



# Using Civil Litigation to Combat Human Trafficking

Federal Human Trafficking  
Civil Litigation

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**2021 Data Update**

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# Acknowledgements

This Briefing Paper was authored by Merrick M. Black, Legal Fellow at the Human Trafficking Legal Center, with research assistance from Klarke Stricklen, Intern at the Human Trafficking Legal Center; and was edited by Martina E. Vandenberg, President of the Human Trafficking Legal Center, Maggie Lee, Senior Staff Attorney at the Human Trafficking Legal Center, and Sherah Tan, Policy and Analytics Manager at the Human Trafficking Legal Center..

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# Using Civil Litigation to Combat Human Trafficking: Federal Human Trafficking Civil Litigation 2021 Data Update<sup>1</sup>

## I. Introduction

In October 2003, Congress passed a law allowing trafficking victims to recover civil damages from their traffickers in federal courts, 18 U.S.C. § 1595, now known as the Trafficking Victims Protection Reauthorization Act (TVPRA). In the almost twenty years since its passage, the TVPRA's civil remedy has become a powerful tool to hold traffickers accountable in federal court. As of December 31, 2021, 18 years after the law's passage, plaintiffs had brought 539 cases<sup>2</sup> in federal court under this cause of action, winning \$265,009,824 in civil damages awards and public settlements.<sup>3</sup>



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<sup>1</sup> Cite as: Merrick M. Black, *Using Civil Litigation to Combat Human Trafficking: Federal Human Trafficking Civil Litigation 2021 Data Update*, The Human Trafficking Legal Center (September 2022). © The Human Trafficking Legal Center 2022. This publication updates both the data in the Human Trafficking Legal Center's 2018 civil litigation report and the data in the organization's 2020 data report. See Alexandra F. Levy, *Federal Human Trafficking Civil Litigation: 15 Years of the Private Right of Action*, The Human Trafficking Legal Center (December 2018) [Hereinafter *2018 Civil Litigation Report*]; Rebekah R. Carey, *Using Civil Litigation to Combat Human Trafficking: Federal Human Trafficking Civil Litigation Briefing Paper 2020 Data Update*, The Human Trafficking Legal Center (May 2021) [Hereinafter *2020 Data Update*]. The charts and figures in this report are updated versions of the charts and figures in the previous reports. The Human Trafficking Legal Center thanks Rebekah R. Carey for her contributions to this report.

<sup>2</sup> Of these cases, one case was brought alleging facts that occurred prior to the passage of the TVPRA's civil remedy. Plaintiffs brought that case under the Alien Tort Statute. See Second Amended Complaint at 1, *John Doe I v. Nestle S.A.*, No. 05-CV-05113 (C.D. Cal. July 14, 2016).

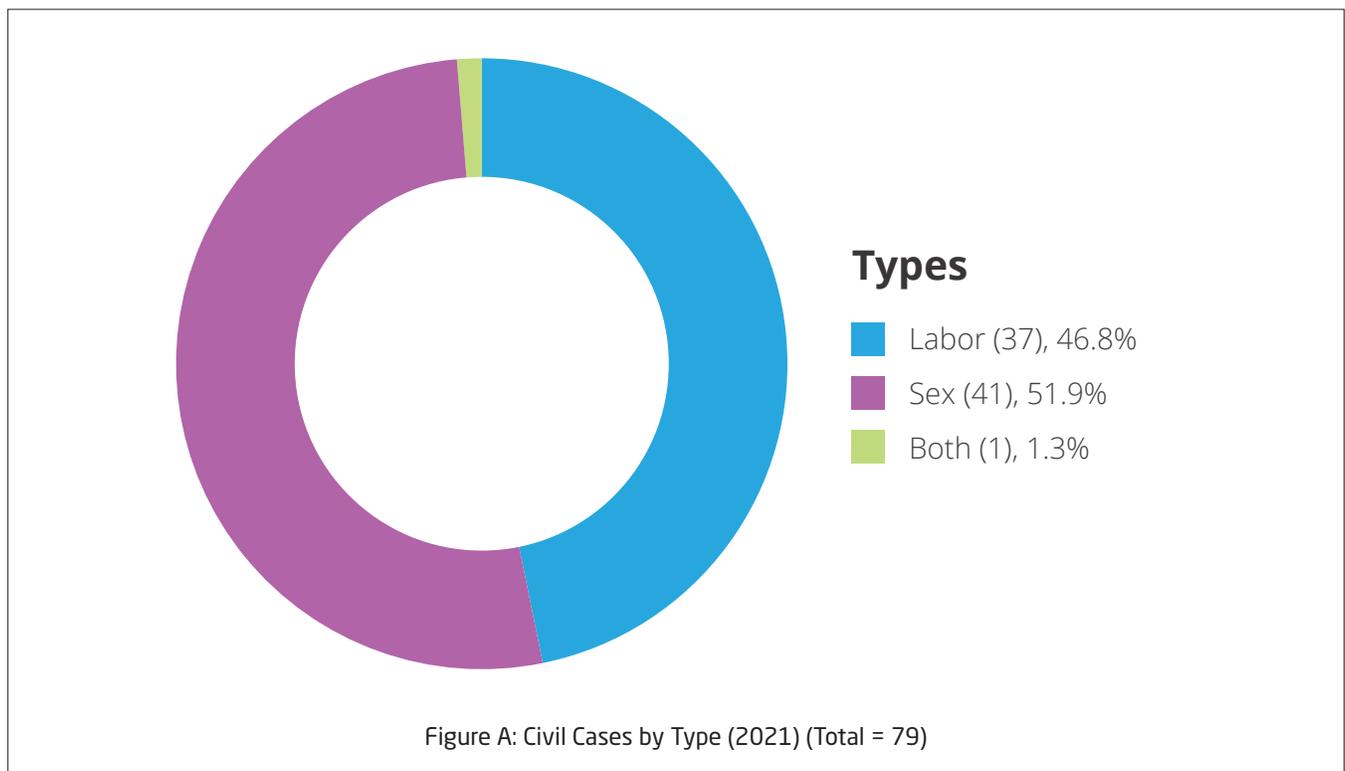
<sup>3</sup> The damage awards discussed in this report do not reflect cases that were on appeal or had pending post-trial motions as of June 28, 2022. If cases on appeal or with pending post-trial motions were included, the total damages number would increase to \$272,697,228. The damages awarded amount reflects only publicly-known settlement amounts and judgments on public dockets. This number does not include confidential, non-public settlements, which are substantial.

## II. Year at a Glance: 2021 Civil Cases by Subsector

In 2021, plaintiffs brought 79 federal cases alleging violations of the TVPRA. Of these cases, 41 alleged only sex trafficking, 37 alleged only labor trafficking, and one included allegations of both sex and labor trafficking. These 79 federal trafficking cases filed reflect a significant increase from the 54 cases filed in 2020, but are still below the historical high of 88 cases filed in 2019.<sup>4</sup> The rise in cases may be attributable in part to recovery from the COVID-19 pandemic, as federal courthouses began to return to normal operations in 2021. As in previous years, the number of sex trafficking cases filed narrowly exceeded the number of labor trafficking cases filed.

Of the 37 cases that alleged labor trafficking in 2021, a significant proportion of cases involved Filipino healthcare workers who alleged that labor recruiters trafficked them to the United States for forced labor in the nursing field. Overall, cases alleging forced labor in the medical field (8) topped the list of labor trafficking cases, followed by cases filed alleging forced labor in the agricultural sector (7 cases).

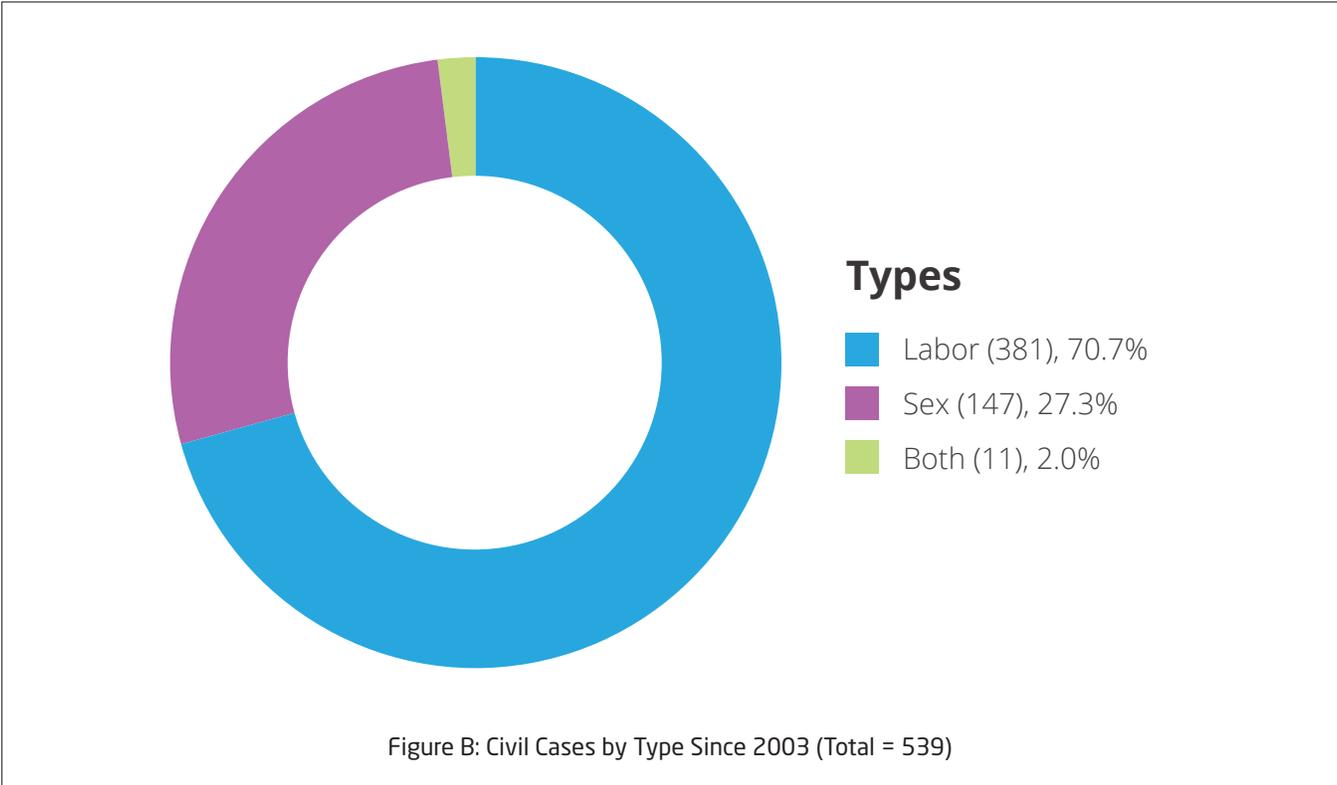
### Figure A: Cases Filed by Type (2021)



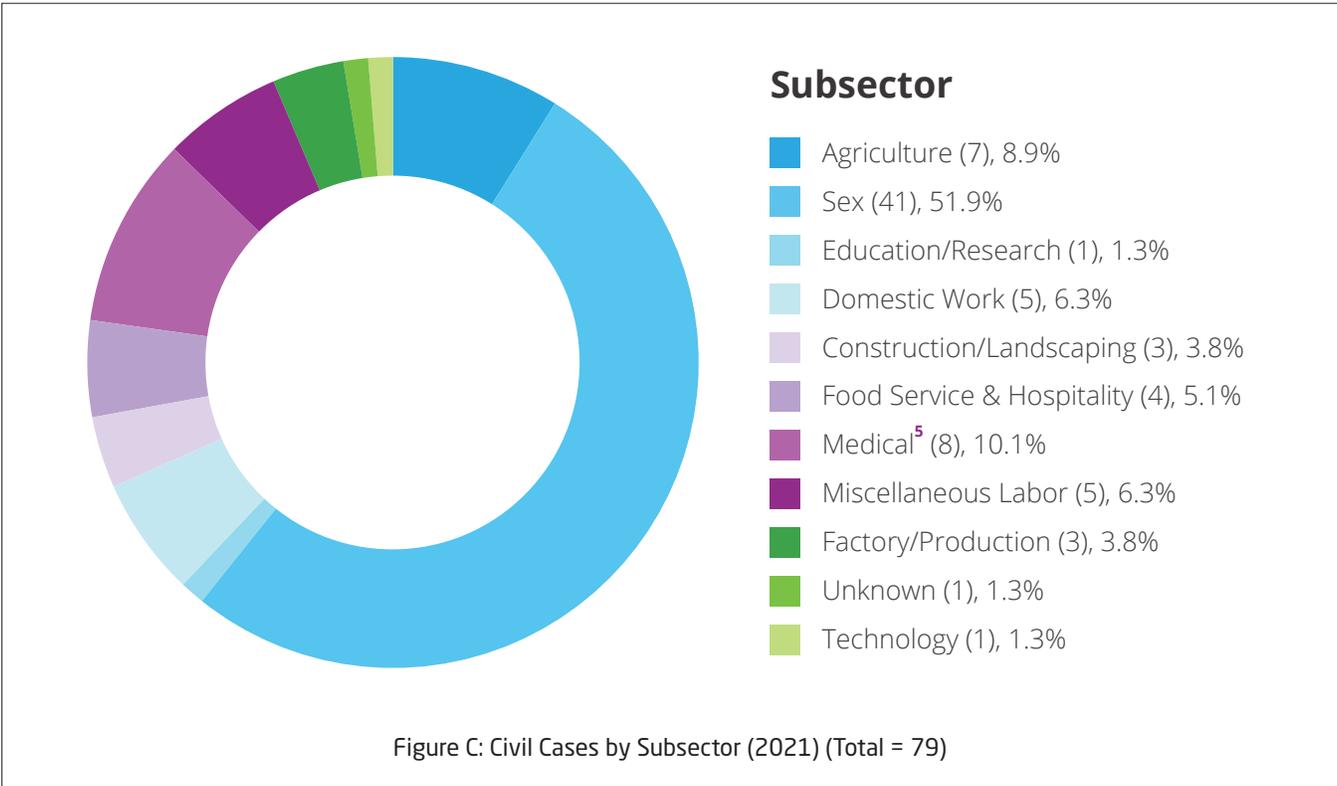
<sup>4</sup>The number of cases filed in 2020 – originally reported as 53 in the 2020 Data Update – has been corrected in this report to reflect an additional sex trafficking case that was filed in federal court in 2020 after it was removed from state court.

# Figure B: Civil Cases Filed by Type Since 2003

To put this 2021 data in context, 381 of all 539 cases filed between 2003 and December 31, 2021 alleged forced labor.



# Figure C: Civil Cases by Subsector (2021)



<sup>5</sup>The category “medical” as a subsector refers to trafficking of nurses, doctors, physical therapists, and medical product manufacturers. This category also covers trafficking within psychiatric in-patient treatment programs. It does not include cases of organ trafficking, which are not covered by the Trafficking Victims Protection Reauthorization Act.

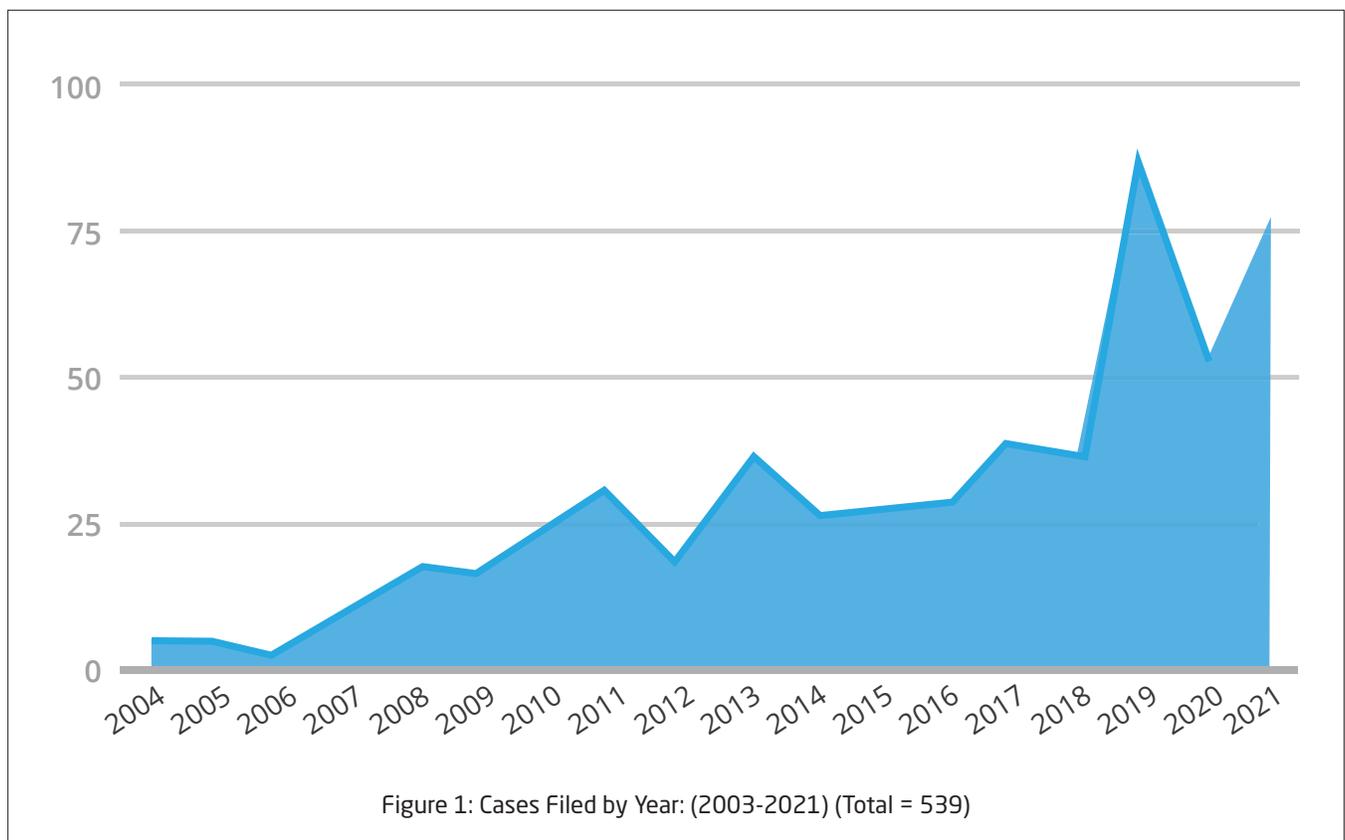
# Figure D: Civil Cases by Subsector (2021)

Figure D: Civil Cases by Subsector (2021) (Total = 79)	
Subsector	# of cases filled in 2021
Sex	41
Medical	8
Agriculture	7
Domestic Work	5
Miscellaneous Labor	5
Food Service & Hospitality	4
Factory/ Production	3
Construction/ Landscaping	3
Technology	1
Religious	1
Education/Research	1
<b>Total</b>	<b>79</b>

# III. Trafficking Civil Litigation: Quantitative Trends

## A. Cases Filed by Year<sup>6</sup>

The number of federal civil trafficking cases has increased steadily each year between 2003 and 2021, with the exception of a drop in 2020.<sup>7</sup> As of December 31, 2021, plaintiffs had brought a total of 539 federal cases under the federal private right of action.<sup>8</sup> Plaintiffs filed more than thirteen times as many cases in 2021 (79) as in 2004 (6).<sup>9</sup>



<sup>6</sup> This graph corresponds with Figure 1 in the *2018 Civil Litigation Report*. See Levy, *supra* note 1, at 10.

<sup>7</sup> As noted above, the decrease in cases in 2020 is likely attributable to the COVID pandemic, which affected survivors' access to legal services and to the courts.

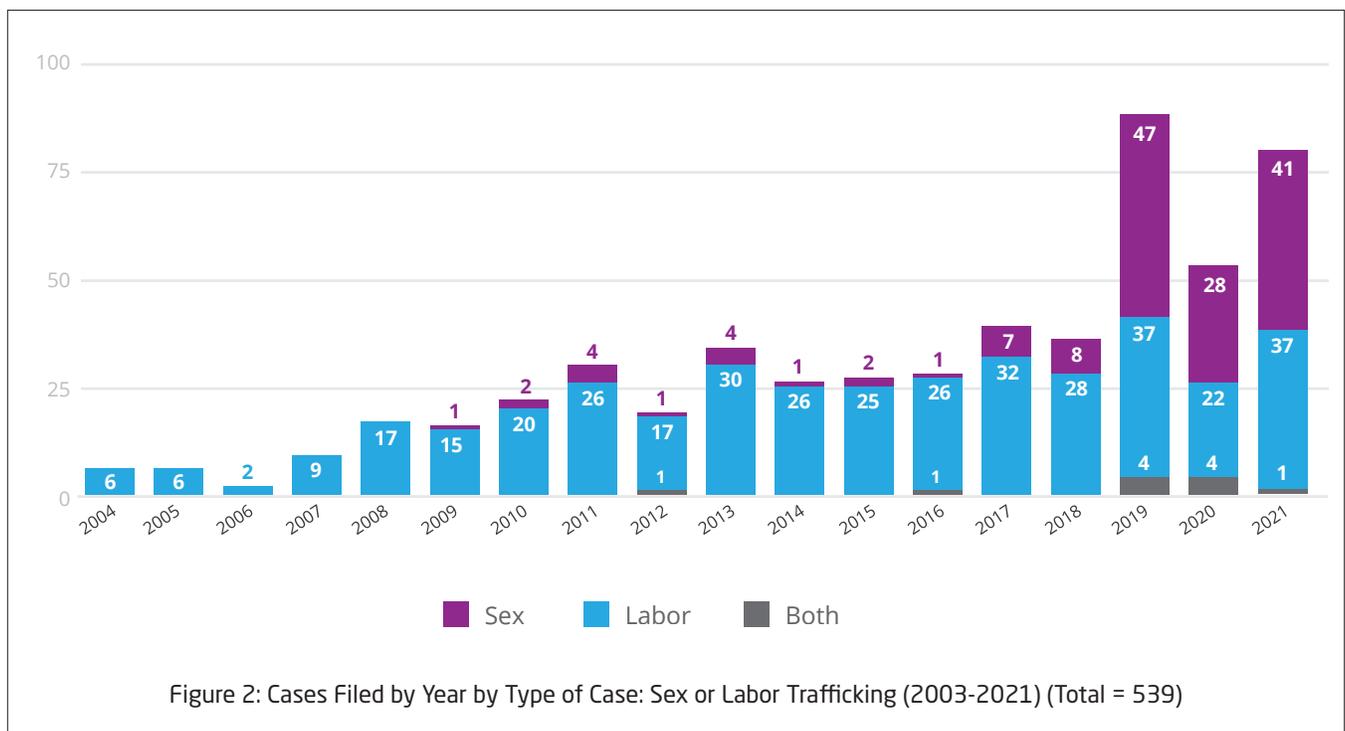
<sup>8</sup> This number does not include lawsuits that courts dismissed as frivolous, or cases consolidated soon after filing. Moreover, in at least one situation, a single plaintiff filed 15 lawsuits, making almost identical claims in the same court against the similar defendants. While these cases were not formally consolidated, for the purposes of this report, those cases were counted as a single case.

<sup>9</sup> For a full list of the number of federal civil cases filed under 18 U.S.C. § 1595 by state, see *infra* at 14.

## B. Civil Trafficking Cases Filed by Type<sup>10</sup>

Until 2009, civil trafficking cases filed under 18 U.S.C. § 1595 alleged only forced labor. In 2009, the civil litigation landscape shifted with the filing of the first civil case alleging sex trafficking.<sup>11</sup> Since then, civil sex trafficking cases have surged. Between 2019 and 2021, for the first time, plaintiffs filed more sex trafficking than labor trafficking cases.<sup>12</sup> In the aggregate, labor trafficking civil cases still substantially outnumber sex trafficking civil cases: in the eighteen years after passage of 18 U.S.C. § 1595, plaintiffs had filed 381 labor trafficking cases, 147 sex trafficking cases, and 11 cases alleging both labor trafficking and sex trafficking.

The data suggest two litigation trends. First, sex trafficking civil cases, unlike labor trafficking civil cases, tend to target defendants who “benefit financially” from the trafficking, such as hotels. Nearly half of the sex trafficking civil cases filed since 2009 have targeted hotels and the hospitality industry for “financially benefiting” from the plaintiff’s sex trafficking.<sup>13</sup>



<sup>10</sup> This graph corresponds with Figure 2 in the 2018 Civil Litigation Report. See Levy, *supra* note 1, at 11.

<sup>11</sup> See *Ditullio v. Boehm*, No. 09-CV-00113 (D. Ak.). The defendant pled guilty in the federal criminal case brought against him, and the civil case settled for \$400,000.

<sup>12</sup> In 2020, trafficking survivors filed 22 labor trafficking cases, compared with 28 sex trafficking cases. Plaintiffs filed four cases that included allegations of both sex and labor trafficking in 2020. In 2021, trafficking survivors filed 37 labor trafficking cases, compared with 42 sex trafficking cases. In 2021, plaintiffs filed just one case that included allegations of both sex and labor trafficking. See Complaint at 2, *Fan v. Jiang*, No. 21-CV-00448 (D. Nev.)

<sup>13</sup> From 2003 to 2021, plaintiffs alleging sex trafficking filed 147 civil cases under 18 U.S.C. § 1595. During that period, at least 66 of those civil cases were filed against hotels on a “knowingly financially benefiting” theory. In 2021, plaintiffs filed 42 civil sex trafficking cases; nearly half of those cases (17) were filed against hotels on a “knowingly financially benefiting” theory. In one instance, a plaintiff filed multiple, nearly identical cases against hotels in 2020. For purposes of this report, that case is counted only once. See *supra* note 4.

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Second, cases invoking extraterritorial jurisdiction continue to grow, although nearly all of these cases allege forced labor. A 2008 amendment to the Trafficking Victims Protection Reauthorization Act (TVPRA), 18 U.S.C. § 1596, provides extraterritorial jurisdiction to bring criminal and civil trafficking cases in U.S. federal courts. This amendment allows trafficking survivors to sue for offenses committed abroad.<sup>14</sup> As of December 31, 2021, 15 cases involving allegations of human trafficking and forced labor occurring outside of the United States had been filed.<sup>15</sup> Extraterritorial provisions in the TVPRA are essential to holding corporations accountable for forced labor in global supply chains, both civilly and criminally.<sup>16</sup>

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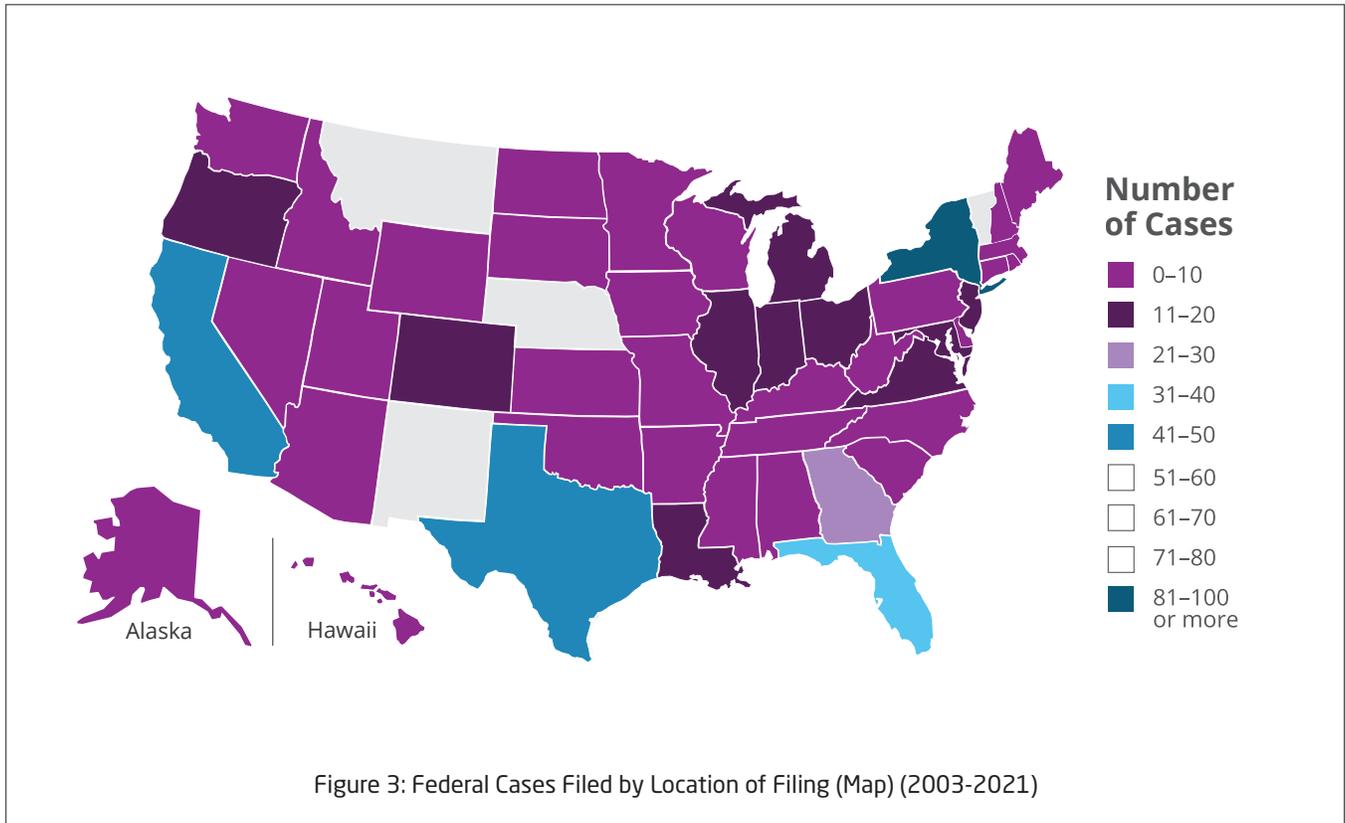
<sup>14</sup> Survivors filed three civil trafficking cases alleging sex trafficking outside of the United States. These cases were brought under 18 U.S.C. § 1596, but sex trafficking cases involving children may also be brought under the PROTECT Act. See Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act of 2003, 108 Pub. L. No. 21, §506, 117 Stat. 650, 683; see also Bessell, Sarah; Crisp, Martin; Foster, Deanna; and Ghodke, Isha, “U.S. Legal Remedies for Minor Victims of Sex Tourism and Sex Trafficking,”

<sup>15</sup> As noted above, 18 U.S.C. § 1596 provides extraterritorial jurisdiction to bring criminal and civil actions in U.S. federal courts for conduct occurring abroad. Of the fifteen cases that involved extraterritorial allegations of human trafficking and forced labor, twelve of these cases primarily involved allegations of forced labor and three involved only allegations of sex trafficking. See *Jean-Charles v. Perlitz*, No. 11-CV-00614 (D. Conn.); *Plaintiffs v. Schair*, No. 11-CV-00145 (N.D. Ga.); *St. Louis v. Perlitz*, No. 13-cv-01132 (D. Conn.).

<sup>16</sup> As of June 28, 2022, three circuits have considered the question of whether the extraterritorial jurisdiction provided for in 18 U.S.C. § 1596 extends to civil actions brought under 18 U.S.C. § 1595. The Fourth Circuit held that it extends to civil actions, *Roe v. Howard*, 917 F.3d 229, 241–43 (4th Cir. 2019); the Fifth Circuit also found *in dicta* that section 1596 extends to civil actions, *Adhikari v. Kellogg Brown & Root, Inc.*, 845 F.3d 184, 204 (5th Cir. 2017); while the Ninth Circuit assumed without deciding that extraterritorial jurisdiction extends to civil actions, *Ratha v. Phatthana Seafood Co.*, No. 18-55041, 2022 U.S. App. LEXIS 14866, at \*6 (9th Cir. May 31, 2022). Significantly, 21 members of Congress submitted an amicus brief to the Supreme Court of the United States, in which they explicitly stated that it was Congress’s intent that 18 U.S.C. § 1596 would extend to both criminal and civil actions. *Brief of Members of Congress Senator Blumenthal, et al as Amici Curiae Supporting Respondent* at 24, 32-33; *Nestlé USA, Inc. v. John Doe I, et al.*, 141 S. Ct. 1931 (2021) (Nos. 19-416 & 19-453).

## C. Civil Trafficking Cases Filed by Location<sup>17</sup>

As of December 31, 2021, plaintiffs had filed federal civil human trafficking cases in 49 states and territories,<sup>18</sup> with the highest numbers of cases brought in New York (105), California (46), and Texas (41).<sup>19</sup> No civil trafficking cases have been filed in Montana, New Mexico, Nebraska, Puerto Rico, or Vermont.<sup>20</sup>



<sup>17</sup> This map corresponds with Figure 3 of the *2018 Civil Litigation Report*. See Levy, *supra* note 1, at 11. This graph has been adjusted for scale to represent the geographic distribution of plaintiffs by cases filed by state.

<sup>18</sup> Of the 49 states and territories represented, plaintiffs have filed federal civil trafficking cases in three territories – the District of Columbia, U.S. Virgin Islands, and the Northern Mariana Islands – and 46 states.

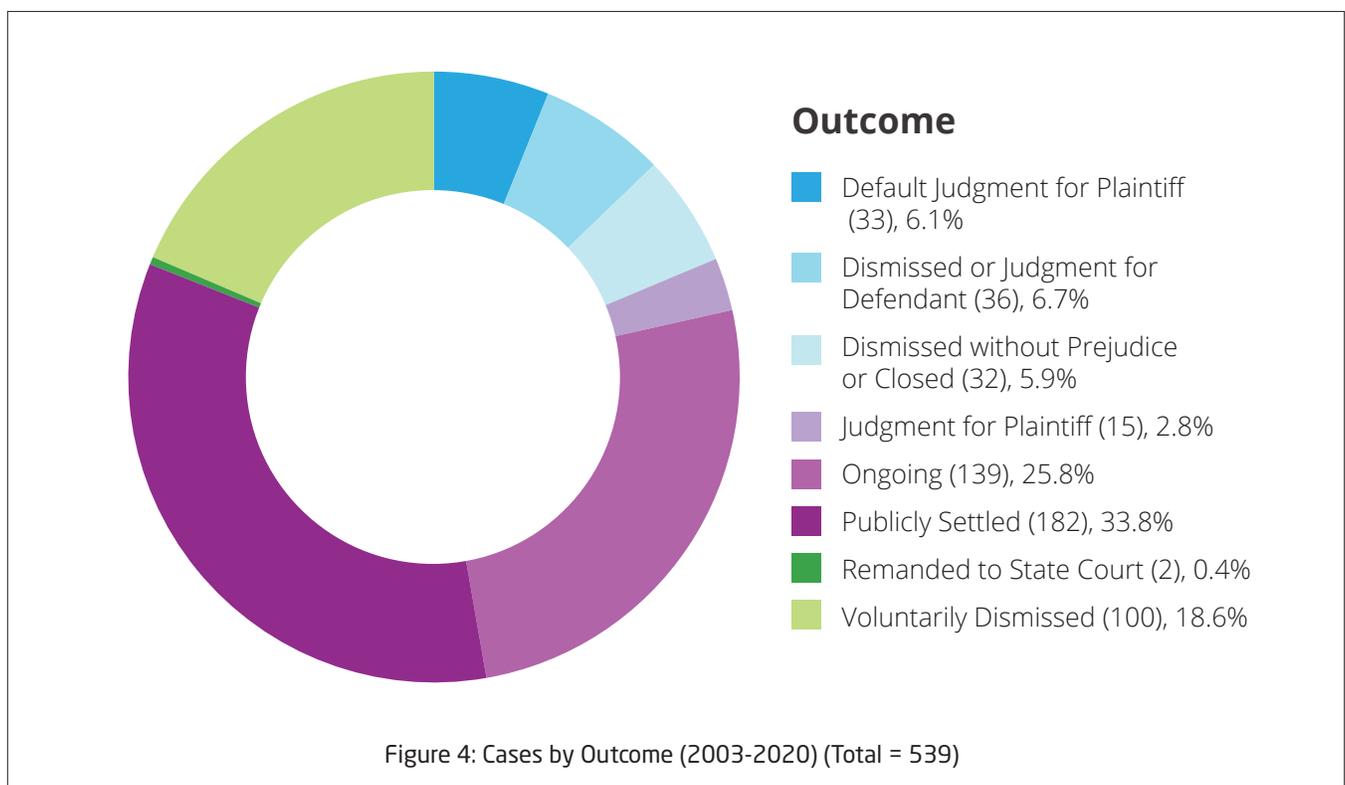
<sup>19</sup> The data discussed in this report reflect only case filings made in federal courts. Many states allow trafficking survivors to pursue a private right of action under their state's analogue of the TVPRA.

<sup>20</sup> Since our *2020 Data Update*, Nevada and the U.S. Virgin Islands have seen their first civil trafficking cases filed in federal court. On the graph above, gray designates zero cases filed.

## D. Outcomes in Federal Civil Trafficking Cases<sup>21</sup>

Of the cases filed as of December 31, 2021, approximately 25% (139) were ongoing as of June 28, 2022. Nearly 43% of all cases filed on or before December 31, 2021 resulted in judgments for the plaintiffs (48) or public settlements (182). Roughly 7% of the cases ended with involuntary dismissals or judgments for the defendants (36). Just under 6% of cases filed were closed or dismissed without prejudice (32). Less than 1% were remanded to state courts (2).

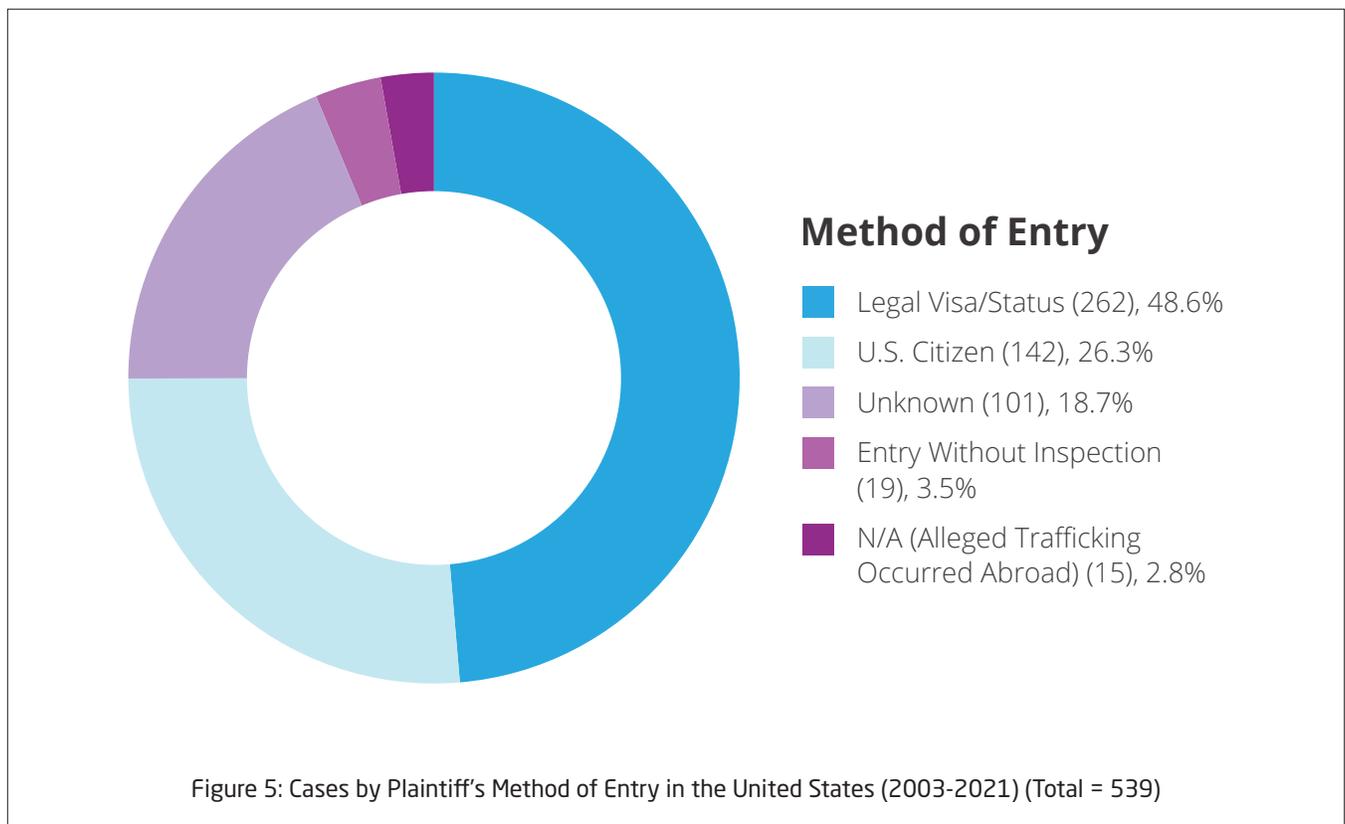
Approximately 18% were voluntarily dismissed (100), representing a one and one-half time increase in cases ending with voluntary dismissals since the *2020 Data Update*. In some cases, a voluntary dismissal is an indication that the parties have reached a confidential settlement agreement.



<sup>21</sup> This chart corresponds with Figure 4 of the *2018 Civil Litigation Report*. *Id.* at 12. This data set includes all cases filed on or before December 31, 2021, but includes status updates current as of June 28, 2022.

## E. Immigration and Visa Status of Trafficking Plaintiffs<sup>22</sup>

Foreign-born plaintiffs, many of whom entered the United States with legal visas or legal status, have filed approximately 52% (281) of all civil trafficking cases.<sup>23</sup> Nearly 30% of cases (157) involved either U.S.-citizen plaintiffs (142), or alleged offenses that occurred abroad (eliminating any need for a U.S. visa) (15).<sup>24</sup> Only 3% (19) of cases involved plaintiffs who entered the United States without inspection. For approximately 19% (101) of the cases filed, it was not possible to determine visa status based on publicly available filings.



<sup>22</sup> This chart corresponds with Figure 5 of the *2018 Civil Litigation Report*. *Id.* at 12. The “Entry Without Inspection” label has replaced the label of “None or Fraudulent” used in the previous reports.

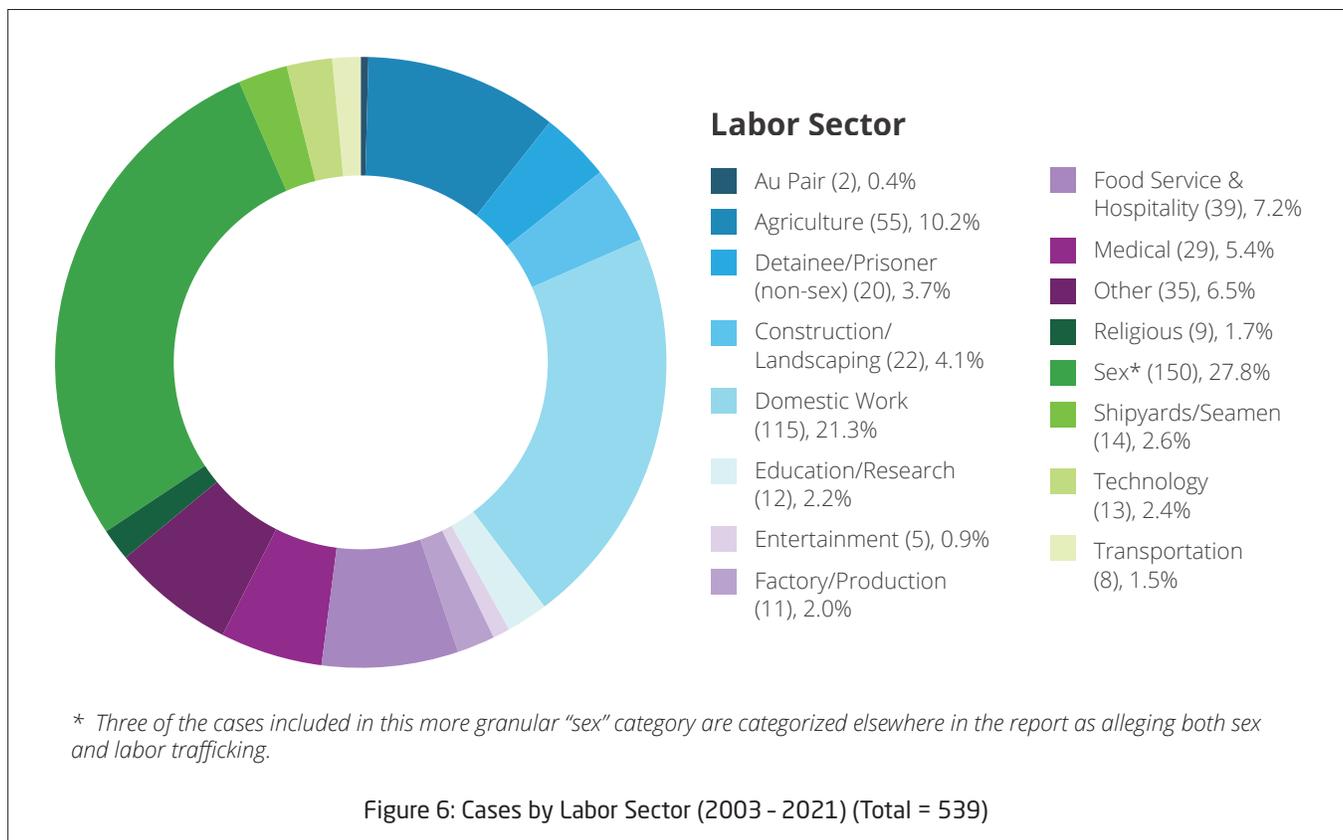
<sup>23</sup> This number includes those who entered with legal visas (258), those who entered as a refugee (1), those who held temporary protected status at the time of their trafficking (1), or those who were permanent residents (2).

<sup>24</sup> Under 18 U.S.C. § 1596, criminal and civil cases may be brought under the trafficking statutes for human trafficking crimes committed abroad. *See* section III. B, *supra* at 13.

# IV. Trafficking Civil Litigation: Case Types

## A. Cases by Labor Sector<sup>25</sup>

As of December 31, 2021, plaintiffs had filed 539 cases under the federal civil trafficking provision of the TVPRA.<sup>26</sup> The majority of these cases – 72% (382) – only included allegations of forced labor; nearly 28% (147) alleged sex trafficking alone. Ten cases alleged both labor and sex trafficking. For the purposes of the charts below, the cases alleging both labor and sex trafficking have been classified as either labor sex or labor based on which allegations were primary. Since 2003, plaintiffs have filed 389 civil labor trafficking cases and 150 civil sex trafficking cases. Domestic work cases have continued to dominate federal civil filings; more than one in five cases (115) were brought by domestic workers alleging that they had been trafficked into forced labor.



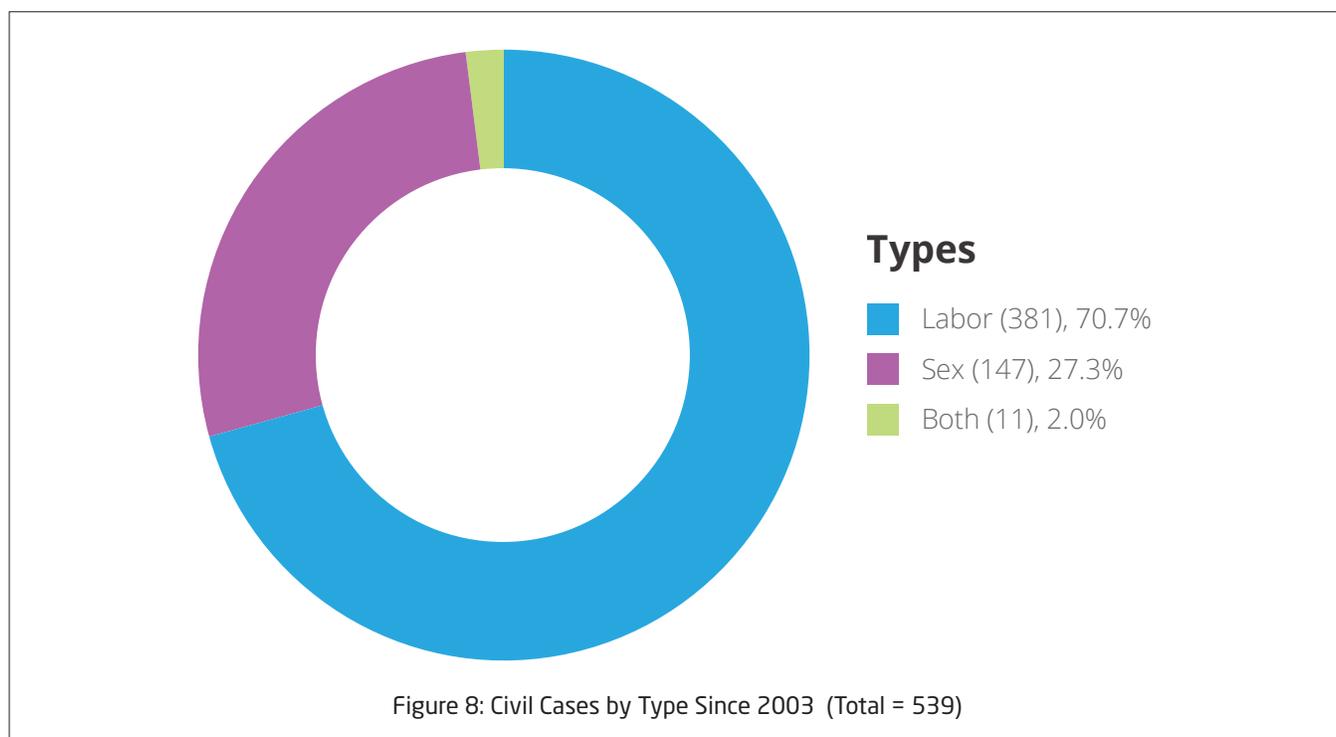
<sup>25</sup> This chart corresponds with Figure 6 of the 2018 Civil Litigation Report. *Id.* at 13.

<sup>26</sup> As of December 31, 2021. This number does not include 15 cases with nearly identical allegations filed by one plaintiff. For purposes of this report, those cases were counted as a single case.

**Figure 7: Cases by Labor Subsector (2003-2021) (Total = 539)**

Subsector	# of cases filled in 2003-2021	Subsector	# of cases filled in 2003-2021
Commercial Sex*	150	Shipyards/Seamen	14
Domestic Work	115	Technology	13
Agriculture	55	Education/Research	12
Food Service & Hospitality	39	Factory/Production	11
Miscellaneous Labor	35	Religious	9
Carceral Context/Detention <sup>27</sup>	20	Transportation	8
Medical	29	Entertainment	5
Construction/ Landscaping	22	Au Pair	2
<b>Total 539</b>			

\* Three of the cases included in this “sex” category are classified elsewhere in the report as alleging both sex and labor trafficking.

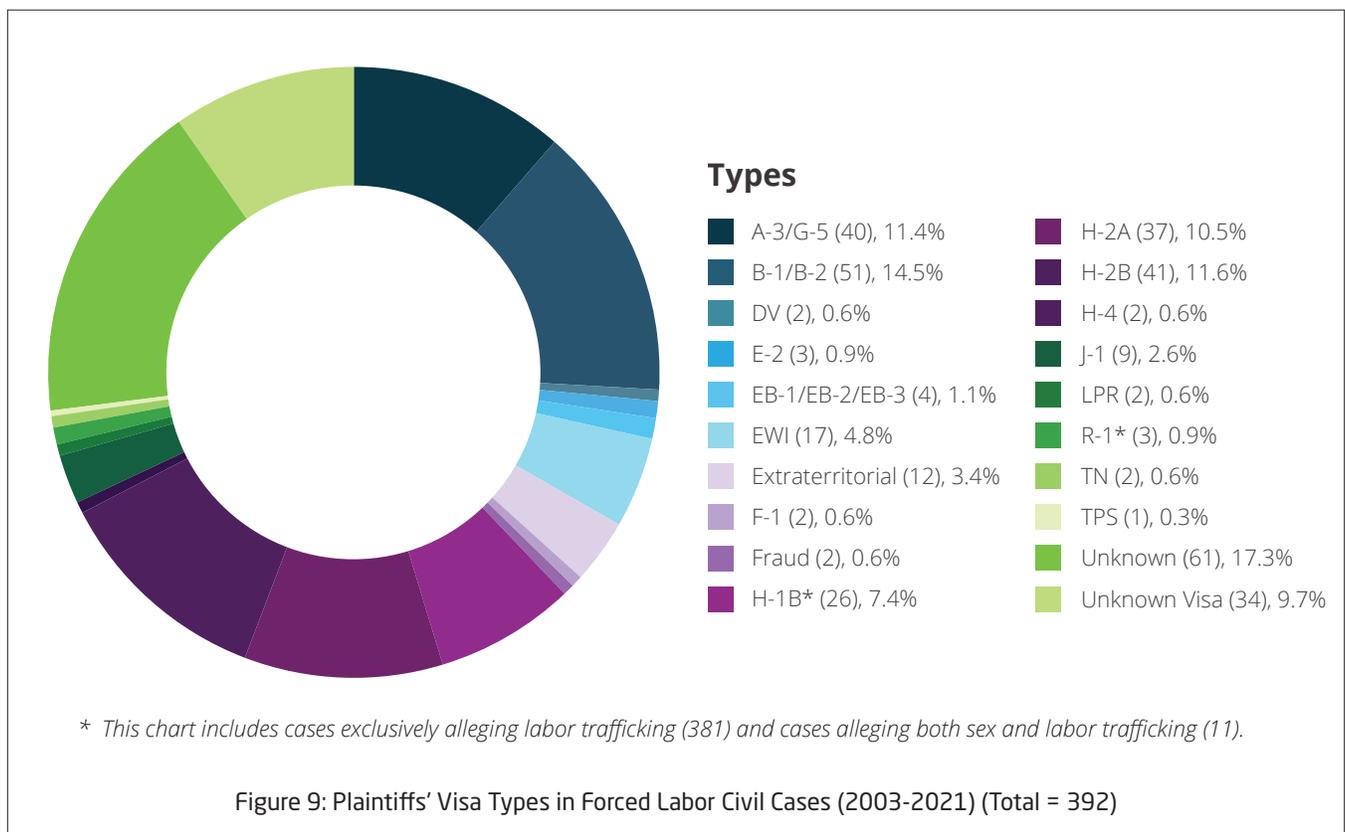


<sup>27</sup> The “carceral context” subsector involves labor trafficking cases where the plaintiff was detained. This includes cases where the forced labor that occurred in prisons, immigration detention centers, or rehabilitation facilities.

## B. Immigration and Visas in Forced Labor Civil Cases<sup>28</sup>

Most of the foreign-born plaintiffs in federal civil human trafficking cases arrived in the United States with legal visas.<sup>29</sup> Based on the available information gleaned from federal civil trafficking case filings, the number of plaintiffs who entered the United States without inspection is miniscule, under 5%. Almost three quarters of the remaining labor trafficking/forced labor victims — including those who also alleged sex trafficking — entered the United States with legal visas (74%).<sup>30</sup> The data indicate that the most frequently abused visa categories in forced labor cases were B-1/B-2, A-3/G-5, H-2A and H-2B.

The chart below also reflects another notable trend, the use of extraterritorial jurisdiction to bring cases for survivors of forced labor trafficked in global supply chains outside of the United States.



<sup>28</sup> This chart corresponds with Figure 7 of the 2018 *Civil Litigation Report*. *Id.* at 14. This section of the report includes cases alleging forced labor as well as cases alleging both forced labor and sex trafficking. Additionally, the chart below includes categories of “unknown visa” and “unknown.” For the purposes of this report, “unknown visa” refers to cases with references to the plaintiff(s) having visas, while not specifying the type; “unknown” refers to cases where there is no indication of the plaintiff’s visa status.

<sup>29</sup> In 41 of the forced labor cases, plaintiffs were U.S. citizens.

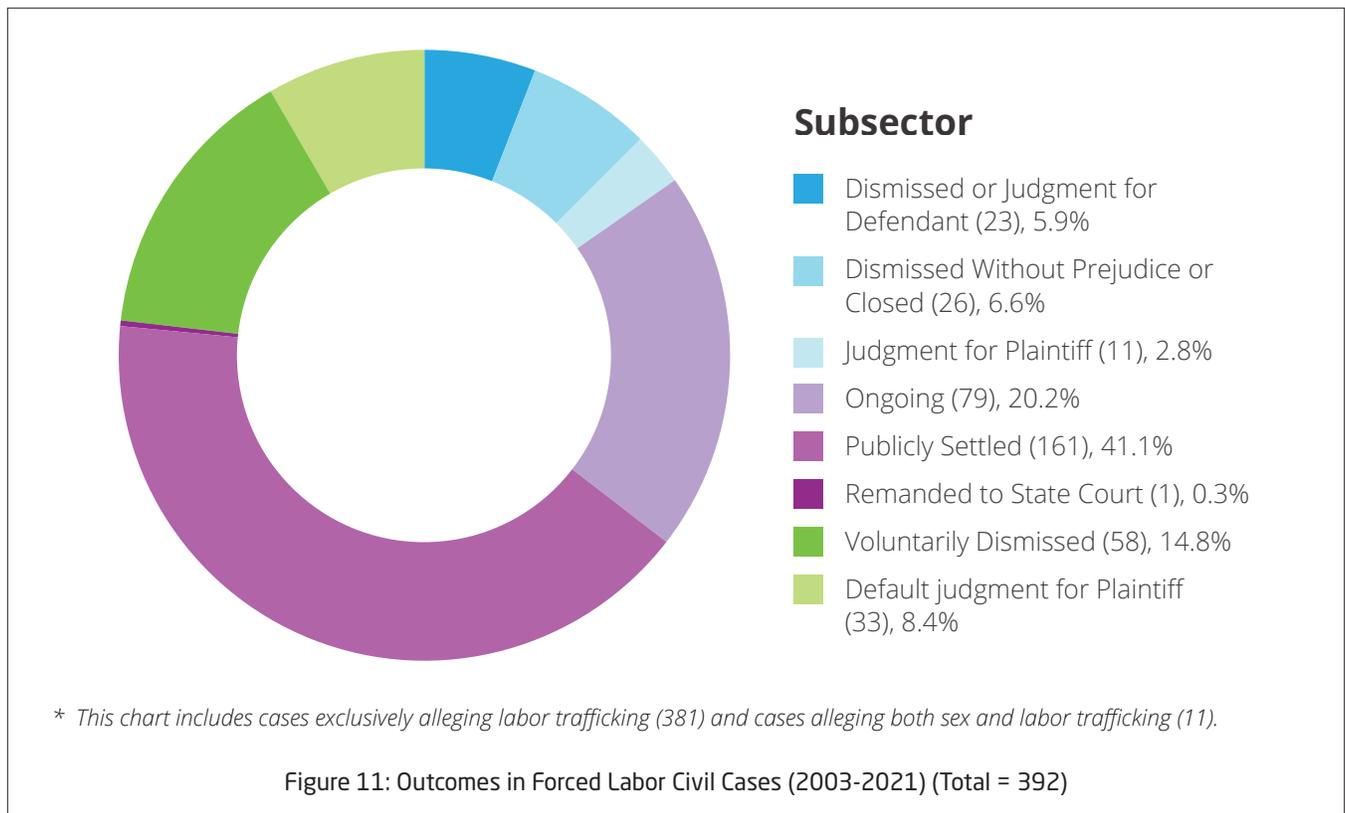
<sup>30</sup> In contrast, most sex trafficking-only civil cases (71%) involve plaintiffs who are U.S. citizens (102). The other 46 sex trafficking cases filed since 2003 include 40 instances where the plaintiff’s visa status is unknown, three extraterritorial cases, two cases in which a plaintiff held a visa of an unspecified type, and one case where the plaintiff held an F-1 visa.

**Figure 10: Visa/Immigration Status Types**

Type	Recipients	% of total
A-3/G-5	Domestic workers of foreign diplomats or employees of international organizations	11.4
B-1/B-2	Visitors for business or tourism and domestic workers	14.5
DV	Diversity Immigrant Visa	0.6
E-2	Investors in U.S. businesses	0.9
EB-1/EB-2/EB-3	Persons of Extraordinary Ability in the sciences, arts, education, business, or athletics	1.1
EWI	Entry Without Inspection	4.8
Extraterritorial	Trafficking occurred outside of the United States	3.4
F-1	Student Visa	0.6
Fraud	Plaintiff entered the United States with another individual's documentation	0.6
H-1B	Highly-skilled specialized workers	7.4
H-2A	Seasonal agricultural workers	10.5
H-2B	Temporary non-agricultural workers	11.6
H-4	Dependent family members of H-1B, H-1B1, H-2A, H-2B, and H-3 visa holders	0.6
J-1	Cultural and educational exchange opportunities	2.6
LPR	Long Term Permanent Resident	0.6
R-1	Nonimmigrant Religious Workers	0.9
TN	Nonimmigrant NAFTA Professionals	0.6
TPS	Temporary Protected Status	0.3
Unknown Visa	Immigrant, Unknown Visa Classification	9.7
Unknown	Immigration Status Unknown	17.3

## C. Outcomes in Forced Labor Civil Cases<sup>31</sup>

As of December 31, 2021, 44% of closed forced labor civil cases had resulted in judgments for plaintiffs (11) or public settlements (161). Nearly 15% (58) of cases were voluntarily dismissed, a slight increase from the 13% (46) of cases that ended with voluntary dismissals since the publication of the *2020 Data Update*.<sup>32</sup> Approximately 6% (23) of cases ended with involuntary dismissals or judgments for defendants, and about 7% (26) of cases were dismissed without prejudice, allowing plaintiffs to refile. As of June 28, 2022, 79 forced labor civil cases were ongoing.

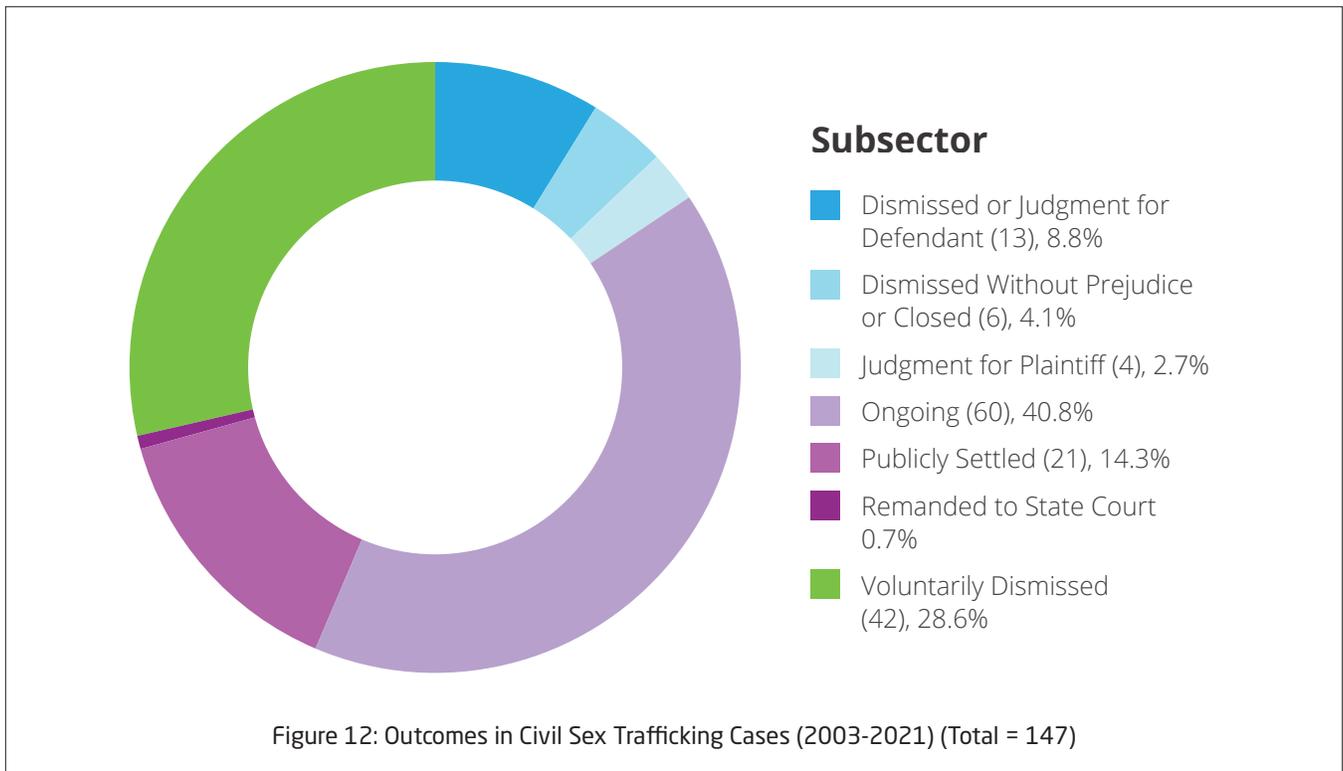


<sup>31</sup> This chart corresponds with Figure 8 of the *2018 Civil Litigation Report*. See Levy, *supra* note 1, at 15. This section of the report includes cases alleging forced labor and cases alleging both forced labor and sex trafficking. Additionally, this data includes all cases filed on or before December 31, 2021, but incorporates status updates as of June 28, 2022.

<sup>32</sup> There are many reasons why cases may be voluntarily dismissed, but voluntary dismissal by a plaintiff often indicates that the parties reached a settlement.

## D. Outcomes in Sex Trafficking Civil Cases<sup>33</sup>

As of December 31, 2021, more than a quarter of federal civil human trafficking cases filed since 2003 solely included claims of sex trafficking (147). The number of sex trafficking cases ending with voluntary dismissal, public settlements, or judgments for plaintiffs has increased over time. In all, more than one in four sex trafficking civil cases has been voluntarily dismissed (42), and roughly 17% of federal civil sex trafficking cases have resulted in public settlements (21) or judgments for plaintiffs (4). Similar to the *2020 Date Update*, only about 9% (13) of cases have been involuntarily dismissed or ended in a judgment for the defendant. One case was remanded to state court, six cases were dismissed without prejudice, and sixty cases (nearly 41%) are ongoing as of June 28, 2022.

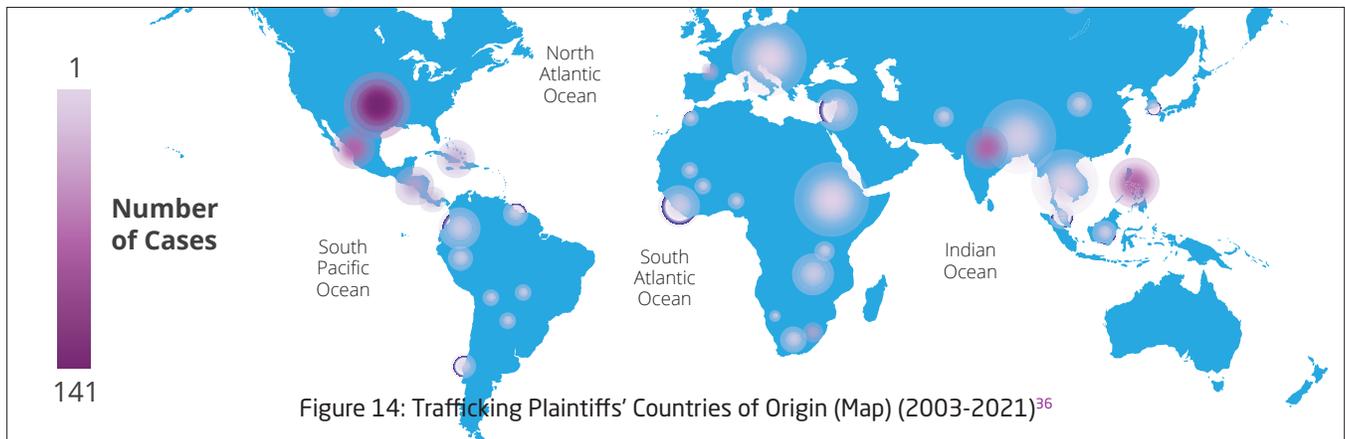


<sup>33</sup> This chart corresponds with Figure 9 of the *2018 Civil Litigation Report*. *Id.* at 15. This data includes all cases filed on or before December 31, 2021, but incorporates status updates current as of June 28, 2022.

## E. Plaintiffs in Civil Trafficking Cases<sup>34,35</sup>

**Figure 13: Trafficking Plaintiffs' Countries of Origin (2003-2021)**

Country of Origin of Plaintiff(s)	# of cases	Country of Origin of Plaintiff(s)	# of cases	Country of Origin of Plaintiff(s)	# of cases	Country of Origin of Plaintiff(s)	# of cases
Bahamas	2	Eritrea	1	Mali	1	South Africa	5
Bangladesh	4	Ethiopia	5	Mexico	66	South Korea	4
Belarus	1	France	1	Moldova	1	Sri Lanka	2
Bolivia	2	Guatemala	12	Morocco	3	Sudan	1
Brazil	4	Guinea	1	Namibia	2	Swaziland	1
Burkina Faso	2	Haiti	3	Nepal	4	Syria	1
Cambodia	4	Honduras	5	New Zealand	1	Tanzania	2
Cameroon	4	Hungary	1	Nicaragua	2	Thailand	3
Canada	4	India	40	Nigeria	3	Turkey	1
Chile	5	Indonesia	10	Pakistan	4	Uganda	2
China	7	Ivory Coast	1	Panama	1	Ukraine	1
Colombia	2	Jamaica	2	Paraguay	1	United States	141
Costa Rica	2	Jordan	1	Peru	10	Vietnam	4
Croatia	2	Kenya	2	Philippines	70	Zambia	2
Cuba	1	Laos	1	Poland	2	Zimbabwe	2
Democratic Republic of Congo	2	Liberia	1	Romania	1	Unknown	87
Dominican Republic	2	Madagascar	1	Russia	4		
Ecuador	2	Malawi	1	Serbia	2		
El Salvador	1	Malaysia	2	Slovenia	2		



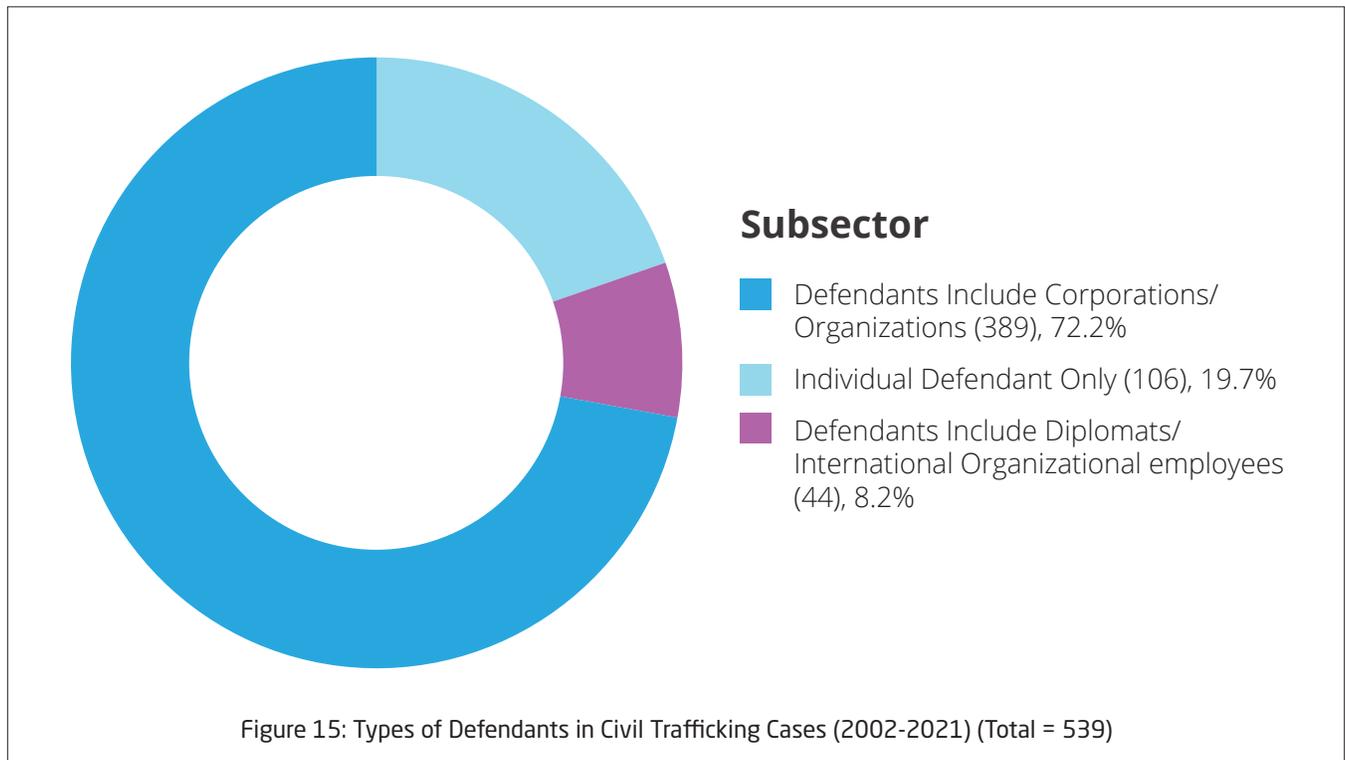
<sup>34</sup> This table corresponds with Figure 10 of the 2018 *Civil Litigation Report*. *Id.* at 16.

<sup>35</sup> The table here counts cases and not numbers of plaintiffs; some cases involve plaintiffs from multiple countries and/or plaintiffs with unspecified countries of origin. The number of plaintiffs varies widely from case to case. Since our 2020 *Data Update*, the plaintiff in *Doe v. Fairfax Police Officer 1 et al.* became the first citizen from Costa Rica to file a case arising under 18 U.S.C. § 1589. See *Doe v. Fairfax Police Officer 1 et al.*, No. 21-CV-1150 (E.D. Va.)

<sup>36</sup> This map corresponds with Figure 11 of the 2018 *Civil Litigation Report*. See Levy, *supra* note 1, at 16. As noted above, some cases include plaintiffs from multiple countries. This map has been adjusted for scale to represent the geographic distribution of plaintiffs by cases filed by country of plaintiff's origin.

## F. Defendants in Civil Trafficking Cases<sup>37</sup>

The number of cases brought against corporate defendants has continued to increase. As of December 31, 2021, the vast majority of federal civil trafficking cases (72%) have included at least one corporate defendant (389). Approximately one in five cases were brought against individual defendants. Labor recruiters and corporations continued to comprise a significant portion of defendants. Other defendants included police officers, universities, websites, staffing agencies, and other corporate entities.



<sup>37</sup> This chart corresponds with Figure 12 of the 2018 *Civil Litigation Report*. See *id.* at 18. This chart represents the types of defendants represented in the 539 federal civil trafficking cases filed as of December 31, 2022.

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## V. Conclusion

Trafficking survivors' ability to use the TVPRA to seek redress directly from their traffickers is an essential tool in the fight for justice. This is especially true for survivors of labor trafficking, as the federal government continues to fail to prosecute forced labor cases. Almost all federal human trafficking indictments – a total of 94% of federal indictments brought between 2009 and 2020 – are for sex trafficking.<sup>38</sup> In fiscal year 2021, the number of forced labor prosecutions plummeted to only 7, less than half of the federal forced labor prosecutions (15) filed the previous year.<sup>39</sup>

The trajectory of federal trafficking case filings continues to climb. Although the number of federal civil trafficking cases dipped during the pandemic, the number of cases filed in 2021 surged back to pre-pandemic levels.

Many of the trends identified in the original *2018 Civil Litigation Report* and the *2020 Data Update*<sup>40</sup> still hold true. The trends for case outcomes in labor trafficking cases, immigration/visa status of plaintiffs, defendant type, and the forced labor sector have remained constant over time. Sex trafficking case filings have increased, but the outcomes in these cases are quite mixed.

In the nearly twenty years since Congress enacted the federal human trafficking civil remedy, amendments to the TVPRA have expanded the scope of liability for trafficking. The addition of extraterritorial jurisdiction and venture liability in 2008 opened the doors to new categories of cases. The Jurisprudence on “financially benefiting” and extraterritorial jurisdiction is still in development, with several key cases pending at the time of this writing. For trafficking survivors, the civil remedy has become – and continues to be – an essential tool to hold traffickers accountable in the federal courts.

*The Human Trafficking Legal Center is committed to supporting pro bono attorneys litigating cases for trafficking survivors under the TVPRA. The organization serves as a bridge to justice for trafficking survivors regardless of race, nationality, age or gender identity. For more information on technical assistance, mentoring, and training, and for access to the Human Trafficking Legal Center's comprehensive federal trafficking civil case database, please visit our website, [www.htlegalcenter.org](http://www.htlegalcenter.org) or contact us at [info@htlegalcenter.org](mailto:info@htlegalcenter.org).*

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<sup>38</sup> Data on file with the authors.

<sup>39</sup> U.S. Department of State, Trafficking in Persons Report, at 575. <https://www.state.gov/wp-content/uploads/2022/04/337308-2022-TIP-REPORT-inaccessible.pdf>

<sup>40</sup> See generally Levy, *supra* note 1; see also Carey, *supra* note 1.

## VI. Appendices

### Appendix A<sup>41</sup>

As noted above, plaintiffs had filed federal civil human trafficking cases in 49 states and territories as of December 31, 2021. No trafficking cases have been filed in Montana, New Mexico, Nebraska, Puerto Rico, or Vermont. But Nevada and the U.S. Virgin Islands saw their first cases filed in 2021. Of the states with cases filed, ten states – Alaska, Delaware, Hawaii, Idaho, Kansas, New Hampshire, North Dakota, Rhode Island, West Virginia, and Wisconsin – are tied for having the lowest number of cases filed, with each state having only one case filed in federal court. The highest numbers of cases were brought in New York (105), California (46), and Texas (41).

**Number of Cases Filed Under 18 U.S.C. § 1595 by State  
(as of December 31, 2021)**

State	#	State	#	State	#
Alabama	7	Kentucky	8	Ohio	13
Alaska	1	Louisiana	12	Oklahoma	6
Arizona	2	Maine	2	Oregon	12
Arkansas	7	Maryland	14	Pennsylvania	10
California	46	Massachusetts	7	Rhode Island	1
Colorado	16	Michigan	11	South Carolina	8
Connecticut	10	Minnesota	5	South Dakota	3
Delaware	1	Mississippi	3	Tennessee	7
District of Columbia	15	Missouri	6	Texas	41
Florida	38	Nevada	3	U.S. Virgin Islands	2
Georgia	23	New Hampshire	1	Utah	4
Hawaii	1	New Jersey	12	Virginia	22
Idaho	1	New York	105	Washington	7
Illinois	16	North Carolina	6	West Virginia	1
Indiana	12	North Dakota	1	Wisconsin	1
Iowa	3	Northern Mariana Islands	3	Wyoming	2
Kansas	1				

<sup>41</sup> This table corresponds with Appendix A of the 2018 report. *See id.* at 31.

## Appendix B<sup>42</sup>

In 2021, plaintiffs won \$10,757,913 in damages judgments and public settlement agreements in 9 separate cases. An additional 13 civil trafficking cases settled for undisclosed amounts. Of the cases with known damages, class action cases accounted for 87% of the total damages awarded in 2021 (\$9,371,166.22) and 73% of the total damages awarded from 2003 to 2021 (\$194,740,776.28).<sup>43</sup> Since 2003, plaintiffs have won more than \$265 million in damages as judgments or public settlements. This amount does not include confidential settlements.

### Total Damages in Trafficking Federal Civil Cases (2003-2020)

Year cases closed	Total damages awarded	Number of cases resolved with known damages
2003	\$0.00	-
2004	\$0.00	-
2005	\$0.00	-
2006	\$68,318.00	1
2007	\$15,000.00	1
2008	\$8,770,374.05	2
2009	\$9,000,966.58	3
2010	\$500,000.00	1
2011	\$3,077,147.82	3
2012	\$19,536,378.68	8
2013	\$9,930,682.79	7
2014	\$781,937.69	3
2015	\$15,357,351.00	5
2016	\$18,145,598.68	11
2017	\$11,658,212.81	7
2018	\$8,790,861.35	7
2019	\$63,865,032.75	8
2020	\$84,764,049.58	5
2021	\$10,757,913.28	9
<b>Total</b>	<b>\$265,009,825.06</b>	<b>81</b>

<sup>42</sup> This table corresponds with Appendix C of the 2018 report. *See id.* at 33. For the limited purposes of this update, Appendix B of the original report has been omitted.

<sup>43</sup> *See Janicijevic v. Classica Cruise Operator Ltd et al*, No. 20-CV-23223 (S.D.Fla.) (public settlement for \$875,000.00); *Murray v. Altendorf Transport*, No. 10-CV-00103 (D.N.D.) (default judgment for plaintiffs in the amount of \$8,416,166.22); and *Vasquez v. Libre by Nexus, Inc.*, No. 17-CV-00755 (N.D.Cal.) (public settlement for \$80,000).

## Appendix C<sup>44</sup>

Federal Trafficking Civil Cases Filed by Year by Type of Case (2003-2021)			
Year Filed	Labor Only	Sex Only	Both
2003	-	-	-
2004	6	-	-
2005	6	-	-
2006	2	-	-
2007	9	-	-
2008	17	-	-
2009	15	1	-
2010	20	2	-
2011	26	4	-
2012	17	1	1
2013	30	4	-
2014	26*	1	-
2015	25	2	-
2016	26	1	1
2017	32	7	-
2018	28	8	-
2019	37	47	4
2020	22	28	4
2021	37	41	1
<b>Total</b>	<b>381</b>	<b>147</b>	<b>11</b>

<sup>44</sup>This table corresponds with Appendix D of the 2018 report. *See id.* at 34.



### About The Human Trafficking Legal Center

The Human Trafficking Legal Center connects trafficking survivors with pro bono representation so that survivors can seek justice and thrive. We are a bridge to justice. We demand accountability from traffickers, from governments, and from corporations. We shine a light on the system failures that allow trafficking to flourish. We advocate for survivors as agents of change and as leaders in the movement. We fight for systems change to end forced labor, including forced labor in global supply chains.

Learn more at:

[www.htlegalcenter.org](http://www.htlegalcenter.org)