

PROGRESS AND THE ROAD AHEAD: THE LEADING ROLE TO BE PLAYED BY STATE LEGISLATORS IN DEFEATING MODERN DAY SLAVERY

Speech written and presented to the 2012 Winter meeting of the National Conference of State Legislatures
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Hello, ladies and gentlemen, I am so thrilled to be able to speak before members of this conference again, because of all the groups I have the honor to address, yours is the one that can make the most day-to-day, on the ground difference in the eradication of modern day-slavery in this country. Human trafficking flourishes on our shores, and although our federal Trafficking Victims Protection Act is excellent (and in sore need of swift repassage), most trafficking victims and perpetrators will be covered or allowed to slip through the cracks by state laws. And currently no state has comprehensive laws that harmonize fully with the federal ones, creating in many instances an atmosphere in which traffickers get away with exploiting the most vulnerable members of both our society and others, and their prey, when and if discovered, are often charged and treated as criminals when they in fact are the victims.

What I hope to do today, is enlist your compassion and outrage at the modern form of slavery taking place in all of our 50 states and territories, then inspire you to continue writing and passing and robustly implementing legislation that quickly fully harmonizes with federal law. Our response as a nation must not vacillate against this growing and repugnant crime that goes against every principle this great nation was founded on. On the 150th anniversary of the Emancipation Proclamation, we must respond with uniform zero tolerance towards slavery, pursuing it with unrelenting law enforcement determination, with trained and vigilant eyes in every sector of society, and open hearts and arms ready to take in the survivors we discover, putting their needs into every step of the process so that they are not revictimized.

Human Trafficking is an enormous, multi-tentacled crime, tying for second most profitable with the illegal arms trade, only surpassed by the drug trade, with an estimated 21-27 million individuals living in slavery worldwide. As Lincoln put it, people profit “wringing bread from the sweat of other men’s faces,” in effect cannibalizing them, for the 32 billion dollars a year they earn globally. It is the profit motive extrapolated to the nth degree: a commodity is obtained either for free or extremely cheaply, then sold and resold, sometimes reaping a return 200 times greater than its initial cost within the first year; in the case of sex traffickers in the US, some make as much as 250K/year off a single girl. In its broadest definition, human trafficking means containing or holding in individuals for servitude: all activities to compel people into servitude. It is not a crime of movement, no borders need be crossed; it is a crime of enslaving another person, using force, fraud or coercion, which can be the psychological threat of harm as well as physical. In cases of sex trafficking of minors, proof of force, fraud and coercion do not apply.

In the US, though the data collection is still inadequate, it would seem around 50% of this human “product” is foreign nationals in forced labor: migrant farm work, sweatshops, domestic bonded labor, hotel and hospitality services, elder care, janitorial services, construction, health, etc..., and 50% sex trafficking, which can be in brothels, massage parlors, strip clubs, on the streets, on the web, as

pornography or live sex cam shows. It should be understood by everyone here that latter group is largely comprised of the 100-300,000 domestic American minors, our own kids, girls, boys, and LGBT youth, who are bought and sold any given day on street tracks or on the web. And although some studies say that the average age of entry into sex trafficking for minors is 13, a Minnesota NGO prepared for 13 year-olds and got a flood of 11 year-olds instead; some enter as young as 8.

Please do not neglect the labor trafficking victims, simply due to the overtly heinous nature of child sex trafficking, nor prioritize women and girls over men and boys, and the extant resources for aftercare for the latter almost nonexistent. The experience of labor trafficking is unbelievably demeaning, dangerous, and soul-excoriating. If the slave labor victims are female, they will most likely be raped often; that horror is not reserved for the sex-trafficked alone. Almost all victims of slavery are abused physically and coerced into working by constant threat, paid nothing or the barest minimum. Many had been duped by the traffickers false promises of a better life, a way out of poverty for their families. They find themselves in the US under lock and key or the psychological equivalent: one survivor I interviewed was beaten, locked into a dress-making sweatshop and made to work seven days a week, not allowed to shower or use water or electricity at night. Her trafficker preyed upon a fear of a foreign police force and the fact that she had seized her passport: "If you run to the police, they will lock you up and throw away the key. In this country you are lower than a dog. Here they have groups for the protection of animals. No one here cares about you." Thankfully she was able to escape, and her trafficker brought to trial, but only given one year of house arrest, soon back on the road searching for her victim anew, alternately trying to bribe and threaten her family members back in Mexico for her whereabouts. Many victims in captivity become so beaten down that they feel they are helping family members at home by continuing to sacrifice their freedom: one former teenaged domestic slave said, "I felt I was nothing. I had nothing left to give, except to stay and endure, to keep my brother alive. It was all I had left to give in this world." This is one of the myriad factors that keep the current rescue rate for victims of human trafficking at 1 out of 100. The National Human Trafficking Resource Center Hotline, run by the NGO Polaris, received over 3,000 calls that led to discovery of victims last year, but that number would only account for 1% of the suspected domestic minors in sex trafficking, to say nothing statistically of all the other people living in bondage in these United States.

All in all I have been very heartened by the progress you collectively have made as a group fighting trafficking: 2012 saw 55% of states (28) pass additional laws about human trafficking, with 101 total laws passed. I have worked with the most excellent group Polaris for several years now, and they have a wonderful color-coded map on their website to show anyone exactly how their state rates in its legislative response to Human Trafficking, in 10 categories. Here it is; Green is the best (though no state is 100% in all ten legislative categories) yellow is making progress, orange and especially red are still pretty darn poor. If you look hard enough you can see your state! In 2011, half the states (23) were in the bottom two red or orange, but this year only 13 remain in those bottom tiers, with 37 states being either tier one or two (green or yellow). Congratulations to Massachusetts, South Carolina, West Virginia, and Ohio, you are the most improved states of the year. Sorry for this, but Wyoming, Arizona, Montana and South Dakota are known as the faltering four, and have done the least to enact comprehensive legislation to combat trafficking in persons. Is anyone here from Wyoming? Can they please tell me why they are the only state without any laws that criminalize labor or sex trafficking? I am not looking to penalize, I just want to help you get started, to catch the modern-day abolitionist wave! Do you think you don't have the problem? Because Daniel DeCecco, Wyoming's volunteer advocacy leader for the International Justice Mission, said he has talked with several victims and researched reports in the state where the cases never make it to the

prosecution level. Wyoming Attorney General Greg Phillips thinks that referring all cases to the federal prosecutors will do just fine, but in general only 30% of cases passed to the federal level make it to federal courts. I assure you, if you pass the state laws, they (the cases) will come, and you will serve the currently underserved victims in your neighborhood, including many trafficked runaways.

I came to realize the paramount importance of state anti-trafficking laws while outside the US. As the United Nations Office on Drugs and Crime's Goodwill Ambassador to Combat Human Trafficking (which has been one of the greatest honors and challenges of my life), I was being debriefed at the UNODC regional headquarters in Bangkok by an FBI agent who partners with them, on a case involving an old man, a former school teacher, whom everyone described as looking like "Santa Claus," who kept a house full of young Thai boys that he would rent out to his pedophile friends on sex tourism trips. They were able to convict and sentence him very stiffly, with a lengthy prison sentence and enrollment on the sex offenders registry. I then learned that it was far easier to do this to an expat, because then federal laws applied. Within the U.S., the person most likely to be arrested and punished would be the trafficked youth, for the crime of prostitution; the pimp/trafficker would rarely be caught and tried, and the john would almost never be arrested. Make no mistake, the john, and I would like to substitute ECPAT's term, "buyer/offender" for that more innocuous name, is committing statutory rape, and if he didn't pay for it, and was caught, would be given the child molester pedophile treatment all the way to jail and the sex offenders registry, but by spending 25 dollars for the sex act will almost always get away scot-free. I have been told by survivors arrested at 13 years old that they heard police say to the men caught in the same act, "Go home to your wife and family, we don't want to ruin your life." And from a DC based head of an NGO services provider to survivors, of 300 cases in which underage girls were brought in by law enforcement and sometimes arrested, not one john/buyer/offender was arrested. Not one.

In fact, there is a legal defense that has precedent in 29 states known as the "defense of age" plea, in which a man who has paid for sex with a minor can get off the hook saying, "I'm sorry, your honor, she looked older!" The time has come to close the chapter on American men buying the bodies of children and teenagers and thinking it's harmless. In fact all purchase of commercial sex leads to greater amounts of trafficked sex; traffickers see an increased market demand, and they fill it with bodies they exploit. When a group of survivors was asked if mafias tried to control independent prostitutes, one said, "Control, no. Get rid of them, out of the zone, yes, so they could put their own women in their place. How? Gave them such ferocious beatings that they ended up in the hospital, to the point where this person, out of fear of the beatings, gave up her area, so they can bring their own girls."

SAFE HARBOR

There is no way of knowing at point of sale whether adults being bought for sex are there of their own accord, but it is time for everyone in this country to understand that no one under the age of 18 (according to federal and UN definition) can consent to their own sexual exploitation and trafficking; their brains are still developing and they don't possess the legal, psychological or mental capacity to consent to having their bodies exploited and being put at risk for AIDS, STDs, unwanted pregnancies, beatings, rape, drug addiction, early death, truncated education, extremely limited career options, psychological, physical and emotional trauma, and a permanent criminal record. They are all victims of human trafficking, and if there is no pimp/trafficker involved, then the john/buyer/offender is still the criminal exploiter, exploiting the vulnerability of the minor in a power and control position. The minor is not the criminal!

And yet across the country, every day, vice squads make sweeps and arrest children and teenagers for the crime of prostitution, incarcerate them on occasion in adult jail, others juvenile detention, sometimes with a misguided attempt at “protecting” them, branding them with criminal records that will haunt them the rest of their lives, and neglecting to provide services for them that would allow them to rebuild their lives and heal from the trauma so they won’t be re-trafficked the day they hit the streets on release from jail.

This is where the crucial Safe Harbor Laws come in. Currently only 11 states have them; Illinois has the one I most highly recommend emulating, while CT, WA, MN, and MA are also noteworthy. These laws justly decriminalize the CSEC, or commercially sexually exploited child, levying extremely stiff penalties on the rightful criminals, the pimp/traffickers and the johns. They grant immunity from prosecution or create presumption that the child is a trafficking victim. They expunge their criminal records. They create diversion programs away from criminal and delinquency proceedings. They provide children with access to the services they so ardently need: safe shelters, mental health counseling, health care, education, etc...) If you think they will automatically get such services, you would be wrong: in most states, unless the child is trafficked by a family member, they are not deemed victims of extreme abuse and neglect, and will not get child welfare/health and human services. But as a high ranking official at the Federal office of HHS asked, “What in the name of heaven is more important to a child’s welfare than to not be a victim of human trafficking?!”

These services must be tailored to the unique trauma suffered by the sex trafficked young person, and cannot lump them in with a general population of at-risk, runaway, throwaway or homeless youth. One teen who had recently emerged from “the life” said that in previous programs, she got mad because “I didn’t want them to know that part of my life. Cause once people know, they call you a ho, you’re a roller cause you don’t even know how many people you had sex with.” A typical response from trafficked minors placed in group homes or rehab programs with kids who have not been sexually exploited; they need a knowing and safe environment with a trained staff who do not make them feel judged. Among the top changes CSEC teens surveyed in a recent study said they needed to break free of “the life” were: steady employment, education, stable housing, and a positive support system. “Let us know that someone cares; that’s the main thing, that somebody cares – and you have somebody to turn to to help. Just not be judgmental...just try to help the best they can.”

And for these services, you must appropriate funds to the NGO providers; there is currently a severe dearth of beds for youth survivors (as one founder of a victims’ care facility stated, it costs 300-400K per year for a 7 bed program, so please bring your checkbook), as well as funding for all the other services, medical, psychological, educational, vocational etc... that will be needed over the long term. Recovering from such trauma will take years, and we must all commit to making these victims whole. I praise the Governor of NY who just gave 1.5 million to the establishment of a Safe House. Other funding mechanisms can be created in law by mandatory fines on johns/buyers/offenders and using monies left over from asset forfeiture (after victim restitution and civil damages have been paid) for Safe Harbor Funds for Sexually Exploited Youth. I know many of you work in the funding side of legislation, and I welcome your passion and creativity to find ways to build solutions to this problem, both to fight the criminals and to serve justice to the survivors.

DEMAND SIDE (JOHN) LEGISLATION

Dealing with the john/buyer/offenders, the stakes need to be raised in order for behavior to change. An excellent bill was passed in California that would charge a mandatory 25K to men buying minors for sex to be put into a restitution fund for victims; sadly, it does not seem to be in use. Swanee Hunt last week proposed solutions suggested by the Johns/buyers/offenders themselves in a study: “71 % said they would stop if their car was going to be impounded. 88% said they would stop if put on sex offenders list, and 88% said they would stop if there would be a letter home. 38% said they would stop if they went to John school, and the actual numbers say that John school leads to a 40% drop in recidivism.” But none of this matters if they are just to be let off the hook at the scene of the crime.

And I am happy to see so many men in the room today. Because ending this archaic practice that damages our young people so terribly will kill the demand side that keeps the sex traffickers in business, and men should be at the table ideating solutions. This is not women’s business, it is everyone’s, and the real generational shift will come from fathers teaching their sons to respect women and girls by not abusing and exploiting their bodies for commercial sex.

LAWS CRIMINALIZING TRAFFICKING

Wyoming, take note! These are the basic laws that criminalize sex and labor trafficking. 6 were passed this year; overall the ones that are the strongest (not necessarily the newest) are TX, VT and Mass. West Virginia became the 49th state to pass a law criminalizing human trafficking, congratulations! Now only the aforementioned state beginning with a W has no basic law criminalizing labor trafficking, and it shares with Colorado and Pennsylvania the dubious distinction of not having a law criminalizing sex trafficking.

Studies have shown recently that gangs within the U.S. are switching from drug to human trafficking, because the person can be sold over and over again, and the chances so far of getting caught and prosecuted, much lower, and the penalties far less if levied than for drugs. Come on, people. Are we to allow this atmosphere of easy pickings for trafficking to reign supreme? It is time to toughen our laws to the hardest degree, applying them with maximum punishments for this severe violation of human rights, commensurate with the other most heinous crimes on the books. Strong trafficking laws criminalize using force, fraud, or coercion to induce or compel someone to engage in commercial sex or labor or services, but don’t require force fraud or coercion when dealing with a minor trafficked for commercial sex. They criminalize facilitators of trafficking, those who recruit, entice, solicit, harbor, transport, provide or otherwise obtain a person knowing that they will be forced to engage in commercial sex or labor against their will. And strong laws take an expansive view of “coercion” to ensure that physical, financial, and psychological harm is included in the definition, and that it takes into consideration how a “reasonable person,” under all of the circumstances, in the victims’ position, would have reacted to the type of coercion being exerted.

VACATION OF CONVICTIONS

Related to Safe Harbor law, but necessary for all victims of trafficking, not just sexual: the TVPA provides that victims should not be incarcerated, fined, or otherwise penalized for unlawful acts committed as a direct result of being trafficked. Any non-violent felony offenses, as well as prostitution, that the survivors were compelled to commit while in bondage, such as drug-possession, begging, trespassing, etc ..., should be vacated.

Astoundingly, 43 states and DC lack these pieces of legislation. The laws to emulate out there belong to Nevada, Illinois, and Vermont. They should not be conditioned on prosecuting attorneys agreements like in MD and HI, nor should there be a time limit on when victims can bring motions to vacate convictions. The state dept. 's 2007 TIP report states Trafficking victims should not be detained in criminal detention facilities...they should be treated as victims."

To understand how important these vacations are, consider a survivor of underage commercial sex trafficking I have interviewed (DC based) who on escaping the life, ended up completing a bachelor's degree at a respected college and then conducted three interviews at a prestigious company. All looked greenlit until they ran a criminal background check, and she was immediately told she couldn't be hired, no matter her credentials, or how much she cleaned up her life. If her criminal record were to be expunged, she would no longer be hindered in her ability to compete for appropriate employment, apply for grad school, or a loan.

ASSET FORFEITURE AND RESTITUTION

Currently very few trafficking survivors are receiving criminal restitution or access to civil remedies, even though 31 states and DC have laws concerning them on the books. A new one has just been passed by the California Attorney general. It is highly important that asset forfeiture laws are in line with similar drug related forfeiture laws to avoid any challenges to their constitutionality; it is important that due process safe guards are in place. Please understand the forfeiture of assets first goes to pay off Restitution awarded to the victim(s), then to any costs associated with the seizure and forfeiture of assets, and then to pay off any potential award for civil cause of action before anything else is done with the monies generated. It cannot go to funding law enforcement efforts first; the money rightfully is owed to the victims of the crime. If your state does not have such a law, write one. If it does, make sure you are using it to go after the traffickers where it hurts them: their bank account. The atmosphere of vulgar profit and impunity must end!

ACCESS TO CIVIL DAMAGES

Currently only 20 States and the District of Columbia have this; let me tell you why it is a vital part of empowering survivors to achieve multiple forms of justice following their victimization. Sometimes due to the he-said, she-said nature of trafficking cases, there is not always enough evidence to build a criminal case on. Such is the story of a young Indonesian victim of domestic indentured servitude; although she could not bring criminal suit she could and did bring civil, a landmark case that involved CASTLA's work and that of two other very prominent law firms. They won, and not only was she paid damages and lost wages, but some of the information garnered in the depositions may now lead back to a criminal trial, and the penalties imposed most certainly deter the homeowners from trafficking another domestic slave into their home.

Such was not the case of another young woman from Indonesia also trafficked into domestic servitude debt bondage: Back home she was working for a family that had a cousin in the US who needed a nanny because she was expecting. Her employer back home told her it was a great opportunity because she did not have to pay for anything, they would take care of airfare, passport and visa, (they got her legal documents but faked her age because at the time she was only 17) and promised \$150/month. She did not

end up receiving this salary, and instead was charged for everything she did, multiplying her “debt.” She worked 7days/wk, no time off. “In the beginning it wasn’t that often, but after a while the beatings from the wife got worse and worse, almost every day. She beat me if she was not happy with me, or my work didn’t please her, wasn’t the way she wanted it. She would throw something at me, anything in front of her, hit me. I guess maybe one time the nanny next door kind of noticed something because I had bruises on my face because she hit me with frozen rice and it felt like I had been hit with a rock.” One time she was beaten so badly that trafficker’s husband took her to the emergency room for stitches; her trafficker told her not to say anything, if they asked her questions lie and say she fell in back yard and bumped her head. (At this point the medical first responders, who most likely had no HT training, missed the crucial signs she was a trafficking victim) Her trafficker threatened her: “If you ever leave the police will arrest you and put you in jail and there’s a lot of bad people in jail who could rape you,” so I was scared. So though I was not locked in the house and had the opportunity to walk the dog, I was scared because of the threat and I didn’t have any money, didn’t know anyone, and had no choice but to stay there.” After three worsening years she wrote the nanny next door who helped her with the assistance of her employer. At the time she didn’t know what her boss was doing was illegal, didn’t know the laws in the country, didn’t even know she could call 911.

Ultimately, after a confusing and retraumatizing series of law enforcement interviews, she was still in too much fear of her trafficker, and dropped the charges. She now wishes she hadn’t, but the statute of limitations has run out, and she worries that her trafficker has a fresh victim.

PERIOD OF REFLECTION

I question why there must be a time limit in which the aggrieved terrified victim of slavery must make up his or her mind; a study by ECPATUSA says a large percentage of survivors of slavery suffer post-traumatic stress disorder. Recovery from trauma can take years, so might the distance and the emotional readiness to press charges and face their abuser. That is where something known as the “period of reflection” would come to bear. The United Nations Global Plan of Action on combatting Human Trafficking urgently recommends implementing this length of non-pressured reflection for any person who is discovered and suspected to be a victim of human trafficking. Whether they have been discovered by immigration officers or local law enforcement, their fragile emotional, physical and psychological state, such as commingled fear and Stockholm syndrome-like allegiance to their trafficker, worry for their families in peril, and post rape/beatings trauma, to name just a few, have to be taken into account. They need a minimum of 30 days, generally, to heal enough to decide with full heart and cognizance to go through with a trial and fully cooperate with law enforcement; it is not only respecting their rights and needs, but ultimately makes them more courageous and consistent witnesses. The physical separation from their trafficker makes them able to begin to consider life out from under their domination, especially if an NGO service provider is assigned to them all the while and they are given appropriate (non detention-like,) safe shelter. I cannot recommend the writing of this period of reflection into state law strongly enough.

MANDATORY POSTING OF THE NHTRC HOTLINE:

Alabama and CA are the best (require posting in the most places without over-burdening private enterprise). These laws also generate revenue for the state because of the civil penalty attached. Evidence suggests that mandatory posting of the hotline increases call volume, which in turn leads to more tips about potential trafficking situations in a given state. In Texas, for example, the state mandates that all establishments with an off-site liquor license post the national human trafficking hotline. Texas now tops the list of states the hotline receives the greatest number of calls from, and as a result, are able to

successfully send tips to law enforcement and connect victims with service providers (more than 3,000 nationwide). In all calls that came from Texas from December 2007 through December 2011, we know how the caller learned of the hotline in 57.5% of cases. In those cases where we knew how the caller learned of the hotline, 17.5% or 409 callers learned of the hotline through posters. What is interesting to note here is that in most states the majority of callers learn of the hotline online. In Texas, however, most callers, where we can identify how they learned of the hotline, learned of it through posters. I took CNN on a tour through the hotline, and was very interested to hear the phone counselors talk about how seriously they took the victims wishes, and that they would never contact law enforcement until the victim was ready to take that step; perhaps this is why the hotline is responsible for more discovery of trafficking victims than law enforcement on its own on an annual basis. I personally think there should be billboards and buses with a particularly catchy image or slogan, like the red bullseye on NYC buses that scream out, 1800 COP-SHOT, pertaining to the shooting of police officers; once you've seen it, you can't unsee or unremember it, and that could be the difference between life or death, slavery or freedom, for many individuals underground at this moment. Once again, those of you working with the money for your state, a billboard or two on a busy thoroughfare or on a city bus could be a resoundingly fruitful investment in human terms. At present, only 14 states have laws for the posting of the hotline. Would the number of victims discovered and served rise proportionately if the other 36 and the District of Columbia posted the hotline (it is based here, after all!) Methinks yes.

VICTIM ASSISTANCE

CA, WA, NY, TX, CT, MN, and VT have some of the best victim assistance laws in the country, but 25 states still lack any form of them. To have the law and order side of the legislation but not the victims services side makes no sense, and strands those discovered giving them no safe way to recover or even cooperate with law enforcement. Those services are crucial for their very survival. It is important that: (1) the Department of Social Services or Human Resources take an active role in being able to identify victims of trafficking, assist them with applying for state or federal benefits, and coordinate the delivery of services both through state programs and specialized local non-governmental organizations. Procedures must be in place for law enforcement so that they are familiar with their role in the victim certification process which will help victims get Continued Presence (provides temporary immigration status for them while they are in the country during the criminal investigation) or in their application for a T-Visa (provides long term immigration relief and the chance to apply for permanent residency), both of which require the victims' cooperation with law enforcement in a human trafficking investigation. Once again, the key ingredients are money and political will: The creation of government programs or special funds for victims will enable them to seek services. Because to quote our State Dept. Ambassador at large, Luis CdBaca, "victims need to become survivors," and they need these continued services to do that.

ECPAT-USA has pointed out some good exemplars of service responses well-adapted for sex-trafficked minors to combat trafficking at local, regional and national levels ; it includes Dept. of Children and Family programs in CT, NJ, IL, and FLA., Georgia Care Connection, created by Georgia's Governor's Office; the Ramsey County Runaway Intervention Program, a partnership of the Ramsey Co. (MN) Prosecutor's office and the Midwest Children's resource center, with a specific pilot program to deal with runaway or truant youth who have been sexually exploited; the Safe Harbors Youth Intervention Program (SHYIP), Interagency Children's Policy Council (ICPC) is a county interagency body that facilitates the Sexually Exploited Minors (SEM) Network in Alameda County, CA; Support to End Exploitation Now – SEEN (Boston, MA) is a partnership of more than 35 public and private agencies that treats CSEC as

victims, assists them in regaining control of their lives and holds offenders accountable. To learn more about these excellent programs, go to [http://ecpatusa.org/wp-content/uploads/2010/11/State-Laws-and-Best-Practices](http://ecpatusa.org/wp-content/uploads/2010/11/State-Laws-and-Best-Practices.pdf).pdf

TASK FORCES

Currently, only 15 states have laws creating Human Trafficking Task Forces – 35 more and D.C. need to create them. These are important because they bring cooperation, investigation and drive to tackle the crime from a multiplicity of approaches, cooperating between state government law enforcement, prosecutorial staff, state and non-governmental service providers. I have seen far too often in this country and abroad people working against each other or alone when their efforts would have a huge impact when combined. This is also an ideal way for you to disseminate what is contained in your new and not so new trafficking laws, to oversee how they are or not being put into use, to make sure the proper people across the board are getting legitimate human trafficking training, etc... These task forces dovetail nicely what is being worked on in Victim Assistance laws and Criminalizing Human Trafficking. As always, it is essential that a victimcentric approach be used, and that whenever possible that survivors are part of the task force; “nothing about them, without them.”

TRAINING FOR LAW ENFORCEMENT, AND OTHERS

Today, 29 states and D.C. still lack laws mandating Law Enforcement Training. For me, the training of Law Enforcement as well as the prosecutorial and judicial staffs on the state level cannot be stressed highly enough; a recent UNODC report revealed a dramatic upturn in discovery, rescue, arrest, and conviction rates in countries and regions where their law enforcement and legal personnel had received specified human trafficking training. On the police level, one joint federal local task force leader in California told me how one 8 hour training session allowed a young police officer to download and deconflict a single piece of evidence that led to the bringing down of a huge trafficking operation. I have spoken to a victim who swore up and down that she was fine when police knocked on the door of the house she was trapped in; they did not notice the trafficker just beyond their line of vision mouthing that he would kill her family if she told the truth; they should have noticed her frightened demeanor and taken her somewhere away from her trafficker to question her. If they had had this specified training, she might have been spared years of continued agony.

The laws you are going to enact, or have already, mean nothing if the cop on the beat doesn't understand them, understand what a trafficking victim is, what signs define them and that they are victims of a crime rather than perpetrators of it and deserve sensitive handling. I spoke to a Sacramento police officer who said he had only had a little experience with sex trafficking cases, even though that series numbers among the worst for the Commercial sexual exploitation of children. He cited lack of funding for the small number of cases pursued. I then asked him if he had worked on vice, and he said sure, and then proceeded to tell me how they watched teenaged girls in internet cafes make appointments to meet john/buyer offenders. He had no idea that he was talking about the same crime, and the girl was the victim not the perpetrator. I suggest that if funding is too slim to add a trafficking unit, then just train the vice cops in the new definition of sex trafficking, and they can become heroes rather than enforcers often

making a very troubled teen's life immeasurably worse. Law enforcement (as well as the juvenile court system at large) has oft seen the child who has been prostituted as a bad seed, a kid who has made his or her own bed. One DC area survivor described how police used to patrol the tracks they walked on (some blocks away from the White House) in their cruiser; they'd call out to them, "now take off your shoes and run!" and they'd drive after the fleeing barefooted kids with their lights and sirens blaring, laughing their heads off.

We can switch this lens to the more compassionate informed one that sees all slaves as victims. The more the local police precincts are versed in the crime, the more looking for it, and building evidence led, not just victim-testimony led, cases, becomes daily business. When the prosecutors, public defenders, and judges understand the intricacies of human trafficking and the new laws you will write/have already written, then they can try and win more cases based on these new statutes, not just trying traffickers using lesser crimes they know how to prosecute.

But the training cannot stop there. All manner of staff working in health and human services, child welfare, the foster care system, social work and psychological counseling, education, the travel, hotel and hospitality industries, elder care, medical, paramedic and fire first responders (to name only some), must receive training on Human Trafficking in order to be licensed, or in order to graduate with their degrees in these fields. Otherwise, when a victim surfaces briefly and ninety-nine times out of a hundred, doesn't self-identify, someone else will understand that he or she displays the signs of a potential trafficking victim, and can be the one to give help. The five minutes alone with an emergency room staff member would be enough to change the course of a person's life.

Thus far, VA, NV, MN, and CA have some good law enforcement training programs; the CA Task forces have developed curriculum for training law enforcement officers in the Police Officers Online Resource Guides.

One good solution can be using HT Task forces to train, since they often consist of law enforcement and prosecutors, and it is a smooth addition to the functions they must perform.

Legislation can kick start highly effective training; such legislation passed to authorize the Virginia Attorney General's Office to train law enforcement, so they developed great law enforcement and service provider training curriculum, along with the Dept. of Criminal Justice Services, which has an entire page on their website dedicated to HT. The AG's Office has a prosecutor that trains law enforcement on how to recognize and respond to trafficking situations. Nevada also has training for law enforcement specifically on the issue of children who have been exploited through child sex trafficking. The vice-unit of the Clark County Metro P.D., does much of the training and have been working on this issue in Las Vegas for several years.

There are other pieces of legislation that you will all need to make your response to trafficking whole, such as Investigative Tools (19 states still lack them) and Lower Burden of Proof (15 states need them). In addition, there are new developments coming down the pike thanks to my friends at Polaris Project such as a Victims' Bill of Rights, which aims to require states to protect certain inalienable rights afforded to victims of human trafficking, including: the right to self-determination, the right to safety, the right to emergency services, the right to information, the right not to be criminalized, the right to repatriation, the right to a reflection period, among others.

Another promising one looks to be Labor Servitude of a Minor. It seeks to afford greater protection to children exploited for labor or services who have been victimized by sexual abuse, statutory rape, rape, physical abuse, or other serious harm. Hopefully it will bring greater recognition to child labor trafficking victims, where currently not as much is being done to protect or even recognize them as victims of human trafficking.

Alright, so now you have a rather rangy understanding of all that you and your peers have been doing, and what is still to be done. Equally important to getting those laws on the books, is getting them on the ground, being enacted in their most robust interpretation. As with anything, it will require political will, so you should have oversight hearings to ask where are the cases and what's happening to victims. This is a popular political topic; President Obama chose to make his historic speech at the Clinton Global Initiative about what he calls slaver, and gave the longest speech about the topic of any sitting president second only to Lincoln. You will also find it is a bi-partisan issue; we as Americans were brought up to hate slavery and peonage; it's not a red or blue state thing. When appropriating monies, and this you shall have to do to fund many of the programs I mentioned, training and victims services to begin with, you will find a voter fan base out there with faith based communities; this is a huge issue for them.

Lastly, how many of you out there are parents? I myself have four children. As they come of age, and learn of the historic legal chattel slavery and peonage that sullied our country over a century ago, what will we tell them was our response to a new, virulent, illegal form of slavery that might be even more brutal than the old, for the victims are kept beneath the surface and their abuse and death is invisible. Will we be able to look them in the eye and say we have done everything we can to leave them a world finally free of slavery, or will we have to avert our eyes, because we also looked away when faced with human trafficking? I know we are all capable of the former. We will call upon what Lincoln called "the Better Angels of our Nature," and we will prevail.

And now true to my belief that no victim's advocate or policy maker is as good as a survivor herself, here is survivor advocate Holly Austin Smith.