

2009 HOUSE JUDICIARY

HB 1185

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1185

House Judiciary Committee

☐ Check here for Conference Committee

Hearing Date: 1/19/09

Recorder Job Number: 7228, 7230

Committee Clerk Signature

*D. Penrose*

Minutes:

**Chairman DeKrey:** We will open the hearing on HB 1185.

**Rep. Lois Delmore:** Sponsor (attached email from Charles Moore).

**Rep. Klemin:** Do you know why all these definitions are listed in this bill.

**Rep. Delmore:** I don't know, I don't think they were spelled out elsewhere in the NDCC.

**Rep. Zaiser:** Do other states have this legislation?

**Rep. Delmore:** This was drafted closely on Minnesota's law.

**Rep. Koppelman:** Do we have anything on the books now?

**Rep. Delmore:** No.

**Chairman DeKrey:** Thank you. Further testimony in support of HB 1185.

**Rep. Kathy Hawken:** Sponsor, support this legislation.

**Rep. Zaiser:** Is this in the prostitution section.

**Rep. Hawken:** I don't know.

**Chairman DeKrey:** Thank you. Further testimony in support.

**Wayne Stenehjem, Attorney General:** We support this legislation. There is another bill

dealing with some of the same issues, and hopefully we can meld them together. This is an

issue that has not reached North Dakota as fully as other states, but we fear this kind of thing

will be an increasing issue here in ND. I contacted the Border Patrol, Immigration, and Customs last summer and they reported that, that this hasn't been so much of a problem in ND directly, but the problems exist with more precedent would be in the metropolitan areas like Minneapolis, Denver and North Dakota does become a conduit, a transport area where some of these individuals who are being brought in, go to the sex trade and labor trade. We've heard that we need to have a criminal penalty here so that our local and state law enforcement can team up and work with the federal law enforcement to develop a comprehensive attack on this problem, if it increases, and where we see it. The provisions of this bill, which you have on front of you, I'm just here to tell you that this is an issue that is of concern, we need a plan because this is an increasing issue and one that we see not just from Mexico, but also from Canada, Central and South America as well. It is actually cheaper to come through Canada.

We need something like this on the books that deals with this in a direct manner because we don't have it now.

**Rep. Koppelman:** Rep. Delmore mentioned that it is a class AA felony for trafficking on someone under 18 and a class A felony if you're over 18. What are the penalties. I believe those are serious penalties.

**Wayne Stenehjem:** I think 20 years for class A and life without parole for class AA.

**Rep. Koppelman:** Do you think this is commensurate for the crime, with the only difference being the age of the victim. Is there any prosecutorial latitude to determine what the punishment should be for AA.

**Wayne Stenehjem:** Up to life without parole for the AA.

**Chairman DeKrey:** Thank you. Further testimony in support.

**Christopher Dodson, Executive Director, ND Catholic Conference:** Support (attachment).

**Rep. Koppelman:** Do you think we should have equal penalties for human trafficking, regardless of the age of the victim.

**Mr. Dodson:** I'm not sure we had a position on that, but I can understand why the bill differs on that issue. We've always assume that minors have less ability to change their environment. There should be enhanced penalties for those dealing with minors.

**Rep. Klemin:** One item on this bill that I haven't heard mentioned by anyone, has to do with the removal of organs through the use of coercion or intimidation. I'm not sure what the connection is to human trafficking. Do you have any comments on that.

**Mr. Dodson:** I haven't come across stories of folks who had their organs taken. I don't have an answer to that. Human trafficking is about forcing someone into providing services against their will; whether it is sex services, labor services and I can see where the removal of organs.

There is a high demand for organs on the black market. If you have no choice, and you're a subject of trafficking, that's something that can be forced out of you as much as doing other activities.

**Rep. Klemin:** To follow this thought, if you have someone from the US that goes to one of these other countries for an organ transplant, and then comes back, are they potentially subject to prosecution because that organ may have been obtained through use of coercion or intimidation.

**Mr. Dodson:** I think it is the actor who is actually involved in the removal of the organ to begin with. If the recipient knew that it was stolen, then they might be accomplices.

**Rep. Klemin:** Looking at the definition of human trafficking as receiving or obtaining an organ, how far can we go with this particular instance.

**Mr. Dodson:** There has to be coercion or use of intimidation, and then receive the organs.

**Chairman DeKrey:** Would you have any problem if we amended it to “knowingly” receive the organ.

**Mr. Dodson:** I would have to think about that.

**Rep. Zaiser:** Would you suggest that we also have local ordinances to fit into the state law.

**Mr. Dodson:** I think that's more of a policy question as to how much do you want local governments with regards to a state law. I think we need to be one of the states with the law in place. We don't want to be a state with loopholes out there to make our state attractive to these bad actors.

**Chairman DeKrey:** Thank you. Further testimony in support.

**Patrick Atkinson, Founder, International Executive Director, Institute for Trafficked, Exploited & Missing Persons:** Support (attachments).

**Rep. Zaiser:** Is it difficult to monitor the photos on the internet, to enforce it.

**Mr. Atkinson:** My response is that if the photos are taken willingly, or that they take photos of themselves and post it, that's a free will choice, stupid, but their choice. Going back to the definition, were they forced or tricked into having photos taken, that would be forced.

**Chairman DeKrey:** Thank you. Further testimony in support.

**Dave Kemnitz, President of the ND AFL-CIO:** Support for obvious reasons. We know that if there is trafficking or unfair practices in bringing in workers into the state, that creates unfair labor practices, and we all suffer.

**Chairman DeKrey:** Thank you. Further testimony in support.

**George Barnes:** Support this legislation. This is exploiting people (related a couple of stories of the forced labor and where it is occurring). Where there is no labor protection that creates unfair competition that any industry will say to you, that needs to be stopped.

**Chairman DeKrey:** Thank you. Further testimony in support. Testimony in opposition. We will close the hearing.

**Chairman DeKrey:** Let's take a look at HB 1185.

**Rep. Klemin:** There is a mistake on page 2, line 7, "of" should be changed to "or".

**Rep. Delmore:** The young man I referenced also wanted to see if an amendment could be made to separate forced labor from the sex trafficking.

**Chairman DeKrey:** I will appoint a subcommittee consisting of Rep. Dahl as chair, Rep. Kingsbury, and Rep. Wolf.

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1185

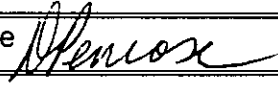
House Judiciary Committee

☐ Check here for Conference Committee

Hearing Date: 1/21/09

Recorder Job Number: 7403

Committee Clerk Signature



Minutes:

**Chairman DeKrey:** We will take a look at HB 1185.

**Rep. Dahl:** Explained the rationale for not needing any amendments to the bill.

**Rep. Klemin:** There is the change on page 2, line 7 "of" changed to "or". I move that amendment.

**Rep. Griffin:** Second.

**Chairman DeKrey:** Voice vote: Motion carried. We now have the bill before us as amended.

What are the committee's wishes.

**Rep. Koppelman:** I move a Do Pass as amended.

**Rep. Dahl:** Second.

13 YES 0 NO 0 ABSENT

DO PASS AS AMENDED

CARRIER: Rep. Dahl

VK  
1/21/09

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1185

Page 2, line 7, replace "of" with "or"

Renumber accordingly



Date: 1/21/09  
Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1185

**HOUSE JUDICIARY COMMITTEE**

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken ☐ DP ☐ DNP ☒ DP AS AMEND ☐ DNP AS AMEND

Motion Made By Rep. Koppelman Seconded By Rep. Dahl

Representatives	Yes	No	Representatives	Yes	No
Ch. DeKrey	✓		Rep. Delmore	✓	
Rep. Klemin	✓		Rep. Griffin	✓	
Rep. Boehning	✓		Rep. Vig	✓	
Rep. Dahl	✓		Rep. Wolf	✓	
Rep. Hatlestad	✓		Rep. Zaiser	✓	
Rep. Kingsbury	✓				
Rep. Koppelman	✓				
Rep. Kretschmar	✓				

Total (Yes) 13 No 0

Absent 0

Floor Carrier: Rep. Dahl

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**HB 1185: Judiciary Committee (Rep. DeKrey, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1185 was placed on the Sixth order on the calendar.

Page 2, line 7, replace "of" with "or"

Renumber accordingly

2009 SENATE JUDICIARY

HB 1185

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1185


Senate Judiciary Committee

☐ Check here for Conference Committee

Hearing Date: 2/25/09

Recorder Job Number: 9717

Committee Clerk Signature



Minutes: **Senator Nething, Chairman**

**Relating to human trafficking and to provide a penalty.**

**Representative Lois Delmore** – Introduces the bill – Human trafficking is recruitment, transportation, harboring or receipt of people for the purposes of forced labor or servitude.

Most prevalent forms of exploitation are commercial sexual exploitation and forced labor of services.

**Representative Kathy Hawken** – Recommends do pass.

**Wayne Stenehjem** – Attorney General for ND – Said he knows of individuals trafficked through ND. He also gives a comparison between SB 2209 and HB 1185. He says there is more in SB 2209.

**Senator Nething** – Asks him which one he wants.

**Attorney General** - Responds, maybe hold till SB 2209 goes through.

**Senator Fiebiger** – Asks if this is modeled after other states law.

**Attorney General** – Replies, there is a national model law that has been followed by a lot of states.

**Christopher Dodson** – ND Catholic Conference – In support of this bill. He would also like to see the Federal government get the victims the services that they need.

**Charles Moore** – Director of Operations for the God's Child Projects Anti-trafficking Dept. –

**Senator Olafson** – Mentions Mr. Moore's very compelling testimony. He asks if any of this is currently happening in ND.

**Moore** – Said he is stationed in Guatemala however he does deal with groups here. ND is a source state, the children here are at highest risk to be victimized. You may see it in three areas, in the truck stops with young girls being trafficked for sexual purposes, girls taken off the reservations for sexual purposes and the use of child labor in agriculture, this one is where the parent forces the child to work and receiving the benefit from that child's labor.

**Senator Olafson** – States, we need to be proactive not reactive.

**Senator Schneider** – Asks if he has any information if this is happening on reservations in the Midwest.

**Moore** – Said he doesn't have any direct evidence at the moment. He said there has been increased rumors.

**Dave Kemnitz** – AFLCIO President – In support of this bill. He relates the story of the workers from India (welders) brought here then arrested in Cass County. A company out of Florida brought them over. They were put in man-camps. He talks of the underground system in the US.

Close the hearing on HB 1185

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB1185

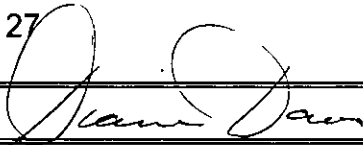
Senate Judiciary Committee

☐ Check here for Conference Committee

Hearing Date: 3/17/09

Recorder Job Number: 11127

Committee Clerk Signature



Minutes: **Senator Nething, Chairman**

Committee work

The committee discussed that since they took everything in 1185 and combined it in SB2209.

They agreed since SB2209 did also pass the House there is no reason to keep this one.

Senator Schneider asks if we were to pass this one also would Legislative Council reconcile the two bills. The committee said no, the last one passed would become the one.

Senator Schneider moves a do not pass

Senator Lyson seconds

Vote – 6-0

Senator Schneider will carry

**Roll Call Vote #:**

**2009 SENATE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO.**

## Committee

☐ Check here for Conference Committee

**Legislative Council Amendment Number**

Amended

Sen. Lyson

[illegible]

6 (N) 0

**Absent**

Gen. Schneider

**If the vote is on an amendment, briefly indicate intent:**

**REPORT OF STANDING COMMITTEE (410)**  
March 17, 2009 2:00 p.m.

**Module No: SR-48-5115**  
**Carrier: Schneider**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1185, as engrossed: Judiciary Committee (Sen. Nethling, Chairman) recommends DO NOT PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1185 was placed on the Fourteenth order on the calendar.**



2009 TESTIMONY

HB 1185

**House Bill No 1185 - Charles Moore**

development@gcpi.org [development@gcpi.org]

**Sent:** Friday, January 16, 2009 9:21 AM**To:** Delmore, Lois M.**Cc:** director@itemp.org

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Hello Rep. Delmore,

It was an absolute pleasure seeing you again. Thank you for taking the time to talk with me.

We (the Institute for Trafficked, Exploited & Missing Persons [ITEMP]) cannot thank you enough for taking on this issue. All too often people have deceived themselves into thinking that slavery has ended, and the few people that have come to recognize its existence are incapable of making a difference. We salute you for finding the courage and motivation to make a difference.

House Bill No. 1185 is an excellent start to punishing the perpetrators of these horrendous crimes. However, we would make the following recommendation. In its current form, 1185 combines both forced labor and sex trafficking into a single definition. It is our recommendation that in you separate the two:

3. "Forced labor or services" means labor or services, that are performed or provided by another individual and are obtained or maintained through an actor's:

- a. Threat, either implicit or explicit, scheme, plan, or pattern, or other action intended to cause an individual to believe that , if the individual did not perform or provide the labor or services, that individual or another individual would suffer bodily harm or physical restraint;
- b. Physically restraining or threatening to physically restrain an individual;
- c. Abuse or threatened abuse of the legal process;
- d. Knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another individual; or
- e. Use of blackmail.

"Sex Trafficking" means the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of:

- a. Causing the person or another to engage in sexual acts or sexual conduct in violation of chapter 12.1-20; or
- b. Violating chapters 12.1-27.1, 12.1-27.2, or 12.1-29.

The "Sex Trafficking" definition is a combination of the federal Victims of Trafficking and Violence Protection Act of 2000, and SB2209, the anti-trafficking bill sponsored by Attorney General Stenehjem. The reason we would like to see the separation of forced labor and sex trafficking is to allow a provision in which:

4. Any person in violation of 12.1-29-02 in which the prostitute has not attained 18 years of age can be found in violation of this Act.

The purpose is to allow the prosecution of a pimp as a human trafficker if they are prostituting minors. For example, a 34 year old man is running an escort service employing several 16 year old girls. Even though they are willing participants, the man can still be charged as a human trafficker. It would increase his possible sentence from a class C felony to a class AA felony.

Thank you again for your willingness to deal with this issue. If we can help in any way please do not hesitate to ask.



Representing the Diocese of Fargo  
and the Diocese of Bismarck

Christopher T. Dodson  
Executive Director and  
General Counsel

**To:** House Judiciary Committee  
**From:** Christopher T. Dodson, Executive Director  
**Subject:** House Bill 1185 - Human Trafficking  
**Date:** January 19, 2009

The North Dakota Catholic Conference strongly supports House Bill 1185.

Right behind the illegal drug trade, human trafficking ties with arms dealing as the second largest criminal activity in the world. The U.S. State Department estimates that between 600,000 and 800,000 men, women, and children are trafficked across international borders each year and approximately 17,500 of them are trafficked into the U.S. annually. Based on estimates by the U.S. government of the numbers of all trafficking victims and comparing those figures with widely cited figures of foreign-born children in the sex trade in the United States, some sources estimate that about one-third of foreign born victims trafficked into the country are children. In addition to these numbers, trafficking of U.S. citizens occurs *within* the U.S., although estimates are not readily available.

Human trafficking is a modern form of slavery. It is the recruitment, harboring, transportation, provision, or obtaining of a person by force, fraud, or coercion, or deceit for the purpose of sexual exploitation or forced labor - including debt bondage and child soldiering.<sup>1</sup> (See attached chart, *Human Trafficking Defined*.) These acts violate the dignity and nature of the human person and are nothing less than crimes against humanity.

Victims of human trafficking are often poor and desperate. They see migration as a way to escape oppressive and dire conditions. At the same time, there is

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<sup>1</sup> UNICEF estimates that more than 300,000 children under 18 are currently exploited in over 30 armed conflicts worldwide. While the majority of child soldiers are between the ages of 15 and 18, some are as young as 7 or 8 years of age.

“demand” in more developed countries for forced labor and sex trade services.

Human traffickers promise unsuspecting victims an opportunity to travel to a foreign land for employment and housing. Some arrive at their location legally. At the end of the journey, however, their freedom is removed by physical force, psychological coercion or abuse, blackmail, or addiction to drugs. Traffickers force victims to work in the sex trade, as domestic servants, as manual laborers, or soldiers.

Victims of human trafficking suffer physical, mental, and psychological abuse. Many become ill with disease, infected with HIV, and subjected to forced abortions.<sup>2</sup> Some manage to escape, but are forced into criminal activity in order to survive in a foreign land without legal authorization. Some are discovered and rescued, but suffer long-term consequences from their ordeal. Some are never discovered.

Combatting human trafficking requires a comprehensive effort involving communities from the local level to the international sphere. That is why this legislation is important. We must place enforcement and prosecution at every level possible.

In addition, programs must exist to rescue and transition victims of human trafficking. One such program is the Per Capita Victim Services program. This public/private partnership administered by the United States Conference of Catholic Bishops provides comprehensive case management to help the victims of trafficking.<sup>3</sup> (A brochure describing the program is attached.)

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<sup>2</sup> The U.S. Department of State reports that “sex trafficking plays a major role” in spreading the HIV/AIDS epidemic as well as the development of drug-resistant strains of other sexually transmitted infections. Research indicates that of the millions of women and girls forced into prostitution each year, approximately 45% are infected with the human papillomavirus (HPV). According to a 2003 European Union study on the health consequences of human trafficking, victims of sex trafficking are frequently subjected to forced abortions. *Health Consequences of Trafficking in Persons*, Office to Monitor and Combat Trafficking in Persons; August 8, 2007; <http://www.state.gov/g/tip/rls/fs/07/91418.htm>.

<sup>3</sup> Another program is the Trafficked Child Placement and Technical Assistance Program administered by the U.S. Conference of Catholic Bishops/Migration and Refugee Services and Lutheran Immigration and Refugee Service. The program placed children with specialized foster care programs and provided training and technical assistance for those programs and others working with trafficked children. Although the funding for the program expired in September 2006, USCCB and LIRS continue to advocate for the needs of trafficked children.

Finally, we must address the demand side of the equation, not just with laws, but also with changes in attitudes. Whenever people engage in sex tourism or turn a blind eye to unjust work conditions, they contribute to the environment that allows human trafficking to flourish. These actions ultimately impact real people and violate the dignity of a child of God.

House Bill 1185 alone may not end human trafficking. It can, however, comprise one part of the overall effort to end this crime against humanity.

We urge a **Do Pass** recommendation on House Bill 1185.

# Human Trafficking Defined

The chart below, extrapolated and simplified from the 2000 UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children definition, is a useful tool for analyzing individual cases to determine whether or not they constitute trafficking. In order for a situation to be trafficking, it must have at least one of the elements within each of the three criteria of Process, Means, and Goal.

## Human Trafficking is:

Process	+	Way/Means	+	Goal
Recruitment or Transportation or Transferring or Harboring or Receiving	<b>A N D</b>	Threat or Coercion or Abduction or Fraud or Deceit or Deception or Abuse of Power	<b>A N D</b>	Prostitution or Pornography or Violence/Sexual Exploitation or Forced Labor or Involuntary Servitude or Debt Bondage (with unfair wages) or Slavery/Similar practices

If one condition from each category is met, the result is trafficking. For adults, victim consent is irrelevant if one of the Means is employed. For children consent is irrelevant with or without the Means category.

## What is human trafficking?

Human trafficking is a modern-day form of slavery and the third largest and fastest growing criminal industry in the world, according to the U.S. government. In 2000, Congress passed the Trafficking Victims Protection Act (TVPA), that provides immigration relief and social services to eligible victims of trafficking. Congress defines "severe forms of trafficking in persons" as:

- Sex trafficking: the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act, in which a commercial sex act is induced by force, fraud or coercion, or in which the person who is forced to perform such an act is under 18 years of age.
- Labor 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.

## How is the U.S. Department of Health and Human Services addressing trafficking?

Various federal agencies are involved in the effort to deal with human trafficking. Under the TVPA, the U.S. Department of Health and Human Services (HHS) is responsible for helping victims of human trafficking become eligible to receive benefits and services so they may rebuild their lives safely in the United States. As part of this effort, HHS funds:

- *Rescue and Restore Victims of Human Trafficking* public awareness campaign to identify and help victims.
- A 24/7 National Human Trafficking Resource Center – 1-888-373-7888.

- Street outreach grants to organizations in contact with vulnerable populations.
- Intermediary contracts to oversee anti-trafficking activities in regions throughout the United States.
- Comprehensive services and case management to victims through the Per Capita Contract.

## What is the Per Capita Contract?

In order to more efficiently and effectively provide services to international victims of human trafficking in any location within the United States, HHS has awarded a single national "Per Capita Victim Services" contract to the U.S. Conference of Catholic Bishops (USCCB). Funding for comprehensive case management services is provided on a per capita basis through subcontract arrangements between USCCB and local service providers.

Improved access to comprehensive case management and services will better enable these individuals to establish lives free of violence and exploitation. Some of the services coordinated through this comprehensive case management approach may include:

- Food, clothing, and safe housing
- Medical and dental care
- Job placement and job training
- Public benefits enrollment
- Law enforcement coordination

The service needs of trafficking survivors and their families tend to be complex: they often involve multi-jurisdictional law enforcement personnel and an array of social services. The Per Capita Contract requires that service providers have the capacity to provide and coordinate client services through a single case manager to meet the needs of the client.

## What does case management mean?

According to the definition set by the National Association of Social Workers (NASW), case management is a method of providing services whereby a professional social worker assesses the needs of the client and the client's family, when appropriate, and arranges, coordinates, monitors, evaluates, and advocates for a package of multiple services to meet the specific client's complex needs.

## What are the expected subcontractor capabilities?

Subcontracting agencies have the primary role to provide comprehensive case management, ensuring careful and effective attention to victims. Specific capacities of subcontracting agencies may include:

- A history of working with survivors of trafficking or populations with similar needs, such as refugees, undocumented individuals, and survivors of domestic violence.
- On-site capability for comprehensive case management, benefits coordination, counseling and other services.
- Ability to handle emergency situations, including an after hours contact person who has the authority to make decisions.
- Knowledge of and relationships with relevant service providers in the community (e.g. interpretation, legal immigration services, mental and medical services).
- Ability to provide a safe environment for the survivors.
- Willingness to comply with the financial and reporting terms of the subcontract and to maintain timely communication with prime contractor throughout the entire process of program.

## How do I apply?

To learn more about the funding opportunities and the application process, please contact:

U.S. Conference of Catholic  
Bishops/Migration  
& Refugee Services  
Anti-Trafficking  
202-541-3337  
mstus@usccb.org

For additional information on human  
trafficking:  
[www.dhs.gov/trafficking/](http://www.dhs.gov/trafficking/)  
[www.usccb.org/mst/traffickingweb.shtml](http://www.usccb.org/mst/traffickingweb.shtml)

If you think you have  
identified a victim of

trafficking, please contact:

1) The National Human Trafficking Resource  
Center at 1-888-372-7-8883 to locate  
services in your area for a victim.  
2) 911 for all emergency situations.

For more information about  
human trafficking visit  
[www.acf.hhs.gov/trafficking](http://www.acf.hhs.gov/trafficking)

The Per Capita Contract is supported  
by the U.S. Department of Health and  
Human Services, Administration for  
Children and Families,  
Office of Refugee Resettlement,  
contract #HHSP23320060290007L.

## Services for Survivors of Human Trafficking

Information for Service Providers  
on the U.S. Department of  
Health and Human Services  
Per Capita Contract Program.

The U.S. Department of Health  
and Human Services





If you believe a child is being exploited, contact the proper authorities immediately.

If you believe an adult or child is being forced to work against their will, contact the proper authorities immediately.

#### **STEP FOUR:** **Report and Prosecute to Stop The Problem**

If you witness or learn of an incident of labor or sexual exploitation, report it immediately to your local police, Immigration Customs Enforcement office, or the FBI.

Enter as much information about the incident as you can, but do NOT place at risk and do NOT directly intervene. Situations are often very dangerous, you place yourself and the victim at further risk.

If you report a suspected human trafficking crime, please consider making available to testify. Your participation may make the difference.



Glen Cooper for The GOD'S CHILD Project

# ITEMP

**Institute for Trafficked, Exploited  
and Missing Persons**

# ITEMP

**Institute for Trafficked, Exploited  
and Missing Persons**

Combined Federal Campaign # 96341

Patrick J. Atkinson  
International Executive Director

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PO Box 1573  
Bismarck, ND 58502  
Phone: 701-255-7956

**International Office:**  
Carretera a San Felipe #106

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Phone: +502-7832-4678

Director@ITEMP.org  
<http://www.ITEMP.org>



**FOUR STEPS**  
**YOU Can Take "Right Now"**  
**To Fight the Human Trafficking  
Problem**

## STEP ONE:

### Understanding the Problem

By learning about the dynamics of contemporary slavery, you are now becoming part of the solution.

Learn more about human trafficking and current international anti-human trafficking efforts at:

[www.ITEMP.org](http://www.ITEMP.org)  
[www.UNODC.org](http://www.UNODC.org)  
[www.State.gov/gtip/](http://www.State.gov/gtip/)  
[www.HHS.gov](http://www.HHS.gov)  
[www.GodsChild.org](http://www.GodsChild.org)  
[www.ICE.gov](http://www.ICE.gov)

View modern day victims of human slavery for what they are: unwillingly forced, exploited and tortured men, women, and children in need of immediate help, and not criminals, husslers, or deviates.



★ Invite a Human Trafficking speaker from the "Institute for Trafficked, Exploited & Missing Persons" to address your group.

★ Teach others about the prevalence of contemporary slavery in our global world as well as in our home communities.

## STEP TWO:

### Preventing Human Trafficking

★ Care for your children. Teach them personal safety, to avoid strangers, and the importance of a quality education.

★ Encourage others to care for their children as well.

★ Keep your communication with your family, friends and community open and accepting

★ Be aware of the possibility that there could be problems in your community

★ Contact your representatives and legal authorities if you suspect a problem

★ Volunteer at and support your local:

Abuse Shelters and Hotlines  
 Youth and Adult Groups  
 After School Programs  
 Mentor a troubled child

★ NEVER give anyone your passport or other important travel documents.

★ If you or loved ones are traveling far-from home, research where you are going and with whom you are traveling. If possible, contact people who have made the same trip before.

★ Regardless of the threats you face, if you find yourself in trouble, get help immediately!



## STEP THREE:

### Intervene to Save Lives

★ If you believe someone is working against their will, contact the proper authorities:

#### Inside the United States, contact:

The Local Police

Dept. of Homeland Security

Immigration and Customs Enforcement (ICE)

Federal Bureau of Investigation (FBI)

#### Outside the United States, contact:

The local US Embassy

Tollfree Human Trafficking Hotline: 1-888-3737-888

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Monday, January 19<sup>th</sup>, 2009 Testimony before the Judiciary House Committee of the 61<sup>st</sup> Legislative Assembly of North Dakota, on House Bill No. 1185, "A Bill For An Act To Create and Enact a New Chapter to Title 12.1 of the North Dakota Century Code, relating to Human Trafficking, and to Provide a Penalty"

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I would like to begin by thanking you for allowing me for being here today. I know that your time is limited and very valuable, and I appreciate your consideration.

My name is Patrick Atkinson. I am a Bismarck, North Dakota native, and for the past 30 years I have worked directly with victims of human trafficking in Southeast Asia, Africa, Central America, The United States of America, and yes, right here in North Dakota.

My current work in this area is principally through the Institute for Trafficked, Exploited & Missing Persons<sup>1</sup> and The GOD'S CHILD Project<sup>2</sup> ([www.GodsChild.org](http://www.GodsChild.org)). In this, we work regularly with the Homeland Security, the United States State Department, different American Embassies, and national governments.

When we think of human trafficking, we think of something that happened a long time ago and in places far away. A lot of people, MOST people, perhaps, are under the impression that human trafficking ended with the signing of the Emancipation Proclamation on September 24<sup>th</sup>, 1862 when 4,000,000 slaves in America<sup>3</sup> were set free.

In fact, it didn't. To the contrary, human trafficking has grown to where today it is the 3rd most lucrative illicit business in the world, following only the international arms and drug trades<sup>4</sup>

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<sup>1</sup> The Institute for Trafficked, Exploited & Missing Persons was founded by Patrick Atkinson in August of 2001 as a subprogram of the Bismarck-based 501(c)3 nonprofit, nondenominational charity, 'The GOD'S CHILD Project'. See: [www.ITEMP.org](http://www.ITEMP.org)

<sup>2</sup> The GOD'S CHILD Project was founded by Patrick Atkinson in April of 1991 as a North Dakota registered 501(c)3 nonprofit, nondenominational charity. The GOD'S CHILD Project currently cares for and educates 5,000 orphaned and poor children in Africa, Central America, and the United States, as well as 8,700 widowed, single, and abandoned mothers and their dependents. See: [www.GodsChild.org](http://www.GodsChild.org)

<sup>3</sup> <http://www.itd.nps.gov/cwss/manassas/social/introsoc.htm>

<sup>4</sup> <http://www.humantrafficking.org/updates/493>

According to the International Labor Organization, today there are 12,300,000 people in forced sexual or labor servitude<sup>5</sup>. It is a Sixty Billion Dollar industry in which \$32 billion is earned annually from forced labor, and the sexual exploitation of women and children brings in an additional \$28 billion<sup>6</sup>.

In your consideration of House Bill 1185, you will hear a lot of numbers and some of them will be conflicting. Truth be told, no one knows the exact numbers involved because it is a publicity-adverse business that by necessity depends upon secrecy, corruption, and the disappearance of high-risk victims and witnesses.

Even though the statistics you will deal with are not always consistent, combined they paint a horrible picture of life for the children and adults who are unwillingly caught into one part or another of human trafficking's web.

It is important to understand what human trafficking is, and what it isn't. Human trafficking is not illegal immigration. It is not human smuggling. This is a point that is frequently confused, either accidentally or deliberately by special interest groups. In both illegal immigration and human smuggling, a participant and a transporter have entered into a free-will contract... the purchase of a service, so to speak... to move a willing participant across a border.

Human Trafficking is different. The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons defines it as:

... the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability (Article 3, Para 1)

In all of my work and when I speak to different groups, I have found it much easier to define Human Trafficking with just two words: **Force** or **Fraud**. Are people being forced, blackmailed, or tricked into doing something they didn't want to do, or to go somewhere that they didn't want to go? If so, then Human Trafficking... Modern Day Slavery... is present and has raised its ugly head.

Human Trafficking is not new. The earliest oral histories from around the world talk of nomadic tribes conquering one another; of the killing the men and taking the women and children back to be slaves.

Right here in the United States there were 4,000,000 enslaved African Americans by the mid-1800's. Slavery was so widely accepted, and so natural, that it was considered just like our owning of cows and horses. Our nation's founding father and mothers owned slaves. It was no big deal... people would go to the store, buy their animal, bring it

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<sup>5</sup> <http://www.humantrafficking.org/updates/493>

<sup>6</sup> <http://www.humantrafficking.org/updates/493>

home, and break it in. When they tired of it, or if they got a nice offer or needed the money, they traded it away or sold it.

Many people today think nothing of separating grown kittens from a mother cat. Viewed in historical context, slave traders thought nothing of separating mothers from their children.

When the civil war ended, the purchase price of a slave, in 1865 dollars, was \$ 40,000. Today, the cost to purchase a slave is \$ 70<sup>7</sup>.

Today every 30 seconds<sup>8</sup> another person becomes a victim of human trafficking somewhere in the world. This includes adults, mostly women, as well as children.

UNICEF estimates that this year alone, 1,200,000 CHILDREN will be forced into prostitution<sup>9</sup> – not all of them girls. While we would like to think that this only happens in places like Saudi Arabia, Thailand, and countries far away, Secretary of State Condoleezza Rice has stated that 20,000 children and adults are involuntary brought INTO the United States each year<sup>10</sup>.

In addition, the State Department estimates that 17,000 US passport-carrying Americans are trafficked ANNUALLY against their will<sup>11</sup>. Some of these are American women and children who simply disappear into the night – something I personally work with since the State Department asked me to be a US Embassy Warden in Guatemala.

Sometimes these disappearances are more public as is the case of Natalee Holloway<sup>12</sup> who is highly suspected to have been drugged and ferreted off of the island of Aruba and into forced prostitution.

Not many people know that seven years before Natalee disappeared from the Carlos & Charlies bar on the island of Aruba, 23-year old Amy Bradley<sup>13</sup> from Alabama disappeared from that very same place. One year later a Naval officer told the FBI that he was at a brothel in the Barbados when an American girl working as a prostitute leaned in to him and whispered: "My name is Amy Bradley I need your help." The Naval officer set down his drink and walked away. Several months later this incident bothered him so much that he reported it to his superiors, and in turn, to the FBI. By then, unfortunately, the brothel was closed. Amy has not been seen since.

I first became personally involved in combating human trafficking in 1978 when I was a student at Minnesota State University Moorhead and working for the Center for Parents

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<sup>7</sup> <http://www.fbi.gov/humantrafficking>

<sup>8</sup> <http://www.rso.cornell.edu/jfci/trafficking.html>

<sup>9</sup> [http://www.unicef.org/protection/index\\_exploitation.html](http://www.unicef.org/protection/index_exploitation.html)

<sup>10</sup> <http://www.state.gov/g/tip/rls/tiprpt/2007/82798.htm>

<sup>11</sup> <http://www.state.gov/g/tip/rls/tiprpt/2007/82798.htm>

<sup>12</sup> <http://www.caribbeannetnews.com/na/na2.htm>

<sup>13</sup>

<http://www.gwinnettdailyonline.com/GDP/archive/articleC9EA0BE766874EA4A0B051B9B0C8239F.asp>

and Children. One of my job responsibilities was to speak at local schools in the Fargo area and encourage children to stay in school and not runaway.

It was while working at this Center that I became aware of what we called 'The Midwest Pipeline' (explain). It wasn't uncommon for us to learn about young teenage runaways leaving towns and cities in North Dakota and stepping off interstate buses and into a life where they were tricked or lured into the sex industry in exchange for food, protection, or friendship.

Over the years, I am occasionally asked by concerned North Dakota parents to help them look for their runaway children. More than once I have been hired to track down their runaway children... to see if I can trace a child's path from Bowman, Mott, Dickinson, or Bismarck as they moved from region to region, and even from country to country.

Most of the time, I found the children I had been looking for, but almost always they begged me to say that they had not been found. They were no longer their parents' sons and daughters. They were no longer clean, young, and innocent. They had been picked up by someone they thought would be a friend, violated, photographed, drugged, and sold to others. They were dying inside and out, and they would have killed themselves before they would have gone back their parents this way.

At the very least, I tried to convince them to call their parents and say they were fine.

The trafficking of people is happening today, and is more common than most people want to hear. Through my international work with the Bismarck-based Institute for Trafficked, Exploited & Missing Persons and The GOD'S CHILD Project, during 2008 I gave just under 100 anti-human trafficking presentations in places as far-reaching as Okinawa to Washington, D.C... from Little Rock, Arkansas to Grand Forks, North Dakota. Without exception, the # 1 comment I hear more than all others, is "I had no idea how prevalent human slavery is today."<sup>14</sup>

The need for the passage of House Bill 1185 is very timely and very important. While North Dakota does not have the high numbers or high-profile human trafficking cases that we see in Texas, California, New York, New Jersey, and Florida, we in North Dakota do have two very precious commodities that human traffickers are after: the physical beauty of our Midwestern youth, and their innocence.

Both of these are highly sought after commodities that bring the highest dollar imaginable from those who view children as sexual alternatives.

Here I refer to an earlier analogy I gave on how slave traders viewed African Americans as nothing more than beasts like cows and horses. Today's slave traders... human traffickers... are no different. Physical beauty and innocence command the highest of prices for people who are interested in making the purchase. A North Dakota child is not

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<sup>14</sup> <http://itemp.org/itempspeakersbureau.html>

a child is not a child to them; he or she is a piece of meat, like a cow or a horse... an investment that can be turned for a high profit margin.

Here in North Dakota we have a higher-than-average percentage of runaways<sup>15</sup>. This means that our children sometimes choose to seek an alternative to a bored, abusive, or alcoholic-plagued home life by hitting the roads and hoping for a better life elsewhere. The pimps and the perverts who exploit these children know this. They can spot these children from hundreds of yards away.

In closing, I would like to offer three thoughts on House Bill 1185 for your consideration:

The first is that I see nothing in this bill that would penalize the actions of an individual who RECRUITS children or adults into situations from where they are trafficked. If it is found that Natalee Halloway was spirited into human trafficking from Carlos and Charlie's Bar on Aruba, legal experts speculate there may be little that can be done to prosecute Dutch youth Joran van der Sloot for getting her drunk and walking her down to the beach.

Second, I strongly encourage you to expand your definition of victims of human trafficking to include VULNERABLE PERSONS. This would include, for example, adult women who are mentally disable and are made sexually available, albeit willingly, by 3<sup>rd</sup> parties who garner financial or another benefit.

And third, I encourage you to consider a provision which would allow for the prosecution of individuals who willingly or unwillingly take PHOTOGRAPHS OR VIDEOS of sexual partners or 2<sup>nd</sup> parties, and then distribute or post these photographs or videos materially or through the internet to 3<sup>rd</sup> parties without the knowledgeable consent of the person who was photographed or recorded.

I have seen many young people's lives destroyed when what they thought was a moment of love or sexual intimacy was filmed and later distributed. At a recent human trafficking conference that I attended at Homeland Security in Washington, D.C., Secretary Michael Chertoff said that up to 90% of all photos on internet porn sites are there against the free-will consent of the participant. They were taken of obligated prostitutes, drug addicts, forced partners, human trafficking victims, or minors.

I appreciate your time, and thank you for allowing me to be with you today. Please let me know if I can be of any further assistance to this committee of this Legislative Session.

My best wishes for your successes.

(Patrick Atkinson)

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<sup>15</sup> [http://www.missingkids.com/en\\_US/documents/nismart2\\_runaway.pdf](http://www.missingkids.com/en_US/documents/nismart2_runaway.pdf)



Monday, February 25<sup>th</sup>, 2009 Testimony before the Senate Judiciary Committee of the 61<sup>st</sup> Legislative Assembly of North Dakota, on House Bill No. 1185, "A Bill For An Act To Create and Enact a New Chapter to Title 12.1 of the North Dakota Century Code, relating to Human Trafficking, and to Provide a Penalty"

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I would like to begin by thanking you for allowing me to be here today. I know that your time is limited and very valuable, and I appreciate your consideration.

My name is Charles Moore. I am a Bismarck, North Dakota native, and I am the Director of Operations for The GOD'S CHILD Project's anti-trafficking department, the Institute for Trafficked, Exploited & Missing Persons (ITEMP).

For the past year, I have been on the frontlines of the fight against human trafficking. I have; pulled women and children out of burning piles of garbage, interceded on behalf of 5 year olds forced to crush rock in quarries, negotiated with pimps for the release of boys and girls, and photographed children forced to work on farms. I have not only interceded on their behalf, but have provided oversight to their rehabilitation.

I have also taken the lead in coordinating our efforts with those of the United Nations (UN), the Department of State (DOS), the Department of Justice (DOJ), the Department of Defense (DOD), the Department of Labor (DOL), the Department of Health and Human Services (HHS), U.S. Embassy personnel, the U.S. Conference of Catholic Bishops (USCCB), as well as a number of other prominent international anti- trafficking organizations.

When we think of human trafficking, we think of something that happened a long time ago and in places far away. A lot of people, MOST people, perhaps, are under the impression that human trafficking ended with the signing of the Emancipation Proclamation on September 24<sup>th</sup>, 1862 when 4,000,000 slaves in America<sup>1</sup> were set free.

In fact, it didn't. To the contrary, human trafficking has grown to where today it is the 3rd most lucrative illicit business in the world, following only the international arms and drug trades<sup>2</sup>

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<sup>1</sup> <http://www.itd.nps.gov/cwss/manassas/social/introsoc.htm>

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According to the International Labor Organization, today there are 12,300,000 people in forced sexual or labor servitude<sup>3</sup>. It is a Sixty Billion Dollar industry in which \$32 billion is earned annually from forced labor, and the sexual exploitation of women and children brings in an additional \$28 billion<sup>4</sup>.

In your consideration of House Bill 1185, you will hear a lot of numbers and some of them will be conflicting. Truth be told, no one knows the exact numbers involved because it is a publicity-adverse business that by necessity depends upon secrecy, corruption, and the disappearance of high-risk victims and witnesses.

Even though the statistics you will deal with are not always consistent, combined they paint a horrible picture of life for the children and adults who are unwillingly caught into one part or another of human trafficking's web.

It is important to understand what human trafficking is, and what it is not. Human trafficking is not illegal immigration. It is not human smuggling. This is a point that is frequently confused, either accidentally or deliberately. In both illegal immigration and human smuggling, a participant and a transporter have entered into a free-will contract... the purchase of a service, so to speak... to move a willing participant across a border.

Human Trafficking is different. The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons defines it as:

... the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability (Article 3, Para 1)

I have found it much easier to define Human Trafficking with just two words: **Force** or **Fraud**. Are people being forced, blackmailed, or tricked into doing something they didn't want to do, or to go somewhere that they didn't want to go? If so, then Human Trafficking... Modern Day Slavery... is present and has raised its ugly head.

Human Trafficking is not new. The earliest oral histories from around the world talk of nomadic tribes conquering one another; of the killing the men and taking the women and children back to be slaves.

Right here in the United States there were 4,000,000 enslaved African Americans by the mid-1800's. Slavery was so widely accepted, and so natural, that it was considered just like our owning of cows and horses. Our nation's founding father and mothers owned slaves. It was no big deal... people would go to the store, buy their animal, bring it home, and break it in. When they tired of it, or if they got a nice offer or needed the money, they traded it away or sold it.

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<sup>3</sup> <http://www.humantrafficking.org/updates/493>

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Many people today think nothing of separating grown kittens from a mother cat. Viewed in historical context, slave traders thought nothing of separating mothers from their children.

When the civil war ended, the purchase price of a slave in modern dollars, adjusted for inflation, was \$ 25,000. Today, the cost to purchase a slave has dropped to just \$ 60<sup>5</sup>.

Today every 30 seconds<sup>6</sup> another person becomes a victim of human trafficking somewhere in the world. This includes adults, mostly women, as well as children.

UNICEF estimates that this year alone, 1,200,000 CHILDREN will be forced into prostitution<sup>7</sup> – not all of them girls. While we would like to think that this only happens in places like Saudi Arabia, Thailand, and countries far away, Former Secretary of State Condoleezza Rice has stated that 17,500 children and adults are involuntary brought INTO the United States each year<sup>8</sup>.

American citizens are not immune from being trafficked. Some of us simply disappear into the night.

Sometimes these disappearances are more public as is the case of Natalee Holloway<sup>9</sup> who is highly suspected to have been drugged and ferreted off of the island of Aruba and into forced prostitution.

Not many people know that seven years before Natalee disappeared from the Carlos & Charlie's bar on the island of Aruba, 23-year old Amy Bradley<sup>10</sup> from Virginia disappeared from that very same place. One year later a Naval officer told the FBI that he was at a brothel in the Barbados when an American girl working as a prostitute leaned in to him and whispered: "My name is Amy Bradley, I need your help." The Naval officer set down his drink and walked away. Several months later this incident bothered him so much that he reported it to his superiors, and in turn, to the FBI. By then, unfortunately, the brothel was closed. Amy has not been seen since.

The trafficking of people is happening today, and is more common than most people want to hear. Without exception, the # 1 comment I hear more than all others, is "I had no idea how prevalent human slavery is today."<sup>11</sup>

The need for the passage of House Bill 1185 is very timely and very important.

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<sup>7</sup> [http://www.unicef.org/protection/index\\_exploitation.html](http://www.unicef.org/protection/index_exploitation.html)

<sup>8</sup> <http://www.state.gov/g/tip/rls/tiprpt/2007/82798.htm>

<sup>9</sup> <http://www.caribbeannetnews.com/na/na2.htm>

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<http://www.gwinnettdailyonline.com/GDP/archive/articleC9EA0BE766874EA4A0B051B9B0C8239F.asp>

<sup>11</sup> <http://itemp.org/itemspeakersbureau.html>

North Dakota could be classified as Source State. I have modified this term from the vernacular used by the Department of State in their annual Trafficking-in-Persons report, where they refer to Source, Transit and Destination Countries.

As a Source State, North Dakota has two very precious commodities that human traffickers are after: the physical beauty of our Midwestern youth, and their innocence. Both of these are highly sought after commodities that bring the highest dollar imaginable from those who view children as sexual alternatives.

Here I refer to an earlier analogy I gave on how slave traders viewed African Americans as nothing more than beasts like cows and horses. Today's slave traders... human traffickers... are no different. Physical beauty and innocence command the highest of prices for people who are interested in making the purchase. A North Dakota child is not a child to them; he or she is a piece of meat, like a cow or a horse... an investment that can be turned for a high profit margin.

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Second, I strongly encourage you to expand your definition of victims of human trafficking to include VULNERABLE PERSONS. This would include, for example, adult women who are mentally disable and are made sexually available, albeit willingly, by 3<sup>rd</sup> parties who garner financial or another benefit.

And third, I encourage you to consider a provision which would allow for the prosecution of individuals who willingly or unwillingly take PHOTOGRAPHS OR VIDEOS of sexual partners or 2<sup>nd</sup> parties, and then distribute or post these photographs or videos materially or through the internet to 3<sup>rd</sup> parties without the knowledgeable or consent of the person who was photographed or recorded.

I appreciate your time, and thank you for allowing me to be with you today. Please let me know if I can be of any further assistance to this committee of this Legislative Session.

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My best wishes for your successes.

(Charles Moore)