

## **Human Trafficking: Identifying and Assisting Potential Victims**

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### **Abstract**

*Under Florida Statutes, human trafficking is defined as the act of transporting, soliciting, recruiting, harboring, providing, enticing, maintaining, or obtaining another person for the purpose of exploitation of that person.<sup>1</sup> Simply put, it is a form of modern-day slavery, as codified by the Florida Legislature.<sup>1</sup> Physicians have a responsibility to be on the lookout for potential victims and respond appropriately with treatment and resources. To do so, they need to be able to identify potential victims and have knowledge of legal and social services.*

### **Introduction**

Human trafficking is believed to be one of the fastest growing illicit industries in the world. Yet, most data regarding human trafficking is only an estimation because of the underground nature of the crime. Traffickers range from opportunistic individuals to sophisticated criminal organizations, with activity around the globe. The resulting victimization is extreme and involves diverse populations with a host of needs. Under Florida Statutes, human trafficking is defined as the act of transporting, soliciting, recruiting, harboring, providing, enticing, maintaining, or obtaining another person for the purpose of exploitation of that person.<sup>1</sup> Simply put, it is a form of modern-day slavery, as codified by the Florida Legislature.<sup>1</sup>

The Trafficking Victims Protection Act of 2000, also known as the TVPA, was the first comprehensive federal law to address trafficking in persons.<sup>2</sup> The TVPA defines the federal government's response to human trafficking, provides new immigration relief and benefits for eligible victims, and specifies crimes under which traffickers can be prosecuted. Since 2000, it has been expanded several times through the Trafficking Victims Protection Reauthorization Act to allow victims to sue their traffickers, create programs to shelter minors, implement prevention

strategies including information about workers' rights and systems of reporting, as well as creating programs to ensure U.S. citizens do not purchase products made by victims, and prevention of child marriage.<sup>3</sup>

## **Human Trafficking in Florida**

In Florida, the primary method of capturing data on human trafficking of minors is through reports to and investigations by the Department of Children and Families. Over 2,000 reports of trafficking were received for the fiscal year of 2017-2018. 92 percent of these were classified as commercial sexual exploitation of children, and over 7 percent classified as labor trafficking.<sup>4</sup> There is no comprehensive report that captures the trafficking of adults in Florida. According to a 2016 report on forced labor by the International Labour Organization, 40.3 million people across the globe are trapped in this form of slavery.<sup>5</sup>

## **The Dynamics of Human Trafficking**

Human trafficking is classified into two general categories: sex trafficking and labor trafficking. These broad categories can be broken down into distinct forms of trafficking, each with their own specific way of operating. The Polaris Project, named for the North Star used by slaves to guide their way to freedom, is a nonprofit organization that provides information and resources regarding human trafficking. It has gathered information on over 32,000 cases since 2007, further classifying 25 different types of human trafficking, and publishing a report identifying the characteristics of each as well as the myths associated with human trafficking.<sup>6</sup> Of these classifications, each has varying business models, trafficking profiles, recruitment strategies, victim profiles, and methods of controlling the victim. The 25 classifications of human trafficking compiled by Polaris are:

- Escort Services
- Illicit Massage, Health, and Beauty
- Outdoor Solicitation
- Residential Brothels
- Domestic Work
- Bars, Strip Clubs and Cantinas
- Pornography
- Traveling Sales Crews
- Restaurants and Food Service
- Peddling and Begging
- Agriculture and Animal Husbandry
- Personal Sexual Servitude
- Health and Beauty Services
- Construction
- Hotels and Hospitality
- Landscaping
- Illicit Activities
- Arts and Entertainment
- Commercial Cleaning Services
- Factories and Manufacturing
- Remote Interactive Sexual Acts
- Carnivals
- Forestry and Logging
- Health Care
- Recreational Activities

## **Healthcare Professionals: Assessing & Responding**

Healthcare professionals are in a unique position to identify and assist victims of human trafficking. As frontline providers, you will likely encounter victims of sex trafficking and labor trafficking, and victims who may experience both, in your daily practice. Healthcare providers have earned a trusted status in our communities. For this reason, victims may be more likely to disclose their situation to healthcare providers because they believe their disclosure will be kept in confidence.

Conducting a full evaluation and asking a potential victim about their personal and work life can be crucial when there is suspicion of a trafficking situation. Traffickers significantly limit the contact their victims may have with others, so a healthcare provider may be the only contact the victim is permitted to have away from their captor. Victims of trafficking are also likely to be placed in dangerous situations, making it more likely that they will have contact with healthcare providers for injuries or care of diseases. In fact, a study published in the *Annals of Health Law* found that nearly 88 percent of trafficking victims were seen by healthcare providers while being trafficked, and of these, 68 percent were seen in the emergency department.<sup>7</sup> Being able to identify some of the indicators of trafficking in both adults and minors will provide healthcare providers an early opportunity to assist victims and provide resources, for which protocols are available.<sup>8</sup>

## **Sex Trafficking**

Sex trafficking is identified as the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purposes of a commercial sex act, in which the 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. A commercial sex act is any sex act for which anything of value (including but not limited to money, drugs, shelter, food, or clothes) is given to or received by any person.<sup>9</sup> Florida has consistently been the third highest state for sex trafficking, behind California and Texas, with 261 cases reported in 2018.<sup>10</sup> Sex trafficking can take place in a number of different venues and industries. In Florida, the top venues and industries for sex trafficking have been hotels/motels, residence-based commercial sex, illicit massage or spa businesses, escort services, and online advertising.<sup>11</sup>

Personal sexual servitude can take various forms, making the distinction between ongoing sexual abuse and personal sexual servitude complex, and different survivors may define their experiences differently. It can occur when an individual is permanently sold, often by their family to settle a debt, or to an individual buyer for the explicit purpose of engaging in sex acts. Traffickers are often members of an organized crime organization, smugglers, intimate partners, family members, or landlords. To control the victim, a trafficker may impose ongoing sexual assault, abuse, confinement, use of illicit drugs and/or alcohol, and withholding food or shelter. Victims are frequently trapped due to insurmountable debts, and can be exploited for labor as well. Traffickers may also seek to earn a profit from distributing pornographic material featuring the victim, which may also include the production and distribution of child pornography. While

most victims of sex trafficking are female, the rate of male victimization in personal sexual servitude is four times the rate of other sex trafficking types. In general, the rate of sex trafficking of men and boys is widely believed to be vastly underreported.<sup>12</sup>

Sex trafficking may also occur within organized residential brothels or private homes used more informally for commercial sex, and where a family member or intimate partner is trafficking the victim. In formal brothels, victims tend to be women and girls, typically from Latin America, Mexico, and Asia. In residences informally used as brothels the victim is typically a child, with boys making up a growing percentage. Victims are often recruited through fake romantic interests, false job offers, or promises of immigration.

Outdoor solicitation occurs when traffickers force victims to solicit sex in a public setting. In cities, this generally occurs on a particular block or area known for commercial sex. In rural areas, it frequently takes place at rest stops along major highways. This is one reason why truck drivers have been encouraged to receive education on human trafficking, which led to the creation of a national organization and state initiatives.<sup>13</sup> Physical violence, as a means of controlling the victim, is used more in outdoor solicitation than any other type of trafficking.

Illicit massage, health, and beauty businesses may also function as legitimate businesses providing spa services, but also concealing the sex and labor trafficking of women trapped by these businesses. Although they appear to be single storefronts, the majority are controlled by a larger network, with a few people owning several businesses that provide the same services. Research suggests there are at least 7,000 trafficking storefronts in the United States, and possibly far more.<sup>6</sup> The traffickers tend to be women of the same ethnicity, often having been trafficked themselves, and making it difficult to distinguish the victim from the trafficker.

### ***What to Look For:***

Sex trafficking victims may feel shame or fear and hesitate sharing their experience. Healthcare providers may notice multiple or recurrent sexually transmitted infections (STIs), vaginal or rectal trauma, multiple sexual partners, chronic headaches or abdominal pain related to stress, and tattoos that indicate some sort of ownership or property status. Behaviorally, victims may be depressed or demonstrate a flat affect. They may also have anxiety or panic attacks, irritability and aggression. In addition, there may also be a history of multiple emergency department visits and the patient is unable to explain injuries.<sup>14</sup>

### **Labor Trafficking**

Labor trafficking is the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purposes of subjection to involuntary servitude, peonage, debt bondage, or slavery. Since 2007, the National Human Trafficking Hotline has received reports of more than 7,000 labor trafficking cases in the United

States. Florida had 58 cases of labor trafficking reported in 2018, primarily in the areas of agriculture, domestic work, hospitality, and construction.<sup>15</sup>

Because it is so labor intensive to harvest crops, victims become more susceptible to forced agricultural labor or exploitation. The exploitation often occurs via a contract that promises an hourly pay rate, but then pays the victim by the amount harvested. They are often charged exorbitant fees for their travel or boarding, leaving them unable to pay back their trafficker that further entraps them. The trafficker may be a contractor, subcontractor, grower, or buyer. Victims are disproportionately male Latino migrant workers in the U.S. on a seasonal visa. Traffickers control their victims by exploiting their visa status, stealing their wages through improper deductions, or refusing to pay hourly rates, and isolating them in rural areas. Medical care is often inaccessible or not offered at all by the trafficker, making this victim population more difficult to find and identify.<sup>6</sup>

Domestic workers often live within their traffickers' households and serve as cooks, maids, nannies, and caretakers for the elderly or infirm. This type of labor trafficking may also occur in the context of intimate partner violence or forced marriages as a means of maintaining control over the victim. The traffickers are generally wealthy diplomats, royalty, or staff of international organizations, making the victim even more vulnerable to their influence. Victims are predominantly middle-aged women from the Philippines recruited through a temporary work visa. They are often forced to work 12-18 hours per day for little or no pay. They are isolated and very often have their wages stolen or travel documents taken from them. Domestic trafficking victims are often trapped in servitude for years, even decades.<sup>16</sup>

Hospitality businesses such as hotels, resorts, or casinos also have a significant number of labor trafficking victims working most frequently in housekeeping. Most are women and men from Jamaica, the Philippines, and India. About 46 percent of cases are male and 69 percent are female. These statistics are non-cumulative and include both human trafficking and labor exploitation cases. These cases also reference multiple victim populations. Very often, they have been promised lucrative wages they plan to use to support family back home. Traffickers are often subcontractors that provide labor to the hotel, meaning the hotel is not aware of the abuse and the victim is left with little support to assist with any grievances.<sup>17</sup>

Labor trafficking in the construction industry usually occurs within small contracting businesses working on both large construction sites and private homes. Employers will often classify the victim as an independent contractor, or pay them under the table, thereby limiting their access to protections and benefits, as well as any assistance from labor organizations. The majority of victims are men from Mexico, El Salvador, Honduras, and Guatemala, who have visas or are undocumented. They are very often controlled through fraud regarding the amounts they will be charged for visas, recruitment fees, or illegal migration. Payment is often withheld and they are threatened with deportation.<sup>18</sup>

### ***What to Look For:***

Patients who are victims of labor trafficking may present with musculoskeletal and ergonomic injuries, as well as malnutrition and dehydration because they are not permitted time to eat or drink.

Injuries including poor dental hygiene, skin infections, and chemical or pesticide exposure are left untreated and often advanced. They may also have visual difficulties from straining their vision in dark, unlit factories. Behaviorally, they may appear anxious or exhibit paranoid behavior, and give conflicting stories about their injuries.<sup>14</sup>

### **Child Trafficking**

Child trafficking is distinct and separate from the other categories of human trafficking. When trafficking involves a child under the age of 18 who has been subjected to a commercial sex act, they are considered a victim regardless of the use of force, fraud, or coercion. Children are more susceptible than other demographics. In fact, most cases of sex or labor trafficking began when the victim was between the ages of 15 and 17.<sup>15</sup> Thus, the “means” in child trafficking may be easily defined as taking advantage of the vulnerability of a minor. Common risk factors for child trafficking include children who frequently run away, and those who have experienced sexual abuse, sexual assault, or rape. Those who identify as LGBTQ are particularly susceptible, making up 40 percent of homeless youth nationally, and are over seven times more likely than peers to experience sexual violence, and are three to seven times more likely to engage in sex to meet basic needs.<sup>16</sup>

### ***What to Look For:***

Common behavioral indicators include avoiding answering questions, appearing frightened, resistant, or belligerent toward authority, seeming coached, and preoccupied with money. Behavioral indicators are infinite, as each child will react differently to trauma. Physical indicators of child trafficking may be more easily ascertainable and may include: possessing large amounts of cash, multiple cell phones, or hotel keys; presence of a controlling or abusive adult or unrelated children; a symbol tattooed, burned, or branded; references to traveling to other cities or states; appearance not fitting their current situation, for example a homeless child who has money, electronics, new clothes or shoes; or a child who presents alone or with an unrelated adult. If a child exhibits a combination of risk factors, behavioral indicators, and physical indicators, the healthcare professional should make diligent efforts to ensure the child is kept in a safe place until authorities can properly intervene and confirm the suspicions of trafficking.

### **Helping Patients**

If a patient presents to your facility with indicators for human trafficking, first make sure their immediate safety is secured and their primary health concern is addressed. Many facilities already have processes in place for addressing trafficking concerns, or may have personnel trained in addressing trauma who may also be helpful. When performing your initial assessment, remember that the purpose of this is to create a safe environment and begin to build a relationship of trust, not to rescue the patient. They may not feel they can be safely rescued, as the trafficker has often accompanied them, or may fear for the safety of others. Remain conscious of the language you use, understanding that they may not identify as victims or as trafficked, and simply remain open to providing them the care and resources they request at that time. If the patient will be returning, every effort should be made to coordinate those services and visits with other healthcare providers, social workers, and behavioral health professionals given the patient's likely inability to remove themselves from their captor with any regularity. A directory of Florida agencies and services has been compiled by the U.S. Department of Health and Human Services with all necessary contacts and links.<sup>17</sup>

Reporting to state regulatory bodies or law enforcement may be mandated given the patient's age or presentation. If so, the event should also be reported to the National Human Trafficking Hotline. If reporting is not mandated, and the patient does not wish for you to report, provide them the contact information for the National Human Trafficking Hotline. Calls to the National Human Trafficking Hotline are confidential unless there is imminent danger to the patient or others, or there is a life threatening emergency.

Polaris operates the National Human Trafficking Hotline that can be reached by calling 1-888-373-7888 and the BeFree textline that can be reached by texting 233733 to report a tip or to obtain services in the victim's area.<sup>18</sup> The Department of Homeland Security also maintains the Blue Campaign to end human trafficking and suspected human trafficking can be reported to Federal law enforcement at 1-866-347-2423.<sup>19</sup>

## **Conclusion**

Pursuant to Florida's 2019 Human Trafficking Bill,<sup>20</sup> healthcare professionals licensed by the Boards of Medicine, Osteopathic Medicine, and several other boards are required to complete one hour of continuing education and post a sign about human trafficking in their office by January 1, 2021.<sup>21</sup> A download of the sign and additional resources, education, and training on human trafficking for healthcare providers are available from the Florida Department of Health.<sup>22</sup> Any of the organizations referenced herein can direct healthcare providers to state and local resources available to potential victims.

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