

Understanding Human Trafficking

FICTION

vs.

FACT

FICTION: Human trafficking always involves moving, traveling, or transporting a person across state or national borders.

FACT: Human trafficking is NOT human smuggling. These are two distinct crimes. In fact, the crime of human trafficking does not require any movement whatsoever. Persons can be recruited and trafficked in their own communities and even their own homes.

FICTION: All human trafficking involves commercial sex.

FACT: While there is much wider awareness about sex trafficking in the United States, human trafficking also encompasses labor trafficking. In a labor trafficking situation, persons are exploited for cheap or unpaid labor and are sometimes forced to take on unreasonable debt as a condition of employment.

FICTION: Only women and girls are victims of sex trafficking.

FACT: Men and boys can also be sexually exploited. LGBTQ + boys and young men are particularly vulnerable to trafficking.

FICTION: All human traffickers use physical violence.

FACT: By far the most pervasive myth about human trafficking is that it always - or often - involves kidnapping or otherwise physically forcing someone into a situation. In reality, most human traffickers use psychological means such as tricking, defrauding, manipulating or threatening victims into providing commercial sex or exploitative labor.

FICTION: Human trafficking is only a “big city” problem.

FACT: Wherever there is a demand for commercial sex or cheap labor, human trafficking will follow. The internet and smartphones enable traffickers to reach customers and recruit potential victims regardless of geographical constraints.

FICTION: All commercial sex is human trafficking.

FACT: While all sex trafficking includes commercial sex, not all commercial sex meets the legal definition of human trafficking. For commercial sex to qualify as human trafficking, force, fraud, or coercion must be present.

However, all persons under the age of 18 who engage in commercial sex are considered trafficking victims under Federal and State laws, regardless of whether force, fraud, or coercion are present. Under Pennsylvania’s Safe Harbor Law, persons under the age of 18 cannot be prosecuted for the crime of prostitution.

FICTION: All human trafficking victims are ready to get help.

FACT: Trafficking victimization is complicated and victims do not always self-identify. The fear, shame, trauma, isolation, and manipulation inherent in human trafficking can prevent a victim from seeking help or attempting to leave an exploitative situation, no matter how dangerous.

Pennsylvania allows trafficking survivors to petition the court to vacate convictions for prostitution, criminal trespass, disorderly conduct, loitering and prowling at night time, obstructing highways and other public passages, and simple possession of a controlled substance if their convictions were sustained as a result of trafficking victimization. For more information on criminal record relief for survivors see The Institute to Address Commercial Sexual Exploitation and The Survivor Reentry Project.

FICTION: If a person consented to be in their initial situation, then they cannot later be considered a trafficking victim.

FACT: Initial consent to engage in commercial sex or labor prior to acts of force, fraud, or coercion (or if the victim is a minor in a sex trafficking situation) is not relevant to the crime. Further, a person cannot be considered to have consented to being exploited where consent was obtained through improper means, or in the case of minors, where their particularly vulnerable status renders it impossible to consent in the first place.