

HUMAN TRAFFICKING: YOUR RIGHTS

**If you have been trafficked, you are not a criminal.
You are a victim of crime and you have rights.**

If you answer “yes” to some of these questions, you may be protected under the laws against human trafficking.

- ❖ Did someone at home promise you a “good job” in America?
- ❖ Did you pay that person a fee to come to America?
- ❖ When you go to America, did someone take your passport away from you?
- ❖ When you got here, did you find out that they had lied about the “good job?”
- ❖ Did someone tell you that you have to pay off a big debt by working?
- ❖ Are you being forced to work at someone’s home as a servant, working in a factory or restaurant, doing sex work, for your husband’s family?
- ❖ Have you or your family been abused or threatened?

What Are My Rights?

Everyone has the right to be protected from abuse, threats, unhealthy conditions, and violence.

Everyone has a right to be paid fairly for their work. Even if you do not have legal papers or you are not a US citizen, you have rights:

1. No one can abuse you.
2. No one can threaten you or your family.
3. No one can force you to work.

If you work, you have other rights:

1. You have the right to be paid at least \$7.50 an hour. If you work overtime, like more than 40 hours per week, you must be paid even more.
2. You have the right to take breaks from work.
3. You have the right to a safe and healthy work place.

If you are a victim of human trafficking, you have special rights:

1. You can get a special visa to stay in America.
2. You can work legally in America.
3. You can get other kinds of help, like housing, medical treatment, counseling, and job training.

Who Can Help Me?

1. We provide free and confidential legal help and counseling.
2. We can speak your language.
3. Everything you tell us is confidential.
4. Our service is free.
5. We are not the government.
6. We can:
 - a. Meet to answer your questions.
 - b. Help you find a place to stay and other services that you need.
 - c. Give you advice about your legal rights and protections; and
 - d. Provide you with a lawyer.

If you have any question(s), during business hours, please call (503) 542-2855 x40.

Ways of Identifying a Victim of Human Trafficking

1. Physical Health Indicators

- Untreated Sexually Transmitted Diseases, HIV/AIDS, pelvic pain, rectal trauma and urinary difficulties
- Unwanted Pregnancy
- Infertility
- Infections or mutilations
- Chronic back, hearing, vision, or respiratory problems
- Malnourishment and Serious Dental Problems
- Infectious Diseases
- Bruises, Scars, and Other Signs of Physical Abuse and Torture
- Drug or Alcohol Abuse
- Eating Disorders

2. Mental Health Indicators

- Anxiety
- Depression
- Disorientation
- Trauma
- Flat Affect
- Phobias
- Panic Attacks
- Suicidal Thoughts/Tendencies
- Acts of Self-Mutilation
- Post-Traumatic Stress Disorder

3. Social Service Indicators

- Constantly being controlled
- Lack of Freedom
- Unwillingness to trust anyone
- Fear of deportation, law enforcement, or government agencies or fearful in general
- Submissive
- Indications of being threatened or abused
- Victim lacking identification (from the home country or US)
- *In addition, see mental health and physical health indicators*

Questions to Ask Potential Trafficked Persons:

1. What country are you from?
2. How did you get here?
3. What type of work do you do? Are you being paid?
4. Can you leave your job if you want to?
5. Can you come and go as you please?
6. Has anyone hurt you?
7. Have you or your family been threatened?
8. What are your working and living conditions like?
9. Where do you sleep?
10. Do you have to ask questions to go to eat, sleep or use the restroom?
11. Are there locks on the doors, windows so you cannot get out?

12. Has your identification or documentation been taken from you?

IMPORTANT DEFINITIONS FOR HUMAN TRAFFICKING

Alien Smuggling: Smuggler arranges for the alien to enter the country illegally, for any reason. Relations end when the individual has crossed into the destination country.

Human Trafficking: Must involve both a particular means, such as the use of force, fraud, or coercion, and a particular end such as involuntary servitude or a commercial sex act.

Sex Trafficking: Commercial sex act induced by force fraud, or coercion, *or* in which the person performing the act is under the age of 18.

Labor Trafficking: Using force, fraud, or coercion to recruit, harbor, transport, obtain or employ a person for labor or services in involuntary servitude, peonage, debt bondage, or slavery.

Commercial Sex Act: Any sex act on account of which anything of value is given to or received by any person.

Coercion: Threats of serious harm or physical restraint, anything causing a person to believe that failure to perform an act would result in serious harm or physical restraint, or the abuse or threatened abuse of the legal system.

Involuntary Servitude: A condition of servitude induced by causing a person to believe that if they did not enter into or continue in such a condition, they or another person would suffer serious harm or physical restraint, or the abuse or threatened abuse of the legal process.