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Lawyer discusses effort to halt human trafficking across Illinois

By Sarah Mansur
smansur@lawbulletinmedia.com

Illinois ranks among the top 10 states with the highest number of reported human trafficking cases with at least 127 reported cases in 2018, according to national data.

Labor and sex trafficking remains a prevalent issue in Illinois and nationally, said Catherine N. Longkumer, who serves as the managing attorney of the individual rights and social justice practice group at the Legal Aid Society of Metropolitan Family Services.

This is one fact that advocates for human trafficking victims, such as Longkumer, hoped to promulgate during January — Human Trafficking Awareness Month. The special designation was first declared in 2010.

In 2000, Congress passed the Trafficking Victims Protection Act, which expanded the definition of coercion within the criminal statutes for labor and sex trafficking.

The revised statutes define “serious harm” as “any harm, whether physical or nonphysical, including psychological, financial or reputational harm that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue performing labor or services in order to avoid incurring that harm.”

For the first time, the law established psychological coercion as a federal cause of action.

The federal legislation was prompted in part by the U.S. Supreme Court’s decision in *United States v. Kozminski* (1988). In *Kozminski*, the court held that the 13th Amendment protection against involuntary servitude only extends to physical coercion, not psychological coercion.

The Daily Law Bulletin spoke to Longkumer, as part of Human Trafficking Awareness Month, about that federal law that criminalizes modern human trafficking and the ways people can contribute to eradicating the practice.

This interview has been edited for length and clarity.

Daily Law Bulletin: *Can you talk about the different categories of human trafficking created by the Trafficking Victims Protection Act?*

Longkumer: It's important to understand when we're talking about human trafficking that it's both labor and sex trafficking.

Those are the two main legal categories. Are these folks being forced into the commercial sex trade or are they being forced into some other type of labor?

There are areas where there is overlap ... It gets kind of blurry, and we certainly see clients who are victims of both.

We might see that could happen, for instance, in a massage parlor where someone may be forced to give massages, which is labor trafficking, but they also might be forced to engage in a commercial sex act in addition those massages. They would be a victim of both.

LB: *How was the Trafficking Victims Protection Act different from previous attempts to criminalize human trafficking?*

Longkumer: There were certainly laws on the books against slavery or involuntary servitude but the ways it had been defined previously hadn't really kept up with modern times and the way current traffickers were actually engaging in these acts so it was really hard to bring charges in certain cases.

One of the big things, before TVPA, when you talked about coercion, under the law, it only meant physical coercion ... What we see in modern day trafficking is psychological coercion is an extremely powerful tool to get people to work and to get people to do what you want.

Before the TVPA passed in 2000, none of that [psychological abuse] counted as coercion. It was really easy to take advantage of people and really hard to prosecute and bring charges ... Partly in response to [*United States. v. Kozminski*], these laws got passed.

LB: *What can people do to help eradicate this problem, beyond being educated and understanding the law?*

Longkumer: One of the things we can do is to look at our behaviors as consumers. A lot of trafficking thrives because we as a society value cheap goods and services ... We should care about the entire supply chain ... We can't ignore what is happening within that supply chain in the U.S. ... We have these laws ... that keep goods and services cheap but are inherently coercive toward workers.

If we are really serious about wanting to eradicate trafficking we have to have better enforcement of laws across the workplace and enforcing workers' rights and worker protections.