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Hiding in Plain Sight: A Practical Guide to Identifying Victims of Trafficking in the U.S.

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Hiding in Plain Sight

A Practical Guide to Identifying Victims of Trafficking in the U.S.

**With particular emphasis on victims of sexual trafficking as defined by the
Trafficking Victims Protection Act 2000**

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“If you look, you’ll find them” – Laura Lederer

This practical guide focuses on identifying victims of sexual trafficking, meaning they have been trafficked for commercial sex acts, such as prostitution or other forms of sexual exploitation, such as stripping, lap dancing, or production of pornography. Although there are commonalities between victims of sexual and labor trafficking, there are sufficient differences to require separate focus. Therefore, this guide does not describe ways to identify victims who have been trafficked for forced labor, such as domestic servants and sweat shop or migrant farm workers.

Key Reference Documents

Trafficking Victims Protection Act of 2000

<http://thomas.loc.gov/cgi-bin/query/z?c106:H.R.3244.ENR>:

Sex Trafficking of Women in the United States, Janice G. Raymond, Donna M. Hughes, and Carol J. Gomez, Coalition Against Trafficking in Women, March 2001,

http://www.uri.edu/artsci/wms/hughes/sex_traff_us.pdf

What Sexual Assault and Domestic Violence Service Providers Need to Know about Sex Trafficking, Dianne Post, Arizona Coalition Against Domestic Violence, April 2002

Trafficking in Persons: A Guide for Non-Governmental Organizations, Civil Rights Division, U.S. Department of Justice, <http://www.usdoj.gov/crt/crim/wetf/trafficbrochure.html>

National Clearinghouse on Child Abuse and Neglect Information,

<http://www.calib.com/nccanch/index.cfm>

How trafficking is defined

This guide is written to identify victims as defined by the Trafficking Victims Protection Act of 2000 (TVPA), U.S. Federal law. Two states, Washington and Texas, have state anti-trafficking laws. If victims are identified in those two states, arrest and prosecution of traffickers can occur at the state level. In addition, most states and local authorities have laws relating to prostitution and what are often called “sexually oriented businesses”; these laws can also be used prosecute perpetrators at the state and local level.

According to the Trafficking Victims Protection Act of 2000 (TVPA):

“**Sex trafficking**” means the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.

The TVPA does not enact criminal penalties against traffickers or provide for services to victims unless acts of sex trafficking meet the criteria of “**severe form of trafficking in persons**.”

“**Severe forms of trafficking in persons**” means (A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; 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.

Definitions of key terms used in “severe forms of trafficking in persons” are:

The term “**commercial sex act**” means any sex act on account of which anything of value is given to or received by any person.

The term “**coercion**” means (A) threats of serious harm to or physical restraint against any person; (B) 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 any person; or (C) the abuse or threatened abuse of the legal process.

The term “**debt bondage**” means the status or condition of a debtor arising from a pledge by the debtor of his or her personal services or of those of a person under his or her control as a security for debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined.

The term “**involuntary servitude**” includes a condition of servitude induced by means of (A) any 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 (B) the abuse or threatened abuse of the legal process.

The term “**peonage**” means holding someone against his or her will to pay off a debt.

The TVPA was conceptualized to provide remedies for transnational trafficking and to protect foreign nationals who are trafficked into the U.S. for commercial sex acts or forced labor. The TVPA does not address victims of internal trafficking - meaning U.S. citizens trafficked within the U.S. These victims are often controlled and used for commercial sex acts in the same way as foreign nationals.

Identifying Victims as Defined by the Trafficking Victims Protection Act

If a child is under the age of 18 and is being used for a commercial sex act, the child is considered a victim of trafficking; no further criteria must be met. If the person is 18 or over, it must be proven that the person is being used for a commercial sex act by force, fraud, or coercion.

Most victims of sexual trafficking in the U.S. are women and children, particularly girls. There are no known cases of adult men being trafficking for commercial sex acts in the U.S., although this is known to occur in other parts of the world.

The following indicators for identifying victims of trafficking are drawn from research on trafficking and the experience of people who have worked with victims of trafficking. If a person indicates that any of these things have been done to them, there is a possibility that he/she is a victim of trafficking. A victim only has to be subjected to a form of force, fraud, or coercion **once** to meet the definition of trafficking victim. The force, fraud, or coercion does not need to be sustained.

The activities involved in trafficking - **the recruitment, harboring, transportation, provision, or obtaining of a person** – mean that a wide variety of people are culpable under the TVPA. They include: recruiters, anyone who obtained documents or arranged travel, anyone who assisted with travel, anyone who worked in the brothel, landlords, drivers, guards, assistants who brought meals, accountants, and managers.

Being a relative of the victim does not excuse trafficking activities. If he/she knowingly gave the victim over to a trafficker or assisted in organizing commercial sex acts, he/she is a perpetrator of a serious crime and should be treated accordingly.

For sake of brevity, in the lists below the term **brothel** will be used with the understanding that victims of trafficking may be found in establishments called massage parlors, clubs, bars, saunas, health clubs, strip clubs, escort services, etc.

The following are examples and indicators of force, coercion, and fraud that are used by pimps and traffickers to control victims used for commercial sex acts. Some of them may not be enough in and of themselves to meet the legal standard for trafficking, but they should be considered signs that a victim is under the control of someone else and indicate that further investigation is needed.

Examples of Force

- Kidnapping or recapture of an escaping victim

- Buying and selling of a victim from a recruiter to trafficker to pimp

- Battering, including hitting, kicking, pushing

- Torture, such as burning with cigarettes

- Threats with weapons

- Rape, sexual abuse, and harassment (Unless the woman is fully consenting to the commercial sex acts, each act of prostitution should be considered to be a sexual assault.)

- Imprisonment, confinement, or kept under guard or electronic surveillance

- Use of restraints, such as being tied up

- Denial of food or water

- Denial of medical care or medications

Denial of contraceptives or condoms
Forced pregnancy or abortion
Forced to give up custody of children
Forced into humiliating or compromising situations so that photographs or videos can be made (These images may be used to coerce the victim into cooperating with pimps or risk exposure to friends, family, or police if the act is illegal.)
Forced use of drugs or denial of drugs once a victim is addicted
Forced participation in acts of violence against other victims
Forced to lie to friends and family about their safety, well being, and whereabouts
Forced to lie to men in the brothel that they are consenting, enjoy their “work,” and earn large sums of money

Indications of Force

Injuries from weapons, such as knives, guns, clubs; visible injuries or scars, such as cuts, bruises, burns or rope burns; head, face, and mouth injuries from being struck in the head and face.
Brands or scarring indicating ownership
Untreated illnesses or infections, particularly sexually transmitted diseases; general poor health; diseases associated unhygienic living conditions, such as tuberculosis
Emotional distress and psychological manifestations of trauma, such as depression, anxiety, post-traumatic stress, self-inflicted injuries, and suicide attempts
Inappropriate or shifting loyalty to an abuser resulting from the perpetrator’s systematic control of the victim through alternating violence, threats, and rewards; i.e. manipulation, indoctrination, Stockholm syndrome, brainwashing, traumatic bonding
No English language skills or knowledge of how to move about and live in the local community
Living on the same premises as the brothel or driven between the brothel and living quarters by a guard. Living quarters locked, under electronic surveillance or guarded
Heavy security at the brothel, barred windows, locked doors, isolated location; women never seen leaving the premises unless accompanied by someone
Restricted public access to brothel: Access allowed only to members of a particular ethnic community, gang, or worker group; advertisement of the brothel only through word of mouth or foreign language publications
Woman kept under surveillance when she is taken to a doctor, hospital, or clinic for treatment; pimp or a minder may act as translator
Moved with other women on a circuit of brothels
Signs usually associated with domestic violence: pimps/traffickers are sometimes

“boyfriends,” “partners,” or members of the victim’s family
Victim is provided with an attorney or bail by the pimp/trafficker in order to control her testimony or get her released into the custody of the pimp/trafficker

Examples of Coercion

Debt bondage: Victim is required to engage in a certain number of commercial sex acts or earn a certain sum of money before she can leave

Threats of serious harm to the woman or her friends and family at home

Control of her children

Trafficker/pimp controls all her contacts with family, friends, or people outside the brothel

Photographing or videotaping the victim in compromising or illegal situations, then threatening her with exposure to friends, family, or police; threatening to post pornographic images of the victim on the Internet or send them to family members

Identity and travel documents, such as passport and visa, taken away

Forced to watch pornography in order learn prostitution or stripping

Manipulation of the victim’s earning ability, so a woman who voluntarily engages in jobs such as hostess or dancer finds she has to engage in prostitution to earn enough money to repay a debt or buy food

Punishment of another woman (including beatings, rapes, mutilations, even murder) in front of other victims to demonstrate what happens to those who do not obey

Denial of clothing or clothing other than “sex industry costumes” so woman is reluctant to leave the premises

Trafficker/pimp controls all money, including that which belongs to the woman

Fines for rule violations in the brothels

Involvement of the victim in criminal activity, such as a drug courier or manufacture of drugs

Quotas for amount of money that must be earned or number of commercial sex acts each day

Victim sees evidence of police or official corruption or collaboration with pimp/trafficker

Threats to turn the woman over to the authorities with expectation that she will be imprisoned or treated harshly

Threats to have the woman deported with expectation that upon arrival home she or her family will be harmed

Threats to harm the woman or her family if she reveals anything about the trafficking operation

Verbal or psychological abuse that intimidates, degrades, and frightens the victim

Indications of Coercion

Woman is not in possession of identity or travel documents
Woman is fearful of police or officials

False accusations of abuse or neglect, particularly of children, or criminal activity are made about the victim

Signs of threats usually associated with sexual harassment or stalking

Examples of Fraud

Promises of valid immigration or travel documents, such as a green card and work permit

Woman instructed to use false or counterfeit identity and travel documents

Woman signed a contract to do legitimate work

Victim is required to do work that is different than what was originally described

Promises of money, salary, or earnings that never materialize or only sporadically

Misrepresentation of work or conditions of work

Indications of Fraud

Victim was lied to about any aspect of her travel, employment, living conditions, or treatment

Woman does not know how identity or travel documents were obtained or was escorted through the process

Someone else obtained all official documents

Someone else made all travel arrangements

Woman was coached on what to say to officials

Woman does not know or understand the terms of the contract she signed. Contract was in a language she could not read. Terms of contract are illegal under general business practices (See Appendix A)

Woman had to pay a fee to someone to arrange travel and transportation

Woman was smuggled across borders

This list should not be used as a questionnaire for potential victims. Talking about traumatic experiences can be very difficult, and victims have little reason to trust people. People working with victims of trafficking have found that multiple interviews are often needed to establish trust with a victim and educate her about the concept of trafficking and her rights not to be controlled and compelled into prostitution or other commercial sex acts.

Where and How to Find Victims of Trafficking

Given the violence, coercion, and schemes used by traffickers and pimps and the relative powerlessness of victims, activists and service providers will have to actively search out victims of trafficking. To date, several cases of trafficking have been uncovered after victims escaped and came to the police, but most victims will not be able to escape or seek assistance. Many victims are physically unable to leave the brothels without an escort and are not free to contact outside people.

Traffickers and pimps frequently tell victims that they will receive harsh treatment from law enforcement or immigration officials if they are discovered. Other victims are unaware of their rights not be exploited for commercial sex acts or are held in debt bondage. Victims are not likely to know that contracts they signed are not legal or binding. Family loyalty, cultural practices, or political suppression in their home countries also hinder victims from seeking relief from exploitation and abuse.

As indicated by the title of this guide, victims are often hiding in plain sight. Victims of sexual trafficking can be found in all types of establishments and locations that offer commercial sex acts, i.e. prostitution, production of pornography, and stripping, or lap dancing. These establishments are known as massage parlors, escort services, spas, clubs, strip clubs, adult bookstores, bars, nightclubs, apartments, and modeling studios. Victims of trafficking can be found in rural, suburban, and urban settings; in residential housing, commercial buildings, trailers, on the street, or even in open fields.¹

The following are some of the places and ways that activists and service providers can find victims.

Public Advertisements: Although prostitution is illegal in all states with the exception of several counties in Nevada, pimps and traffickers depend on advertising to the public to attract men and make money. Most of the illegal sex industries in the U.S. publicly advertise their criminal activity. In newspapers, tabloids, local community newspapers, and free advertising guides in adult bookstores, there are many advertisements that boast of having women of different ethnicities, nationalities, and races.

In Anchorage, Alaska, law enforcement officials investigated an advertisement offering Russian women at a local strip club. They uncovered a case in which seven Russian women and girls (two were aged 16 and 17) were forced to strip and perform table dancing in a club.²

The yellow pages telephone book usually has listings for massage parlors and escort services. Individuals and groups trying to find trafficking victims can start by looking at these public advertisements and locating establishments or operations where commercial sex acts are taking place. Strategies can then be formulated for how to follow-up.

Online Forums for Men: There are a number of online forums for men's review of women in prostitution and strip clubs. By reading the men's self reports, likely victims of trafficking can be identified. Because the objective of these sites is for men to exchange information on where to find women for prostitution, they usually give the name of the establishment, the address, and sometimes the telephone number. Although the particular woman described by the man may not be found, these forums should help identify establishments where other victims can be found.

The following are excerpts from men's online descriptions of women they bought in brothels that indicate that the women may be trafficked:

"She is from Argentina. I ... tried to talk to her, but she hardly spoke any English."

"The place was a total dump. ... there were only one or two girls, chubby or skinny"

¹ Women and girls trafficked from Mexico are known to be prostituted by pimps in reed caves constructed in the open fields around San Diego. See: Thomas Larson, "Reina's Story: A Mexican girl forced into prostitution," *San Diego Reader*, 7 August 2003.

² Sheila Toomey, "INS accuses four strippers for cultural excesses," *Anchorage Daily News*, 6 January 2001.

Hispanics who barely spoke English.”

“Korean women ... new immigrants – inexperienced.”

Indications that women are newly arrived and can speak very little English are signs that the women may be trafficked. Also, women’s “lack of experience” or lack of knowledge on how to perform sex acts are indications that the women recently have been thrust into the situation. Men’s reviews of women they bought in prostitution also give hints that women are unwillingly engaging in prostitution. Men usually describe the women’s resistance as a negative performance on the woman’s part, such as “she did things reluctantly,” she was “unenthusiastic,” or she had “an attitude.” These reports can be indications that the woman is being forced, coerced, or in need of assistance.

Vice Units of Municipal or Local Police Departments: The officials who are most likely to come into contact with trafficking victims are police officers in the vice units of police departments. Most victims of trafficking are treated as criminals at the local level. Local law enforcement personnel are usually not able to determine a woman’s true identity or the woman or girl’s true age, and therefore accept the identification (often a driver’s license that isn’t hard to obtain) that is presented. Some members of vice units recognize that women are being victimized in the brothels they raid. They are often aware of how pimps control and exploit women and children, but do not have the mandate or resources to treat them as victims. Individuals or groups interested in identifying trafficking victims should work with sympathetic police officers to educate them about the federal anti-trafficking law, develop screening techniques to identify victims, and provide services to women and children who are arrested.

Hospital Emergency Rooms, Health and Abortion Clinics: Victims of trafficking suffer the same types of injuries as victims of domestic battering and rape. They frequently contract sexually transmitted infections, often multiple times. Victims also become pregnant when men or pimps rape them or refuse to use condoms. Indicators listed in the earlier section of this guide should be used to identify possible victims of trafficking. Health care workers or emergency room personnel should not assume that women or children are voluntarily engaged in prostitution. All patients who are suspected trafficking victims should be interviewed without the presence of anyone who accompanied them to the hospital or clinic. Workers in abortion clinics should be aware that women in prostitution are sometimes forced by pimps to have abortions.

HIV/AIDS Outreach Programs: HIV/AIDS prevention workers frequently come in contact with victims of trafficking. For public health workers prevention of HIV/AIDS and other sexually transmitted infections are the priorities. Aid workers are usually trained to adopt a “non-judgmental” attitude to prostitution and a “harm reduction” approach that prioritizes education and condom distribution over ending trafficking. Consequently, aid workers may overlook evidence of violence and coercion and miss identifying trafficking victims. Activists should work with HIV/AIDS outreach programs to educate them on the harm of trafficking and assist them to set identifying victims of trafficking as a priority in their outreach.

Immigrant/Ethnic Community Groups: Members of immigrant or ethnic communities, particularly men, often know about brothels with women from their country of origin. Frequently, only that community knows this information. In some ethnic communities, the use of “lower class” women in

prostitution is accepted or ignored by the wider community that does not recognize the harm suffered by victims of trafficking. Members of these communities are often reluctant to expose illegal activity because they think it reflects badly on their own ethnic group or community. In addition, traffickers may also be smugglers or businessmen who have assisted members of the community to come to the U.S. This assistance instills loyalty to the traffickers and causes the community to overlook their criminal activity.

In Berkeley, California, a wealthy prominent landlord originally from India was discovered using fraudulent visas, sham marriages and fake identities to bring men, women, and children to the U.S. He brought dalit (the lowest caste in India) girls to the US for his own sexual use. Over a 13-year period, he had assisted many Indians to come to the U.S. and spent money to build schools and public services in his home region in India. Because of the assistance he gave to people wanting to come to the US, his exploitation of people in his businesses and for sexual purposes was ignored or excused; many remained loyal to him.³

Increasingly, ethnic community groups are recognizing the harm of trafficking. Activists and service providers should contact community organizations to find out how they can work together to combat trafficking. Cooperative efforts with ethnic community leaders will assist in identifying victims and decrease the likelihood of backlash or resistance to identifying victims.

Locations with large numbers of single, transient men: Pimps traffic victims to locations where there are large number of men who are single and/or transient. In these circumstances men are more likely buy a woman or girl because they think they are anonymous and less likely to be caught. Examples of these locations are: military bases, truck stops, migrant or seasonal worker camps, convention centers, sports events, and tourist destinations.

Community Informants: Knowledge about where to find women and children for commercial sex acts is usually an open secret in most communities and cities. Although this information is rarely discussed in public, especially in front of women, many people in service jobs who come in contact with the public have information about where to find women, children, particular populations, and special types of sex acts. Taxi drivers, bar tenders, and doormen frequently gather this type of information and disperse it when asked by men in search of prostitution. They can be asked for information about specific national, racial, or ethnic groups that may lead to trafficking victims. Men who buy women and children in prostitution will also know where there are likely victims.

Traffickers Involvement in Other Criminal Activity: Traffickers and those involved in the recruitment, harboring, transportation, provision of victims are frequently involved in other criminal activity such as drug trafficking, immigration fraud, racketeering, tax evasion, bank fraud, money laundering, illegal gambling, auto theft, gun dealing, robbery, child pornography and obscenity trafficking, extortion and assault. Any illegal activity in or related to the sex industry should trigger a search for trafficking victims in associated establishments.

Who Should Report Suspected Cases of Trafficking

There are a number of people who may come in contact with victims of trafficking. Anyone can report suspected cases of trafficking, and some people are mandated by law to report abuse. If the

³ Anita Chabria, "His Own Private Berkeley," <http://www.lats.com>, November 25, 2001.

victim is a child (under the age of 18), each State in the U.S. mandates that certain people report suspected cases of abuse or neglect: **law enforcement officers, health care workers, social workers, mental health professionals, and school personnel**. Some States also mandate **commercial film or photograph processors** and **substance abuse counselors** to report abuse and neglect. Four States--Alaska, Arkansas, Connecticut, and South Dakota--include **domestic violence service providers** on the list of mandated reporters. Approximately eighteen States require **all citizens** to report suspected abuse. For specific information, see *Statutes At a Glance* <http://www.calib.com/nccanch/pubs/sag/manda.pdf>

Suspected cases of trafficking can be reported to the toll-free Trafficking in Persons and Worker Exploitation Task Force hot line at (888) 428-7581 (voice and TTY) or the local U.S. Attorney's office. At this point, most local and state law enforcement officials are unaware of the new law or even the concept of trafficking in persons. Traditionally, they have been taught that all parties involved in prostitution are criminals and should be treated accordingly. Also, most immigration officers only see illegal foreign nationals as illegal immigrants. This lack of awareness is starting to change, but still most victims of trafficking go undetected and are deported after they come to the attention of police or immigration. Advocates for victims of trafficking are encouraged to educate all authorities and professionals they deal with about trafficking.

Services for Victims of Trafficking

All persons who have been identified as possible victims of trafficking are entitled to the following: **emergency shelter and food, emergency medical assistance, translation services, and counseling and legal assistance**. Victims of severe forms of trafficking are entitled to additional services and a temporary residence visa, but they must go through an evaluation and application process to determine their eligibility. Victims will need assistance through this process and trained anti-trafficking advocates will be able to guide the victim through this process. If the victim is certified to be a victim of a severe form of trafficking, he or she will be eligible for the same services as a refugee or victim of other federal crimes. Victims may be placed in the federal witness protection program.

For more information on services for victims and the application process for obtaining these services, see "Trafficking in Persons: A Guide for Non-Governmental Organizations," issued by the Civil Rights Division of the U.S. Department of Justice. The Polaris Project web site (<http://www.humantrafficking.com>) has more information and applications.