

**AN ANALYSIS OF PUBLIC OPINION ON HUMAN TRAFFICKING LEGISLATION IN
NORTH CAROLINA**

By

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Abstract:

Human trafficking presents an enormous issue for the United States and the state of North Carolina. Current legislative frameworks for labor and sex trafficking exist on the federal and state level, however the current policies are inadequate. Moreover, the lack of public knowledge surrounding human trafficking may inhibit efforts to pass further legislation to support current bills. To gauge public opinion on human trafficking policy, a literature review of the human trafficking situation in the United States and North Carolina was conducted. Then, policy recommendations from expert organizations were analyzed and the most common were selected for study. A public opinion poll using fixed-ended questions was conducted to determine public support for the bills proposed. It was found that most of the bills received support with the most popular concerning education and awareness. These findings indicate that ongoing training and education initiatives concerning human trafficking would receive public support and are likely to pass as legislation.

Keywords: Human trafficking, policy, public opinion, labor trafficking, sex trafficking

Introduction

In May of 2021, in the Charlotte-Mecklenburg area, local police, federal marshals, and the NC State Bureau of Investigation's Information Sharing and Analysis Center retrieved over 120 missing youths from the area during an operation entitled, "Operation Homecoming". Although some details were not made available to the public, due to the youth of those involved, Captain Joe McNelly from the Charlotte-Mecklenburg Police Department stated that many adolescents recovered had been victimized through human trafficking (Melton 2021). In another incident, the City of Raleigh closed a Quality Inn on New Bern Avenue due to allegations of human trafficking including one report from a witness that a man was seen dragging a young woman into the hotel as she attempted to escape (Lamb et al. 2022). These cases point to the severity of human trafficking in North Carolina, a state consistently ranked in the top ten states for the prevalence of human trafficking (NC Department of Administration 2022).

Human trafficking is an institution often associated with images of chained, kidnapped girls in developing countries forced into commercial sex acts. However, human trafficking, sometimes erroneously referred to as "modern-day slavery" is present in all countries and can affect anyone. Human trafficking is a serious crime due to the exploitation inherent in its perpetuation, particularly as it affects marginalized groups. Furthermore, sex trafficking is a form of gender-based violence against women due to its fundamental abuse of women as objects for sale without their autonomy. Human trafficking is also an insidious institution because of its role in the economy of many states and it can be difficult to extricate from legitimate enterprises. Trafficking can be part of legitimate businesses in hidden ways or part of major economic sectors (Nicols 2016). Human trafficking poses a serious problem on both the federal level and the state level in North Carolina, but the current policy framework supporting survivors of human trafficking is inadequate at both levels of government. Therefore, stronger policies must be

implemented on both the federal and state levels to address prevention and aftercare issues, including criminal prosecution. However public reluctance to support such policy may present issues for the establishment of these laws.

Background and Federal Human Trafficking Policy

Human trafficking is an incredibly complex phenomenon that includes two main categories of trafficking: labor trafficking and sex trafficking. These two types of trafficking may overlap and are interlinked in most human trafficking cases. For example, in illicit massage parlors workers may be forced to give regular and erotic massages for little or no pay (Polaris 2018). Therefore, the statistics representing human trafficking may be contradictory and can be difficult to calculate. Furthermore, the definition of “human trafficking” may differ from the state to federal level or from state to state, based on the legality of sex work and social attitudes. To further complicate the issue, human trafficking policies and legislation are also inconsistent in their definitions and enforcement across the United States due to varying state statutes (Polaris 2018). Therefore, to maintain clarity and consistency, this section will focus on the general background and definitions of human trafficking to be used in this research and notable policies on the federal and state levels. This section will also address the importance of strong human trafficking policies and why such research and policies are necessary in the modern day.

Prior to addressing definitions and policy, it must be recognized that estimates surrounding human trafficking do not accurately encompass the entirety of the picture. Due to the underground nature of human trafficking, it is impossible to prove exact figures for many aspects of human trafficking such as the amount of money made by traffickers in a year. Estimates are merely the closest experts from various organizations can achieve based on calls to their hotlines, legal documents, and service providers’ reports (Nawyn et. al 2013). Furthermore, much like the differences in legal jurisdictions, different organizations define human trafficking according to

their own definitions. For example, some organizations see all sex work as trafficking because they see it as exploitative, whereas others may not (Nawyn et. al 2013). It is for these reasons that definitions are crucial to any discussion of human trafficking and policy in order to achieve optimal effect.

In a 2018 report, Polaris identified over 25 distinct types of human trafficking ranging from exploitation in agriculture to commercial cleaning to escort services. However, all of these forms of trafficking listed in the report can be further divided into labor trafficking, sex trafficking, or both. Therefore, it is important to define labor and sex trafficking and their characteristics. For this paper and research, the definitions provided under the federal Victims of Trafficking and Violence Protection Act of 2000 (TVPA) will be used. Labor trafficking is defined as, “The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of force, fraud, or coercion” (HR 3244 2000). Similarly, sex trafficking is defined by the TVPA as, “The recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act, in which the commercial sex act is induced by force, fraud, or coercion” (HR 3244 2000). These definitions utilize the phrase “force, fraud, or coercion” to ensure a broad enough definition to allow for prosecution of cases in which victims were not specifically restrained or threatened with death or bodily harm. The TPVA definitions allow for the prosecution of cases in which emotional, financial, or another form of abuse is used as a means of control.

Other definitions important to the discussion of human trafficking and related policies are “victim,” “survivor” and “trauma-informed.” The difference between the usage of the terms victim and survivor may vary depending on the individual preference of those being discussed as some victims or survivors may wish to identify as one or the other. However, for the purposes of this research, the term “survivor” will be used to indicate those who are no longer being trafficked

and may be in aftercare services. The term “victim” will be used to describe those in the process of being recruited for trafficking or being exploited. The impetus for this distinction is that many of those in recovery, after trafficking victimization, prefer to be referred to as survivors due to overcoming the obstacles and cruelty of human trafficking (Polaris 2018). The term “trauma-informed” refers to methods in various areas such as investigations and rehabilitations that are sensitive to the needs of the survivor and their experiences. Trauma-informed methods attempt to care for the physical and psychological hurts of survivors and empower them to reclaim painful experiences holistically (Nicols 2016).

In addition to the terms used to describe human trafficking, existing policies to mitigate human trafficking must be discussed to understand the current situation and the immediate needs of the legal framework. This research analyzes policies on both the federal and state levels because federal law supersedes state laws and influences them accordingly. There are two major federal policies that have large impacts on the human trafficking system and policy as it relates to North Carolina: the Victims of Trafficking and Violence Protection Act of 2000 and the H2 Visa system.

The Victims of Trafficking and Violence Protection Act of 2000 was created to target three primary areas of human trafficking: protection, prevention, and prosecution. The protection component of the law mostly applies to individuals trafficked into the United States, although they make up less than half of individuals being trafficked in the United States; most trafficking victims are citizens (Nicols 2016). Nevertheless, it is important to ensure victim protection regardless of origin to effectively eradicate human trafficking. The protection component of the TVPA permits victims from abroad to acquire federally funded benefits available to victims of trafficking for the duration of their case and expanded existing programs for all victims (HR 3244 2000). This initiative helps prosecute cases in which some or all of the victims are not US

citizens. The second part of the protection element of the TVPA allows noncitizens to apply for a special T or U visa that extends their stay in the US until their case is completed, or while victims apply for permanent resident status (HR 3244 2000). These two measures protect victims of human trafficking, especially those not born in the US, from complications that may result from their lack of resources or immigration status.

Prevention, the second core factor in the TVPA, attempts to avert trafficking before it occurs. The protection portion includes measures such as increasing economic opportunity initiatives for at risk individuals and victims to prevent further trafficking and exploitation (HR 3244 2000). Another aspect of prevention is the requirement that an annual Trafficking in Persons Report be published by the State Department regarding the state of human trafficking in other countries and to some degree, the United States. In addition, the prevention measure of the TVPA also includes a provision for the creation of a task force led by the Secretary of State to measure human trafficking in the US and abroad and the efforts against it (HR 3244 2000). These reports and investigations help allocate resources and determine the efficacy of current efforts to prevent human trafficking in the US and abroad.

The third element of the Victims of Trafficking and Violence Protection Act of 2000 is prosecution. This third component defines human trafficking in larger umbrella terms for both labor trafficking and sex trafficking for the purposes of prosecution and investigation. By creating clear definitions that encompass a variety of predatory behaviors, the TVPA can be utilized to label human trafficking of any kind a specific crime with its own sentencing and penalties (HR 3244 2000). Prior to the TVPA human trafficking was not a specific charge that could be prosecuted in all fifty states. Additionally, the TVPA extended the responsibility of victims' reparations to the traffickers themselves rather than the government, forcing the traffickers to repay victims for their crimes. The TVPA prosecution section also strengthened the laws

concerning sentencing for human trafficking that existed at the time of ratification (HR 3244 2000). These three parts of the Victims of Trafficking and Violence Protection Act of 2000 combined to create the first meaningful federal policy to reduce human trafficking in the United States and care for victims after their cases are resolved.

The other major federal policy that must be explored in relation to human trafficking and the human trafficking issue in North Carolina is the temporary work visa system. The H2A and H2B visas in the H2 visa system are not for those looking to qualify for residency in the US, but rather temporary workers (Polaris 2018). The H2A category of visas allows employers to bring in seasonal agricultural workers and the H2B allows employers in other industries to bring in temporary workers. The problem with the system is that employment determines the legal status of the worker on the visa and therefore, the employer has a great deal of discretion over the legal status of temporary workers (Polaris 2018). H2A visas have been linked to labor trafficking in the United States, especially in the agricultural sector. The H2 visa system is also more lenient in terms of employment conditions that employers can set, making them more likely to be used by traffickers. The visa system does provide for cheaper labor for many employers and helps to achieve the enormous agricultural and economic output of the US agricultural system but has also been used for the purposes of exploitation and thus encourages human trafficking in favor of profits.

NC Human Trafficking Policy

North Carolina, despite being consistently ranked as one of the top ten states in prevalence of human trafficking does have several key pieces of legislation that contribute to the fight against human trafficking in the state. Most of these laws are related to prevention and sentencing of offenders but extend other benefits as well.

Senate Bill 1079, An Act Providing Protections for Victims of Human Trafficking, was ratified in 2007 by the NC General Assembly and covers several aspects of human trafficking. The first part of the bill functions like the TVPA in that it extends benefits and protections offered in NC to victims from other states. Therefore, if an individual from another state or country was trafficked in North Carolina, the benefits and protections available to NC victims will become available to them to aid in recovery and the pursuit of restitution. One of these key benefits is legal assistance for criminal and civil courts (SB 1079 2007). This bill also aids in the formation and financial support of non-profits dedicated to helping victims and survivors of human trafficking, domestic violence, and sexual abuse. SB 1079 also provides guidelines for law enforcement training regarding human trafficking (Polaris 2018). Although it does not require regular in-service training for law enforcement professionals, this bill does provide protocols for basic training for all officers in North Carolina.

Another central piece of legislation related to human trafficking in NC was passed in 2017 under the name, An Act to Provide Restorative Justice to Victims of Human Trafficking. The objective of this bill is to improve legal outcomes for victims of human trafficking. The bill extends a defense option for those who are forced into acts of trafficking by their traffickers, an occurrence in some human trafficking networks in which a victim is coerced to recruit others into the system by physical force or threats (Nicols 2016). Another part of the bill improves the restitution process for victims of human trafficking by expanding the services applicable beyond physical injuries and court fees, such as emotional damage. This provision also allows unclaimed restitutions funds from traffickers to be passed to the Crime Victims Compensation Fund if it is unclaimed for two years (SB 162 2017). The Crime Victims Compensation Fund can then be used by other victims of human trafficking who did not get their case prosecuted to aid in their recovery.

Most recently, the NC General Assembly passed a bill based on recommendations made from the NC Human Trafficking Commission, a group charged by the NC court system with studying human trafficking in the state and leading efforts to end it. HB 198 both steepens penalties for actions associated with trafficking in persons and extends protections for victims. This bill creates criminal penalties for acquiring and transporting people for the purposes of human trafficking (HB 198 2019, NC Statute § 14-43.11). Because human trafficking typically operates in networks traffickers must procure and transport victims which contributes to the crime. However, prior to HB 198, there were no specific penalties for such acts. Additionally, HB 198 allows for victims to seek civil restitution for damages incurred from their traffickers and creates avenues for them to apply for expungement of some nonviolent convictions that were committed as a result of their trafficking.

Methodology of the Study

This paper attempts to understand the public opinion of policies related to human trafficking that have been recommended from expert organizations such as Shared Hope International, the Justice Department, and the North Carolina Human Trafficking Commission. Therefore, this research was conducted in two parts: the literature review and an availability cluster survey conducted virtually. First, the literature review will discuss relevant information related to labor trafficking and sex trafficking in the United States, and, then North Carolina, more specifically. It is crucial for the understanding of the policies proposed, and the public opinion regarding them, to discuss some important elements of labor trafficking and sex trafficking. After the literature review and carefully reading the current policy recommendations from the expert groups identified, a survey with six fixed-ended questions was created using google forms. These questions asked if respondents would support a particular piece of legislation recommended by expert groups using a yes or no format. Respondents were then given an

opportunity to explain their choices. The survey included an introductory statement and acknowledgements of consent and responsibility for respondents. The survey was then disseminated through a link posted to Facebook with a request for North Carolina residents to respond and it was posted to three Next-door communities surrounding East Carolina University. No additional information was given to respondents regarding the policies proposed and their effects because the survey was intended to measure blind reactions to legislative bill titles, given the assumed lack of civic and topic literacy of the respondents.

The results of the survey will be discussed later in tandem with the implications after the literature review. However, it is important to consider the potential flaws in this study. First and foremost, the number of respondents was low, causing potential issues in the representation of the entire state of North Carolina. Only 47 qualified respondents replied to the survey and many of them were from the area surrounding Greenville, NC. This lack of diversity in location and low response rate could indicate that the survey does not reveal the extent of the range of opinions of the citizens of North Carolina. Another issue related to this survey is the mode of dissemination itself. No means of dissemination is flawless, but the one used for the purposes of this study requires access to internet and social media, something not all residents of North Carolina have access to, especially those most at risk for human trafficking. Despite these shortcomings, this study does indicate some general opinions that may be used for further research and drawing some conclusions about the public opinion regarding policies related to human trafficking in North Carolina and on the federal level.

Literature Review of Labor Trafficking

Labor trafficking is often overlooked in discussions of human trafficking; however, labor trafficking deeply affects areas of the country that rely heavily on the agriculture and service industries (Polaris 2018). Due to North Carolina's status as an agricultural state, labor trafficking

is of concern to anti-human trafficking groups in the state as it may be an under-recognized, integral part of the economy. Again, labor trafficking is classified under the Trafficking Victims Protection Act of 2000 (TVPA) as, “The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of force, fraud, or coercion” (HR 3244 2000). Because of the expansive nature of this definition, there are debates over the prevalence of labor trafficking. However, despite the debate over prevalence, there are common risk factors and impacts of labor trafficking that can be affected by policy changes on the national and state level. This section will review the literature on labor trafficking to gain a better understanding of the issue for the purposes of policy recommendations. However, it is worth noting that there is less material available on the general background of labor trafficking as compared to sex trafficking.

Labor trafficking is generally less studied than sex trafficking, therefore, the national prevalence of the issue is less clear than sex trafficking. The International Labor Organization released a report placing the approximate number of people globally that are labor trafficked at about 10 million (Zhang, et al. 2019). Estimates for the United States are even more scarce, but at least 20% of farm laborers reported conditions that are indicative of potential trafficking in the state of North Carolina (Zhang, et al., 2019). Another reason to expect some occurrence of labor trafficking in the United States, especially in the South, is the labor-intensive crops that are naturally grown in the area. Many types of tobacco, for example, must be picked by hand. Additionally, most of the companies and agricultural operations that use exploited labor or engage in labor trafficking are hidden from public view by distance or fences. Migrant worker camps tend to be in rural areas at least .15 miles away from a road, meaning those driving past would have difficulty spotting them (Summers et al 2015). Most of these use camps have poorly maintained buildings that lack amenities and may even be locked at night to prevent escape. The

lack of free movement of the workers constitutes labor trafficking and causes those victimized to be unable to report the incident to the police (Summers et al 2015).

What is more well-known are the risk factors for labor trafficking and exploitation. Zhang et al. (2019) list language barriers as one of the most common risk factors for labor exploitation and trafficking. The lack of ability to communicate becomes an issue when a farm laborer from a foreign country is presented with a contract that is misrepresented to them or that they cannot understand. An employer may include clauses that entrap unwitting victims into harsher conditions, less pay, or a debt system because the victims cannot understand the contract they sign. This is commonly done with an accomplice who purposefully mistranslates the materials and transports the migrant worker, known as a *pollero* (Palacios 2017). Another risk factor for labor exploitation is the lack of legal documentation or documentation tied to employment. The H2 visa system ties the legal status of a foreign national to their employer, presenting a risk that employers may be able to threaten workers with deportation to gain compliance. Additionally, employers are more likely to force those with H2A or undocumented status into conditions classified as labor trafficking. Undocumented workers are 10% more likely to experience conditions that qualify as labor trafficking than those with documentation (Zhang, et al., 2019). Many whose documentation is seized by their employer fear deportation and will not go to the police; therefore, their traffickers can act with impunity.

The study conducted by Zhang et al. in 2019, and the one by Summers et al in 2015, took place in North Carolina, therefore little information concerning the specifics of labor trafficking in North Carolina must be added. However, the effects of labor trafficking are more universal. Labor trafficking creates cycles of debt for its victims and threatens their safety. *Polleros* and the employer who holds the H2A or H2B visa that migrant workers or often employed under often collaborate to create a debt bondage. Debt bondage is a form of control used by traffickers in

which the employee is charged more than they make, leading to the creation of debt, rather than earnings. This debt can then be used to leverage more labor at lower costs from these trafficked individuals and cause them to engage in trafficking family or friends (Palacios et. al 2017). Labor trafficking also can pose threats to the safety of victims. The lack of regulations and adherence to safety guidelines by traffickers can result in unsafe working conditions, harming at-risk victims. Several victims, who have testified in prosecuted cases, reported heat exhaustion due to their inability to take regular breaks to rehydrate and rest. Others have reported feeling ill from the improper use of pesticides used in the areas in which they worked. Furthermore, some victims report being directly threatened by armed guards, or even hit by those guards for inadequate work (Palacios et. al 2017). Obviously, such actions by traffickers pose threats to the well-being of victims of labor trafficking. Therefore, the effects of labor trafficking can be financially, emotionally, and physically harmful to the victims beyond what is typically conceived of by the general public.

Literature Review of Sex Trafficking

Sex trafficking is often the first image conjured when human trafficking is discussed by the public. However, the conception of sex trafficking is often inaccurate as it is portrayed by films and media. Media depictions of human trafficking usually involve kidnaping and physical restraints, which is not the reality for many victims of human trafficking. In reality, only 7% of victims of human trafficking are kidnaped and brutalized into sex trafficking (Nicols 2016). The TVPA defines sex trafficking as, “The recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act, in which the commercial sex act is induced by force, fraud, or coercion” (HR 3244 2000). The TVPA also notes that for cases involving minors, proof of force, fraud, or coercion is not necessary for charges of human trafficking. The focus of this paper will remain on adult victims for the sake of

simplicity. Due to the broad nature of the definition provided by the TVPA, a discussion of the relevant literature is needed to examine how sex trafficking occurs, its risks, and current policies whose goal is to mitigate those subjects.

Most sex trafficking is facilitated by a third party, colloquially known as a “pimp”. Additionally, most traffickers (pimps) manipulate their victims into sex trafficking rather than using brute force. These are known as “boyfriend” pimps. A boyfriend pimp showers his victims with love and affection, or he makes romantic promises to convince her to sell sex. He then slowly takes control of her finances and activities until she is completely dependent on him while the violence and abuse against her escalates. About one third of reported trafficking cases involved a trafficker who followed this pattern. That contrasts with the aforementioned 7% of reported cases that involve a violent kidnapping (Nicols 2016). Sex trafficking is insidious because it tends to look more like intimate partner violence from the outside, making it difficult to identify and investigate without the necessary training.

Estimates of the prevalence of sex trafficking are nearly as elusive as those of labor trafficking. In 2016, the US Department of State estimated that about 50,000 people in the United States are currently being trafficked for sex. To construct this estimate, they utilized data from prosecutors, police, records, and victim services providers (Nicols 2016). However, this estimate is only an approximation. Data suggests that often victims of sex trafficking are more scared by law enforcement than their traffickers due to the fear of arrest and incarceration (Nawyn et. al 2013). Victims may feel that although their situation with their trafficker is not ideal, they know what to expect and may have access to resources that they are not sure they will find in a detention facility. Human service providers, who see the most victims, estimate the incidence of sex trafficking in the United States to be closer to 100,000 individuals who are currently trafficked (Nicols 2016). Regardless of which estimate is correct, neither can be completely

accurate because sex trafficking is part of the underground economy and, as was discussed above, victims rarely contact police.

Risk factors for sex trafficking are largely dependent on the status of an individual as a member of a marginalized community. Race, lack of education, or disability can increase the risk of being trafficked. Additionally, a lack of a stable, supportive environment can lead to increased risk. Although black Americans make up about 13% of the United States population, black women and girls constitute about 40% of identified trafficking victims (US Department of Health and Human Services 2009). Women and girls of color may be more likely to be trafficked because they may be at higher risk for poverty and homelessness than other female citizens. Additionally, the police response to victims of color is more likely to be aggressive and prosecutorial in nature as opposed to trauma focused (Nicols 2016). As a result of these systematic biases, traffickers may target victims of color due to their vulnerabilities and the decreased risk of severe prosecution, which could account for their disproportionate representation in trafficking victims. Additionally, a lack of education or a mental disability may contribute to an increased risk of being trafficked. Women without an education or who have a disability that decreases their intellectual capacity are more at risk because traffickers find it easier to groom and deceive them. Traffickers and pimps target individuals who are more vulnerable because they do not have to expend as much energy in attempting to control them (US Department of Health and Human Services 2009). Furthermore, women who did not grow up in a supporting and stable environment are more likely to be trafficked. These children who grow up to be women can become confused about intimacy and love due to their experienced abuse and neglect and therefore are more vulnerable to pimps, especially those posing as love interests or protectors. These women may think intimate partner violence is normal due to observing it in their home growing up or in their family of origin. As a result, they may think the abuse they face

in trafficking is actually the norm (Nicols 2016). Although these vulnerabilities do contribute to the picture of sex trafficking in the United States, it is important to remember that anyone can be trafficked and that those who are trafficked are not culpable for their abuse.

The effects of sex trafficking on victims are also devastating and are the basis of some of the policies recommended by experts on the topic. Financial consequences can include cycles of debt and inability to gain employment. One of the methods of control that traffickers institute is a financial quota of money earned per night. This quota also serves a method to keep women under control. Women may be deprived of necessities, or they may owe the balance they did not earn to their trafficker, creating a debt bondage system (Nicols 2016). The debt bondage system enforced by traffickers ensures that victims are unable to leave and remain in financial distress, and thus dependent on them. Victimization in sex trafficking can also lead to a victim becoming less likely to be employed outside of sex work because traffickers often seize documentation such as drivers' licenses, passports, social security cards, and so on. Given that most employers require some type of documentation to receive payment or gain transportation, victims whose identifying documents have been seized have little hope of employment outside of their trafficker (Polaris 2018). It is evident then, that sex trafficking is inherently designed to enslave its victims and destroy financial stability which can have lifelong effects on the victims, causing them to be more likely to return to their trafficker.

The physical effects of sex trafficking are also devastating and can result in lifelong complications making aftercare frameworks crucial to anti-trafficking efforts. This is evident in the number of sex trafficking victims that make contact with the health care system while they are being trafficked. It is estimated that 87% of sex trafficking victims will seek some type of medical care for issues that are related to their trafficking situation (Rapoza 2022). Some of the issues associated with sex trafficking include sexually transmitted infections that may go untreated.

Victims of sex trafficking may not have access to barrier protection or medication to prevent sexually transmitted infections, putting them at higher risk for such health issues. Some may fear carrying barrier protection because it could be seized by law enforcement as evidence of illegal prostitution (Nicols 2016). Additionally, victims of sex trafficking may also face physical abuse or intimate partner violence as a method of control and intimidation. Traffickers use these threats or actual physical violence to prevent their victims from leaving or becoming independent. However, this physical violence is often followed by apparent remorse and attempts to reconcile, following the pattern of intimate partner violence because traffickers frequently pose as partners. This cycle of violence not only physically damages victims but creates trauma-bonds that can make it difficult for them to leave their trafficker (Polaris 2018). Therefore, the physical effects of trafficking can create other mental health issues for victims that are long-lasting and multi-faceted.

Perhaps even more devastating than the physical effects are the mental effects of sex trafficking on victims. Mental health disorders related to the trauma of being trafficked are extremely prevalent amongst victims of trafficking. About 67% of women trafficked reported symptoms of depression and 44% reported symptoms of post-traumatic stress disorder. These disorders may affect the ability of those suffering with them to leave their trafficking situation safely or successfully reintegrate into society. It is possible to link these disorders causally to trafficking experiences given that only 7% of those surveyed were diagnosed with a mental health condition prior to their victimization (Altun et. al 2021). It is worth noting that despite the prevalence of mental illness amongst those trafficked, the real rates of these disorders are likely higher because many victims do not self-identify as such and subsequently, do not seek help for their issues (Polaris 2018). Such need for care and assistance must be considered when policies are implemented to help victims of sex trafficking.

Policy Recommendations

Human trafficking policy, as it stands now is not adequate as has been proven by the review of literature and current legislation. However, because human trafficking characteristics and responses vary by location, federal policy alone is insufficient to address the needs of victims in each state. Therefore, policy changes in North Carolina must also be implemented to provide better prevention, treatment, and aftercare measures for victims. Federal policy is preferable for the prevention of labor trafficking due to the ability of the US federal government to interact with other countries and regulate state commerce, but policies relating to aftercare for victims are better implemented on the state level, which will be better attuned to community resources and needs. This section will discuss the policy recommendations from expert groups at both the federal and state levels and their possible impacts on the fight against human trafficking.

On the federal level, policies can best be applied to labor trafficking due to the federal government's responsibility to regulate labor as well as migration from other countries and within states. The statewide advocacy group, North Carolina Stop Human Trafficking, in conjunction with Polaris National Trafficking Hotline, has recommended that the federal government revise the H2 visa system to prevent labor exploitation and trafficking. As discussed previously, the H2 visa system allows for employers to bring seasonal agricultural laborers into the United States on a work time-limited visa. However, employment for these seasonal workers is directly tied to the discretion of the employer, therefore the legal status of those employed under the H2 visas is vulnerable. Polaris has proposed establishing a separate government database in the U.S. Department of Labor to hold employers accountable for the conditions under which they employ their workers and through which victims of labor trafficking can report abuses (Polaris 2018). The creation of such a database and reporting system reduces the ability of predatory employers to exploit their workers thereby preventing trafficking before it can occur. Another recommendation

from Polaris that is supported by the NC Human Trafficking Commission is the introduction of a minimum wage and paid breaks for agricultural workers. States may or may not dictate a specific minimum wage for agricultural workers depending on their laws. North Carolina, for example, does not mandate a minimum wage for its agricultural workers. Furthermore, agricultural workers are often recruited to work in the southern United States in hot climates under the sun, making them vulnerable to dangerous conditions such as heat exhaustion or heat stroke (Summers et. al 2015). Few regulations for rest breaks exist at the federal level, with an exception for temperatures above 103 degrees Fahrenheit, because that is the point at which heat stroke is likely. Partially because of the weather conditions under which agricultural labor occurs, it is one of the most dangerous industries in the US, making its workers vulnerable to exploitation and inhumane conditions (Smolski 2019). Required breaks under the difficult conditions under which many agricultural laborers operate would help to reduce the unbearable conditions that constitute trafficking. Therefore, by ensuring a minimum wage and breaks, exploitative conditions can be reduced, and trafficking is less likely.

In terms of sex trafficking, federal legislation is important, but it is generally easier to pass state-level legislation. Therefore, many anti-human trafficking advocacy groups have chosen to place their advocacy focus on state-level policies regarding sex trafficking. State policy can also be more sensitive to the specific types of trafficking in the state and the needs of victims and survivors of human trafficking. A national leader in anti-sex trafficking efforts, Shared Hope International and the NC Human Trafficking Commission have recommended that the state of North Carolina should extend the statute of limitations for civil cases involving human trafficking and, in some instances, the criminal statute of limitations. The current statute of limitations for civil suits concerning personal injury, the suit typically filed by human trafficking survivors, is three years (NC Statute § 1-52). Depending on how the trafficking case is charged, there may or

may not be a statute of limitations. For example, the charge of buying sex, even from an exploited person, has a shorter statute of limitations, whereas a felony charge of human trafficking does not have a statute of limitations, although both charges contribute to the victimization process.

However, individuals who experience human trafficking, as discussed previously, may not identify as victims of human trafficking for years due to the trauma-bonds they form and fear of law enforcement (Nicols 2016). Therefore, efforts to prosecute criminals under human trafficking charges may be hindered and require longer statutes of limitations for past offenses or offenses that are currently not able to be charged. Furthermore, survivors of human trafficking often face financial difficulties after rescue and may not be able to afford the legal assistance necessary for criminal or civil cases (Shared Hope International 2021). Extending the statute of limitations for offenses related to human trafficking, regardless of perpetrator involvement, will assist in gaining justice for victims. If the state of North Carolina increases the civil statute of limitations on human trafficking cases, more survivors will be able to participate in the process and receive restitution and justice.

Another recommendation supported by both Shared Hope International and the NC Human Trafficking Commission, aims to reduce demand for sex trafficking by criminalizing the buyers of sex trafficking more severely. Buying sexual services in North Carolina, even from an exploited person, is a misdemeanor and therefore may incur a fine and less than a year in jail (NC Statute § 14-205). Additionally, most buyers of sex trafficking victims go unreported due to the fear of law enforcement by the victims, so most do not face prosecution (Polaris 2018). As such buying sex from a trafficked woman is a low-risk activity for most offenders and will continue unless it is made riskier to the participants. To reduce demand, the charge of participating in sex trafficking, as a buyer, should be increased in severity from a misdemeanor to a felony to ensure all participants in this abusive system can be prosecuted no matter the date of the original crime.

In tandem with this measure, the NC Human Trafficking Commission and Shared Hope International have advocated for an affirmative defense for crimes committed by victims of human trafficking as a result of their abuse. These organizations argue that the crimes committed by victims of human trafficking are committed under duress including threats of personal harm, and therefore, the victim did not willingly participate in a crime. These crimes can include petty theft and the recruitment of others for sex, both of which have been reported by survivors as being critical to their survival and preventing harm to them or their families by their abusers. An affirmative defense would provide an opportunity for a victim to demonstrate petty crimes they committed were not of their own volition (Shared Hope International 2021, NC Human Trafficking Commission 2019). Recommendations targeting buyers and helping victims can decrease trafficking by reducing demand and preventing victims from being prosecuted for their own abuse.

The third major policy recommendation for North Carolina from Shared Hope International is for the General Assembly to mandate ongoing and trafficking-specific training on victim-centered investigations for law enforcement and state prosecutors (Shared Hope International 2021). All law enforcement professionals in the state of North Carolina have two hours of human trafficking training in their Basic Law Enforcement Training curriculum, but it is not mandatory that officers refresh their training on human trafficking yearly (North Carolina Department of Justice 2019). Despite the lack of training they receive on the topic, healthcare and law enforcement professionals are the most likely to encounter victims of human trafficking. Furthermore, law enforcement investigations are rarely trauma-informed and generally are not focused on the victims themselves, but instead on a conviction (Shared Hope International 2021). Trauma-informed methods are crucial given that it is extremely difficult for victims of sex trafficking to come forward to law enforcement, especially because they have been groomed to

fear the law or may have been mistreated by the law before for incorrect prostitution charges while they were being trafficked (Nicols 2016). By increasing the amount of time devoted to trauma-informed investigations of human trafficking and requiring yearly refresher training, the state of North Carolina can ensure better outcomes for victims and the judicial system.

Public Opinion on Policy

Public opinion is essential in democratic processes including those of the political steps needed for policy formation. Politicians are elected as they reflect the values of those who vote for them and are re-elected as they continue to reflect those values. Therefore, a policy that gains great public support is likely to pass and become law. Due to the importance of public opinion in policy, the opinions of North Carolina citizens were surveyed in reference to the policy analyzed in this paper. Some of the more relevant questions asked and the resulting implications for the viability of such legislation to be supported will be discussed in this section. Respondents answered six questions with an opportunity to explain the answers. The questions could be answered with “yes,” “no” or “unsure/maybe.” The range of questions posed to respondents is available in Appendix A to view with the percentage of support each legislative proposition received.

All but one piece of legislation received a majority of support from those surveyed. The piece of legislation that was not supported was designed to increase the criminality of buying sex from potentially exploited persons while decriminalizing those who are selling sex. About 31.9% of respondents were in favor of this policy, 58.8% were against, and 8.5% were unsure (Appendix A). The policy is intended to prevent victims of human trafficking from being prosecuted for their own abuse. However, it is possible that this policy confused respondents who do not understand decriminalization, as opposed to legalization, or they may not have understood why such measures would be helpful, explaining the high response rate of “unsure.” Several respondents

who answered “no” cited religious or moral objections to reducing punishments for prostitution charges. On the other hand, the policy that gained nearly full support (94.5%) proposed increasing awareness and training in schools and community centers to prevent human trafficking from occurring in the first place (Appendix A). It is not surprising that increased awareness and education would be widely supported because those terms generally have pleasant connotations and do not require much effort from those who support it. It is perceived to be an uncontroversial, easy method to reduce human trafficking in North Carolina, therefore it was widely popular. The general theme did appear to be that legislation proposing terms such as “education” or “training” received the most support, likely due to their positive connotations, whereas the legislation that more directly addresses controversial issues or obscure topics received less support. This indicates that education of the public on human trafficking is essential to passing meaningful legislation.

Conclusion

Human trafficking is a scourge in the United States that must be addressed through policies dedicated to the prevention of human trafficking, the support of survivors, and prosecution. Policy can fuel changes in how human trafficking is addressed and solved on the federal level and on the state level. The implications of the research presented in this paper will be discussed in this section. However, more research is needed to address certain aspects of the issue and the recommendations for further research in this subject will also be presented in this section.

The flaws in the research conducted in this paper does not negate the fact that many Americans and citizens of North Carolina do not appear to be concerned with human trafficking as a domestic issue or understand that it is more multifaceted than the media portrays. The research indicates that many North Carolinians feel that some of the measures proposed by experts are unnecessary or irrelevant, indicating that they scope of human trafficking in the US may not be common knowledge. For example, the H2 visas system is not widely understood to be

important to the issue of human trafficking to the general public unfamiliar with the issue's nuances. Therefore, the public opinion of policy related to human trafficking would benefit from more in-depth societal awareness and education of the complexity of trafficking in this country.

There is also a desperate need for more research in this field due to the hidden nature of human trafficking and its ability to hide from the law. Estimates of prevalence must be ameliorated in order to improve the response to human trafficking and properly allocate resources to the appropriate areas. The challenges of estimating how common human trafficking is in the US ensure that the true number of cases will never be known, but better estimates will improve the efforts against it. Male victims of human trafficking, and sex trafficking in particular, also need more attention in research. The stereotypical image of human trafficking is sex trafficking involving young women, and while women constitute about 94.5% of trafficking victims, male victims do exist and face unique challenges. For example, male victims of sex trafficking are more likely to be victimized at younger ages and are less likely to find victims' shelters that will accept them (Nicols 2016). Another topic of research to help in the efforts against human trafficking is determining national opinion of the recommended policies. National policies are recommended for efforts against labor trafficking, but national opinion must be clearly measured to estimate and improve support for these policies. The democratic nature of the United States is conducive to these changes if the majority of the population will support them.

Although it is often overlooked, human trafficking is an issue that plagues the United States and North Carolina in particular. North Carolina ranks very highly in terms of the prevalence of human trafficking, especially because its agricultural sector which exploits migrant workers. The existence of any human trafficking in the United States presents an issue, however, the ubiquity of human trafficking in the United States and the inadequacy of current policies demand changes.

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Appendix A

Question	Percent in Favor	Percent Against	Percent Unsure
Would you support a bill to mandate a minimum wage and breaks for agricultural workers?	88.3%	10.6%	0%
Would you support a federal bill to modify H2A and H2B visas to increase the regulations of employers of migrant workers?	88.2%	6.4%	4.3%
Would you support extending the statute of limitations for crimes related to human trafficking and for civil suits?	88.2%	6.4%	4.3%
Would you support decriminalizing the selling of sex and criminalize the buying of sex in North Carolina?	31.9%	58.8%	8.5%
Would you support a state statutory mandate to create ongoing training programs for law enforcement and state prosecutors to address both labor trafficking and sex trafficking?	86.1%	6.4%	6.4%
Would you support increased trafficking awareness and education campaigns for the public through libraries, community, centers, and schools?	94.5%	4.3%	0%