

HOME (/)
ABOUT
JOURNAL (/ABOUT)
MASTHEAD (/NEW-PAGE)
PROSPECTIVE MEMBERS (/PROSPECTIVE-MEMBERS)
SUBSCRIBE (/SUBSCRIBE)
STAFF RESOURCES (/STAFF-RESOURCES)
PUBLICATIONS
PUBLICATION ARCHIVE (/PUBLICATION-ARCHIVE)
VOLUME 1 (2009) (/VOLUME-1-2008-2009)
VOLUME 2 (2010) (/VOLUME-2-2009-2010)
VOLUME 3 (2011) (/VOLUME-3-2010-2011)
VOLUME 4 (2012) (/VOLUME-4-2011-2012)
VOLUME 5 (2013) (/VOLUME-5-2012-2013)
VOLUME 6 (2014) (/VOLUME-6-2013-2014)
VOLUME 7 (2015) (/VOLUME-7-2014-2015)
VOLUME 8 (2016) (/VOLUME-8-2015-2016)
VOLUME 9 (2017) (/VOLUME-9-2016-2017)
VOLUME 10 (2018) (/VOLUME-10-2018)
SYMPOSIUM
INFORMATION (/SYMPOSIUM)
BLOG
FULL BLOG (/FULL-BLOG)
BLOG ARCHIVE (/BLOG-ARCHIVE-1)

SUBMISSIONS (/SUBMISSIONS)

January 4, 2012 (/full-blog/2012/01/modern-day-slavery-human-trafficking.html)

Modern-Day Slavery: Human Trafficking and the Agricultural Industry (/full-blog/2012/01/modern-day-slavery-human-trafficking.html)



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By: Hamida Labi, Senior Staff Member

Human trafficking[1] (http://www.blogger.com/post-create.g?blogID=8202935745006855383#_edn1) is often regarded as an international problem, yet it is increasingly becoming a domestic issue. In an effort to curtail the growth of this illegal industry, both houses of Congress have recently proposed bills to reauthorize the Trafficking Victims Protection Act of 2000.[2] (http://www.blogger.com/post-create.g?blogID=8202935745006855383#_edn2) This form of human trafficking has a direct impact on the U.S. agricultural industry.

While 46.4% of the human trafficking cases dealt with sexual exploitation, 10.4% of those trafficked were placed in the agricultural industry.[3] (http://www.blogger.com/post-create.g?blogID=8202935745006855383#_cdn3) How reliable are these statistics? Sex trafficking is more likely to be detected and reported than labor-related involuntary servitude. One reason the impact of human trafficking on the agricultural industry remains undocumented is due to the isolation of the services. Sex trafficking is “inherently transactional” because they must interact with members of the public; however, agricultural workers primarily perform their work in isolation and are transient.[4] (http://www.blogger.com/post-create.g?blogID=8202935745006855383#_cdn4)

Another major challenge in combating persons trafficked for agricultural production is the prevalence of limited English-speaking abilities among victims. This language barrier prevents authorities from conducting meaningful investigations and members of the public from discovering the work conditions of the agricultural laborers. [5] (http://www.blogger.com/post-create.g?blogID=8202935745006855383#_cdn5) Finally, the employment parameters imposed on foreign nationals who hold H-2A visas also contribute to increased opportunity for human trafficking.[6] (http://www.blogger.com/post-create.g?blogID=8202935745006855383#_cdn6) These visas are available for individuals to work temporarily in the U.S. An employer must file a petition on behalf of the intending temporary worker.[7] (http://www.blogger.com/post-create.g?blogID=8202935745006855383#_cdn7) If the worker attempts to seek work elsewhere, the visa is invalidated.[8] (http://www.blogger.com/post-create.g?blogID=8202935745006855383#_cdn8) This creates a need for a permanent relationship with one’s employer in order to retain the visa. Therefore, these visa holders are less likely to report incidents of forced labor and slave-like work conditions.

As mentioned previously, this is not solely a domestic issue. Organized criminal networks in the United Kingdom often traffic young men from countries such as Vietnam to work in cannabis farms.[9] (http://www.blogger.com/post-create.g?blogID=8202935745006855383#_cdn9) Referred to as “gardeners”[10] (http://www.blogger.com/post-create.g?blogID=8202935745006855383#_cdn10), they are found in destitute working conditions and, if caught, are subsequently treated as offenders rather than victims of human rights abuses. Gardeners and illegal immigrants should not be held criminally liable considering they are operating under a state of duress. It is imperative that legal authorities and communities are trained in how to recognize signs of human trafficking, and, if discovered, victims should be afforded proper legal remedies. Kentucky is a state with a major agricultural industry, and Kentucky legislators must increase their efforts to monitor and punish parties that engage in human trafficking.

[1] (http://www.blogger.com/post-create.g?blogID=8202935745006855383#_ednref1) Under the Trafficking Victims Protection Act of 2000, one definition of severe forms of trafficking in persons involves “the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of force, fraud, coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.” *Fact Sheet: Human Trafficking*, U.S. Department of Human and Health Services: Administration for Children and Families,http://www.acf.hhs.gov/trafficking/about/fact_human.html (http://www.acf.hhs.gov/trafficking/about/fact_human.html) (last updated June 28, 2011).; *See also Labor Trafficking in Agriculture*, Polaris Project, <http://www.polarisproject.org/human-trafficking/labor-trafficking-in-the-us/agriculture-a-farms> (<http://www.polarisproject.org/human-trafficking/labor-trafficking-in-the-us/agriculture-a-farms>) (last visited Oct. 17, 2011).

[2] (http://www.blogger.com/post-create.g?blogID=8202935745006855383#_ednref2) *The Trafficking Victim’s Protection Reauthorization Act of 2011*, International Justice Mission,<http://www.ijm.org/justice-campaigns/tvpra> (<http://www.ijm.org/justice-campaigns/tvpra>) (last visited Oct. 17, 2011).

[3] (http://www.blogger.com/post-create.g?blogID=8202935745006855383#_ednref3) Shelley Cavalieri, *The Eyes that Blind Us: The Overlooked Phenomenon of Trafficking into the Agricultural Sector*, 31 N. Ill. U. L. REV. 501, 507 (2011) available at http://niu.edu/law/organizations/law_review/pdfs/full_issues/31_3/Cavalieri%20final%202.pdf (http://niu.edu/law/organizations/law_review/pdfs/full_issues/31_3/Cavalieri%20final%202.pdf)

[4] (http://www.blogger.com/post-create.g?blogID=8202935745006855383#_ednref4) *Id.* at 514.

[5] (http://www.blogger.com/post-create.g?blogID=8202935745006855383#_ednref5) *Id.*

[6] (http://www.blogger.com/post-create.g?blogID=8202935745006855383#_ednref6) *Id.* at 515.

[7] (http://www.blogger.com/post-create.g?blogID=8202935745006855383#_ednref7) *Id.*

[8] (http://www.blogger.com/post-create.g?blogID=8202935745006855383#_ednref8) *Id.*

[9] (http://www.blogger.com/post-create.g?blogID=8202935745006855383#_ednref9) Neil Puffett, *Help for trafficked children caught in cannabis farms*, Children and Young People Now (Sept. 14, 2010), <http://www.cypnow.co.uk/news/1027921/News-Insight-Help-trafficked-children-caught-cannabis-farms/> (<http://www.cypnow.co.uk/news/1027921/News-Insight-Help-trafficked-children-caught-cannabis-farms/>).

[10] (http://www.blogger.com/post-create.g?blogID=8202935745006855383#_ednref10) *Id.*

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