



Human Trafficking: Is the Travel Industry Enabling It?

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Presenter

- **Sarah A. Altschuller, Associate, Corporate Social Responsibility (“CSR”) Practice, Foley Hoag LLP**
- Member of Foley Hoag’s unique CSR practice since 2003
- Previously worked with KLD Research & Analytics, a socially responsible investor firm
- Former Fulbright Fellow in Dhaka, Bangladesh



Presenter



- Karl Flusche, Special Agent – Homeland Security Investigations (HSI)
- Has investigated crimes involving drugs, money laundering, kidnapping, sexual assault, robbery, bank fraud, internet crimes, hostage taking, human smuggling, and human trafficking.
- Specifically investigated Human Trafficking crimes for over 4 years.
- Human Trafficking Outreach and Victim Assistance Coordinator for HSI Houston

Statistics on Human Trafficking and Sexual Exploitation of Children



- Fastest growing criminal industry.
- **800,000**: est. number of people trafficked across international borders every year.
- **2,000,000**: est. number of children exploited by the global commercial sex trade.
- **100,000 – 300,000**: est. number of prostituted children in the United States.
- **12-14 years old**: average age of entry into the commercial sex industry in the United States.

Pressure on the Travel Industry



- In July 2010, Rep. Christopher Smith (R-NJ) declared that “[t]he airline and hotel industries should be on the front lines of the fight.”
- In June 2011, ICCR asked 90 companies, including four in the travel industry, to take a leadership role in abolishing human trafficking and slavery.
- Increasing numbers of shareholder resolutions and online petitions.

What are Stakeholders Asking Companies to Do?



- Draft policies.
- Train employees how to spot and report signs of human trafficking and commercial sexual exploitation.
- Require suppliers to have policies.
- Provide customers with information on national hotline and other resources for victims.
- Coordinate with law enforcement, anti-trafficking organizations, and child welfare agencies.

Travel Industry Concerns

- Fears of:
 - legal liability
 - associating brands with an uncomfortable topic
 - upsetting customers
 - engagement with advocates
- “This doesn’t happen in hotels like ours.”
- “This is only happening outside the United States.”



Stakeholder Expectations and the Risks of Doing Nothing



- Stakeholders expect travel industry companies to play a role.
- External stakeholders are defining the narrative:
 - Companies risk being perceived as unresponsive if they don't take action.
 - Unresponsive companies face reputational risks when problems are identified.

Legislative and Political Activity



Public policy makers are focusing on ways to address human trafficking:

- State legislation
- Trafficking and Violence Protection Act (TVPA) reauthorization
- Congressional hearings on private sector best practices
- U.S. Department of State private sector engagement

What are Companies Doing?

- Publicizing the National Human Trafficking Resource Center toll-free hotline
- Points donation programs
- Training personnel
- Adopting The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism
 - Carlson, Hilton, Accor, Delta Air Lines, American Society of Travel Agents have all signed The Code.

The Code

Suppliers of tourism services adopting the code commit themselves to implement the following six criteria:

- Establish an ethical policy regarding commercial sexual exploitation of children;
- Train personnel;
- Introduce a clause in contracts with suppliers, stating a common repudiation of commercial sexual exploitation of children;

The Code

The Code, cont.

- Provide information to travellers by means of catalogues, brochures, in-flight films, ticket-slips, home pages, etc.;
- Provide information to local "key persons" at the destinations; and
- Report annually.

Benefits of Taking Action

- Management of Risk
 - Legal
 - Reputational
 - Operational
- Employee morale
- Protection of your company's brand
- Access to industry and stakeholder knowledge



Questions?

Human Trafficking



Homeland Security Investigations



Karl Flusche
Special Agent

HSI

Homeland
Security
Investigations

Homeland Security Investigations (HSI)

Mission Statement

To defend the Nation by enforcing **customs and **immigration** laws through investigations that target the people, money, and materials that support terrorists and other criminal activities.**



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Homeland Security Investigations



- **Homeland Security Investigations has a wide range of investigative authorities and responsibilities to include:**
 - **Financial Crimes / Bulk Cash Smuggling**
 - **Narcotics Smuggling / Trafficking**
 - **Commercial Trade and Fraud**
 - **Alien Smuggling / Human Trafficking**
 - **Anti-Gang Enforcement**
 - **Weapons Smuggling**
 - **Export Enforcement**
 - **Intellectual Property Rights (IPR)**
 - **Cyber Crimes (including Child Pornography)**
 - **Immigration Document / Benefit Fraud**
 - **Human Rights Violations**
 - **Worksite Enforcement / Critical Infrastructure Protection**



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Investigations



In an average year HSI Special Agents*

- **Make over 21,940 criminal arrests**
- **Seize \$253 million in currency and monetary instruments**
- **Seize of 1,240,000 pounds of narcotics and other dangerous drugs**
- Respond to 800,000 inquiries and calls for assistance from other federal, state and local law enforcement agencies through ICE's Law Enforcement Support Center



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* Based on FY 08 statistics

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Human Smuggling

vs.

Human Trafficking



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Human Smuggling

The importation of people into the U.S. involving deliberate evasion of immigration laws. This offense includes bringing illegal aliens into the U.S., as well as the unlawful transportation and harboring of aliens already in the U.S.



Human Trafficking



- 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, OR
- Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 yrs of age



Smuggling vs. Trafficking



- One of the biggest global challenges is the failure to make the distinction among the two crimes
- Human smuggling may involve elements of violence
- The presence of these aggravating factors alone do not constitute human trafficking
- Elements are force, fraud or coercion for the purpose of commercial sex or forced labor



Public Safety Threat

- An estimated 600,000 to 800,000 people are trafficked within/across international borders yearly
- Men, women, and children are trafficked into the international sex trade, domestic servitude, farm or factory labor or other types of labor
- Smuggling has become more violent, involving crimes such as murder, kidnapping, extortion, sexual assault and other crimes



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Human Trafficking Investigations



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Victim Identification

Victims forced into servitude can be found in:

- Sweat shops (abusive labor standards)
- Commercial agriculture (fields, processing plants)
- Domestic (maids, nannies)
- Construction sites
- Restaurant and custodial work



Victim Identification

Victims forced into sex trafficking may be found in:

- Bars / Cantinas / Restaurants
- Spas / Massage Parlors
- Prostitution (apts., hotels, streets)



Trafficking Indicators

- Heavy security at commercial establishment
 - Barred windows
 - Isolated location
 - Victims never seen leaving premises unescorted
- Victims live at same premises as worksite or driven from worksite to quarters by a guard(s)
- Victims accompanied by translator (may be trafficker) when visiting hospital/doctor
- Victims may be under debt bondage (constantly owe fees to trafficker – housing, job supplies, food, etc.)



Trafficking Indicators

- Bruises, fractures or other untreated medical problems
- Signs of torture (such as cigarette burns)
- Malnutrition
- Signs of rape or sexual abuse
- Brands or scarring indicating ownership
- Does not hold own identity or travel documents
- Earnings controlled by other person (not allowed to have money)
- Nervousness (especially if translator/trafficker present)



Trafficking Indicators

Victims may lack:

- Personal items / Possessions
- Cell phones, calling cards, etc.
- Private space
- Financial records
- Transportation
- Knowledge about how to get around in a community



Victim Assessment

Screening Questions

- Is person free to leave worksite?
- Is person physically, sexually, or psychologically abused?
- What is the pay and conditions of employment?
- Does person reside near/at worksite?
- Has person or family member been threatened?
- Is person allowed to make phone calls freely?
- Is person isolated from the community?
- Can they bring friends home?
- Can their children go to school?
- Are they allowed to buy clothes and food on their own?



Victim Assessment

Screening Questions

- Does person believe that self or family member will be harmed if person escapes?
- Is person a foreign national, if so, how did he/she arrive at destination?
- Does person possess travel/identification documents?
- Is person obligated to pay an exorbitant fee for travel to destination?
- Is person moved frequently to avoid detection?
- Have they been threatened with being reported to immigration for deportation or law enforcement in general?



Victim Issues

- May not identify themselves as victims
- May not speak English
- Likely to lie or use rehearsed stories initially
- May be behaviorally dependent on trafficker
- Cultural or religious background may deter victims from telling the full story
- Victims may be reluctant to speak to someone wearing a gun, badge, or uniform – may be culturally conditioned to fear law enforcement



Commitment to Victims

- 290 Collateral Duty Victim/Witness Coordinators and 18 full time
- ICE provides short-term immigration relief to certified victims of trafficking in the form of Continued Presence (CP).
- Victims can remain in the United States without fear of removal, to assist law enforcement in dismantling these trafficking networks.



Contact

- **National Human Trafficking Resource Center at 1-888-373-7888.** This hotline will help you determine if you have encountered victims of human trafficking
- **Report suspicious Activity to 1-866-347-2423 (1-866-DHS-2-ICE)**



Case Scenarios

- Domestic Servitude Trafficking
- and
- Sex Trafficking



Ali Case Domestic Servitude

- Summer 2007 – LE learns of Indonesian female held in servitude pleading for help
 - While searching for victim, she escapes on her own and is found by on a park bench; she speaks no English
- Victim was held by force for 2 ½ years
 - Held by female master in nice neighborhood
 - Victim was beaten by master regularly
 - Never paid
- Master was ordered to pay restitution to victim of \$72,676.30 and sentenced to 1 year and a day in prison; then deported.



David SALAZAR, et al. Jacinto City, Texas

- March 2008 – juvenile victim calls 911; speaks only Spanish and does not know where she is.
 - Jacinto City Police go door to door in neighborhood cell phone was used in and finds victim
- Over the next couple of days, victim is interviewed three times to get story straight
- Victim was romanced by David SALAZAR in her home town of Mexico where she decided to come illegally to the U.S. with him b/c he told her she could work as a waitress at his places in Houston and they would get married.



David SALAZAR, et al. Jacinto City, Texas

- Victim was smuggled into the U.S. and when she arrived in Houston, SALAZAR was already there where he paid the smuggler and took the victim to his mother's house where he lived.
- Mother, Gregoria VASQUEZ, informed the victim that she would be prostituting herself at two of her bars to pay her back for coming to the U.S.
 - When she refused, she was locked, with no food, in a barred room in the house.
- Once working – she was beaten by SALAZAR and VASQUEZ if she did not earn enough.



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- The victim was forced to service approximately 15 to 25 men a night for at least 6 weeks before she was rescued by Police.
- During the six weeks, she found she was pregnant by SALAZAR and the mother forced her to take pills; forcing her to abort the baby into the toilet that day.
- The victim was 15 at the time of this criminal episode.



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