

Reframe Health and Justice

Sex Workers' rights and Human Trafficking

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Policy Issue Resources

Aug 28, 2020

On July 31 the [Biden campaign released a statement](#) to mark the eighth annual [World Day Against Trafficking in Persons](#). The day is a global renewal of the commitment to ending the violent exploitation of workers around the world. With last few months being flush with claims that trafficking is on the rise, some [spot on](#) and some [disturbingly off base](#), it is vital to have a strong vision for what anti-trafficking efforts would look like under a Biden Administration. Unfortunately, while there were some promising notes, the post was mostly a regurgitation of the same flawed thinking and stale tactics which brought us to this moment, and signaled that we might miss the opportunity to change course and do some real good.

It is undeniable that there have been serious problems in anti-trafficking efforts, both in outcome and approach, over the last twenty years including under the Obama Administration. Interest in fighting labor trafficking, which covers *every sector outside of criminalized commercial sex*, remains disturbingly low. In the last two years of the Obama administration, prosecutions for trafficking in *every other form of labor outside of criminalized commercial sex*, was only [2.02% of the total in 2015](#) and only [3.2% in FY 2016](#). Every single year, the same concerns come up in the Trafficking in Persons report about the need for expanded and longer-term services. While the cap for visas available for survivors of trafficking is at 5,000 which can be received in any given year, the average number issued under the Obama Administration was just over 600 per year. The efficacy of many of our bedrock strategies, such as task forces and public awareness is questionable at best; certain anti-trafficking grants even contain a cap on how much can be spent towards evaluation their own success. The assault on websites which hosted advertising space for sex workers, a process which has always been hailed as an anti-trafficking effort and only caused more violence and economic precarity, began and expanded under the Obama Administration. It was Attorney General Kamala Harris who filed charges against the CEO of Backpage to try and close the websites charges which were dismissed *twice* by a California judge.

But instead of taking this as a moment to look seriously at what the long-standing issues are and try and correct the course, this appears to be a retrenchment and not an evolution. The post names the same task force models that have entrenched local law enforcement and hamstrung service providers from calling out approaches, such as stings on brothels, which can erode trust and traumatize victims of violence. It also calls for more public awareness the same kind that has led us to QAnon being able to co-opt an entire narrative. It also mentions looking at trafficking online with no acknowledgement of the FOSTA/SESTA. This is not a moment to think that the status quo was acceptable the day before President Trump took office.

If anything, this is a moment of widespread self-reflection where we must look at not only undoing the harm of the last four years, but understanding how we got here. Unarguably, trafficking and exploitation have gotten worse under the current administration. In the last few years, vulnerable populations have been put in further jeopardy, structures which support survivors of violence have been dismantled, and corporate oversight has vanished. Despite public statements and commitments to anti-trafficking, the Trump Administrations actual actions on trafficking have been decidedly pro. But just like with police brutality, the lack of healthcare access, and no social protections for informal workers, simply rolling back these noted harms is not enough. We need not only to look at how bad we are, but how precarious we were.

I wanted to see an understanding of trafficking in this moment. The situation that thousands of restaurant, factory and service workers are in right now, many of whom are living not paycheck to paycheck but shift to shift, are the same conditions which foster trafficking. When a worker is desperate to support their family and must go to work under deadly conditions with no other option for employment how are we failing to understand the conditions which foster trafficking? If you have an underpaid worker who demands minimum wage and the manager threatens to call ICE because that worker is undocumented, that is possibly a situation of trafficking. If another worker demands PPE because there is no way to do their job and observe social distancing and the manager says that they can quit if its not good enough, that worker has two options: put themselves in life-threatening conditions, or find a new job during a global recession. But that situation isnt trafficking, thats the state of labor rights in America. Of course trafficking of young people is going to increase in a moment when youth are out of school and families are desperate for income, especially in areas like agriculture where minors have fewer labor rights than their peers in retail. Currently there are plenty of workers who have just lost unemployment benefits and theres no rent cancellation coming what work wouldnt you do to keep a roof over the head of your child? Trumps mishandling of the economy and pandemic have put every worker closer to understanding exploitation in the most horrific way.

And there are opportunities that the Biden Administration has to re-direct anti-trafficking efforts to meet this moment, including moving programming and associated funding from the Department of Homeland Security into the Department of Labor, dismantling the reliance on local police forces through grants for service providers which are dependent on law enforcement support, and bringing in people who understand commercial sex as experts on the field, not as defendants or pariahs.

Trafficking does jump up out of the blue and surprise us. It is the natural outgrowth of incredible structural and social failure, and every day under the Trump administration, somehow we fail more. Trafficking, economic inequality, and poverty are all on the rise, globally. Once we are lucky enough to come out of this, our economy will be radically different, with a significantly higher reliance on gig workers, informal labor, and contract work. We will know exactly how many people lose access to health care during a recession because we do not have Medicare for All. We will also know how fast Congress can act to create support structures when called upon. This is the moment to reflect and invest in a change of course that could take prevention of trafficking from a talking point and a poster campaign to a meaningful investment that keeps workers from deciding between exploitation or destitution, abusive labor conditions or eviction, working conditions that kill or food instability. None of these problems are new, and the post from the Biden campaign betrays a lack of understanding that is disheartening.

There were spots of hope in the message that the Biden campaign sent we should be looking at the abuses which happen within supply chains, and strengthening human rights abroad (though we could use some here, too). There is also a lot to invest in already programs like the Department of States growing commitment for foreign workers to be more aware of the rights afforded to them when entering on a work visa are worth investing in *because there is demonstrated success in decreasing trafficking*. There are also tangible changes which could change improve the lives of trafficking victims in the first hundred days and set us on a path of self-reflection and evolution. None of these things are a compelling Medium post written for potential voters, though. No one is campaigning on un-furloughing USCIS workers, expanding certifying bodies for victim status or removing requirements for victims to cooperate with police and prosecutors to receive services. But we are about to enter a new landscape, and shape new relationships with our economy, social support and law enforcement. Trafficking work should not be left behind as the rest of the world evolves to meet the challenges we will face.

My hope is that what was described in VP Bidens statement was written to campaign on, and that there are the kind of visionaries we need within the forming administration who will see this moment. We are about to have an opportunity to realize the potential in calling exploitation a form of violence against workers, and investing in human rights to address it.

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