



HUMAN TRAFFICKING

Jones Day's Anti-Human Trafficking Task Force and AHA provide tools and training

Melinda Hatton, AHA general counsel and one of the executive sponsors of the AHA's Hospitals Against Violence initiative, interviews Curt Kirschner, partner and a leader of Jones Day's Anti-Human Trafficking Task Force, to discuss the partnership working to expand hospital leadership in the fight against human trafficking.

Hatton: *How is Jones Day involved in the fight against human trafficking and what is your role?*

Kirschner: Jones Day is marshaling a coordinated global effort to combat both labor and sex trafficking, while also providing justice for survivors. In 2016, Jones Day launched the Anti-Human Trafficking Task Force to guide the work being done and to focus on developing specific solutions to this global problem.

Since the launch of the Task Force, an important component of our pro bono trafficking-related work has been in the health care field in partnership with the AHA. As part of the health care-related work of the Task Force, which I lead, we are very proud to have just published, in conjunction with the AHA and HEAL Trafficking, a new tool to help health care providers understand their reporting and education obligations related to anti-human trafficking activities. The new tool — Human Trafficking and Health Care Providers: Legal Requirements for Reporting and Education — covers legal obligations under federal law and the laws of all 50 states and is publicly available free of charge.

The work of our Task Force extends beyond health care and is truly multi-disciplinary and global. For

example, in litigation, Jones Day has represented a significant number of trafficking victims in criminal, restitution, and expungement matters; worked with the National Center for Missing and Exploited Children to produce a resource manual for the representation of victims of online sexual exploitation; conducted trainings for prosecutors and judges in the United States, Thailand, Nepal, and across Africa; produced a manual on the organization and operation of diversionary courts for victims of human trafficking, which

formed the blueprint for work by the National Association of Women Judges; and is developing resources for judges and prosecutors to better work with witnesses who have been victims of trauma.

In other Jones Day practice areas, regulatory lawyers provide training on avoidance of human trafficking in global supply chains; financial services lawyers provide pro bono services to financial institutions designing systems to identify the red flags of human trafficking within their anti-money laundering and compliance departments; and data privacy lawyers provide pro bono counsel to various organizations handling the personally identifiable information of both victims and perpetrators.

In addition, governance, transactional, and real estate lawyers provide counsel to many organizations being established around the world to address both interventions and the provision of legal and social services to victims of trafficking; and lawyers across multiple practices are working with national organizations throughout the United States on public and corporate education materials.



Q & A

Curt Kirschner

Partner at Jones Day and a leader of Jones Day's Anti-Human Trafficking Task Force

We have also prepared other tools beyond our just released guide for health care providers. We published a “Guide to Post-Conviction Relief for Victims of Human Trafficking,” which includes a compendium of post-conviction relief laws and resources at the federal level and in all 50 states. In addition, the Firm is working closely with several of its clients to produce a “Global Compendium,” the first comprehensive legal resource for the field which brings together all the laws of human trafficking around the world in one standardized format.

Hatton: *How did the partnership between Jones Day and American Hospital Association begin?*

Kirschner: I’ve had the privilege of representing the AHA for over 15 years as the AHA’s designated outside labor counsel. During the course of this work, I’ve seen the AHA’s leadership in many of the most important health issues facing our society. In 2016, when Jones Day launched its Anti-Human Trafficking Task Force and organized its first multi-practice, large scale convening on trafficking in Houston, it seemed natural and important to involve AHA in our efforts. Given that you are the leader of AHA’s Hospitals Against Violence initiative, you were exactly the right person to participate in the convening, and I’m so grateful that you did. During that first meeting, we learned some startling statistics about the prevalence of human trafficking, the common place interactions that occur between trafficking victims and health care providers, and the number of missed opportunities to recognize patients as trafficking victims. It was clear that there was much work that needed to be done to address the scourge of trafficking from a health care provider perspective. You really took up the mantle for the AHA and made trafficking one of the cornerstones of AHA’s Hospitals Against Violence campaign. Since then, AHA and Jones Day, working closely with HEAL Trafficking, have worked together on several trafficking projects related to health care providers,

including co-sponsoring a 2018 convening in our Washington, D.C. office focused on the role of health care providers in identifying, referring, and treating trafficking victims.

Hatton: *How do you see health care leaders engaging in the fight against labor and sex trafficking and how can they lead in their organizations and communities? Any key resources?*

Kirschner: Leaders of health care organizations across the country have a unique and critical role in fighting trafficking. A significant majority of trafficking survivors report being seen by a health care provider

while being trafficked, but their situation was not discovered. Health care providers have a unique opportunity to identify trafficking victims who may otherwise be hidden from society. Given that self-reporting by vulnerable victims is rare, front line health care providers need to be educated to recognize

patients who are being trafficked. Health care leaders should champion the issue, promote staff initiatives related to trafficking, and prioritize education and training programs among staff. The leaders of health care organizations should also adopt policies and best practices related to the identification, referral, and treatment of trafficking victims.

Many resources are available to health care leaders on the AHA’s website, and HEAL Trafficking has various model policies and training guides. In addition, Jones Day’s recently published tool to assist health care providers in sorting through the myriad of federal and state obligations related to the reporting and education obligations should be a valuable resource for providers.

Hatton: *What have you been able to accomplish through this partnership and what is the next phase of this work?*

Kirschner: The partnership between the AHA, the nation’s preeminent organization representing the interests of our hospitals, and Jones Day, a global

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law firm, has been extraordinary. Through our jointly sponsored health care trafficking convenings, we've been able to amplify the examples of excellence among individual providers and health care systems and publicize the work of some stellar NGO's, like HEAL Trafficking and the Human Trafficking Legal Center. We've created an Advisory Council of the nation's leading health care experts fighting human trafficking, which has been incredibly valuable in identifying areas of opportunity, especially as health care providers navigate these complex issues during the current COVID-19 pandemic. We have also worked jointly to secure the adoption of the first ICD-10 codes related to trafficking, so that incidence of trafficking within the nation's health care system can be tracked, measured, and consistently handled.

In terms of future goals, we are on a long-term path to convert the steeples of excellence at certain health systems into standard practices among health care organizations. To that end, we are looking to achieve more uniformity in state reporting obligations, in order to lessen the compliance burden on health care providers with multi-state practice. In addition, we are jointly sponsoring this year a series of virtual meetings to encourage C-suite leaders to champion these anti-trafficking initiatives within their systems. We are also seeking to spread the word about the best practices adopted by certain state hospital associations to gain more uniformity of commitment on this issue among all of our critically important state associations. Collectively, we're making progress, but there is still so much important work to do.