



BILL NO: House Bill 734
TITLE: ANTI-EXPLOITATION ACT OF 2019
COMMITTEE: Judiciary
HEARING DATE: March 6, 2019
POSITION: SUPPORT

Summary

Labor trafficking is a brutal crime committed against some of the most vulnerable and marginalized individuals in our community. Labor trafficking occurs throughout the United States, including in Maryland. However, Maryland is one of only three states without a specific labor trafficking statute. The University of Maryland SAFE Center for Human Trafficking Survivors urges a favorable report for HB 734 to deter labor trafficking in our state, to bring trafficking victims out of the shadows, and to bring traffickers to justice.

About the University of Maryland SAFE Center

The University of Maryland SUPPORT, ADVOCACY, FREEDOM, AND EMPOWERMENT (SAFE) Center for Human Trafficking Survivors (“SAFE Center”) provides survivor-centered and trauma-informed services that empower trafficking survivors to heal and reclaim their lives. The SAFE Center is an initiative of the University of Maryland Strategic Partnership: MPowering the State, a collaboration between the University of Maryland Baltimore and University of Maryland College Park. The SAFE Center supports survivors of sex and/or labor trafficking of all nationalities, ages, and genders through bilingual case management, mental health, economic empowerment, legal, and crisis intervention services. The SAFE Center also aims to prevent trafficking and better serve survivors through research and policy advocacy.

Testimony

Labor trafficking is a multibillion-dollar criminal industry that operates internationally, across the country, and here in Maryland. At the SAFE Center, nearly half of the human trafficking survivors we have served (most of whom were trafficked or live in Maryland) are victims of labor trafficking.

The federal law on human trafficking, the Trafficking Victims Protection Act [of 2000], defines labor trafficking as “[t]he 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” (22 USC § 7102(9)). Simply put, labor trafficking is a form of modern slavery in which a person uses force, fraud, or coercion to compel the labor or services of another.

Labor trafficking victims are threatened, subjected to abuse, often denied food and medical care, and live as virtual prisoners under terrible circumstances. They work extremely long hours under inhumane conditions, often seven days a week, with no breaks, for little or no money. The sectors in which labor trafficking most commonly occurs include domestic work, restaurants and hospitality, agriculture, and construction.

Although not as well publicized as sex trafficking, labor trafficking is more prevalent. Precise data on the extent human trafficking are limited because of the hidden nature of the crime and because human trafficking victims are reluctant to come forward. The best global estimate, from the International Labour Organization, indicates that in 2016, there were 16 million victims of labor trafficking compared to 4.8 million victims of sex trafficking worldwide.

Yet actual incidents of labor are under-reported, under-investigated, and rarely penalized. Since 2007, the National Human Trafficking Hotline has only received reports of approximately 7,800 labor trafficking cases inside the US compared to 34,700 sex trafficking cases. Only a small proportion of reported labor trafficking cases have been prosecuted federally. Nationally, in FY 2017, only 16 out of 282 federal human trafficking prosecutions initiated by the US Department of Justice involved predominantly labor trafficking.

Maryland data on labor trafficking mirror the national data. According to the National Human Trafficking Resource Center (NHTRC), of the 115 reports of human trafficking in Maryland made to the hotline in 2017, only 19 were labor trafficking. None of those were prosecuted.

A state labor trafficking statute will provide the necessary framework for investigating and prosecuting labor trafficking crimes at the state level. Maryland can and should be a leader in addressing labor trafficking, but Maryland is one of only three states in the country that does not have a state labor trafficking statute. Maryland's extortion statute under Subtitle 3 of the Criminal Law Article was adapted to cover the possibility for labor trafficking; however, the extortion elements are not specific to the elements of labor trafficking. As such, labor trafficking has rarely been charged under the extortion statute. A state statute that addresses labor trafficking will help bring labor trafficking victims out of the shadows, prevent labor traffickers from committing the crime with impunity in Maryland, and deter this crime in the first place.

The labor trafficking cases we have seen at the SAFE Center show the different settings in which this crime occurs in Maryland:

Two women from an African country escaped after being held captive for several years in a home in the wealthy suburb of Potomac, Maryland. They were forced to work 18 hour days, 7 days a week and were paid only 50 cents/hour. The employer seized their passports, kept them isolated, and threatened them with violence if they tried to escape. The employer covered up this abuse through a complex deceptive scheme, including by presenting a fraudulent employment contract to the US government.

In another case, Filipino teachers—including one of our clients—were lured to the US with promises of full time teaching jobs with salaries much higher than those they earned in the Philippines. The victims were deceived into signing fraudulent contracts and had to pay exorbitant fees to a recruiter for teaching jobs in various states, including Maryland. The victims were encouraged by the recruiter to take out usurious loans from recruiter-approved lenders. Some victims even used their own homes as collateral. When a number of the teachers arrived in the US, they were crowded into small apartments in Maryland and their passports and visas were confiscated. After months of waiting, they learned there were no—and had never been any—teaching jobs for them. Instead, many were coerced and forced into taking jobs where the pay was so low they were trapped in a cycle of debt they were never able to repay.

A third client came to the SAFE Center after being trafficked in a nursing home in Maryland. That victim, too, was falsely promised a well-paying job but was instead forced to live in a small room in the facility and work constantly through all hours of the night. The victim was physically abused and psychologically manipulated by the trafficker, who did not pay the victim for years.

The University of Maryland SAFE Center for Human Trafficking Survivors therefore urges a favorable report of HB734. This bill first and foremost specifically criminalizes labor trafficking in Maryland—a much needed and overdue fix to current law. This bill aligns with the experience of other states and our own experience working with survivors who were victims of labor trafficking in Maryland. This is a common sense first step in our state’s fight against labor trafficking.