



LegisBrief

A QUICK LOOK INTO IMPORTANT ISSUES OF THE DAY

APRIL 2018 | VOL. 26, NO. 14

Human Trafficking Defined

The Administration for Children and Families refers to an international definition of human trafficking, which includes the following elements:

■ The Action (What is done)

Recruitment, transportation, transfer, harboring or receipt of persons

■ The Means (How it is done)

Threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or giving payments or benefits to a person in control of the victim

■ The Purpose (Why it is done)

For the purpose of exploitation, which includes exploiting the prostitution of others, sexual exploitation, forced labor, slavery or similar practices, and the removal of organs.

Source: Office on Trafficking in Persons, an Office of the Administration for Children and Families, 2018

Human Trafficking and the Health Care System

BY LISA WAUGH

Human trafficking is a public health concern that affects individuals, families and entire communities across generations, according to the [Administration for Children and Families](#), part of the U.S. Department of Health and Human Services. There is little reliable data on the numbers of people affected by trafficking, though the advocacy organization [Polaris reports](#) that the total number nationally reaches into the hundreds of thousands when estimates of both adults and minors are combined.

The federal [Trafficking Victims Protection Act \(TVPA\) of 2000](#) considers sex trafficking and labor trafficking “severe forms of trafficking in persons,” defined as follows:

- **Sex trafficking:** A commercial sex act induced by force, fraud or coercion, or in which the person induced to perform such an act has not attained 18 years of age.
- **Labor trafficking:** 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.

According to the [American Public Health Association](#),

the health system plays an important role in identifying and treating victims of human trafficking. Estimates show that approximately 80 percent of human trafficking victims are women, and health care providers are often the first professionals to have contact with trafficked women and girls. [One study](#) found that close to 50 percent of trafficked individuals saw a health care professional during their exploitation.

From the immediate physical and emotional health care concerns to the longer-term mental health and substance use issues, trafficking survivors often need a complex array of health care services. [Health issues](#) can include sexually transmitted infections, physical injuries, burns, anxiety, post-traumatic stress disorder, suicidal ideation, substance abuse, HIV/AIDS, depression, sexual violence, malnutrition, skin conditions, gastrointestinal disorders, dental injuries and diseases, and tuberculosis. Mental health services are particularly important, as virtually all survivors have experienced some form of trauma.

Because health care providers are in a unique position to identify victims and provide them with physical and psychological care—while in captivity and after release—policymakers are looking at how the health care system not only can serve victims, but help solve the trafficking problem.

Did You Know?

- Human trafficking in the United States is believed to be [on the rise](#), although comprehensive data is hard to come by.
- [At least 22 states](#) have established funds to enhance their efforts to eradicate human trafficking.
- Some states are working to educate the public about the [National Human Trafficking Hotline](#), 1-888-373-7888 (TTY: 711).



State Action

States support many [different types of health services](#) and programs for people who are attempting to exit a trafficking situation. Health services include medical, dental and sexual health services, with a focus on mental health services. The wide array of additional services that support human trafficking survivors ranges from short-term necessities like clothing, food and emergency medical services to longer-term needs like housing and health care. After identification and initial intervention, experts believe the most essential feature of successful health programming is to coordinate care across appropriate service areas.

A majority of states have created a working group, task force, advisory group or other initiative to promote and encourage cooperation and coordination among health systems, law enforcement, justice departments and child welfare agencies, as well as other stakeholders. Some states are modeling their efforts after the federal [Trafficking Victims Protection Act of 2000](#), which provides guidance regarding the prevention, protection and prosecution (3P) approach to addressing human trafficking. The concept has been expanded to include partnership, recognizing the need for multiple agencies to coordinate efforts to properly address the issue. NCSL is tracking [states' coordination efforts](#).

[Twenty-two states](#) have established statutory special funds for health care and support services for trafficking survivors, as well as for training professionals who assist survivors. The statutes vary from state to state. [Tennessee](#), for example, dedicated \$550,000 to comprehensive supportive services for victims of human trafficking recovered

in the state. Services include safe housing, medical care, mental health and substance abuse care, transportation, job training and other needs. Other states—such as [Georgia](#), [Louisiana](#) and [Oregon](#)—have funds that apply only to child survivors of sex trafficking. [Arizona](#), [California](#) and [Hawaii](#) are among states that specify that their funds are available to both child and adult survivors of sex and labor trafficking.

Currently, 29 states and the District of Columbia have passed laws that promote access to information about human trafficking through the [National Human Trafficking Hotline](#). The hotline is a telephone and web service that the public can call to report suspected cases of trafficking, survivors can call for help, or interested persons can contact for information. Laws require or encourage dissemination of information about the hotline, charge state entities with creating educational information for awareness about the hotline, and mandate that certain business and facilities post information related to the hotline.

Federal Action

The [Stop, Observe, Ask and Respond \(SOAR\) to Health and Wellness Act](#) passed the U.S. House of Representatives in February. It proposes providing health care professionals with training on how to identify and appropriately treat human trafficking victims.

The [Blue Campaign](#) from the U.S. Department of Homeland Security has developed new products for medical front-line responders in law enforcement at state, local and tribal levels. These include assessment tools and protocols for managing care for those affected by trafficking.

Additional Resources

- [NCSL webpage Human Trafficking State Laws](#)
- [American Hospital Association, Dispelling Myths about Human Trafficking for Health Care Providers](#)
- [Journal of Midwifery & Women's Health, Human Trafficking: The Role of the Health Care Provider](#)
- [HEAL Trafficking: Health, Education, Advocacy, Linkage](#)

NCSL Contact

Lisa Waugh
303-856-1502

Anne Teigen
303-856-1652

Meghan McCann
303-856-1404