

ASSISTING TRAFFICKING VICTIMS

A GUIDE FOR VICTIM ADVOCATES



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A GUIDE FOR VICTIM ADVOCATES

This technical assistance guide provides information about the prevalence of sexual violence throughout various forms of human trafficking. The content of this guide is intended to support community-based advocates working in their outreach and service provision to trafficking victims. This guide includes information from the research on trafficking, a discussion of the role of advocates, and possible advocacy and collaborative strategies.

Throughout this guide, the term victim is used to describe trafficked persons. This is not to connote powerlessness or a lack of resilience, but to convey the acute conditions under which someone who has suffered from trafficking often encounters an advocate, as well as the magnitude of the crime that has been committed against him or her. The terms perpetrator and trafficker are used interchangeably to describe individuals who recruit and traffic women, men, and children for labor or sexual servitude.

WHAT IS HUMAN TRAFFICKING?

Human trafficking, commonly referred to as modern day slavery, is the buying and selling of men, women, and children for the purpose of sex or forced labor (Clawson, Dutch, Solomon, & Grace, 2009). Traffickers benefit financially at great cost to the dignity, safety, human rights, and well-being of victims.

The United Nation's International Labor Organization (ILO) estimated that there are at least 12.3 million adults and children being trafficked throughout the world at any given time (United Nations Office on Drugs and Crime [UNODC],

HUMAN TRAFFICKING IS THE FASTEST GROWING CRIMINAL INDUSTRY
IN THE WORLD TODAY AND IS CURRENTLY TIED WITH THE ILLEGAL
ARMS TRADE, AS THE SECOND LARGEST CRIMINAL INDUSTRY.

— U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES [HHS], N.D.B

2008). Human trafficking takes place in virtually every country in the world, generating billions of dollars in profit at the expense of millions of innocent victims (UNODC, 2008).

Risk factors for trafficking occur on multiple levels of society. Trafficking victims are often targeted by traffickers due to social inequities and poverty. Other risk factors may include family dysfunction including substance abuse, domestic violence, child sexual assault, abandonment, and homelessness. Their health and safety have often been affected by dire circumstances such as war and civil unrest. Often, victims do not have access to adequate nutrition and have little access to education (UNODC, 2009a). Traffickers exploit the hardships many victims experience through deception and false promises of economic opportunities awaiting them in more affluent destination countries, such as the United States (Miko, 2006). Traffickers often destroy victims' legal documents, threaten victims' families with harm, and trap victims in un-repayable debt (International Association of Chiefs of Police [IACP], n.d.).

Human trafficking victims are exploited by perpetrators through the use of force, fraud, and coercion. Violence is often used to break down the victim's resistance and maintain control

RISK FACTORS FOR TRAFFICKING VICTIMS

- Age
- Poverty
- Gender inequality
- Unemployment
- Sexual abuse
- Health/mental health problems
- Police/political corruption
- High crime

over him or her. Known as the "seasoning process," this may include rape, beatings, and isolation. Traffickers have a stake in keeping victims hidden from authorities or anyone else who may intervene and disrupt their business from continuing. Many victims do not speak or understand English and are unable to communicate with service providers, law enforcement, and others who might be able to assist them (Clawson, Dutch, Soloman, & Grace, 2009). It is important to note, that even if a victim speaks English and can seemingly ask for

assistance, the trafficker's threats and strict social isolation make it difficult for a victim to seek out assistance. Human trafficking victims are often being revictimized and may live in a constant state of fear.

Human trafficking is defined in the United States through the Trafficking Victims Protection Act of 2000 (TVPA). The TVPA created two categories – sex trafficking and labor trafficking. It is important to note that under the U.S. definition of human trafficking, transportation or physical movement of the victim does not necessarily need to be present in order for the crime to occur; instead, it is the presence of exploitation (force, fraud, or coercion) that indicates whether a trafficking crime has occurred (*Victims of Trafficking*, 2000).

LABOR TRAFFICKING

Labor trafficking involves the recruitment, harboring, transportation, provision, or obtaining of a person for labor services, through the use of force, fraud, or coercion for the purpose of subjecting victims to involuntary servitude, peonage, debt bondage, or slavery (Clawson et al., 2009).

Victims of labor trafficking are diverse and include children of all ages, men, and women. Some trafficking victims enter the country legally on worker visas, while others enter illegally. Some work in legal occupations such as domestic services, factories, agricultural work or construction, while others work in illegal businesses such as the drug and arms trade, or forced begging. Labor trafficking takes different forms, including bonded labor and forced labor.

- **Bonded Labor**, also called debt bondage, is both the least known and the most widely used

method of trafficking persons. Victims become bonded laborers when their labor is demanded as repayment of a loan.

- **Forced Labor** occurs when victims are forced to work against their will under the threat of violence or other forms of punishment. Their freedom is restricted and a degree of ownership is exerted.

SEX TRAFFICKING

Sex trafficking involves the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act in which a commercial sex act is induced by force, fraud, or coercion, or in which the person forced to perform such an act is younger than age 18. Types of sex trafficking include, but are not limited to prostitution, pornography, stripping, live-sex shows, mail-order brides, military prostitution, and sex tourism.

The majority of victims of sex trafficking are women, but girls, men, and boys are not immune. Within the U.S., American children who run away from home or who are homeless are at significant risk of being targeted for in the sex trade (Clawson et al., 2009).

ELEMENTS OF HUMAN TRAFFICKING

Human trafficking has three consistent elements: the act (what is done), the means (how it is done), and the purpose (why it is done). Note that although the verb “trafficking” sounds like transportation, movement, or migration, the concept of transportation is only one of five possible acts and is not required.

ACTION

- Induces
- Recruits
- Transports
- Harbors
- Provides or obtains

MEANS

Force

- Physical assault (beating, burning, slapping, hitting, assault with a weapon, etc.)
- Sexual assault/rape
- Physical confinement
- Isolation (physical and mental/emotional)

Fraud

- False employment offers
- Lies, false promises about working conditions
- Withholds wages

Coercion

- Threats to life, safety, to family members or others
- Threats involving immigration status or arrest
- Debt bondage: escalating or never ending debt
- Withholds legal documents
- Creates a climate of fear

PURPOSE

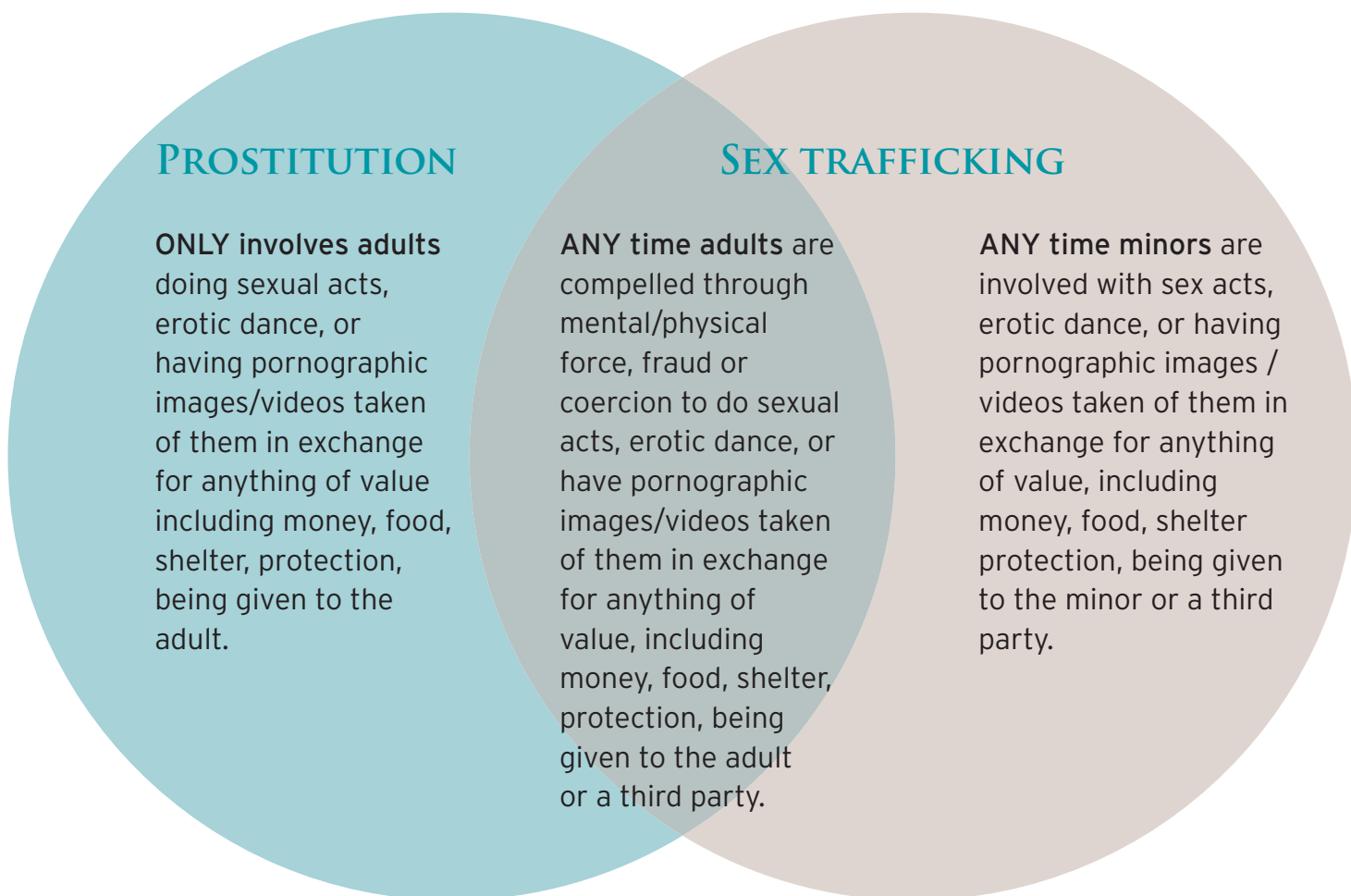
- Involuntary servitude
- Sexual exploitation
- Forced labor

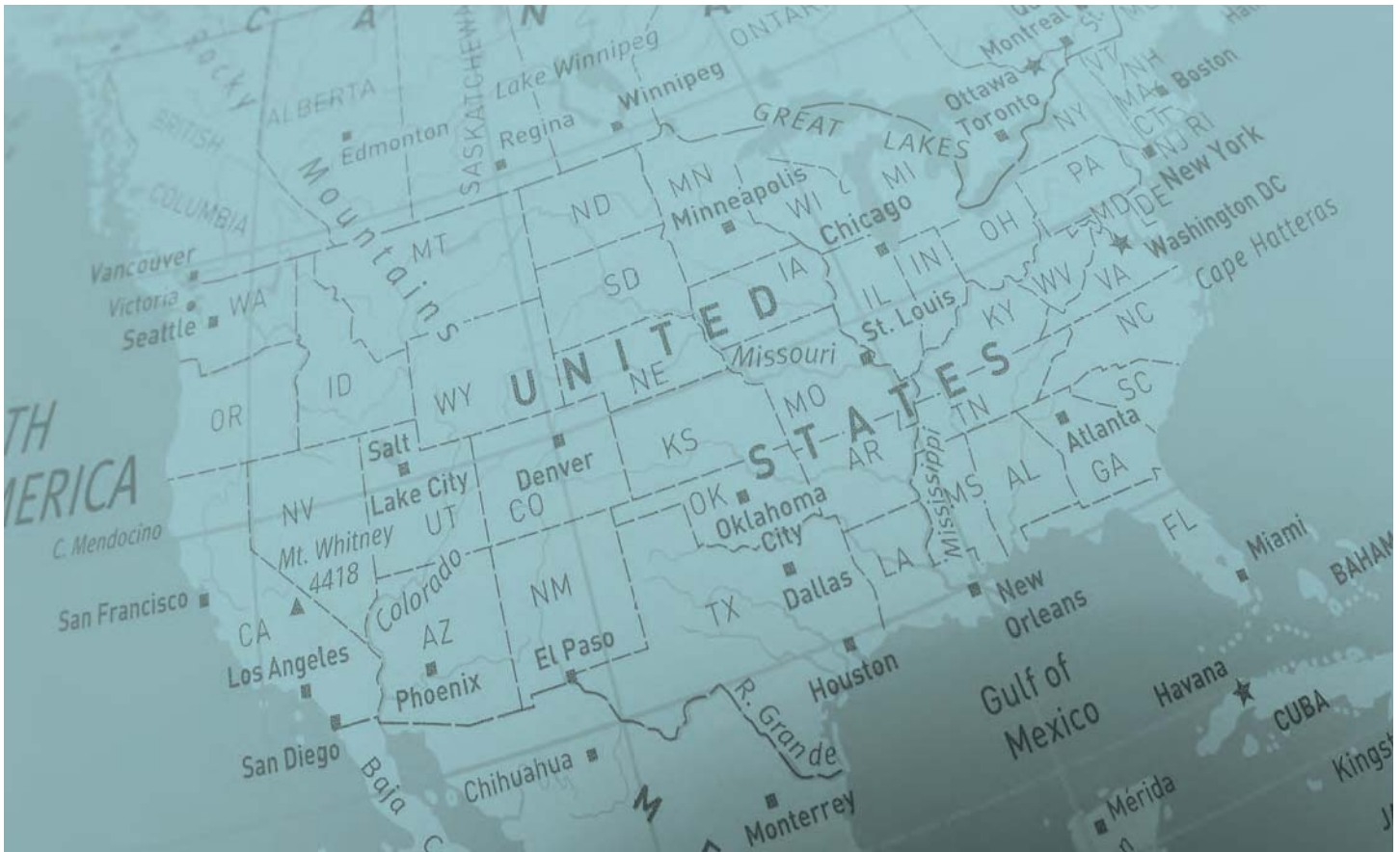
From *The A-M-P Model: Elements of the crime of “severe forms” of trafficking in persons* by Polaris Project. Copyright by Polaris Project. Adapted with permission.

SEX TRAFFICKING AND PROSTITUTION

Trafficking could not occur without an acceptance of prostitution and the commercial sex trade by destination countries. One cannot exist without the other; trafficking is the marketing of prostitution (Farley, 2003). There is much debate about whether or not individuals ever truly have the ability to choose to work in prostitution, or whether they are forced into prostitution due to social, economic, interpersonal, safety, or other dire circumstances. That debate is outside of the scope of this guide. However, it is important to understand the complex ways in which trafficking and prostitution are intricately connected and how they are distinct.

The chart below shows the fluidity of prostitution and sex trafficking. When minors are sexually exploited it is always sex trafficking (Hoffman, 2011).





TRANSNATIONAL TRAFFICKING

The United States is known as a destination country for transnational trafficking. Transnational victims are primarily from Asia, Latin America, Eastern Europe, and Africa (Polaris Project, 2010). Trafficking victims are brought into the U.S. for the purpose of both sexual and labor exploitation.

The internet is a common tool of traffickers to advertise and attract potential victims worldwide. It offers a wide range of approaches for recruitment, such as advertising employment opportunities abroad, search engines or pop-ups to publicize tempting offers, chat rooms, spam mail, and Internet dating (Sykiotou, 2007).

Sex trafficking cases of foreign women and

children brought into the U.S. are known to occur in a wide variety of settings within the commercial sex industry including massage parlors, escort services or Gentlemen's Clubs, commercially fronted brothels, residential brothels, escort services, and strip clubs.

Labor trafficking occurs in domestic work environments throughout the U.S. including private homes, small independently owned family businesses such as restaurants or nail salons, organized begging rings, and larger-scale labor environments such as agricultural farms or large sweatshop-like factories. These cases involve both documented and undocumented migrant workers, and they can occur in both legitimate and underground industries (Polaris Project, 2010).

“BOYS AND GIRLS ARE COERCED INTO BECOMING SOLDIERS, DOING HARD LABOR OR SOLD FOR SEX. WOMEN AND GIRLS ARE BEING TRAFFICKED FOR EXPLOITATION: FORCED INTO DOMESTIC LABOR, PROSTITUTION OR MARRIAGE. MEN, TRAPPED BY DEBT, SLAVE AWAY IN MINES, PLANTATIONS, OR SWEATSHOPS.” — UNODC, 2008

TRAFFICKING WITHIN THE UNITED STATES

Until recently, the discussion of human trafficking focused almost exclusively on international trafficking. Domestic trafficking involves U.S. citizens who are forced to work entirely within the borders of the United States (Polaris, n.d.). Like transnational victims, trafficking victims within the U.S. tend to be economically disadvantaged or otherwise marginalized individuals who are exploited for sex or labor. Demographics of U.S. trafficking victims are nearly nonexistent, given the hidden nature of this crime.

Research has consistently confirmed that runaways are at great risk of being targeted by pimps (traffickers) and becoming exploited in the sex industry (Clawson et al., 2009). According to the Federal Bureau of Investigation (FBI) Uniform Crime Reports in 2006, 36,402 boys and 47,472 girls younger than age 18 were picked up by law enforcement and identified as runaways across the U.S. (Clawson et al., 2009).

U.S. citizens who become human trafficking victims often come from abusive homes where they have been neglected or abandoned. Others may come through forced abduction,

pressure from parents, or deceptive agreements between parents and traffickers (Miko & Park, 2002). In some economically depressed neighborhoods, prostitution and pimping are multi-generational. Children are raised witnessing these activities functioning within their neighborhoods and view them as a normal and as expected methods of earning money. Children can also be exploited within their own homes by being sold by their parents or others to landlords, drug dealers, or others in exchange for rent forgiveness, drugs, or money.

American minors and adults are trafficked for forced labor, however, children are generally preferred to adults in the labor world as they are more easily controlled, cheaper, and less likely to demand better working conditions (Herzfeld, 2002). Very little is known about labor trafficking, both into and within the United States. The Child Labor Coalition (CLC) estimates that 5.5 million youth are employed across the U.S. with an estimated 500,000, mostly children of color, working in agricultural settings. Additionally, the CLC estimates that 50,000 children are involved with street peddling, including magazines, candy, and other consumer goods (Clawson et al., 2009).

TRAFFICKING VS. SMUGGLING

Human trafficking differs from smuggling in the following ways:

HUMAN TRAFFICKING

- Human trafficking victims do not consent and if they do originally, based on false promises, that consent becomes meaningless because of the traffickers' actions (HHS, n.d.c).
- Human trafficking does not require transportation or movement of the victim.
- Human trafficking is a crime against the individual.
- Ongoing force and coercion keep victims from returning to their homes.
- The continued exploitation of victims generates ongoing profits.

SMUGGLING

- Smuggling is considered a voluntary crime because the individual asks to be transported from one place to another.
- Smuggling is centered on transportation and is generally defined as the transporting of undocumented immigrants into the U.S.
- Smuggling is considered by some to be an offense against the integrity of U.S. borders.

Smuggling can become human trafficking. For example, a woman arrives in the U.S. with the promise of a job as a domestic servant. Upon arrival, the debt amount for her transportation increases (fraud), making it impossible for her to pay. She is forced to repay the debt by working in a brothel where she is held against her will.

U.S. CITIZENS WHO ARE RECRUITED AND ENSLAVED WITHIN THE UNITED STATES ARE CONSIDERED TRAFFICKING VICTIMS. THEY CAN ALSO BE TAKEN FROM THE U.S. AND TRAFFICKED TO OTHER COUNTRIES.

WHO ARE THE VICTIMS OF HUMAN TRAFFICKING?

Current stereotypes portray human trafficking victims as young, innocent girls forced into the sex industry. However, men, women, and children of all ages are trafficked the purpose of sex or forced labor (Clawson et al., 2009).

Certain commonalities exist among human trafficking victims, such as their risks for force, fraud, or coercion (Protection Project, 2002). Frequently they come from countries where women do not have equal status to men. Commonalities found to exist among trafficking victims include poverty, young age, lack of access to education, lack of work opportunities, history of previous sexual abuse, health or mental health challenges, living in areas with police corruption and high crime rate, and lack of family support (Clawson et al., 2009). Lack of family support can include family members collaborating with traffickers, homelessness, being orphaned, running away, and being “thrownaway,” which includes children and youth who have been denied access to their homes by their parents or other adults (Molina, 2007).

THE TRAFFICKING OF CHILDREN

An estimated 246 million children, between the ages of five and 17, are involved in debt bondage, forced recruitment for armed conflict, prostitution, pornography, the illegal drug trade, the illegal arms trade, and other illicit activities (HHS, n.d.d). Another form of trafficking of children involves the buying and selling of babies throughout the globe for the purposes of adoption. While this is outside the scope of this guide, it is important to note.

Children are trafficked internationally and within the U.S. They are often lured to the U.S. under the guise of opportunity. They may believe they are joining family members, coming to work legitimate jobs or attend school. Once here, they may be subject to psychological intimidation or threats of physical harm to themselves or members of their family (HHS, n.d.d).

What is important to note about the trafficking of children is that the elements of force, fraud and coercion do not have to be present. A ‘willing’ minor is still a victim because a child cannot agree to his/her own exploitation.

IT IS IMPORTANT TO NOTE THAT NOT ALL VICTIMS OF TRAFFICKING ARE UNDOCUMENTED IMMIGRANTS. THEY MAY BE HERE LEGALLY, ON WORK OR SCHOOL VISAS, OR THEY MAY BE U.S. CITIZENS.

THE SEXUAL VICTIMIZATION OF HUMAN TRAFFICKING VICTIMS

Many trafficking victims – in both labor and sex trafficking – are subjected to sexual violence as a means to instill fear and maintain control over them. In sexual exploitation cases, 90% of the victims reported sexual violence while being trafficked (UNODC, 2009a). Some examples of ways in which sexual victimization occurs during the trafficking process include:

- Traffickers use sexual assault or the threat of sexual assault, of the victim and/or the victim's family, as a means to abuse and control them (Inter-American Commission of Women, & Women, Health, and Development Program, 2001).
- Any time an individual is forced to perform sexual acts, do erotic dance or be filmed for pornography against their will, it is a sexual assault.
- Children who are recruited or abducted to fight as soldiers are often controlled through beatings and rape (UNODC, 2009a).
- Victims in domestic servitude are commonly sexually assaulted by "employers" as a means to control them (UNODC, 2009a).

HELPING ADVOCATES IDENTIFY TRAFFICKING VICTIMS: MAKING THE INVISIBLE VISIBLE

Human trafficking is a hidden crime and the victims face many barriers to obtaining assistance (Polaris Project, 2010). Some of those barriers include:

- Captivity or confinement
- Threats of violence or reprisal against loved ones
- Fear
- Always accompanied or guarded
- Misinformation and false promises
- Shame, self-blame
- Isolation
- Debt bondage and sense of obligation
- Hopelessness, resignation

Human trafficking victims are usually taught to fear law enforcement and other service providers. If the victims are under age, they are coached by traffickers, pimps, and brothel keepers to lie about their age. Regardless of age, they are taught to state that they are participating willingly. Trafficking victims will likely keep to themselves, as traffickers often watch their every move and instill great fear. It is likely that a victim advocate will have already encountered a human trafficking victim without

IDENTIFYING TRAFFICKING VICTIMS

Here are some possible indicators of trafficking, according to a following list adapted from *Human trafficking indicators* (United Nations Office on Drugs and Crime, n.d.):

GENERAL INDICATORS

- Bruises or other signs of assault
- Fearful or anxious
- High level of security around where they live
- Afraid to reveal immigration status
- No knowledge of their location, community, or language
- Have no access to earnings
- No passport or form of identification
- Distrust

SEX-TRAFFICKING INDICATORS

- Tattoos or branding 'ownership' by their exploiters
- Clothing stereotypical of sex work
- Know only how to say sex-related words in English

LABOR-TRAFFICKING INDICATORS

- Security intended to keep them on work premises
- Cannot leave their job without employer
- Often live in groups and live where they work

knowing it.

To identify trafficking victims and help them access the assistance they need, it is necessary to look beneath the surface.

ASKING QUESTIONS

Asking the right questions may help an advocate to determine if someone is a victim of human trafficking and will also help to create a safe atmosphere for disclosure. It is important to reassure a potential victim and let

them know the role of the advocate is to help and care for them. The first step to building trust is to ensure that the environment is safe and confidential. It is important to have a qualified, certified interpreter present if needed. See "The role of the victim advocate" section for more information. In addition, if asking these questions, it is paramount that advocates have the skills, resources, and ability to respond to the answers they are given. One-on-one encounters are best. The victim may be accompanied by someone who wishes



to maintain control over him or her. A good initial question when speaking with a potential trafficking victim is, “are you afraid of anyone right now?” or “are you safe right now?”

Questions that may help identify a trafficking victim :

- Did anyone ever force you to have sex against your will? For favors or money?
- Did anyone ever take photos of you and if so, what did they use them for?
- Did anyone ever force you to engage in commercial sex through online websites, escort services, street prostitution, informal arrangements, brothels, massage parlors, or strip clubs?
- Were you required to earn a certain amount of money/meet a nightly quota by engaging in commercial sex for someone? What happened if

you did not make your quota?

- Were you allowed to communicate with your family and friends?
- Were you afraid that the someone might harm your family back home?

Questions that may help identify a labor trafficking or domestic servitude victim :

- How did you feel about your job, employer, supervisor, etc.?
- Did you feel you were paid fairly at your job?
- What were your normal work hours? How many hours did you work each day? Did you have days off?
- Could you come and go as you wish?
- Did anyone threaten you if you did not work the required hours? What happened if you worked fewer hours or took breaks?
- Did you have to live in housing provided by the

employer? Could you leave the housing on your own?

- Did someone provide transportation to the work place? What did that look like?

RESPONDING EFFECTIVELY THROUGH COLLABORATION

A successful response to human trafficking requires community collaboration. Partnerships with law enforcement, medical and mental health providers, immigration attorneys, and local ethnic community leaders are just some of the possible partners to work with in addressing trafficking. Advocates may be able to draw on existing partnerships established in the community, such as sexual assault and domestic violence task forces. Building collaborative partnerships is most effective if done before a crisis arises (Florida Coalition Against Domestic Violence, 2004).

MULTIDISCIPLINARY RESPONSE TO HUMAN TRAFFICKING

Investigation and Prosecution

The investigation and prosecution of human trafficking cases is a complicated and often multi-dimensional activity. Various federal and state law enforcement agencies may have a part to play. Key law enforcement agencies include:

- **Federal Bureau of Investigation (FBI):** The FBI is the chief investigate agency for human trafficking on the federal level (FBI, n.d.).
- **U.S. Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE):** The largest investigative agency in

AGENCIES THAT COMMONLY COLLABORATE TO ASSIST VICTIMS OF HUMAN TRAFFICKING

- Advocacy groups
- Attorneys
- Consulate
- District Attorney
- Domestic violence programs
- Faith-based programs
- FBI/Bureau of Crime Investigation services
- Health services
- Housing programs
- Law enforcement
- Local government
- Private businesses
- Schools and colleges
- Sexual assault programs
- Social workers
- Substance abuse programs
- U.S. Attorney's Office
- U.S. Department of Justice
- Victim assistance agencies

Department of Homeland Security, ICE has the primary responsibility to investigate human trafficking internally and abroad. (DHS, 2010).

- **U.S. Department of Justice Civil Rights Division:** has the primary responsibility of prosecuting trafficking cases in the U.S. It works closely with the FBI, the Department of

Homeland Security/Immigration and Customs Enforcement, and local law enforcement agencies to investigate and prosecute cases.

- **State and Local Law Enforcement:** Work closely with federal partners to conduct investigations. Their knowledge of the community, contacts with local informants, ability to conduct undercover investigations quickly and existing relationships with local victim service programs and non-governmental agencies make them key to the successful investigation and quick response to the needs of the victims (IACP, n.d.).
- **U.S. Attorney's Office:** The federal entity for the prosecution of human trafficking under the Trafficking Victims Protection Act (TVPA).
- **State Attorney General's Office/ District Attorney's Offices:** Provide investigative support, victim assistance, and prosecution under the TVPA.

HUMAN SERVICES

Victim advocates and social service organizations also play a critical role in responding to victims of human trafficking. Victim advocates work with the FBI, the offices of the U.S. attorney, the state attorney, and the local prosecutors, as well as community-based advocacy organizations across the country. Non-governmental organizations (NGOs) – non-profit agencies that pursue humanitarian goals separately from the government in which they operate – exist within the U.S. and internationally assisting victims of human trafficking by addressing a wide variety of services and issues. These include services pertaining to food and shelter, legal and social struggles, training and education, human

SUGGESTED STEPS FOR BUILDING PARTNERSHIPS TO RESPOND TO HUMAN TRAFFICKING

1. Identify partners.

These should include individuals and organizations on a state and local level (see Roles in Combating Trafficking below). The Polaris Project (n.d.a) provides advocates with more information about state-specific anti-trafficking legislation and task forces.

2. Plan now before the first case.

Do you know your agency's procedures? What are the likely avenues for trafficking in your community?

3. Be proactive; go meet the players.

Do you know who the contacts are? Have you begun to build trusting relationships?

4. Consider formalizing your partnerships.

Develop memorandums of understanding (MOUs).

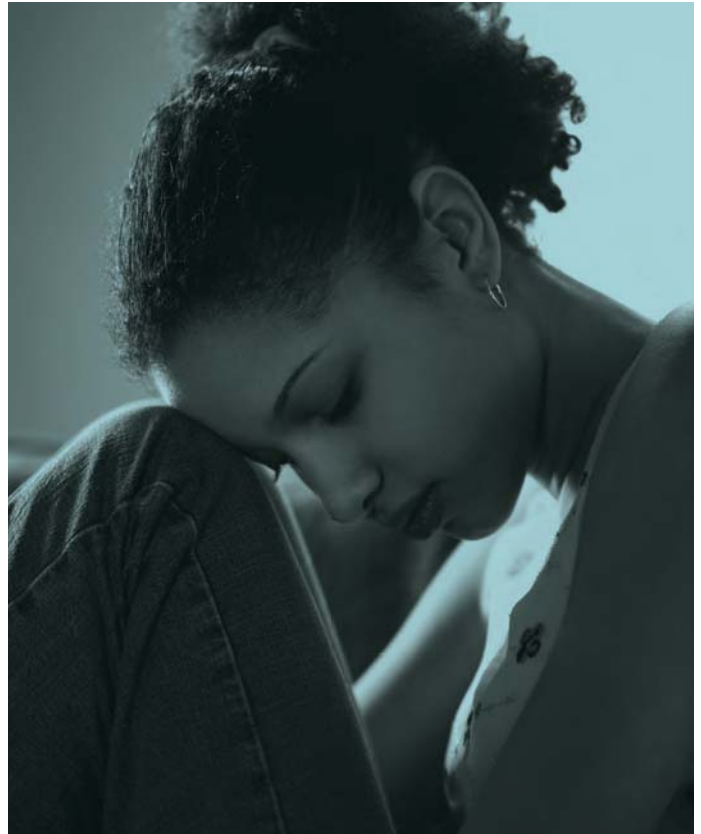
and civil rights violations, medical assistance, counseling, employment, language, immigration assistance, and sexual assault.

A list of NGOs by state may be found at www.humantrafficking.org (humantrafficking.org, n.d.).

THE ROLE OF THE VICTIM ADVOCATE

Advocates have a deep understanding of the complex needs of people who have been exposed to violence. However, it is recommended that they seek specialized training on human trafficking to assist in understanding the issues unique to this form of victimization. It is vital that advocates who may encounter victims of human trafficking know how to contact national and local trafficking resources and understand how they can best assist a victim. As victim advocates become increasingly aware of human trafficking, more and more victims may be identified.

The primary role of a victim advocate is to support the victim while advocating for their rights and helping them navigate through various societal structures such as the legal and medical systems, housing/shelter, employment, and the criminal justice system. Advocacy often includes efforts to identify the victim's strengths and needs, in order to explore options and identify available resources (American Prosecutors Research Institute, 2007). Traditional advocacy skills, such as knowledge of confidentiality, the crisis response, victim-centered interventions, cultural competence, safety planning, and system navigation all remain relevant when working with trafficking victims. Many of the



victim-centered, empowering approaches that advocates typically use to support victims of sexual and domestic violence can also be helpful when working with a victim of human trafficking:

- Support the victim in identifying and accessing options that enable her or him in the healing process.
- Establish a safe contact system.
- Maintain confidentiality.
- Help the victim form a safety plan.
- Document threats.
- Collaborate with state and federal agencies for housing. Emergency and transitional housing may be found through local homeless shelters, domestic violence shelters, rented apartments/hotel rooms, halfway houses, or other venues.

- Seek care for medical and mental health needs.
- Secure basic resources such as financial assistance, transportation, vocational training, employment, and childcare.
- Collaborate with agencies that are credible, trauma-informed, respectful of confidentiality, and familiar with the complex nature of immigration laws. Trauma-informed agencies are those that are trained in the effects of trauma on individuals and are sensitive to the unique needs of trauma survivors.
- Connect clients as soon as possible with legal representation - ensure that such representation has the background and knowledge about state and federal trafficking laws and the rights and options available to victims.
- Provide legal advocacy and accompaniment

to medical appointments, law enforcement and prosecutor interviews, and trial.

Building trust is paramount to any advocacy effort with victims and survivors. As a way to build trust and protect safety and confidentiality, the advocate should make the client feel as comfortable as possible. If possible, enlist the help of a staff member who speaks the victim’s language and understands his/her culture. If an interpreter is needed, the following guidelines are necessary:

1. Ensure the interpreter does not know the victim or the accused trafficker.
2. Ensure the interpreter understands trafficking and confidentiality.
3. Never use another victim as an interpreter.
4. Ensure the victim and the interpreter speak the same language and dialect.



5. If the victim has worked with an interpreter previously with law enforcement or another agency, check availability (UNODC, 2009b).

As previously mentioned, cultural competency is important to consider when building trust with any victim/survivor. Advocates must educate themselves on the cultural values and customs of the victim with whom they are working in order to provide culturally competent services (Global Alliance Against Trafficking in Women, 1997). Learning about the culture of a client shows a commitment to help, respect for the client, and helps the advocate understand how the victim's culture may uniquely affect his/her victimization and resilience.

COMMUNICATING WITH HUMAN TRAFFICKING VICTIMS, FOR ADVOCATES

What follows is a list of things an advocate can say to help a trafficking victim feel safe and understood. Please note that similar to a domestic violence victim or an incest survivor, a human trafficking victim may have a complicated relationship with the trafficker. The violence may have occurred within a larger context that also included dependence, loyalty, care, and even affection. A trafficking victim may have many different and oftentimes conflicting emotions about the trafficker. Therefore, it is important not to judge this relationship or the victim. Below are some things an advocate can say to help victims:

- You are safe now.
- You are a victim, not a criminal.
- You can trust me.

- We can help protect your family.
- You have rights.

We want to make sure what happened to you doesn't happen to anyone else.(HHS, n.d.a). For more information on interviewing victims of trafficking, see the WHO Ethical and Safety Recommendations for Interviewing Trafficked Women, listed in the Tools for Advocates section of this document

MEETING THE UNIQUE NEEDS OF VICTIMS OF HUMAN TRAFFICKING

Human trafficking victims require an enormous range of services and must navigate complex bureaucracies and fragmented service delivery. The United Nations High Commissioner for Human Rights suggests the following guidelines and principles for physical, psychological, and emotional recovery of trafficking victims (Office of High Commissioner for Human Rights, 2002):

- Counseling and information
- Housing
- Medical care
- Material assistance (food, clothes, etc.)
- Employment
- Education
- Training opportunities
- Social support group formation
- Immigration assistance
- Reparation
- Legal

COUNSELING AND INFORMATION

This is an area where advocates can be very helpful, as they are trained to help clients to predict and prepare for what is ahead and provide information and referrals. Again, it is recommended that advocates seek specialized training on human trafficking and identify potential collaborative partners prior to encountering a trafficking victim. Many human trafficking victims have endured multiple violations, including sexual assault, daily mental and emotional abuse, physical abuse and torture. As a result, they may suffer from severe psychological trauma that should be treated by a medical professional. (Clawson & Dutch, n.d.). However, supportive counseling and systems advocacy are other areas in which advocates excel and a trafficking victim may greatly benefit from having a supportive person to listen and assist them in navigating the waters.

Trafficking victims may return to the trafficker numerous times before breaking free. There are many factors that may compel a victim to return: fear for themselves or their family members, economics, familiarity, security, and others. They may believe everything the trafficker told them. It can be a process. It is critical that advocates be patient and non-judgmental.

IMMIGRATION ASSISTANCE

International victims of trafficking may need immigration assistance if they wish to stay in the United States. If an international victim chooses to cooperate with law enforcement in the prosecution of the traffickers, the victim



may be granted access to several types of immigration assistance. Options include:

- **Continued Presence Status:** Available to victims of severe forms of human trafficking who are seen as potential witnesses in their cases. Permits the victim to remain in the United States for at least a year and receive victim service benefits.
- **T Visa:** T Visas give temporary non-immigrant status to victims of severe forms of human trafficking) on the condition that they help law enforcement officials investigate and prosecute crimes related to human trafficking. However, if the victim is under 18 years old, the law does not require cooperation with police to obtain a T Visa.

The T Visa allows the victim to stay in the

United States for four years. However, sometimes it can be longer than four years if a law enforcement authority certifies that having the victim remain in the country for longer is necessary for investigating or prosecuting the crime. If a T Visa is granted, an employment authorization document is granted as well (WomensLaw.org, n.d.a).

- **U Visa:** The U Visa is not limited to human trafficking victims. It is designed for noncitizen crime victims who (1) have suffered substantial physical or mental abuse from criminal activity; (2) have information regarding the criminal activity; (3) assist government officials in the investigation or prosecution of such criminal activity; and (4) the criminal activity violated U.S. law or occurred in the United States (including Indian country and military installations) or the territories of the United States. U Visas allow a victim to remain in the United States for up to four years. After three years, U Visa holders may apply for lawful permanent residence. If a U Visa is granted, an employment authorization document is granted (WomensLaw.org, n.d.b).

- **Certification for Trafficking Victims:** Certification allows adult victims of trafficking who are not U.S. citizens or Lawful Permanent Residents to access benefits and services under any Federal or state program to the same extent as a refugee.

To receive certification, a person who is 18 years old or older must:

- Be a victim of a severe form of trafficking as defined by the *U.S. Trafficking Victims Protection Act of 2000 (TVPA)*.
- Be willing to assist in every reasonable way in the investigation and prosecution of severe forms of trafficking or be unable to cooperate

due to physical or psychological trauma; and

- Have made a bona fide application for a T Visa that has not been denied; or
- Have received Continued Presence (CP) from the Department of Homeland Security (DHS) in order to contribute to the prosecution of traffickers in persons.

Once the requirements listed above have been met, the trafficking victim can receive a Certification Letter from the U.S. Department of Health and Human Services (HHS) Office of Refugee Resettlement (ORR) (HHS, n.d.b).

Advocates assisting victims who are not United States citizens are encouraged to collaborate with attorneys well-versed in immigration law to best navigate the nuances of the law. Polaris Project launched its legal service program in October 2006 to provide in-house legal services to victims of human trafficking. Polaris Project also refers cases to a Legal Referral Network of pro bono attorneys who have volunteered their valuable time to serve survivors of human trafficking. Some anti-trafficking coalitions have provided training to attorneys on the unique aspects of human trafficking. Collaboration with these coalitions and these trained attorneys could be beneficial.

HOUSING

There are very few shelter beds specifically for trafficking victims throughout the U.S. Victims of trafficking often find shelter in the following places: domestic violence shelters, hotels, or apartments provided by local social service agencies or non-governmental organizations (NGOs) (Alimchandani & Lemma, 2006). If the advocate's organization does not have shelter services, it is critical that the advocate



negotiate with organizations that offer these services to increase victims' access to safe, affordable housing options that are responsive and supportive to the needs of victims. If the victim is a U.S. citizen or has received a T Visa the victim may be eligible for assistance through the public housing authority (HHS, n.d.e). Initiatives through organizations such as Coalition to Abolish Slavery and Trafficking (CAST) have been set forth to create shelter space, apartments, and safe houses exclusively for victims of trafficking (Alimchandani & Lemma, 2006).

Not all victims may be ready to live independently, and it is important that the advocate assess whether this is the case. Although most independent living assessment tools are meant for youth transitioning out of foster care or the elderly, these tools can be

useful starting points for determining whether a victim is ready to live alone and has the necessary life skills to do that. Tools of this nature are listed in the Tools for Advocates section of this document. A toolkit for anti-trafficking service providers on housing issues can also be found in this section

MEDICAL NEEDS

There are several roadblocks to obtaining adequate health care services for victims of human trafficking (Practical Guide to Assisting Trafficked Women, 2007). Some victims who are not United States citizens or documented immigrants may fear they will be reported to immigration if a health care provider discovers her/his immigration status. Advocates can collaborate to overcome these obstacles by

contacting local hospitals and health centers to determine whether confidential services are available. They can engage hospitals and health centers as partners in the collaboration and ensure that health care workers receive training and assistance around the needs of human trafficking victims. If confidential services are not available, it is important to inform the victim and allow the individual to determine how they wish to proceed.

Many trafficking victims do not have money or health insurance to pay for medical visits. T Visa and Continued Presence status recipients are eligible for Medicaid and health screening (HHS, n.d.b). Recipients of T Visas or Continued Presence status who are not eligible for Medicaid or other medical payment assistance programs may be eligible for funds through the Refugee Cash and Medical Assistance program. A state-by-state list of such medical assistance programs is available in the Tools for Advocates section of this document. Some states provide special assistance to victims of trafficking. For those victims who do not receive T Visas, advocates can contact religious organizations, government offices, or NGOs to determine whether any of them would cover health care costs. Obtaining information about local free or reduced-cost clinics can also help to overcome financial roadblocks. The advocate can assist the victim in documenting every cost incurred, as these costs can be added to compensation claims against the traffickers.

FINANCIAL ASSISTANCE

To meet their immediate and ongoing needs, victims of trafficking will require some form of financial assistance. Advocates can assist

the victim by determining whether any of the agencies involved in the case offer financial assistance. It will be helpful if the advocate collaborates with local agencies and non-governmental organizations (NGOs) that assist victims of human trafficking ahead of time to determine what assistance is offered and whether the process of obtaining assistance can be streamlined. Some NGOs offer reinstallation grants or family/dependent support grants to support the victim's efforts to reintegrate into his or her country of origin (International Organization for Migration [IOM], 2007), while the U.S. Department of Health and Human Services offers a number of options for financial support to T Visa recipients and those with continued presence status (HHS, n.d.e). Some states also provide access to state benefits to trafficking victims. For more information about benefits, advocates can contact their states' departments of public welfare, human services, or social services. Finally, if the victim reports the crime to the police and cooperates with the investigation, the victim may be eligible for Crime Victims Compensation (CVC). Victims can usually apply for CVC at the city or county levels (HHS, 2011). An advocate can be most helpful to trafficking victims by working with these agencies and building an understanding of the differences between types of assistance, eligibility across types, and any differences in purpose.

EDUCATION/TRAINING OPPORTUNITIES

Victims of human trafficking may benefit from supportive services and information about education and training opportunities. Advocates can assist by researching and having

available information about vocational training programs, GED programs, college/universities, English as Second Language courses, and others. Based on the client's wishes, the advocate can contact the state department of education, literacy programs, or other social service programs to identify local ESL courses to determine if they are available at reduced costs. Local colleges and universities may have students who are willing to volunteer their time to teach.

Collaborations with schools, vocational placement agencies, and employers may lead to free or reduced cost training programs for victims of human trafficking. Some organizations and educational entities that offer training programs may also offer scholarships for their programming. Employers may also offer a period of on-the-job training for a reduced pay rate. Additionally, job

PURSUING CIVIL CHARGES MAY GIVE THE CLIENT MORE DECISION-MAKING POWER ABOUT THE CASE.

counseling, training, and job placement are available to T Visa recipients through the U.S. Department of Health and Human Services' self-sufficiency program (HHS, n.d.e).

SUPPORT GROUP FORMATION

Victims of trafficking may find it helpful to join a supportive community where they can share

their experiences and access information on a variety of topics. An example of trafficking support groups may be found at the Polaris Project where weekly support groups are offered in English and Spanish. During these group sessions, childcare is provided for all clients who have children.

REPARATION

By cooperating with law enforcement, trafficking victims may be eligible for government assistance through the *Trafficking Victims Protection Act (TVPA)*. However, the victim will have no decision-making power about the case (Global Alliance Against Trafficking in Women, 1997). The advocate must explain to the victim that such assistance is not guaranteed, even if the victim cooperates. Additionally, the advocate can assist the victim apply for Crime Victim Compensation and restitution. Victims of trafficking can ask for restitution for any injuries or loss of property as part of the trafficker's sentence if he or she is convicted.

LEGAL ASSISTANCE

Advocates can help to inform victims of their rights as a victim and/or a witness and their entitlement to protections therein, as well as their options for proceeding with civil and/or criminal charges (IOM, 2007; U.S. Department of State, 2008). This process may be best facilitated by an attorney who is experienced in trafficking cases. Again, the Polaris Project offers free legal assistance to human trafficking victims anywhere in the U.S. It is essential that the advocate or attorney explain to the victim that he or she has a right to decide whether



to cooperate with law enforcement (Polaris Project, n.d.b). The victim's decisions should be supported. The victim may be asked to act as a witness in any trials if they agree to cooperate (Global Alliance Against Trafficking in Women, 1997). If the victim does choose to cooperate, there may be legal options available to protect them, such as witness protection programs. The advocate can help the victim navigate these programs.

Violence Against Women Act (VAWA) provisions, as well as protections for victims in the *Trafficking Victims Protection Reauthorization Act of 2008*, are designed to encourage victims of human trafficking to come forward by decreasing the risk of prosecution. However,

a victim may still be charged with a crime (Practical Guide to Assisting Trafficked Women, 2007). Challenges in efforts to fight these charges may include language barriers, a lack of understanding of the United States legal system, or because of discrimination by representatives of the legal system. Collaboration with law enforcement authorities and prosecutors before encountering a victim of human trafficking is vital to the advocate's ability to effectively promote the client's needs. The advocate can assist a victim of human trafficking who has been charged with a crime by contacting a consulate or embassy, who may be able to fund the victim's defense or take other steps to provide guidance through the legal process. Collaborations with criminal defense lawyers who provide pro bono services may also help the victim fight any criminal charges. The advocate can work to arrange training programs for lawyers as part of their professional development in exchange for these services.

Civil charges may also be pursued by the trafficking victim, with the assistance of an attorney, to reclaim belongings the victim may have lost and receive compensation for any harm to which he/she was exposed (Global Alliance Against Trafficking in Women, 1997).

TOOLS FOR ADVOCATES

Independent Living Assessment Tools:

- <http://transitionassessment.northcentralrrc.org/Resources/Indep.%20Living%20Assessment%20Instrument%20Cell7.pdf>
- http://www.ddas.vermont.gov/ddas-forms/forms-adult-day/forms-adult-day-documents/ila-29-pgs-revised_sept-13-2006

Language Identification Flashcard:

- <http://www.migrantclinician.org/files/resourcebox/ISpeakCards2004.pdf>

List of State-Funded Medical Assistance Programs:

Excerpt from *Guide to Immigrant Eligibility for Federal Programs* (4th ed.) © 2002 National Immigration Law Center

- http://www.legalmomentum.org/assets/pdfs/4_nilc_table_10.pdf

Sample Memorandum of Understanding:

- <http://www.hud.gov/offices/hsg/mfh/nnw/partnerships/partnershipsresources/nnwpartnermou.pdf>

Screening Tool for Victims of Human Trafficking:

- http://www.acf.hhs.gov/trafficking/campaign_kits/tool_kit_social/screen_questions.pdf

Transitional Housing Toolkit for Anti-Trafficking Service Providers:

- <http://preventhumantrafficking.org/storage/article-downloads/TraditionalHousing.pdf>
- WHO Ethical and Safety Recommendations for Interviewing Trafficked Women:
<http://www.lshtm.ac.uk/hpu/docs/WHO.pdf>
- The Polaris Project is a leading organization in the United States combating all forms of human trafficking and serving both U.S. citizens and foreign national victims, including men, women, and children.

ABOUT THIS RESOURCE

This guide was written by Emily Dworkin and Hallie Martyniuk with contributions from the Coalition to Abolish Slavery and Trafficking

National Sexual Violence Resource Center

The National Sexual Violence Resource Center (NSVRC), founded by the Pennsylvania Coalition Against Rape in July 2000, identifies, develops and disseminates resources regarding all aspects of sexual violence prevention and intervention. NSVRC activities include training and technical assistance, referrals, consultation, systems advocacy, resource library, capacity-building, integrating research findings with community-based projects, coordinating sexual assault awareness month, co-sponsoring national conferences and events and creating web-based and social networking resources.



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