

House Bill 892 - Criminal Law: Benefits Trafficking
The House Judiciary Committee
Favorable

Dear Chair Clippinger, Vice Chair Bartlett, & Members of the Judiciary Committee,

Anamari Jimenez-Anderson, advocate for Human Rights with an International Masters of Law in Intercultural Human Rights focusing on Human Trafficking (Prevention, Prosecution and Prevention). **We are writing to urge you to vote favorably on House Bill 0892 (HB0892) - Criminal Law: Benefits Trafficking.**

- Human trafficking is a broad and multifaceted crime that encompasses various forms of exploitation. While forced labor or a labor element is a common manifestation of human trafficking, it is not the only one and not typically required for specific type of exploitation to be considered a form of human trafficking. Polaris defines twenty-five (25) types of Modern Day Slavery in the United States and the list of industries is growing.
- Society witnesses diverse and evolving methods of exploitation, including benefit trafficking, child trafficking, forced marriages, and organ trafficking. Continuously expanding the scope of anti-human trafficking laws reflects an adaptive response to the changing dynamics of exploitation, ensuring legal frameworks remain relevant.
- Federal law utilizes the Action-Means-Purpose (AMP) Model to establish a situation of human trafficking. The AMP model involves what is done (Action), how it is done (Means), and why it is done (Purpose). At minimum, one element of each core should be present to establish a potential situation of human trafficking.
 - The **action** of human trafficking includes recruiting, transporting, harboring, providing, or obtaining a person.
 - **Recruiting:** proactively targeting and grooming the vulnerable
 - **Transporting:** moving or arranging travel
 - **Harboring:** isolating, confining, or monitoring
 - **Providing:** giving to another individual
 - **Obtaining:** taking or exchanging something for control
 - The **means** of human trafficking includes the use of force, fraud, or coercion.
 - **Force:** physical restraint or harm, sexual assault, or beatings
 - **Fraud:** false promises regarding employment, wages, marriage, or better life
 - **Coercion:** threats of serious harm or physical restraint, psychological manipulation, document confiscation, threatening to share information or pictures with others, or threatening to report to authorities.
 - The **purpose** of human trafficking is always exploitation. It includes commercial sex, also known as sex trafficking, and labor/services, also known as labor trafficking.
 - **Sex Trafficking:** forcing another individual to sell sex
 - **Labor Trafficking:** forcing another individual to work or provide service

- The key element that defines human trafficking is the **use of force, fraud, or coercion to exploit individuals for various purposes and the victim being exploited is the product OR commodity** but is not limited specifically for the intent of forced labor. Human trafficking treats individuals as commodities for exploitation, whether it's for labor, sex, or benefits. Benefits exploitation, within the context of human trafficking, underscores the dehumanizing aspect of treating individuals as tools for personal gain, which goes beyond the scope of financial crimes that typically focus on monetary transactions.
 - A trafficking victim may:
 - be convinced that he/she is fulfilling a debt
 - lack age-appropriate communication skills
 - not be accustomed to many daily basic activities
 - be disoriented and seem withdrawn
 - not have knowledge of the community they live in
 - exhibit submissive or fearful behavior
 - have a fear of being ostracized or labeled with a social stigmatization
 - **not have control of their own money, financial records, or bank account**
 - be malnourished or fatigued
- Furthermore, the crime of benefits trafficking, as drafted in this legislation, often results in severe human rights violations, including physical and emotional abuse, deprivation of basic needs, and violation of individual autonomy. This emphasis on the violation of human rights aligns closely with the characteristics of human trafficking, distinguishing it from financial crimes that may not necessarily involve such comprehensive mistreatment of individuals.
- The United Nations defines human trafficking through the "Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children," which covers a range of exploitative practices, many in which forced labor is not required.
- There are various forms of exploitation that are recognized on a federal & international level as forms of human trafficking including: labor trafficking, sex trafficking, child trafficking, debt bondage, organ trafficking, forced marriages, as well as benefits trafficking, which is recognized internationally.
- Benefits trafficking is defined as the exploitation related to social welfare benefits, healthcare benefits, or other non-monetary resources, involving coercion, fraud, or force, which has significantly spiked around the globe.
- Benefits exploitation shares significant parallels with human trafficking, involving the exploitation of vulnerable individuals through force, fraud, and coercion for personal gains that extend beyond traditional financial crimes. Recognizing benefits exploitation as a form of human trafficking provides a more encompassing framework for understanding and addressing the complexity of the victimization involved.
- Explicitly incorporating benefits trafficking into anti-trafficking laws makes it easier for authorities to investigate, prosecute, and convict those engaged in exploiting individuals

through benefits schemes. This enhancement in legal capabilities strengthens the ability to bring perpetrators to justice and protect potential victims.

I/We respectfully urge you to vote favorable on House Bill 892: Criminal Law: Benefits Trafficking with will update our legal structures to protect Maryland's most vulnerable populations

Respectfully,

Anamari Jimenez-Anderson
Administrative Officer II