

LEGISLATIVE COMMISSION ON THE ECONOMIC STATUS OF WOMEN
Public Hearing on the International Sexual Trafficking of Women and Girls in Minnesota
November 12, 2003, 10 a.m. – 12 noon
State Capitol Room 107

Members present: Senator Linda Berglin; Senator Becky Lourey; Senator Sandra Pappas; Representative Connie Ruth; and Representative Barb Sykora

Members absent: Senator Leo Foley; Senator Julianne Ortman; Representative Karen Clark; Representative Mindy Greiling; and Representative Joe Hoppe

Staff Present: Diane Cushman; Cheryl Hoium; and Jackie Hartwig (University of Minnesota intern)

Staff on leave of absence: Michelle Pryce

The following is a summary of the discussion that took place at the hearing.

Senator Pappas, chair, called the hearing to order at 10:20 a.m.

Announcements:

The new intern at LCESW is Jackie Hartwig.

Michelle Pryce of the LCESW staff had a baby October 2nd. Michelle is currently on leave from the Commission.

Hearing Topic: International Sexual Trafficking of Women and Girls in Minnesota

The hearing is a follow up of a conference, International Sexual Trafficking of Women and Girls: The Minnesota Experience, held recently at the College of St. Catherine.

VIDEO: “VICTIMS OF TRAFFICKING: FAR FROM HOME AND HELPLESS”; PRODUCED BY THE U.S. DEPARTMENT OF JUSTICE OFFICE FOR VICTIMS OF CRIME

This training video was made for federal immigration officers. The Commission viewed the first six minutes of the video which gave an overview of ‘trafficking’ and one case study of ‘sexual trafficking of women.’ Victims of trafficking are often lured out of their home country by the promise of a job and a better life. Once they arrive at their destination, the traffickers often take their passport and other identification in order to hold them captive with threats of turning them over to authorities. Trafficking can result in slavery because it combines vulnerability (victims often do not know where they are and usually their identification papers are taken away from them) and greed. Often times the trafficker charges a fee, after the fact, for bringing the victim into the country. This fee becomes a debt for the victim. Trafficking debts can range from \$20,000 to \$30,000. Traffickers often threaten the victim and the family of the victim back in the home country.

JORGE SAAVEDRA, CHIEF LEGAL OFFICER OF CENTRO LEGAL, INC.

Mr. Saavedra testified about his direct legal experience with trafficking victims. The work of Centro Legal, relative to victims of international sexual trafficking, is similar to that of the Florida Immigrant Advisory Center (FICA) which was highlighted in the Department of Justice videotape.

Mr. Saavedra testified that victims of trafficking usually come to the attention of social service providers as victims of other crimes such as domestic abuse. He explained the difference between smuggling and trafficking: international trafficking is different from smuggling i.e., bringing people across an international border with their consent versus no consent or consent that is rendered meaningless because of deception and coercion. With trafficking there is the promise of legitimate employment but there is ongoing exploitation of the person who is trafficked. Those trafficked are vulnerable due to their low economic status and to the isolation created by language and culture.

Mr. Saavedra testified that trafficking is becoming the crime of choice for organized crime. Organized crime and gangs are finding that trafficking in humans can generate more money with fewer problems than trafficking in illegal drugs. The internet fuels the trafficking trade, which makes it an easier game for the perpetrators.

Mr. Saavedra testified that the Trafficking Victims Protection Act of 2000 (TVPA) has powerful tools to assist victims and that the Violence Against Women Act of 1994 (VAWA) was a shift in that it treated (the women) victims as victims (rather than criminals).

Mr. Saavedra closed by saying trafficking exists in Minnesota. He said Minnesota has a history of being a source for victims of (domestic) trafficking and also a destination. He indicated the recent River Falls, Wisconsin, domestic trafficking case pales in comparison to what is coming (i.e., international trafficking). Mr. Saavedra called upon law enforcement to consider whether women are being trafficked when responding to domestic violence incidents. He believes it is necessary to be preemptive and address the trafficking problem from a public policy standpoint.

Senator Lourey asked Mr. Saavedra to expand on the issue of protection of traffickers and the barriers of differentiating a domestic violence case from a trafficking case.

Mr. Saavedra testified that a way of controlling the trafficking victims is by not allowing them to use or have access to the family money. Withholding money and making threats is a mechanism used by perpetrators to enslave the victim. He said it is hard to break through the barriers to convince victims that law enforcement is on their side. Mr. Saavedra stated that it is difficult to get federal involvement in local cases of prostitution. He believes there should be more awareness for law enforcement and social services so they are better able to identify cases of sexual trafficking.

Senator Lourey followed up by asking if Mr. Saavedra has many walk-in clients (at Centro Legal) who have been victims of trafficking.

Mr. Saavedra testified that trafficking victims are usually referred by criminal or immigration contacts and that at the time of the referral most of the victims come in for another reason and the trafficking issue is uncovered in the process.

Representative Sykora asked if there is a difference in vulnerability between illegal and legal immigrants.

Mr. Saavedra testified that both are vulnerable, but the vulnerabilities are different. Illegal immigrants have no valid visa or passport. Lawful immigrants may have their documents taken away by the traffickers. For both illegal and legal immigrants, the traffickers use the threat of turning victims over to law enforcement in order to indenture and hold the immigrant hostage.

Representative Ruth asked if help is available to legalize undocumented trafficked women or to help them return to their homeland.

Mr. Saavedra testified that the Trafficking Victims Protection Act and Violence Against Women Act work in concert to assist victims of trafficking become treated as refugees as a means to qualify for permanent visas. He described several types of visas that are granted by the acts. Very few cases have received visas as the rules have not yet been written.

Senator Lourey asked about threats to families of victims. She asked how far the rings of violence go and if they reach back home to the victim's family.

Mr. Saavedra said that traffickers are sophisticated and worldly and are able to move across national borders and utilize financial resources.

OFFICER MATT WENTE, MINNEAPOLIS POLICE ORGANIZED CRIME UNIT

Officer Wente testified that there is a trafficking problem in Minnesota that he has seen throughout his years working on the Minneapolis police force. "The trafficking is outside our doors where we least expect and where we expect it." He stated the problem is that trafficking is deep, but hard to get a grasp on. Officer Wente said he believes that Minnesota is a progressive state on the issue of trafficking, but that alone does not make it stop.

Officer Wente noted that it is difficult to arrest and prosecute traffickers. He also stated it is very difficult for trafficked women to have a life. He said trafficked women are moved around, which does not allow them to settle down and establish roots and a life. When law enforcement begins to investigate, the women disappear. Their real identities are often not known. These factors make cases difficult to investigate. Law enforcement does not have the resources to deal with this issue.

Officer Wente testified that Hispanic, Asian and Russian women are trafficked into Minnesota and marketed in areas where these populations live. Young Somali women are turning to prostitution as an economic opportunity. Officer Wente said officers from trafficked populations are needed.

Officer Wente testified that circuits (geographical regions) of prostitution in Minnesota include Duluth, Minneapolis, St. Paul, Rochester and Willmar. Duluth has an international harbor, which causes them more problems with trafficking. Some of the people coming in on the ships are from countries where prostitution is legal. Native American girls are taken out to the ships to 'service' the sailors. In Willmar where there is a large Hispanic population, Hispanic women are being coerced into prostitution.

Officer Wente stated that this (prostitution, sexual trafficking, sexual slavery) is not a crime of complaint (i.e., no one picks up the phone and calls 911 to report that they were dissatisfied with the

service they received from a prostitute). The profits of this crime are growing. Social services are inundated with victims and mental health issues among them are great.

Officer Wentz commented briefly on the Evans case stating that the case was prosecuted in St. Louis but involved a Minneapolis family that trafficked women to 24 different states.

Senator Lourey asked if trafficking was generally connected with adult entertainment establishments.

Officer Wentz testified that all of the sex establishments with which he is familiar (e.g., dancing, escort services, etc.) are involved in prostitution.

Senator Pappas asked if Officer Wentz has any solutions for this problem

Officer Wentz testified that the biggest problem is the lack of resources to investigate and prosecute the crimes. He suggested the creation of 'trafficking task forces' around the state in regions where there is known activity. These task forces would consist of law enforcement officers and prosecutors, dedicated to investigating and trying cases of trafficking and prostitution. He stated the problem of trafficking is growing, not declining. He commented that communication among law enforcement could be improved, which would improve investigation. He mentioned that the Evans case was successfully investigated by a few committed law enforcement officers.

SUZANNE PETERSON, PUBLIC POLICY CONSULTANT

Ms. Peterson testified on the need to address solutions to provide help for trafficking victims and punish the perpetrators. She stated that law enforcement, the judiciary and social services must collaborate. She said education is a critical piece of solving the problem. She recommended that the training of law enforcement officers include information on trafficking.

Ms. Peterson defined trafficking as the transportation of people that usually involves abuse and some other form of coercion. She described the Evans case. "In 1999, the Evans case was the largest (at the time) federal prostitution ring bust in the United States." This family was found to have trafficked individuals from 24 states and 3 Canadian provinces. The family members worked for 17 years. The investigation found multiple victims, one who was only 13 years old. Ms. Peterson stated there are only two ways for victims of trafficking to leave: they either escape on their own or hope that an investigator will discover the trafficking.

Ms. Peterson made several suggestions to effectively address this crime including: research and document the trafficking issue in Minnesota; survey service providers and develop a network to connect service providers and victims; establish a task force comprised of law enforcement, prosecutors, victim service providers and immigration services; encourage collaboration of federal agencies (FBI and US attorney) and local law enforcement; and secure commitment from other stakeholders to effectively address this crime.

Ms. Peterson testified that without knowledge of the true extent of trafficking and without aggressive law enforcement investigation, many of the victims will continue to be held prisoners.

Senator Pappas provided information from a report that stated Minneapolis has more strip clubs than Chicago.

VEDNITA CARTER, FOUNDER AND EXECUTIVE DIRECTOR OF BREAKING FREE AND MEMBER OF THE NATIONAL COALITION AGAINST TRAFFICKING IN WOMEN

Ms. Carter testified that trafficking is happening in Minnesota, although not a lot of cases have been exposed. In 1990 her organization found Asian girls, who had been trafficked, working in a sauna in the Twin Cities metropolitan area. Ms. Carter's agency reported the situation to the police but the girls disappeared before police arrived at the scene. Ms. Carter stated this is a common occurrence in trafficking situations.

Ms Carter stated that recently *Breaking Free* has received referrals of African women who had been trafficked. Two Nigerian girls, who were students at Arlington High School in St. Paul, were recruited by a woman who took them to her house. They were first provided drugs, were invited to parties, and eventually were brought men from Nigeria with whom they were to have sex. Ms. Carter testified that another young woman from Somalia was recruited by an American pimp from Minnesota. He provided her with English language classes. Subsequently she ran away from home and at that time he got her involved in prostitution. Due to the cultural stigma her family would not allow her to return to them.

Ms. Carter stated that Minnesota is very proactive and believes that we can fight the trafficking problem.

XONG MOUACHEUPAU, COUNSELOR AT WILDER SOCIAL ADJUSTMENT PROGRAM FOR SOUTHEAST ASIANS

Ms. Mouacheupau testified about the mail order bride industry in the Asian community. In a typical scenario, a man goes to an Asian country, gets forged documentation showing a girl's age as 18 (the family doesn't know this is illegal) and then brings her to the U.S. These women are often physically, mentally and sexually abused. Often they are second or third wives of Asian men, a practice Ms. Mouacheupau indicated exists in the Hmong community despite American laws prohibiting it.

Ms. Mouacheupau testified about a woman who was brought to the United States in such a process as a young girl of 13 or 14 years. After she got here she was isolated because she was kept in the house and didn't know English. Ms. Mouacheupau testified that her husband beat her and that she sustained a head injury. After a period of abuse at the hands of her husband, he filed for divorce. She became suicidal. She abused her children and they were taken away from her. Her expired immigration status prevented her from working and from receiving social services. Ms. Mouacheupau said this young girl came to the United States full of hope for a better life and ended up being deported without her children. Ms. Mouacheupau testified that there are cases like this all over the United States and women are not speaking up because of the fear of being deported.

Senator Berglin stated that there are a lot of people within the legislature who consider the elimination of services to illegal immigrants to be reform.

Senator Pappas noted that the United States government has made it very difficult for immigrants to get legal status. There are women who fall through the cracks and are victimized twice by the judicial system.

Representative Ruth asked if undocumented women would rather stay here and stay within the trafficking industry or go back to their home land.

Ms. Mouacheupau responded that perpetrators use deportation as a threat to keep the women working in the prostitution industry.

Senator Pappas stated that there might be disgrace involved if victims go back to their homeland, plus their family may not even be there if the victim has been gone for many years.

Ms. Mouacheupau added that in usual cases of trafficking women are away from their country for many years.

Senator Lourey asked Ms. Mouacheupau to comment on what the families might know about what will happen to their daughters.

Ms. Mouacheupau testified that the families of many young girls (12 and 13 years old) acknowledge forging their age. Being taken to another country is an acceptable alternative to living in the poor economy of their home country.

Senator Lourey asked what gaps exist in state law. She acknowledged that the perpetrators include both men and women and wondered about any differences in prosecution by gender.

Ms. Peterson testified that a woman prosecuted with a gross misdemeanor was sentenced to 288 days in the workhouse. On that same day, a pimp with a felony charge received 70 days, 30 of which were sentenced to service and 40 of which were held over. The man ended up doing no time and the woman ended up doing a quarter of a year. Peterson stated she has worked hard to change the sentencing guidelines.

Senator Pappas asked whether there is any impact when a 'John' loses his car or has his picture on the Internet.

Ms. Peterson testified that there is a civic vehicle forfeiture where a car can be taken away and then bought back. Pictures of arrested and convicted 'Johns' and prostitutes are on the St. Paul police website. She stated that 'Johns' use the website to gain knowledge of the prostitutes. She also stated that the victim is already in a 'hole of shame' and putting her picture up on a website is like pushing more hurt on her and it is doubly victimizing the victim.

Senator Lourey asked about soliciting and if all three entities (pimp, John and prostitute) fall under the soliciting definition.

Ms. Peterson testified that the language in the statute states that the person who buys or sells the victim is named a 'solicitor' and the prostituted individual is the one who commits the crime.

Senator Pappas thanked everyone for coming and adjourned the meeting at approximately 12 noon.