



Why Anti-Human Trafficking Efforts Need a More Complete Approach

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In July 1997, four deaf and mute Mexican immigrants entered a police station in New York City and reported via sign language and written notes that they were indentured laborers. Their captors, Jose Paoletti Moreda and his son Renato Paoletti Lemus had smuggled 57 men, women, and children into the United States and forced them to work 18 hours a day, seven days a week, selling key chains and trinkets on subways and in airports with all earnings turned over to an “enforcer.” The captives were beaten or sexually abused if they returned with less than 100 dollars each or if they tried to escape. The group had freedom of movement, but their captors had confiscated their personal documents upon arrival in New York City and used them as a means of control.

The Trafficking Victims Protection Act (TVPA) was signed into federal law in October of 2000 and designed to systematically address such cases (and others that emerged during the 1990s involving forced agricultural work and forced commercial sex). The law criminalized the use of force, coercion, or deception to exploit a person for labor. The law also provided protections for the victims of those offenses. The Paoletti case helped spread awareness and drew serious law enforcement attention, however this case remains one of only a handful of labor trafficking cases to grab headlines.

The Downside of Only Addressing Sex Trafficking

Cases of trafficking for forced commercial sex dominate both the media and prosecutorial efforts. The numerous other trafficking incidents rarely make headlines, the traffickers are seldom prosecuted, and in many cases the victims do not receive, in a timely manner, the benefits nor the immigration status they are entitled to under the law—because the details of their cases do not fit the dominant narrative. The narrative about trafficking that governs the decision-making practices of law enforcement agents is too narrow. While the law applies to women and men, children and adults, international and domestic victims, and compelled commercial sex and forced labor, human trafficking in the United States has, troublingly, become synonymous with so-called sex trafficking.

Many criminal justice authorities link the *type* of work that victims perform with the level of harm they experience. In most cases, criminal justice authorities perceive forced prostitution as a more degrading and serious offense than other types of trafficking. As a federal law enforcement agent told me, “I don’t see it [trafficking] so much as forced labor. The cases I believe are *more important* are women coming and working as prostitutes.” Despite the equal protections granted under the TVPA to all victims of trafficking, the moral outrage over sex trafficking has resulted in a stratified response.

There is evidence that 50 percent or more of individuals trafficked in the U.S. (and far more worldwide) have been forced into sectors other than commercial sex. And a large number of those trafficked are men. Nevertheless, the idea of a 'typical' victim persists – that of an innocent young girl, lured into the sex industry against her will, who has been beaten or branded and held in the most extreme conditions imaginable. Yet, few trafficking victims fit this description. It is not that this victim does not exist anywhere, but she is not "typical," and she is not representative of the diversity of experiences survivors describe.

The Real Experiences of Human Trafficking Survivors

The survivors I interviewed in my research endured unique types of force and control in diverse working environments, yet it was the conditions of their trafficking (the fear, isolation, and abuse) that each of them emphasized as the defining element of their experience, not the work itself. Despite the emphasis given to "sex trafficking" by many law enforcement investigators, the survivors I interviewed who had been trafficked into forced prostitution did not assign the type of work they did special significance. The notion of "sex trafficking" being *special* or *worse* than other forms of trafficking, as imagined by many law enforcement agents, did not appear to be true for these women. What emerged instead were the commonalities all of the survivors shared in terms of the conditions under which they were working.

Beyond being inaccurate, framing trafficking as an issue of forced prostitution has serious repercussions for anyone trafficked into a sector outside of commercial sex. While most media representations of trafficking misinform the public through incompleteness, when these misinterpretations infiltrate the criminal justice system the consequences can be doubly devastating for individuals who have already endured immense suffering. Despite their primary goal of investigating and proving crime, law enforcement agents also serve as arbiters for federal benefits and immigration status through their roles in endorsing victims for the federal T-visa. Therefore, when they direct their attention to identifying cases of trafficking involving forced commercial sex or signing off on paperwork for those victims in particular, so they can quickly access benefits and protections, it means that other victims are being overlooked. Large numbers of victims who are entitled to protections on paper – particularly those trafficked for forced labor – become invisible in practice

For example, Bridget the director of a social service providing agency told me: "The client that I have that has the hardest time in life is a domestic worker. She was trafficked when she was under 10 years old. She was in [the trafficking situation] until she was 23 or 24, never went to school, was totally isolated, and when she finally got out of the trafficking situation, we helped her leave, she got agoraphobia. She was illiterate; she had panic attacks, major depression, eating disorders. I mean the amount of obstacles that this girl had was just amazing, but her case was never, like nobody [law enforcement] went after them. Nothing happened. It was just . . . brutal."

The United States must put survivors' experiences at the forefront of policy development and training, and those with the most experience—rather than the strongest opinions (and largest pocket books)—must be recognized as experts. Survivors have the most at stake in the TVPA's implementation and the most to reveal about the reality of trafficking. It is crucial to look at the full spectrum of victim experience and draw on survivor narratives to inform policy development, to educate law enforcement, and to help forge a deeper understanding of trafficking more generally. If the TVPA is to truly meet victim needs, policy makers and law enforcement alike must acknowledge and respond to the experiences of survivors of all stripes—it is critical that the protections of the TVPA are as accessible to survivors like the Mexican peddlers who were among those who inspired anti-trafficking legislation, as they are to the survivors whose cases dominate the

headlines because they fit the “sex trafficking” stereotype.

Read more at Alicia Peters, *Responding to Human Trafficking*, (University of Pennsylvania Press, 2018).