

# THE FACES OF MODERN SLAVERY

On September 22, 1862, President Abraham Lincoln issued the preliminary Emancipation Proclamation. That document and the 13th Amendment, which fully abolished slavery and involuntary servitude, represent more than policies written on paper. They represent the enduring promise of freedom. A century and a half later, modern slavery persists in the United States and around the globe, and many victims' stories remain sadly similar to those of the past. The challenge facing all who work to end modern slavery is not just that of punishing traffickers and protecting those who are victimized by this crime, but of putting safeguards in place to ensure the freedom of future generations.

"Modern slavery," "trafficking in persons," and "human trafficking" are used as umbrella terms for 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. The Trafficking Victims Protection Act (TVPA) of 2000 (Pub. L. 106-386), as amended, and the U.N. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children describe this compelled service using a number of different terms, including involuntary servitude, slavery or practices similar to slavery, debt bondage, and forced labor.

Human trafficking does not require movement. People may be considered trafficking victims regardless of whether they were born into a state of servitude, were transported to the exploitative

SEPTEMBER 22, 1862

Following the Union victory at Antietam, U.S. President Abraham Lincoln issues a preliminary proclamation that he will order the emancipation of all slaves in any of the confederate states that do not return to the Union by January 1, 1863.

JANUARY 1, 1863

President Lincoln issues the Emancipation Proclamation, an executive order declaring free the 3.1 million slaves in the rebel states. Although this action does not end legal slavery in the United States, it fundamentally transforms the nature of the war.

FEBRUARY 1, 1865

President Lincoln approves the joint resolution of Congress that would fully abolish slavery and submits it to the states for ratification as the proposed Thirteenth Amendment to the U.S. Constitution.

situation, previously consented to work for a trafficker, or participated in a crime as a direct result of being trafficked. At the heart of this phenomenon is the traffickers' goal of exploiting and enslaving their victims and the myriad coercive and deceptive practices they use to do so.

### **Sex Trafficking**

When an adult is coerced, forced, or deceived into prostitution – or maintained in prostitution through one of these means after initially consenting – that person is a victim of trafficking. Sex trafficking also may occur within debt bondage, as women and girls are forced to continue in prostitution through the use of unlawful “debt” purportedly incurred through their transportation, recruitment, or even their crude “sale” – which exploiters insist they must pay off before they can be free. A person’s initial consent to participate in prostitution is not legally determinative: that person, if thereafter held in service through psychological manipulation or physical force, is a trafficking victim.

### **Child Sex Trafficking**

When a child (under 18 years of age) is induced to perform a commercial sex act, it constitutes human trafficking regardless of whether there is any force, fraud, or coercion. There are no exceptions to this rule: no cultural or socioeconomic rationalizations should prevent the rescue of children from sexual servitude. The use of children in the commercial sex trade is prohibited both under U.S. law and by statute in most countries around the world.

DECEMBER 6, 1865

The states ratify the Thirteenth Amendment, thereby officially outlawing slavery and involuntary servitude in the United States.

MARCH 2, 1867

The Anti-Peonage Act (14 Stat. 546) criminalizes debt bondage, prohibiting “the holding of any person to service or labor under the system know as peonage,” adding an additional and specific protection against another form of forced labor and ensuring the protection of vulnerable individuals who had not been held in chattel slavery.

JUNE 23, 1874

The Padrone statute (18 Stat. 251) is enacted in response to exploitation of immigrant children in forced begging and street crime by criminalizing the practice of enslaving, buying, selling, or holding any person in involuntary servitude.

## **Forced Labor**

Forced labor, including forced child labor, encompasses the range of activities – recruiting, harboring, transporting, providing, or obtaining – involved when a person uses force or physical threats, psychological coercion, abuse of the legal process, deception, or other coercive means to compel someone to work. Once a person’s labor is exploited by such means, the person’s previous consent or effort to obtain employment with the trafficker becomes irrelevant. Migrants are particularly vulnerable to this form of human trafficking, but individuals also may be forced into labor in their own countries. Likewise a child can be a victim regardless of where the nonconsensual exploitation occurs. Some indicators of possible forced labor of a child include situations in which a child appears to be in the custody of a nonfamily member who requires the child to perform work that financially benefits someone outside the child’s family and does not offer the child the option of leaving. Female victims of forced labor, especially in domestic servitude, are often also sexually exploited.

## **Bonded Labor or Debt Bondage**

One form of coercion is the use of a bond or debt. U.S. law prohibits the use of a debt or other threats of financial harm as a form of coercion and the Palermo Protocol requires its criminalization as a form of trafficking in persons. Some workers inherit debt; others fall victim to traffickers or recruiters who unlawfully exploit an initial debt assumed as a term of employment. Debt incurred by migrant laborers in their home countries, often with the support of labor agencies and employers

**MARCH 4, 1909**

In Public Law 60-350 (35 Stat. 1142), Congress consolidates and recodifies U.S. slavery and involuntary servitude statutes. Among other changes, select statutes are rendered race-neutral.

**JUNE 25, 1910**

The Mann Act (36 Stat. 825) criminalizes the transportation of women and girls in interstate and foreign commerce for purposes of prostitution or any other “immoral purpose.”

in the destination country, can also contribute to a situation of debt bondage. Such circumstances may occur in the context of employment-based temporary work programs when a worker's legal status in the country is tied to the employer and workers fear seeking redress.

### **Involuntary Domestic Servitude**

Involuntary domestic servitude is a form of human trafficking found in circumstances that create unique vulnerabilities for victims. Domestic workplaces are informal (private residences), connected to off-duty living quarters, and often not shared with other workers. Such an isolating environment is conducive to exploitation because authorities cannot inspect homes as easily as they can formal workplaces. Investigators and service providers also report cases of untreated illnesses and widespread sexual abuse, which in some cases may be symptoms of a situation of involuntary servitude.

### **Unlawful Recruitment and Use of Child Soldiers**

The unlawful recruitment or use of children – through force, fraud, or coercion – by armed forces for combat or other forms of labor is a manifestation of human trafficking. Perpetrators may be government armed forces, paramilitary organizations, or rebel groups. Many children are forcibly abducted to be used as combatants. Others are unlawfully made to work as porters, cooks, guards, servants, messengers, or spies. Young girls can be forced to marry or have sex with male combatants, but both male and female child soldiers are often sexually abused by armed groups.

SEPTEMBER 25, 1926

The 1926 Slavery Convention (TS 778) is signed in Geneva with the purpose of preventing and suppressing the slave trade, and bringing about the complete abolition of slavery in all its forms, including the prevention of compulsory or forced labor.

JUNE 17, 1930

Section 307 of the Smoot-Hawley Tariff Act (46 Stat. 590) prohibits the entry and importation into the United States of "[a]ll goods, wares, articles, and merchandise mined, produced, or manufactured wholly or in part in any foreign country" by forced labor or indentured labor under penal sanctions.

# MYTHS AND FACTS ABOUT TRAFFICKING IN PERSONS

## MYTH:

Slavery and involuntary servitude no longer exist in the United States; they were eradicated by the 13th Amendment to the U.S. Constitution.

## FACT:

Every country experiences the crime of trafficking in persons – also known as modern slavery – and every government has a responsibility to fight it.

Although the legal institution of slavery was outlawed in the United States nearly a century and a half ago, as many as 27 million men, women, and children around the world, including in the United States, are victims of modern slavery. “Modern slavery” and “trafficking in persons” are used as umbrella terms for the act of recruiting, harboring, transporting, providing, or obtaining a person for compelled labor or commercial sex through the use of force, fraud, or coercion. A person younger than 18 who is induced to perform a commercial sex act is considered a trafficking victim regardless of whether any force, fraud, or coercion is used.

APRIL 10, 1944

The U.S. Supreme Court effectively ends state-supported debt bondage in *Pollock v. Williams*, 322 U.S. 4 (1944), invalidating statutes in Southern states that enabled employers to have their workers arrested for fraud if they tried to leave.

JUNE 25, 1948

In Public Law 80-772 (62 Stat. 772), Congress unifies in the U.S. criminal code myriad slavery and involuntary servitude statutes and clarifies that, with regard to the latter, proof of a debt is not required for prosecution where there is evidence of other forms of coercion.

DECEMBER 10, 1948

The General Assembly of the United Nations adopts the Universal Declaration of Human Rights (U.N. Doc A/810 at 71 (1948)). Article 4 states, “No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.”

## **MYTH:**

Trafficking in persons is a form of smuggling.

## **FACT:**

Trafficking in persons is about exploitation and compelled service; it does not require movement.

Even though the term “trafficking” may suggest movement, trafficking in persons is about the exploitation of an individual for the purpose of forced labor or commercial sex. The crime does not require movement. Trafficking victims are kept in a state of compelled service and are victims whether they are immigrants or citizens, and regardless of whether they have crossed any borders.

## **MYTH:**

Sex trafficking affects only women, while labor trafficking affects only men.

## **FACT:**

Both men and women can be victims of sex and labor trafficking.

Traffickers target vulnerable populations around the world and right next door: women and men, adults and children, citizens and non-citizens alike, from all socioeconomic groups. Victims are young children, teenagers, and adults, and may include

**JANUARY 25, 1949**

President Harry S. Truman signs a proclamation designating February 1 as National Freedom Day, marking the date in 1865 when Abraham Lincoln approved the resolution that would become the 13th Amendment.

**SEPTEMBER 7, 1956**

Following the 1926 Slavery Convention, the United Nations adopts the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (TIAS 6418) to address practices including serfdom, debt bondage, and child servitude.

runaways, new immigrants, and migrant laborers. Women have been identified as victims of labor trafficking in many industries, including the agricultural and hospitality sectors as well as domestic workplaces. At the same time, boys and men also have been among those identified as victims of sex trafficking. Notably, victims of labor trafficking – whether women or men – may endure severe abuse, including sexual abuse, in the course of their workplace victimization.

### **MYTH:**

Trafficking in persons means that someone has been forced, through the use of physical violence, to enter a state of servitude. Someone who has willingly participated in crimes related to a trafficking scheme is not a victim.

### **FACT:**

A person is considered a trafficking victim once he or she has been subjected to compelled service through force, fraud, or coercion. This is true regardless of whether a victim initially consents to enter the situation in which exploitation later occurs, participates in criminal acts during such exploitation, or does not suffer any physical violence.

Victims of trafficking are often individuals in search of a better life for themselves or a better situation for their families. Traffickers are therefore able to prey on some victims by offering false hope for a different life. Many traffickers also use their

**JUNE 29, 1988**

In *United States v. Kozminski* (487 U.S. 931 (1988)), the U.S. Supreme Court reversed and remanded the conviction of a farmer and his wife for holding two mentally disabled men in involuntary servitude, holding that the breadth of the statute is limited to the use or threat of physical restraint or legal coercion. This seminal decision prompts reexamination by Congress of the statutory definition of involuntary servitude to incorporate the concept of psychological coercion.

victims to further their criminal schemes; victims may be forced to participate in a variety of crimes, including those related to commercial sex. Finally, victims often remain in exploitation because of psychological coercion, such as a threat of deportation or harm to their families, even when physical abuse or violence has not been used against them.

### **MYTH:**

Trafficking in a given country only involves the exploitation of non-citizens; a person cannot be a victim of trafficking in his or her own country.

### **FACT:**

Trafficking in persons occurs in our communities every day to citizens and non-citizens alike, and you can play a role in the fight against it.

Ordinary lives can be touched by modern slavery every day in many ways: for example, in the production of the food you eat and the goods you buy. Men, women, and children are being exploited in situations of forced labor or commercial sex in rural areas, cities, and suburban neighborhoods. You can play a role in fighting modern slavery by learning about the indicators of trafficking and taking action, such as by volunteering professional services, donating needed funds or items to an anti-trafficking organization, or informing your favorite retailers that you support slavery-free supply chains.

**OCTOBER 28, 2000**

The Trafficking Victims Protection Act (TVPA) of 2000 (Pub. L. 106-386, Div. A.) is signed into law by President William Jefferson Clinton, providing a three-pronged approach to combat modern slavery through prevention, protection, and prosecution. The TVPA expands the post-Civil War slavery statutes to address psychological coercion and the withholding of passports, provides social services and immigration benefits for victims, and requires the U.S. Department of State to establish the Office to Monitor and Combat Trafficking in Persons and issue an annual report assessing governments' efforts to eradicate modern slavery. The TVPA is subsequently reauthorized and amended in 2003, 2005, and 2008.

**NOVEMBER 15, 2000**

The Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime (TIAS 13127) is adopted by resolution, with the purpose of combating trafficking, assisting trafficking victims, and promoting cooperation between countries to prevent and combat trafficking in persons.