Up to the Task: Utilizing Collaboration to Combat Trafficking in Persons

Claire Schalin

Follow this and additional works at: https://digitalcommons.pepperdine.edu/naalj

Part of the Criminal Law Commons, Human Rights Law Commons, International Law Commons, and the Sexuality and the Law Commons

Recommended Citation

This Comment is brought to you for free and open access by the School of Law at Pepperdine Digital Commons. It has been accepted for inclusion in Journal of the National Association of Administrative Law Judiciary by an authorized editor of Pepperdine Digital Commons. For more information, please contact josias.bartram@pepperdine.edu, anna.speth@pepperdine.edu.
Up to the Task: Utilizing Collaboration to Combat Trafficking in Persons

By Claire Schalin

I. INTRODUCTION ............................................................................................................. 276

II. WHAT IS TRAFFICKING? ......................................................................................... 277
   A. Difficulties with Lack of Knowledge ...................................................................... 283
      1. Citizens ............................................................................................................. 284
      2. Law Enforcement .............................................................................................. 284
      3. Victims ............................................................................................................. 285

III. HISTORY OF TRAFFICKING LEGISLATION ........................................................... 287
   A. United States Anti-Trafficking History ................................................................. 287
   B. Past Cooperation with the International Community ........................................... 290
   C. Decriminalization Debate ..................................................................................... 296
      1. Decriminalization Versus Legalization ............................................................... 296
      2. Arguments in Favor of Decriminalization ......................................................... 298
      3. Arguments Against Decriminalization .............................................................. 300
      4. Partial Decriminalization .................................................................................. 302

IV. USING TASK FORCES: A COLLABORATIVE APPROACH ............................... 303
   A. Domestic Approaches ......................................................................................... 303
      1. Uganda ............................................................................................................ 304
      2. United States ................................................................................................... 305
   B. International Approaches .................................................................................... 307
      1. Victim Advocacy .............................................................................................. 307
   C. Task Forces Approach ........................................................................................ 311

V. SUGGESTIONS FOR FURTHER IMPLEMENTATION OF ANTI-TRAFFICKING EFFORTS ......................................................................... 315
   A. More Task Forces .............................................................................................. 315
   B. Allocate Money and Resources Toward the Anti-Trafficking Cause ..................... 317
   C. A Statewide Task Force ..................................................................................... 317
   D. Further Education ............................................................................................ 318

VI. CONCLUSION ............................................................................................................ 319
I. INTRODUCTION

Maybe you saw her today. Perhaps you did not notice her. Maybe she is your neighbor, your relative, your friend. She just looked like a normal girl living her life; maybe she even looked like you. What if today you saw a slave?

Modern-day slavery is dressed in different garments than the traditional United States slavery one recalls, and yet, it has the same devastating effects. In fact, today, there are more slaves than there have ever been before in history.¹ More than twice as many slaves exist now as were taken from Africa during the transatlantic slave trade, which in no way discredits the severity of that trade, but rather should bring a shocking realization that something needs to be done.² There are many types of slavery but the modern-day slavery this article will discuss is known as human trafficking. Trafficking takes many forms but one of the most heinous is the business of trafficking persons.³

In this article, I will define trafficking and dispel some common myths that people believe about trafficking. This section will explain trafficking’s many forms and will demonstrate how trafficking can be a stationary crime rather than one requiring movement. Next, I will give a history of the legislation surrounding trafficking and common approaches to curbing the trafficking problem including arguments

* Claire Schalin is a 2019 Juris Doctor Candidate at Pepperdine University School of Law. Claire graduated from Point Loma Nazarene University with a Bachelor of Arts in Political Science and a passion for helping victims and survivors of human trafficking. I would like to thank my parents, Van and Susan Schalin, for their constant love and support. Thank you for your dedication to learning more about the issues I am passionate about; it means the world to me.


on both sides of decriminalization. In this section, I will present a country comparison on how different countries approach traffickers and victims of trafficking in their efforts to reduce trafficking in general. In addition to analyzing how varying countries address the issue, I will discuss how the United States combats trafficking. Here, I will offer ideas about how the United States’ administrative agencies, law enforcement, and non-governmental organizations (NGOs) can collaborate to create a victim-centered approach to rehabilitation and reintegration. This type of response will hopefully increase a victim’s willingness to come forward with information regarding his or her situation rather than staying in the shadows due to fear of revictimization by the police. I will study San Diego’s Human Trafficking Task Force and discuss that while there are many approaches to combatting trafficking, a collaborative intrastate and inter-county anti-trafficking movement involving law enforcement, agencies, NGOs, and victims is one of the most effective ways to curb traffickers, increase trust between victims and law enforcement, and improve victim transparency and reporting.

II. WHAT IS TRAFFICKING?

When one hears the word trafficking, images of chains, bars, and basements often come to mind, and that view is correct. However, this is not always correct. Sometimes traffickers use a much subtler form of abuse or coercion. For instance, the trafficker can abuse a victim’s “position of vulnerability” as a means of controlling them.

4 Here, decriminalization refers to the debate over the decriminalization of prostitution.
8 Id. at 4.
Without knowing about a trafficker’s methods of coercion, it might be hard to picture how someone can be held against their will without physically being held.\textsuperscript{10} But imagine that someone threatens you by saying that if you do not work for them, they will harm your daughter or son. Would you not do whatever it takes to make sure that they stayed safe?\textsuperscript{11} In the same way, victims of trafficking fear for their family’s safety and traffickers prey on this fear.\textsuperscript{12} Traffickers thrive on keeping people in a subservient mindset without ever having to physically restrain them.\textsuperscript{13}

So, if trafficking is not just chains and bars, what is it? According to the State Department’s Trafficking in Persons Report for 2013, human trafficking is a general term that includes “the act of recruiting, harboring, transporting, providing, or obtaining a person for compelled labor or commercial sex acts through the use of force, fraud, or coercion.”\textsuperscript{14} The Trafficking Victims Protection Act (TVPA) further defines these categories and includes a broader definition of trafficking.\textsuperscript{15} In the United States, there is a government

\textsuperscript{9} Trafficking in Persons General Awareness Refresher Training Presentation, 7, 11, Dep’t of Def. (2014), ctip.defense.gov/Portals/12/Documents/ppt_June%202014_Refresher.pptx.


\textsuperscript{13} Human Rights First, supra note 11.

\textsuperscript{14} Definitions and Methodology, U.S. Dep’t of State, https://www.state.gov/j/tip/rls/tiprpt/2013/210543.htm (last visited Apr. 17, 2019) [hereinafter U.S. DOS, Definitions and Methodology].

\textsuperscript{15} Id.
act called the TVPA.\textsuperscript{16} It is a powerful act which “provides the tools to combat trafficking in persons both worldwide and domestically.”\textsuperscript{17} This act uses a more comprehensive list of terms such as, “involuntary servitude, slavery or practices similar to slavery, debt bondage, and forced labor.”\textsuperscript{18} The act itself discusses how trafficking is often related to the sex trade.\textsuperscript{19} It says that many:

\begin{quote}
[P]ersons are trafficked into the international sex trade, often by force, fraud, or coercion. The sex industry has rapidly expanded over the past several decades. It involves sexual exploitation of persons, predominantly women and girls, involving activities related to prostitution, pornography, sex tourism, and other commercial sexual services. The low status of women in many parts of the world has contributed to a burgeoning of the trafficking industry.\textsuperscript{20}
\end{quote}

Additionally, the TVPA addresses how “[t]rafficking in persons is not limited to the sex industry. This growing transnational crime also includes forced labor and involves significant violations of labor, public health, and human rights standards worldwide.”\textsuperscript{21} While it is important to note that transporting individuals is often a large part of the trafficking trade, it is not the only way to qualify an act as \textit{trafficking}.\textsuperscript{22} The TVPA states that, “[t]raffickers often transport victims from their home communities to unfamiliar destinations, including foreign countries away from family and friends, religious institutions, and other sources of protection and

\begin{footnotes}
\textsuperscript{17} Id.
\textsuperscript{18} U.S. DOS, Definitions and Methodology, supra note 14.
\textsuperscript{20} Id.
\textsuperscript{21} Id. at § 7101(b)(3).
\textsuperscript{22} John Cotton Richmond, Human Trafficking: Understanding the Law and Deconstructing Myths, 60 ST. LOUIS L.J. 1, 21 (2016).
\end{footnotes}
support, leaving the victims defenseless and vulnerable.”

However, the State Department confirms that “human trafficking can include but does not require movement.”

John Cotton Richmond, founding director of the Trafficking Institute, posits that trafficking does not require movement, even though a common myth of trafficking is that the trafficker has to move their victim from one location to another. While this does happen, there are many victims in dangerous situations of coercion and abuse without ever having been transported. The TVPA goes on to say that trafficking in persons is a transnational crime with national implications. To deter international trafficking and bring its perpetrators to justice, nations including the United States must recognize that trafficking is a serious offense.

Human Trafficking is not limited to adults; in fact, many traffickers prey on young and vulnerable individuals because they are easier to manipulate. Katariina Rosenblatt addresses the methods

23 TVPA, supra note 19 at § 7101(b)(5).
26 Richmond, supra note 22 at 21 (citing United States v. Evans, 476 F.3d 1176, 1177 (11th Cir. 2007) (affirming the conviction in a sex trafficking of a minor case involving a defendant and victim who were both United States citizens and never left the state of Florida)).
27 Id.
28 TVPA, supra note 19 at § 7101(b)(5).
29 Katariina Rosenblatt, Determining the Vulnerability Factors, Lures and Recruitment Methods used to Entrap American Children into Sex Trafficking, 2 SOC. & CRIMINOLOGY 1, 7 (2014) doi: 10.4172/2375-4435.1000108. “Human trafficking rings prey upon the vulnerable and innocent in society.” Id.
30 Katariina Rosenblatt is a survivor of “several separate trafficking scenarios” beginning at age 13. About the Founder, THERE IS HOPE FOR ME, https://www.thereishopeforme.org/about-there-is-h-o-p-e-for-me/about-the-
traffickers use to recruit young children.\textsuperscript{31} A trafficker tries to maximize his or her profit by minimizing the amount of time and effort it takes to manipulate an individual, also known as grooming.\textsuperscript{32}

These trafficking cases reveal that the least amount of grooming time it took to recruit a child and that which became most effective was less than one month, whereby 11 children had been recruited into the practice of sex trafficking. Unfortunately, when children’s boundaries have been broken down, or they have a need that is present in their lives (a vulnerability), or they have been taken advantage of before by someone, they may not have the proper coping skills and become prey to the trafficker’s tricks and deceitful ways.\textsuperscript{33}

To further illustrate this, Rosenblatt’s research shockingly discovered that if a child runs away from an abusive home, a trafficker is likely to contact them “within 48 hours.”\textsuperscript{34} This sad realization, along with the realization that traffickers prey on young and vulnerable individuals, should reveal the pressing need for protections for these victims and punishment for the perpetrators.\textsuperscript{35}

While trafficking can be national in nature, it also has large international dealings and ramifications.\textsuperscript{36} The international community has its own definition of trafficking. The United Nations Office on Drugs and Crime states:

\begin{footnotesize}

\textsuperscript{31} Rosenblatt, supra note 29, at 1.
\textsuperscript{32} Id. at 6.
\textsuperscript{33} Id. at 7.
\textsuperscript{34} Id. at 2.
\textsuperscript{35} Id. at 14.
\textsuperscript{36} TVPA, supra note 19 at § 7101(b)(5).
\end{footnotesize}
Article 3, paragraph (a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons defines Trafficking in Persons as the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.37

Even though trafficking in persons is an international trade, it still does not mean that traffickers keep their victims physically restrained.38 In Walia v. Veritas Healthcare Solutions, a trafficker threatened to fire his victim,39 “revoke his visa, and assault or kill him and his family in India if he refused or revealed their operations.”40

The United States has not only stressed the importance of combating trafficking domestically and internationally but also has

39 Id. at 1–30 (explaining that in this case, an immigrant worker alleged that he came to the United States to work but once he arrived, his manager forced him to sell visas upon threat of his own being terminated along with his employment and wages. He not only was threatened but the manager mentally tortured and stalked him which presented a substantial threat to his life. These instances led to the victim’s claims of involuntary servitude and human trafficking along with conspiracy for both as well).
40 Id. at 5.
highlighted the importance of collaborating with other countries.\textsuperscript{41} The TVPA states that the “United States must work bilaterally and multilaterally to abolish the trafficking industry by taking steps to promote cooperation among countries linked together by international trafficking routes.”\textsuperscript{42} While the Trafficking in Persons protocol is a good defense against traffickers, member states are wary of the discussion revolving around consent.\textsuperscript{43} States are concerned that a trafficker could raise a defense saying that the victim consented to moving, migrating, or working in prostitution.\textsuperscript{44} For instance, if a person agrees to migrate for a promise of work,\textsuperscript{45} then the trafficker could try to argue that the victim consented and therefore there was no crime of trafficking.\textsuperscript{46} After receiving this consent, the victims will then have their passports stripped and will be left with no documentation in a foreign country under threats of violence against the victim or his family.\textsuperscript{47} “Having overstayed or otherwise violated the terms of the visa, victims are coerced by their exploiters with threats to turn them over to immigration authorities.”\textsuperscript{48} This threat of being given over to authorities keeps many victims quiet when they should be receiving help and protection from law enforcement.

\textit{A. Difficulties with Lack of Knowledge}

Whether it is intentionally turning a blind eye or simply having a lack of knowledge, ignorance about the signs of trafficking is a

\textsuperscript{41} TVPA, \textit{supra} note 19, at § 7101(b)(5).
\textsuperscript{42} \textit{Id.} at § 7101(b)(24).
\textsuperscript{43} UNODC, \textit{The Role of 'Consent', supra} note 7, at 11.
\textsuperscript{44} \textit{Id.} at 24.
\textsuperscript{47} \textit{Id.} at 14.
\textsuperscript{48} \textit{Id.}
hindrance to discovering and curbing traffickers or helping victims who are part of a trafficking scheme.49

1. Citizens

First, there are individuals who are not aware that trafficking is still taking place in their country or the world.50 For instance, in Canada, the average citizen “is not aware of the victims in their cities and communities who are held in bondage, threatened and brutalized as they try to seek help, if they try to seek help.”51 Often, traffickers conduct their illicit business of trafficking in persons “alongside legitimate businesses [which] require[s] a number of other actors and specific conditions in order to operate without detection.”52 This means that a trafficker could operate a normal-looking business that is open to the public and without knowing what signs to look for, the public will often brush over this trafficking business.53 For instance, there are many legitimate businesses that front as legal massage parlors with valid licenses and yet, they operate as trafficking venues.54

2. Law Enforcement

Not only are citizens unaware of trafficking which makes it difficult to watch for signs of exploitation, but because it is such a secret business, law enforcement also does not know how many

49 Telephone Interview with Dave Rogers, Director of Law Enforcement Operations, The Human Trafficking Institute (Feb. 4, 2018).
50 STEPHANIE HEPBURN & RITA J. SIMON, HUMAN TRAFFICKING AROUND THE WORLD: HIDDEN IN PLAIN SIGHT 170 (Columbia University Press 2013).
51 Id.
54 Id.
trafficking cases there are exactly.\textsuperscript{55} Monique Villa, the CEO of the Thomson Reuters Foundation, “which works to combat human trafficking[,]” says that it is “unclear whether the numbers are an accurate representation of the problem, because many cases aren’t reported.”\textsuperscript{56} She goes on to state that “the problem with human trafficking is that of course the victims are silenced,” and “we don’t have good data about it[;] you don’t know how many slaves there are around the world.”\textsuperscript{57}

3. Victims

Along with difficulties in knowing and identifying trafficking from an outsider’s perspective, sometimes victims either think that they deserve to be treated the way their traffickers are treating them or do not even realize that they are being exploited.\textsuperscript{58} “Laura,” whose name has been changed to protect her identity, described her situation as a trafficking victim by saying,

I had already been a prostitute since I was 15 and I think I just didn’t even know what was right or wrong and how I should be treated. Towards the end, he held me against my will in a hostage situation and forced me to prostitute and took all the money and just beat me severely.\textsuperscript{59}

Laura is not unlike other people who do not “necessarily identify themselves as trafficked.”\textsuperscript{60} “April,” another victim whose name has been changed, stated, “You have to know your self-worth. It’s OK to

\textsuperscript{56} Id.
\textsuperscript{57} Id.
\textsuperscript{58} Id.
\textsuperscript{60} Rebeca A. Clay, \textit{The Unknown Victims of Trafficking}, 45 MONITOR ON PSYCHOL. 36 (2014).
ask for help. They don’t know they are a victim. They feel like it’s their fault. We are victims. You can have the worst past, but that doesn’t mean you can’t have a successful future.”61

Another woman, who has requested to remain anonymous, did not even realize that her trafficker was luring her in and exploiting her.62 Her heartbreaking story involves a pimp pulling her into exploitation when she was only seventeen.63 Traffickers tend to “look for victims in vulnerable situations due to economic hardship, political instability, natural disasters, and other causes. Traffickers also exploit people who are vulnerable because of their age, social, economic or immigration status.”64 Due to this type of specified exploitation, this victim was an ideal target for the trafficker because her relationship with her father had unraveled after her mother was caught embezzling money and was sent to prison.65 An individual sent her messages on Facebook, in which, he purported to care about her.66 At seventeen, she went to visit him only to find out that he was older than her and told her she needed to make money in order to stay with him.67 He had already told her “everything [she] wanted to hear, especially with [her] mom being away” and she complied by “going to an area for commercial sex.”68

Over the next few months, several pimps approached her under the guise of providing her the family that she desperately craved.69 Even after returning home to see her mother who had been released early, she returned to Texas where another man from Facebook asked her to join him.70 Little did she know, but that man was part of a sex ring which took her and other women across state borders to engage

---

61 Human Trafficking Victim Shares Her Story, supra note 59.
62 Alvarez, supra note 55. This woman requested that the author “not use her name to ensure her safety.” Id.
63 Id.
64 Trafficking in Persons General Awareness Refresher Training Presentation, supra note 9.
65 Alvarez, supra note 55.
66 Id.
67 Id.
68 Id.
69 Id.
70 Id.
in stripping and commercial sex.\textsuperscript{71} While they were traveling to at least five different states, the women did not have access to phones or Facebook, and if they tried to escape, they were stopped by the other women and men.\textsuperscript{72} Eventually when the FBI, "with the assistance of the Baltimore Police Department S.W.A.T. team[,] broke up the ring, she, too, felt as if she were an offender."\textsuperscript{73} Her story, while devastating, is not an isolated incident; many "women who become victims of human trafficking usually do not understand what human trafficking is, or that they are being trafficked."\textsuperscript{74} Traffickers prey on vulnerable individuals and continue to exploit them because these victims often do not realize they are being exploited or cannot leave once they discover the abuse.\textsuperscript{75}

III. HISTORY OF TRAFFICKING LEGISLATION

A. United States Anti-Trafficking History

Throughout the past nineteen years, Congress has made progress in passing anti-trafficking legislation.\textsuperscript{76} The most prominent legislation that the United States enacted is the TVPA, which was used as a tool "to combat trafficking in persons both worldwide and domestically."\textsuperscript{77} "The Act authorized the establishment of the State Department’s Office to Monitor and Combat Trafficking in Persons and the President’s Interagency Task Force to Monitor and Combat Trafficking in Persons to assist in the coordination of anti-trafficking efforts."\textsuperscript{78} This act, which has its roots in the Constitution’s Thirteenth Amendment against “slavery [and] involuntary

\textsuperscript{71} Id.
\textsuperscript{72} Id.
\textsuperscript{73} Id.
\textsuperscript{74} UNODC, ‘Put yourself in my shoes,’ supra note 45.
\textsuperscript{77} U.S. DOS, U.S. Laws on Trafficking in Persons, supra note 16.
\textsuperscript{78} Id.
servitude,” 79 critically established the three P’s of anti-trafficking. 80 The “3 P’s” of anti-trafficking 81 are the following: “protection, prevention, and prosecution.” 82 First, the act protected individuals by implementing significant protections for victims, “regardless of their immigration status.” 83 Second, the act gave law enforcement more power and jurisdiction to prosecute the perpetrators of criminal trafficking activity and forced servitude. 84 Third, the act gave the government greater ability to prevent and deter trafficking before it occurs. 85 This is accomplished by creating an “Interagency Task Force to Monitor and Combat Trafficking (PITF).” 86 This task force combined the skills and resources of fifteen different agencies in order to comprehensively approach anti-trafficking. 87 A few years later, in 2003, Congress passed the “The Trafficking Victims Protection Reauthorization Act of 2003.” 88 The reauthorization not only expanded the definition of trafficking making it easier to prosecute perpetrators, but it also established an executive policy group dedicated to coordinating the activities of all the agencies committed to combatting trafficking. 89 Furthermore, it gave victims the ability to have access to civil remedies meaning that they could sue those who subjected them to the atrocities of trafficking. 90 These methods gave victims more recourse against those who hurt them. 91

79 U.S. CONST. amend. XIII, § 1.
80 U.S. DOJ, Key Legislation, supra note 76.
81 This article will address a missing fourth P, partnerships, later on when discussing a collaborative task force approach to combatting trafficking.
82 U.S. DOJ, Key Legislation, supra note 76.
83 Id.
84 Id.
85 Id.
86 Id.
88 U.S. DOJ, Key Legislation, supra note 76.
89 Id.
90 Id.
91 Id.
In 2005, Congress passed the "Trafficking Victims Protection Reauthorization Act of 2005" which introduced further collaboration.92 This reauthorization "established a grant program for states, Indian tribes, local governments, and nongovernmental organizations (NGOs) to develop, expand, and strengthen assistance for trafficking victims and directed the Department of Health and Human Services to establish and implement a pilot program to provide benefits and services for juvenile trafficking victims."93 This type of collaboration was encouraging, but the reform did not end there. "The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008" passed and with it came more tools to hold traffickers accountable.94 It not only gave law enforcement the ability to levy harsh penalties against those who obstructed investigations, but it also penalized those financially benefitting from trafficking.95 Further, it established more protections for victims under immigration law including T visas, which are available to victims of trafficking.96

In 2013, another reauthorization passed which amended the criminal code by criminalizing "U.S. citizens or permanent resident aliens who reside overseas and engage in illicit sexual conduct with a person under 18 years of age."97 This reauthorization brought another success for victims because it "[e]xtended the statute of limitations for a person to bring a civil action for an injury received while the person was a minor that was caused by certain sex or forced labor-related violations of federal criminal law."98 This gave victims the ability to bring justice to their perpetrators long after it occurred if they the victim was a minor at the time of the abuse.99

Finally, Congress passed "The Justice for Victims of Trafficking Act of 2015."100 This act provided further protections for minors who

---

92 Id.
93 Id.
94 Id.
95 Id.
96 Id.
97 Id.
98 Id.
99 Id.
100 Id.
were being exploited and implemented a plan to generate revenue which would be used exclusively to “support programs to provide services to victims of human trafficking and other offenses.”101 It also ensured that the “Attorney General . . . create[d] and maintain[ed] a National Strategy to Combat Human Trafficking.”102 As evidenced by this comprehensive legislation, the United States Government is committed to combatting trafficking and furthermore, it realizes the necessity for collaboration in this effort.103 For example, “The Department of Justice is committed to a collaborative approach, and relies extensively on its robust partnerships across the government and with non-governmental organizations.”104 Along with its comprehensive legislation against trafficking, the United States continues to work with the international community to find best practices and to work together in the fight against trafficking in persons.105

B. Past Cooperation with the International Community

There are several different initiatives that countries have come together to be a part of with the intent of curbing or limiting the human trafficking within their countries.106 One of these

---

101 Id.
102 Id.
104 Id.

Terre des Hommes, as child focused development NGO, runs field programmes against specific forms of child rights violations. Various Tdh projects worldwide contribute to the fight against child trafficking and protection of trafficked and at risk children. In countries of origin, in addition to direct support
organizations is the Terre des Hommes which helps protect children by fighting against trafficking and helping victims of trafficking after the fact.\textsuperscript{107} The International Organization for Migration noted that if the global community is going to make “progress in the fight against trafficking in persons in this context, greater international coordination and cooperation are required and governments and international organizations will be expected to take the lead.”\textsuperscript{108}

Three ways which international cooperation increases effectiveness are as follows: first, it increases accountability for enforcing provisions which would assist the anti-trafficking movement.\textsuperscript{109} Without accountability, countries could implement a law without any intention of following through; the country could enact the law for a plethora of other reasons including public perception to make themselves look better to the international community or to their citizens.\textsuperscript{110}

Second, international cooperation allows for increased effectiveness in curbing international human trafficking.\textsuperscript{111} Trafficking that crosses borders is difficult to detect, prevent, and prosecute because of limited enforcement power in differing

\begin{quote}
to the children, Tdh works with the authorities in enforcing the national child protection mechanism as a strategy aiming at preventing trafficking and other severe forms of child abuse. In countries of destination, the organisation seeks adequate assistance for trafficked children as well as children who due to their particular status are at risk of exploitation and trafficking (i.e. foreign unaccompanied children).
\end{quote}

\textit{Id.}  
\textsuperscript{107} \textit{Id.}
\textsuperscript{111} U.S. DOS, \textit{PITF Agencies}, supra note 87.
Third, coordinating with other countries gives states a way to collaborate and come up with ideas that work best for each individual country; for instance, if one country sees a strategy that another country is using, they can try to implement that idea in their own country in order to find the best possible route to stop trafficking. For example, after the Group of Friends United Against Human Trafficking was created, the Group held an event called, “In Stronger Partnership and Better Cooperation of Efforts to Stop Human Trafficking: Eradicating Modern-Day Slavery through Sustainable Development” which was aimed at providing “an opportunity to the UN Member States, international and regional organisations, civil society to showcase their best practices in prevention of trafficking in persons, prosecution of related crimes and protection of their victims, [and] to share views on the ways of intensifying [the] international fight against modern-day slavery.” Other agencies like the Inter-Agency Coordination Group Against Trafficking in Persons (ICAT) were formed “by the UN General Assembly to improve coordination among UN agencies and other relevant international organizations to facilitate a holistic and comprehensive approach to preventing and combating trafficking in persons, including protection and support for victims of trafficking.”

Additionally, in 2010, the UN General Assembly came together to launch “the United Nations Global Plan of Action to Combat Trafficking in Persons…” which established “the United Nations Voluntary Trust Fund for Victims of Trafficking in Persons, Especially Women and Children,” called for a united front to stop

\[\text{\textsuperscript{113}}\text{See generally U.S. DOS, \textit{TIP Report 2018, supra} note 109.} \]
\[\text{\textsuperscript{114}}\text{In Stronger Partnership and Better Coordination of Efforts to Stop Human Trafficking: Eradicating Modern-Day Slavery through Sustainable Development, Group of Friends United Against Hum. Trafficking (Feb. 9, 2016), http://un.mfa.gov.by/docs/high_level_event_on_human_trafficking_february_9_2016.pdf. [hereinafter GOFAHT, \textit{In Stronger Partnership and Better Coordination of Efforts to Stop Human Trafficking}].} \]
\[\text{\textsuperscript{115}}\text{Id.} \]
\[\text{\textsuperscript{116}}\text{The Inter-Agency Coordination Group Against Trafficking in Persons (ICAT), INTER-AGENCY COORDINATION GROUP AGAINST TRAFFICKING IN PERSONS (ICAT), http://icat.network/ (last visited Apr. 17, 2019).} \]
this heinous crime and concerted action to help those harmed by it.\textsuperscript{117} This General Assembly made a call to action for helping those in need by not only providing support to those who were already victimized but by increasing education as a way to prevent future victimization.\textsuperscript{118}

International cooperation does not always just refer to the countries collaborating on strategies to combat human trafficking or even enforcement mechanisms to help another country.\textsuperscript{119} International cooperation can mean that a country simply begins to take responsibility for an interesting migration pattern or change in the refugee population.\textsuperscript{120} There are some programs which are specific towards preventing trafficking before it occurs while others focus on catching the traffickers in the act, which could lead to the discovery of more individuals involved and more people to prosecute.\textsuperscript{121} Still, others focus on the rehabilitation of individuals who have been subjected to trafficking and need help reintegrating into a society where they have freedom and autonomy.\textsuperscript{122} These methods are helping to combat the problem, but sometimes they alone are not enough to just try to change the anti-trafficking culture and further, they sometimes distract from the United States’ efforts at home.\textsuperscript{123} For instance, in Tajikistan, the government is open to collaboration, and the United States is furthering anti-trafficking efforts there, but the United States is simply not putting enough resources towards the problem at home.\textsuperscript{124} 

\textsuperscript{118} Id. at 1–16.
\textsuperscript{120} Id.
\textsuperscript{121} Id.
\textsuperscript{122} Id.
\textsuperscript{124} Id.
is stepping up cooperation on an international level, it is still not spending enough money on tackling the problem at home, he says.

There is a shortage of funds for victim support programmes, awareness raising campaigns and basic technical equipment for anti-trafficking centres."  

The UNODC reports reflect the same sentiments from Siddharth Kara’s study, Sex Trafficking: Inside the Business of Modern Slavery, when they report that “human trafficking spares no country.” This is evidenced by the fact that “victims from 127 countries undergo exploitation in 135 nations.” Human trafficking is a business run by money and not simply for the game of exploiting individuals; its impacts are far-reaching. Because the business is worldwide,

125 Id.


127 Id.


In his 2009 study, Sex Trafficking: Inside the Business of Modern Slavery, Siddharth Kara estimates there were 28.4 million slaves worldwide at the end of 2006. Using a profit and loss statement approach, the implied annual revenues generated by slaves at the end of 2006 was about US$152.3 billion, with the implied annual profit from slave labour estimated to be US$91.2 billion. This figure was revised in 2012 to reach US$96.5 billion. To calculate the profits, Kara initially calculates the revenue generated by each slave. For each type of slavery, Kara estimates a percentage in each region. Thus, for bonded labour and debt bondage, he estimates that 89 per cent are in South Asia, 5.5 per cent in Latin America and the other 5.5 per cent in Africa. He then divides, for each type of slavery in each region, the percentage of slaves in specific industries of selected countries. For example, of the 89 per cent of slaves in South Asia, 15 per cent are estimated to be in brick kilns, 25 per cent in carpet weaving and other manufacturing, and the remaining 60 per cent in rice and sugar cane production.

Id.
this means that even though many countries are hurt by trafficking, there are also a plethora of ideas for curbing it.\textsuperscript{130} However, Stephanie Richard, the policy and legal services director at the Coalition to Abolish Slavery and Trafficking, noted that “There is no easy solution to modern-day slavery — if there was, we would have already been doing it.”\textsuperscript{131} In fact, sometimes there are so many opinions within one legal system that it makes progress difficult.\textsuperscript{132}

Many countries have adopted policies or initiative aimed at providing protections for victims, but France, in particular, has made an effort to help child victims.\textsuperscript{133} For example, the Mission for the Protection of Women against Violence and the Fight Against Human Trafficking (MIPROF) signed several pilot conventions in 2016, one of which provides “secure accommodation for child trafficking victims.”\textsuperscript{134} One of the reasons that France is taking this kind of initiative is because France is increasingly becoming a hub for women and girls who are trafficked.\textsuperscript{135}

According to the Organization for Security and Co-operation in Europe (OSCE), some countries have started instituting portions of the “UNODC Model Law against Trafficking in Persons” such as the following:

1. A victim of trafficking in persons shall not be held criminally or administratively liable [punished] [inappropriately incarcerated, fined or otherwise penalized] for offences [unlawful acts] committed by

\textsuperscript{129} Id.

\textsuperscript{130} GOFAHT, \textit{In Stronger Partnership and Better Coordination of Efforts to Stop Human Trafficking}, supra note 114.


\textsuperscript{132} Id.


\textsuperscript{134} Id. at 173.

them, to the extent that such involvement is a direct
cconsequence of their situation as trafficked persons. 2.
A victim of trafficking in persons shall not be held
criminally or administratively liable for immigration
offences established under national law.\(^{136}\)

This model completely absolves the victim of any blame and ensures
that they may act as free agents, free from any obligations of the state
in regard to their rehabilitation after being trafficked. This opens the
doors to discuss whether decriminalizing prostitution is a helpful
tactic to curbing trafficking.

\textit{C. Decriminalization Debate}

1. Decriminalization Versus Legalization

The decriminalization versus legalization debate is important to
mention because it impacts law enforcement’s ability to collaborate
with NGOs and resource centers when helping victims, especially
minors.\(^{137}\) Moreover, there is a difference in thinking that the law is
making an activity legal because a government condones the act and
realizing that the government is decriminalizing an act because a
majority of people engaging in the act are victims.\(^{138}\)

One of the main forms of trafficking in persons appears in the
prostitution industry.\(^{139}\)

\(^{136}\) Office of the Special Representative and Co-ordinator for Combating
Trafficking in Human Beings, \textit{Policy and Legislative Recommendations Towards
the Effective Implementation of the Non-Punishment Provision with Regard to
Victims of Trafficking}, ORG. FOR SECURITY AND CO-OPERATION IN EUR. (OSCE) in
consultation with the \textit{Alliance against Trafficking in Persons} Expert Co-ordination

\(^{137}\) Interview with Juliet L. Oliver, Deputy District Attorney, Human
Exploitation and Trafficking Unit, Orange County District Attorney’s Office, in
Malibu, CA (Sept. 6, 2018).

\(^{138}\) \textit{Id}.

\(^{139}\) \textit{Neha A Deshpande, BA and Nawal M Nour, MD, MPH, Rev. in
https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3651545/.
It is important to note that sex trafficking and prostitution are not synonymous and that prostitution is simply one type of work performed by victims of sex trafficking. Sex trafficking is an umbrella term that may include commercial sex work such as prostitution, but also pornography, exotic dancing, stripping, live sex shows, mail-order brides, military prostitution, and sexual tourism. Although victims of sex trafficking can be of any age and of either sex, the majority are women and adolescent girls. Although many nations have outlawed the trafficking of females, it is still widely prevalent on a global scale.

Two different mindsets to trafficking legislation are decriminalization and legalization, which can sometimes be confused with one another. In general, these two approaches produce very different results. According to University of Rhode Island Professor Donna Hughes, legalization refers to “the regulation of prostitution with laws regarding where, when, and how prostitution

---

140 To further explain this, Dave Rogers notes that,

[T]he primary difference between the two terms is willfulness. A prostitute, under the law, is doing commercial sex work without force fraud or coercion. There is no such thing as a willing sex trafficking victim so the law requires evidence to show the commercial sex work was as a result of force, fraud or coercion – unless the worker is a minor (under 18 yrs old). A minor engaged in commercial sex work, by definition, is a trafficking victim. Thus, there is no such thing as a minor, or under-age prostitute. The term prostitute infers willfulness, not just commercial sex work.

See Rogers, supra note 49.

141 Id.


could take place. Decriminalization eliminates all laws and prohibits
the state and law-enforcement officials from intervening in any
prostitution-related activities or transactions, unless other laws
apply."\textsuperscript{144} This is an important distinction to remember because one
still allows for government intervention and regulation while the
other takes a non-interventionist approach.\textsuperscript{145}

2. Arguments in Favor of Decriminalization

The idea behind decriminalizing prostitution is that it is easier for
law enforcement to regulate if it is no longer illicit and forced
underground.\textsuperscript{146} If prostitution is decriminalized, victims of
trafficking can come forward and report their traffickers and
traffickers could be subject to criminal charges.\textsuperscript{147} In their book,
Hidden in Plain Sight, Stephanie Hepburn and Rita J. Simon discuss
how "[s]ome anti-trafficking experts support the global
decriminalization of prostitution and associated activities, with the
hope that increased transparency would minimize opportunity for
human trafficking."\textsuperscript{148} One of the main arguments for
decriminalizing trafficking is that the victims will feel more
comfortable approaching law enforcement without fear of police
recriminalization.\textsuperscript{149} Many victims are not just afraid of being
prosecuted for the act of being trafficked, but also for the work they
are forced to do or the illegal situation traffickers have placed them

\textsuperscript{144} Id.
\textsuperscript{145} FRADELLA & SUMNER, supra note 142.
\textsuperscript{146} Rachel Chason, ‘A mecca for prostitution? A new bill proposes
decriminalizing sex work in D.C., WASH. POST, Oct. 13, 2017,
https://www.washingtonpost.com/local/dc-politics/a-mezca-for-prostitution-a-new-
bill-proposes-decriminalizing-sex-work-in-dc/2017/10/13/18f3dd12-af64-11e7-
\textsuperscript{147} Id. at 232.
\textsuperscript{148} HEPBURN & SIMON, supra note 50, at 171.
\textsuperscript{149} U.N. Human Rights Office of the High Commissioner, Human Rights and
Human Trafficking, FACT SHEET NO. 36, 1, 18 (2014) (referencing Guideline Two
of the Recommended Principles and Guidelines) [hereinafter UNHR, Human
Rights and Human Trafficking].
This could include having no immigration documents, work
papers, or other false documents the trafficker provided.\footnote{Id. at 17.}

One of the problems that decriminalization could combat is that
many individuals are not treated as “victims of trafficking, but as
smuggled or irregular migrants or undocumented migrant workers.
Countries of origin sometimes directly criminalize victims upon their
return, penalizing them for unlawful or unauthorized departure.”\footnote{Id.}

Even when a government provides a safe place of protection for
victims, the victims do not always utilize them for fear of

“\textit{The government’s prefectural shelters are open to female victims of violence and to foreign trafficking victims, but few foreign trafficking victims utilize the shelters for fear that they will be sent to an immigration shelter and be deported.”}\footnote{Id. at 17–18.}

Additionally,

[t]raffickers also play into the narrative by telling
victims, who are exploited for sex, that they are
offenders, threatening to call the police and report
them for prostitution if they push back. This makes
sex trafficking particularly challenging because
victims might be fearful of going to law enforcement
and being charged with a crime.\footnote{Alvarez, \textit{supra} note 55.}

The government has begun to take this method of decriminalizing
victims into account, and there is a growing international consensus
that “trafficked persons [should not be] prosecuted for violations of
immigration laws or for the activities they are involved in as a direct
consequence of their situation as trafficked persons.”\footnote{UNHR, \textit{Human Rights and Human Trafficking, supra} note 149 (alteration
in original).} Even though

\begin{footnotesize}
\footnote{Id. at 17.}
\footnote{Id.}
\footnote{Id. at 17–18.}
\footnote{Id.}
\footnote{Alvarez, \textit{supra} note 55.}
\footnote{UNHR, \textit{Human Rights and Human Trafficking, supra} note 149 (alteration
in original).}
\end{footnotesize}
criminalization, unfortunately, the principle only extends to prostitution and sex work. Lisa Monarez, who used to sell sex in Washington D.C. area until she had a violent encounter, spoke in favor decriminalization saying that, "[a] new bill to decriminalize sex work in the District would make sex workers — many of whom are victims of violent crimes — more comfortable reporting those crimes to police." Others are advocates because they "say the bill would also make it easier for sex workers to find other jobs and housing because they would not have prostitution-related arrests on their records." Others present a moral argument, saying that the government should not interfere with what people choose to do with their own bodies. The problem with this discussion is that it tends to surround the topic of prostitution when that is only one small part of human trafficking. This means that any schemes to decriminalize prostitution, as effective as they may be, still leave out many victims of human trafficking in persons.

3. Arguments Against Decriminalization

Those against decriminalization say that legalization will make it easier for traffickers to keep oppressing individuals without interference from the government. Decriminalization will not lessen trafficking or the number of victims because the problem will

---

158 Chason, supra note 146.
159 Id.
161 U.S. DOS, Definitions and Methodology, supra note 14.
163 Chason, supra, note 146 (highlighting that "Tina Frundt, a victim of sex trafficking who now runs a program that helps young people escape their traffickers, said decriminalizing sex work will make it easier for pimps to open brothels without fearing intervention from police. 'It is a criminal enterprise, and by decriminalizing it, we are making it easier for bad people to commit crimes.'").
simply become undetectable.\textsuperscript{164} Decriminalization does not deal with the root problem, which is girls have a sense of security with their pimps, who manipulate them.\textsuperscript{165} One effect of illegal prostitution is that it helps law enforcement agencies identify girls and help them get treatment or counseling as part of their program.\textsuperscript{166} Without the illegality aspect, it makes it hard for agencies to identify the pimps and traffickers who are associated with the girls.\textsuperscript{167} When the government normalizes the sex industry through legislation, the result is “an over-all increase in the amount of sex trafficking in the jurisdiction.”\textsuperscript{168} A German Institute for Economic Research, the KOF Swiss Economic Institute, and the London School of Economics and Political Science study “conclude[ed] [that] ‘countries where prostitution is legal experience a larger reported incidence of human trafficking inflows,’ which is to say, legalization of prostitution across the board increases sex trafficking.”\textsuperscript{169}

Denmark notes similar effects when it made prostitution non-criminal.\textsuperscript{170} In 1999, Denmark decriminalized prostitution relying on the idea that it would be “easier to police.”\textsuperscript{171} The only conditions Denmark left in place were twofold: “pimping [was] illegal and only legal residents [could] work as prostitutes.”\textsuperscript{172} Since the decriminalization, not only did Denmark’s red light district grow, but also the demographic breakdown shifted as well.\textsuperscript{173} With regard to the after effects of Denmark’s policy change, “Michelle Mildwater, an anti-trafficking activist with Hope Now… says she has seen the number of prostitutes from Africa triple in just two years.”\textsuperscript{174}

\textsuperscript{164} Id.
\textsuperscript{165} Telephone Interview with Geanie Franco, Special Agent, Cal. Dep’t of Justice (Sept. 4, 2018).
\textsuperscript{166} Id.
\textsuperscript{167} Id.
\textsuperscript{168} Dempsey, supra 157, at 226.
\textsuperscript{169} Id.
\textsuperscript{171} Id.
\textsuperscript{172} Id.
\textsuperscript{173} Id.
\textsuperscript{174} Id.
only did Denmark see an explosion of sex trafficking, but an increase in illegal pimping as well which was difficult to police because it was hard to separate legal prostitution from illegal pimping.\textsuperscript{175}

Furthermore, legislation impacts minors’ safety in the industry. For instance, when California passed Senate Bill 1322,\textsuperscript{176} which decriminalized engaging in prostitution as a minor, law enforcement could no longer protect vulnerable minors.\textsuperscript{177} Juliet Oliver, a Deputy District Attorney in the Human Exploitation and Trafficking Unit in Orange County, discussed how this law made it more difficult to remain victim-centered when working on cases with minors.\textsuperscript{178} Before this law, when a minor was arrested, law enforcement detained the minor to keep them safe and provided resources necessary for their well-being. Now, the minor is free to go\textsuperscript{179} and the pimp or trafficker will pick them up that night.\textsuperscript{180} This type of law, while helpful in theory, is hurting victims and not allowing them to receive the help they could be receiving otherwise.\textsuperscript{181}

4. Partial Decriminalization

Sweden took an opposite approach when combatting trafficking in Stockholm.\textsuperscript{182} Sweden partially decriminalized prostitution, but only for the victims while leaving the buyers to face the brunt of the criminal repercussions.\textsuperscript{183} In 1995, it passed a bill which made it illegal to buy sex.\textsuperscript{184} In the wake of this bill, Sweden saw a decreased “demand for prostitution and thereby sex trafficking.”\textsuperscript{185} Because sex trafficking is a business, Swedish police said “that customers don’t want to risk punishment and that intelligence

\textsuperscript{175} Id.
\textsuperscript{176} S.B. 1322, 2016 Leg. (Cal. 2014).
\textsuperscript{177} Oliver, supra note 137.
\textsuperscript{178} Id.
\textsuperscript{179} Id.
\textsuperscript{180} Id.
\textsuperscript{181} Id.
\textsuperscript{182} Michelle Madden Dempsey, supra note 157, at 227.
\textsuperscript{183} Shubert, supra 170.
\textsuperscript{184} Id.
\textsuperscript{185} Id.
indicated pimps and traffickers quickly realized it was not worth bringing women into Sweden. Simply, there is not enough money to be made and the risk is too high." 186 This experiment criminalizing buyers proved effective. 187 Although there is still illicit trafficking activity overall, Sweden’s experiment proved more successful than Denmark’s total decriminalization. 188

IV. USING TASK FORCES: A COLLABORATIVE APPROACH

As noted earlier, there are many different ways to deal with human trafficking even though none have come close to eradicating it yet. 189 One of the biggest steps that a country can take toward stopping trafficking is to utilize agencies to locate and curb traffickers. 190 Agencies are critical in the fight against trafficking because they have different jurisdictions of authority and victims do not view agencies or non-governmental agencies (NGOs) in the same way they view law enforcement. 191

A. Domestic Approaches

Collaboration between local and federal law enforcement, NGOs, and agencies is gaining momentum as the most effective way to fight trafficking. Collaboration increases the ability to detect trafficking activity, gather evidence, prosecute perpetrators, offer resources to victims, and learn about the intricacies of trafficking from victims who share their stories. 192 This section highlights what different countries are doing to collaborate with agencies to combat trafficking. According to the Global Research Center’s report on combatting human trafficking in different countries:

---

186 Id.
187 Id.
188 Id.
189 UNODC, Abolishing Slavery, eradicating human trafficking, supra note 126.
190 Rogers, supra note 49.
191 Id.
192 Id.
All of the surveyed jurisdictions have multiple agencies with specifically identified responsibilities to address human trafficking; these usually include police forces, labor agencies, border control authorities, and immigration bureaus. Some countries, including Argentina, Brazil, Canada, China, Egypt, Germany, Italy, Japan, Mexico, Malaysia, and the Netherlands, have national interministerial or interagency councils, task forces, or committees responsible for coordinating anti-trafficking efforts across governmental agencies.¹⁹³

The similarities between these countries are that they utilize collaboration within their own countries to effectively combat trafficking.¹⁹⁴

1. Uganda

The Director of Public Prosecutions in Uganda noted that Uganda has several different human trafficking departments.¹⁹⁵ This is because trafficking in Uganda is difficult to detect.¹⁹⁶ Part of human trafficking in Uganda involves taking people abroad so to combat this method, all employment agencies are required to register so that they can be vetted.¹⁹⁷ In order to vet these agencies, regulations were put in place using the power bestowed on the Minister of Labour by the Employment Act.¹⁹⁸ The regulations’ goals are to promote the employment of Ugandan workers while still upholding their dignity


¹⁹⁴ Id.

¹⁹⁵ Telephone Interview with Mike Chibita, Director of Public Prosecutions, Office of the Director of Public Prosecutions, Uganda (Jan. 17, 2018).

¹⁹⁶ Id.

¹⁹⁷ Id.

and human rights.\textsuperscript{199} It does this partially by creating a “mechanism for issuing licenses to recruitment agencies.”\textsuperscript{200}

2. United States

Some local districts started to notice young girls entering the court system with similar stories about boyfriends who force them to sell sex.\textsuperscript{201} Lawmakers began to realize that children and young adults were not entering the sex trade of their own volition so they began to focus “on diverting young victims away from the criminal justice system and dismantling the perception that children and teens willfully and knowingly enter prostitution.”\textsuperscript{202} Because human trafficking, regrettably, targets children,\textsuperscript{203} it is extremely important that the public and those who work with children know what signs to look for.\textsuperscript{204} One study showed that while any child may become the victim of a human trafficking scheme, there are certain factors that traffickers are most likely to exploit in children.\textsuperscript{205} These include “homelessness; prior childhood abuse; the lack of any caring, supportive adult in a youth’s life; and the lack of education or any means to earn an income.”\textsuperscript{206} This is an area where agencies can step up and implement initiatives that can help curb the exploitation of children.\textsuperscript{207}

\textsuperscript{199} Id.
\textsuperscript{200} Id.
\textsuperscript{201} Ulloa, supra note 131.
\textsuperscript{202} Id.
\textsuperscript{203} Rosenblatt, supra note 29.
\textsuperscript{205} Id. at 4; see also Human Trafficking in American Schools, 1, 9, U.S. DEP’T OF EDUC. (Jan. 2015), https://humantraffickinghotline.org/sites/default/files/Human%20Trafficking%20in%20America’s%20Schools%20-%20DoEd.pdf.
\textsuperscript{206} NAT’L CTR. FOR HOMELESS EDUC., supra note 204.
For instance, in 2015, the Department of Education introduced a
guide to teach educators “ways to identify and help prevent
trafficking in schools.” The guide addresses risk factors, ways in
which traffickers recruit victims, and how to identify the signs of
someone being trafficked. The guide also addresses what to do in
the event that a teacher suspects human trafficking; this includes
giving potential policies that schools can implement to help children
in these tough situations.

Dave Rogers, the FBI’s former National Program Manager for
Human Trafficking within the Civil Rights Unit, noted that the
circumstances surrounding a victim—his immigration status, her lack
of food, her family’s lack of employment, or his unsafe
neighborhood—are vulnerabilities but they are not the reason that a
child is trafficked. For a person to be trafficked, a human agent
must exploit those vulnerabilities. This thought helps remove the
blame from the victim for having these conditions in their lives and
instead places the blame on the trafficker who exploits them. That
does not mean that it is not important to consider factors which make
some youth more “susceptible to victimization.” For instance,
homelessness is a huge vulnerability that traffickers exploit. Many
homeless individuals say that they traded sexual activity for a place
to stay when they were homeless. Traffickers exploited this

208 Id.
209 Id.
210 Id.
211 The Team, HUM. TRAFFICKING INST.,
https://www.traffickinginstitute.org/team/ (last visited Apr. 12, 2019).
212 The Victims, NAT’L HUM. TRAFFICKING HOTLINE,
https://humantraffickinghotline.org/what-human-trafficking/human-
trafficking/victims (last visited Apr. 12, 2019); see also Rogers, supra note 49.
213 Rogers, supra note 49.
214 Id.
215 Polaris, The Victims & Traffickers, https://polarisproject.org/victims-
traffickers (last visited Apr. 16, 2019).
216 Jayne Bigelsen, Homelessness, Survival Sex and Human Trafficking: As
Experienced by the Youth of Covenant House New York, COVENANT HOUSE, 11–15
(May 2013), https://humantraffickinghotline.org/sites/default/files/Homelessness
%2C%20Survival%20Sex%2C%20and%20Human%20Trafficking%20-
%20Covenant%20House%20NY.pdf.
217 Id. at 6.
vulnerability by “loiter[ing] in areas where homeless youth are
known to gather and then tell[ing] them that the shelters are full and
offer[ing] them a place to stay in lieu of sleeping on the streets.”
Because children without places to stay at night are more susceptible
to exploitation, it is critical that agencies, like the Department of
Education, take steps towards increasing awareness and decreasing
traffickers’ ability to secretly exploit vulnerable children.

B. International Approaches

Collaboration does not just mean a coordinated effort between the
government and organizations within a certain country. Rather, it
can include a collaboration among countries in order to find the most
effective ways of detecting and prosecuting traffickers. For
instance, the Director of Public Prosecutions from Uganda said that
officials from Uganda attended a roundtable on human trafficking
where prosecutors from five countries around the world met to share
best practices in regards to ending human trafficking. At the
Global Vatican Trafficking Summit, judges and prosecutors from
around the world “discuss[ed] the dangers of organized crime” and
how to combat human trafficking, also known as modern day
slavery.

1. Victim Advocacy

It is crucial to include victims in the conversation about
trafficking. There is no better way to learn how traffickers think than

---

218 Id.
219 Id. at 10.
220 Judges and Prosecutors Share Best Practices at Global Vatican Trafficking
221 Chibita, supra note 195.
222 ROME REP., supra note 220 (referencing the name of previously mentioned
trafficking conference).
223 Id.
by talking to those who were victimized by them.224 Additionally, trafficking survivors have shared that one of the most important steps to being trauma-informed is to be survivor-informed.225 The current administration226 grasps this concept and has been already been taking steps to ensure that it is receiving education from those who have seen traffickers’ work firsthand.227

Moreover, speaking with victims allows law enforcement to learn from its successes and mistakes.228 By sitting down with a survivor who trusts law enforcement, law enforcement will be better able to understand which tactics were helpful or hurtful.229 For instance, many trafficking victims do not view themselves as being trafficked230 and because of that, they will sometimes lie in an interview with law enforcement.231 Because some interviewers lack education and knowledge of the signs of trafficking, interviewers

---

224 U.S. DOS, TIP Report 2018, supra note 109, at 24 (explaining why a survivor’s mindset is valuable when prosecuting and learning about traffickers).

A survivor-informed practice includes meaningful input from a diverse community of survivors at all stages of a program or project, including development, implementation, and evaluation. Whenever possible, law enforcement officials, prosecutors, service providers, and other allied professionals should solicit feedback from survivors on organizational policies and programming. Survivors should also be involved in evaluation activities, focus groups, and other efforts to assess the effectiveness of service delivery. Moreover, when sought out to provide input or consultation, survivors should be paid for their expertise and time.

Id.

225 Id.


228 Rogers, supra note 49.

229 Id.

230 Id.

231 Id.
might either accept the lies\textsuperscript{232} at face value meaning \textit{no trafficking was taking place} or they could coerce a confession out of, and revictimize, the victim.\textsuperscript{233}

Without knowing it, an interviewer could be badgering the victim in order to obtain a cohesive story. However, the victim, affected by trauma, may not be trying to confuse the story in the first place.\textsuperscript{234} The Office for Victims in Crime Training and Technical Assistance Center reports that, “Memory loss, lack of focus, emotional reactivity, and multiple versions of a story can all be signs of trauma exhibited during interviews.”\textsuperscript{235} Moreover, it notes that victims not commonly will deny that they are a victim, give a vague account of events, or be angry or fearful about the interviewer’s power over them.\textsuperscript{236} Additionally, abusers will sometimes brainwash young children to make them believe that the abuse was normal.\textsuperscript{237} Another way to accidentally fall into revictimization of survivors is to have them retell their stories several times.\textsuperscript{238} This makes the survivor relive the trauma that he was put through and sometimes unnecessarily causes stress for the survivor without gaining any clarity from the re-telling.\textsuperscript{239}

Another way to avoid revictimization of trafficking victims is to establish trust with the victim by increasing cooperation among law enforcement, agencies, and NGOs.\textsuperscript{240} As mentioned earlier, many individuals are trafficked into areas or countries illegally and


\textsuperscript{233} Rogers, supra note 49.

\textsuperscript{234} OVC TTAC, \textit{Trauma-Informed Victim Interviewing}, supra note 232.

\textsuperscript{235} Id.

\textsuperscript{236} Id.


\textsuperscript{238} Rogers, supra note 49.

\textsuperscript{239} Id.

\textsuperscript{240} Id.
therefore are too afraid to speak with law enforcement.\textsuperscript{241} Not only can victims be afraid that law enforcement will place them in immigration proceedings if they are in the country illegally,\textsuperscript{242} but they are afraid of a plethora of other issues as well. These legal issues include not having proper work permits, documentation, or participating in what appears to be the commercial sex trade.\textsuperscript{243}

It is crucial that law enforcement is trained to recognize the signs of human trafficking in order to avoid the revictimization of the people being trafficked.\textsuperscript{244} The National Institute for Justice reports that in order “to be truly effective, training programs on human trafficking must teach case identification to all officers in the department (not just vice officers) and offer other specialized training to a few who can then lead a response team when a case is identified.”\textsuperscript{245} This is, again, a place where agencies and organizations, “including the International Association of Chiefs of Police and the U.S. Immigration and Customs Enforcement” can and have stepped in to “developed training programs for identifying sex trafficking victims.”\textsuperscript{246}

As it has been demonstrated here, it is crucial to include victims in the conversation in order to learn from them,\textsuperscript{247} but it is also critical to keep their situations in mind and always be diligent not to accidentally revictimize them.\textsuperscript{248}

\footnotesize


\textsuperscript{242} Id.

\textsuperscript{243} Bigelsen, supra note 216, at 11.

\textsuperscript{244} Robert Moossy, Sex Trafficking: Identifying Cases and Victims, NIJ J. 262 (2009).

\textsuperscript{245} Id. at 4.

\textsuperscript{246} Id.

\textsuperscript{247} Rogers, supra note 49.

\textsuperscript{248} Id. see also U.S. DOS, TIP Report 2018, supra note 109.
C. Task Forces Approach

Of all of the ways to curb trafficking, San Diego, California seems to have discovered a system that works. The San Diego Human Trafficking Task Force is part of the California Department of Justice and has an extremely effective approach to collaboration. The task force, founded in 2015, is under the California Department of Justice, is run by a task force commander, and is comprised of thirteen different agencies, all with one representative at the table. The task force follows a victim-centered approach and is modeled after a structure “advanced by the U.S. and California Department of Justice to successfully combat human trafficking through the 4 P’s, Prevention, Protection, Prosecution, and Partnerships.” The participating agencies have a memorandum of understanding with one another which allows them to work together and share helpful information between departments. This leads to expeditious results, accountability between agencies, and victim-centered advocacy.

The task force not only has municipal, state, and federal agents but also collaborates with NGOs in order to reach victims in the

---

249 Oliver, supra note 137.
251 Telephone Interview with the Task Force Commander for the San Diego Human Trafficking Task Force (Sept. 5, 2018) [hereinafter Task Force Commander].
252 SD HTTF, supra note 250.
253 Franco, supra note 165.
254 See supra note 81 (recalling that the P’s that were relied on in this legislation left out one of the most important categories: partnerships, which the task force accounts for).
255 SD HTTF, supra note 250.
256 Franco, supra note 165.
257 Id.
258 Id. While Special Agent Franco would never call an individual a victim to her face, for the purposes of this article, victim is the most accurate description of how a certain individual is related to the crime of trafficking. Id. This does not mean that a victim of trafficking cannot be a survivor or rise above his challenges to lead a successful life. Id. However, at the stage in which the task force deals with these individuals, they are currently victims and sometimes, they may not
most effective way. A special agent with the task force first
discusses how this model makes the task force the most expeditious
way to approach trafficking. She gives the example of the life of a
case the task force receives; imagine a tip comes into the sheriff’s
office that a young girl’s parents think their daughter is being
trafficked. This information is sent to the task force, and then the
agencies are responsible for providing incoming leads. This means
that other law enforcement agencies are on the lookout as well as the
NGOs; they may even work with Child Protective Services or Social
Services if the tip included information about a minor. As soon as
she receives that lead from the Sheriffs, then the special agent may
ask for information from a different police department in the
county. She could also ask the representative from probation for
help in finding the young girl’s probation officer. When everyone
is working around the same table, they do not have to wait for a
report to come in from a police department or other agency; everyone
is essentially in one room, which is the best and fastest way to act,
“especially when you have a missing juvenile.”

Second, the task force approach holds agencies accountable. The task force holds weekly meetings in which the agencies
coordinate on specific cases, share intel, and ask for help. These
meetings are helpful for ensuring that each agency’s representative is
following through on cases, leads, and is utilizing their agency in the
fight against trafficking.

Third, the task force is victim-centered and victim-informed
which allows for greater trust between victims and those trying to
even see themselves as such because their traffickers are manipulating them to believe otherwise. ld.  

259 ld.
260 ld.
261 ld.
262 ld.
263 ld.
264 ld.
265 ld.
266 ld.
267 ld.
268 Task Force Commander, supra note 251.
269 Franco, supra note 165.
help them.\textsuperscript{270} When hiring individuals for the task force, the interview process focuses on whether a detective has a background in working with children and victim services; but even once they are hired, they still receive training on a victim and trauma-centered approach to interviewing and anti-trafficking work.\textsuperscript{271} Maintaining a victim-centered mindset is crucial to not revictimizing individuals hurt by trafficking.\textsuperscript{272} Special Agent Franco discusses how the multiple organizations working together on the task force ensures that there are many resources at her disposal which makes her job easier, especially when working with victims.\textsuperscript{273} For instance, the following are some ways that victims are protected during a case. When a victim goes through the court system, a victim advocate is assigned to her\textsuperscript{274} so that she will understand how to prepare for court, what is happening in court, and to calm her during the process.\textsuperscript{275} Sometimes, dogs are provided to put victims at ease during the legal process.\textsuperscript{276} When interviewing a victim, it is not only important to conduct the interview efficiently so as not to retraumatize her, but it is also important to check in with her after the interview to keep the relationship going in case she wants to seek help or ask for services at a later date.\textsuperscript{277} If the victim does not trust the interviewer, she is unlikely to call later to ask for resources.\textsuperscript{278} One of the most important mindsets to remember is that the task force, the agents, the interviewers, the NGOs, and the social workers are not there to judge a victim but rather to help keep her safe.\textsuperscript{279}

\textsuperscript{270} Id. This can include a law enforcement officer, an NGO offering services, or social services when dealing with a minor. Id.

\textsuperscript{271} Id.

\textsuperscript{272} Id.

\textsuperscript{273} Id.

\textsuperscript{274} Victim’s Bill of Rights, CAL. DEP’T OF JUST., https://oag.ca.gov/victimservices/content/bill_of_rights (last visited, Apr. 17, 2019) (demonstrating one of the ways Marsy’s law appears in practice).

\textsuperscript{275} Franco, supra note 165.

\textsuperscript{276} Id.

\textsuperscript{277} Id.

\textsuperscript{278} Id.

\textsuperscript{279} Id. Many victims are not used to this type of care and treatment, so when an interviewer connects with a girl who is in trouble and offers her services, numbers to call, and a place to stay, she is more likely to recognize that she is in a
The range of agencies that participate in and collaborate with the task force further emphasizes victim advocacy. For instance, the Task Force hosts an NGO meeting once a month at the California Department of Justice Task Force headquarters.\textsuperscript{280} This meeting is to educate and ensure that both the Task Force and the NGOs are helping one another with their missions.\textsuperscript{281} To help accomplish their goals of protecting and serving victims, there are people on call 24/7; the Task Force always has two detectives and one supervisor on duty, and the NGOs that collaborate with the task force have at least one social worker ready to respond to the task force’s calls.\textsuperscript{282}

The task force’s victim-centered approach is also critical because it hosts educational opportunities for law enforcement, schools, the hotel industry, and the public about how to recognize the signs of trafficking so as not to overlook a girl who is being trafficked.\textsuperscript{283} When the community begins to understand and recognize the signs of trafficking, then victims will have a better chance of escaping a life of manipulation and it is more likely that traffickers will be brought to justice.\textsuperscript{284} The United States government’s Anti-Trafficking Coordination Team (AC Teams) demonstrate the effectiveness of the task force approach:

\begin{quote}
[I]n two years, in just six of ninety-four judicial districts, the AC Teams had a 114% increase in the number of traffickers identified. Those same six districts accounted for 56% of all convictions nationwide (the other eighty-eight districts, combined, only had 44% of the convictions in those same two years). Collaboration with a purpose works, as long as the units are dedicated to the anti-trafficking work
\end{quote}

\textsuperscript{280} Task Force Commander, supra note 251.
\textsuperscript{281} Id.
\textsuperscript{282} Id.
\textsuperscript{283} Franco, supra note 165; see also U.S. DOS, TIP Report 2018, supra note 109, at 24.
\textsuperscript{284} Task Force Commander, supra note 251.
specifically—and not pulled to other duties—as well as being specifically trained.\textsuperscript{285}

These statistics show that a task force model has the ability to increase the number of traffickers identified as well as the percentage of convictions nationwide.\textsuperscript{286}

V. \textsc{Suggestions for Further Implementation of Anti-Trafficking Efforts}

While anti-trafficking is becoming more well-known, there is still a lot to be done. Based on the research of San Diego’s trafficking task force and the success of other task forces throughout California\textsuperscript{287} and the country, this article makes four suggestions to further the anti-trafficking cause.

\textit{A. More Task Forces}

While there are a few task forces throughout the United States,\textsuperscript{288} there are not enough. Given their proven success,\textsuperscript{289} it is imperative that this type of collaborative effort is used in counties across the United States. Excitingly, in 2014, the President issued an inter-agency task force to “monitor and combat trafficking in persons”\textsuperscript{290} This task force, also known as the PITF, utilizes fifteen agencies throughout the federal government in an effort to combat

\textsuperscript{285} Rogers, \textit{supra} note 49.

\textsuperscript{286} Id.

\textsuperscript{287} Task Force Program, CAL. DEP’T OF JUST., https://oag.ca.gov/bi/tpf (last visited, Apr. 17, 2019).


\textsuperscript{289} Rogers, \textit{supra} note 49.

The task force combines agencies and uses collaboration to more effectively monitor and report on the following areas: “victim services, rule of law, procurement and supply chains, and public awareness and outreach.” To understand the breadth and diversity of the types of agencies involved, the list below shows how many different types of agencies all can impact the fight against traffickers.

<table>
<thead>
<tr>
<th>Department of State (DOS)</th>
<th>Department of Homeland Security (DHS)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of the Treasury (Treasury)</td>
<td>Domestic Policy Council (DPC)</td>
</tr>
<tr>
<td>Department of Defense (DOD)</td>
<td>National Security Council (NSC)</td>
</tr>
<tr>
<td>Department of Justice (DOJ)</td>
<td>Office of Management and Budget (OMB)</td>
</tr>
<tr>
<td>Department of the Interior (DOI)</td>
<td>Office of the Director of National Intelligence (ODNI)</td>
</tr>
<tr>
<td>Department of Agriculture (USDA)</td>
<td>Office of the United States Trade Representative (USTR)</td>
</tr>
<tr>
<td>Department of Labor (DOL)</td>
<td>Federal Bureau of Investigation (FBI)</td>
</tr>
<tr>
<td>Department of Health and Human Services (HHS)</td>
<td>U.S. Agency for International Development (USAID)</td>
</tr>
<tr>
<td>Department of Transportation (DOT)</td>
<td>U.S. Equal Employment Opportunity Commission (EEOC)</td>
</tr>
<tr>
<td>Department of Education (ED)</td>
<td></td>
</tr>
</tbody>
</table>

List of agencies involved in the PITF.

---

291 Id.
292 Id.
293 Id.
294 Id.
295 Id.
This is an effective first step, but there still need to be more local task forces that collaborate with law enforcement and NGOs within a specific county.296

B. Allocate Money and Resources Toward the Trafficking Cause

While the task force in San Diego is effective at what it does, it often ends operations earlier than it could, if it otherwise had more resources, money, and personnel.297 For instance, when the Task Force carries out undercover operations, it can generally only arrest nine to fifteen people before the agents need to start interviewing, investigating and charging those individuals with trafficking and other crimes.298 These operations are not cut short because of a lack of traffickers but because of a lack of resources to continue.299

C. A Statewide Task Force

When discussing task forces with Juliet Oliver, Deputy District Attorney with The Human Exploitation and Trafficking Unit in Orange County, she mentioned that she is constantly communicating with social services and law enforcement in other counties.300 However, it is often difficult to figure out who to contact, especially on short notice.301 A statewide task force, comprised on the heads of county task forces, NGOs, and social services could be a huge step towards combating traffickers statewide.302 This type of program could ensure that not only are the county task forces held accountable but that they have the resources and contacts they need to combat trafficking efficiently and effectively.303 While there are already

296 Oliver, supra note 137.
297 Task Force Commander, supra note 251.
298 Id.
299 Id.
300 Oliver, supra note 137.
301 Id.
302 Id.
303 Id.
some laws\textsuperscript{304} in place which make it easier to pull a case from one jurisdiction into another for prosecution purposes, there is not enough collaboration.\textsuperscript{305} There needs to be a working group with inter-county meetings with interdisciplinary teams to provide resources for victims across counties.\textsuperscript{306} Oliver asserts that a statewide interdisciplinary team could be the task force that has been missing and could provide valuable information and resources to fighting trafficking.\textsuperscript{307}

\textit{D. Further Education}

Educating the public on the signs of trafficking is another way to increase reporting and combat trafficking\textsuperscript{308} For instance, the Department of Motor Vehicles staff could be trained on how to recognize gang tattoos related to trafficking and how to follow up with local law enforcement.\textsuperscript{309} The California Department of Alcoholic Beverage Control could train investigators and liquor store owners concerning what signs to watch out for in their stores.\textsuperscript{310} Another example could be training investigators to work with the Department of Agriculture so as to spot labor trafficking and sex trafficking.\textsuperscript{311} Further, training for educators, social workers, and the public on how to recognize trafficking and how to follow up with local law enforcement could help raise awareness and reporting.\textsuperscript{312}

\textsuperscript{304} Id. (Explaining how PC 784.7(c), which is limited to particular crimes, can allow an Orange County prosecutor to prosecute a defendant for trafficking someone in Orange County and for trafficking someone in Los Angeles because the Orange County jurisdiction can pull in the second offense).

\textsuperscript{305} Id.

\textsuperscript{306} Id.

\textsuperscript{307} Id.

\textsuperscript{308} Task Force Commander, supra note 251.

\textsuperscript{309} Id.

\textsuperscript{310} Id. (offering an example of how a car with some of the following characteristics could be cause for concern: one male driving, several female passengers, alcohol in the passenger compartment, gang tattoos on one or more of the individuals, distraught females, or an older male.)

\textsuperscript{311} Id.

\textsuperscript{312} Id.
VI. CONCLUSION

This article discussed some of the common myths about trafficking including the common ideas that trafficking only refers to the forced sex industry or that trafficking individuals require movement.\textsuperscript{313} After dispelling these myths, it is clear that trafficking is a much broader problem and includes many victims of varying ages and demographics.\textsuperscript{314} Through the history of trafficking legislation, it is apparent that as legislation improved and as Congress passed reauthorizations, it introduced more collaborative legislation.\textsuperscript{315} Then, the international collaboration of countries and organizations’ effectiveness was demonstrated by the types of international coalitions and successes that have occurred.\textsuperscript{316} Finally, it studied San Diego’s Human Trafficking Task Force model and made suggestions for implementing further anti-trafficking efforts. It is important to remember that even though legislation may be in place, that does not mean that trafficking will be stopped. Rather, law enforcement must work with a host of agencies and non-governmental organizations in order to work efficiently and effectively.\textsuperscript{317} If victims trust law enforcement and law enforcement understands the signs of trafficking and the delicate balance of working with victims, there will be more victims brought to safety and more traffickers brought to justice.\textsuperscript{318} Trafficking truly is modern-day slavery and stopping it must be at the forefront of our efforts.\textsuperscript{319} Anti-trafficking legislation is a critical tool in combatting trafficking but task forces and collaboration are crucial to its implementation and the prevention of revictimization.

\textit{Maybe you saw her today. Perhaps this time you noticed her. Maybe she is your neighbor, your relative, your friend. To someone

\textsuperscript{313} U.S. DOS, \textit{Definitions and Methodology}, \textit{supra} note 14; see also Richmond, \textit{supra} note 22.
\textsuperscript{314} Rosenblatt, \textit{supra} note 29.
\textsuperscript{315} U.S. DOJ, \textit{Key Legislation}, \textit{supra} note 76.
\textsuperscript{317} Rogers, \textit{supra} note 49.
\textsuperscript{318} Oliver, \textit{supra} note 137.
\textsuperscript{319} Hogenboom, \textit{supra} note 1.
else she looks like a normal girl living her life, but now you can see there is more than meets the eye. What if today you saw a slave?