



Freedom Network USA



NATIONAL
SURVIVOR
NETWORK

US Department of Health and Human Services
Office on Trafficking in Persons
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VIA EMAIL

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RE: Human Trafficking Prevention

Freedom Network USA (FNUSA), HEAL Trafficking, and the National Survivor Network (NSN) applaud the Office on Trafficking in Persons for their dedication to the prevention of human trafficking, and for seeking input from diverse perspectives. Together, FNUSA, HEAL Trafficking, and NSN represent a diverse array of human trafficking survivors, service providers, and experts in human trafficking. We have combined our thoughts and efforts to provide this set of recommendations. We hope that you find it useful in your work.

HEAL Trafficking strives to remain a place in the anti-trafficking field where people with differing positions can come together and create positive change. **As an organization grounded in public health concepts and methods, we currently do not take a stand for or against decriminalization of prostitution** as we continue to review evidence around prevention and harm reduction strategies.

I. Introduction to Prevention of Trafficking

The etiology of trafficking is complex and diverse and includes push factors such as poverty, lack of educational and employment opportunities, instability from conflict and natural disasters, marginalization, and violence. Pull factors include demand for cheap goods and labor, and race, class, and discrimination. Trafficked workers throughout the United States are exposed to long hours, inadequate pay, hazardous materials and conditions, intimidation, threats, and violence, and myriad downstream health complications.

An effective response to trafficking requires multidisciplinary collaboration, with an emphasis on public health and labor rights. Combating the root causes of trafficking requires commitment at the policy level to:

- Strengthen protections for workers, improve oversight of working conditions, and increase outreach and education to workers;

- Funding at the community level for education, capacity building, and health care services;
- Improvement of the US immigration system to ensure that immigrants are welcomed and assisted with their integration into this country, courts provide migrants with due process, and that foreign workers needed by US companies have a safe, legal route to employment; and
- Ensure that child protective services throughout the US are well funded to provide comprehensive, wrap around services for families facing adversity before abuse and exploitation occur, trauma-informed care for youth in their care, reduced social worker caseloads, training on trafficking for foster parents, and participation in multidisciplinary teams.

However, not all prevention strategies are integrated into policy and many lack evidence-based research as well as impact evaluations. In order to improve prevention strategies and programs, the following measures were outlined by the United Nations Office on Drugs and Crime’s International Framework for Action in 2009:

- A. Amend or adopt the necessary legislative measures and establish comprehensive policies and programmes to prevent trafficking in persons and to protect victims from re-victimization, including measures to promote/support lawful migration for decent work and for youth of working age.
- B. Ensure effective national child protection systems and the active participation of children in the development of preventive measures.
- C. Ensure coherence among public policies related to trafficking in persons (migration, crime prevention, education, employment, health, security, non-discrimination, economic development, protection of human rights, child protection, gender equality, among others).
- D. Develop or strengthen measures to reduce vulnerability to trafficking by addressing its root causes including the demand that fosters all forms of trafficking in persons, and social indifference to exploitation.
- E. Conduct needs assessments for and impact evaluations of prevention strategies and programmes.¹

The respect for and protection of human rights must be placed at the center of all measures to combat human trafficking. Human trafficking is a violation of an individual’s basic rights and personal freedom. Additionally, disregard for human rights causes many individuals and communities to become vulnerable to trafficking in the first place. Traffickers tend to exploit the needs of potential victims, whether they are basic physical needs for housing and food or emotional needs, such as love and belongingness. The potential for exploitation is influenced by events across the life course, route of victimization, and gender spectrum. To be effective, therefore, prevention approaches must empower and uplift survivors, enhance the strength of vulnerable communities, and take a preventative rather than punitive approach to the root causes of trafficking.

¹ https://www.unodc.org/documents/human-trafficking/Framework_for_Action_TIP.pdf

II. Primary Prevention

A human rights approach to human trafficking intersects with the public health approach. As Todres has noted, “At its roots, public health aims to identify potential harms to populations and ‘move upstream’ to identify the causes of these harms and prevent the harms from occurring in the first place...Public health methodologies can advance anti-trafficking efforts in ways currently underutilized or overlooked, and also reveal deep-seated structural challenges impeding the success of anti-trafficking legislative and policy initiatives.”²

Ultimately, the best way to eliminate human trafficking is to promote primary prevention strategies that address underlying factors that lead to trafficking, which are known as the social determinants of health or upstream determinants of health. To stop trafficking before it starts, we must focus on creating a more equitable and just United States. Addressing these key factors will reduce the vulnerability to abuse and exploitation that creates opportunities for human traffickers.

A. Key Elements of Primary Prevention

1. Living Wage

Poverty is an immense driver of the human trafficking industry. Individuals with limited economic resources—including minors and individuals with limited educational opportunities, work opportunities, or family support—are at a significantly increased risk of becoming trafficked.³ Traffickers exploit economic vulnerabilities by coercing victims with promises of work, shelter, food, and support.^{4, 5} The Polaris Project found that many victims turned to traffickers due to “sustained unemployment, unpaid debt, and desperation to provide for themselves and their children.”⁶

Reducing poverty by increasing incomes, therefore, is critical to primary prevention of human trafficking. The current legal minimum wage in the United States is \$7.25 per hour and has not been updated since 2009⁷. After adjusting for inflation, workers who are paid the minimum wage today are paid 29 percent less than their counterparts 50 years ago. With an hourly wage of \$7.25 per hour working 40 hours every week, a single parent

² Todres J. *Moving upstream: the merits of a public health law approach to human trafficking*. Georgia State University College of Law, Legal Studies Research Paper No. 2011-02. 89 N.C. L. REV. 447 (2011).

³ Carpenter, Ami and Jamie Gates. 2016. *The Nature and Extent of Gang Involvement in Sex Trafficking in San Diego County*. U.S. Department of Justice. <<https://www.ncjrs.gov/pdffiles1/nij/grants/249857.pdf>> (accessed October 12, 2016).

⁴ U.N. Office on Drugs and Crime. 2008. *An Introduction to Human Trafficking: Vulnerability, Impact and Action*. New York, NY: United Nations Office on Drugs and Crime. <https://www.unodc.org/documents/human-trafficking/An_Introduction_to_Human_Trafficking_-_Background_Paper.pdf> (accessed July 26, 2017).

⁵ U.S. Department of Justice. 2017. *National Strategy to Combat Human Trafficking*. Washington, D.C.: <<https://www.justice.gov/humantrafficking/page/file/922791/download>> (accessed August 9, 2017).

⁶ Polaris Project. 2015a. *Sex Trafficking in the U.S.: A Closer Look at U.S. Citizen Victims*. <<https://polarisproject.org/sites/default/files/us-citizen-sex-trafficking.pdf>> (accessed October 20, 2015).

⁷ Why America Needs a \$15 Minimum Wage. (Feb 5, 2019). Retrieved from <https://www.epi.org/publication/why-america-needs-a-15-minimum-wage/>

would earn \$15,080 annually, less than the 2019 poverty threshold of \$16,910 for a one-adult, one-child family.⁸⁹ However, even the calculation for the national poverty threshold does not specifically incorporate the current costs of healthcare, childcare, housing, transportation and other necessities.

According to estimates from the Economic Policy Institute, increasing the federal minimum wage to \$15 per hour (still below a living wage in most of the US) would deliver raises to more than 1 in 4 US workers, 90 percent of whom are over the age of 20. The average age of workers who would get a raise is 36, nearly half have some years of college education, and 20 percent hold associate degrees or higher. In fact, those who work year-round would see a raise on the order of \$3,500 a year, a dramatic increase in their current salary of around \$20,000 per year. More than 27 percent are working parents with children, and half have family incomes of less than \$40,000 per year.

Desperation, poverty and debt are common push factors that lead a person to become trafficked. Providing Americans with a living wage would provide an acutely needed level of economic stability and independence to those most vulnerable.

2. Affordable Housing

The links between housing instability and human trafficking are well-documented. A survey by Polaris Project in 2018 of 127 survivors of human trafficking demonstrated that 64% of respondents reported being homeless or experiencing unstable housing when they were recruited into human trafficking.¹⁰ Similarly, from January 2015 to December 2017, the National Human Trafficking Hotline learned of 1,548 potential victims of human trafficking who were reported to be experiencing unstable housing circumstances at the start of their trafficking situation. A 2017 study of 641 runaway and homeless youth served by Covenant House in the United States and Canada found that 19% of those interviewed had been victims of human trafficking, with 14% being victims of sex trafficking, 8% victims of labor trafficking, and 3% being victims of both sex and labor trafficking.¹¹

Traffickers sometimes recruit their victims from shelter programs, placing homeless individuals in direct danger of becoming trafficked. From 2015-2017, data from the National Human Trafficking Hotline noted that of victims of sex trafficking whose location of recruitment was known, 15% of these victims were recruited directly from shelter

⁸ Zipperer, B. (2019, February 7). Gradually raising the minimum wage to \$15 would be good for workers, good for businesses, and good for the economy: Testimony before the U.S. House of Representatives Committee on Education and Labor. Retrieved August 6, 2019, from <https://www.epi.org/publication/minimum-wage-testimony-feb-2019/>

⁹ 2019 Poverty Guidelines. (2019, May 22). Retrieved from <https://aspe.hhs.gov/2019-poverty-guidelines>

¹⁰ Brittany Anthony, "On-Ramps, Intersections, and Exit Routes: A Roadmap for Systems and Industries to Prevent and Disrupt Human Trafficking, Health Care," Polaris; 2018

¹¹ Murphy, L.T. (2017). *Labor and Sex Trafficking Among Homeless Youth: A Ten-City Study*. Retrieved from <https://static1.squarespace.com/static/5887a2a61b631bfbbc1ad83a/t/59498e69197aea24a33a640b/1497992809780/CovenantHouseReport.pdf>

programs or group homes.¹² The National Hotline has also received reports regarding residents of shelters and transitional housing being forced into labor by the shelter operators as a condition of their stay.

Housing instability also interacts with other factors that increase vulnerability for becoming trafficked. The stress of unstable housing can result in disruptions to employment, social networks, education and the receipt of social service benefits.¹³ Residential instability is associated with health problems among youth, including increased risks of teen pregnancy and early drug use, which have been identified as risk factors for trafficking.¹⁴

In addition to being a risk factor for recruitment into human trafficking, the threat of homelessness can be a barrier in victims' ability to leave their trafficking situation. In the 2018 Polaris survey cited above, 64% of respondents reported that the lack of affordable housing was a factor that prevented them from escaping their trafficker.¹⁵

Funding and support of affordable housing and shelter programs have the potential to prevent untold numbers of people from exploitation. The National Low Income Housing Coalition reports that "[f]acing a shortage of more than 7.2 million affordable and available rental homes, extremely low income households account for nearly 73% of the nation's severely cost-burdened renters, who spend more than half of their income on housing."¹⁶ These risk factors can be exacerbated by personal vulnerabilities such as mental and substance use disorders¹⁷, trauma and violence¹⁸, domestic violence¹⁹, justice-system involvement, sudden serious illness, divorce, death of a partner, human trafficking and disabilities. Housing and shelter programs can help address the root causes of homelessness²⁰ through a range of essential recovery support²¹ services, including mental and substance use disorder treatment, employment, and mainstream benefits²². Ensuring access to affordable housing will protect US workers from a range of abuse and exploitation, including human trafficking.

¹² Brittany Anthony, "On-Ramps, Intersections, and Exit Routes: A Roadmap for Systems and Industries to Prevent and Disrupt Human Trafficking, Health Care," Polaris; 2018

¹³ "Housing And Health: An Overview Of The Literature," Health Affairs Health Policy Brief, June 7, 2018. DOI: 10.1377/hpb20180313.396577

¹⁴ V. Jordan Greenbaum, Kanani Titchen, Ingrid Walker-Descartes, Anastasia Feifer, Corey J. Rood, Hiu-fai Fong, *Multi-level prevention of human trafficking: The role of health care professionals*, Preventive Medicine, Volume 114, 2018, Pages 164-167, ISSN 0091-7435, <https://doi.org/10.1016/j.ypmed.2018.07.006>.

¹⁵ Brittany Anthony, "On-Ramps, Intersections, and Exit Routes: A Roadmap for Systems and Industries to Prevent and Disrupt Human Trafficking, Health Care," Polaris; 2018

¹⁶ National Low Income Housing Coalition. 2018. *The Gap: A Shortage of Affordable Homes*. https://reports.nlihc.org/sites/default/files/gap/Gap-Report_2018.pdf.

¹⁷ <https://www.samhsa.gov/disorders>

¹⁸ <https://www.samhsa.gov/trauma-violence>

¹⁹ <https://www.samhsa.gov/homelessness-programs-resources/hpr-resources/domestic-violence-homelessness>

²⁰ <https://www.samhsa.gov/homelessness-housing>

²¹ <https://www.samhsa.gov/recovery>

²² <https://www.samhsa.gov/homelessness-programs-resources/hpr-resources/housing-shelter>

3. Reliable, Affordable Childcare

There is a lack of access to reliable, affordable childcare for workers in the US. This gap disproportionately leaves women, especially women of color, out of the formal workforce.²³ This leaves low-income women dependent on partners, family members, and others and, therefore, vulnerable to abuse and exploitation. Quality, affordable child care encourages the healthy development of young children and supports families at a stage during which small investments return large social dividends, allowing for the growth of generational wealth.²⁴ Above all, affordable child care helps give women the power to pursue careers of their choosing and the financial freedom to leave exploitative work conditions.

More than 11 million children younger than age five are in some form of child care in the United States.²⁵ Annual costs of child care can easily reach tens of thousands of dollars, ranging from \$5,4336 in Mississippi to \$24,243 in Washington D.C.²⁶ These costs outpace what families typically spend on food and in many states, housing or even public college tuition.²⁷ For example, in 33 states and the District of Columbia, infant care costs exceed the average cost of in-state college tuition at public 4-year institutions.²⁸

The high costs of child care are particularly harmful to low-income and minimum-wage workers. Among families with young children, child care costs constitute a large share of annual earnings for families living off one full-time, full-year minimum-wage income. For example, a minimum-wage worker in Hawaii would have to devote his or her entire earnings from working full time (40 hours a week) to meet the demands of infant care costs for one year.²⁹ Even low-income families—who qualify for child care assistance—are often forced to pay for child care, since fewer than 1 in 6 subsidy-eligible children receives assistance.³⁰ Parents with low incomes who want to pursue higher education and training find it especially difficult to access affordable, high-quality child care. Ten percent of

²³ Center for American Progress. 2019. *The Child Care Crisis is Keeping Women Out of the Workforce*. <https://www.americanprogress.org/issues/early-childhood/reports/2019/03/28/467488/child-care-crisis-keeping-women-workforce/>

²⁴ The US and the High Cost of Child Care: 2018. (2018). Retrieved from <https://usa.childcareaware.org/advocacy-public-policy/resources/research/costofcare/>

²⁵ Id.

²⁶ Child care costs in the United States. (2019.). Retrieved from <https://www.epi.org/child-care-costs-in-the-united-states/>

²⁷ The US and the High Cost of Child Care: 2018. (2018). Retrieved from <https://usa.childcareaware.org/advocacy-public-policy/resources/research/costofcare/>

²⁸Gould, E and Cooke, T. 2015. *High Quality Child Care is Out of Reach for Working Families*. Economic Policy Institute.

²⁹Id.

³⁰ Office of the Assistant Secretary for Planning and Evaluation, “Factsheet: Estimates of Child Care Eligibility and Receipt for Fiscal Year 2015” (Washington: U.S. Department of Health and Human Services, 2019), available at <https://aspe.hhs.gov/pdf-report/factsheet-estimates-child-care-eligibility-and-receipt-fiscal-year-2015>.

parents with low incomes are enrolled in education and training programs, but only 15 percent of those parents receive child care subsidies.³¹

The inability of low income families to afford child care has a direct effect in reinforcing poverty amongst those most vulnerable to becoming trafficked. An estimated \$28.9 billion in wages is lost annually by working families who do not have access to affordable child care and paid family and medical leave.³² One study found that a 10 percent decrease in the availability of early childhood education reduces the employment of single mothers by 3-4 percent, and the employment of married women by 5-6 percent.³³ Single mothers in the workforce are most affected by a lack of access to affordable and reliable child care. It is estimated that 25 percent of American households with children are headed by women who are the sole providers for their children.³⁴ Single breadwinner moms are largely African American or Hispanic with a median income of approximately \$23,000.

Individuals living in poverty are among those most vulnerable to becoming trafficked. It becomes difficult for these individuals to maintain stable employment when they are unable to afford the high costs of childcare. This challenge is particularly burdensome for women, as mothers tend to disproportionately take on unpaid caregiving responsibilities when their family cannot find or afford child care.³⁵ Investment in quality, affordable childcare allows mothers to have the financial freedom necessary to work full time to support themselves and their families.

4. Universal Health Care

Human trafficking is a public health issue that affects the health of individuals, families, communities and societies around the world (United Nations Office on Drugs and Crime, 2016). Victims of human trafficking experience occupational and violent injuries and are vulnerable to infections, chronic disease, mental illness, and myriad trauma-related health

³¹ S. Spaulding, et al, "Supporting parents who work and go to school: A portrait of low-income students who are employed," Urban Institute. (2016). Retrieved from:

<https://www.urban.org/sites/default/files/publication/76796/2000575-supporting-parents-who-work-and-go-to-school-a-portrait-of-low-income-students-who-are-employed.pdf>

³² S.J. Glynn and D. Corley, "The cost of work-family policy inaction: Quantifying the costs families currently face as a result of lacking U.S. work-family policies," Center for American Progress. (2016). Retrieved from <https://cdn.americanprogress.org/wpcontent/uploads/2016/09/22060013/CostOfWorkFamilyPolicyInaction-report.pdf>.

³³ J.P. Ziliak et al, "Child care subsidies and the economic well-being of recipient families," Kentucky Youth Advocates and Kentucky Cabinet for Health and Family Services. (2008). Retrieved from <http://www.ukcpr.org/sites/www.ukcpr.org/files/documents/ChildCareSubsidies.pdf>.

³⁴ W. Wang et al., "Breadwinner Moms," Pew Research Center. (2013). Retrieved from <http://www.pewsocialtrends.org/2013/05/29/breadwinner-moms/>

³⁵ Kim Parker, "Women more than men adjust their careers for family life," Pew Research Center, October 1, 2015, available at <http://www.pewresearch.org/fact-tank/2015/10/01/women-more-than-men-adjust-their-careers-for-family-life/>.

problems.^{36,37,38,39,40} These vulnerabilities extend beyond individual victims, as families of victims are also traumatized by separation, social stigma, and lasting multi-generational health effects.⁴¹ As a major public health issue, a vital step in enhancing primary, secondary and tertiary prevention of human trafficking is ensuring universal access to health care.

As a basic human right and a critical determinant of individual and population health outcomes,⁴² Universal Health Coverage (UHC) is the subject of a globally approved United Nations General Assembly resolution (A.67/81)⁴³, and has emerged as a key component of the 2030 Sustainable Development Goals. UHC is based on the WHO constitution of 1948 declaring health a fundamental human right and on the Health for All agenda set by the Alma Ata declaration in 1978. Universal health coverage ensures that all people and communities can use the promotive, preventive, curative, rehabilitative and palliative health services they need, of sufficient quality to be effective, while also ensuring that the use of these services does not expose the user to financial hardship⁴⁴.

The United States is unique among developed nations in its lack of a universal health care or universal health insurance system. The separate systems of care in the US result in approximately 28 million people lacking health insurance in the US as of 2017, which often results in a complete inability to access care, or to access care only in emergency departments when health conditions advance to a serious state. While the number of uninsured Americans dropped by 17 million people between implementation of the Affordable Care Act and 2016, it began increasing again in 2017 following changes in policy by the current administration.⁴⁵

³⁶ Goldberg, A.P., Moore, J.L., Houck, C., Kaplan, D.M., Barron, C.E., 2016. *Domestic minor sex trafficking patients: a retrospective analysis of medical presentation*. J. Pediatr. Adolesc. Gynecol. <http://dx.doi.org/10.1016/j.jpag.2016.08/010>.

³⁷Lederer, L., Wetzel, C., 2014. *The health consequences of sex trafficking and their implications for identifying victims in healthcare facilities*. Ann. Health Law 23, 61–91.

³⁸ Ronda-Pe rez E, Moen BE. 2017. *Labour trafficking: Challenges and opportunities from an occupational health perspective*. PLoS Med 14(11):1-6. <https://doi.org/10.1371/journal>.

³⁹Turner Moss E, Zimmerman C, Howard LM, Oram S. (2014). *Labour trafficking and health: A case series of men and women seeking post-trafficking services*. J Immigrant Minority Health 16:473–480

⁴⁰ Zimmerman, C., Yun, K., Shvab, I., Watts, C., Trappolin, L., Mea, Treppete, 2003. *The Health Risks and Consequences of Trafficking in Women and Adolescents: Findings from a European Study*. London School of Hygiene and Tropical Medicine (LSHTM), London.

⁴¹ Chisolm-Straker, M., Stoklosa, H., 2017. *Human Trafficking Is a Public Health Issue: A Paradigm Expansion in the United States*. Springer International, Cham, Switzerland.

⁴² Solar O, Irwin A. *A conceptual framework for action on the social determinants of health Social Determinants of Health Discussion Paper 2 (Policy and Practice)*. Geneva: WHO, 2010.

⁴³*Global health and foreign policy*, (2012).

⁴⁴ Socias E, Shoveller J, Bean C, Nguyen P, Montaner J, Shannon K. *Universal coverage without universal access: institutional barriers to health care among women sex workers in Vancouver, Canada*. PLoS One. 2016;11(5):e0155828.

⁴⁵ Kaiser Family Foundation. *Key Facts about the Uninsured Population*. Published Dec 7, 2018. Available from <https://www.kff.org/uninsured/fact-sheet/key-facts-about-the-uninsured-population/>. Accessed July 22, 2019.

Because many trafficking victims come from disadvantaged backgrounds and most do not have employer sponsored health insurance, they are less likely to have a regular source of health care or to be able to access and afford care when they need it. They are more vulnerable to illegitimate employment opportunities in order to gain the income needed to provide basic care for themselves and their loved ones. They also lack the ability to regularly interface with health care providers who can observe changes in their physical, mental, and sexual/reproductive health and connect them with needed resources.

A number of risk factors have been well identified in the literature that increase an individual's vulnerability for human trafficking.⁴⁶ These risk factors include LGBTQ status, history of maltreatment, family violence, substance abuse, homelessness, migrant/refugee status, poverty, and high risk sexual activity. These individual risk factors are routinely screened for and addressed in the health care setting, both within and outside of the context of detecting human trafficking victims. By providing anticipatory guidance about healthy relationships, workplace safety, and other specific educational interventions, healthcare providers play an important community role in preventing individuals from becoming vulnerable to trafficking. Thus, universal healthcare is a vital step in building individual and community level resistance to trafficking.

Universal access to healthcare will allow for improved assessment and detection of victims of human trafficking. Research has demonstrated that human trafficking victims in the US access health care services, even while under the control of their exploiter, including in emergency departments, obstetrics and gynecology units, and primary care settings like Federally Qualified Community Health Centers.^{47,48,49,50} Human trafficking screening tools

⁴⁶ V. Jordan Greenbaum, Kanani Titchen, Ingrid Walker-Descartes, Anastasia Feifer, Corey J. Rood, Hiu-fai Fong, *Multi-level prevention of human trafficking: The role of health care professionals*, Preventive Medicine, Volume 114, 2018, Pages 164-167, ISSN 0091-7435, <https://doi.org/10.1016/j.ypmed.2018.07.006>.

⁴⁷ Chisolm-Straker M, Baldwin S, Gaïgbé-Togbé B, Ndukwe N, Johnson PN, Richardson LD. *Health care and human trafficking: we are seeing the unseen*. Journal of health care for the poor and underserved. 2016;27(3):1220-1233.

⁴⁸ Baldwin SB, Eisenman DP, Sayles JN, Ryan G, Chuang KS. *Identification of human trafficking victims in healthcare settings*. Health and Human Rights. 2011;13(1):1-14. <https://cdn2.sph.harvard.edu/wp-content/uploads/sites/125/2013/07/8-Baldwin.pdf>. Accessed January 12, 2019.

⁴⁹ Lederer L, Wetzel CA. *The health consequences of sex trafficking and their implications for identifying victims in healthcare facilities*. Ann Health Law. 2014;23(1):61-91. <http://www.globalcenturion.org/wp-content/uploads/2014/08/The-Health-Consequences-of-Sex-Trafficking.pdf>. Accessed January 12, 2019.

⁵⁰ Family Violence Prevention Fund. *Turning pain into power: Trafficking survivors' perspectives on early intervention strategies*. San Francisco, CA. <https://www.futureswithoutviolence.org/turning-pain-into-power-trafficking-survivors-perspectives-on-early-intervention-strategies/>. Published October 2005. Accessed January 12, 2019.

for use in health care settings have been developed^{51,52,53,54} that may be used to assist providers with assessing key individual-level risk factors (e.g., homelessness, substance abuse, risky sexual activity). Thus, health care settings are critical for identifying potential victims when they present for medical care and delivering tailored, risk-based interventions.

5. Comprehensive Sex Education

Teen pregnancy and sexual abuse have been identified as risk factors that increase an individual's vulnerability to becoming trafficked.⁵⁵ A systematic review of studies on health issues affecting victims of commercial sex exploitation and sex trafficking of children from 1990 to 2017 found that victims of sex trafficking had a high burden of rape and childhood sexual abuse.⁵⁶ Other studies have identified early age of first sexual encounter as being a risk factor for early age of commercial sexual exploitation. Additional studies have identified early onset of pregnancy and having dependent children as risk factors for victimization in sex trafficking.⁵⁷ Given these risk factors, comprehensive sex education aimed at educating teens on safe sex practices, contraception, and consent should be core components of any public health campaign to address the root causes of human trafficking.

Currently, only about half of all school districts in the US require any sex education at all; fewer students now receive comprehensive sex education in America than at any time in the past 20 years.⁵⁸ Since the late 1990s, a growing movement has chipped away at efforts for comprehensive sex education by funding and mandating abstinence-only policies in schools. States that place a heavy emphasis on abstinence-only sex ed have seen much higher rates of teen pregnancy, even when studies control for factors like income and education levels. This is because a minority of teens actually practice abstinence; nearly 60 percent of students have sex before they graduate from high school. In 2007, a systematic review by the National Campaign to Prevent Teen and Unplanned Pregnancy found no evidence to support the idea that such programs delayed the age of first sexual intercourse

⁵¹ Konstantopoulos, Wendy & Owens, Julie. (2018). *Adult Human Trafficking Screening Tool and Guide* - funded by the U.S. Department of Health and Human Services (HHS), Administration for Children and Families, Office on Trafficking in Persons (OTIP).

⁵² Greenbaum, V.J., Dodd, M., McCracken, C., 2015. *A short screening tool to identify victims of child sex trafficking in the health care setting*. *Pediatr. Emerg. Care* 23.

⁵³ *West Coast Children's Clinic Commercial sexual exploitation identification tool (CSE-IT): version 2.0*. Available at: <http://www.westcoastccorg/cse-it/>, Accessed date: 29 August 2017.

⁵⁴ Chisolm-Straker, M., Stoklosa, H., 2017. *Human Trafficking Is a Public Health Issue: A Paradigm Expansion in the United States*. Springer International, Cham, Switzerland.

⁵⁵ Naramore R, Bright MA, Epps N, Hardt NS. *Youth arrested for trading sex have the highest rates of childhood adversity: a statewide study of juvenile offenders*. *Sexual Abuse*. 2017;29(4):396-410.

⁵⁶ PhuongThao D. Le, Nessa Ryan, Yael Rosenstock & Emily Goldmann (2018) *Health Issues Associated with Commercial Sexual Exploitation and Sex Trafficking of Children in the United States: A Systematic Review*, *Behavioral Medicine*, 44:3, 219-233, DOI: 10.1080/08964289.2018.1432554

⁵⁷ Reid JA. *Exploratory review of route-specific, gendered, and age-graded dynamics of exploitation: Applying life course theory to victimization in sex trafficking in North America*. *Aggression and Violent Behavior*. 2012;17(3):257-271.

⁵⁸ Barrica, A. (2019, March 11). *How to Make Sex More Dangerous*. New York Times. Retrieved from <https://www.nytimes.com/2019/03/11/opinion/sex-ed-children-danger.html>

or reduced the number of partners an adolescent might have.⁵⁹ Similarly, a 2007 Cochrane meta-analysis found that looked at studies of 13 abstinence-only programs together and found that they showed no effect on the age of first sexual intercourse, number of total partners, or on the use of protection like condoms.⁶⁰ Thus, many adolescents instead engage in sexual activity without any instruction from parents or schools on condoms, infections or consent. Meanwhile, comprehensive sex education programs for middle schoolers that engage both teens and parents demonstrate success in delaying initiation of sexual activity,⁶¹ and provision of comprehensive education about contraception coupled with access to effective methods reduced births and abortions among Colorado teenagers by 50%.⁶²

Previously, funding was shifted toward comprehensive sex education - and teen pregnancy dropped nationwide by 41%.⁶³ However, this progress is now being reversed. Aside from leaving millions of students without any education about birth control, prevention of sexually transmitted infections, or their basic anatomic and physiologic functioning, the absence of comprehensive sex education from America's schools leaves youth without any understanding of what it means to give consent to a sexual encounter. As described in the New York Times, "Kids who lack information and ownership over their bodies are more likely to be taken advantage of. When children are taught that all premarital sex is negative, it's harder for them to fight, or report, abuse or coercion. Abstinence education negates the possibility of consent." Indeed, only 41 percent of American women have described their first sexual experience as wanted.⁶⁴ When we refuse to teach students about sex, we don't stop sex - we just make it more dangerous.

Given that abstinence-only sex education has not demonstrated significant benefits in reducing the risk factors associated with vulnerability to human trafficking, any effective efforts towards intervention should include a push for comprehensive sex education. In 2012, the Centers for Disease Control and Prevention conducted a meta-analysis of 66 comprehensive sexual education programs. The comprehensive programs reduced sexual activity, the number of sex partners, the frequency of unprotected sexual activity, and sexually transmitted infections. They also increased the use of protection (condoms and/or

⁵⁹ Stanger-Hall, K. F., & Hall, D. W. (2011). *Abstinence-Only Education and Teen Pregnancy Rates: Why We Need Comprehensive Sex Education in the U.S.* *PLoS ONE*, 6(10). doi:10.1371/journal.pone.0024658

⁶⁰ Underhill K, Operario D, Montgomery P. *Abstinence-only programs for HIV infection prevention in high-income countries.* Cochrane Database of Systematic Reviews 2007, Issue 4. Art. No.: CD005421. DOI: 10.1002/14651858.CD005421.pub2.

⁶¹ Rohrbach, L., DeRosa, C., Donatello, R., Moulton, B., Viola, R., & Chung, E. (2016). *Evaluating the real-world effectiveness of an evidence-based teen pregnancy prevention curriculum.* Paper presented at the Annual Meeting of the Society for Prevention Research, San Francisco, CA..

⁶² Colorado Department of Public Health and Environment, *Taking the Unintended Out of Pregnancy: Colorado's Success with Long-Acting Reversible Contraception*, January 2017

⁶³ Barrica, A. (2019, March 11). *How to Make Sex More Dangerous.* New York Times. Retrieved from <https://www.nytimes.com/2019/03/11/opinion/sex-ed-children-danger.html>

⁶⁴ Abma JC et al., *Teenagers in the United States: sexual activity, contraceptive use, and childbearing*, 2002, Vital and Health Statistics, 2004, Series 23, No. 24, https://www.cdc.gov/nchs/data/series/sr_23/sr23_024.pdf.

hormonal contraception).⁶⁵ A systematic review published this year summarizing 224 randomized controlled trials found that comprehensive sex education improved knowledge, attitudes, behaviors and health-relevant outcomes, whereas abstinence only programs were found to be ineffective at improving these behaviors.⁶⁶ Early education on contraception, consent and safe sex practices is urgently needed in the national fight to prevent sex trafficking.

6. Decriminalization of Sex Work*

Efforts to reduce sex trafficking through the criminal justice system have largely had the effect of unfairly prosecuting consensual sex workers and victims of human trafficking and contributed to the destabilizing social, economic and health vulnerabilities that left them open to exploitation in the first place. Furthermore, criminalization is costly to the criminal justice system and erodes trust between victims of human trafficking and the law enforcement agents that they might otherwise turn to for help. A punitive or abolitionist approach to the sex market is not an effective solution to end human trafficking.

The criminalization of sex work increases the risks of violence and exploitation of workers. Common so-called ‘raid and rescue’ actions and related police responses destabilize sex worker communities and drive sex workers underground, increasing vulnerability and risk for all sex workers, disrupting HIV and STI prevention efforts, impeding access to services, and severing relations with service providers.⁶⁷ The punitive efforts of law enforcement combined with the stigma associated with sex work also leaves trafficking victims vulnerable to abuse by the state. A cross-sectional study of 783 adult sex workers accessing health care at St. James Infirmary in San Francisco, CA from 1999-2004 found that 8.4% of sex workers experienced violence at the hands of the police, while a 2019 study of 250 drug-using female sex workers in Baltimore found that 78% had lifetime experiences of abuse by police, including verbal, physical, and sexual abuse.⁶⁸ Other studies point to the

*HEAL Trafficking strives to remain a place in the anti-trafficking field where people with differing positions can come together and create positive change. As an organization grounded in public health concepts and methods, we currently do not take a stand for or against decriminalization as we continue to review evidence around prevention and harm reduction strategies.

⁶⁵ Chin HB, Sipe TA, Elder R, et al. *The effectiveness of group-based comprehensive risk-reduction and abstinence education interventions to prevent or reduce the risk of adolescent pregnancy, human immunodeficiency virus, and sexually transmitted infections: Two systematic reviews for the Guide to Community Preventive Services*. Am J Prev Med 2012;42:272–94.

⁶⁶ Sarah Denford, Charles Abraham, Rona Campbell & Heide Busse (2017) *A comprehensive review of reviews of school-based interventions to improve sexual-health*, Health Psychology Review, 11:1, 33-52, DOI: [10.1080/17437199.2016.1240625](https://doi.org/10.1080/17437199.2016.1240625)

⁶⁷ Steen, R., Jana, S., Reza-Paul, S., & Richter, M. (2015). *Trafficking, sex work, and HIV: Efforts to resolve conflicts*. The Lancet, 385(9963), 94-96. doi:10.1016/s0140-6736(14)60966-1

⁶⁸ Footer KHA, Park JN, Allen ST, et al. (2019) *Police-related correlates of client-perpetrated violence among female sex workers in Baltimore City, Maryland*. Am J Public Health. 2019;109:289–295. doi:10.2105/AJPH.2018.304809

harmful impact of abusive policing practices in general,⁶⁹ and on disruption of the techniques female sex workers use to keep themselves safe (like screening clients and working in areas with a police presence), which may increase their likelihood of experiencing sexually transmitted and HIV, as well as violence,^{70,71} including human trafficking. Police abuse in the forms of sexual demands in lieu of arrest and excessive use of physical force have been repeatedly reported in the United States, including police abuse of minors.⁷² Such abuses contribute further to the erosion of trust between victims of sex trafficking and the police that purport to protect them.

Because sex work is still broadly criminalized in the US, law enforcement agents have the final discretionary power to decide whether a person engaged in the sex trade is a victim or a criminal offender. In 2016, the National Survivor Network (NSN) conducted a survey on the impact of criminal arrest on survivors of human trafficking that found that 91 percent of trafficking survivor respondents reported having been arrested. Most of these arrests were for prostitution or related crimes and the 15 individuals in the study who were arrested *only* for crimes directly related to their trafficking were arrested between 1 and 42 times, with an average of 15 arrests per victim.⁷³

Victims of sex trafficking are not always identified as victims when they are arrested, detained, prosecuted, and convicted. Consequently, victims of sex trafficking still endure punitive treatment despite the laws that are aimed at protecting them. The resulting criminal records further inhibit the ability of survivors of human trafficking to escape their traffickers because they can no longer obtain legal employment, loans, or attend school. Even within states that allow for post-conviction relief for trafficking survivors, barriers exist which make it difficult for trafficking victims to move on with their lives. For example, some states impose statutory timelines for sealing and vacating records.⁷⁴ Additionally, placing the burden on victims themselves to vacate their legal records ignores that the issue was created by a broken criminal justice system bent on prosecuting sex workers and victims of sex trafficking alike.

⁶⁹ Campbell R, Kinnell H. *"We shouldn't have to put up with this": street sex work and violence*. *Crim Justice Matters*. 2000;42(1):12–13.

⁷⁰ Rekart ML. *Sex-work harm reduction*. *Lancet*. 2005; 366(9503):2123–2134.

⁷¹ Goldenberg SM, Duff P, Krusi A. *Work environments and HIV prevention: a qualitative review and metasynthesis of sex worker narratives*. *BMC Public Health*. 2015;15(1):1241.

⁷² Queally J and Chang C. *7officers to be criminally charged in Bay Area police sex scandal, D.A. says*. *Los Angeles Times*, 9/9/16. Available from <https://www.latimes.com/local/lanow/la-me-ln-oakland-sex-scandal-20160909-snap-story.html>

⁷³ The importance of criminal record relief for human trafficking survivors. (2019, March 20). Retrieved from <https://polarisproject.org/blog/2019/03/20/importance-criminal-record-relief-human-trafficking-survivors>

⁷⁴ E. M., B. A., Emerson, J., & Mogulescu, K. (2019, February/March). *State Report Cards GRADING CRIMINAL RECORD RELIEF LAWS for SURVIVORS OF HUMAN TRAFFICKING*. Retrieved from <https://polarisproject.org/sites/default/files/Grading Criminal Record Relief Laws for Survivors of Human Trafficking.pdf>

Criminalization of sex work also disrupts trafficking victims' ability to access social services and healthcare. Given the important role of these institutions in detection and aid of human trafficking victims, the criminalization of sex work thus impedes the efforts of trafficking victims to leave their situation. One way in which policing increases vulnerability is the use of condoms, lubricant and anti-retroviral medication as evidence that a person intends to engage in prostitution.^{75,76} Under this practice, possessing condoms is enough to warrant an arrest for 'prostitution,' which leads sex workers to fear carrying condoms. The stigma associated with criminalization can also cause sex workers and trafficking victims to be reluctant to access the healthcare system for fear of being "outed."⁷⁷ Institutional discrimination extends beyond the health sector. In some settings, sex workers have been unable to obtain basic social services, including shelter services, bank accounts and microfinancing support programs.^{78,79,80} By enabling the stigma associated with sex work, criminalization and policing further perpetuate the cycle of poverty and discrimination that prevent trafficking victims from escaping exploitation.

Decriminalizing sex work will prevent victims of human trafficking from having wrongful convictions on their records, allowing them to seek help, apply for formal employment, and obtain education. It will also allow for the reestablishment of trust between victims and law enforcement by giving law enforcement officials a means of attempting to dissolve sex trafficking rings without further victimizing trafficking survivors.

7. Criminal Justice Reform

The 1994 crime bill accelerated the US prison boom by authorizing more than \$12 billion to subsidize the construction of state correctional facilities, giving priority to states that enacted so-called truth-in-sentencing laws. These laws, which require individuals to serve at least 85 percent of their sentences behind bars, have been shown to expand prison populations by increasing individuals' length of stay. By 1998, truth-in-sentencing laws were in effect in 27 states, up from eight states before the crime bill's passage.⁸¹ The US

⁷⁵ NSWP Global Network of Sex Work Projects. *The Impact of Criminalisation on Sex Workers' Vulnerability to HIV and Violence*. Available from

https://www.nswp.org/sites/nswp.org/files/impact_of_criminalisation_pb_prf01.pdf

⁷⁶ Open Society Foundations, 2012, "Criminalizing Condoms."

⁷⁷ Decker MR, Crago AL, Chu SK, et al. Human rights violations against sex workers: burden and effect on HIV. *Lancet*. 2015;385(9963):186–199. doi:10.1016/S0140-6736(14)60800-X

⁷⁸ Arnott J, Crago AL. Rights not rescue: a report on female, male, and trans sex workers' human rights in Botswana, Namibia, and South Africa. Open Society Initiative for southern Africa sexual health and rights project; 2009. http://www.opensocietyfoundations.org/sites/default/files/rightsnotrescue_20090706.pdf (accessed June 18, 2014).

⁷⁹ Scorgie F, Vasey K, Harper E, et al. Human rights abuses and collective resilience among sex workers in four African countries: a qualitative study. *Global Health* 2013; 9: 1–13.

⁸⁰ Decker MR, Crago AL, Chu SK, et al. Human rights violations against sex workers: burden and effect on HIV. *Lancet*. 2015;385(9963):186–199. doi:10.1016/S0140-6736(14)60800-X

⁸¹<https://www.americanprogress.org/issues/criminal-justice/reports/2019/03/26/467486/1994-crime-bill-continues-undercut-justice-reform-heres-stop/>

currently has the largest prison population in the world, with more than 2 million Americans behind bars and costs more than 80 billion per year to maintain.⁸²

Incarcerated persons are victims of a cycle of violence, exploitation and incarceration that leaves them vulnerable to trafficking. In 2018, an investigation by the Guardian found that jails and prisons throughout the United States are routinely used as recruiting grounds by pimps.⁸³ Pimps can access personal data about incarcerated individuals online, including information on bail bonds set for women awaiting court dates. Traffickers bail the women out and, once released, give the women a choice between trafficking or having their bond rescinded, forcing them to return to jail. Trafficked individuals are often threatened with jail if they attempt to escape, preventing them from leaving their trafficking situation.⁸⁴ Furthermore, trafficked persons such as victims of sex trafficking who are arrested for crimes committed while under the control of their trafficker experience difficulty in accessing legal employment due to their criminal record, further perpetuating a cycle of vulnerability to exploitation.

According to an Urban Institute Study, two-thirds of youth who engaged in survival sex reported having been stopped, questioned, and frisked at some point in their life. Nineteen percent stated that they had weekly, and sometimes daily, run-ins with the police. Youth reported that many police encounters were initiated as a result of profiling on the basis of actual or perceived race, sexuality, and gender nonconformity. Fifteen percent of youth reported that condoms found during a stop, question or frisk were used as a justification for sustained questioning and even arrest for prostitution-related offenses. Over 70 percent of the young people had been arrested at least once, and many of the youth reported frequent arrest for various “quality-of-life” and misdemeanor crimes other than prostitution offenses, creating further instability and perpetuating the need to engage in survival sex. Youth described being locked in a constant vicious cycle of involvement in the criminal justice system with far-reaching collateral consequences ranging from instability in the home and school to inability to pay fines and surcharges, active warrants, incarceration, and consequences for future employment.⁸⁵

The transition to a paradigm where public safety does not depend exclusively or primarily on the police and the criminal justice system is necessary to protect communities most vulnerable to abuse and to build trust with law enforcement. Increased policing leads to challenges in securing meaningful requirements for life--perpetuating cycles of known vulnerabilities to human trafficking. A fundamental shift away from policing as the only

⁸² <https://www.bestmswprograms.com/mass-incarceration/>

⁸³ Kelly, A., & McNamara, M. (2018, June 29). America's outcasts: The women trapped in a cruel cycle of exploitation. Retrieved from <https://www.theguardian.com/global-development/2018/jun/29/americas-outcasts-women-trapped-in-cruel-cycle-of-exploitation>

⁸⁴ Brittany Anthony, “On-Ramps, Intersections, and Exit Routes: A Roadmap for Systems and Industries to Prevent and Disrupt Human Trafficking, Health Care,” Polaris; 2018

⁸⁵ Urban Institute. 2015. *Locked In: Interactions with the Criminal Justice and Child Welfare Systems for LGBTQ Youth, YMSM, and YWSW who Engage in Survival Sex*. <https://www.urban.org/research/publication/locked-interactions-criminal-justice-and-child-welfare-systems-lgbtq-youth-ymsm-and-yws-who-engage-survival-sex/view/full-report>.

means of intervention is a critical requirement to lower the number of people who experience trafficking.

8. Increased Worker Protections and Support

Human trafficking most often occurs in industries in which workers are specifically excluded from the standard US labor protections afforded those in other sectors. For example, agricultural workers in the US are excluded from workplace protections under federal law, such as those provided by the National Labor Relations Act (NLRA) and the Fair Labor Standards Act (FLSA). Furthermore, agricultural workers in the United States receive low wages and often earn sub-poverty incomes. More than half of all farmworkers in the United States are undocumented migrants, and about 4% are brought into the country under the H-2A visa program. Many of these workers are unaware of the rights they are afforded by the US law and may also fear deportation.

Domestic workers are also excluded from several key federal laws that provide labor protections. They are fully or partially excluded from the NLRA, the FLSA, the Occupational Safety and Health Act which ensures safe working conditions, and civil rights laws including the Americans with Disabilities Act, the Age Discrimination in Employment Act, and Title VII, which bars employment discrimination on the basis of race, color, religion, sex, or national origin.⁸⁶

A 2002 study by Anderson and O'Connell-Davidson on behalf of Save The Children found that demand for the labor or services of trafficked persons is absent or markedly lower where workers are organized and where labor standards for wages, working hours and conditions, and health and safety, are monitored and enforced.⁸⁷ This suggests that strong labor laws and their enforcement would have a direct impact on labor trafficking, provided they could be extended to cover all workers, including undocumented migrant workers.

All workers should be protected to ensure that they receive a legal wage, work in a safe environment, and are protected from discrimination. These rights must not only be established by law, but enforced through regular inspections. Workers must also be educated about their rights and be provided with an effective mechanism for reporting violations while being protected from retaliation. These protections will allow abused and exploited workers to seek assistance instead of suffering in fear.

9. Family-Support Based Child Welfare System

Families that are put at risk of abuse and neglect need services and support to enable them to properly care for and protect their children. Community systems that focus on community-based support, are culturally appropriate, and provide strengths-based care can prevent harm and increase the likelihood that family members will report abuse and exploitation by others. Systems that, instead, respond only after a report of abuse or

⁸⁶<https://assets.cdcgroup.com/wp-content/uploads/2018/12/03105819/Managing-Risks-Associated-with-Modern-Slavery.pdf> page 56 Figure 2

⁸⁷ Anderson, Bridget & o'connell davidson, Julia. (2002). Trafficking – A Demand Led Problem? A Multi-country Pilot Study.

neglect, threaten families and fail to protect children. Youth who have experienced trafficking are currently reticent to report the abuse and exploitation that they have suffered because they want to avoid placement with the child welfare system. Therefore, preventing human trafficking requires the reform of the child welfare system so that abused and exploited youth will run toward, and not away from, the system.

10. Fair Immigration Policies

Immigrants are at high risk of human trafficking both during and after their migration to the US. Individuals frequently attempt to immigrate to the US for a better life or economic opportunities; given the restrictive US immigration system, these individuals often rely on the mercy of smugglers, employers, and labor recruiters. Worldwide, reports show that stricter immigration laws lead to the “terrible paradox” of increasing criminality amongst traffickers profiting off of human migration.⁸⁸

With fewer, more difficult routes and greater barriers to entry, smugglers can fetch higher prices per individual.⁸⁹ Once inside the borders, the complex and expensive process to obtain a visa to work creates prime conditions for exploitation. Both the entry and visa acquisition methods described above can create a sizeable debt to be paid off before the immigrant is truly “free” to start their new life in America, perpetuating forced labor and debt bondage as forms of human trafficking. Even with a visa, workers are often exploited and abused. Workers may enter the US on a valid visa, but are then unable to leave an exploitative situation because the visa is tied to the employer.⁹⁰ Leaving the abuse renders the visa defunct and leaves the worker undocumented. Fears over deportation often prevent trafficked individuals from reporting their exploiters to law enforcement, even if the opportunity presents itself.⁹¹

Reforms of the immigration system are necessary to better protect workers. Examples include adding portability for guest worker visas, increasing immigrant awareness of the “T Visa,” a special four-year visa designed specifically for victims of human trafficking⁹², adding in-person interviews with US government staff for all guest workers to ensure that they understand their rights in the US, and expanding options for asylum applications to be filed abroad.

Preventing trafficking requires that guest workers have legal rights and protections and, perhaps more importantly, that they understand those rights. They must also believe that

⁸⁸ Miller, M. (2001). *The Sanctioning of Unauthorized Migration and Alien Employment*. Global Human Smuggling: Comparative Perspectives. The Johns Hopkins University Press, Baltimore, MD.

⁸⁹ Vayrynen, R. (2003). *Illegal Immigration, Human Trafficking, and Organized Crime*. World Institute for Development Economics Research. <https://www.wider.unu.edu/sites/default/files/dp2003-072.pdf>

⁹⁰ Senachai, Y. (2019). *Labor Trafficking -- An Immigration Issue*. <https://philanthropynewsdigest.org/commentary-and-opinion/labor-trafficking-an-immigration-issue>

⁹¹ Wood, S. (2018). *The Intersection of Human Trafficking and Immigration*. <http://blog.petrieflom.law.harvard.edu/2018/06/27/the-intersection-of-human-trafficking-and-immigration/>

⁹² Senachai, Y. (2019). *Labor Trafficking -- An Immigration Issue*. <https://philanthropynewsdigest.org/commentary-and-opinion/labor-trafficking-an-immigration-issue>

the US government and law enforcement will protect them from exploitative employers regardless of their immigration status. Improved collaboration and partnership between legislators, law enforcement, civil society and immigrant communities can build trust, subsequently improving resiliency and reducing the risk of abuse and exploitation amongst immigrants.

B. Promising/Successful Models in Primary Prevention

There are promising practices currently in use that illustrate effective approaches to primary prevention. These models should be supported and expanded.

1. Coalition of Immokalee Workers' Campaign for Fair Food and Fair Food Program

The Coalition of Immokalee Workers (CIW) is a worker-based human rights organization that has been fighting for better pay and working conditions for US agricultural laborers since 1993. By focusing on the underlying problems plaguing farmworkers, the organization has identified human trafficking on US farms and has developed programs that prevent forced labor. CIW has uncovered, investigated, and assisted in the prosecution of numerous multi-state farm slavery operations, helping to liberate over 1,200 workers held against their will.⁹³ This program is a prime example of effective primary prevention of labor trafficking by empowering workers and putting pressure on consumers and retailers to enforce humane farm labor standards.

CIW's Campaign for Fair Food and Fair Food Program are model programs that address worker exploitation and trafficking in the US agricultural industry. The Campaign for Fair Food, started in 2001, educates consumers about the causes of and solutions to farm labor exploitation and forges alliances between farmworkers and consumers.⁹⁴ The Campaign began with a Taco Bell boycott in 2001, which publicized the plight of tomato pickers in Florida.⁹⁵ Since then, it has won Fair Food Agreements with 14 multibillion dollar food retailers, including Yum! Brands, Walmart, McDonald's, Subway, and Whole Foods. These agreements establish more humane farm labor standards and fairer wages for farmworkers.⁹⁶

CIW's Fair Food Program addresses human trafficking at its roots by creating partnerships between farmers, farmworkers, and retail food companies to ensure humane wages and conditions for the workers who pick fruits and vegetables on participating farms.⁹⁷ The program requires participating retail food companies to pay a small premium on their produce purchases, which augments worker wages. By requiring Participating Buyers to only purchase tomatoes from growers who comply with the Fair Food Code of Conduct, the

⁹³ Coalition of Immokalee Workers. *About CIW*. <http://www.ciw-online.org/about/>. Accessed 14 May 2016.

⁹⁴ Coalition of Immokalee Workers. *Campaign for Fair Food*. <http://www.ciw-online.org/campaign-for-fair-food/>. Accessed 12 May 2016.

⁹⁵ Brabant M. *Florida tomato pickers urge Taco Bell boycott*. BBC News. 3 Mar 2001. <http://news.bbc.co.uk/2/hi/americas/1200644.stm>. Accessed 14 May 2016.

⁹⁶ Alliance for fair food. <http://www.allianceforfairfood.org/our-history>. Accessed 14 May 2016.

⁹⁷ Fair food program: consumer powered, worker certified. <http://www.fairfoodprogram.org>. Accessed 14 May 2016.

Fair Food Program harnesses retailers' immense purchasing power to enforce the most progressive labor standards in modern US agriculture. The program also prevents labor exploitation and trafficking by empowering tens of thousands of workers to serve as real-time monitors who can identify and expose perpetrators of slavery.⁹⁸

2. Domestic Workers' Bill of Rights

Following organized campaigns by domestic workers and their allies, several states have begun to improve labor rights and conditions for domestic workers through expansion of labor protection laws.⁹⁹ New York State enacted the first Domestic Workers Bill of Rights in 2010, followed by Hawaii, California, Massachusetts, Connecticut, Oregon, and Illinois.¹⁰⁰ The protections offered by these laws and their enforcement mechanisms vary by state. For example, in New York, domestic workers have received, among other provisions: the right to overtime pay; a day of rest every 7 days, or overtime pay for workers who agree to work on that day; 3 paid days of rest each year after 1 year of work for the same employer; and protection under New York State Human Rights Law. While California law already required overtime for domestic workers, lawmakers did not include provisions that addressed the rights of live-in employees to 8 hours of uninterrupted sleep, 'adequate, decent, and sanitary' sleeping accommodations, meal and rest breaks, or paid days of rest after 1 year of work with an employer. Domestic workers and their supporters had advocated for these provisions to protect the health and safety of domestic workers.^{101,102}

3. Supply Chain Accountability

One key aspect of human trafficking prevention is supply chain management. A supply chain is the network created among different companies producing, handling, and/or distributing a specific product, encompassing all the steps it takes to bring goods or services from the supplier to the customer.¹⁰³ As businesses have globalized in recent decades, the demand for cheap labor has grown, and supply chains increasingly have internationalized to gain access to the most poorly paid workers.¹⁰⁴ The US State

⁹⁸ Greenhouse S. *In Florida's tomato fields, a penny buys progress*. New York Times. 24 Apr 2014. <http://www.nytimes.com/2014/04/25/business/in-florida-tomato-fields-a-penny-buys-progress.html>. Accessed 14 May 2016.

⁹⁹ Boris E, Jokela M, Undén M. *Enforcement strategies for empowerment: models for the California domestic worker bill of rights*. UCLA Institute for Research on Labor and Employment. May 2015.

¹⁰⁰ National Domestic Workers Alliance. Campaigns. <http://www.domesticworkers.org/campaigns>. Accessed 19 May 2016.

¹⁰¹ United States Department of Labor Wage and Hour Division. *We can help*. <https://www.dol.gov/wecanhelp/>. Accessed 24 May 2016.

¹⁰² Liss-Schulz N. *California passes domestic worker bill of rights, sort of*. Mother Jones. 27 Sept 2013. <http://www.motherjones.com/mojo/2013/09/california-passes-domestic-worker-bill-rights-sort-of>. Accessed 19 May 2016.

¹⁰³ *What is the supply chain*. Investopedia. <http://www.investopedia.com/terms/s/supplychain.asp>. Accessed 19 May 2016.

¹⁰⁴ Verite. *Corruption and human trafficking in global supply chains*. White Paper. Dec 2013. https://traffickingresourcecenter.org/sites/default/files/WhitePaperCorruptionLaborTrafficking_0.pdf. Accessed 29 May 2016.

Department notes that long and complex supply chains that cross multiple borders, which typically rely on an array of subcontractors, impede the traceability of goods. This makes it challenging to determine if people are trafficked for the production of a given product. Trafficking may occur at one point or multiple points throughout a product's life cycle, from harvesting of raw materials, through manufacturing and transportation, and to the shelves where products are sold.

The growing complexity of supply chains and greater focus on concerns about forced labor and trafficking by regulators, human rights organizations, and some federal and state governments have brought increased corporate attention to supply chain issues. Attention to the issue of forced labor in supply chains has increased since the implementation of the California Supply Chains Transparency Act, which took effect in January 2012. This Act requires that companies annually report their efforts to eradicate slavery and human trafficking from their direct supply chains. The process of eliminating human trafficking through supply chain advocacy requires attention to the issue by consumers, corporations, and civil society.

C. Harmful Models in Primary Prevention

There are also harmful approaches in use in the US. These approaches are not effective and in fact can put people at increased risk of abuse and exploitation. They should be ended.

1. End Demand*

The term "End Demand" has come to describe efforts that focus on stopping trafficking in the sex trade by "ending demand" for all commercial sex. Common tactics employed to "end demand" through increased enforcement and criminalization for the purchasers of sexual services include 'john stings,' john schools, and public shaming. Such tactics oversimplify the complex factors that drive the trafficking market, cause harm to sex workers, and fail to protect workers from exploitation, violence and trafficking.

Human rights advocates find that a complex set of factors beyond just male demand for consensual commercial sex drives sex trafficking. Given that it is typically impossible for johns to tell whether a sex worker is selling sexual services voluntarily or is being trafficked, it is an inaccurate premise to assume that johns are inevitably complicit in exploitation.¹⁰⁵ A study by the International Labor Organization in 2006 across five countries found that the majority of clients and consumers did not specifically demand services from trafficked women or children and many would be unable to distinguish

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¹⁰⁵ Berger, Stephanie, No End in Sight: Why the 'End Demand' Movement is the Wrong Focus for Efforts to Eliminate Human Trafficking (2012). Harvard Journal of Law and Gender, Vol. 35, 2012. Available at SSRN: <https://ssrn.com/abstract=2172526>

trafficked from non-trafficked persons.¹⁰⁶ Instead, sex trafficking is fueled by poverty and chronic unemployment creating a vast supply of individuals that are vulnerable to becoming trafficked. Similarly, the ILO study described above noted that “the trafficking phenomenon is to a very high extent a result of employers’ unchallenged ability to create their own – often exploitative – working conditions for women and children in informal ‘hidden’ sectors where they easily can take advantage of the legislative weaknesses.”¹⁰⁷ Criminalizing the purchase of sex may reduce the number of clients in areas that are policed, but it still does not address the underlying factors that cause people to become trafficked, nor does it target resources towards the arrest of abusive pimps and the support of exploited people.

Exempting sex workers from prosecution will continue to subject them to the negative effects of criminalization as long as the transaction itself remains a crime. Research from Canada¹⁰⁸ suggests that police crackdowns on clients actually increased the vulnerability of sex workers by making it harder for them to screen clients or trust the police. In many countries, these laws have expanded the scope of criminalization—so the landlord renting the premises where a sex worker does business, for example, may be breaking the law against brothel-keeping. After three months of increased policing after implementation of End Demand policies in Montreal, Canada, Stella reported a three-fold increase in violence experienced by street-based sex workers, leading “the local police prefect [to acknowledge] that the targeting of clients had been an ineffective response to sex work in the community.”¹⁰⁹ In Norway, Amnesty International¹¹⁰ found that End Demand tactics led to sex workers being evicted from their homes, while the fear of eviction kept others from reaching out to police when they were the victims of crimes.¹¹¹ In spite of stated intentions of protecting sex workers, the results have been consistent: consistent or increased police harassment, reduction in negotiating power¹¹², and increased vulnerability.¹¹³

2. Child Detention

There is a clear link between the length of time that children are detained and the psychosocial and developmental issues they confront. The longer children are detained the more likely they are to be exposed to traumatic events. Children who are detained for immigration purposes are at risk of a variety of psychosocial and developmental problems

¹⁰⁶ I. L. O. (2006). A demand side of human trafficking in Asia: empirical findings. *International Labor Organization*.

¹⁰⁷ Lin, L. L. (2007). Trafficking, demand and the sex market. *International Symposium on Gender at the Heart of Globalization*.

¹⁰⁸ BMY Open. 2014. *Criminalisation of Clients: Reproducing Vulnerabilities for Violence and Poor Health Among Street-based Sex Workers in Canada- A Qualitative Study*.
<http://bmjopen.bmj.com/content/4/6/e005191>

¹⁰⁹ Sandra Chu and Rebecca Glass, “Sex Work Law Reform in Canada,” *Alberta Law Review* 51 (2013), 118.

¹¹⁰ <https://www.amnesty.org/en/documents/eur36/4034/2016/en/>

¹¹¹ <https://www.opensocietyfoundations.org/voices/false-promise-end-demand-laws>

¹¹² [https://www.nswp.org/sites/nswp.org/files/Impact of Swedish law.pdf](https://www.nswp.org/sites/nswp.org/files/Impact%20of%20Swedish%20law.pdf)

¹¹³ <https://www.opensocietyfoundations.org/voices/false-promise-end-demand-laws>

linked to their detention experiences. They are more likely than others to experience feelings of isolation, detachment and loss of confidence.¹¹⁴

Additionally, the current policy of family separation¹¹⁵ and child detention has created a renewed crisis of unaccompanied alien children (UACs) in the US. In 2016, the US Senate Committee on Homeland Security and Governmental Affairs published a report highlighting the gross inadequacy of the Department of Health and Human Services in providing oversight and protection of UACs.¹¹⁶ This failing represented not only a dangerous resource gap for newly designated UACs, but also a potential unwitting facilitation of human trafficking. The report found current HHS placement policies at times resulted in UACs being delivered to human traffickers as their primary caregiver and placement plan. Child detention and family separation should have no role as a form human trafficking prevention and should be viewed instead as risk factors for human trafficking. These vulnerable migrant youth should be provided with ongoing support and services, including home visits, legal representation, and case management.

3. Employment-based Visas without Worker Protection

Not only have current approaches failed to prosecute, prevent, or protect, but many US policies, programs, and regulations inadvertently promote trafficking. Many people are trafficked into the US following entry on temporary work, student, tourist, diplomatic, and other visas. A study of 122 labor trafficking survivors at four victim service agencies around the United States found that 71% had entered the country on temporary visas, most commonly H-2A visas for agricultural work and H-2B visas for jobs in hospitality, construction, and restaurants. Regardless of their means of entry, people trafficked in the USA are often absorbed into unregulated, poorly regulated, or underground sectors of the economy, where wage, safety, and health violations routinely occur. The large service industry that drives much of the US economy also places many workers here at risk for exploitation.

The H-2 Visa Guest Worker program has been associated with severe labor abuses and labor trafficking. This program allows employers who are unable to fill positions with domestic workers to bring in foreign workers on a temporary basis. H-2A visas are used for agricultural workers, whereas H-2B are generally for workers in other industries such as forestry, seafood processing, hospitality, and construction. With H-2 visas, the maximum length of stay is 3 years, after which time the worker must return to their home country. Workers are required to remain with the employer who arranged for the visa. Despite laws that give the workers federal rights and protections through the DOL, abuses of workers in this system are rampant. Some experience a range of abuses even during recruitment, such as being charged exorbitant fees or being recruited for jobs that do not exist. Workers incur substantial debt in order to pay these fees in their home countries, as occurred in the Global Horizons case. They are routinely cheated out of wages, held virtually captive by

¹¹⁴ <https://idcoalition.org/wp-content/uploads/2012/03/Captured-Childhood-FINAL-June-2012.pdf>

¹¹⁵ <https://www.latimes.com/politics/la-na-pol-family-separation-trump-year-later-20190412-story.html>

¹¹⁶ U.S. Senate Committee on Homeland Security and Governmental Affairs. 2016. *Protecting Unaccompanied Alien Children from Trafficking and Other Abuses: The Role of the Office of Refugee Resettlement*.

employers or labor brokers who seize their documents, are forced to live in squalid conditions, and are denied medical benefits for on-the-job injuries. Trafficked persons are often indebted due to the recruitment fees and did not have the option to change employers due to their visa status.

III. Secondary/Tertiary Prevention

Preventing re-exploitation is also critical. Trafficking survivors are vulnerable to a wide range of exploitation and abuse after they escape their trafficking situation. Both in the immediate aftermath of escape, and for years afterwards. A comprehensive approach to secondary and tertiary prevention must include both crisis services and long-term support and systems change.

A. Key Elements of Secondary/Tertiary Prevention

1. Survivor-Centered Services

The trafficked person's priorities and narrative must be at the center of the work, using voluntary, nonjudgmental assistance with an emphasis on self-determination to best meet an individual's short- and long-term needs. Services should be designed to prioritize the personal safety and well-being of each survivor while protecting their choice and autonomy, including a strong emphasis on harm reduction techniques. Information is always provided in a language that the client can understand and is culturally appropriate. FNUSA provides training and technical assistance to providers to assist them in implementing person-centered services.¹¹⁷

2. Culturally Appropriate Services

We all develop within our own culture. Our environment determines what we learn, how we learn it, and the rules for living with others. These rules are transmitted from one generation to the next and are often adapted to the times and locale. A culturally competent movement brings together knowledge about different groups of people -- and transforms it into standards, policies, and practices that make everything work.¹¹⁸ Our concept of "culture" must be inclusive beyond race and ethnicity; inclusive of, but not limited to, sexual orientation, gender identity or expression, and religious identity or spirituality. The concepts of "cultural humility" and "intersectionality" guide service providers in understanding the complexity of the experiences.¹¹⁹

3. Survivor-Led Organizations

The discussion of survivor-led versus survivor-informed has been an ongoing dialogue within the anti-trafficking movement for some time. Maximum Involvement of Survivors of Trafficking (MIST) is not an initiative or addendum, but rather an ongoing effort to strengthen and increase the capacity of survivors of trafficking, networks of survivors and

¹¹⁷ Freedom Network USA, *A Human-Rights Based Approach to Address Human Trafficking*, <https://freedomnetworkusa.org/app/uploads/2019/07/FNUSAs-Human-Rights-Based-Approach.pdf>

¹¹⁸ <https://ctb.ku.edu/en/table-of-contents/culture/cultural-competence/culturally-competent-organizations/main>

¹¹⁹ <https://www.socialworkers.org/LinkClick.aspx?fileticket=PonPTDEBrn4%3D&portalid=0>

community-based organizations to participate fully at national, regional and global levels to create supportive political, legal and social environments. Humanitarian and political declarations of support are meaningless if they do not become an integral part of the systems with which survivors interact and are impacted. We have learned through foundational research that engagement that is sporadic and transactional is not effective. Participation must be taught, experienced and on-going. MIST is a model of engagement created by the National Survivor Network as a best practice for meaningful leadership within the movement.

4. Comprehensive Short and Long Term Services and Support for All Survivors

There is no one face of human trafficking. All ages, genders, races, religions, and nationalities are exploited by traffickers into all forms of labor and services. We must support programs and systems that address this diversity, ensuring that all survivors have access to the services and support that they need. When focusing on women and girls, we cannot ignore the needs of men and boys, and transgender and gender non-conforming survivors. While developing services for sex-trafficked youth, we cannot fail to support labor-trafficked youth.¹²⁰

Trafficking survivors needs are as diverse as the survivors themselves. Some will thrive after only brief, limited intervention. Others will need long-term, intensive medical, mental health, and legal services. Service provision must respond to the needs of the survivors, and cannot be limited by arbitrary timelines and individual budget caps. Service providers should be supported and encouraged to leverage a variety of programs and funding sources to ensure that survivors are able to meet all of their needs in both the short and long term. Services must be client-centered, survivor-informed, and culturally appropriate. Federal grant programs should be coordinated and aligned to ensure maximum access to services for all survivors throughout the US. Grant awards should be varied, based on the actual service provision history of each provider, and not uniform. And federal agencies should collaborate to provide comprehensive training and technical assistance to providers, and to conduct evaluations of program models.¹²¹

B. Successful Models of Secondary/Tertiary Prevention

1. National Survivor Network

The National Survivor Network (NSN) is an autonomous program within Coalition to Abolish Slavery & Trafficking created in 2011. The NSN has been involved with policy

¹²⁰ Freedom Network USA, *A Human-Rights Based Approach to Address Human Trafficking*, <https://freedomnetworkusa.org/app/uploads/2019/07/FNUSAs-Human-Rights-Based-Approach.pdf>

¹²¹ Freedom Network USA. *FNUSA Submits Funding Recommendations to OTIP and OVC*. <https://freedomnetworkusa.org/app/uploads/2017/10/FY18FNUSAFundingRecsFINAL.pdf>

advocacy and survivor empowerment since its inception and creation. The program is constantly expanding and shifting to establish high impact, empowered, and professional networks of survivor leaders in international policy. The NSN is a collective of grassroots advocates working from a human rights framework that has been involved in the United Nations, United States, and every community impacted by trafficking. With a myriad of experience and expertise as professionals with lived experience we are uniquely established to inform better policy initiatives to eradicate trafficking. With the creation of an Advocacy Academy and Consultant Certification process the NSN is establishing what survivor empowerment is, in tandem with teaching how to impact international advocacy.

C. Harmful Models in Secondary and Tertiary Prevention

1. Raids and Rescues

Law enforcement-based approaches have played a prominent role in the US government's efforts to identify victims of trafficking in persons.¹²² However, police raids, "john stings" and similar anti-trafficking tactics have led to the identification of very few trafficked persons, among myriad other issues.¹²³ Raids conducted in the US require quick and unexpected action, and, in the anti-trafficking context, they are rarely executed on the basis of in-depth investigation that elicits reliable evidence and witness testimony. Task forces and their funding frequently focus solely on one aspect, such as sex trafficking (often conflated with prostitution), and ignore other forms such as forced labor and debt bondage, leaving entire populations of trafficked individuals ignored and unserved.¹²⁴ Meanwhile, US agencies tasked with protecting worker safety, for example, such as the Occupational Safety and Health Administration, remain perpetually underfunded and lack sufficient state and local counterparts to support inspection and enforcement in most jurisdictions.

After years of facing police raids, traffickers have adapted and take care to avoid arrest, for example by utilizing cameras to monitor the individuals they control from afar.¹²⁵ As a result, survivors of trafficking are often the only individuals caught in such raids. By arresting those who have been trafficked, raids enhance the fear of law-enforcement that traffickers purposefully instill in their victims.¹²⁶ Rather than serving as an effective means of assisting victims of human trafficking, raids frequently entail a violation of the human

¹²² United States Government Accountability Office. (2006). *HUMAN TRAFFICKING Better Data, Strategy, and Reporting Needed to Enhance U.S. Antitrafficking Efforts Abroad*. Report to the Chairman, Committee on the Judiciary and the Chairman, Committee on International Relations, House of Representatives. <https://www.gao.gov/new.items/d06825.pdf>

¹²³ USA Today. 2019. *Sex Trafficking is Behind the Lucrative Illicit Massage Business. Why Police Can't Stop It*. <https://www.usatoday.com/in-depth/news/investigations/2019/07/29/sex-trafficking-illicit-massage-parlors-cases-fail/1206517001/>

¹²⁴ Ditmore, M., Thukral, J. (2012). *Accountability and the Use of Raids to Fight Trafficking*. Anti-Trafficking Review. DOI: 10.14197/atr.201218

¹²⁵ Human Trafficking in Illicit Massage Businesses. (2018). Polaris Full Report. https://polarisproject.org/sites/default/files/Full_Report_Human_Trafficking_in_Illicit_Massage_Businesses.pdf

¹²⁶ Ibid.

rights of trafficked persons, resulting in emotional and even physical harm. In some locales it is common for raiding police to demand sex from the women working there.¹²⁷

Several investigations have found that once forcibly removed, survivors regularly return to the same work situations from which they were rescued.¹²⁸ With few resources (legal representation, advocates, social services, health care) typically offered after their release from jail, it is easy to understand why an individual would return to their trafficker. Raids often do not result in strong testimony against perceived traffickers, who often have physical *and* psychological control over their victims. Unlike their victims, potential traffickers may never be held accountable due to a lack of evidence against them.¹²⁹

Diversion of resources into ineffective law enforcement-based anti-trafficking strategies prevents serious consideration of other, more effective means to protect individuals, reduce human trafficking incidence, and support survivors. These realities mandate a thoughtful consideration of alternative approaches to combat human trafficking that are survivor-centered and rights-based.

Thank you for your commitment to preventing human trafficking in the US. If you have any questions, or need more information, please feel free to contact Jean Bruggeman (jean@freedomnetworkusa.org).

¹²⁷ <https://delta87.org/2019/02/problem-forced-rescue-and-detention-anti-trafficking-initiatives/>

¹²⁸ Polaris. 2018. *Beyond the Raid: Reporting in Depth on Massage Parlor Trafficking*. <https://polarisproject.org/beyond-raid-reporting-massage-parlor-trafficking>

¹²⁹ Ditmore, M. (2009). *The Use of Raids to Fight Trafficking in Persons*. <http://sexworkersproject.org/downloads/swp-2009-raids-and-trafficking-report.pdf>