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Human Trafficking 101

Definitions, Laws, Myths

Labor trafficking is the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purposes of subjection to involuntary servitude, peonage, debt bondage, or slavery, (22 USC § 7102).

Sex trafficking is the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purposes of a commercial sex act, in which the commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age (22 USC § 7102).

Action-Means-Purpose (AMP) Model is a device used to illustrate and articulate the federal definition of a “victim of severe forms of trafficking in persons,” contained in 22 USC §7102(8). For the corresponding criminal offenses, see 18 USC Chapter 77.

Human trafficking occurs when a perpetrator, often referred to as a trafficker, takes any one of the enumerated **Actions (What is done)**, and then employs the **Means (How is done)** of force, fraud, or coercion for the **Purpose (Why is done)** of compelling the victim to provide commercial sex acts or labor or services (Polaris).

The **Navajo Nation** defines “**Human Trafficking**” as: the illegal recruitment, transportation, transfer, harboring, or receipt of a person, especially one from another country, with the intent to hold the person captive or exploit the person for labor, services, or body parts. Human trafficking offenses include forced prostitution, forced marriages, sweat-shop labor, slavery, and harvesting organs from unwilling donors (NNC, 2017).

Myth: Human trafficking involves moving, traveling, or transporting a person across state or borders.

Reality: Human trafficking is often confused with human smuggling, which involves illegal border crossings. In fact, the crime of human trafficking does not require any movement whatsoever. Survivors can be recruited and trafficked in their own home towns, even their own homes (Polaris).

Human Smuggling is defined as the transportation of people into the United States involving deliberate evasion of immigration laws. This offense includes bringing illegal aliens into the United States as well as the unlawful transportation and harboring of aliens already in the United States (dhs.gov).

Smuggling (Transportation Based)

Trafficking (Exploitation Based)

www.dhs.gov/humantrafficking

<https://humantraffickinghotline.org/what-human-trafficking/federal-law>

<https://www.judges.org/wp-content/uploads/Human-Trafficking-in-Indian-Country.pdf>

<https://www.govinfo.gov/content/pkg/BILLS-111hr725enr/pdf/BILLS-111hr725enr.pdf>

<https://humantraffickinghotline.org/what-human-trafficking/myths-misconceptions>

23rd Navajo Nation Council, Resolution of the NNC CJY-48-17, Sec. 2(E) (2017) (quoting Black’s Law Dictionary (10th ed. 2014))