



United States Trafficking in Persons Law

Trafficking in Persons Statistics

There are an estimated
24.9
MILLION
slaves in the world today



75% of human
trafficking occurs within
a country's borders



81% of victims are
forced to work outside
the commercial sex
industry

In the past five years,
89
MILLION
people have
experienced some form
of modern slavery.

ILO Global Estimate of Modern Slavery 2017

Victim Protections

- **Non-Prosecution of Victims:** Protects victims from prosecutions for trafficking-related crimes
- **Victim Witness Protections:** *In Camera* Testimony, Video/Screened Testimony, Use of pseudonyms or initials to protect victims' identities
- **Civil Standing:** § 1595 enables survivors to recover civilly for damages against their traffickers
- **Immigration Relief:** Allows victims to remain in the United States with a T-Visa, U-Visa, or Continued Presence

Common Types of Coercion

Physical

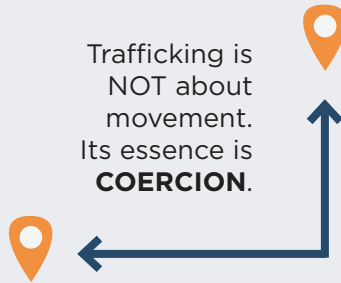
Withholds food & medical care
Isolates & speaks for victims
Forces victims to have abortions
Controls identification documents
Brands victims
Forces victims to commit crimes
Beats & abuses victims
Commits rape
Manipulates addiction

Psychological

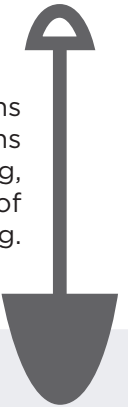
Promises love and a future
Threatens family members
Threatens to shame family members
Warns of police misconduct
Threatens deportation
Uses extortion

Debunking TIP Myths

Trafficking is
NOT about
movement.
Its essence is
COERCION.



Trafficking victims
are not only victims
of sex trafficking,
but also victims of
LABOR trafficking.



Traffickers are
motivated by **MONEY.**
It's an economic crime.



Victims are not only
women, but also
CHILDREN and **MEN.**

Trafficking at its Core

Compelling someone to work or to engage
in a commercial sex act

Sentencing Enhancements

Sex Trafficking	Defendant is the victim's parent or guardian, or had permanent or temporary care, custody, or control of victim	2G1.3(b)(1)
	Use of undue influence	2G1.3(b)(2)
	Use of a computer	2G1.3(b)(3)
	Victim is under the age of 12	2G1.3(b)(5)
Labor Trafficking	Victim sustained permanent, life threatening, or serious bodily injury	2H4.1(b)(1)(A)
	Dangerous weapon threatened, brandished, or used	2H4.1(b)(2)(A)
	Exploitation exceeded 30 days	2H4.1(b)(3)
General Enhancements	Vulnerable victim	3A1.1(b)
	Physical restraint of victim	3A1.3
	Defendant's role as organizer/leader or manager/supervisor	3B1.1(a)

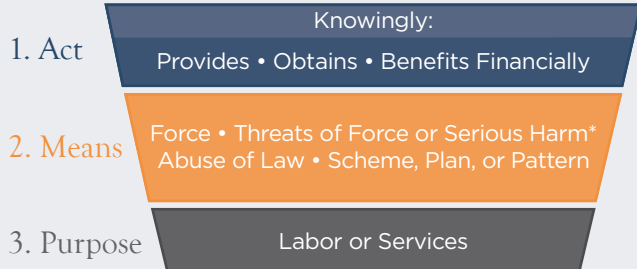


United States Trafficking in Persons Law

Trafficking Victims Prevention Act (TVPA)

PRIMARY OFFENSES

Forced Labor (§ 1589)



Jurisdiction: 13th Amendment
Statute of Limitations: 10 years

Sex Trafficking (§ 1591)



*Where Act was "advertisises," defendant must have had **knowledge** of means used

Jurisdiction: In/Affecting Interstate or Foreign Commerce
Statute of Limitations: No Statute of Limitations

***Serious Harm:** Physical harm or non-physical harm (including psychological, financial, or reputational harm) that would compel a reasonable person of the same background and in the same circumstance to perform labor/ services to avoid harm. 1589(c)(2)

Sex Trafficking of a Minor

Requires proof that the defendant acted with (1) knowledge, (2) reckless disregard, or (3) a reasonable opportunity to observe that the victim was under the age of 18. § 1591(a), (c). Proof of force, fraud, or coercion is not needed.

Mandatory Victim Restitution

18 U.S.C. § 1593

The TVPA **REQUIRES** convicted defendants to pay restitution to their victims.

Primary TVPA Offenses

	Offense	Penalty Range
§ 1589	Forced Labor	
	If Death Results	Up to Life &/or Fine*
	If Act(s) Include(s) Kidnapping, Aggravated Sexual Abuse, or Attempt to Kill	Up to Life &/or Fine*
	No Aggravating Factors	Up to 20 years &/or Fine*
§ 1591	Sex Trafficking	
	Victim is Under 14 years old	15 years to Life & Fine*
	Victim is 14-17 years old	10 years to Life & Fine*
	Use of Force, Fraud, Coercion	15 years to Life & Fine*
	Obstruction	Up to 20 years &/or Fine*
§ 1592	Unlawful Conduct with Respect to Documents	Up to 5 years &/or Fine*
§ 1594	Attempt or Conspiracy	
§ 1594(a)	Attempt: Forced Labor or Sex Trafficking	Same as underlying offense
§ 1594(b)	Conspiracy: Forced Labor	Same as underlying offense
§ 1594(c)	Conspiracy: Sex Trafficking	Same as underlying offense

*A federal court may order a convicted defendant to pay a fine of not more than \$250,000 per count (18 U.S.C. § 3571).

Common Defenses

- Benefit Bias
- Opportunity to Flee
- Victim Paid Wages
- Initial Consent
- Victim is Better Off

Common Evidentiary Issues

- Climate of Fear Evidence or FRE 404(b)
- Prior Inconsistent Statements of Victim
- Expert Witnesses
- Prior Sexual History of Victim (FRE 412)

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