

Stop Trafficking!

Awareness Advocacy Action

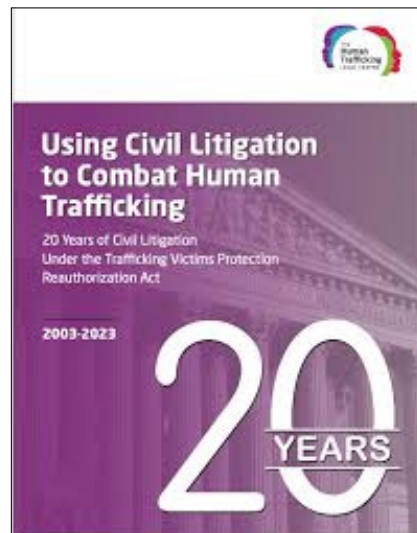
Anti-Human Trafficking Newsletter • March 2025 • Vol. 23 • No. 3

FOCUS: This month's newsletter highlights the Human Trafficking Legal Center's report on Civil Litigation to Combat Human Trafficking.

In December 2024, the [Human Trafficking Legal Center released Using Civil Litigation to Combat Human Trafficking: 20 Years of Civil Litigation Under the Trafficking Victims Protection Reauthorization Act](#). The report's author, Ashlyn Phelps, analyzed data from cases between 2003 and 2023 from the Human Trafficking Legal Center's Trafficking Victims Protection Reauthorization Act (TVPRA) civil case material.

Civil litigation is often the only path to ensure accountability of the perpetrators of both sex and labor human trafficking. Between 2003 and 2023, trafficking-survivor plaintiffs filed 929 federal civil cases, resulting in more than \$923 million in court-ordered damages and public settlements.

The report highlights key trends in civil trafficking litigation over the past 20 years and the impact of the continued growth of TVPRA civil litigation. The last five years have seen unparalleled growth in TVPRA litigation and case filings and the largest settlements in the history of the TVPRA.



The 18 U.S. Code § 1595 is part of the Victims of Trafficking and Violence Protection Act (TVPRA), that imposes enhanced penalties for certain offenses. 18 U.S. Code § 1595 is a civil remedy provision that allows victims of certain crimes to bring a civil action against the perpetrator or anyone who knowingly benefited from the violation.

Overview of Labor and Sex Trafficking Cases

In the 20 years from 2003 to 2023, plaintiffs filed 929 cases under Section 1595 of the TVPRA. The first five years of the civil remedy saw a distinct pattern in the types of cases filed under Section 1595. Initially, every civil trafficking case involved charges of forced labor. It wasn't until 2009 that the first civil case of sex trafficking was filed.

In 2023, plaintiffs filed 32 times as many sex and labor trafficking cases, 192, in the federal courts as in the six cases filed in these courts in 2004, demonstrating the exponential growth in this field. Each year, the number of labor trafficking cases surpassed the number of sex trafficking cases. In 2023, there were 477 labor trafficking cases, with 427 cases of sex trafficking and 25 cases of both labor and sex trafficking filed.

Since 2003, plaintiffs have sought to bring a significant number of class action suits on behalf of a large group of similarly situated individuals, such as those in detention centers, agriculture, education programs, transportation, and healthcare, under the TVPRA. Corporate and institutional defendants account for more than 70 percent of defendants in forced labor civil cases and 91 percent of defendants in sex trafficking civil cases.

Click [here](#) (pg. 8) to learn more.



Awareness

Forced Labor Cases

Since the first TVPRA case was filed in 2004, plaintiffs have filed civil suits alleging forced labor in a wide variety of sectors. The most significant number (25%) was in domestic work, followed by agriculture, food service and hospitality education, healthcare, construction, landscaping, and mining. Domestic workers alleging forced labor have filed cases nearly every year since 2004, while agricultural workers have filed forced labor civil cases in the agricultural sector every year since 2005.

In total, there were 502 cases involving allegations of forced labor filed from 2003 until 2023, which included 477 cases alleging forced labor and 25 cases alleging both forced labor and sex trafficking.

A plaintiff filed the first case involving forced labor in a detention facility in 2014. Since that filing, plaintiffs have filed 21 additional cases alleging forced labor in a detention center. More than half of these detention cases filed to date alleged forced labor in for-profit civil detention facilities across the United States.

Forced labor cases against teen rehabilitation programs have increased significantly since 2019, with 16 cases alleging abuses in teen programs filed in just the last four years.

Over the last two decades, United States citizens accounted for just a small percentage, only 14 percent, of the forced labor cases filed in U.S. federal courts, with most of these filed by citizens of other countries. Ninety-seven percent of the cases brought by foreign-born plaintiffs alleged forced labor. The number of civil cases filed by U.S. citizens regarding forced labor increased significantly in 2022 and 2023, with a large number of these against the operators of teen programs, which often target and prey upon vulnerable youth.

Most foreign-born plaintiffs in forced labor cases entered the United States with a valid visa or legal status. The defendant employers in these forced labor cases frequently misused legal immigration programs to abuse and exploit the workers. The top visa categories used by traffickers to hold workers in forced labor were temporary visas for business and tourism (B1/B2), visas for domestic workers employed by diplomats and international organization employees (A-3/G-5), temporary visas for agricultural workers (H-2A), and temporary visas for non-agricultural workers (H-2B).

Click [here](#) (pg. 20-24) to learn more.

Sex Trafficking Cases

The first sex trafficking case under Section 1595 was not filed until 2009, and the number of cases filed remained relatively low until 2019. From 2019 until 2023, sex trafficking cases filed in the federal courts surged, with 420 cases involving allegations of sex trafficking filed in these years alone. Of those 420 cases, more than 90 percent named corporations or institutions as defendants.

Over the past 20 years, plaintiffs have not only filed sex trafficking cases against hotels and internet service providers but also against a diverse range of entities. These include entertainment and media companies, athletic institutions, teen programs, detention institutions, and banks.

Finally, 86 percent of the 408 cases filed by United States citizens between 2003 and 2023 involved allegations of sex trafficking.

Click [here](#) (pg. 27-28) to learn more.



Foreign Born Plaintiffs

While United States citizens brought the most significant number of federal trafficking cases, it is important to note that plaintiffs from 84 countries have filed federal trafficking cases from 2003 to 2023. Most of these cases were brought by Mexico, the Philippines, and Indian citizens. Moreover, while most cases brought by U.S. citizens have involved allegations of sex trafficking, the cases brought by citizens of Mexico, the Philippines, and India have overwhelmingly involved allegations of forced labor.

Plaintiffs originally from Mexico filed 84 cases involving forced labor, with the majority of cases alleging forced labor in the agriculture sector), as well as the construction, landscaping, and mining. All of the cases filed by plaintiffs originally from the Philippines alleged forced labor, with most cases split between the healthcare and wellness sector and the domestic work sector. The cases filed by plaintiffs originally from India, on the other hand, alleged forced labor across many sectors.

Most foreign-born plaintiffs entered the United States with a visa or other legal status. Sometimes, a plaintiff can bring a Section 1595 lawsuit in U.S. federal court even when all or some of the trafficking has occurred abroad. In 2016, this provision was used by plaintiffs trafficked from Cambodia to Thailand and forced to work in a seafood processing plant.

Click [here](#) (pg. 14-17) to learn more.

Civil Trafficking Cases Filed by Location

As of December 31, 2023, plaintiffs had filed federal civil human trafficking cases in 47 states, the District of Columbia, and two territories.

In 2023, Texas made a significant stride in the fight against human trafficking, setting a record for the most cases filed in a single year (58). This surpassed the previous record set in 2022 by Ohio (42). All 58 cases filed in Texas in 2023 were sex trafficking cases, with 31 cases brought against internet service providers and 27 cases brought against hotels and hospitality groups.

As of December 2023, five states or territories—Guam, Montana, Nebraska, Puerto Rico, and Vermont—had not filed federal civil trafficking cases.

Again, these are filings made in federal courts. Many states empower trafficking survivors to seek justice through a private right of action under the state's counterpart of the TVPRA.

Click [here](#) (pg. 11) to learn more.

Plaintiffs Proceeding Anonymously

Under the TVPRA, plaintiffs can bring their case anonymously, using a pseudonym (like Jane or John Doe) or their initials. This allows survivors to bring civil actions even in cases where they may fear retribution from their traffickers or other harm resulting from the public disclosure of their identity.

Throughout the first twenty years of civil litigation, plaintiffs have frequently utilized this aspect of the law to preserve their anonymity. Of the 929 cases filed as of December 31, 2023, a significant 41 percent (382) were brought by plaintiffs who could proceed under a pseudonym, demonstrating the widespread acceptance of this provision.

Obtaining permission to proceed anonymously is a crucial step for a plaintiff. It involves filing a motion that explains why confidentiality is needed and why that need overcomes the presumption that legal proceedings be public. In federal forced labor and sex trafficking cases, courts frequently grant these motions and recognize that proceeding anonymously is an important protection for the plaintiffs filing these cases

Click [here](#) (pg. 17) to learn more.

Advocacy

Corporations as Defendants

In 2008, Congress amended the TVPRA to expand liability to individuals and entities who knowingly benefit from participation in a venture in violation of the sex trafficking or forced labor statutes. This provision is often referred to as venture liability. It allows survivors of trafficking to bring suits not only against the direct perpetrators of the trafficking, but also against the entities that benefited financially from their trafficking, such as owners of motels where the survivor was trafficked and labor recruiters. Corporate and institutional defendants account for more than 70 percent of defendants in forced labor civil cases and 91 percent of defendants in sex trafficking civil cases. Not surprisingly, corporate defendants have sought to limit the provision to evade liability.

In January 2023, Congress acted decisively in response to the defendant's efforts to limit venture liability, passing a technical and clarifying amendment to the TVPRA on the breadth of venture liability known as the Abolish Trafficking Reauthorization Act of 2022 (ATRA). This crucial amendment clarified that attempt liability had always been available under Section 1595 for direct perpetrators and those who knowingly benefit. [That clarification read](#): “[A]n individual who is a victim of a violation of this chapter may bring a civil action against the perpetrator (or whoever knowingly benefits, or attempts or conspires to benefit, financially or by receiving anything of value from participation in a venture...)”

Click [here](#) (pg. 33) to learn more.

Action

The Human Trafficking Legal Center



The Human Trafficking Legal Center connects trafficking survivors with pro bono representation so they can seek justice and thrive and demand accountability from traffickers, from governments, and from corporations.

For more information, about the Human Trafficking Legal Center, please click [here](#).

Learn About the Center

Learn about the work of the Human Trafficking Legal Center and gain a closer look into the importance of pro bono legal work for trafficking survivors. The video includes staff -- Deputy Director Maggie Lee, Advocacy & Survivor Leadership Director Evelyn Chumbow, Human Rights and Trade Policy Director Anasuya Syam, and President Martina Vandenberg -- who are experts in their respective fields. To learn more about our work, visit htlegalcenter.org.

Please click [here](#) to view this 6-minute video.

Outcomes in Federal Civil Trafficking Cases

As of December 31, 2023, 578 cases out of the 929 filed had either been resolved or stayed. Of these 578 cases, more than 58 percent resulted in a settlement or a judgment for the plaintiff. Fewer than 10 percent resulted in a verdict for the defendant or involuntary dismissal. Therefore, over the past twenty years, Section 1595 cases have resulted in favorable outcomes for plaintiffs, some with significant damage awards, more often than in unfavorable outcomes.

In 2022, cases brought by survivors of Jeffrey Epstein's sex trafficking crimes reached historic settlements with financial institutions alleged to have participated in the sex trafficking venture. Those two financial institutions, JPMorgan Chase Bank and Deutsche Bank, faced allegations that they knowingly participated in the sex trafficking venture. In 2023, the case against JPMorgan Chase Bank settled for \$290 million.⁴⁵ The case against Deutsche Bank settled for \$75 million.⁴⁶ The \$290 million settlement with JPMorgan Chase Bank is the highest settlement or award in the twenty-year history of the TVPRA.

In 2023, a federal court in Utah ordered the largest-ever award for plaintiffs in a forced labor case. Former members of the Fundamentalist Church of Jesus Christ of Latter-Day Saints filed forced labor claims against the former church leader, whom they alleged used force, physical restraint, serious harm, and threats of serious harm to coerce them to work for the church.

As of December 31, 2023, \$923,578,483.23 in damages had been awarded in forced labor and sex trafficking cases brought under Section 1595. This significant figure demonstrates that the civil remedy is a powerful tool for trafficking survivors, providing access to justice where so often it did not otherwise exist.

Click [here](#) (pg. 29-30) to learn more.

Conclusion

The Human Trafficking Legal Center foresees a surge in TVPRA cases, projected to exceed 1,100 by the end of 2024. More survivors are expected to step forward, demonstrating their determination by holding their traffickers, as well as the entities and corporations that knowingly benefited from their exploitation, accountable in U.S. federal courts.

Over the past twenty years, survivors of trafficking have bravely challenged their traffickers in federal court. Their attorneys, many pro bono, have played a crucial role, demonstrated tremendous skill and creativity, and established the civil remedy of the TVPRA as the primary, and sometimes only, tool to remedy the harms of trafficking.

Click [here](#) (pg. 41) to learn more.



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