



***Human Trafficking in Minnesota:
A Violation of Human Dignity***



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iCAN is the Interfaith Children's Advocacy Network of the Joint Religious Legislative Coalition. iCAN organizes people of faith in Minnesota to advance socially just legislation to improve children's health, family economic security, child care and early education, and to end child trafficking in Minnesota.

Introduction

Human trafficking, for either forced labor or commercial sexual purposes, is a modern form of slavery and one of the most heinous violations of human rights in our time. Although commonly perceived as an international issue, human trafficking is a significant problem here in Minnesota. According to recent reports:

- In 2008, the FBI declared Minneapolis the eighth worst city in the United States for trafficking of juveniles¹;
- The incidence of online sex trafficking advertisements in Minnesota increased 55% in just six months from February to August 2010²;
- Minnesota law enforcement says that sex trafficking of girls is happening in every city and every county in the state.³

Human trafficking targets people whose safety net has eroded and whose options for self-sufficiency are few. Traffickers may lure their victims into servitude with promises of economic and emotional security, but, ultimately, traffickers force victims to perform work or services under threat of violence, coercion, and other methods of intimidation. By forcing their victims into prolonged mental, emotional, and physical deprivation and abuse, traffickers rob victims of their free will and human dignity.

Jews, Muslims, and Christians alike believe that all people are created in the image of God and are blessed with God-given dignity. It is the duty of faith communities in Minnesota to stand up against traffickers who treat other human beings as objects to be bought and sold, and to advocate on behalf of those who have little power to defend their human rights.

Religious views on human trafficking

The Joint Religious Legislative Coalition – sponsored by the Islamic Center of Minnesota, the Jewish Community Relations Council of Minnesota and the Dakotas, the Minnesota Catholic Conference, and the Minnesota Council of Churches – holds central the belief that all people have God-given human dignity and infinite value.

Each faith tradition consistently rebukes those who violate human dignity. According to the seminal Jewish philosopher Moses Maimonides (1135-1204), there is no greater *mitzvah* (מִצְוָה; *commandment*) than redeeming the captives. Each year at Passover, Jews remember their deliverance from slavery in Egypt. This commandment compels contemporary action against modern-day forms of slavery such as human trafficking.

In the Christian traditions, Jesus repeatedly sides with those on the fringe of society, providing a model for Christian love and solidarity. In 2002, Pope John Paul II wrote, “The trade in human persons constitutes a shocking offense against human dignity and a grave violation of fundamental human rights.”⁴ The National Council of Churches approved a resolution in 2008 asserting that “human trafficking denies the values of human life, exposes victims to serious health risks, endangers the mental well-being of victims and impedes the ability of victims to reach their full God-given potential.”⁵

The Qur’an is unequivocal in its command “Be ever steadfast in your devotion to God, bearing witness to the truth in all equity; and never let hatred of anyone lead you into the sin of deviating from justice. Be just: this is the closest to being God-conscious.” (Surah 5: Al-Ma’idah: 8) Dr. Riffat Hassan, a Muslim philosopher and professor at the University of Louisville, cites this passage to assert that protecting human rights is inextricable from the practice of Islam.⁶

The deepest teachings in our faiths compel all of humanity to care for one another in compassion and generosity. As followers of the Abrahamic religions, we must not simply reach out to one another in charity, but seek broad-based systemic change, particularly in the case of human trafficking.

Understanding Human trafficking and legal distinctions

Human trafficking is broadly considered to be the commercial trade of human beings through the use of coercion and force, but there are multiple definitions of the various forms of human trafficking (see glossary on page 10).

Federal and State of Minnesota definitions of trafficking vary in some important ways. Under the US Trafficking Victims Protection Act (TVPA) of 2000, “severe forms of trafficking” are defined as:

- I. Sex trafficking in which a commercial sex act is *induced by force, fraud, or coercion*, or in which the person induced to perform such an act has not attained 18 years of age; or,
- II. The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, *through the use of force, fraud, or coercion* for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery. A victim need not be physically transported from one location to another in order for the crime to fall within these definitions.⁷ [Emphasis added]

Federal law requires the proof of “force, fraud, or coercion” to legally establish that trafficking has occurred. Minnesota’s law, on the other hand, does not have this precondition. The Minnesota Statewide Human Trafficking Task Force defines trafficking as

“the recruitment, transportation, transfer, harboring, enticement, provision, obtaining or receipt of any person *by any means* for the purpose or facilitation of sexual or economic exploitation.”⁸ [Emphasis added]

The difference in Minnesota’s law recognizes that human trafficking is predicated on the ability of the trafficker to manipulate his or her victim. The nuance is significant, allowing for easier prosecution of the perpetrators of trafficking crimes, and effective identification of the victims of trafficking. Traffickers exploit vulnerable people, and the language assumes that no victim willingly consents to being exploited. The deception, fraud, and coercion inherent to the crime of human trafficking make victim consent irrelevant, waiving the need for proof of coercion in a Minnesota court of law.

Minnesota’s legal definition of “trafficking” refers to trade rather than transport, indicating that a person may be considered a trafficking victim without being transported. Crossing any border, be it international or state, is not necessary to constitute an act of trafficking. In 2010, the Minnesota Human Trafficking Task Force reported that a majority of the sex trafficking victims they served at the time of the survey were not immigrants or refugees.⁹ This finding underscores that the trafficking occurring in Minnesota tends to be Minnesotans trafficking other Minnesotans.

Trafficking data in Minnesota

It is impossible to obtain an exact measure of the rate of trafficking in Minnesota, and varying definitions of human trafficking complicate efforts to obtain reliable data.¹⁰ Estimates have been provided by nonprofit and public research organizations and, in recent years, statewide efforts have improved collection of and access to more accurate data of human trafficking in Minnesota.

In 2006, the Minnesota Legislature unanimously passed Minnesota Statute section 299A.79 requiring the Commissioner of Public Safety to develop a plan to address and prevent human trafficking in Minnesota. In order to develop a comprehensive plan, the Commissioner created the Statewide Human Trafficking Task Force. The Task Force is charged with tracking the rates of reported trafficking cases in the state and producing a report every two years that is presented to the legislature with recommendations for action.

The report produced by the Task Force—a snapshot of the caseload on any given day in Minnesota—admittedly paints an incomplete picture of the rate of trafficking because it only records cases that have been reported or identified. The data collected comes from first responders to instances of human trafficking, such as law enforcement, medical personnel, and service providers.

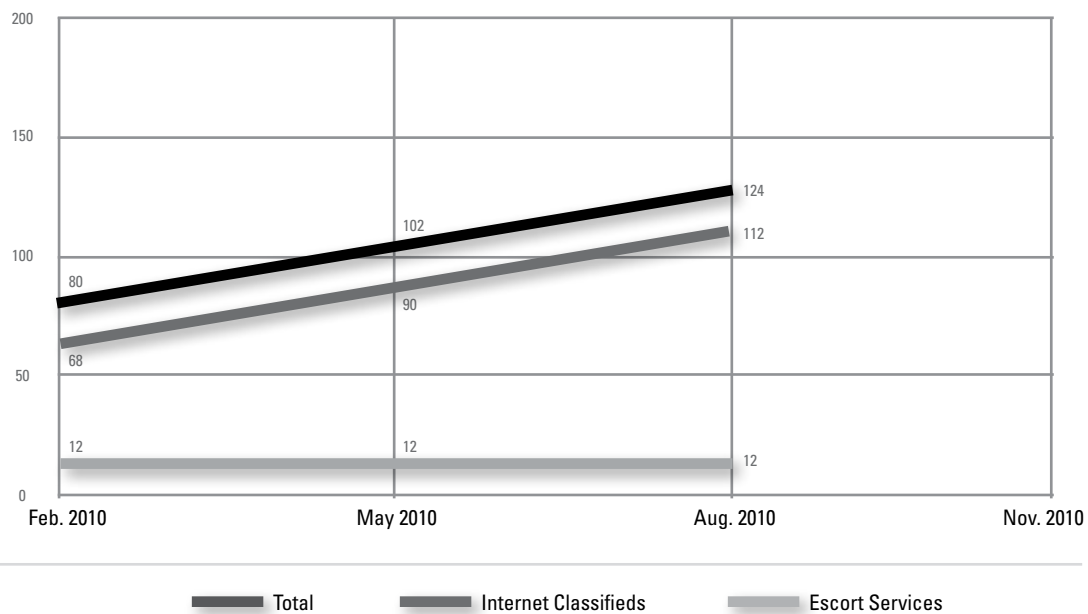
In Minnesota only about 65% of service providers and 70% of law enforcement personnel believe that they are somewhat knowledgeable about the issue of trafficking.¹¹ Awareness among first responders has been increasing as a result of the Commissioner's work, but if service providers or police are unable to identify victims of trafficking, victims may be treated as criminals.

Thus, the Task Force concludes that the majority of trafficking cases in Minnesota are not reported. In one recent analysis, based on client intake interviews at Breaking Free, a non-profit organization serving women and girls in prostitution, Executive Director Vednita Carter estimates that between 8,000 and 12,000 Minnesota women and children are involved in prostitution on any given night statewide.¹² The gaping disparity between this estimate and the data gathered by the State Task Force underscores the acute need for more accurate data on human labor and sex trafficking.

Research by the State of Minnesota indicates that sex trafficking is the most prevalent form of human trafficking within the state, especially of women and children.¹³ Alarming, data suggest that during the month of August 2010, 124 children were commercially sexually exploited through the

use of internet classified ads or escort services in Minnesota alone, an increase of 55% since February 2010.¹⁴ It is now believed that the typical age of a child being forced into trafficking in North America is between 11 and 14.¹⁵ And based on FBI data from 2008, Minneapolis was identified as one of thirteen U.S. cities having a high concentration of criminal activity involving the commercial sexual exploitation of juveniles.¹⁶

Commercial Sexual Exploitation of Children Victims Statewide in Minnesota¹⁴



Recent state legislation

To address sex trafficking, improvements to Minnesota's trafficking laws were unanimously passed by the State Legislature in 2009 and signed into law by Governor Tim Pawlenty. The statutory changes:

- Provided law enforcement and prosecutors with the ability to arrest and charge sex traffickers with higher penalties;
- Increased fines for those who sell other human beings for sex;
- Criminalized the actions of those who receive profit from sex trafficking;
- Categorized sex trafficking with other violent crimes; and
- Added sex trafficking victims to the category of victims of violent crime.¹⁷

In 2011, Governor Dayton signed the bipartisan "Safe Harbors" bill into law, extending Minnesota's role in protecting commercially sexually exploited children. The new law:

- Excludes sexually exploited children under 16 from the definition of delinquent child;
- Includes the definition of sexually exploited youth in Minnesota's child protection code;
- Creates a mandatory first-time diversion for any 16 or 17 year old who has been exploited in prostitution (where the child meets the criteria);
- Allows prosecutors to continue diversion or to proceed with Child in Need of Protective Services (CHIPS) petitions for children coming through the system an additional time;
- Increases penalties against offender "johns" from \$250. The new penalty is a minimum of \$500 and max of \$750. 40% of fees will go to an account to serve child victims; and
- Directs the Commissioner of Public Safety to work with stakeholders to create a victim-centered response to sexually exploited youth.¹⁸

Because of these alterations, Minnesota has some of the strongest legislation in the country defining and punishing human trafficking, but steps are still needed regarding the implementation of current trafficking laws, and in increasing the availability of services to victims of trafficking.

Barriers to ending human trafficking in Minnesota

Public ignorance – Stigmas and misconceptions related to human trafficking have created an environment in which it is difficult to reach a consensus around a unified solution. Many mistakenly believe that those who are trafficked for sex are voluntary prostitutes, rather than as unwilling victims. Minnesotans must change the way they think about trafficking victims in order to bring about positive systemic change related to human trafficking.

Inadequate services – Existing services for victims are badly underfunded and not readily available, and there is yet no coordinated statewide response when victims of human trafficking are identified.

Lack of data – The lack of complete and accurate data hampers state efforts to combat human trafficking.

Systemic problems – To effectively end human trafficking, the state cannot only address the problems of a crime once it has happened. Rather, we must work to prevent the original circumstances that made victims vulnerable to trafficking in the first place. To end human trafficking the state cannot afford to neglect social issues such as poverty, racism, and gender discrimination. Especially among child victims of trafficking, poverty, abuse and neglect, and poor education effectively close off options for a successful future and leave young people exponentially more susceptible to commercial sexual exploitation.¹⁹

Attitudes toward commercial sex – The social response to commercial sex in Minnesota, with few exceptions, effectively tolerates patrons buying sex from both trafficked and prostituted persons. This attitude indirectly fuels the demand for women, girls, and other vulnerable people as commodities in violation of both their human dignity and human rights.²⁰

Recommendations for action

Despite increasing awareness of human trafficking in Minnesota and strong existing legislation on the issue, there is still much to be done in our state to eliminate this form of human degradation. A statewide, coordinated response system is desperately needed in order for best practices to be shared, data to be effectively managed, higher instances of communication to take place, and to establish a regular procedure within the legal system for apprehension and prosecution of traffickers. The Joint Religious Legislative Coalition supports the work of the Statewide Taskforce on Human Trafficking and aligns with many of their recommendations for legislative action, including the following areas:

I. Directly address factors that increase vulnerability to human trafficking

- Poverty, homelessness, and unemployment.
- Depression, and perceived hopelessness.
- Family discord, child abuse and neglect.
- Failure in school.

II. Raise public awareness of human trafficking

- Provide training to law enforcement, health care providers, social service providers, non-profits, faith communities, and the public on how to properly identify and assist trafficking victims.
- Ensure that training is relevant to specific professions.
- Support a statewide awareness campaign about sex trafficking.

III. Provide innovative, effective services statewide

- Allocate funding to services that address the needs of trafficking victims including case management, housing, health care, language interpretation, and legal services. Receipt of services should not be conditioned on victims' nationality, immigration status, or participation in investigating the traffickers.
- Expand innovative programs like the pilot Safe Harbors Youth Intervention Project in Ramsey County, which have demonstrated that victim-centered services for sexually exploited children have cost-effective, life-saving outcomes.
- Expand safe housing opportunities, ensuring the safety and recovery of victims of trafficking.
- Restore funding for a statewide human trafficking hotline.
- Ensure that there is a coordinated community response to aid the victims of human trafficking.

IV. Ensure that victims are treated as victims, and that traffickers and patrons are held accountable

- Ensure that victims of trafficking are not detained (even as a means of protection), charged or prosecuted for their involvement in unlawful activities if such involvement is a consequence of their being trafficked.
- Ensure that Minnesota law enforcement agencies and prosecutors focus their efforts on and dedicate resources to holding traffickers and pimps accountable. Resources should also be available to keep crime victims and witnesses, especially children, safe during investigations and criminal proceedings.
- Increase law enforcement efforts against individuals who purchase sex. Prosecutors should prosecute patrons for soliciting or engaging in prostitution and other crimes committed against trafficked persons.

*Glossary of trafficking terms*²¹

Bonded Labor

One form of coercion is the use of a bond, or debt. Often referred to as “bonded labor” or “debt bondage,” the practice has long been prohibited under U.S. law by its Spanish name – peonage – and the Palermo Protocol calls for its criminalization as a form of trafficking in persons. Workers around the world fall victim to debt bondage when traffickers or recruiters unlawfully exploit an initial debt the worker assumed as part of the terms of employment. Workers may also inherit debt in more traditional systems of bonded labor.

Child Soldiers

Child soldiering can be a manifestation of human trafficking where it involves the unlawful recruitment or use of children – through force, fraud, or coercion – as combatants or for labor or sexual exploitation by armed forces. Perpetrators may be government forces, paramilitary organizations, or rebel groups. Many children are forcibly abducted to be used as combatants. Others are made unlawfully to work as porters, cooks, guards, servants, messengers, or spies. Young girls can be forced to marry or have sex with male combatants. Both male and female child soldiers are often sexually abused and are at high risk of contracting sexually transmitted diseases.

Commercial Sexual Exploitation of Children (CSEC)

CSEC includes the prostitution of children, child pornography, child sex tourism and other forms of transactional sex where a child engages in sexual activities to have key needs fulfilled, such as food, shelter or access to education.

Forced Child Labor

The sale and trafficking of children and their entrapment in bonded and forced labor are among the worst forms of child labor. A child can be a victim of human trafficking regardless of the location of that nonconsensual exploitation. Indicators of possible forced labor of a child include situations in which the child appears to be in the custody of a non-family member who has the child perform work that financially benefits someone outside the child’s family and does not offer the child the option of leaving.

Forced Labor

Also known as involuntary servitude, forced labor may result when unscrupulous employers exploit workers made more vulnerable by high rates of unemployment, poverty, crime, discrimination, corruption, political conflict, or cultural acceptance of the practice.

Involuntary Domestic Servitude

A unique form of forced labor is the involuntary servitude of domestic workers, whose workplace is informal, connected to their off-duty living quarters, and not often shared with other workers. Such an environment, which often socially isolates domestic workers, is conducive to nonconsensual exploitation since authorities cannot inspect private property as easily as formal workplaces.

Patron or “John”

An individual who hires or agrees to hire another person for sexual penetration or contact.

Prostitution

The exchange of sex acts for money. Prostitution by willing adults is not human trafficking regardless of whether it is legalized, decriminalized, or criminalized.

Sex Trafficking

When an adult is coerced, forced, deceived into prostitution, or maintained in prostitution through coercion that person is a victim of trafficking. All of those involved in recruiting, transporting, harboring, receiving, or obtaining the person for that purpose have committed a trafficking crime.

Trafficker

An individual who recruits, entices, harbors, transports, provides, receives or obtains a person for a commercial sex act, prostitution, or forced labor.

Trafficking Victim

Anyone who has been recruited, recruited, enticed, harbored, provided, or obtained by any means for the purpose of prostitution or forced labor.

Footnotes

- ¹ “Shattered Hearts,” Minnesota Indian Women’s Resource Center, page 2, 2010.
- ² Adolescent Girls in the United States Sex Trade: Tracking Study Results for May 2010. The Schapiro Group and Women’s Funding Network. p. 18.
- ³ A Future: Minnesota Girls are Not For Sale.” A campaign of the Women’s Foundation of Minnesota, June 2011.
- ⁴ Letter on the Occasion of the “Twenty-First Century Slavery - The Human Rights Dimension to Trafficking in Human Beings” Conference, 2002, found at <http://www.scribd.com/doc/26578219/Catholic-Social-Teaching-on-Human-Trafficking>.
- ⁵ National Council of Churches of Christ “Resolution on Human Trafficking,” 2008.
- ⁶ Hassan, Riffat. “Religious Human Rights in the Qu’ran.” Religious Human Rights in Global Perspective: Religious Perspectives p. 361-86. Ed John Witte, Jr. and Johan D. van der Vyver . Martinus Nijhoff Publishers, 1996.
- ⁷ “Trafficking in Persons Report,” page 8, Department of State, United States of America, 2010.
- ⁸ “Human Trafficking in Minnesota: A Report to the Minnesota Legislature,” Minnesota Human Trafficking Task Force, September 2010, p. 1.
- ⁹ “Human Trafficking in Minnesota: A Report to the Minnesota Legislature,” Minnesota Human Trafficking Task Force, September 2010, p. 10.
- ¹⁰ Needs Assessment Exec Summary, The Advocates for Human Rights, pg 4
- ¹¹ “Human Trafficking in Minnesota: A Report to the Minnesota Legislature,” Minnesota Human Trafficking Task Force, September 2010, p. 6.
- ¹² “Shattered Hearts,” Minnesota Indian Women’s Resource Center, p. 33
- ¹³ “Human Trafficking in Minnesota: A Report to the Minnesota Legislature,” Minnesota Human Trafficking Task Force, September 2010, p. 10.
- ¹⁴ Women’s Funding Network and Schapiro Group August 2010. Since the release of the Schapiro data, both Craigslist.com and Backpage.com have announced they will no longer be posting advertisements of this ilk on their sites. It remains to be seen what the effect of these decisions will be, and how successful their policies will be.

¹⁵ “The Commercial Sexual Exploitation of Children in the U.S., Canada and Mexico” page 92, Richard J. Estes and Neil Alan Weiner, University of Pennsylvania, 2001.

¹⁶ “Shattered Hearts,” Minnesota Indian Women’s Resource Center, p. 2, 2010.

¹⁷ Minnesota Session Laws 2009. Regular Session, Chapter 137.

¹⁸ Minnesota Session Laws 2011, 1st Special Edition, Chapter 1, Articles 4-5.

¹⁹ “Sex Trafficking Needs Assessment for the State of Minnesota” The Advocates for Human Rights, p. 22, 2008.

²⁰ “Sex Trafficking Needs Assessment for the State of Minnesota” The Advocates for Human Rights, p. 17, 2008.

²¹ Definition of trafficking terms developed from: <http://www.state.gov/g/tip/what/index.htm>



*MINNESOTA COUNCIL OF CHURCHES
MINNESOTA CATHOLIC CONFERENCE
JEWISH COMMUNITY RELATIONS COUNCIL
ISLAMIC CENTER OF MINNESOTA*

122 West Franklin Avenue
Suite 315
Minneapolis, MN 55404

Phone: 612.870.3670
Fax: 612.870.3671
E-mail: info@jrlc.org
Website: www.jrlc.org