Stop Trafficking! Anti-Human Trafficking Newsletter Awareness

September 2018 Vol. 16 No. 09

This issue highlights several reports that describe the complexities of human trafficking and the remedies needed.



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Advocates Report



INHERENT DIGNITY

AN ADVOCACY GUIDEBOOK

Report from Shared Hope International

Seeking Justice:

Legal Approaches to Eliminate Criminal Liability for Juvenile Sex Trafficking Victims'



Human Trafficking on Temporary Work Visas A DATA ANALYSIS 2015 - 2017 **Reports from Polaris** 'Hidden in Plain Sight: How

Corporate Secrecy Facilitates Human Trafficking in Illicit Massaae Parlors'

'Labor Trafficking in the U.S.: A Closer Look at Temporary Work Visas'

Report from Mercy Global Action at the U.N.

'Inherent Dignity: An Advocacy Guidebook'



Awareness

Exploitation: A Theme through Life

"I am Cathy. I was born in the Philippines 20 years ago. I lived with my paternal grandmother as a young child. I was told that my mother had been a prostitute and had met my father in a bar. She became pregnant with twin girls and we were adopted out to separate places. Luckily for me I was adopted in the local area so I was able to be reunited with my grandmother and father. I heard years later that my twin sister had died.

"I met my mother only once before she died. I was 10 at that time and she was selling vegetables in the market and a neighbor pointed her out to me. My father was worried that my mother would make my life a mess if we stayed together and so I stayed living with my Lola [grandmother].

"When I was 13 I attended my mother's funeral. I was told that she was pregnant at the time and had been beaten up by her live-in partner. She had many bruises all over her body. It was very scary to see her that way. I was not really distressed at the actual time of her death because I did not really know her. However, I regretted that I did not have much time to be with her. Although I was loved by my grandmother, it is not the same as the love of a mother that I really wanted. If I could turn back time, I would love to have my mother, even for one month, so that I could feel her love.

"I attended school up until my second year of high school. My grandmother was the one who bore the cost of my schooling, though sometimes my father would give her money. My aunties really resented me because of the care my grandmother gave me. They were cruel to me and teased me and told me I was going to end up a prostitute like my mother. This made me sad, but I loved school and I was especially proud when I won 'Miss Filipina' in my school. My aunties didn't believe that I could do it, but I joined the parade and I won because of a poem I wrote. I couldn't imagine that I would ever win. It was a very happy moment for me.

"When I was a teenager, I left school because I had told my grandma that I would help earn money. I started work as a waitress. It was during this time that I had an affair with a married man. His wife was out to get me so I needed to leave that place. An acquaintance of mine asked me if I wanted to work in Cebu. I told him that it was so far away and that I was only 16, but he arranged for two other friends of mine who were also minors to come to Cebu with me. He told us we would earn good money as waitresses, but when we arrived in Cebu we were transported in a van to a club.

"When we entered the club it was big and dark, but I knew it was a club because there were lights flickering and plenty of girls with heavy make-up. I was nervous at that moment because I knew that this is what they wanted me to do also. I didn't feel good about it. I had to wear heavy makeup and put on shorts which were very transparent, my underwear could be seen, and I also had to wear boots. We were given numbers to wear so that we could be

identified by the customers. We were called one after the other to dance on the stage. My heart was pumping very fast and I was perspiring and I really didn't know what was happening.

For three weeks I was just dancing on the stage and then one night I was told that somebody had "bar fined" me. I did not know what this meant. A more experienced woman explained that a man had bought me. She loaned me her cell phone and told me to call her when I got to the hotel. When I got there I rang her and she told me to take a bath and then to lie down on the bed and so I followed her instructions. Later she texted me and told me if I was done I should take a bath and return to the club.

"I was so ashamed, but I could not escape my situation. I had more customers after that. Some gave me big tips and some guys were nice to me. I was cautious though because some of the more experienced women told me that foreigners were more inclined to beat their customers. I was always on guard. My customers were generally Korean, Japanese and American. I never went with a Filipino because I was too ashamed. I gave all my earnings to the two women who were my managers; this included any tips that were given to me. They said that I had plenty of debts. My debts included payment for living in the apartment, my food, clothing, and make up. I could not escape because there were people who watched what we were doing – we called them "watchers."

"I think I was in that bar for two years. A few days before I turned 18 the bar was raided. Our casa, our apartment, was raided early in the morning. We were so shocked because we slept in our bras and undies and when we opened our eyes there were lights from the cameras shining in our eyes. We were told to get dressed. They raided three casas simultaneously. All the casas were operated by the same managers. There were 90 of us, but not all were minors. During the raid I was shocked and afraid. I even hid behind the door because there were

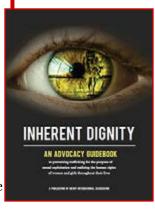
Exploitation cont. pg. 3

Exploitation cont. from pg. 2 plenty of cameras and we were soon on television and in the news.

"Although I had had problems earlier in life, I did not know that another problem awaited me in Cebu. I pitied myself for what happened to me. I felt that I was alone and nobody would support me, that I would just have this lonely life. I interacted with my co-workers but my own true feelings, I did not share. I did not trust anyone. I did not know if I told them my real feelings, whether they would tell my managers and that could have caused conflict. And I was angry with myself. I wondered how I could let all this happen to me. There were times when I was a victim of trafficking that I just went with the flow, like I just accepted it. But I still had hopes and I fought for my future. No one can treat me like a dog. I had a limit to what could be done." (Inherent Dignity, pgs. 27-28)

'Inherent Dignity: An Advocacy Guidebook'

The 'Inherent Dignity Guidebook' highlights the human rights violations and violence that women and girls experience related to human trafficking for the purpose of sexual exploitation. Recognized as both a national and international problem. human trafficking is not only a violation of human dignity, but a crime in which traffickers often escape with impunity.



The Guide challenges the dominant narrative that trafficking is a single isolated event. While this may be the case in some instances, for the most

'Inherent Dignity' examines the relationship between life context and experience and the resulting vulnerability that leads to exploitation. To counter exploitation social systems must address underlying causes of vulnerability and enact remedies, especially for women and children.

Human Rights and a Woman's Experience Prior to Being Trafficked

- The Right of Children to Special Protection
- The Right to be Free from Sexual Exploitation, Abduction, Sale and Trafficking
- The Right to Education
- The Right to an Adequate Standard of Living
- The Right to be Free from Violence
- The Right to be Free from Discrimination Human Rights and a Woman's Experience During Trafficking Exploitation
- The Right to Liberty and Security; The Right to Freedom of Movement
- The Right to Free Choice of Employment;
- The Right to Freedom from Slavery and Forced Labor
- The Right to Just and Favorable Conditions of Work and Fair Remuneration
- The Right to Participation
- The Rights to Reparation, Protection, and Assistance

part marginalization, discrimination, and gendered violence are common preconditions for vulnerability to trafficking. Therefore, trafficking actually occurs as a result of a process of systemic victimization over the life course. Violations of human rights often occur prior to the experience of trafficking and render women and girls more vulnerable to exploitation. In preventing human trafficking it is critical to address these early life conditions. Therefore States must also take responsibility for ensuring the realization of human rights over the life course, enabling women and girls to flourish and develop to their full potential.

Key to any trafficking preventative response is the need to consult with and listen to the experiences of formerly trafficked women. These women have the expertise and experience that no theoretical analysis can provide. Addressing trafficking as a violation of human rights not only requires prosecution of criminals and protection of human rights, but also demands responses that respect and recognize that survivors have an essential and active role to play in the work of prevention.

(Study Cathy's account of her life in the context of the human rights owed her. Exploitation on pages 2-3.)

The Guide seeks to assist advocates and local actors to incorporate a robust human rights-based approach in their work to prevent and end human trafficking. It is a work in progress and further developments and contributions to this work are always encouraged. Ultimately, the goals of this publication are to empower rights-holders, help shape policy, and ensure government accountability.

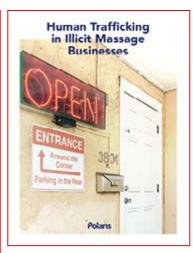


San Francisco **Spa Obscures Ownership**

Shell companies are intended to make it difficult to discover true business ownership. One spa in San Francisco, CA, provides a good example of how confusing a purposely obscured business organization can be.

The phone number and address for the spa, listed on the massage parlor review site *RubMaps*, also belong to a business bearing an individual's name. That business is classified under the Standard Industrial Classification: Religious Organizations. The spa's phone number is also connected to another business in LA with a name advertising sexual products, classified under Miscellaneous Retail Stores, as well at a residential address in LA.

While there is no listed point of contact for the shell company, the address and phone number are that of the original advertised illicit massage business. The business name is also an alias for the name of the owner of the illicit massage business listed on *RubMaps.* Having a shell company registered at the same address as an illicit massage business facilitates the movement of illicitly gained funds, and allows the spa to keep its reported annual income under a figure that would raise red flags. Additionally, any income the shell company earns that exceeds the reported annual income can be passed off as donations and, because the spa is registered under *Religious Organizations*, the business owners can qualify for different tax breaks that normal small businesses do not receive.



Illicit Massage Businesses

Commonly known as "massage parlors," these businesses have been ubiquitous in the American landscape for decades. Today, new research finds an estimated 9,000-plus of these businesses are operating in every state in the country, with annual earnings totaling nearly \$2.5 billion across the industry. These businesses dot the sides of highways and are tucked into suburban strip malls between fast food restaurants and dollar stores and behind darkened windows in storefronts in some of America's biggest cities.

There may be women who choose to sell sex either along with or under the guise of massage therapy, but evidence suggests that behind these bland facades, many of the thousands of women engaging in commercial sex in illicit massage parlors are victims of human trafficking. And, thanks to corporate secrecy, their traffickers cannot be traced.

Victims of massage parlor trafficking are frequently mothers in their mid-30s to late-50s, who recently arrived from China or South Korea. They carry debts or are otherwise under extreme financial pressure. They speak little or no English and have no more than a high school education.

Force is rarely an element of massage parlor trafficking. Instead, victims are

controlled by traffickers through a complex mixture of cultural manipulation, fraud, and coercion. Key among these are telling the women that the police are in the 'pockets' of the traffickers and will simply arrest them, or that the rest of society views these women as worthless, so they have no real options but to stay at the massage parlors and do what the traffickers say.

What is unique about this form of trafficking is that massage parlor traffickers actually go through the process of registering their businesses as if they were legitimate.

The Polaris Report makes several recommendations to correct this.

Recommendations

Requiring transparency around business ownership for law enforcement purposes is key to ending traffickers' ability to hide their networks and cash

Both state and federal laws should:

- Require businesses to register official operators and primary owners (aka as the beneficial owner, partner, etc.), all of whom should be required to provide a valid phone number and address and a unique identifying number from a non-expired U.S. passport, a non-expired U.S. state identification card or driver's license, or a non-expired passport issued by a foreign government.
- · Require that covered entities file annual reports of beneficial owners and provide updates to the government within 60 days of any change in the name or other information previously disclosed about a beneficial owner or in the list of people who are beneficial owners.
- Provide state, local and federal law enforcement with direct access to this information.
- Impose criminal and civil liability for failure to report beneficial ownership information.
- Hold the official operator listed on all registration records legally liable for the business, unless it can be confirmed that the listed operator is a victim, who was compelled to list herself as an operator.

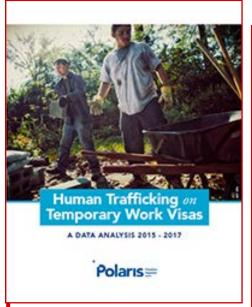


Legal, Yet Trafficked

Ronny Marty had every reason to believe the job he was headed to in the United States was legitimate. Everything was very public. His temporary H2-B work visa appeared to be handled through official embassy channels. In total, he paid recruiters around \$4,000 for organizing and paperwork, plus the plane ticket to get him from his home country, the Dominican Republic, to his job in housekeeping at a Kansas City hotel. While that seems like a great deal of money, it made sense as an investment, based on what he was promised he would earn in his nine months as a legal guest worker in the United States.

It all fell apart almost immediately. First, he noticed that his visa was only valid for three months - he'd have to pay to re-up it, apparently. Then, when Marty and his co-workers landed, they were told the hotel jobs were not available. Instead, they would be offered work at a factory in Alabama - for less money than they were promised. With little or no money in their pockets, and already in debt for the visas and the opportunity, neither Marty nor his colleagues felt like they had much of a choice.

And so they were crammed into a van with literally no room to move - a ride they were later charged for. Once in Alabama, they were put to work for far less than promised, charged outrageous fees for rent – living on top of one another in substandard apartments and of course, charged for visa extensions. Later, Marty learned the landlord was never even sent the rent. In the end, Marty wound up making approximately \$40 a week. When he



complained, his trafficker threatened him and his family, and told him he would be immediately arrested and deported if he quit. If that happened, there would be no way for him to pay back the money he spent on recruitment fees and travel.

Marty was one of the lucky ones. After fleeing his traffickers and traveling the country in search of a job he could legally take, he eventually found help getting back on his feet and a visa for survivors of human trafficking. It took even longer to get past the fear – the threats by his trafficker about what would happen to him and his family if he didn't just stay quiet and work. He was subsequently named to the U.S. Advisory Council on Human Trafficking, and today is a strong advocate for victims. (Visa Report, pg. 11)

Temporary U.S. Visa Classifications

- A-3/G-5 Personal attendants to diplomats and employees of international organizations
- B-1 Business visitors
- F-1 Students
- H-1B Specialty occupations
- H-2A Agricultural workers
- H-2B Temporary non-agricultural
- J-1 Participants of cultural and educational exchange programs

The National Human Trafficking Hotline identified some 800 individual victims of human trafficking from Jan. 1, 2015 - Dec. 31, 2017 who were here and working under temporary work visas. The majority were men and the greatest number worked in agriculture. The most significant source country was Mexico.

Overall, nearly half of the victims of labor trafficking reported to the Hotline during this period, whose immigration status was identified, were foreign nationals holding legal visas. Even this startling figure does not reflect the full scope of trafficking on these visas, as trafficking overall is a substantially underreported crime.

Clearly, the temporary work visa system is badly broken. The dysfunction is due in part to the patchwork nature of regulation and a lack of transparency and accountability. These gaps between systems are where human traffickers operate most effectively.

Closing the gaps alone will not protect temporary workers because one of the most powerful weapons traffickers use to control victims is the threat of deportation. The vast majority of these temporary visas are "tied," to the employer. If the worker leaves the job, he or she can immediately be deported.

Despite a ban on charging workers for participating in the visa program, workers often are asked to pay entry fees to attend job fairs and to fund their own travel to the U.S. Many borrowed a great deal of money to cover these costs. Once here, there is no option but to stay and do what is necessary to pay off their debt.



Advocacy

'Seeking Justice: Legal approaches to eliminate criminal liability for child sex trafficking victims'

This comprehensive resource from *Shared Hope International* is meant to highlight the various statutory approaches states have taken to eliminate a minor's criminal liability for prostitution and other offenses related to their victimization. It also examines the importance of incorporating a trauma-informed service response.

Laws that Include a Service Response

A lesson learned from implementation of non-criminalization laws is that an effective, comprehensive response outside of the juvenile justice system requires a long-term commitment to dedicating appropriate resources, personnel, and efforts needed to deliver holistic services and care. States that have successfully developed a statewide, survivor-centered service response share a common tactic. Contrary to shifting a state's entire response through a single piece of legislation or policy change, success has been attained through years of advocacy, collaboration, evaluation, and active program enhancement.

In 2016, Florida became the first state to achieve a perfect score on the "Protective Provisions" section of the Protected Innocence Challenge Legislative Framework. This success reflected years of multi-agency collaboration, including the creation of a Statewide Human Trafficking Council, the enactment of three noteworthy bills, and the development of sustainable funding streams. FL's approach proved successful; following six years of continued advocacy, monitoring,



and evaluation, FL had developed and implemented a robust response that: (1) removed criminal liability for all minors under the prostitution law; (2)

created a specialized service response available to all commercially sexually exploited children (CSEC) through the *Department of Children and Families*; (3) developed a screening tool to assess all system-involved youth; and (4) designed and made available specialized placement options for commercially sexually exploited youth.

A similar approach was also successfully implemented in Minnesota. Commencing in 2011, MN embarked on a five-year journey of designing, legislating, and implementing their "Safe Harbor for Sexually Exploited *Youth,*" a comprehensive statewide service model to holistically address CSEC. Within that five-year period, MN stakeholders, under the direction of the Commissioner of Public Safety, ultimately removed criminal liability for minors under the prostitution law, created the "No Wrong Door" model, and became the first state to expand services to CSEC youth under the age of 25. However, such success was achieved incrementally. In 2011, MN lawmakers passed legislation that initially (1) removed criminal liability for CSEC children under 16; (2) created a mandatory diversion program for older minors; and (3) tasked the Commissioner of Public Safety to create a statewide service response model.

One of the most notable features of MN's approach was the delayed implementation of the non-criminalization provisions. To ensure that the relevant state agencies were prepared to deliver

a trauma-informed, individualized response to exploited youth, the 2011 bill extended the effective date of the non-criminalization provisions to August 2014. During the intervening time, stakeholders returned to the legislature to address outstanding gaps and obstacles to appropriately serving all CSEC youth, including expanding the state's non-criminalization provision to include 16 and 17 year olds since older minors were not originally protected under the 2011 bill. Advocates were also able to advance legislation with dedicated funds that established the position of Statewide Safe Harbor Coordinator in the Department of Health and a grant program that funds Regional Navigators, who coordinate access to specialized services and trauma-informed approaches for CSEC victims in their assigned regions.

Following the full implementation of the non-criminalization provisions in 2014, further legislation expanded the provision of "Safe Harbor" services to youth age 24 years and younger. MN advocates have also secured annual appropriations, totaling \$13 million, to continue funding state agencies and Regional Navigators to ensure full implementation and continual evaluation of the "No Wrong Door" model.

Meanwhile, states such as Florida and California took a scaffolded approach that involved several years of legislative and non-legislative steps to ensure that comprehensive, funded services would be available to trafficked youth prior to removing criminal liability for CSEC victims. Like FL, CA passed legislation in 2016 to prohibit the prosecution of minors for prostitution and prostitution-related offenses, after advocates had laid important groundwork in the state over several years prior. In 2013, the state's Child Welfare Council created a multi-disciplinary Commercially Sexually Exploited Children (CSEC) Action Team to identify promising practices, drive state policy and capacity to serve exploited children, and provide guidance to counties and community partners, including sample protocols

'Service' Laws cont. pg. 8



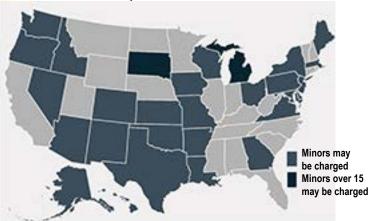
Advocacy

Advocacy for Minors

Shared Hope International reports that, as of 2018, 27 states in the U.S. still criminalize children for being prostituted.



2018 Responses Nationwide



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Eliminates criminal liability through separate law								х		х		х				х	х							
Excludes older minors									х										х					
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Action

'Service' Laws cont. from pg. 6

and memoranda of understanding for meeting state and federal requirements. In addition the *CSEC Action Team* convened the *CSEC Advisory Board*, an advisory body comprised of adult survivors of commercial sexual exploitation to ensure that survivors' voices help to inform policy and advocacy across the state. In 2014, at the urging of advocates, the CA legislature passed legislation making clear that commercial sexual exploitation of children is child abuse, and that

ing clear that commercial sexual exploitation of children is child abuse, and that exploited and at-risk children may be served through the child welfare system as victims of abuse, rather than the juvenile justice system.

That law also created the statewide *CSEC Program*, which provides a dedicated funding stream of nearly \$20 million annually to support counties in developing and implementing protocols to prevent exploitation, and identify and serve exploited and at-risk children. In 2015, CA codified the *Federal Preventing Sex Trafficking and Strengthening Families Act* in a law requiring counties to proactively identify, report, document and serve CSEC, as well as take steps to locate runaway and missing children and conduct debriefs with recovered children to inform future services and placements. Developing and refining a statewide service response over the course of several years, and supporting counties to build their capacity to serve youth through multidisciplinary collaborations prepared CA to shift its response to child sex trafficking away from the juvenile justice system and towards a more trauma-informed, strengths-based, and youth-centered approach through child welfare and other child serving agencies.

Just Response Webinar Series Take Their Policy Training

Go to: https://sharedhope.org/what-we-do/bring-justice/non-crim/

Do You Understand Temporary U.S. Visa Legalities and Flaws?

Read the *Polaris Report* on 'Visas' to learn more about how people are duped into coming for work in the U.S. on legal visas only to become victims of exploitation by employers, who turn out to be U.S. traffickers.

Do You Understand How U.S. Businesses Can Appear Legal, Yet Traffick People for Profit?

Read the *Polaris Report* on '*Massage Parlors*' to learn more about how employers can actually hide their business practices that prevent them from being recognized as U.S. traffickers.

Toll-Free 24/7 Hotline National Human Trafficking Resource Center 1.888.3737.888 Text "BeFree" (233733)

Informative Web Sites: (Each contains information

(Each contains information related to human trafficking)

Stop Enabling Sex Traffickers Act (SESTA)

http://thehill.com/policy/ technology/379553-senate-passescontroversial-online-sex-trafficking-bill

Polaris Reports Visas

https://polarisproject.org/ blog/2018/06/05/new-reportspotlights-how-temporary-workvisas-facilitate-us-labor-trafficking

Massage Parlors

http://polarisproject.org/sites/default/ files/Polaris - Beneficial Ownership -2018.pdf

Inherent Dignity

http://www.mercyworld.org/ _uploads/_cknw/files/2018/ Trafficking%20Guide%20WEB.pdf

Seeking Justice

https://sharedhope.org/ wp-content/uploads/2018/08/ ANALYSIS-OF-STATUTORY-APPROACHES_ver7.pdf

Why Must Human Rights Be Protected?

Read the *Mercy Global Action Guide-book* to learn more about why work for human rights is essential in the fight against human trafficking.

Stop Trafficking! is dedicated exclusively to fostering an exchange of information among USCSAHT members, organizations and concerned persons, collaborating to eliminate all forms of human trafficking.

To access back issues, go to: http://www.stopenslavement.org/ past-issues-chronological.html To contribute information, please contact: jeansds@stopenslavement.org Editing and Layout: Jean Schafer, SDS