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Rebecca A. Mares
maresr@lanepowell.com

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The Freedom of Aviation & the Horror of Human Trafficking

Transportation Legal Update

Do you know who is sitting next to you on the airplane? Would you know if you were sitting next to someone who is a victim of human trafficking? It is not always easy to identify victims as it is not uncommon for a trafficker to traffic their own “children, spouses, intimate partners, siblings or other family members,” easily disguising the use of coercion or force under the guise of a close relationship.^[1]

It may be difficult to believe that human trafficking could be as near to you as an adjacent airline seat, but aviation is one of the “primary modes of transportation utilized by traffickers.”^[2] The enormity of the problem has caused domestic and international government authorities to take notice and author legislation and best practices requiring and encouraging transportation companies, including commercial aviation and business aviation operators to comply with training and reporting regulations and best practices.

It is estimated that there are more than 24.9 million victims currently being trafficked, which means that there are more slaves in the world right now than at any prior point in history.^[3] Human trafficking largely involves victims of labor and sex enslavement and it is defined by the United Nations Office on Drugs and Crime as the:

“recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the

exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.”[\[4\]](#)

The profits of human trafficking exceed \$150 billion. This staggering number is “more than the annual profits of Exxon, Microsoft, BP, Samsung, and Apple combined.”[\[5\]](#)

Traffickers are motivated by these enormous financial incentives that support multiple criminal activities, including terrorism. Is your organization prepared to help stop this scourge? Your commercial or business aviation operation should be abreast of the current regulations and should be implementing the requirements and best practices to help identify human trafficking and alert authorities. Passengers can also be a commercial or business aviation operator’s biggest allies in this fight.

The FAA Extension, Safety, and Security Act of 2016, signed by former President Barack Obama on July 15, 2016, requires air carriers to provide initial and annual flight attendant training regarding recognizing and responding to potential human trafficking victims.[\[6\]](#) The Blue Lightning Initiative, led by the Department of Homeland Security, U.S. Customs and Border Protection, and the Department of Transportation, offers virtual training that provides a streamlined mechanism for meeting the requirement and is currently available to any U.S. airline, with consideration by U.S. government agencies on expanding the training to foreign-flagged airlines.[\[7\]](#)

The International Civil Aviation Organization (ICAO) recommends that each air carrier consider three main areas of focus: (1) developing a set of dedicated policies, procedures and reporting protocols for when an encounter with human trafficking occurs; (2) creating specialized training for cabin crew with customized content, including reporting requirements; and (3) offering both initial and recurrent training to keep abreast of legislative changes and new developments. Further, the ICAO, in conjunction with the Office of the United Nations High Commissioner for Human Rights identifies additional stakeholders beyond the flight crew that should also be involved, including airport personnel and airport transportation providers.[\[8\]](#)

H.R. 3669, aka the Securing General Aviation and Commercial Charter Air Carrier Service Act of 2017, authorizes the Transportation Security Administration (TSA) to provide screening services for general aviation. The bill passed the house, has been received in the Senate and is currently with the Committee on Commerce, Science, and Transportation.^[9] Stay tuned for further action on this important bill. Currently, U.S. Customs and Border Protection requires aircraft arriving from international destinations to notify U.S. customs officials prior to arriving in the U.S. Also, all charter aircraft over 12,500 lbs (turbo-prop and larger) must comply with passenger manifest and identification review requirements and certain security measures and requirements known as the Twelve-Five Standard Security Program.^[10] However, there are currently no standard screening mechanisms for passengers boarding these aircraft at general aviation airports. H.R. 3669 would help solve this gap that allows illegal trafficking activity to proliferate among nefarious general aviation operators outside of the purview of TSA.

All aircraft passengers and the general public are encouraged to watch the [general awareness video](#) to help recognize and report human trafficking.^[11]

What best practices has your organization adopted? Do you have a focus on people, aircraft, facilities, procedures or training awareness seminars? Do you have videos that you have developed for passengers encouraging them to be discreet in their identification and teaching them how to alert air or ground crew so that the proper authorities can be alerted for detainment of suspicious travelers? We would love to hear about any creative training or teaching methods you have implemented.

^[1] [Kyleigh E. Feehs & John Cotton Richmond, *2017 Federal Human Trafficking Report* at pg. 40 \(last visited December 17, 2018\).](#)

^[2] [Martin Maurino, *Combating Human Trafficking in Aviation: What can Cabin Crew do about it?* at pg. 9 \(last visited December 17, 2018\).](#)

[3] Trafficking Institute, [*7 Things Everyone Should Know About Human Trafficking*](#) (last visited December 17, 2018).

[4] United Nations Office on Drugs and Crime, [*What is Human Trafficking?*](#) (last visited December 17, 2018).

[5] Trafficking Institute, [*7 Things Everyone Should Know About Human Trafficking*](#) (last visited December 17, 2018).

[6] Congress.Gov, [*H.R.636 – FAA Extension, Safety, and Security Act of 2016*](#) (last visited December 17, 2018).

[7] U.S. Customs and Border Protection, [*Blue Lightning*](#) (last visited December 17, 2018).

[8] Martin Maurino, [*Combating Human Trafficking in Aviation: What can Cabin Crew do about it?*](#) at pgs. 9 & 17 (last visited December 17, 2018).

[9] Congress.Gov, [*H.R.3669 – Securing General Aviation and Commercial Charter Air Carrier Service Act of 2017*](#) (last visited December 17, 2018).

[10] National Business Aviation Association, [*Twelve-Five Standard Security Program*](#) (last visited December 17, 2018).

[11] U.S. Department of Homeland Security, [*Blue Campaign*](#) (last visited December 17, 2018)