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## THE PUBLIC HEALTH APPROACH TO HUMAN TRAFFICKING PREVENTION

**Jordan Greenbaum, MD\***

### *I. Overview of Human Trafficking*

The practice of human trafficking is not new, but general public awareness of this phenomenon is relatively recent. The passage of the Victims of Trafficking and Violence Protection Act in 2000, in part, fueled this increase in attention and public concern.<sup>1</sup> This act defined human trafficking to involve three core components: an action, a means, and a purpose.<sup>2</sup> Specifically, a person may be considered a victim of human trafficking if they are recruited, harbored, transported, provided, obtained, or, in the case of commercial sex, patronized or solicited (actions); using force, fraud, or coercion (means); for the purpose of a commercial sex act or forced labor.<sup>3</sup> A “commercial sex act” refers to any sex act for which there is an exchange of anything of value given to or received by any person.<sup>4</sup> A few caveats are important to consider. First, in cases of commercial sexual exploitation (CSE) of a minor (less than eighteen years), the “means” are considered irrelevant; one does not need to prove any force, fraud, or coercion since a minor is deemed legally unable to consent to sexual exploitation.<sup>5</sup> Therefore, a seventeen-year-old homeless youth who

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1. Victims of Trafficking & Violence Protection Act of 2000, Pub. L. 106-386, 114 Stat. 1466 (codified as amended 22 U.S.C. §§ 7101–7114 (2018)).

2. Victims of Trafficking & Violence Protection Act of 2000, 22 U.S.C. § 7102(3) (2018).

3. *Id.* § 7102(8).

4. *Id.* § 7102(3).

5. *Id.* § 7102(8)(A).

exchanges sex acts for money, food, shelter, or other items would be considered “sex trafficked” even if they felt they had made their own decision to engage in transactional sex and were not “managed” by a third party. Secondly, transportation of a victim is not necessary to show labor or sex trafficking.<sup>6</sup> And finally, previous consent to exploitation of an adult becomes irrelevant when any of the above means are introduced.<sup>7</sup> For example, a woman voluntarily engaging in commercial sex for a living becomes a trafficked person when her intimate partner forces her to continue working when she wants to stop.

Human trafficking may involve adults and children and may occur within one’s own country (domestic trafficking) or in another (international trafficking). Accurate estimates of the prevalence of trafficking are difficult to determine due to the criminal nature of the activity, underreporting and under recognition of exploited persons, lack of a central database tracking identified cases, and variations in the way key terms are defined and interpreted.<sup>8</sup> The International Labour Organization estimated that 24.9 million people were victims of forced labor in 2016 (including forced labor in the private economy, state-imposed forced labor, and forced sexual exploitation of both adult and child CSE).<sup>9</sup> Of this group, 18% were children (4.5 million).<sup>10</sup> Of the 15.4 million living in a forced marriage, an estimated 37% (5.7 million) were children.<sup>11</sup> Finally, approximately 1 million children were victims of CSE in 2016 (excluding forced marriage).<sup>12</sup>

Typically, trafficked persons experience one or more conditions that render them vulnerable to exploitation. Using the socioecological model, these vulnerability factors may be found at the level of the

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6. *Id.* § 7108(8).

7. *Id.*

8. MICHELLE STRANSKY & DAVID FINKELHOR, SEX TRAFFICKING OF MINORS: HOW MANY JUVENILES ARE INVOLVED IN PROSTITUTION IN THE U.S.? 1 (rev. 2012); U.N. OFFICE ON DRUGS & CRIME, GLOBAL REPORT ON TRAFFICKING IN PERSONS 2018, at 7, U.N. Sales No. E.19.IV.2 (2018).

9. Int’l Labour Org. [ILO], *Global Estimates of Modern Slavery: Forced Labour and Forced Marriage*, at 10 (2017).

10. *Id.* at 23.

11. *Id.* at 43, 46.

12. *Id.* at 40.

individual, within interpersonal relationships, and at the level of the community or of society at large.<sup>13</sup> Individual vulnerability factors include (but are not limited to) the following: running away from home or being homeless; a prior history of sexual violence or other abuse; involvement with child protective services, the juvenile justice system, or both; unaccompanied immigration status; substance misuse; social marginalization; and lesbian, gay, bisexual, transgender, queer, questioning, or other status (LGBTQ+).<sup>14</sup>

At the interpersonal level, vulnerability stems from experiencing familial violence; abandonment by, or loss of a partner or caregiver; familial poverty and unemployment; and peer or familial involvement in exploitative circumstances (commercial sex, labor exploitation, and trafficking).<sup>15</sup> At the community level, the risk of trafficking is increased among residents of villages and towns experiencing mass migration due to drought or unemployment; among those living in areas where there are high levels of violence, a general tolerance of exploitation, or where corruption is prominent; and among those experiencing natural disasters.<sup>16</sup> Finally, vulnerability factors at the societal level include cultural beliefs and attitudes such as

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13. *The Social-Ecological Model: A Framework for Prevention*, CENTERS FOR DISEASE CONTROL & PREVENTION, <https://www.cdc.gov/violenceprevention/overview/social-ecologicalmodel.html> [https://perma.cc/82H9-Y6RZ] (last updated Jan. 28, 2020).

14. MEREDITH DANK ET AL., URBAN INST., SURVIVING THE STREETS OF NEW YORK: EXPERIENCES OF LGBTQ YOUTH, YMSM, AND YSWW ENGAGED IN SURVIVAL SEX 5–6 (2015); JARRETT DAVIS & GLENN MILES, “THEY DIDN’T HELP ME; THEY SHAMED ME.”: A BASELINE STUDY ON THE VULNERABILITIES OF STREET-INVOLVED BOYS TO SEXUAL EXPLOITATION IN MANILA, PHILIPPINES 12 (2015); DEBRA SCHILLING WOLFE ET AL., FIELD CTR. FOR CHILDREN’S POLICY, PRACTICE, & RESEARCH, HUMAN TRAFFICKING PREVALENCE AND CHILD WELFARE RISK FACTORS AMONG HOMELESS YOUTH 17–18 (2018); Jennifer Cole, *Service Providers’ Perspectives on Sex Trafficking of Male Minors: Comparing Background and Trafficking Situations of Male and Female Victims*, 35 CHILD & ADOLESCENT SOC. WORK J. 423, 427 (2018); Jarrett D. Davis & Glenn Miles, “*They Chase Us Like Dogs*”: *Exploring the Vulnerabilities of “Ladyboys” in the Cambodian Sex Trade*, DIGNITY, Mar. 2018, at 1, 5; Jody M. Greene et al., *Prevalence and Correlates of Survival Sex Among Runaway and Homeless Youth*, 89 AM. J. PUB. HEALTH 1406, 1408–09 (1999).

15. ELZBIETA GOZDZIAK & MICAH N. BUMP, VICTIMS NO LONGER: RESEARCH ON CHILD SURVIVORS OF TRAFFICKING FOR SEXUAL AND LABOR EXPLOITATION IN THE UNITED STATES 13, 15 (2008).

16. STEPHANIE HEPBURN & RITA J. SIMON, HUMAN TRAFFICKING AROUND THE WORLD: HIDDEN IN PLAIN SIGHT 7 (2013); UNICEF, *Harrowing Journeys: Children and Youth on the Move Across the Mediterranean Sea, at Risk of Trafficking and Exploitation*, at 20 (Sept. 2017); U.N. High Comm’r for Refugees, *Children on the Run: Unaccompanied Children Leaving Central America and Mexico and the Need for International Protection*, at 38–39 (2014).

homophobia, transphobia, gender bias and discrimination, limited acknowledgment of children's rights, and other cultural norms that marginalize groups and foster inequality.<sup>17</sup> Societies where there are few or no laws criminalizing trafficking, or poor implementation of these laws, are also at risk.<sup>18</sup>

Labor and sexual exploitation are associated with a plethora of adverse health and mental health conditions. Trafficked persons are at risk for trauma, work-related injuries, chronic pain, malnutrition, dehydration, sexually transmitted and nonsexually transmitted infections, HIV/AIDS, substance abuse disorders, unwanted pregnancies with associated complications, post-traumatic stress disorder, major depression with suicidality, and anxiety disorders.<sup>19</sup>

## II. *The Public Health Approach to Human Trafficking*

Besides its profound impact on the health of individuals, human trafficking impacts the health and well-being of families and communities.<sup>20</sup> Serious injury to one person may lead to unemployment, hunger, and deprivation within the family. Chronic severe stress during trafficking may lead to self-medication in the form

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17. INT'L CTR. FOR MIGRATION POLICY DEV., TARGETING VULNERABILITIES: THE IMPACT OF THE SYRIAN WAR AND REFUGEE SITUATION ON TRAFFICKING IN PERSONS 116–17 (2015).

18. Arun Kumar Acharya, *Perspective of Gender Violence and Trafficking of Women in Mexico*, 1 INT'L J. HUMAN. & SOC. SCI. 42, 48 (2011); Rita Chi-Ying Chung, *Cultural Perspectives on Child Trafficking*, *Human Rights & Social Justice: A Model for Psychologists*, 22 COUNSELLING PSYCHOL. Q. 85, 93 (2009).

19. See Gail Hornor & Jennifer Sherfield, *Commercial Sexual Exploitation of Children: Healthcare Use and Case Characteristics*, 32 J. PEDIATRIC HEALTH CARE 250, 254–55 (2018); Ligia Kiss et al., *Health of Men, Women, and Children in Post-Trafficking Services in Cambodia, Thailand, and Vietnam*, 3 LANCET GLOBAL HEALTH e154, e157–58 (2015); PhuongThao D. Le et al., *Health Issues Associated with Commercial Sexual Exploitation and Sex Trafficking of Children in the United States: A Systematic Review*, 44 BEHAV. MED. 219, 222–28 (2018); Siân Oram et al., *Human Trafficking and Health: A Survey of Male and Female Survivors in England*, 106 AM. J. PUB. HEALTH 1073, 1075–76 (2016); Livia Ottisova et al., *Psychological Consequences of Human Trafficking: Complex Posttraumatic Stress Disorder in Trafficked Children*, 44 BEHAV. MED. 234, 234–35 (2018); Nicola S. Pocock et al., *Occupational, Physical, Sexual and Mental Health and Violence Among Migrant and Trafficked Commercial Fishers and Seafarers from the Greater Mekong Subregion (GMS): Systematic Review*, GLOBAL HEALTH RES. & POL'Y, 2018, at 1, 5–9.

20. See generally Jordan Greenbaum, *Introduction to MAKINI CHISOLM-STRAKER & HANNI STOKLOS, HUMAN TRAFFICKING IS A PUBLIC HEALTH ISSUE: A PARADIGM EXPANSION IN THE UNITED STATES* (2017).

of alcohol or drugs that may have negative impacts on a fetus. Community ostracism related to stigma may alienate entire families, causing severe emotional distress and even forcing migration. Sexually transmitted infections may spread within populations, as can tuberculosis and other infectious diseases.

This widespread impact of human trafficking on the health and well-being of populations calls for a public health approach to prevention.<sup>21</sup> Such an approach involves organized, multidisciplinary strategies that aim to impact entire populations. It entails efforts to (1) define a given problem through systematic surveillance, (2) determine underlying vulnerability and protective factors through rigorous scientific research, (3) design, implement, evaluate, and revise prevention strategies, and (4) work to scale-up successful programs and ensure widespread implementation.<sup>22</sup>

#### A. *Systematic Surveillance*

As indicated above, reliable and accurate prevalence statistics for human trafficking are difficult to obtain at national and global levels. Fundamental to this challenge is the variation in definition and interpretation of key terms such as “human trafficking” and “exploitation.” Efforts have been made to build consensus on some of these terms,<sup>23</sup> but significant variations in national laws defining human trafficking persist. The United Nations’s Protocol to Prevent, Suppress and Punish Trafficking in Persons<sup>24</sup> serves as the foundation

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21. INST. OF MED. & NAT’L RESEARCH COUNCIL, CONFRONTING COMMERCIAL SEXUAL EXPLOITATION AND SEX TRAFFICKING OF MINORS IN THE UNITED STATES 271–73 (2014); CHISOLM-STRAKER & STOKLOS, *supra* note 20; Jonathan Todres, *Moving Upstream: The Merits of a Public Health Law Approach to Human Trafficking*, 89 N.C. L. REV. 447, 452–53 (2011).

22. *The Public Health Approach to Violence Prevention*, CENTERS FOR DISEASE CONTROL & PREVENTION, <https://www.cdc.gov/violenceprevention/publichealthissue/publichealthapproach.html> [<https://perma.cc/3JHG-GH7C>] (last updated Jan. 28, 2020); *The VPA Approach*, WORLD HEALTH ORG., <https://www.who.int/violenceprevention/approach/en/> [<https://perma.cc/NPD2-L2VZ>] (last visited Mar. 30, 2020).

23. *See generally* SUSANNA GREJER & JAAP DOEK, TERMINOLOGY GUIDELINES FOR THE PROTECTION OF CHILDREN FROM SEXUAL EXPLOITATION AND SEXUAL ABUSE (2016).

24. *See generally* Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, *opened for signature* Nov. 15, 2000, 2237 U.N.T.S. 319 [hereinafter U.N. Trafficking Protocol].

of most national laws regarding human trafficking, but the wording of the protocol's definition of "severe forms of human trafficking" can be interpreted in various ways, leading to laws that may include or exclude certain activities (e.g., transactional sex in exchange for items of survival, sometimes practiced by children living on the streets).

The quality of data collection relies on the capacity of organizations and government agencies to identify and track exploited persons and this, in turn, depends on infrastructure and reporting mechanisms, data collection systems, priorities placed by those collecting data, and the ability of those collecting data to identify exploited persons.<sup>25</sup> Increasingly sophisticated statistical methods are being employed to measure prevalence,<sup>26</sup> and these methods, coupled with multidisciplinary collaboration and data-sharing from multiple sources, will lead to improved estimates of the prevalence of human trafficking, along with epidemiologic data on flow patterns and trends.

#### *B. Research on Risk and Resilience*

A basic tenet of the public health approach is the importance of a strong evidence base, built from high-quality, rigorous, peer-reviewed scientific research. This involves a blend of qualitative and quantitative studies that clearly document findings, present thoughtful and accurate interpretations of the results, and acknowledge study limitations. Although most research on human trafficking does not lend itself to randomized controlled clinical trials with very large study populations, a great deal of information may be obtained from well-designed cross-sectional, cohort, or case-control studies. There has been a recent surge in peer-reviewed published research on human trafficking, especially from the U.S. and U.K.<sup>27</sup> Thus, though the evidence base remains relatively limited, it is growing quickly. The

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25. U.N. OFFICE ON DRUGS AND CRIME, *supra* note 8.

26. See Int'l Labour Org. [ILO], *supra* note 9, at 54–55.

27. See generally Deborah A. Gibbs, Sue Aboul-Hosn & Marianne N. Kluckman, *Child Labor Trafficking Within the US: A First Look at Allegations Investigated by Florida's Child Welfare Agency*, 5 J. HUM. TRAFFICKING 1 (2019); Kiss et al., *supra* note 19; Le et al., *supra* note 19; Oram et al., *supra* note 19.

American Public Health Association has issued a statement calling for research on trafficking,<sup>28</sup> and a comprehensive agenda has been proposed,<sup>29</sup> to include study of the prevalence and incidence of trafficking, the cost burden of exploitation, risk and protective factors for victimization and perpetration, the effectiveness of screening and intervention protocols, and the evaluation of prevention strategies.

### *C. Design, Implementation, and Evaluation of Programs*

Using a public health approach, key stakeholders from a variety of interested groups may collaborate to design innovative prevention strategies that seek to prevent trafficking from occurring (primary prevention), screen and identify trafficking in its earliest stages (secondary prevention), and decrease the impact of trafficking on long-term health and well-being (tertiary prevention).<sup>30</sup> Such programs may target vulnerability or protective factors at the individual, interpersonal, community, or societal levels. They may be developed and implemented by survivors of exploitation, professionals serving trafficked persons and those at risk, corporate management teams, business or professional organizations, nonprofit organizations, or by governments at the local, state, or national levels.

As an example, health care professionals may incorporate prevention strategies into their primary care work, educating patients and parents of patients about human trafficking, including its risk factors and adverse health impacts. They may provide resources to address patient and family vulnerability factors (e.g., LGBTQ+ support programs, services for victims of intimate partner violence,

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28. *Expanding and Coordinating Human Trafficking-Related Public Health Research, Evaluation, Education, and Prevention*, AM. PUB. HEALTH ASS'N (Nov. 3, 2015), <https://www.apha.org/policies-and-advocacy/public-health-policy-statements/policy-database/2016/01/26/14/28/expanding-and-coordinating-human-trafficking-related-public-health-activities> [<https://perma.cc/E5PY-4K3W>].

29. Emily F. Rothman et al., *Public Health Research Priorities to Address US Human Trafficking*, 107 AM. J. PUB. HEALTH 1045, 1046 (2017).

30. CTRS. FOR DISEASE CONTROL & PREVENTION, PREVENTION 1, [https://www.cdc.gov/pictureofamerica/pdfs/picture\\_of\\_america\\_prevention.pdf](https://www.cdc.gov/pictureofamerica/pdfs/picture_of_america_prevention.pdf) [<https://perma.cc/25WN-B6VY>]; *Primary, Secondary and Tertiary Prevention*, INST. WORK & HEALTH (Apr. 2015), <https://www.iwh.on.ca/what-researchers-mean-by/primary-secondary-and-tertiary-prevention> [<https://perma.cc/EUR2-ENU4>].



homeless shelters, substance abuse rehabilitation programs, and information on internet safety) and screen for potential exploitation.<sup>31</sup> They may speak about human trafficking at professional conferences, educating colleagues about the issues and enabling expansion of prevention efforts. And medical societies may publish clinical guidelines<sup>32</sup> and policy statements guiding member physicians and advocating for national legislation to increase victim support.<sup>33</sup>

A prevention program targeting girls at risk for CSE in Boston has demonstrated success in changing attitudes and behaviors, as well as increasing knowledge of participants regarding sex trafficking.<sup>34</sup> The My Life My Choice program provides ten group sessions to high-risk female adolescents, led by trained professionals and survivor-mentors.<sup>35</sup> The curriculum addresses knowledge and attitudes about the commercial sex industry and about CSE. It helps adolescents develop media literacy skills and build self-respect and self-esteem. A recent evaluation of the program demonstrated a significant decrease in sexually explicit behavior (e.g., stripping, posing for nude photos or videos, etc.) reported by participants at six-month follow-ups relative to survey results obtained at the start of the study (baseline 21%; follow-up 8%,  $p < 0.0001$ ).<sup>36</sup> There were also significant positive changes in knowledge and attitudes (baseline 2.12; follow-up 1.99,  $p < 0.01$ , with lower scores indicating positive

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31. V. Jordan Greenbaum et al., *Multi-Level Prevention of Human Trafficking: The Role of Health Care Professionals*, 114 PREVENTATIVE MED. 164, 165 (2018).

32. See generally Jordan Greenbaum & James E. Crawford-Jakubiak, *Child Sex Trafficking and Commercial Sexual Exploitation: Health Care Needs of Victims*, 135 PEDIATRICS 566 (2015).

33. *Expanding and Coordinating Human Trafficking-Related Public Health Research, Evaluation, Education, and Prevention*, AM. PUB. HEALTH ASS'N (Nov. 3, 2015), <https://www.apha.org/policies-and-advocacy/public-health-policy-statements/policy-database/2016/01/26/14/28/expanding-and-coordinating-human-trafficking-related-public-health-activities> [<https://perma.cc/8UEM-2WRK>]; see Jordan Greenbaum & Nia Bodrick, *Global Human Trafficking and Child Victimization*, 104 PEDIATRICS 1, 1–4 (2017); *Physicians Response to Victims of Human Trafficking H-65.966*, AMA, <https://policysearch.ama-assn.org/policyfinder/detail/H-65.966?uri=%2FAMADoc%2FHOD.xml-0-5095.xml> [<https://perma.cc/6BPN-LCWG>] (last updated 2015).

34. Emily F. Rothman et al., *Evaluation of a Multi-Session Group Designed to Prevent Commercial Sexual Exploitation of Minors: The “My Life My Choice” Curriculum*, J. INTERPERSONAL VIOLENCE (ONLINEFIRST) 1, 4 (2019).

35. *Id.* at 5, 18.

36. *Id.* at 13.

change).<sup>37</sup> Finally, more participants provided help or information about CSE to peers, with 56% reporting this behavior at baseline and 79% at follow-up ( $p < 0.0001$ ). These changes persisted when controlling for multiple potential confounders.<sup>38</sup>

Other prevention programs focus on potential traffickers and buyers of sex. For example, the Chicago Alliance Against Sexual Exploitation (<http://caase.org/prevention>) provides a school-based curriculum for adolescent boys that challenges participants to consider and rethink their attitudes toward girls and women in the commercial sex trade, their views of masculinity, and their beliefs about healthy relationships with women.<sup>39</sup> To the author's knowledge, this program has not had a formal evaluation published in peer-reviewed scientific literature.

Programs targeting community vulnerabilities may focus on public awareness about human trafficking (e.g., billboards), fostering community cohesiveness and building community resources for vulnerable youth and adults (e.g., drop-in centers), or working to decrease commercial sexual activity in the area (e.g., closing down sex venues). Other projects may involve building schools to improve educational opportunities and providing vocational training for adults in the community. Large projects like these may require substantial grant funding and solid multi-agency collaboration, including public-private partnerships.

At the societal level, national laws, as well as international conventions and treaties, help to guide policy regarding human trafficking and forced labor.<sup>40</sup> Periodic reports on the current state of

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37. *Id.* at 14.

38. *Id.* at 16.

39. *Prevention Education Workshops*, CHI. ALLIANCE AGAINST SEXUAL EXPLOITATION, <http://caase.org/workshops> [<https://perma.cc/UNW9-5EB6>] (last visited Mar. 30, 2020).

40. *See, e.g.*, U.N. Trafficking Protocol, *supra* note 24; Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, *opened for signature* May 25, 2000, 2171 U.N.T.S. 227; Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, ILO No. 182, June 17, 1999, 2133 U.N.T.S. 161; Convention on the Rights of the Child, *opened for signature* Nov. 20, 1989, 1577 U.N.T.S. 3; Convention Concerning Minimum Age for Admission to Employment, ILO No. 138, *adopted* June 26, 1973, 1015 U.N.T.S. 297; Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, *opened for signature* Dec. 10, 1963, 521 U.N.T.S. 231; Convention Concerning Forced or Compulsory Labour, ILO No. 29, *adopted* June 28, 1930, 39 U.N.T.S. 55.

antitrafficking efforts serve to highlight issues.<sup>41</sup> The U.S. State Department publishes an annual Trafficking in Persons Report, rating nations on their work regarding human trafficking prevention, protection, and prosecution; 187 countries are included in the 2019 report.<sup>42</sup> Each country is assigned to one of four tiers according to the degree to which it addresses the Trafficking Victims Protection Act's minimum standards.<sup>43</sup> This annual rating of country response to human trafficking increases public awareness of the problem and exerts pressure on governments to take action.<sup>44</sup> Other prevention strategies may attempt to change prevailing cultural norms that condone human trafficking, including the sexual objectification of girls and women, male gender roles emphasizing dominance and sexual prowess, homophobia, and xenophobia.

Descriptions of prevention programs targeting forced labor exploitation have not been prominent in peer-reviewed literature published in English. Potential prevention strategies include educating communities in areas experiencing poverty, mass unemployment, and migration regarding the nature and risks associated with labor and sexual exploitation. However, results of a study of migrant trafficked and nontrafficked workers in three countries demonstrated the difficulties inherent in protecting migrant workers from exploitation.<sup>45</sup> The conditions under which people make the decision to migrate to a given country or accept a specific job may be very restricted with little but anecdotal information available about future work conditions. Their dire situation, limited education, and lack of experience with

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41. U.N. OFFICE ON DRUGS AND CRIME *supra* note 8.

42. John Richmond, *Message from the Ambassador-at-Large*, in U.S. DEP'T OF STATE, TRAFFICKING IN PERSONS REPORT (2019).

43. 22 U.S.C. § 7102(3) (2010); Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act of 2018, Pub. L. No. 115-425, § 112, 132 Stat. 5472, 5476-77 (2019) (codified as amended at 22 U.S.C. § 7101 (2018)); Trafficking Victims Protection Reauthorization Act of 2017, Pub. L. No. 115-427, §§ 6-7, 132 Stat. 5503, 5505-07 (2019) (codified as amended at 22 U.S.C §§ 7102, 7104(g), 7106(b)(7), 7107 (2018)).

44. U.S. DEP'T OF STATE, TRAFFICKING IN PERSONS REPORT 12 (2019).

45. ANA MARIA BULLER ET AL., LABOUR EXPLOITATION, TRAFFICKING AND MIGRANT HEALTH: MULTI-COUNTRY FINDINGS ON THE HEALTH RISKS AND CONSEQUENCES OF MIGRANT AND TRAFFICKED WORKERS 3 (2015).

formal employment procedures may lead workers to accept job opportunities without a written contract, hand over identification documents to employers for work registration, and agree to demands by employment brokers to pay large recruitment fees that require loans and heavy debt.<sup>46</sup> Though all of these conditions place migrants at increased risk of exploitation, prevention strategies advising workers to demand clear contracts written in their own language, refuse to turn over identification documents, and avoid large, poorly defined loans may be unrealistic. Further, as pointed out by the authors, outreach programs aiming to educate would-be migrants about the risks of trafficking and exploitation may have limited impact if workers preferentially believe positive stories provided by their peers and discount negative experiences of other workers as rare events that are unlikely to impact themselves. Similarly, extreme poverty and limited employment options may force migration from home so that prevention strategies aimed at preventing migration would have limited impact unless they specifically address these “push factors.” Much more research is needed to identify strategies that are likely to maximize worker safety during and after migration and minimize the risk of exploitation.

Legislation implemented by state and national governments and policies implemented by corporations and small businesses have the potential to prevent and identify exploitative work conditions and foster safe recruitment practices. Public awareness of supply chains and exploitative practices may also drive improvement in worker conditions by negatively impacting profit margins in companies engaging in or condoning labor exploitation.

#### *D. Scale-Up Programs and Ensure Dissemination*

Critical to the public health approach is the expansion of programs proven to be effective in prevention, with dissemination of information to those at risk. Public–private partnerships with academic institutions are helpful in this regard, with program expansion strategies and

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46. *Id.* at 145–47.

rigorous scientific evaluation designed and guided by experts in public health. Much may be learned by examining efforts to implement programs for other health conditions involving vulnerable populations, including HIV counseling and testing programs, and programs on sexual risk reduction among adolescents.<sup>47</sup>

### *III. How Can Legal Professionals Contribute to Prevention?*

Depending on the type of law being practiced and the expertise of the practitioner, legal professionals may play an important role in addressing sex and labor trafficking.

#### *A. Work with Immigrant Populations*

Legal professionals may screen immigrants for exploitation and trafficking and may help victims obtain federal assistance through T-visa and U-visa programs. Even if trafficking is not definitively identified during interviews, exploration of a person's background and the factors driving immigration may allow the practitioner to identify critical vulnerabilities and refer that person for services that may prevent future exploitation.

#### *B. Screen High-Risk Clients for Human Trafficking*

Attorneys working with any clients having multiple risk factors for exploitation should screen for sex and labor trafficking. Those working on cases involving prostitution, juvenile delinquency, sexual assault, sexual abuse, torture, and disposition of children in foster care may well encounter trafficked persons, although victims may not perceive themselves as being exploited. Open-ended questions about living and working conditions may lead to suspicion or confirmation of human trafficking. In addition, attorneys can educate their clients about

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47. See generally Alyssa Ferguson et al., *A Comprehensive Review of HIV/STI Prevention and Sexual and Reproductive Health Services Among Sex Workers in Conflict-Affected Settings: Call for an Evidence- and Rights-Based Approach in the Humanitarian Response*, CONFLICT & HEALTH, Dec. 4, 2017, at 1; Cheung NaMon, *Sex Workers Outreach Project, Inc.: Multicultural Project*, 8 J. AIDS & CLINICAL RES. 656 (2017); Bonita Stanton et al., *The Complex Business of Adapting Effective Interventions to New Populations: An Urban to Rural Transfer*, 37 J. ADOLESCENT HEALTH 163 (2005).

human trafficking risk factors, common recruitment techniques, and available community resources, which may prevent future exploitation.

*C. Refer High-Risk Clients to Community Service Organizations that Address Vulnerabilities*

Legal professionals need to be aware of national, state, and local resources for their clients. Addressing basic vulnerabilities may prevent exploitation. Practitioners can refer high-risk clients to homeless shelters, refugee organizations, substance abuse rehabilitation centers, mental health clinics, LGBTQ+ support programs, and to the National Human Trafficking Resource Center hotline.<sup>48</sup> This hotline operates twenty-four hours each day, with staff answering questions and providing information and victim service resources to trafficked persons, professionals working with trafficked persons, and the public. Hotline operators are able to identify service organizations in most areas of the country and answer questions about reporting. They also log tips from callers who want to report suspected trafficking.

*D. Educate and Advise Business Clients*

Legal professionals working with business owners can educate their clients about labor trafficking and advise them of the need for vigilance in monitoring their supply chains for evidence of labor exploitation. Guidelines for businesses exist and provide details on how to prevent trafficking and exploitation. According to World Vision, for a corporation to undertake human rights due diligence, it needs to do the following:

1. produce a statement of policy outlining its commitment to human rights;

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48. *What Is Human Trafficking?*, NAT'L HUM. TRAFFICKING HOTLINE, <https://humantraffickinghotline.org/> [<https://perma.cc/32C4-UUQZ>] (last visited Mar. 30, 2020).

2. periodically assess the actual and potential human rights impact of its activities and relationships;
3. incorporate the policy commitments and impact assessments into its internal control and oversight procedures;
4. report on its performance; and
5. provide appropriate grievance mechanisms.<sup>49</sup>

World Vision recommends that corporations demonstrate a strong commitment to human rights and prevention of labor exploitation through development and implementation of comprehensive policies; assessment of possible abusive labor practices before and after engaging a supplier; monitoring of supplier compliance with policies and practices supporting human rights; empowering workers to report labor abuses; and requiring a response to identified labor exploitation that protects and supports victims and prevents recurrence.<sup>50</sup>

*E. Educate Others About Human Trafficking and Call Attention to Dangerous Cultural Attitudes*

Legal professionals can educate colleagues, staff, and the public about labor and sex trafficking. They can be aware of and point out cultural attitudes and practices that indirectly support exploitation. They can be drivers of cultural change.

*F. Advocate for Legislative Change*

Legal professionals are in a good position to advocate for policies and laws to fund human trafficking prevention initiatives, increase services to trafficked persons, and improve strategies for the investigation and prosecution of traffickers. They can educate and train legal professionals in their own and other countries, assist in writing

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49. ADDRESSING LABOUR EXPLOITATION IN SUPPLY CHAINS: GUIDELINES FOR BUSINESS, WORLD VISION AUSTL. 2 (2011), <https://www.worldvision.com.au/docs/default-source/buy-ethical-end-exploitation-bottom-resources/addressing-labour-exploitation-in-supply-chains-guidelines-for-business.pdf?sfvrsn=2> [<https://perma.cc/U76E-Z7XV>].

50. *Id.*

legislation, and help to build an effective response to trafficking locally, nationally, and abroad.

### *G. Learn More*

There are many resources available for legal professionals to learn more about human trafficking, including information from the American Bar Association (ABA) and other national and international organizations:

1. Immigration and Human Trafficking Committee of the ABA<sup>51</sup>
2. Coalition to Abolish Slavery and Trafficking (CAST)<sup>52</sup>
3. ABA Voices for Victims Toolkit<sup>53</sup>
4. Other resources by the ABA<sup>54</sup>
5. National Human Trafficking Resource Center<sup>55</sup>
6. International Labour Organization<sup>56</sup>
7. HEAL Trafficking<sup>57</sup>

## CONCLUSION

Sex and labor trafficking of adults and children are global public health issues that demand a public health approach to eradication.

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51. *Immigration & Human Trafficking Committee*, A.B.A., [https://www.americanbar.org/groups/labor\\_law/committees/immigration/](https://www.americanbar.org/groups/labor_law/committees/immigration/) [https://perma.cc/5HWY-4VSR] (last visited Mar. 30, 2020).

52. *Coalition to Abolish Slavery and Trafficking*, A.B.A. CTR. PRO BONO, [https://www.probono.net/aba\\_oppsguide/organization.566895-Coalition\\_to\\_Abolish\\_Slavery\\_and\\_Trafficking](https://www.probono.net/aba_oppsguide/organization.566895-Coalition_to_Abolish_Slavery_and_Trafficking) [https://perma.cc/PH6Z-EC4E] (last visited Mar. 30, 2020).

53. *Voices for Victims: Lawyers Against Human Trafficking Tool Kit for Bar Associations*, A.B.A. TASK FORCE HUM. TRAFFICKING, <https://vawnet.org/material/voices-victims-lawyers-against-human-trafficking-tool-kit-bar-associations> [https://perma.cc/EAE2-47G9] (last visited Mar. 30, 2020).

54. Search Results on American Bar Association Website, A.B.A., <https://www.americanbar.org/> [https://perma.cc/MW4Y-BPNX] (search for “human trafficking” in the top, right corner of the home screen) (last visited Mar. 30, 2020).

55. NAT’L HUM. TRAFFICKING HOTLINE, *supra* note 48.

56. Search Results on International Labour Organization Website, INT’L LABOUR ORG., <https://www.ilo.org/global/lang--en/index.htm> [https://perma.cc/4YV4-WAS3] (search for “forced labour” in the top, right corner of the home screen) (last visited Mar. 30, 2020).

57. HEALTH TRAFFICKING, <https://healtrafficking.org> [https://perma.cc/3CKY-YTXF] (last visited Mar. 30, 2020).



Rigorous scientific research is needed to create an evidence base that drives multi-sector collaborative prevention efforts addressing trafficking at all levels of the socioecological model. Programs need to be evaluated carefully and modified accordingly, then scaled up to disseminate critical information to the large body of people at risk of exploitation. Legal professionals have an important role to play in combatting human trafficking by educating themselves, their colleagues and clients, and the public, as well as advocating for legislative and policy changes to prevent trafficking and protect exploited persons. Working with clients at a high risk of exploitation and with businesses at risk for enabling or directly supporting labor trafficking, the legal practitioner can directly and indirectly change the lives of vulnerable persons in their own communities and throughout the world.