English for Speakers of Other Languages (ESOL)

HANDBOOK ON

HUMAN

TRAFFICKING

Collaborating to END Modern-Day Slavery

2007 ESOL Edition
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There was a raid of brothels in rural south Florida where Mexican girls, some as young as 13, were forced to have sex with dozens of men a day. The evidence of beatings, drug addiction, and forced abortions prompted one federal judge to call this trafficking case ‘one of the most base, most vile, most despicable, most reprehensible crimes’ he had ever encountered.

“Of Human Bondage”
Kate O’Beirne
National Review

This handbook is designed for teachers, administrators and students who are involved in English for Speakers of Other Languages (ESOL) programs. It is important for ESOL teachers and students to know what to do and where to get help if they know or suspect human trafficking. This handbook provides you with basic information on human trafficking and how to identify and assist a person who is trafficked. This handbook will also be useful to help teachers to identify traffickers in their classes.

ESOL teachers play a special role in their students’ lives as they help them adjust to the US and learn English. They often become familiar with students’ lives and struggles and they help students to connect with needed community resources. Trafficking, like other issues facing immigrants, is one where everyone in the community can and should work together to help those impacted by this horrible crime.

Resource information including anti-trafficking programs in Florida is listed at the end of this Handbook.
This handbook is designed for ESOL teachers and students. It provides basic information on human trafficking and how to identify and assist a person who is trafficked. ESOL programs and their participants will come in contact with victims of trafficking and it is important for them to have key information on what to do and where to get help.

Resource information, including programs in Florida, is listed at the end of this handbook.

What is Human Trafficking?

**General definition:** Trafficking is the recruitment, harboring, transporting, providing or obtaining, by any means, any person for labor or services involving forced labor, slavery or servitude in any industry, such as forced or coerced participation in agriculture, prostitution, manufacturing, or other industries or in domestic service or marriage.\(^1\)

**The Trafficking Victims Protection Act of 2000** is a federal law that defines human trafficking, or a “severe form of trafficking in persons,” as:

- Sex trafficking in which a commercial sex act is induced by force, fraud or coercion or in which the person induced to perform such act is under 18; or
- 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 subjecting that person to involuntary servitude, peonage (where someone is held against their will to pay off a debt), debt bondage, or slavery.

\(^1\) Definition used by the Freedom Network, based on the federal criminal law definition of trafficking.
Who is trafficked?

Men, women and children are trafficked, although most agree that women and children are more often victims of trafficking. Generally, traffickers prey on those most vulnerable: people who are very poor, who have disabilities, the very young or old, people who have low literacy skills and educational levels, or people who cannot speak English.

- Annually, an estimated 600,000 to 800,000 victims of trafficking are bought, sold, tricked, kidnapped and trafficked across the globe. The US government has estimated that 14,500 to 17,500 people are trafficked annually into this country.

- Within the US, traffickers also target people who are vulnerable because they are homeless, are juvenile runaways or have substance abuse problems.

- People from other countries, as well as from the US, can be trafficked.

- People can be trafficked within the US as well as into and out of the country.

ESOL teachers across Florida have also reported that they have had students who were trafficked and students who thought they knew someone who might be a victim of trafficking. Traffickers also have been known to attend ESOL classes posing as students but instead recruiting victims into their criminal enterprises.

Who is likely to see or discover a victim of trafficking?

Trafficking is a clandestine operation. Traffickers guard and control their victims. Victims can be hidden from public eye or may be right in front of us working in places like restaurants, bars, hotels, factories and fields. Social service providers and law enforcement are often among the first professionals to encounter victims of trafficking.
Trafficking victims can be found in virtually any situation:

- The sex trade
- Domestic servitude
- Restaurants, bars, the food industry
- The drug trade
- Mail order or foreign bride schemes
- Begging
- Computers
- Construction
- Factories
- Migrant farm work
- Service industries such as nursing homes
- Cleaning services

**TRAFFICKING IS NOT VOLUNTARY**

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**important TIP**

**ACCESSING INTERPRETERS & OTHER SERVICES**

Know that asking for help from translators or others from a community where the traffickers have strong connections can put the victim at great risk. Therefore, it is important to build strong local alliances with ethnic community groups, as well as with interpretation services/translator banks so that those helping the victim can learn who to trust for assistance.
Trafficking Versus Smuggling

**SMUGGLING** generally is voluntary: a person agrees to be transported, usually across a border. The relationship between the smuggler and the person being smuggled usually ends when the border is crossed. Smuggling fees are paid up front or perhaps upon arrival. **TRAFFICKING**, on the other hand, is not voluntary: trafficked persons are lied to, tricked and may be forced into crossing a border. The relationship between the transporter and the victim continues well after they reach the destination. The trafficker holds the victims’ documents, threatens them or their family if they do not obey the trafficker and often physically harms them. Traffickers impose large debts on victims of trafficking for “transportation” and force victims to work off these debts. Smuggling can turn into trafficking when the smuggler uses threats of harm or coercion against the person smuggled or “sells” the person and transport debt to a trafficker.

**CERTIFICATION: What is it? Why is it important?**

“Certification” describes a process used by the Department of Health and Human Services (HHS) to say that a person is officially a “victim of a severe form of trafficking” under US law. When a person is “certified” by HHS, they are entitled to a wide range of benefits and help. This can be a complicated process, and is best handled by an experienced immigration attorney. Non-attorney advocates can also help victims to understand their rights and can work with others who are helping the victim, such as the victim’s attorney and law enforcement. For information about who can help with certification, see the Resources section at the end of this handbook.

The HHS certification letter opens the door to a wide range of benefits and help.
BENEFITS Available to Victims of Trafficking

Benefits are available to both certified and non-certified victims.

Non-certified or pre-certified victims may receive:

Legal assistance. This is available to immigrant and refugee populations in Florida through several agencies.

A range of services from emergency shelter to case management and health screening. These services are available through programs funded by a special grant from the Department of Justice, Office for Victims of Crime. The South Florida-based Florida Freedom Partnership is one of these programs.

Program services necessary for safety and life. An example of this kind of program is an emergency domestic violence shelter; assistance like this is available to crime victims regardless of immigration status or certification.

Food, shelter, crisis counseling and other services. These services are available on a case-by-case basis under federal crime victim programs, like those offered by the FBI and local United States Attorneys’ offices. “Victim Specialists” within these federal offices can help with these and other needs.

Florida Crime Victim Compensation. Compensation for victims of certain crimes in Florida is available regardless of the victim’s immigration status.

In addition to the previous listed benefits, certified victims are eligible for:

Food stamps, cash assistance, medical care, and other services. Under the TVPA, certified victims of severe forms of trafficking who are not US citizens can receive certain welfare benefits (TANF, Medicaid, Social Security Income, Refugee Cash and Medical Assistance, Refugee Social Services, Match Grant, Health Screening and Food Stamps) as well as assistance from the many refugee service providers located throughout Florida just as if they were refugees. These programs provide a wide range of services: job skills training and placement, English as a Second Language classes, life skills, counseling, housing and transportation assistance.

“Fear and Knowing in Immokalee,”
Candace Rondeaux.
St. Petersburg Times,

The four men told an almost unbelievable story of abuse. They picked buckets of fruit from sunup to sundown. A seven-day week in the citrus groves might bring in $15. Hired hands on tractors drove up and down the rows of orange trees, watching their every move.

Escape, they were told, would bring a beating or a bullet.

Important Tip

Anyone who is not a US citizen is at risk of deportation.
Immigration Relief – This is a complex area of federal law and it is very important for you to consult with an immigration lawyer so s/he can determine which, if any, of these benefits could apply. Available immigration relief may include:

- **Continued Presence** – may be granted when law enforcement asks potential witnesses to remain in the US.

- **T Visa** – may be available to a “victim of a severe form of trafficking” who, among other things, complies with reasonable requests of law enforcement for help in the investigation and prosecution of the trafficker.

- **U Visa** – may be available to victims of certain, serious and violent crimes.

- **Employment Authorization** – may be obtained for persons who receive a T or U Visa or continued presence.

- **Other remedies** – include asylum, Special Immigrant Juvenile Status, S Visa and Violence Against Women Act (VAWA), may also be available.

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**Important for local law enforcement certification, Continued Presence & T Visa**

Under the Trafficking Victims Protection Reauthorization Act of 2003, the Departments of Homeland Security (DHS) and Health and Human Services (HHS) shall also consider statements from state and local law enforcement that the victim “has been willing to assist in every reasonable way with respect to the investigation and prosecution of State and local crimes such as kidnapping, rape, slavery, or other forced labor offences, where severe forms of trafficking appear to have been involved.”
Other federal and state civil legal remedies that may be available to trafficking victims include:

- Alien Tort Claims Act
- Torture Victims Protection Act
- Fair Labor Standards Act
- State Labor Laws
- State Contractual Remedies
- Tort Claims
- Coercion of Prostitution
- Equitable Claims/Remedies

Federal Responses:

- Trafficking Victims Protection Act of 2000
- Trafficking Victims Protection Reauthorization Act of 2003

These laws made major changes in the criminal penalties, benefits, immigration relief, and the US responses to trafficking worldwide, including:

- Federal felony criminal offenses that may apply to trafficking include slavery and peonage, sex trafficking in children and adults, and the unlawful confiscation of a victim’s documents.

- Federal government coordination among the Departments of State, Labor, Health and Human Services, and Justice.

- Annual “Trafficking in Persons Report” where US ranks nations within three tiers and can impose sanctions (withhold aid) to lowest ranked countries for failure to make significant effort to address trafficking.

Other Trafficking Laws

In addition to the TVPA, there are other laws that may apply in trafficking cases:

- These include federal laws against human smuggling, kidnapping, transportation for prostitution or any criminal sexual activity, importation of aliens for unlawful activities, including prostitution, organized crime and racketeering, fraud and false statements, money laundering and visa fraud.

- In addition, Florida has criminal laws against trafficking, sexual battery, kidnapping, battering, organized crime and racketeering, procuring prostitution, fraud and other crimes that are committed by traffickers. Restitution to victims of such crimes may be available.
Why is understanding and teaching about human trafficking important in ESOL?

- Due to limited English proficiency, students may be vulnerable;
- Teachers and their students can learn how to help others who may be trafficked or be vulnerable;
- Many students feel that their ESOL class is a safe environment and may be able to reach out to teachers and other students for help;
- Teachers are links to service providers for their students;
- Teachers can help if they suspect a student is a victim;
- Teachers can learn to recognize traffickers and know how to alert authorities;
- Students can help themselves and others to know what human trafficking is;
- Students can learn how to get help safely and can learn their rights as employees; and
- Students can learn how to protect themselves and others from being tricked and recruited into a trafficking situation.
When Human Trafficking Comes to ESOL Class – Suggestions on What to Do

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<tr>
<th>How You Might Learn About Trafficking From Students</th>
<th>Some Suggested Responses</th>
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| A student tells you after class that she thinks her friend is a victim of human trafficking or a student tells you that a group of immigrants is working at a local restaurant, living in the back and are not allowed to leave the premises. | - If she or the workers are in immediate danger, suggest she call 911.  
- Give her the number of a local anti-trafficking organization that she can discuss the situation with them.  
- Give her the national number 888-373-7888 to call. This hotline offers help in other languages. |
| A student tells you that her friend adopted a child from her country but the child does not go to school and has to do all of the house work. | - If you suspect child abuse or neglect, call the DCF Hotline at 1-800-96ABUSE.  
- Give your student information about human trafficking so she can better understand if it is occurring.  
- Monitor the situation if possible, and suggest that the student contact the local anti-trafficking organization for advice and help. |
| After each class a man waits for a young girl in the parking lot. She cowers and acts afraid of him. | - If you see her in immediate danger, call 911.  
- The student has not approached you or asked for help. In class, you can talk generally about human trafficking and domestic violence (the Florida Domestic Violence Hotline is 800-500-1119 and domestic violence centers in the area) and give out resource information, letting students know they can talk to you in private.  
- Stay vigilant and observe if the situation changes. |
| A student says he is a victim of trafficking and he is afraid to leave the class. | - Contact your on-site supervisor and tell him/her of the situation.  
- Follow protocols on contacting law enforcement.  
- Contact the local anti-trafficking organization for help and advice.  
- Contact the local task force designee for advice and help. |
| You overhear a student offering other students jobs, or offering rides or other favors. | - This could be a kind person or could be a trafficker/recruiter. Stay vigilant and observe the situation.  
- Talk privately to people on your local anti-trafficking task force about any concerns or suspicions.  
- If you perceive immediate danger, call 911. |
| In class a student says: “Maybe it is trafficking, but they are better off here than in their home country.” | - Explain that human trafficking is against the laws in the US, period. The state of the home country perhaps is why they have come to Florida but is irrelevant to illegal acts done here. |

You can call the FSU Center for the Advancement of Human Rights for technical assistance or if you need to discuss situations like these at 850/644-4550.
THE ROLE OF LAW ENFORCEMENT

- Law enforcement is central in human trafficking cases. Officers can protect victims and respond to 911 calls, investigate human trafficking crimes, and are designated under federal law to decide whether a person can receive certain social service benefits as a trafficking victim. (Federal law says that in order to get certain social services, a person who is trafficked has to agree to cooperate with law enforcement in the investigation and prosecution of the trafficking crime.)

- Human trafficking is a crime under federal law and Florida law. The FBI and other federal agencies can enforce the federal law and local police and sheriffs departments can enforce state law.

- All levels of law enforcement need to understand human trafficking, and training regularly is taking place to help them as well as many others in the justice system know how to investigate and handle human trafficking cases. Remember, however, that this is a new area, that training is a gradual process, and that many professionals, including law enforcement may not yet know about human trafficking laws.

“Eight years ago, Marie and Willie Pompee plucked a 9-year-old Haitian girl out of poverty and brought her to live in their new, $400,000 home nestled in a gated Broward County community. But this was no altruistic adoption. The girl was forced to sleep on the floor and clean the entire house when she wasn’t in school, and was repeatedly raped by the couple’s son, investigators said. She was definitely treated in a slave like manner,” said Pembroke Pines Police Capt. Keith Palant. Last week, Marie Pompee, once a wealthy South Florida business owner, was indicted by a federal grand jury. The charge: slavery. It was the latest in a string of human trafficking cases in Florida, a growing problem that has drawn the attention of police, domestic violence workers and lawmakers.”

St. Petersburg Times, March 29, 2004
Talking about Trafficking with Your Students

Teachers may talk about human trafficking both as part of regular classroom lessons and one-on-one. In the classroom, human trafficking instruction will help students understand the nature and scope of human trafficking, inform them who the victims and traffickers are, help them to learn about the anti-trafficking laws, and empower students to educate their communities so that they do not become victims of this tragic reality. Human trafficking can be integrated in ESOL in the following units:

- Work
- Health and Emergencies
- Safety
- Multiculturalism
- Civics


Important TIPS

Before you begin talking one-on-one with a student, consider asking: “What do you need from me?”

SAFETY PLANNING & TRAFFICKING

- Human trafficking poses significant risks to victims. Confidentiality is crucial to a victim’s safety.
- Trafficked persons face danger from organized crime – a threat that can be greater than that posed by one person.
- The levels of danger depend on a host of factors including how much a victim’s testimony can harm the traffickers and how violent and extensive a trafficking organization may be.
- Victims face additional risks on account of their increased isolation: they may be from a foreign nation, unable to speak English, distrustful of police and unfamiliar with ways to seek help and safety.
Talking About Human Trafficking: Things to Remember

Since it is very likely that both students and teachers will know, or suspect, that someone in their classes or community may be trafficked, it is important that they know how to recognize human trafficking and what to do to help. ESOL teachers are usually aware of students’ lives outside of the classroom – and often can help with advice or referrals.

When speaking to a student or the class about human trafficking, there are some important points to remember:

- You are the link to resources and not the resource itself. Human trafficking cases are complex as well as dangerous. Although you may want to do everything possible to help a student, you should not counsel or give legal advice to a student, or try to protect their safety. Instead teachers should help the student to contact anti-trafficking advocates for counseling and support, attorneys for legal advice and law enforcement for protection.

- Every case is different: people are trafficked into a wide variety of situations, from criminal enterprises like prostitution to agricultural work. Don’t assume you have ever “seen it all” or know exactly what to do even if you have seen, learned or read about human trafficking before.

- Students may share very personal information with you about their lives and sometimes ask you to help them, make calls for them or intervene for them. Remember, you need to empower students to get the help they need. Guiding them to resources, by giving them the right numbers to call, for example, is the best path to take.

- Do not make promises about outcomes in human trafficking cases or create unrealistic expectations. For instance, do NOT say things like: “If you call this hotline, they will investigate and help you,” or “That is definitely human trafficking – your friend will be able to get a T Visa if they call the police.” There are many factors that go into law enforcement’s actions and getting help. Better to let them know that there are people who can help them and that those referrals will give them a clearer sense of what may happen.
Is it Trafficking?

It can be very difficult to determine if a case is definitely human trafficking. This information is provided for general background information. ESOL teachers should NOT ask these questions of students. This is the work of informed attorneys, advocates and law enforcement.

Here are five areas that can help to reveal the presence of trafficking:

- **Safety**: Has the person been threatened or harmed? Has anyone close to the person been threatened or harmed?
- **Employment**: Is the person free to leave his/her job? Does s/he owe the employer money?
- **Social Networks**: Is the person free to come and go, see and contact friends and family members or is s/he isolated?
- **Origins**: Did the person come to the US with a different expectation about work? Did they have a say in their travel arrangements?
- **Immigration Status**: Does the person have authorization to work? Are they in control of their identification papers and other important personal documents?

Remember that this is not a foolproof checklist and that answers to these questions will not provide definitive information as to human trafficking.

**Important Tip**

- Always be realistic: there are no guarantees that even if a person is a victim of trafficking, she or he will receive benefits or supporting documents and assistance from law enforcement.
**A Community Response to Human Trafficking**

A multidisciplinary coordinated community response (CCR) is one of the best ways for communities to respond to help victims of trafficking. Just as with domestic violence survivors and other crime victims, trafficked persons have a variety of needs. ESOL teachers should join local CCR efforts. They can play an extremely important role in identifying victims and referring them for help. Developing a community response to human trafficking will require the collaboration of many persons, agencies and organizations. Remember, it is possible that traffickers can infiltrate many legitimate community organizations, so be vigilant.

In Florida, the six community-based Refugee Task Forces located in Northeast Florida, Tampa/St. Pete, Orlando, Palm Beach County, Broward County and Miami-Dade County and the four federally-funded Task Forces in Clearwater, Lee, Collier, and Miami-Dade Counties are excellent resources and are good places to begin work to form local coordination efforts around trafficking. A local anti-trafficking CCR could include:

**Federal Government**
- Department of Justice/United States Attorney
- Victim Witness coordinators
- FBI
- Department of Homeland Security: BICE/BCIS/Border Patrol
- Department of Labor

**State Government**
- Department of Children and Families (refugee services, child protection)
- Attorney General
- State Attorney
- Public Defender
- Department of Labor
- Department of Agriculture (inspections)

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**Important Tips**

**Interpretation**

- Don’t assume the interpreter understands trafficking.
- Make sure the interpreter is not allied with the trafficker.
- Understand how to work with interpreters, e.g., that it is a slow process, that you should ask for word-for-word translations.
- Just because they speak the language does not mean they will understand the trafficked person, e.g., there are many differences among Spanish-speakers based on country or region of origin and educated vs. non-literate populations.
Non Governmental Organizations – Non-profit agencies

- Ethnic community-based groups
- Certified domestic violence programs
- Sexual violence programs
- Immigrant legal services
- Refugee assistance
- Children’s services organizations
- Child Protection Team
- Local legal services/legal aid
- Faith based organizations (Catholic Charities, Lutheran Services of Florida, Salvation Army, etc.)
- Interpreter services
- Crime victim assistance organizations
- Crisis counseling programs
- Homeless shelters
- Labor (migrant, farmworker) organizations
- Adoption agencies

Local/Regional Groups

- Refugee Task Forces
- County Health Departments
- Law enforcement
- County government
- Education community: school board, teachers, including ESOL and Adult Basic Education
- Local domestic violence councils and task forces
- Guardian ad litem
- Adult, juvenile and dependency court

Other

- Survivor(s) of trafficking
- Corporate, business community
- Health care providers (clinics, mental health, hospital, immigrant/refugee health care providers)
- Civic organization

While it is important for victims to receive help from and be restored to their community, be aware that traffickers are also present in these places. Know that a trafficker can be anyone: an international bank executive, a local real estate broker, or a pharmacist – as well as a member of a criminal gang or other criminal enterprise.
RESOURCES

**ESOL Information and Assistance**

- Center for the Advancement of Human Rights, Florida State University, 850/644-4550  
  www.cahr.fsu.edu/esol.html  
  Contacts: Vania Llovera, Robin Thompson, JD, Project Director, 850/907-0693

- The Massachusetts Worker Education Roundtable provides training to educators on different aspects of the workplace. It currently conducts a project titled “Workplace Health and Safety ESOL Curriculum”: http://www.umass.edu/roundtable/projects/Health-Safety-ESOL.pdf. This project can assist educators with the development of workers’ rights and introduction of human trafficking materials: http://www.umass.edu/roundtable/

- This website was developed by the University of Massachusetts in conjunction with the System for Adult Basic Support (SABES) and contains a “Workers Rights Curriculum” which could be adapted for use in Florida: http://www.cpcs.umb.edu/lep/revisions.html

**Florida Victim Assistance and Advocacy Programs**

- Florida Coalition Against Domestic Violence (FCADV), 850/425-2749  
  www.fcadv.org, Domestic Violence hotline: 1-800/500-1119

- Florida Freedom Partnership (FFP)  
  (for Dade, Broward, Palm Beach, St. Lucie, Collier, and Monroe Counties)  
  866/443-0106 (M-F; 8-5), www.floridafreedom.org

- Coalition of Immokalee Workers, 941/657-8311  
  www.ciw-online.org, email: workers@ciw-online.org

- Florida Council Against Sexual Violence  
  www.fcasv.org, Toll Free information 1-888/956-7273

**Legal Assistance**

- Florida Immigrant Advocacy Center – LUCHA Project  
  305/573-1106, www.fiacfla.org

- Florida State University, Center for the Advancement of Human Rights  
  850/644-4550, www.cahr.fsu.edu

- FCADV Legal Hotline, 800/500-1119 x 3
Government Programs and Law Enforcement

Offices of the United States Attorney (Trafficking Points of Contact)
- Tom Kirwin, First Assistant US Attorney, Northern District of Florida, 850/942-8430
- Douglas Molloy, Chief Assistant US Attorney, Middle District of Florida, 239/461-2225
- Brent Tantillo, Assistant US Attorney and Coordinator of Trafficking in Persons, 305/961-9001 x 9329

Four Federally-funded Anti-trafficking Task Forces
- Clearwater Police Dept./World Relief Corp.
  Daniel Walters, dwalters@wr.org, 443/451-1900
- Collier County/International Rescue Committee (IRC)
  Lee County/IRC
  IRC contact info: Melynda Barnhart melyndab@theirc.org, 212/551-2724
- Dept. of Children and Families – Office of Refugee Services
  (state agency responsible for providing assistance to certified victims of trafficking)
  850/488-3791, www.dcf.state.fl.us/refugee/programs.shtml
- Florida Refugee Task Forces, 850/488-3791
  Broward, Jacksonville, Miami-Dade, Orlando, Palm Beach, Tampa
- Dept. of Justice, Child Exploitation and Obscenity Section/Criminal Division
  www.usdoj.gov/criminal/ceos
  and Criminal Section/ Civil Rights Division, www.usdoj.gov/crt/crim/index.html
- Trafficking in Persons and Worker Exploitation Task Force
- Dept. of State, Office to Monitor and Combat Trafficking in Persons, www.state.gov/g/tip/
- Dept. of Health and Human Services, Office of Refugee Resettlement
  www.acf.hhs.gov/trafficking, HHS Trafficking Information and Referral Hotline 888/3737-888
- Toll-Free ORR Trafficking Verification Line (for agencies to confirm benefits), 866/401-5510
  Vermont Service Center, Attn: VAWA Unit, Box 1000
  75 Lower Welden Street, St. Albans, VT 05479-0001
Assistance for Trafficked Children

- Lutheran Immigration and Refugee Services (LIRS), 410/230-2775, www.lirs.org

Other Helpful Information

- Coalition to Abolish Slavery & Trafficking (CAST), 213/365-1906, www.castla.org
- Protection Project 202/663-5896, www.protectionproject.org

Resources used in the production of this handbook


For the basics of federal and local human trafficking laws, policies and regulations see http://www.ncjrs.gov/spotlight/trafficking/Summary.html

For a good list serve that provides regular updates see http://www.humantrafficking.org
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