Human Trafficking

TVPA Overview
American Bar Association
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What Is Human Trafficking?

- A form of modern-day slavery
- Involves the exploitation of persons for commercial sex or forced labor by force, fraud or coercion
- Victims may be illegal immigrants, legal immigrants, or U.S. citizens (homeless, substance-addicted persons, or teenage runaways)
- Often involves crossing an international border but does not require moving a victim
- Rather involves the buying, selling or exploitation of people
Human Trafficking

Not a New Problem – But Bigger Than Ever

13th Amendment to the Constitution (1865)
“…neither slavery nor involuntary servitude (except as punishment for a duly convicted crime) shall exist within the United States or any place subject to their jurisdiction…”

Today, trafficking of humans is believed to occur in every continent and it’s believed that more people are enslaved now than in any other time in human history, (Bales, 1999).
**Human Trafficking**

**Smuggling Versus Human Trafficking**

- **Smuggling**
  - An offense against the integrity of the U.S. borders; requires illegal crossing of the U.S. border
  - The person being smuggled is cooperating; they are violating the law
  - Smugglers typically make their money once the alien has reached the U.S. border; their “business relationship” with the immigrant then terminates
  - Can become trafficking once a person is forced to provide labor or services
  - Smuggling is transportation based

- **Trafficking**
  - An offense against a person
  - Trafficked persons are victims
  - Does not require movement
  - Involves compelled labor or service through force, fraud, coercion
  - Traffickers may use smuggling debt as a means to control victims
  - Traffickers maintain ongoing control over victims, even after the border is crossed
  - Trafficking is exploitation based
Supply of Victims Is Seemingly Endless

- Global economy provides constant source of victims
- Victims are dispensable commodities and are often seen by traffickers as readily replaceable
- They are typically recruited—not by force—but by the promise of a better life
- Allure of the “American Dream” can make victims vulnerable to traffickers
HTRA Mission Statement

The Human Trafficking Rescue Alliance (HTRA) is a collaboration of local, state and federal law enforcement agencies working together with area social service organizations to identify and assist the victims of human trafficking and to effectively identify, apprehend and prosecute those engaged in trafficking offenses.
Human Trafficking

Trafficking Victims Protection Act of 2000 (TVPA)

- Defines severe forms of human trafficking in persons as
  - 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
  - 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
Human Trafficking

Trafficking Victims Protection Act of 2000 (TVPA) (continued)

- Covers acts involved in recruitment, abduction, transport, harboring, transfer, sale, or receipt of persons
  - Through force, fraud, or coercion
  - For forced labor or commercial sex acts against a person’s will
- Strengthens sentencing guidelines
  - Increase in sentence ranges
  - Adds life imprisonment for death, kidnapping, or aggravated sexual abuse of a victim
The TVPA Is a Victim-Centered Law

- Trafficking victims, even if they are in the U.S. illegally, are to be viewed as victims of crime
- Programs are created to assist victims, including immigration remedies
- Benefits afforded refugees are given to human trafficking victims who are willing to assist in the prosecution of their traffickers
Human Trafficking


• Providing or obtaining the labor or services of a person through
  – Threats of serious harm to that person or another
  – Any scheme, plan, or pattern that places the victim in fear of serious harm, or
  – The abuse or threatened abuse of the legal process
Sex Trafficking – 18 U.S.C. §1591

• “The recruitment, harboring, transportation, provision, or obtaining of a person through force, fraud, or coercion, for the purpose of a commercial sex act, or in which the person induced to perform such an act is under 18 years of age”
  – “Commercial sex act” means any sex act on account of which anything of value is given to or received by any person.
  – When a minor (under 18) is trafficked for a commercial sex act, there is no need to prove force, fraud, or coercion

- Holding an actual or purported identity document of a victim in the course of committing any trafficking crime
  - Documents held by the trafficker need not be genuine, and even holding a victim’s fraudulent passport is punishable
Other Applicable Laws

- Often traffickers violate other state/federal laws such as:
  - Kidnapping, Unlawful Restraint
  - Murder
  - Hostage Taking
  - Assault Offenses
  - Aggravated Sexual Assault
  - Alien Smuggling
  - Sexual Assault
  - Visa Fraud
  - Money Laundering
  - Extortion
  - Solicitation of Prostitution (if under 14 is a 2nd Degree Felony, 3rd Degree for 14-17)
  - Organized Criminal Activity
Federal Forfeiture

- Property bought using proceeds of the criminal activity
- Property used to facilitate the criminal activity
- Possibility of equitable sharing of forfeiture proceeds with state and local law enforcement partners
To Report a Human Trafficking Tip

National Human Trafficking Resource Center Hotline

1-888-3737-888