



Human Trafficking

Human trafficking (HT) is a multi-faceted, complex and often misinterpreted crime. For sex trafficking, the shift in recent years has been away from viewing the person who engages in commercial sex work as the criminal toward rightly seeing that person as the victim if forced, manipulated or coerced by traffickers. Health care providers must be aware of the issues and concerns for HT and intimate partner violence (IPV). For example, sex trafficking victims might appear in the medical setting with indicators mistaken for IPV survivors; or IPV victims may be trafficked by their intimate partners.

DEFINITIONS

There are two types of human trafficking:

- **Sex trafficking** is fraudulently, forcibly or coercively causing another to engage in a commercial sex act (i). If the victim of sex trafficking is under the age of 18, merely causing him/her to engage in a commercial sex act is enough to constitute sex trafficking (ii).
- Sex trafficking is not exclusive to prostitution (iii). Sex trafficking relates to any commercial sex act, including pornography and stripping (iv).
- Maryland also criminalizes trafficking activity that does not rise to the level of force, fraud or coercion for adults (v). Although this does not meet the federal definition of trafficking, Maryland recognizes that an adult who is "pimp-controlled" is a victim of trafficking (vi).
- **Labor trafficking** is defined by the federal statute as the recruiting, harboring, transporting, providing, or obtaining of people for forced or coerced labor (vii). The coercion could be harm directed at the victim or someone else (viii).

PREVALENCE

According to the U.S. State Department Trafficking In Persons Report (TIP Report, 2016) the International Labor Organization estimates that 40.3 million individuals are trafficked worldwide.

The Center for Missing and Exploited Children estimated in 2016 that 1 of every 6 endangered runaway children was a victim of sex trafficking. (Polaris Project)

EFFECTS

- The health consequences of human trafficking include fatigue, headaches, pregnancy, and sexual and reproductive problems – notably STIs - back pain and weight loss (ix).
- Significant to the work environment substantial burdens are placed on the persons from multi-site rental properties where the exploitation takes place, sub-standard and crowded living conditions, inadequate nutritional intake, long hours and lack of sexual infection prevention needs (x).
- The psychological aftermath pales in comparison to the mental health components that often persist for years (xi).



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INTERVENTION

The Maryland Human Trafficking Task Force has developed a multi-faceted protocol and screening tool that can be adapted to most medical settings and may help when attempting to intervene with a survivor of trafficking:

- Survivors of human trafficking rarely identify themselves as victims. Careful screening is needed. Be aware that the person accompanying the survivor may not be a safe support.
- Medical professional should engage in safety planning while respecting the patient's confidentiality and autonomy.
- Survivors often have significant trauma bonds with the abuser and require long-term support. A health care professional should connect with their advocacy team or a community-based victim service agency to engage with the patient.
- Importantly, the sex trafficking of a minor requires mandated report to child protective services (xii).

RESOURCES

The Maryland Human Trafficking Task Force: mdhumantrafficking.org

Polaris Project: polarisproject.org

Shared Hope International. I:Care Health Care Guide: <https://sharedhope.org/product/icare-health-care-providers-guide/>

REFERENCES

- i. TIP Report 2014 at 29; see also Md. Code Ann., Crim. § 11-306 (2016) & 18 U.S.C. § 1584.
- ii. TIP Report 2014 at 29; see also Fed statute; Abby C. Cannon et al., A Compendium of Monitoring and Evaluation Indicators: Trafficking in Persons and Health at 1.
- iii. Susie B. Baldwin, David P. Eisenman, Jennifer N. Sayles, Gery Ryan, Kenneth S. Chuang, Identification of Human Trafficking Victims in Health Care Settings, *Health & Human Rights*, vol. 13, no. 1 (July 2011) at 37.
- iv. "There is much debate about the choice of terminology when speaking of "prostitution" as opposed to "commercial sex work", with terminology often reflecting the ideological position of the speaker. In the context of this report, we speak of prostitution and prostitutes. However, the choice of wording does not imply any ideological stance on the part of IOM nor should the use of the words "prostitute" and "prostitution" imply any negative judgment of persons engaged in such activity." International Organization for Migration, *The IOM Handbook on Direct Assistance for Victims of Trafficking* (2007) at xii.
- v. Md. Code Ann., Crim. § 11-303 (2016).
- vi. Md. Code Ann., Crim. § 11-303 (2016); c.f. 18 U.S.C. § 1584.
- vii. 18 U.S.C. § 1584.
- viii. International Organization for Migration, *The IOM Handbook on Direct Assistance for Victims of Trafficking* (2007) at 214-15.
- ix. International Organization for Migration, *The IOM Handbook on Direct Assistance for Victims of Trafficking* (2007) at 227-30; see also International Organization for Migration, *The IOM Handbook on Direct Assistance for Victims of Trafficking* (2007) at 255-56, 258.
- x. International Organization for Migration, *The IOM Handbook on Direct Assistance for Victims of Trafficking* (2007) at 235-36.