

Human Trafficking in Minnesota

LABOR AND SEX TRAFFICKING



HUMAN TRAFFICKING IN MINNESOTA

Human trafficking is a human rights violation that involves the exploitation of a person for labor or sex. Human trafficking is both a global and local problem. Minnesota has become a leader in the nation in its response to sex trafficking and is building its response to labor trafficking. Labor and sex trafficking often overlap with each other as well as other forms of victimization. By expanding our awareness of the various forms of trafficking and related exploitation, we can better protect victims and hold offenders accountable.

WHAT IS HUMAN TRAFFICKING?

Human trafficking occurs when one person obtains or holds another person in compelled service. Human trafficking includes both labor and sex trafficking. Labor and sex trafficking often overlap as victims, especially women and girls, who are trafficked for labor are also vulnerable to sexual exploitation. The typical overlap of victimization that occurs between forms of human trafficking demands a broader approach from identification through response.

WHO ARE THE VICTIMS?

Anyone can become a trafficking victim. The risk factors for sex trafficking and the risk factors for labor trafficking can be unique, but often they are very similar. Victims/survivors come from every background, race, gender, sexual orientation, and economic status. Traffickers target individuals who, for any reason, are vulnerable and potentially more susceptible to the trafficker's manipulations and control. Factors that increase a victim's vulnerability include but are not limited to:

- Poverty or lack of resources
- Young age
- Racial or ethnic marginalization
- History of abuse or exploitation
- Disability
- Isolation
- Chemical dependency
- Lack of support systems / unstable family environment
- Lack of immigration status / different cultural background
- Fleeing a crisis situation
- LGBTQ identity
- Lack of strong labor protections
- Homelessness or status as a runaway
- Criminal record or juvenile delinquency

Many risk factors related to human trafficking overlap, meaning an individual experiences more than one of the circumstances that is considered a risk factor. For example, we know that poverty and race are related problems in many of our communities. We also know that juveniles are extremely vulnerable to being trafficked, especially homeless and runaway youth. Also, while U.S. citizens can be trafficked for labor and sex, foreigners who are escaping violence or poverty suffer unique vulnerabilities, such as unfamiliarity with language and lack of support systems.

WHERE DOES TRAFFICKING OCCUR?

Human trafficking occurs in cities and communities of all sizes, and in a variety of industries, mediums, and places. Examples include:

- Domestic service
- Commercial sex industry
- Factories
- Peddling / door to door sales
- Agriculture / farms
- Criminal activity
- Restaurant / bars
- Construction
- Hotel / motel housekeeping
- Nail salons
- Carnivals
- Food processing / canneries / agricultural facilities
- Social media
- Schools
- Shelters
- Libraries
- Bus stops
- Group homes
- Border crossings

And other places where traffickers intentionally seek out vulnerable individuals.

POLY-VICTIMIZATION & HUMAN TRAFFICKING

Human trafficking victims/survivors are often subjected to multiple forms of victimization and exploitation. Poly-victimization describes one person's experience of multiple victimizations of different kinds. This exposure to multiple threats and forms of exploitation makes a person more vulnerable to being trafficked in the first place, more likely to suffer additional forms of violence, and less able to access help. Forms of poly-victimization may include:

- Labor / sex trafficking
- Domestic violence
- Sexual assault
- Forced marriage
- Assault
- Substance-induced offenses
- Identity theft
- Compelled criminalization

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LABOR TRAFFICKING

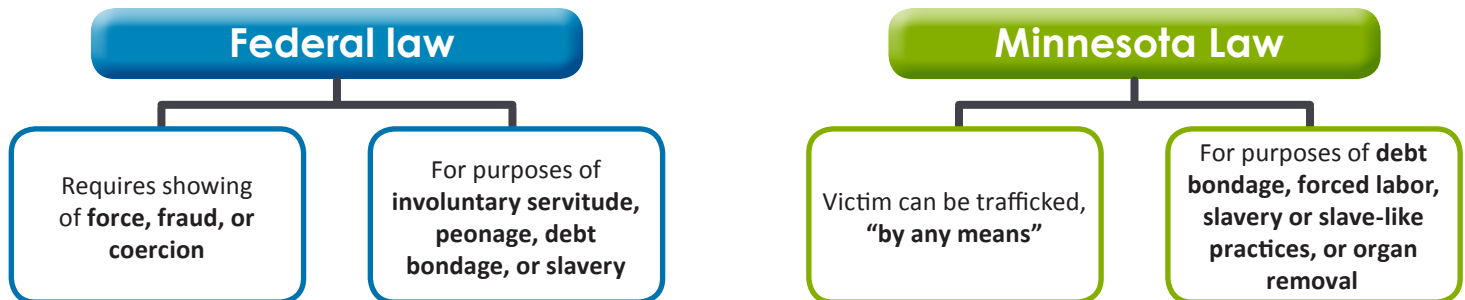


LABOR TRAFFICKING

WHAT IS LABOR TRAFFICKING?

Under federal law, labor trafficking is the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purposes of subjection to involuntary servitude, peonage, debt bondage, or slavery. (22 USC § 7102(9)).

In Minnesota, labor trafficking is the recruitment, transportation, transfer, harboring, enticement, provision, obtaining, or receipt of a person by any means, for the purpose of: debt bondage, forced labor or services, slavery or slave-like practices, or organ removal. (Minn. Stat. 609.281).



MINNESOTA'S RESPONSE TO LABOR TRAFFICKING

Minnesota passed its labor trafficking law in 2005. Minnesota's response to labor trafficking is growing. Presently, a coordinated community approach and assessment tools are being developed through a multi-agency working group. Findings from a report by The Advocates for Human Rights indicate that in Minnesota, the most common type of labor trafficking is the recruitment of women from foreign countries to perform housekeeping and child care in family homes. Furthermore, there is significant overlap between labor trafficking and labor exploitation among both local and foreign victims. More than 60% of labor trafficking cases involved known labor law violations. Top labor law violations include wage theft, unsafe working conditions, and sexual harassment.

SCREENING FOR LABOR TRAFFICKING

Due to the overlap between labor trafficking and labor exploitation, all victims of labor exploitation (unpaid wages, unsafe conditions, harassment) should be screened for labor trafficking and, if they answer yes to the below questions, connect them to the National Human Trafficking Resource Center at **1-888-3737-888**. Victims can get help without fearing arrest or deportation, regardless of immigration status.



- Is someone holding your personal documents for you? (I.D., passport, or papers)
- Does someone else control the decisions you make about your life? (Where you go; where you live; who you talk to; when you see your family; whether you take breaks at work; whether you work when you are sick or injured; or how you spend your money)
- Do you owe money to your boss, the person who hired you, or the person who helped you find the job? (Money is taken directly from your pay to cover a debt or for travel; the amount you owe increases; or the amount you owe does not decrease)
- Are you receiving all your pay? (Not paid at all; not paid on time; not paid as promised; or paid in housing, food, or other things)
- Are you afraid something bad will happen to you or someone else if you leave your work?

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SEX TRAFFICKING



SEX TRAFFICKING

WHAT IS SEX TRAFFICKING?

Sex trafficking involves the sale of humans for sex. Minnesota and federal law define sex trafficking differently. Federal law defines sex trafficking as the recruitment, harboring, transportation, provision, or obtaining of a person for the purposes of a commercial sex act, in which the commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age. (22 USC § 7102 (9-10)). In Minnesota, sex trafficking occurs when one person profits off the commercial sexual exploitation of another. Specifically, Minnesota's law defines sex trafficking as "receiving, recruiting, enticing, harboring, providing, or obtaining by any means an individual to aid in the prostitution of the individual or receiving profit or anything of value, knowing or having reason to know it is derived from sex trafficking," Minn Stat. 609.321 subd. 7a.

Federal law

Requires showing of **force, fraud, or coercion** if victim is over 18.

Trafficked for purposes of **commercial sex act**

Minnesota Law

Victim can be trafficked **"by any means"** regardless of age.

Trafficked for purposes of **prostitution**

PIMPING IS SEX TRAFFICKING

If a person being prostituted has a pimp, madam, or third party who receives profits from their prostitution, that is sex trafficking in Minnesota – regardless of whether they are 12 or 21.

MINNESOTA'S SAFE HARBOR LAW

- Excludes sexually exploited youth under 18 from the definition of "delinquent child";
- Adds the definition of sexually exploited youth to Minnesota's child protection codes;
- Increases the penalties against commercial sex abusers or purchasers of trafficking victims;
- Directs the Commissioner of Public Safety to devise a victim-centered, statewide response for sexually exploited youth and youth at risk of sexual exploitation;
- Directs implementation of a statewide service model called **No Wrong Door**, ensuring that victims are identified and services are available throughout Minnesota. This includes regional navigators, shelter and housing, protocol development, and training.

MINNESOTA'S RESPONSE TO SEX TRAFFICKING

Minnesota first passed its sex trafficking law in 2005. It is a progressive law that allows us to recognize more situations as trafficking. The sex trafficking law was amended in 2009 to increase penalties against traffickers. Part of Minnesota's response to sex trafficking involved changing how the system responded to juvenile victims. Minnesota's Safe Harbor law was originally passed in 2011, amended in 2013, and went into effect in 2014.

The Safe Harbor law clearly identifies that youth who engage in prostitution are no longer criminals, but rather victims of sexual exploitation and in need of services. The No Wrong Door Model to implement Safe Harbors is a comprehensive, multidisciplinary, and multi-state agency approach to responding to commercially sexually exploited minors.

SCREENING FOR SEX TRAFFICKING

Answers to the following questions might indicate an individual is a victim of sex trafficking:

- Is the person in a relationship where sometimes they have to do things they don't feel comfortable doing?
- Could the person leave the relationship if they wanted to?
- Is the person having sex for money or anything of value – clothing, food, housing?
- Does someone, other than a dependent, take all or some of the money the person gets from having sex?



UNDERSTANDING THE MINDSET OF THE TRAFFICKING SURVIVOR

Trafficking survivors experience severe trauma. Traffickers use strategic methods to maintain control over their victims. While often there are visible signs of brutal control tactics, many tactics are not visible and may be less obvious to the outside observer. This trauma along with other circumstances creates real barriers to getting out of the trafficking situation. Barriers to escape for labor and sex trafficking victims may be unique but are often similar. Such barriers can include:

- Trauma bonding with trafficker
- Extreme fear of trafficker / employer
- Distrust of authority

BARRIERS TO LEAVING - LABOR TRAFFICKING

- Not knowing their rights or what to do when they are violated
- Employer or trafficker threatens deportation or physical harm
- Not wanting to lose the “job” or are afraid
- Not knowing where to go or what agency can help / not having the time to wait for the case to settle
- Not holding own money or paid only in room and board
- No permanent address or phone number
- Fear of family back home suffering if trafficking reported

- Unfamiliar with location or language
- Lack of identifying documents
- Employer-controlled housing

NOTE: Asking “*why don’t victims just leave*” focuses on the victim rather than questioning: Why is someone allowed to sell him or her? And, Why is someone allowed to buy him or her? We need to ask more questions to challenge the demand and the traffickers. A victim-centered and trauma-focused approach will help you identify trauma barriers, as well as internal or external factors trafficking survivors often face.

BARRIERS TO LEAVING - SEX TRAFFICKING

- Ongoing actual or threat of abuse / torture / rape
- Trafficker makes an “example” out of another victim
- Trafficker causes and/or exploits a pregnancy
- Trafficker causes and/or exploits a chemical addiction
- Pressure and guilt by trafficker playing the “friendship/boyfriend” card
- Isolation and exploitation of feelings of worthlessness

- Threats to family or children
- Blackmail; pornography
- Trafficker withholds money or identity documents
- Threat of prosecution or deportation

MEETING THE NEEDS OF TRAFFICKING SURVIVORS

Trafficking survivors need comprehensive services. Some of these include:

- Physical needs: clothing, personal items, housing
- Emotional and psychological support, counseling, and acceptance
- Legal status: immigration, expungement of record, identity
- Legal services to regain control over life choices: children, marriage, housing, employment, finances
- Safety and basic survival: food, water, medical
- Transportation
- Advocacy in criminal justice system
- Education and skills training
- Employment

WHAT CAN YOU DO TO HELP? Form a Collaborative Response!

1. Know the issues
2. Build a response team
3. Prioritize victim safety
4. Educate, serve, and represent

RESOURCES

- The Advocates for Human Rights: theadvocatesforhumanrights.org
- Minnesota Human Trafficking Task Force: mnhttf.org
- Minnesota Safe Harbor Regional Navigators: health.state.mn.us/injury/topic/safeharbor/navigators.html
- The National Human Trafficking Resource Center/Polaris Project: traffickingresourcecenter.org/