are housed in the area (e.g., Boystown or a foster care situation).

### **E. Language Capabilities**

FFP's current language capacity includes Spanish, Portuguese, Creole and French. FFP is working on building a pool of translators for other languages.

### **F. Training and Outreach**

FFP is developing and implementing a public education campaign to deliver critical, accurate, and balanced information to six counties in South Florida - Dade, Broward, Palm Beach, St. Lucie, Collier, and Monroe. FFP is also working to raise awareness of human trafficking at the national, state, and local levels. The network leads pertinent training seminars for law enforcement personnel, social service agencies, and community-based organizations that already serve trafficked persons or that may do so in the future. The sessions concentrate on awareness, protocols, appropriate referrals, and networking. To facilitate a continual focus on human trafficking, FFP will initiate community forum groups in six designated counties in South Florida over the duration of the grant.

### **G. Future Plans**

Currently, the network is designing a website that will present a visual gateway into the domestic and global trafficking scene and include links to additional resources.

#### **Florida Immigrant Advocacy Center**

##### **A. Contact Information**

**Address:** Miami Office  
Florida Immigrant Advocacy Center, Inc  
3000 Biscayne Blvd., Suite 400  
Miami, FL 33137

**Phone:** (305)573-1106  
**Fax:** (305) 576-6273

**Address:** Immokalee Office  
Florida Immigrant Advocacy Center, Inc  
1402 West New Market Road, Suite B  
Immokalee, FL 34142

**Phone:** (239) 657-7441  
**Fax:** (239) 657-7737

**Address:** Fort Pierce Office  
Florida Immigrant Advocacy Center, Inc  
**Mailing:** P.O. Box 3808  
Fort Pierce, FL 34948

**Street:** 131BN. 2nd Street  
Fort Pierce, FL 34950

**Phone:** (772) 489-4660  
**Fax:** (772) 489-4667

**Address:** Krome Pro Bono Project Office  
Florida Immigrant Advocacy Center, Inc  
Krome Service Processing Center

**Phone:** (305)228-1106  
**Fax:** (305) 567-6273  
**Website:** [www.fiacfla.org](http://www.fiacfla.org)

## **B. Agency Description**

The Florida Immigrant Advocacy Center (FIAC) was established in January 1996 because of pending restrictions in services to immigrants and funding cuts to Legal Services Corporation funded agencies. FIAC's direct services staff provides representation to clients of all nationalities, whose cases are generally complex and require an attorney to represent them before the INS or the immigration court. FIAC targets those poverty-level clients who find it difficult to access legal services, such as families with children, the homeless, individuals who are HIV+ or have AIDS, victims of domestic violence and trafficking, the elderly and disabled facing termination of public benefits, migrant farm workers, and persons in INS detention.

FIAC has three offices in addition to the main office in Miami-Dade County. The Immokalee office (Collier County) serves the migrant farm worker population while the Fort Pierce office (St. Lucie County) serves a more diverse immigrant population. All three of these offices handle trafficking cases. The outreach office located at Krome provides *pro bono* services to individuals in expedited removal proceedings who are seeking political asylum. FIAC also works with clients at Abriendo Puertas (Open Door) in East Little Havana to provide legal representation to families and children living in one of the county's poorest areas.

## **C. Background and Services**

FIAC's expertise in representing victims of trafficking began early on when three attorneys from FIAC's staff agreed to represent 14 of the young women in the high-profile *United States v. Cadena* case, which received national attention. In November 1997, two 15-year olds escaped from a brothel and told their story to the Mexican consulate in Miami. The women were placed in a Palm Beach county jail in protective custody because they were material witnesses. FIAC attorneys were able to obtain their release and have them placed in a shelter in Miami. FIAC recruited several prominent local women attorneys to represent the interests of the young Mexican women in the criminal case that was filed by the U.S. Government in a 52-count indictment against 16 people in the Cadena group. The perpetrators were charged with involuntary servitude, extortion, civil rights and immigration violations. FIAC also initially provided case management services to the women in cooperation with the local women's shelter and other not-for-profit organizations. The attorneys were able to block their deportation to Mexico (they feared retribution), obtain temporary immigration status, work authorizations, medical treatment, counseling for the brutality and violence they endured, housing, food, and clothing. Eight of the defendants pled guilty and the pro bono attorneys secured a \$1 million judgment against them. FIAC was present at all interviews, depositions, and all meetings between the clients and the Department of Justice Civil Rights Division, the U.S. Attorney's office in West Palm Beach, the Federal Bureau of Investigation, and the INS Border Patrol about the sentencing phase of the trial and the application for S visas for the women.

In another trafficking case, a FIAC attorney represented a 23-year old woman from India, who was brought to the U.S. by a wealthy Indian couple to be a nanny and housekeeper. The couple, however, held her as a virtual slave in their home, forcing her

to work 18-hour days, seven days a week. This woman was not only exploited as a domestic worker, but she was also beaten, starved, made to sleep outside, and tortured with a hot iron to burn her face. Often they would drive her to remote areas and threaten to leave her. She had no visa, no passport, no money, and spoke little English. FIAC was able to obtain immigration relief, psychological counseling, and plastic surgery to repair the scarring to her face. When she got her own apartment, FIAC staff were there to celebrate her freedom with her. Finally, FIAC assisted in obtaining one of the first T visas for a farmworker who was trafficked in Southwest Florida.

#### **D. Eligibility for Services Provided**

FIAC represents low-income individuals in immigration and public benefits cases. Through its work with the Cuban American Bar Association, FIAC also facilitates the provision of legal services to immigrants on other civil matters.

### **Lutheran Services Florida, Inc.**

#### **A. Contact Information**

**Address:** Lutheran Services Florida, Inc.  
2700 W. Martin Luther King, Jr. Blvd  
Suite 308  
Tampa, Florida 33607  
(Central Services and Tampa Bay Region address: other regional offices in Pensacola, Ft. Myers, Miami/Dade and Ft. Lauderdale)

**Phone:** (813)875-1408

**Email:** dkearney@lsfnet.org

**Contact:** Danielle Kearney (Tampa)

#### **B. Agency Description**

Lutheran Services Florida (LSF) is a statewide agency with Agencies in the Northwest (5 counties around Pensacola), Tampa Bay, Southwest-Ft Myers (Charlotte, Lee, Collier, Glades, Hendry counties), Miami/Dade, and Southeast (Broward/Palm Beach - Ft. Lauderdale).

#### **C. Services Provided**

LSF currently provides the following services around the State: Refugee resettlement, Refugee employment, Immigration and Naturalization, Vocational English Language Training, Survivors of torture, Victims Political Prisoners, Refugee case management, Guardianship and Client Accounting, Youth Shelters - 6 across the state, Protective Supervision Services, Foster homes, Family Preservation and Family Rebuilders, Homeless housing for families with children, Sexual abuse treatment and substance abuse treatment, Head Start, and Child Care Food Program for in-home licensed child day care. LSF has a licensed child-placing agency in its southwest region and will pursue licensure for the Tampa Bay region if they get the funding to develop a full service program for child victims of trafficking.

#### **D. Eligibility and Service Limitations**

To be eligible for LSF's immigration and resettlement services, clients must be certified victims of trafficking. Language services can be offered in nearly all nationalities, including some more obscure African languages. LSF also has several attorneys who provide *pro bono* assistance for LSF's refugees and immigrants and LSF provides the full array of immigration services. Finally, LSF immigration offices in Tampa, Miami, and Orlando are partially accredited by the Board of Immigration Appeals and have accredited staff members who can assist immigrant/refugee/trafficked clients.

## **United States Conference of Catholic Bishops**

### **A. Contact information**

**Address:** Migration and Refugee Services, United States Conference of Catholic Bishops  
3211 Fourth Street NE  
Washington, D.C. 20017

**Phone:** 202-541-3256

**Contact:** Mary Ellen Dougherty, SSND

**Email:** MDougherty@uscgb.org

### **B. Agency Description**

Migration and Refugee Services (MRS), the department within the United States Conference of Catholic Bishops (USCCB) designated to deal with migration and refugee services, addresses a wide array of global issues that affect the lives of migrant people. For example, MRS oversees a number of national resettlement offices through which refugees are served. The agency also oversees Unaccompanied Refugee Minor (URM) programs and attends to the needs of accompanied refugee children who require help in resettlement. Recently, MRS has added to its list of focused interests the topic of human trafficking. In this area MRS has been awarded three grants: a technical assistance grant which addresses the areas of training and education around the issue, a grant in collaboration with Lutheran Immigration Services to place trafficked children, and a grant "Anytime, Anywhere" to secure services for adult victims of trafficking.

### **C. Services Provided**

The three grants recently received from the Office of Refugee Resettlement (ORR) have varying objectives, two of which provide direct services to victims. The grant in collaboration with Lutheran Immigration Services is designed to place trafficked children. ORR has declared eligible only 19 children, and 13 of them have been placed in URM programs. It is hoped that with the new regulation, which moves undocumented children immediately to ORR for services instead of to INS, more child-victims will be identified. The services to be rendered through this grant are all of those services permitted by the TVPA and will, when useful, be executed through the URM programs.

The "Anytime, Anywhere" grant to secure services for adult victims of trafficking is also recently received. Its intent is to serve certified adult victims of trafficking who are not otherwise served by agencies with grants that cover specific geographic regions. To

date, USCCB has received one call from ORR to place a victim. The services to be rendered through this grant are all of those services permitted by the TVPA.

#### **D. Eligibility and Service Limitations**

The length of time for services rendered is contingent on the time it takes for prosecution. Victims can receive services while they are assisting prosecution and can, during that time, be moved toward the T visa. Furthermore, like other category one grantees, certain services provided are authorized for up to 5 years, with additional limits of time (8 months) on cash and medical services. In practice, if a family or individual is resettled by one of USCCB's affiliates, they typically voluntarily assist the refugee (and thus trafficked person) as needed, whether or not they are receiving reimbursement through government funding.

Child victims are eligible for services until they reach 21 years of age in most states, but may leave care voluntarily at 18. They are eligible for the extent of benefits authorized in their state's Title IV-E social service plan. Lengths of benefits vary by state, but services are usually offered until the client reaches age 21, if they entered care before age 18.

#### **E. Training & Outreach**

The technical assistance grant is a collaborative effort to create awareness among relevant constituents and to further strategies for recognizing and serving victims. To these ends, the grant has sponsored several conferences in this current fiscal year. The conferences are designed for the following:

- a. people who work in street outreach centers such as urban churches, city hospitals, shelters, etc.;
- b. people who have expertise with children's issues, toward the goal of identifying child victims and expediting services for them;
- c. people with varied levels of interest in trafficking, via four workshops within the National Migration Conference (in July 2003);
- d. people who work with migrant farm workers (in August 2003);
- e. members of religious communities who affect a wide array of service areas, that they might extend the alert about human trafficking (in August 2003).

In addition to these conferences, USCCB has organized the Coalition of Catholic Organizations Against Human Trafficking. There are approximately 50 members and partners in this Coalition which meets four times a year to shape collaborative action to combat human trafficking. USCCB also has a trafficking team composed of various staff members at USCCB whose work is related to trafficking. Members of the USCCB trafficking team have presented approximately 20 papers at national and regional conferences since October 2002.

## APPENDIX C

### Governmental Organizations

The following is a list of Florida and national governmental organizations and individual contact information. This list is not exhaustive. The organizations listed have come to our attention as reputable and important ones in the field of human trafficking. We encourage the use of this list as a beginning point for research and information gathering and users should evaluate each organization's utility and appropriateness.

ORGANIZATION	WEBSITE	CONTACT
<b>Florida Prosecuting Attorneys Association</b>	<a href="http://www.myfpaa.org">www.myfpaa.org</a>	fpaa@fpaa.org 850-488-3070 Tallahassee, FL
<b>Broward County Sheriff's Office, Department of Staff and Inspections</b>	<a href="http://www.sheriff.org/common/bio.cfm?id=53">www.sheriff.org/common/bio.cfm?id=53</a>	Major John Carroll john_carroll@sheriff.org 954-831-8956 Fort Lauderdale, FL
<b>Collier County Sheriff's Office</b>	<a href="http://www.colliersheriff.org">www.colliersheriff.org</a>	Lieutenant Bill Rule victimsrv@colliersheriff.org 239-793-9533 Naples, FL
<b>Department of Legal Affairs, Office of The Attorney General</b>	<a href="http://www.myfloridalegal.com">www.myfloridalegal.com</a>	Cynthia Rogers-Vallely Cynthia_Rogers@oag.state.fl.us 850-414-3335 Tallahassee, FL
<b>Florida Department of Children and Families Office of Refugee Resettlement</b>	<a href="http://www5.myflorida.com/cf_web/myflorida2/healthhuman/refugee/index.html">www5.myflorida.com/cf_web/myflorida2/healthhuman/refugee/index.html</a>	Patti Grogan Patti_Grogan@dcf.state.fl.us Katherine Dresser Katherine_Dresser@dcf.state.fl.us 850.922.5830 Tallahassee, FL
<b>Office for Victims of Crime (OVC)</b>	<a href="http://www.ojp.usdoj.gov/ovc">www.ojp.usdoj.gov/ovc</a>	800-851-3420 Washington, DC
<b>Office of Refugee Resettlement, Administration for Children and Families</b>	<a href="http://www.acf.hhs.gov/programs/orr/index.htm">www.acf.hhs.gov/programs/orr/index.htm</a>	Antoinette AQUI aaqui@acf.hhs.gov Washington, DC
<b>Office to Monitor and Combat Trafficking</b>	<a href="http://www.state.gov/g/tip">www.state.gov/g/tip</a>	202-312-9639 Washington, DC

*Governmental Organizations (continued)*

<b>ORGANIZATION</b>	<b>WEBSITE</b>	<b>CONTACT</b>
<b>Trafficking in Persons and Worker Exploitation Task Force (formerly the National Worker Exploitation Task Force)</b>	<a href="http://www.usdoj.gov/crt/crim/tpwettf.htm">www.usdoj.gov/crt/crim/tpwettf.htm</a>	1-888-428-7581 (complaint line) Washington, DC
<b>United States Attorney's Office, Northern District</b>	<a href="http://www.usdoj.gov/usao/fln">www.usdoj.gov/usao/fln</a>	Thomas Kirwin thomas.kirwin@usdoj.gov 850-942-8448 Tallahassee, FL
<b>United States Attorney's Office, Southern District</b>	<a href="http://www.usdoj.gov/usao/fls">www.usdoj.gov/usao/fls</a>	Marvelle McIntyre Hall Marvelle.mcintyre-hall@usdoj.gov 305-961-9430 Miami, FL
<b>United States Department of State</b>	<a href="http://usinfo.state.gov/gi/global_issues/human_trafficking.html">usinfo.state.gov/gi/global_issues/human_trafficking.html</a>	202-312-9639 Washington, DC
<b>Washington State Task Force Against Trafficking in Persons</b>	<a href="http://www.ocva.wa.gov/trafficking_final_report.htm">www.ocva.wa.gov/trafficking_final_report.htm</a>	360-725-2895 Olympia, WA

## APPENDIX D

### Non-Governmental Organizations

The following is a list of non-governmental organizations and contact information. These organizations may provide direct services in addition to advocacy and other programming, in which case they also will be listed in the service provider section. This list is not exhaustive.

The organizations listed have come to our attention as reputable and important ones in the field of human trafficking. We have familiarity with some more than others, and have not done an evaluation of any of their services. We encourage the use of this list as a beginning point for research and information gathering and users should evaluate each organization's utility and appropriateness.

ORGANIZATION	WEBSITE	CONTACT
<b>ActionAid USA</b>	www.actionaidusa.org	office@actionaidusa.org 202-835-1240 Washington, DC
<b>Adults Saving Kids</b>	www.adultssavingkids.org	612-872-0684 Washington, DC
<b>America Center for International Labor Solidarity</b>	www.fieldsofhope.org	Sonia Rosen soniarosen@erols.com 202-778-4500 Washington, DC
<b>American Anti-slavery Group</b>	www.iabolish.com/index.htm	Emma Reinhardt emma@anti-slavery.org 800-884-0719 Boston, MA
<b>Amnesty International</b>	www.aiusa.org	admin-us@aiusa.org 212-807-8400 New York, NY
<b>Anti-Slavery</b>	www.antislavery.org	info@antislavery.org 44 (0)20 7501 8920 London, England
<b>Asia &amp; Pacific Islander Women &amp; Family Center</b>	www.apialliance.org	Apiwfsc@apialliance.org Seattle, WA
<b>Asian Law Caucus</b>	www.asianlawcaucus.org	Ivy Lee IvyL@asianlawcaucus.org 415-391-1655 San Francisco, CA
<b>Asian Pacific Aids Intervention Team (APAIT)</b>	www.members.labridge.com/lacn/apait	apait1@aol.com 213-553-1830 Los Angeles, CA

*Non-Governmental Organizations (continued)*

<b>ORGANIZATION</b>	<b>WEBSITE</b>	<b>CONTACT</b>
<b>Asian Pacific American Legal Center (APALC)</b>	www.apalc.org/policy.htm	Stewart Kwoh 213-977-7500 Los Angeles, CA
<b>Boston Coalition Against Trafficking and Slavery</b>	Not available	Carol Gomez caroljg@juno.com 781-397-0053 Malden, MA
<b>Breaking Free</b>	www.catwinternational.org/about/bf.html	Vednita Carter info@catwinternational.org (CATW) 612-645-6557 St. Paul, MN
<b>Captive Daughters</b>	www.captivedaughters.org	mail@captivedaughters.org 310-669-4400 Los Angeles, CA
<b>Casa Alianza - Regional Office, Covenant House Latin America</b>	www.casa-alianza.org	Bruce Harris bruce@casa-alianza.org 506-253-5439 Miami, FL
<b>Catholic Charities</b>	www.catholiccharitiesusa.org	Jacqueline Rishty dligon@catholiccharitiesusa.org 703-549-1390 Alexandria, VA
<b>Coalicion de Derechos Humanos Alianza Indigena Sin Fronteras</b>	www.derechoshumanosaz.net	Kathryn Rodriguez kat@derechoshumanosaz.net 520-770-1373 Tucson, AZ
<b>Coalition Against Trafficking in Women</b>	www.catwinternational.org/about/index.html	Dorchen Leidholdt info@catwinternational.org 212-566-0344 New York, NY
<b>Coalition of Immokalee Workers</b>	www.ciw-online.org	Laura Germino laura@ciw-online.org 941-657-3681 Immokalee, FL
<b>Coalition to Abolish Slavery and Trafficking (CAST)</b>	www.castla.org	Kathryn McMahon kmmcmahon@earthlink.net 213-473-1625 Los Angeles, CA
<b>Commission on the Status of Women</b>	www.un.org/womenwatch/daw/csw	Othman Jerandi daw@un.org 212-963-3463 New York, NY

*Non-Governmental Organizations (continued)*

<b>ORGANIZATION</b>	<b>WEBSITE</b>	<b>CONTACT</b>
<b>Covenant House</b>	www.covenanthouse.org	Sister Mary Rose McGready rhirsch@covenanthouse.org 212-727-4000 New York, NY
<b>ECPAT-USA (End Child Prostitution, Child Pornography, and Trafficking in Children for Sexual Purposes-USA)</b>	www.ecpatusa.org	Carol Smolenski ecpatusa@hotmail.com 212-717-2530 New York, NY
<b>Family Violence Prevention Fund</b>	www.endabuse.org	Leni Marin leni@endabuse.org 383 Rhode Island Street Suite 304 San Francisco, CA 415-252-8900
<b>Florida Center for Survivors of Torture (FCST)</b>	www.gcjfs.org/svc-survivors.htm	Ronnie Bower refugeemh@yahoo.com rbower25701@aol.com 727-460-6102 Clearwater, FL
<b>Florida Coalition Against Domestic Violence</b>	www.fcadv.org	Robin Thompson r-t@worldnet.att.net 850-425-2749 850-907-0693 Tallahassee, FL
<b>Florida Council Against Sexual Violence</b>	www.fcasv.org	Terri Poore tpoore@fcasv.org 850-297-2000 Tallahassee, FL
<b>Florida Freedom Partnership (FFP), International Rescue Committee, Miami Regional Director</b>	www.theirc.org	Leslye Boban Leslye@mia.intrescom.org 305-443-0102 Coral Gables, FL
<b>Florida Immigrant Advocacy Center (FIAC)</b>	www.fiacfla.org	305-573-1106 Miami, FL
<b>Florida Legal Services</b>	www.floridalegal.org	Rob Williams rob@floridalegal.org 850-385-7900 Tallahassee, FL
<b>Foreign-born Information and Referral Network (FIRN)</b>	Not available	Gary D. Hughes firn@ipo.net 410-992-1923 Columbia, MD

*Non-Governmental Organizations (continued)*

<b>ORGANIZATION</b>	<b>WEBSITE</b>	<b>CONTACT</b>
<b>Free The Slaves</b>	www.freetheslaves.net	Kevin Bales info@freethe slaves .net 202-588-1865 Washington, DC
<b>Freedom Network</b>	www.freedomnetworkusa.org	
<b>Girls Educational and Mentoring Services</b>	www.gems-girls.org	Rachel Lloyd info@gems-girls.org New York, NY
<b>Global Alliance Against Traffic in Women (GAATW)</b>	www .thai .net/gaatw	gaatw@mozart.inet.co .th 662-864-1427-8 Bangkok, Thailand
<b>Global Fund for Women</b>	www.globalfundforwomen.org	Kavita M. Ramdas gfw@globalfundforwomen.org 415-202-7640 San Fransisco, CA
<b>Global Survival Network (changed to WildAid)</b>	www.wildaid.org	Steven R. Galster ingsn@igc.apc.org 202-387-0028 Washington, DC
<b>Globalization Research Center</b>	www.globalhawaii.org	global@hawaii.edu 808-945-1450 Honolulu, Hawai'I
<b>Gulf Coast Jewish Family Services, Florida Center for Survivors of Torture</b>	www.gcjfs.org/svc-survivors.htm	Janet Blair jandblair@yahoo.com 727-298-2749 Clearwater, FL
<b>Helping Individual Prostitutes Survive (HIPS)</b>	www.hips.org	Cyndee Clay hipsinc@erols.com 202-232-8303 Washington, DC
<b>Human Rights Watch</b>	www.hrw.org	Regan E. Ralph hrwnyc@hrw.org 212-290-4700 New York, NY
<b>Human Trafficking</b>	www.humantrafficking.org	info@humantrafficking.org Washington, DC
<b>Initiative Against Sexual Trafficking, Salvation Army</b>	www.iast.net	Lisa Thompson lisa thompson@usn.salvationarm y.org 703-519-5896 Alexandria, VA
<b>Institute for Policy Studies: Campaign for Migrant Domestic Workers' Rights</b>	www.ips-dc.org/campaign	Joy Zarembka joyz@mindspring.com 202-234-9382 X244 Washington, DC

*Non-Governmental Organizations (continued)*

<b>ORGANIZATION</b>	<b>WEBSITE</b>	<b>CONTACT</b>
<b>International Justice Mission</b>	www.ijm.org	Gary A. Haugen contact@ijm.org 703-465-5495 Washington, DC
<b>International Organization For Adolescents (iofa)</b>	www.iofa.org	Allison Boak iofa@iofa.org 718-222-5802 Brooklyn, NY
<b>International Organization for Migration</b>	www.iom.int	Lauren Engle LENGLE@iom.int 202-862-1826 Washington, DC
<b>International Human Rights Law Group: Initiative Against Trafficking in Persons</b>	www.hrlawgroup.org/initiatives/trafficking_persons	Ann Jordan AnnJ@hrlawgroup.org 202-822-4600 X27 Washington, DC
<b>Lutheran Services Florida, Inc</b>	www.lsfnet.org	Danielle Kearney dkearney@lsfnet.org 813-877-9303 Tampa, FL
<b>Midwest Immigrant and Human Rights Center</b>	www.heartland-alliance.org	Jennifer Gong moreinfo@heartland-alliance.org 312-660-1300 Chicago, IL
<b>Migration and Refugee Services (MRS), USCCB</b>	www.nccbuscc.org/mrs/index.htm	Mary Ellen Dougherty, SSND Mdougherty@usccb.org 202-541-3256 Washington, DC
<b>Migration Policy Institute (Migration Information Source)</b>	www.migrationpolicy.org	(202)266-1940 Washington, DC
<b>MiraMed Institute: The Angel Coalition</b>	www.miramedinstitute.org	Natalia Khodyreva program@miramed.com 800-441-1917 St. Petersburg, Russia
<b>National Immigration Project</b>	www.nationalimmigrationproject.org/domestic-violence/domvioindex.htm	Gail Pendleton 617-227-9727 Boston, MA
<b>New Life Center</b>	www.newlifethailand.org	Lauran D. Bethell newlife@pobox.com + 66 53 244569 Chiang Mai, Thailand
<b>NOW Legal Defense and Education Fund: Immigrant Women Program</b>	www.nowldef.org/html/issues/imm/index.shtml	Leslye Orloff iwp@nowldef.org 202-326-0040 Washington, DC

*Non-Governmental Organizations (continued)*

<b>ORGANIZATION</b>	<b>WEBSITE</b>	<b>CONTACT</b>
<b>Paul and Lisa</b>	www.paulandlisa.org	Susan Breault paulandlisaprogram@snet.net 860-767-7660 Westbrook, CT
<b>Polaris Project</b>	www.polarisproject.org	Katherine Chon info@PolarisProject.org 202.547.7909 Washington, DC
<b>Program for Survivors of Torture and Severe Trauma</b>	www.cmhsweb.org/services/torture	Judy B. Okawa info@cmhsweb.org 703-533-3302X143 Falls Church, VA
<b>Promise - For Women Escaping Prostitution</b>	Not Available	Maureen DeBoer promise@sirius.com 412-522-6659 San Francisco, CA
<b>Refugee Resettlement Program, United States Catholic Charities Refugee and Immigration</b>	www.ccdosp.com/services/refugee.html	Rafael Morales mailto:refugee@ccdosp.org 727-893-1311x250 St Petersburg, FL
<b>Refugee Women's Network, Inc.</b>	www.riwn.org	Xuan Nguyen Sutter rwnsutter@mindspring.com 404-296-3967 Decatur, GA
<b>Safe Horizon / Solace</b>	www.safehorizon.org	Christa Stewart cstewart@safehorizon.org 212-577-3891 New York, NY
<b>Shelter for Abused Women</b>	www.naplesshelter.org/english/index.htm	Maria Ortiz info@naplesshelter.org 239-775-3862 Naples, FL
<b>Standing Against Global Exploitation (SAGE)</b>	Not Available	Norma Hotaling sage@dnai.com 415-905-5050 San Francisco, CA
<b>Stop Traffic</b>	www.stop-traffic.org	Melanie Orhant morhant@igc.org
<b>TAPESTRI, Inc.</b>	www.tapestri.org	Arek Strzelecki tapestri@mindspring.com 404-299-7775 Decatur, GA

*Non-Governmental Organizations (continued)*

<b>ORGANIZATION</b>	<b>WEBSITE</b>	<b>CONTACT</b>
<b>The Asia Foundation</b>	www.asiafoundation.org/programs/prog-area-wome.html	William P. Fuller info@asiafound.org 415-982-4640 Washington, DC
<b>The Protection Project</b>	www.protectionproject.org	Dr. Mohamed Mattar ProtectionProject@jhu.edu 202-663-5896 Washington, DC
<b>Transnational Crime and Corruption Center (TraCCC)</b>	www.american.edu/tracc	Louise Shelley tracc@american.edu 202-885-2657 Washington, DC
<b>UNIFEM</b>	www.unifem.org	unifem@undp.org +1 (212) 906-6400 New York, NY
<b>Unitarian Universalist Service Committee</b>	www.uusc.org	Valora Washington programs@uusc.org 617-868-6600 Washington, DC
<b>US Association for International Migration (USAID)</b>	www.charityadvantage.com/usaim/USAIM.asp	usaim@iom.int (202) 862-1826 Washington, DC
<b>Vital Voices</b>	www.vitalvoices.org/programs/anti-trafficking	Theresa Loar jeanneraven@vitalvoices.org 202-772-4162 Washington, DC
<b>Women's Commission for Refugee Women and Children</b>	www.womenscommission.org	Wendy Young info@womenscommission.org 202-551-3088 Washington, DC
<b>Women's Human Rights Resources</b>	www.law-lib.utoronto.ca/Diana	whrr.law@utoronto.com +48-22 520 06 00 Ontario, Canada
<b>Youth Advocate Program International</b>	www.yapi.org	Laura Barnitz yapi@yapi.org 202-244-1986 Washington, DC

## APPENDIX E

### Anti-Trafficking Service Providers And Programs

The following is a list of Florida and national anti-trafficking programs and service provider organizations and contact information. This list is not exhaustive.

The organizations listed have come to our attention as reputable and important ones in the field of human trafficking. We have familiarity with some more than others, and have not done an evaluation of any of their services. We encourage the use of this list as a beginning point for research and information gathering and users should evaluate each organization's utility and appropriateness.

<b>ORGANIZATION</b>	<b>WEBSITE</b>	<b>CONTACT</b>
<b>Amnesty International</b>	www.aiusa.org	admin-us@aiusa.org 212-807-8400 New York, NY
<b>Asian Law Caucus</b>	www.asianlawcaucus.org	Ivy Lee IvyL@asianlawcaucus.org 415-391-1655 San Fransisco, CA
<b>Asian Pacific American Legal Center (APALC)</b>	www.apalc.org/policy.htm	Stewart Kwoh 213-977-7500 Los Angeles, CA
<b>Breaking Free</b>	www.catwinternational.org/about/bf.html	Vednita Carter info@catwinternational.org (CATW) 612-645-6557 St. Paul
<b>Catholic Charities</b>	www.catholiccharitiesusa.org	Jacqueline Rishty dligon@catholiccharitiesusa.org 703-549-1390 Alexandria
<b>Coalition of Immokalee Workers</b>	www.ciw-online.org	Laura Germino laura@ciw-online.org 941-657-3681 Immokalee, FL
<b>Catholic Charities, Diocese of Venice, Inc.</b>	www.catholiccharitiesdov.org	Peter Routsis-Arroyo, LCSW SUAREZ@DioceseofVenice.org (941)484-9543 Venice, FL
<b>Florida Center for Survivors of Torture (FCST)</b>	www.gcjfs.org/svc-survivors.htm	Ronnie Bower refugeemh@yahoo.com rbower25701@aol.com 727-460-6102 Clearwater, FL

*Anti-Trafficking Service Providers And Programs (continued)*

<b>ORGANIZATION</b>	<b>WEBSITE</b>	<b>CONTACT</b>
<b>Florida Coalition Against Domestic Violence</b>	www.fcadv.org	Robin Thompson r-t@worldnet.att.net (850) 907-0693 Tallahassee, FL
<b>Florida Council Against Sexual Violence</b>	www.fcasv.org	Terri Poore tpoore@fcasv.org 850-297-2000 Tallahassee, FL
<b>Florida Freedom Partnership (FFP), IRC Miami Regional Director</b>	www.theirc.org/Miami/	Leslye Boban Leslye@mia.intrescom.org 305-443-0102 Coral Gables, FL
<b>Florida Immigrant Advocacy Center (FIAC), and LUCHA</b>	www.fiacfla.org	305-573-1106 Miami, FL
<b>Foreign-born Information and Referral Network (FIRN)</b>	Not available	Gary D. Hughes firn@ipo.net 410-992-1923 Columbia
<b>Girls Educational and Mentoring Services</b>	www.gems-girls.org/	Rachel Lloyd info@gems-girls.org New York, NY
<b>Gulf Coast Jewish Family Services / Florida Center for Survivors of Torture</b>	www.gcjfs.org	Janet Blair jandblair@yahoo.com 727-298-2749 Clearwater, FL
<b>Helping Individual Prostitutes Survive (HIPS)</b>	www.hips.org	Cyndee Clay hipsinc@erols.com 202-232-8303 Washington, DC
<b>Lutheran Services Florida, Inc</b>	www.lsfnet.org	Danielle Kearney dkearney@lsfnet.org 813-877-9303 Tampa, FL
<b>Midwest Immigrant and Human Rights Center</b>	www.heartland-alliance.org/	Jennifer Gong moreinfo@heartland-alliance.org 312-660-1300 Chicago, IL
<b>Migration and Refugee Services (MRS), USCCB</b>	www.nccbuscc.org/mrs/index.htm	Mary Ellen Dougherty, SSND MDougherty@usccb.org 202-541-3256 Washington, DC

*Anti-Trafficking Service Providers And Programs (continued)*

<b>ORGANIZATION</b>	<b>WEBSITE</b>	<b>CONTACT</b>
<b>MiraMed Institute: The Angel Coalition</b>	www.miramedinstitute.org	Natalia Khodyreva program@miramed.com 800-441-1917 St. Petersburg, FL
<b>New Life Center</b>	www.newlifethailand.org/	Lauran D. Bethell newlife@pobox.com + 66 53 244569 Chiang Mai
<b>NOW Legal Defense and Education Fund</b>	www.nowldef.org/html/issues/imm/index.shtml	Leslye Orloff iwp@nowldef.org 202-326-0040 Washington, DC
<b>Paul and Lisa</b>	www.paulandlisa.org	Susan Breault paulandlisaprogram@snet.net 860-767-7660 Westbrook
<b>PAEC Migrant Education Project</b>	www.fsu.edu/~service/project spr.html#paec	Ericka Zdenek 850-488-9660 Tallahassee, FL
<b>Program for Survivors of Torture and Severe Trauma</b>	www.cmhsweb.org/services/torture/	Judy B. Okawa info@cmhsweb.org 703-533-3302X143 Falls Church
<b>Promise - For Women Escaping Prostitution</b>	Not Available	Maureen DeBoer promise@sirius.com 412-522-6659 San Fransisco, CA
<b>Refugee Resettlement Program, USCCB</b>	www.ccdosp.com/services/refugee.html	Rafael Morales mailto:refugee@ccdosp.org 727-893-1311x250 St Petersburg, FL
<b>Safe Horizon / Solace</b>	www.safehorizon.org/	Christa Stewart cstewart@safehorizon.org 212-577-3891 New York, NY
<b>Salvation Army of Florida, Tallahassee Office</b>	www.salvationarmysouth.org/FLA.htm	Captain Alan Phillips salarmmc@aol.com 850-222-0304 Tallahassee, FL
<b>Standing Against Global Exploitation (SAGE)</b>	Not Available	Norma Hotaling sage@dnai.com 415-905-5050 San Fransisco, CA
<b>Victims Services Center</b>	www.vscmiami.org	info@vscmiami.org 305-374-9990 Miami, FL