



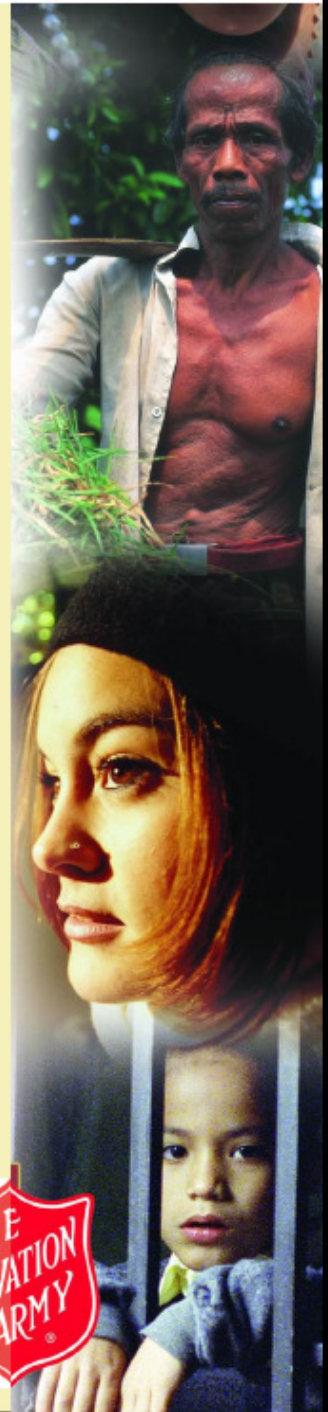
*The Salvation Army's*

# **Anti-Trafficking Training Program**

**For Service Providers**

**Recognizing and Serving  
Victims of Human  
Trafficking**

**Training Manual**  
**2nd Edition**



## **First Edition**

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(Founded in 1865)

WILLIAM BOOTH, FOUNDER

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February 2, 2010


Dear Trainee,

On behalf of The Salvation Army, we welcome you to this second edition of our Anti-Trafficking Training. We are pleased to have partnered with many organizations and individuals in the fight to stop exploitation, and are especially grateful to have this opportunity to share and learn with you about how we can link hands to recognize and serve victims of human trafficking.

The Salvation Army in the United States and abroad is part of the renewed movement for the abolition of human trafficking. Anti-trafficking efforts that began in the 1800's have been rekindling in the U.S. since the 1990s, and steadily growing. Today, The Salvation Army's anti-trafficking efforts focus on four core areas: legislative and policy initiatives, awareness raising, prevention efforts, as well as the development and provision of trafficking survivor services. This training program is a core component of our commitment to equipping health and human service professionals to provide holistic and nurturing care to those have survived the ordeal of human trafficking.

The Salvation Army thanks the Department of Justice, Office for Victims of Crime, for funding the development of this training program. In addition, many persons contributed their time and expertise to writing and developing this second edition. I most especially thank Dr. Michael Smith, Rohida Khan, Lisa Thompson, and Penny Matheson for their tireless efforts, as well as the members of our U.S. National Anti-Trafficking Council.

Sincerely,



Major Betty Israel  
National Social Services Secretary



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## **CONTENTS OF RESOURCE CD**

### **The Salvation Army Anti-trafficking Training Manual**

**Contact Information:**

- FBI Victim Specialist Telephone Directory\*
- ICE Victim Witness Assistance Program Coordinators\*
- Office of Refugee Resettlement State Coordinators\*
- Office of Refugee Resettlement State Health Coordinators\*
- OVC Funded Grantee Programs to Help Victims of Trafficking\*
- U.S. Attorneys’ Victim Witness Personnel\*

**Fact Sheets:**

- Certification for Victims of Trafficking Fact Sheet
- Child Exploitation Fact Sheet
- Office to Monitor and Combat Trafficking in Persons Fact Sheet
- Office for Victims of Crime (OVC) Fact Sheet
- Prostitution and Sex Trafficking

Fact Sheets: (continued)

Rescuing Victims of Modern Day Slavery  
Sex Trafficking Fact Sheet  
The Facts About Child Sex Tourism  
The Facts About Child Soldiers  
The Facts About Human Trafficking for Forced Labor  
Victim Assistance Fact Sheet  
Assessment of U.S. Government Activities to Combat Trafficking in Persons  
Coercion in a Time of Economic Crisis  
Distinctions Between Human Trafficking and Smuggling  
Domestic Human Trafficking  
Eligibility for Refugee Benefits to Child  
Victims Federal Efforts to Assist Victims of Human Trafficking  
Forced Labor Costs  
Gender Imbalance in Human Trafficking  
Health Consequences of Trafficking in Persons  
Human Trafficking Defined  
Human Trafficking Fact Sheet  
Legal Assistance for Trafficking Victims  
National Human Trafficking Resource Center  
Shelter Best Practices  
Trafficking in Persons and International Military Organizations  
Trafficking Victims Protection Act 2000

General Information:

DOJ Civil Rights Division Criminal Section  
Information and Referral About Victims' Rights and Services  
Overview of DOJ Procedures Regarding Cases Involving Trafficking in Persons  
Web Resources for Victim Assistance

Laws:

Applicable U.S. Laws  
Trafficking Victims Protection Act (TVPA) 2000  
Trafficking Victims Protection Reauthorization Act (TVPRA) 2003  
Trafficking Victims Protection Reauthorization Act (TVPRA) 2005  
Trafficking Victims Protection Reauthorization Act (TVPRA) 2008

Legal Guide:

Catholic Legal Immigrant Network Guide

Reports/Guides:

Attorney General Report on Human Trafficking 2005  
Attorney General Report on Human Trafficking 2006  
Attorney General Report on Human Trafficking 2007  
Attorney General Report on Human Trafficking 2008  
Trafficking in Persons Guide for Nongovernmental Organizations  
WHO Ethical and Safety Recommendations for Interviewing Trafficked Women

Victim Service Forms:            CAST Client Assessment and Outcome Matrix  
   Safe Horizon Anti-trafficking Program Assessment Form  
   Safety Planning Standards for Trafficked and Enslaved Persons

\*This information was updated in January 2010. For the most current information, you are encouraged to visit their agency website.

ORDERING INFORMATION:

This training uses the video, ***The Price of Youth*** from Witness/Andrew Levine Productions. A copy of the video can be purchased for \$20.00 by ordering online at [orders@witness.org](mailto:orders@witness.org), or you can call and order the video directly at 1-866-783-2005, ext. 338. The video is # 2833. The video is copyrighted and can not be reproduced.





## **Recognizing and Serving Victims of Human Trafficking**

### ***Introduction***

Time Required: 20 minutes

Supplies Needed: Name tags, markers, newsprint, easel, paper, and pens, attendance sheet

### **Purpose**

This introduction will provide participants with an overview of the training and a general description of the scope and impact of human trafficking. Participants will have the opportunity to introduce themselves to the other training participants and review The Salvation Army's (TSA's) history of efforts to eliminate human trafficking and work with victims.

### **Lessons**

- I.1 Welcome
- I.2 What's in the Training for Me?
- I.3 Training Overview
  - I.3.1 Goals and Objectives of the Training
  - I.3.2 Five Training Modules
- I.4 Orientation to the Training Manual
  - I.4.1 Resources
  - I.4.2 Use of Terms in the Manual
- I.5 Introduction to Human Trafficking
  - I.5.1 Introduction to the Problem of Human Trafficking
  - I.5.2 The History of TSA's Provision of Services to Victims of Sexual Exploitation and Trafficking
- I.6 Summary of the Introduction

## Learning Objectives

By the end of the introduction, participants will be able to:

- State a basic definition of human trafficking.
- List the two intended goals and outcomes for the training.
- Briefly summarize the history of The Salvation Army's involvement in eliminating human trafficking and working with trafficking victims.

### I.1 Welcome

Welcome to *The Salvation Army's Anti-Trafficking Training Program: Recognizing and Serving Victims of Human Trafficking*. We are glad that you are here and we appreciate the time you are taking out of your busy schedule to participate in this important training. Many of you possess years of practical experience that will enhance our group's learning. We ask that you share your expertise with your peers. For that reason, we have planned the training to be both informative and interactive. While providing services to human trafficking victims is a new area of training at The Salvation Army (TSA), our staff can work to effectively serve victims by building on their current social service skills and their knowledge of the community, law enforcement, and other service providers.

## EXERCISE I

### *Participant Introductions*

Time Required: Up to 10 minutes

Supplies Needed: An attendance sheet

### Instructions

Instructor: To the training group give the following statements and instructions, "We will take a few minutes to introduce each other. As we go around the room, *briefly* introduce yourself using the following as a guide:

- Give your name.
- Identify which Salvation Army facility or other agency you are representing.
- Briefly tell us your interest in the training topic of human trafficking.

Note: If time is limited, or the group is more than 20 people, ask for an identification of agencies represented and make sure everyone has signed the attendance sheet. Write the names of the key community partners on the newsprint.

## I.2 What's in the Training for Me?

As a Salvation Army staff member or community service provider, you may have encountered trafficking victims without even knowing it. You are not alone. Many professionals miss the signs of potential human trafficking with their clients because they have not been trained to recognize those signs. This training will equip you to better detect the “red flags” of trafficking in the future.

Recognizing potential trafficking situations is further complicated because traffickers strive to keep victims isolated and hidden. Indeed, traffickers do not want victims rescued, nor do they wish to be prosecuted for their crimes. Yet, trafficking victims are often hidden in plain sight. For that reason service professionals need to *look beneath the surface* of the presenting situations of clients, and skillfully intervene when the “red flags” of potential trafficking situations emerge. To that end, TSA is committed to providing staff and other professionals with the knowledge and resources to help stop human trafficking and aid in the rescue and restoration of its victims.

## I.3 Training Overview

This five hour training serves as a general informational guide for TSA staff and other professionals to help with understanding and meeting the needs of victims of human trafficking. The training is open to all service providers however, the primary target audience is TSA staff in social service settings - such as domestic violence shelters, emergency resource programs, and substance abuse programs - who may encounter trafficking victims in the course of their work. Given that Salvation Army personnel are often the initial point of contact for many vulnerable and exploited persons, prompt recognition of potential human trafficking situations and interventions afterwards, will undoubtedly save and restore lives that, otherwise, would remain entrapped.

The training consists primarily of a didactic review, small group discussions and exercises, along with presentations from community professionals. The training is ideally presented in one session, covering all five modules. However, the modules can be presented separately. The training is intended to augment established Salvation Army policies and procedures (*i.e., An Introduction to Salvation Army Principles and Practices*) as well as state and federal laws, community protocols, and applicable discipline-specific policies and procedures for ethical standards of care and compassionate practice. The training modules were developed under the guidance of TSA's U.S. National Anti-Trafficking Council - comprised of representatives from each territory - with financial support and technical assistance from the Office for Victims of Crime (OVC) within the U.S. Department of Justice, Office of Justice Programs.

**Caveat:** This training is for informational purposes only. Trafficking cases are complicated and in order to protect the rights of the victim, legal advice should be obtained directly from a knowledgeable and qualified immigration attorney. Any of the material contained in the training manual, or presented orally during the training, should not be construed as legal advice.

### **I.3.1 Goals and Objectives of the Training**

#### *Goals*

The overall goals of the training are to increase participant's capacity to:

1. Identify and safely rescue trafficking victims when possible.
2. Provide victim-centered shelter, emergency services, and knowledgeable information and referrals to victims.
3. Identify resources and collaborative partners with whom the Salvation Army can work on behalf of victims.

#### *Objectives*

At the end of the training, participants will be able to:

- Define human trafficking.
- Describe the scope, causes, dynamics, and impact of human trafficking.
- Identify the signs of human trafficking and the challenges of rescuing victims.
- Identify and adhere to safety and confidentiality protocols when interviewing victims.
- Describe the protections and programs available to victims of severe forms of trafficking, and list the federal, state, and local agencies, and non-profit organizations that provide services to victims.

### **I.3.2 Five Training Modules**

The manual is divided into five modules which will help build a structure for understanding and meeting the immediate needs of trafficking victims. Each module contains fact sheets and links to other reference materials that can significantly broaden the participants' understanding of human trafficking. The five modules of this training program are:

**Module One** - The Definition, Scope and Causes of Human Trafficking

**Module Two** - Protections and Programs Available for Trafficking Victims

**Module Three** - Identifying Trafficking Victims: Understanding the Dynamics of Control

**Module Four** - Initial Interviews with Possible Trafficking Victims

**Module Five** - Providing Shelter and Other Direct Services

**Module Six**- Culturally Appropriate Services

**Module Seven**- Trauma Informed Services

## **EXERCISE II**

### ***Expectations for the Training***

#### **LARGE GROUP DISCUSSION**

Time Required: 5 minutes

##### **Instructions**

Instructor: After reading aloud the training goals and objectives in Section I.3.1 facilitate a discussion with all the participants on the following question: What part of the training do you feel will help you best serve trafficking victims in the future?

## **I.4 Orientation to the Training Manual**

### **I.4.1 Resources**

The manual is intended to be a resource for those assisting trafficking victims. The manual contains government fact sheets and handouts, sample intake forms, safety assessments, lists of government witness coordinators and grantees serving victims, and the U.S. law written to protect and restore trafficking victims. This information can be found in the various appendices at the end of this manual and in the Resource CD accompanying this manual.

Because providing services to victims of human trafficking is complex and requires a significant amount of inter-agency coordination, TSA staff should become familiar with the governmental and non-governmental trafficking resources available in their area and throughout the United States. TSA staff is encouraged to utilize the contact information provided in the Resource CD included with this manual and begin networking with individuals and programs that can partner with TSA in its work to rescue and restore trafficking victims.

### **I.4.2 Use of Terms in the Manual**

This training refers to trafficked persons as “victims.” The choice of this term underscores the exploitive dynamics of human trafficking and the fact that human trafficking is a crime, as well as a human rights violation. Be aware that many trafficked persons may be unable to identify themselves as “victims.” Some trafficking victims and professionals may prefer the term “trafficked person” or “survivor.” It is our hope that all trafficking victims will one day be survivors. However, for uniformity in this manual, the term “victim” will be used to denote any

person entrapped in commercial sex or labor services through the use of **force, fraud** and/or **coercion**, or a minor that meets the federal definition of trafficking victim. More importantly, the use of the term “victim” places the full culpability for trafficking where it belongs - on criminals who callously exploit the services and labor of vulnerable persons. Definitions related to trafficking are presented in Module One of this training manual.

Throughout the manual and training, we use the term “prostituted person” rather than the commonly used labels of “prostitute” or “commercial sex worker” when referring to a person involved in any type of sex-for-profit activity. The use of labels such as “commercial sex worker” implies that the person has “freely” chosen to engage in commercial sexual activities; that providing sex for money or other types of compensation is a legitimate form of work. It is TSA’s opinion (and that of the federal government<sup>1</sup>) that prostitution is not work but a degrading and exploitive situation that robs all those involved of their dignity.

Finally, the term “human trafficking” itself can be misleading, as it implies the movement of a victim from one location to another. A victim does *not* need to be transported, or even moved from a particular location, to fit the definition(s) of human trafficking (although typically a victim is moved from their home location to less familiar surroundings). Whether or not an activity falls under the definition of a “severe” form of trafficking does *not* depend upon the issue of movement across or within borders, but rather on situational factors such as the use of force, fraud or coercion to entrap a victim in an exploitive sex or labor situation. Today, there are literally tens of thousands of trafficking victims who are exploited in their home cities and towns.

## **I.5 Introduction to Human Trafficking**

### **I.5.1 Introduction to the Problem of Human Trafficking**

What is human trafficking? In short, human trafficking is an insidious type of international and domestic crime. Traffickers - ranging from sophisticated international criminal cartels to local pimps and even family members - exploit vulnerable men, women, and children in slave-like conditions of forced labor and/or sexual services. Throughout the world, in rural and urban settings, victims are entrapped in a myriad of exploitive situations including the commercial sex industry, factory sweat shops, construction, domestic servitude, and agricultural work. Human trafficking is a global tragedy that robs victims of their basic human rights. It is a form of modern-day slavery proliferating in the United States and in developing countries.

#### *Statistics on the Prevalence of Human Trafficking*

Statistics on the prevalence of human trafficking are difficult to obtain. The U.S. government estimates that approximately 600,000 to 800,000 victims are trafficked across international borders annually;<sup>2</sup> about half of these international victims are under the age of 18.<sup>3</sup> Between 14,500 and 17,500 are trafficked into the United States every year.<sup>4</sup> The International Labor Organization

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<sup>1</sup> The Trafficking in Persons Report, June 2005, U.S. State Department, pg. 19.

<sup>2</sup> Ibid., pg. 6.

<sup>3</sup> Ibid.

<sup>4</sup> ILO Minimum Estimate of Forced Labour in the World, April 2005, pg. 35.

(ILO), the United Nations (UN) agency responsible for monitoring labor standards, employment, and social protection issues around the world, estimates that at any one time there are 12.3 million people in forced labor, bonded labor, forced child labor, and sexual servitude and involuntary servitude.<sup>5</sup> Other estimates of global labor exploitation range from 4 million to 27 million.<sup>6</sup>

The nationalities of the victims are as diverse as the world's cultures. Some leave developing countries, seeking to improve their lives through low-skilled jobs in more prosperous countries. Others fall victim to commercial sexual exploitation, forced labor or debt bondage in their own countries. Some families give children to related or unrelated adults who promise education and opportunity, but then deliver the children into slavery for money. Some parents even sell or sexually exploit their children outright.

Traffickers exert control over their victims in a variety of powerful ways to keep victims entrapped and prevent their escape. Physical control tactics include: rape, child and adult sexual abuse, routine beatings, torture, mutilation, starvation and even murder. Psychological control tactics may include, for example, keeping the victim isolated and disoriented; threats of harm to the victim's family members; fueling the victims fear and distrust of local police by providing them misinformation; and forcing the victim to engage in dehumanizing activities which promote feelings of shame and guilt. Economic controls of victims by traffickers often include: giving inadequate wages (or no wages at all); charging exorbitant fees for basic needs such as food, clothes and shelter; false claims of money (debt) owed by the victim for items such as transportation, identity papers or visas, or compounding previous debts owed by other family members (called debt bondage or peonage.)

Some victims have died from abuse or untreated illnesses. Other victims of trafficking may not suffer extreme forms of violence, but may be tricked or coerced in subtle yet powerful ways to perform activities and labor, without the ability to refuse. Regardless of whether or not trafficked persons are able to identify themselves as victims, the trafficking of human beings is a crime.

For those who survive, the effects of being trafficked are long-lasting. Often victims may live with severe medical problems such as the HIV virus that causes AIDS, scabies, tuberculosis and other communicable diseases.<sup>7</sup> A high percentage of victims also suffer from chronic symptoms of emotional trauma, including drug addiction, fear, depression, and despair.<sup>8</sup> In one study of prostituted women from nine countries, symptoms of Post Traumatic Stress Disorder (PTSD) were found in 67% of the women.<sup>9</sup> When victims are forced to engage in criminal activity or when they are trafficked to a location where they cannot speak or understand the language, they may also experience stigmatization and feelings of isolation, shame, and low self-esteem. Without professional intervention, many victims remain in the cycle of violence and unresolved trauma - never rescued or fully restored. Fortunately, many organizations, like TSA, work to assist vulnerable, abused, and exploited populations. TSA has a long and impressive history of rescuing and restoring the lives of exploited persons.

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<sup>5</sup> ILO Minimum Estimate of Forced Labour in the World, April 2005, pg. 1.

<sup>6</sup> The Trafficking in Persons Report, June 2006, U.S. State Department, pg. 6.

<sup>7</sup> Ibid., pg. 14.

<sup>8</sup> Ibid.

<sup>9</sup> Farley, M., et. al. (2003). Prostitution and trafficking in nine countries: An update on violence and post-traumatic stress disorder. *Journal of Trauma Practice* (Vol. 2)3/4.

### 1.5.2 History of TSA's Provision of Services to Victims of Sexual Exploitation and Trafficking

TSA is a faith-based organization built on Biblical principles and dedicated to providing practical and immediate services to those in need, as an expression of God's love. Since its inception, TSA has worked in communities around the world to address problems associated with exploited persons. Importantly, the provision of services for women who were sexually exploited through prostitution was a seminal area of attention for the young Salvation Army. The term "human trafficking" was not commonly used in the late 1880's. However, William Booth, founder of TSA, was one of the first to recognize the need to intervene in the squalid, violent, and crime-infested living conditions that contributed to the ubiquitous sexual and labor exploitation of persons in the poorest areas of London. So inspired to reach those seen as society's disposable persons, he embarked on a crusade of rescue and restoration of those exploited in the streets. Booth's campaign of rescue and restoration was an opportunity for persons, sexually exploited on the streets, along with non-trafficked prostituted persons, to find a place of refuge for personal and spiritual restoration.

During the 1880's, TSA joined a fledgling movement to rehabilitate prostituted persons. Booth conceived a "New National Scheme for the Deliverance of Unprotected Girls and the Rescue of the Fallen."<sup>10</sup> The plan established a central office of help and inquiry in London, and planned for the immediate establishment of a number of homes of refuge for those who had "actually fallen."<sup>11</sup> TSA's first home for prostituted women was located on London's Hanbury Street. The home was open to all prostituted persons and young girls who were in danger of prostitution entrapment, as well as those "who have been ruined and forsaken, but who are opposed to leading an immoral life."<sup>12</sup>

The general principles that guided the restoration work in TSA's homes for women trapped in sexual exploitation included:

- A. *First and foremost SALVATION.* No reliance was to be placed on any changes short of what is hoped and believed to be the salvation of the soul.
- B. *Opening the door* to a full restoration of a respectable position in society and a life of usefulness.
- C. *The Spirit of Love.* Every girl being made to feel that she was received as one of the family and that instead of being looked down upon as an inferior creature she was regarded as a sister.
- D. *Entire freedom.* Those in the home would understand that they can leave, if they wish, and whenever they wish.
- E. *Obedience.* There would be orders and regulations to be obeyed.
- F. *Instruction.* Every girl would be taught some method of learning a livelihood.
- G. *Industry.* No girl would be allowed to stay for any length of time if she was not willing to work, but there would be no slave-driving.

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<sup>10</sup> The War Cry, The General's Letter. "New National Scheme for the Deliverance of Unprotected Girls and the Rescue of the Fallen." August 12, 1885.

<sup>11</sup> Ibid.

<sup>12</sup> Allen, I. (2004). The Salvation Army's Rescue Work Among Prostitutes in the United States. pg. 7. Unpublished manuscript.



- H. *Self-support*. Every girl would be taught some method of livelihood in order to sustain herself.
- I. *Saving others*. Not only saving the girls themselves, but inspiring and qualifying them to spend the rest of their days in saving others.<sup>13</sup>

Many of these early principles still guide the myriad programs of today's Army. Then, as now, TSA recognizes the importance of establishing outreach programs based on solid Biblical principles and victim-sensitive approaches to "seek and to save" those persons victimized and exploited in society, and to restore their true potential as precious and free children of God.

From this first home, TSA expanded its efforts of outreach to women who had "gone astray" through the volunteer Midnight Rescue Brigades.<sup>14</sup> These brigades searched the back alleys for girls and women, inviting those found to homes of refuge. Within the next 30 years, TSA's rescue movement expanded to 117 homes of refuge for women in Britain and around the world.<sup>15</sup> These homes were dedicated to rescuing and restoring young prostituted persons.

The rescue movement spread to the U.S. In October 1886, the first refuge home - the "Rescue Home for Fallen and Homeless Girls" - opened in Brooklyn, New York. Within a decade, 21 other homes of refuge exclusively for prostituted persons could be found in major U.S. cities. As the number of homes expanded, the need for training in this specialized rescue work with prostituted persons grew. To build the capacity of TSA staff to meet the complex needs of those early trafficking victims, the Rescue Work Training Center was established in upper Manhattan.<sup>16</sup>

At the same time, TSA expanded its focus from street rescuing and restoration of sexually exploited women, to other strategies to reach and restore victims of sexual exploitation. For example, TSA waged a successful campaign in England to raise the age of legal consent for women from 13 to 16. Although sexual exploitation of women continued in England, this political victory helped to shut down the sex trade of "underage" girls out of England into other European countries. Around the same period of time, drug and alcohol abuse recovery programs emerged as another way to help restore persons caught in addiction and involved with prostitution as a means to fund their drug use.

While the specific strategies to rescue persons who have been trafficked into labor or commercial sex slavery shifted through the years, TSA's initial core mission of rescuing all of God's children who are exploited has been steadfast. The modern day U.S. Salvation Army has legislative and other trafficking awareness-building initiatives, along with specific training on victim services. The goals of these programs are to raise awareness, strengthen laws, identify victims of sex and labor slavery, assist in their rescue, and provide them safe and culturally-sensitive shelter and rehabilitative services. In addition, another program housed at the National Headquarters, the Salvation Army World Services Office (SAWSO), conducts community-oriented trafficking prevention and rehabilitation programs in countries with high rates of human trafficking.

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<sup>13</sup> The War Cry, The General's Letter. "New National Scheme for the Deliverance of Unprotected Girls and the Rescue of the Fallen." August 12, 1885.

<sup>14</sup> Green, R. (1996). Catherine Booth: A Biography of the Cofounder of The Salvation Army, Baker Books, Grand Rapids, MI, pg. 258.

<sup>15</sup> Ibid., pg. 259.

<sup>16</sup> Allen, I. (2004). The Salvation Army's Rescue Work Among Prostitutes in the United States, pg. 7. Unpublished manuscript.

## **I.6 Summary of the Introduction**

Human trafficking is an insidious crime that erodes the health and welfare of millions of victims worldwide. With the high numbers of trafficking victims in the U.S. and its territories, TSA staff will more than likely encounter trafficking victims during their routine duties. One of the core missions since TSA's inception has been to rescue and restore vulnerable and exploited persons. With its historic mission to serve vulnerable populations and with its widely available and trusted programs in nearly every community, TSA is uniquely positioned to provide assistance to trafficking victims. This training was developed to provide TSA staff and community members with the knowledge and resources to assist in the elimination of human trafficking and the rescue and restoration of victims.

### **Take Away Points**

- Human trafficking is the illegal trade of men, women, and children in slave-like conditions for the purpose of forced labor and commercial sexual exploitation.
- Human trafficking is an egregious human rights violation that threatens the safety and welfare of all societies.
- It is estimated that 600,000 to 800,000 persons are trafficked across international borders each year- with 14,500 to 17,500 of that number trafficked into the U.S.
- The enslavement and brutal treatment of any person is abhorrent to TSA's Biblically-inspired values of love and justice for all.
- The work of rescuing and restoring human trafficking victims is in line with the compassionate and service oriented mission of The Salvation Army.
- The goals of this training are to teach participants how to:
  - Identify and safely rescue trafficking victims when possible.
  - Provide victim-centered shelter, emergency services, and knowledgeable information and referral of victims of trafficking.
  - Identify key community partners who provide services to trafficking victims. It takes a collaboration of organizations to fully serve the many needs of trafficking victims.



# **Recognizing and Serving Victims of Human Trafficking**

## **Module One**

### ***The Definition, Scope and Causes of Human Trafficking***

Time Required: 45 minutes

Supplies Needed: DVD player, LCD projector, laptop computer, newsprint, markers

#### **Purpose**

This module will help participants gain a fundamental understanding of the definition, scope, and types of human trafficking. Participants will learn the U.S. definition of severe forms of trafficking.

#### **Lessons**

- 1.1 The Problem of Human Trafficking
  - 1.1.1 Human Trafficking
  - 1.1.2 The Causes of Human Trafficking
  - 1.1.3 The Economics of Human Trafficking
- 1.2 The Scope of Human Trafficking
  - 1.2.1 World-wide Estimates
  - 1.2.2 U.S. Estimates
- 1.3 Human Trafficking Definitions
  - 1.3.1 The United Nations Protocol
  - 1.3.2 The U.S. Federal Legal Definition of Human Trafficking
  - 1.3.3 The Common Elements of Force, Fraud, and Coercion
  - 1.3.4 The Common Denominator of Exploitation
- 1.4 Types of Human Trafficking
  - 1.4.1 Sex Trafficking
  - 1.4.2 Labor Trafficking
- 1.5 Module One Summary
- 1.6 Take Away Points

## Learning Objectives

By the end of this module, participants will be able to:

- Describe the problem of human trafficking.
- State the international and domestic scope of human trafficking.
- State the U.S. legal definition of human trafficking.
- Identify factors which would qualify victims for benefits under the Trafficking Victims Protection Act of 2000 (TVPA).
- List the two main types of human trafficking.

### 1.1 The Problem of Human Trafficking

In order to more effectively identify and assist in the rescue of trafficking victims, it will be helpful for you to understand human trafficking, its scope, and its causes. These are discussed in the following section.

#### 1.1.1 Human Trafficking

In short, trafficking of persons is the illegal trade in human beings through abduction, the use of threat or force, deception, fraud, enticement, persuasion, inducement or sale for the purpose of forced labor and/or commercial sexual exploitation. Trafficking also applies to people who are forced to pay off a debt—otherwise known as debt bondage or peonage. Trafficking is a form of modern-day slavery found within the U.S., and throughout the world. It is a crime which may be prosecuted under federal and/or state laws, and often includes other crimes such as kidnapping, human smuggling, slavery, peonage, visa fraud, labor violations, racketeering, assault, murder, rape, promotion of prostitution and other violent crimes. Elements of force, fraud, and coercion, or consent are irrelevant when minors are involved in commercial sex. Additionally, The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 amended previous federal anti-trafficking laws to make explicit United States citizens or lawful permanent residents who are victims of severe forms of trafficking are eligible for federal assistance [Sec. 213 (a)].

#### *The Traffickers*

Traffickers can be associated with sophisticated international organized crime networks or small criminal networks and local gangs. Traffickers may be male or female, family members, friends, and also affluent and seemingly upstanding members of the community. Recruiters, working to ensnare persons for traffickers, are often women or others persons known and trusted by the targeted victims. Traffickers exploit vulnerable persons by putting them in slave-like conditions for profit or personal gain. As noted earlier, traffickers use a variety of techniques to entrap men, women, and children in prostitution and other commercial sex trades, or into labor situations, such as domestic servitude, factory or migrant agricultural work. The specific forms of manipulation and coercion used by traffickers are explored further in Module Three.

## *Trafficking Does Not Require Transportation*

The word “trafficking” is a misnomer and often misunderstood. To some the word implies that human trafficking occurs *only* when people are moved across borders. More accurate descriptive terms for human trafficking might be *entrapment* or *slavery*. Yes, some trafficking involves criminal networks in which a person is transported between countries and between cities within countries for the purposes of forced labor and/or commercial sexual exploitation. However, the actual transportation of a victim is *not* required for a situation to be defined as human trafficking. Instead, the specific methods used by the traffickers to recruit and hold an individual in an exploitive situation are determining factors in defining trafficking situations. In fact, a victim of trafficking may find him or herself entrapped in one location, say as a domestic servant for an individual family, for several years before they are able to escape. Other victims may be entrapped in their home town and forced to perform sexual services in local brothels or massage parlors. Finally, the person who is entrapped after taking a job voluntarily may also be a trafficking victim.

### **1.1.2 The Causes of Human Trafficking**

The sharp rise in global trafficking can be traced to many inter-related political, economic, regional, and cultural factors. There are many causes of trafficking. Human trafficking generates enormous profits for traffickers and their accomplices. Systemic and individual factors that are linked to human trafficking are listed below.

*Systemic factors include:*

- High demand for commercial sex and/or inexpensive workers
- Political instability, civil unrest and war
- Political and police corruption
- Growth of organized crime
- Lack of adequate law enforcement, legal protections, community protections or sanctions
- Cultural attitudes and religious practices
- Poverty

*Individual vulnerability factors include:*

- Under the age of 18
- Ethnic minority female
- Lower socioeconomic class; poverty
- Limited education
- Lack of work opportunities in the area
- Lack of family support (e.g. orphaned, runaway, homeless, family members collaborating with traffickers)
- Lack of knowledge of the schemes used by traffickers
- History of previous sexual abuse
- Refugee status
- Health or mental health challenge
- Living in an area otherwise vulnerable to trafficking (e.g. police corruption, high crime, brothels, etc.)

The causes of human trafficking are complex. The following section will discuss further economic factors that contribute to the pandemic of human trafficking.

### **1.1.3 The Economics of Human Trafficking**

At its core, human trafficking is about profit. Therefore, human trafficking can be understood by using the basic economic constructs of *supply* and *demand*.

#### *The Supply Variable*

Women and children are most vulnerable to trafficking. Reports suggest that worldwide eighty-eight percent of trafficking victims are women and children.<sup>17</sup> In fact, with tens of millions of persons worldwide manifesting most of the systemic and individual risk factors, there is an endless reservoir of potential trafficking victims around the world. These persons remain at risk of being swept into the net of trafficking.

Some victims are outright kidnapped or in some way removed from their homes and forced to supply their services or labor. Other victims—who lack adequate income, resources, education, or other legitimate opportunities to support their families and wanting to improve their lives—are easily preyed upon by traffickers. Young girls in rural China, for instance, long to leave their isolated villages for a better standard of living. Savvy traffickers entice them away from their home villages with promises of jobs or marriages. Eager to believe such promises, unsuspecting persons agree to leave their homes for work in a more affluent city or country, like the U.S. or a marriage in another area. Unfortunately, when they arrive many are not gainfully employed or honorably married as promised. Instead, they are exploited in the commercial sex trade, or in factories, farms, and in private homes for long hours and little or no money. In these situations, it is important to recognize that while the victims may have initially agreed to travel and to work or marry, they did *not* consent to be trafficked. These false promises are examples of fraud.

#### *The Demand Variable*

On the other side of the equation is *demand*. Worldwide, there seems to be an inexhaustible demand for cheap, easily accessible sex, and low-cost or free labor. The following sections will discuss the sex and labor demand areas.

#### The Demand for Commercial Sex

The demand for commercial sex is high in many countries in which throngs of men routinely frequent brothels and other commercial sex venues. The high demand for commercial sex creates extremely lucrative incentives for traffickers to recruit and entrap females, with the highest demand for young girls. Younger girls are known to command higher prices (and highest profits for traffickers) for commercial sex activities often because it is believed the younger girls do not have HIV/AIDS or other sexually transmitted diseases. It is common for prostituted persons to service up

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<sup>17</sup> Global Report on Trafficking in Persons: Human Trafficking, A Crime that Shames Us All. (2009, February). UNODC.

to twenty men a day because the demand for sexual services is so high and the profits to traffickers so large. Young women from Burma, North Korea, Russia, and Vietnam have been purportedly trafficked into densely populated regions of China and India, where there is an increasing imbalance in the ratio of men to women. The women are promised a “real husband”, citizenship, and better life when they arrive in India or China. Tragically, many are reportedly trafficked as forced brides, concubines, and prostituted persons.<sup>18</sup> International trafficking of women is also aided by the Internet. For example, largely because of the Internet there are new sources of demand, such as the importing of record-high numbers of women from Vietnam to Taiwan as “mail order brides.”<sup>19</sup> Other websites contain posts from men providing advice to other men on where and how to purchase sex in Africa, Asia, Australia/Pacific, Caribbean, Central America, Europe, the Middle East, North America, Russia, Central Asia, and South America. Accordingly, some observers have dubbed the internet the “electronic red-light district.”<sup>20</sup>

### Sex Tourism

Ubiquitous sex tourism and child pornography sites have further fueled the demand for commercial sex worldwide. Men from wealthier countries who travel can easily book “sex tours” on the Internet or through travel agencies. They travel to less developed countries where they take advantage of young, vulnerable women and children without serious concern of prosecution by the local law enforcement officials. Child sex tourism is a particularly heinous crime in which individuals traveling in foreign countries engage in sexual activities with minors.

**Note:** Sex tourism is “travel undertaken primarily or exclusively by men from developed countries, usually to third world countries, for the purpose of engaging in sexual activity, often of an extreme, forbidden, or illegal nature.”<sup>21</sup> Child sexual tourism is not prosecuted under the TVPA. In April of 2003, the U.S. passed the PROTECT ACT. This law strengthened our government’s ability to prosecute sexual tourism criminal cases. (See Appendix B for more information on the PROTECT ACT.)

### The Demand for Labor

There is also a strong demand for inexpensive labor. The strong demand for inexpensive labor is seen in venues such as hotels and restaurants, agriculture and hidden venues such as factory sweatshops and private homes (domestic servants and child care workers.) Specific types of labor trafficking are presented later in this module.

### *Organized Crime and Human Trafficking*

Local pimps, family members, or other small-time criminals can be involved in trafficking. However, increasingly in the U.S., gangs and larger organized crime networks are now significantly involved in the sale and distribution of humans for exploitation. Trafficking in human beings is lucrative because unlike drugs, which are sold and quickly consumed, a human being can be used and sold multiple times for repeated profit. According to the International Labour Office, human

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<sup>18</sup> The Trafficking in Persons Report, June 2005, U.S. State Department, Washington, DC, pg. 13.

<sup>19</sup> Report to Congress from Attorney General Alberto R. Gonzales on U.S. Government Efforts to Combat Trafficking in Persons in Fiscal Year 2005. June 2006, U.S. Department of Justice, Washington, DC, pg. 16.

<sup>20</sup> E-sex Industry in the Philippines Preys on Children, 2005, January 26. Japan Economic Newswire.

<sup>21</sup> Retrieved March 31, 2009, from <http://www.hometravelagency.com/dictionary/sex-tourism.html>

trafficking generates \$31.6 billion in annual revenue.<sup>22</sup> It is the fastest growing criminal activity in the world today, and at the present rate of expansion, it will soon surpass profits made by criminal networks through the sale of guns and drugs.

The following case example illustrates the “push” to enter an affluent country like the U.S. by persons seeking work. The case example, while fictional, is typical of how persons may fall prey to traffickers’ false promises of employment.

### ***Case Example***

*Marta, 27, a single mother of three young children, lives in a small isolated village in Mexico. In her region, jobs are virtually nonexistent. Living with her large extended family, she finds there is never enough food, water, or money for even basic supplies. Marta cannot read, but she has heard many stories about the plentiful and well-paying jobs in America, just across the border.*

*Every day she searches for work. The abject poverty of her family has created a tremendous sense of hopelessness in her. She feels responsible to find some way to help them; her situation is desperate. One day, her friend Rosa suggests that she sneak into America, where jobs are plentiful. Specifically, Marta is promised an available high-paying job in a busy restaurant near the border. Once working, Marta is assured she will be able to send money back home to assist her family. The smuggling fee is \$3000. A “coyote” (smuggler), named Jose, tells her that she can pay the transportation fee back little by little once she is in America and making money.*

*Marta decides to leave. However, once in the U.S., things go terribly wrong. Alone, and without legal papers, she is beaten, raped and prostituted to pay back the transportation fee. If she refuses, Jose tells her that the lives of her three children back in Mexico will be in danger. In addition, he has told her that she will go to jail in the U.S. for a long time for prostitution if she tells U.S. authorities what is happening to her. She believes his threats. How she wishes she was home with her family. But what can she do? It was her decision to come. Because she is afraid of going to jail, and wants to keep her children safe in Mexico, she keeps quiet.*

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<sup>22</sup> Belser, P. (2005, March). Forced labour and human trafficking: Estimating the profits. Geneva: International Labour Office. Retrieved January 1, 2009, from [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_081971.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_081971.pdf).



## EXERCISE I

### *Case Study – Marta’s Story*

#### SMALL GROUP DISCUSSION

Time Required: 15 minutes

##### Instructions

Instructor: Divide participants into discussion groups of three or four members. Give the following directions - “In your small group, take a few minutes to read the above case example. Then answer the following questions:

- 1) What were the economic factors that led Marta to leave her country?
- 2) What were the cultural factors that prompted her to leave her family?
- 3) Who was involved in trafficking her?
- 4) What factors prohibit her from leaving her situation in the U.S.?”

#### LARGE GROUP DISCUSSION

##### Instructions

Instructor: After participants complete the small group exercise, reconvene in the large group and review the groups’ responses to the four questions above.

## 1.2 The Scope of Human Trafficking

Encouragingly, the world is beginning to unify to fight this scourge. Former UN Secretary Kofi Annan stated:

*“Slavery and trafficking, and related practices such as debt bondage, forced prostitution, and forced labor, are violations of the most fundamental rights: the right to life, the right to dignity and security, the right to just and favorable conditions of work, the right to health, and the right to equality.” Annan went on to say, “The international community should declare loudly and more strongly than ever that we are all members of the human family. Slavery simply has no place in a world of human rights.”<sup>23</sup>*

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<sup>23</sup> Kofi Annan, International Day for the Abolition of Slavery message, December 2, 2003.

### 1.2.1 World-wide Estimates

Given that trafficking is a clandestine and illegal activity, accurate estimates of the problem are elusive and exact numbers are difficult to determine. Within its annual Trafficking in Persons Report, the U.S. Government estimates that between 600,000 to 800,000 persons are trafficked across international borders each year.<sup>24</sup> Some international and non-governmental organizations (NGOs) estimate a much higher number. This figure does not reflect the number of persons trafficked within countries each year. The International Labour Office places the total number of persons enslaved in some type of labor, indentured servitude, or commercial sex exploitation as high as 12.3 million people around the world.<sup>25</sup>

In 2005, the U.S. Government estimated that 80% of the internationally trafficked victims were female, and that 70% of these victims were trafficked for the commercial sex industry.<sup>26</sup> Additionally, it is estimated that over one million children are exploited in the sex trade each year.<sup>27</sup> It is also important to note this figure does not reflect the indeterminate number of people trafficked within countries.

### 1.2.2 U.S. Estimates

Similar to the world-wide estimates provided earlier, accurate estimates of the problem within the U.S. are difficult to determine, and only a few national studies have been done to quantify this population. The U.S. Government estimates that approximately 14,500 to 17,500 victims are trafficked into the U.S. each year.<sup>28</sup> This often-cited figure, however, may significantly *underestimate* the actual number of trafficking victims located in the U.S. This statistic captures only those victims who are *trafficked into* the U.S. from other countries. It does not reflect the number of U.S. citizens who are trafficked within the U.S., nor does it address the total number of victims in the U.S. at any one time.

The U.S. is considered a destination country for human trafficking. Figure 1.1 illustrates that the bulk of trafficking victims originate from the countries of the former Soviet Union, Korea, Vietnam, China, Indonesia, and South and Central America. Besides the U.S., other significant points of destination for human trafficking victims include other industrialized areas in Europe and Asia.

Every year, the U.S. Department of Justice (DOJ) issues a report to Congress on U.S. government efforts to combat trafficking in persons. According to the May 2008 report, between FYs 2001-2007 the DOJ has opened 822 trafficking investigations, prosecuted 449 defendants, and obtained 342 convictions.<sup>29</sup> Of the 342 successful convictions, 256 were for sex trafficking (75%).<sup>30</sup> These figures do not include prosecutions of child sex trafficking and child sex tourism. Moreover, for the

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<sup>24</sup> The Trafficking in Persons Report, June 2006, U.S. State Department, Washington, DC, pg. 6.

<sup>25</sup> Cited in The Labor Trafficking Fact Sheet, Rescue and Restore Campaign, the U.S. Department of Health and Human Services, Washington, D.C. (2005).

<sup>26</sup> Attorney General's Annual Report to Congress on U.S. Government Activities to Combat Trafficking in Person, June 2006, pg. 3.

<sup>27</sup> The Trafficking in Persons Report, June 2005, U.S. State Department, Washington, DC, pg. 22.

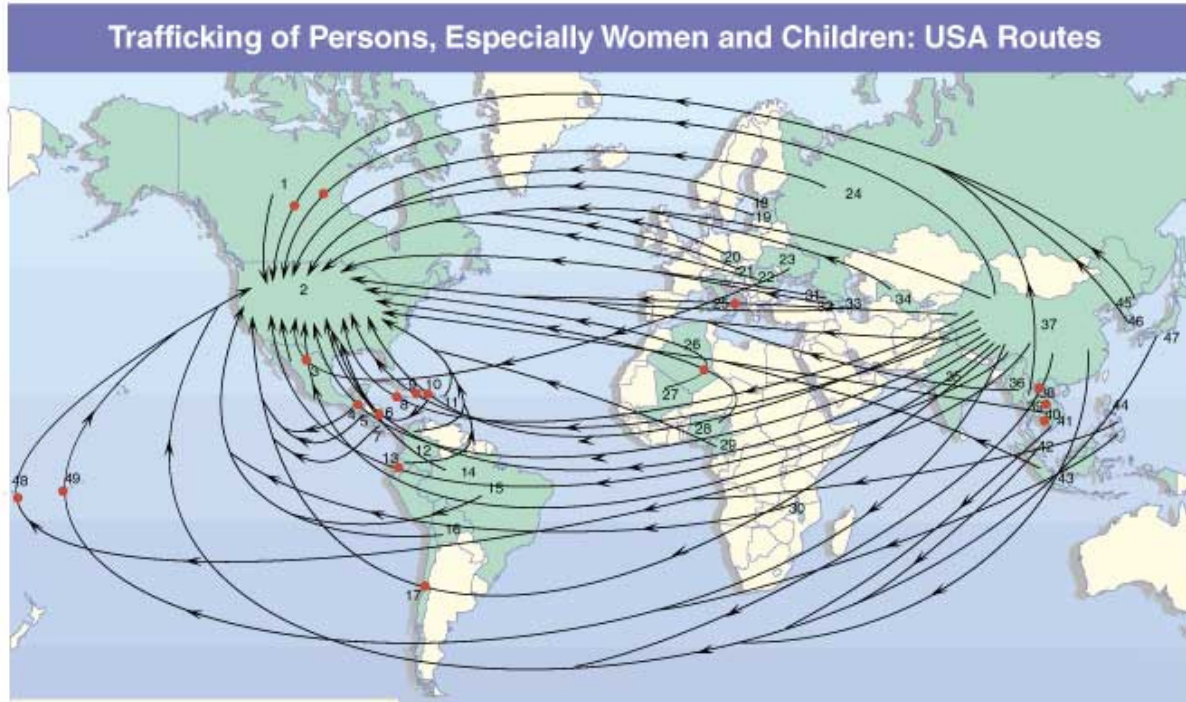
<sup>28</sup> ILO Minimum Estimate of Forced Labour in the World, April 2005, pg. 35.

<sup>29</sup> Attorney General's Annual Report to Congress and Assessment of the U.S. Government Activities to Combat Trafficking in Persons Fiscal Year 2007. May 2008. U.S. Department of Justice, Washington, DC, pg. 28.

<sup>30</sup> Ibid.

same period, the U.S. Department of Health and Human Services has “certified” that 1,379 persons were victims of human trafficking and therefore eligible to receive public benefits to the same extent as refugees.<sup>31</sup> Certification and services to victims will be discussed later in Module Two.

(Figure 1.1)<sup>32</sup>



Legend: Green shaded areas denote countries with trafficking activity; Red denotes transit stops

## 1.3 Human Trafficking Definitions

This lesson discusses international protocols and U.S. laws that address the crime of trafficking. There are several published definitions of human trafficking that contain highly nuanced language defining the phenomenon. The two definitions mentioned in this training are the United Nations (U.N.) definition and the U.S. definition – as promulgated in *The Trafficking Victims Protection Act of 2000* (TVPA). Importantly, the U.S. definition is featured in this training because it is the key legal definition used for identifying and qualifying trafficking victims for federal protections and services.

### 1.3.1. The United Nations (UN) Protocol

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (one of three “Palermo Protocols”), was developed as part of the UN’s Convention against Transnational Organized Crime. The definition of human trafficking within this protocol

<sup>31</sup>U.S. Government Domestic Anti-Trafficking in Persons Efforts, *Trafficking in Persons Report*. June 4, 2008. Office to Monitor and Combat Trafficking in Persons, U.S. State Department.

<sup>32</sup> The Protection Project Human Rights Report on Trafficking in Persons, Especially Women and Children, Johns Hopkins University, March 2002.

underscores the element of *exploitation* necessary in human trafficking. The U.N. definition references the use of force or other forms of **coercion, abduction, fraud, deception** and **abuse of a position of vulnerability** against vulnerable persons and creates a wide umbrella of protection for trafficking victims. The United Nations definition(s) of human trafficking is located in Appendix A.

### 1.3.2 The U.S. Federal Legal Definition of Human Trafficking

On October 28, 2000, the Trafficking Victims Protection Act of 2000 (TVPA) was signed into law in the U.S. and later reauthorized in 2003 and 2005. The full text of the TVPA can be found in the Resource CD accompanying this manual. The TVPA established human trafficking as a federal crime and supplemented the existing laws that apply to human trafficking, including those passed to enforce the 13<sup>th</sup> amendment outlawing slavery and involuntary servitude. The TVPA also established new tools and resources to combat trafficking and provides an array of services and protections for victims of severe forms of trafficking. The laws apply to persons identified as trafficking victims physically present in the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, the U.S Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.<sup>33</sup>

The definition for human trafficking outlined within the TVPA identifies the extreme kinds of exploitation for which victims are eligible for services under this law. To assess whether or not the activity meets the definition of human trafficking, government officials consider whether or not there was a trafficking process involving recruitment, harboring, transportation, provisioning, and/or obtaining of persons, and if the use of force, fraud, or coercion was involved. The state of servitude is critical to defining trafficking. “As such, ‘trafficking’ denotes the act of placing someone in servitude and everything done knowingly that surrounds or contributes to it.”<sup>34</sup>

As a service provider, knowledge about the U.S. definition of human trafficking is critical, because eligibility for TVPA benefits and services depends on whether or not the individual is considered a victim of a “severe” form of trafficking. Especially note that the definition of a severe form of trafficking includes three specific elements - force, fraud, or coercion. These critical three elements are discussed in detail later within this training module. Thus, in order for a U.S. citizen, a naturalized alien, or a non-U.S. citizen to receive the federal benefits mandated by the TVPA, the victim must be deemed by the Department of Health and Human Services (HHS) as a “victim of a severe form of trafficking.” Persons under the age of 18 who are exploited through commercial sex fit the definition of trafficking regardless of the existence of force, fraud, or coercion. Moreover, in prosecutions of traffickers in which the victims were minors, the government is not required to prove that a trafficker *knew* that a person had not attained the age of 18.

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<sup>33</sup> Trafficking Victims Protection Act of 2000, Public Law 106-386, Sec 107.

<sup>34</sup> The Trafficking in Persons Report, June 2005, U.S. State Department, Washington, DC, pg. 24.

**The Trafficking Victim Protection Act defines “Severe Forms” of Trafficking in Persons as:<sup>35</sup>**

*(a) “sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age; or (b) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery.”*

**Important Terms Used in the Trafficking Victim Protection Acts are as follows:**

*“Sex trafficking” means the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.*

*“Commercial sex act” means any sex act on account of which anything of value is given to or received by any person.*

*“Coercion” means (a) threats of serious harm to or physical restraint against any person; (b) any scheme, plan or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or (c) the abuse or threatened abuse of the legal process.*

*“Involuntary servitude” includes a condition of servitude induced by means of (a) any scheme, plan, or pattern intended to cause a person to believe that, if the person does not enter into or continue in such condition that person or another person would suffer serious harm or physical restraint; or (b) the abuse or threatened abuse of the legal process.*

*“Debt bondage” means the status or condition of a debtor arising from a pledge by the debtor of his or her personal services or of those of a person under his or her control as a security for debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined.*

*“Serious harm” means any harm, whether physical or nonphysical, including psychological, financial, or reputational harm, that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue performing labor or services in order to avoid incurring that harm.*

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<sup>35</sup> Trafficking Victims Protection Act of 2000, Public Law 106-386, Sec 103.

## *Other Laws Used to Prosecute Traffickers*

Upon review of a case by federal or state law enforcement, it may be determined that a trafficking situation does not appear to meet the definition of “severe” forms of human trafficking listed in the TVPA, and it may not be prosecuted under the TVPA statute. However, this does not mean that the person is not a victim of crime. Fortunately, there are many other federal and state laws that can be applied to trafficking situations. Traffickers can be prosecuted through a variety of charges such as racketeering, fraud, false imprisonment, assault, battery, pandering, extortion and money laundering. Thirty-eight states have passed anti-trafficking laws facilitating the prosecution of traffickers for felony offenses.<sup>36</sup> Nonetheless, even without a state anti-trafficking law, every state has laws already in their law books prohibiting the kinds of crimes committed in human trafficking situations. These laws include penalties for persons who commit human imprisonment, slavery, organized criminal activities, kidnapping, assault, battery, sexual battery, rape, distribution of pornography, child physical and sexual abuse, prostitution of minors, and promotion of prostitution. Traffickers have been successfully prosecuted under laws besides the TVPA. Accordingly, service providers should consult with an attorney or a victim advocate to strategize all possible legal remedies and protections for victims of any type of human trafficking.

***Remember: If a victim does not meet the criteria as a victim of a “severe form” of human trafficking as defined by the TVPA, they may be victims of crimes such as rape, assault, domestic violence, child abuse, child sexual exploitation, or other types of crimes.***

In April of 2003, the U.S. passed the PROTECT ACT. This law strengthened our government’s ability to prosecute sexual tourism criminal cases. The law makes it a crime for anyone to engage in illicit sexual conduct with a minor while traveling abroad, regardless of whether or not that was the intended purpose of their travel to the foreign destination.<sup>37</sup> (See Appendix B for more information on the PROTECT ACT).

### **1.3.3 The Common Elements of Force, Fraud, and Coercion**

The TVPA definition of “severe forms of human trafficking”, as outlined within the TVPA, incorporates the terms “**force, fraud, and coercion**”. These elements are key indicators of human trafficking and they succinctly describe how victims are lured and maintained within trafficking situations. Force, fraud, and coercion are used to exert power and control over their victims through actions that range from emotional manipulation to extreme forms of physical violence directed at victims personally and/or directed to third persons (such as family members) in order to manipulate victims.

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<sup>36</sup> Fact Sheet on State Anti-Trafficking Laws. 2009, December. US PACT, Center for Women Policy Studies.

<sup>37</sup> Report to Congress from Attorney General Alberto R. Gonzales on U.S. Government Efforts to Combat Trafficking in Persons in Fiscal Year 2004. July 2005, U.S. Department of Justice, Washington, DC, pg.17.

The three key elements of human trafficking are described below:

- **“Force”** is the most powerful and obvious method to control and exploit trafficking victims. The list of the forms of brutal physical force is endless, but most commonly includes kidnapping, rape and gang rape, physical and sexual assault, restraint, confinement, isolation, torture, mutilation, starvation, forced/intentional drug addiction, assaults against family members, and even murder.
- **“Fraud”** or deception is another method used by traffickers to recruit and then entrap their victims. The tactics of fraud/deception traffickers use to initially recruit persons typically involve false promises of marriage or employment. Traffickers may also collaborate with family or friends of potential victims to further create the illusion of truth for what they are promising. One technique is to lure unsuspecting victims into their trafficking networks with false promises of good jobs and better lives. Often, the trafficker assists the person to travel away from home or into another country for a fee. Upon arrival, the trafficker increases the fee, and forces the victim to work in a specific industry in order to pay off the debt. The debt is used to hold the victim in the situation.

For example, a common promise by traffickers made to young girls is that they will be placed in high paying jobs in a wealthy country. It is a compelling offer because the promise of a lucrative career means the girls would be able to send money home to support others in their families. As a rule, the promises are false, and the girls end up exploited in commercial sex or in domestic servitude or sweatshops/factories.

- **“Coercion”** involves “the use of threats of serious harm, physical restraint of any person, any scheme, plan or pattern intended to create the belief that a person will have restraint used against them, and the abuse or threatened abuse of the legal process.”<sup>38</sup>

The phrase **“abuse or threatened abuse of law or legal process”** means the use or threatened use of a law or legal process, whether administrative, civil, or criminal, in any manner or for any purpose for which the law was not designed, in order to exert pressure on another person to cause that person to take some action or refrain from taking some action.<sup>39</sup>

A common method of coercion used in both sex and labor trafficking is that the trafficker will hold the victim in a state of service by threatening to harm the victim’s family either here in the United States or abroad. Many victims know that the traffickers will follow through on their threat.

Traffickers will use threats of debt-bondage, identity control (taking away passports or other ID documents), emotional abuse and psychological abuse. Psychological abuse is usually persistent and extreme, and intended to demolish any and all mental, emotional and physical defenses.

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<sup>38</sup> Trafficking Victims Protection Act of 2000, Public Law 106-386, Sec 103.

<sup>39</sup> William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Public Law 110-457, Sec. 222.

Note: The definition of a “severe” form of trafficking includes three specific elements—force, fraud and coercion. It is not necessary to have all three elements to have a trafficking case. For example, even if just one of the elements exists, it is still a severe form of trafficking.

## **EXERCISE II**

### ***Force, Fraud and Coercion Case Study***

#### **SMALL GROUP EXERCISE**

Time Required: 15 minutes

Supplies Needed: DVD of *The Price of Youth* (supplied with manual), notebook paper and pens, DVD player.

Note: If there is no copy of the video included with this training material see ordering information see page 4.

#### **Instructions**

Instructor: Request the training participants to count off by threes to form three different viewing groups. Give a minute for participants to move into their respective DVD observing groups. Then, give the following instructions: “We will now view the DVD of *The Price of Youth* on the sexual trafficking of girls from Nepal to India.” Instruct the first group to watch for elements of “FORCE”, instruct the second group to observe for elements of “FRAUD”, and tell the third group to watch for elements of “COERCION”. The discussion exercise follows on the next page.



## EXERCISE III

### *Force, Fraud and Coercion Case Study*

#### **LARGE GROUP DISCUSSION**

Time Required: 10 minutes

Supplies Needed: Three flip chart sheets, tape, and markers

#### **Instructions**

Instructor: After the participants view the video, write the words FORCE, FRAUD, and COERCION on three separate flip chart sheets. Then complete the following:

Ask, to those in group one observing for elements of force: “What forms of force were used against the girls who did not want to prostitute in the brothels initially?” Write their observations on the flip chart. To those in group two observing for elements of fraud ask, “What forms of fraud were used to entrap and control the girls?” Write their observations on the flip chart. To those observing for elements of coercion ask: “What forms of coercion did the traffickers use to control the girls?” Write their observations on the flip chart.

If time permits, use the additional discussion questions presented to all the participants. Ask the following questions,

- 1) “How were the three elements of force, fraud, and coercion used separately and collectively to effectively control the girls?”
- 2) “How were these women vulnerable to trafficking?”
- 3) “What efforts were being made to rescue and restore victims from their trauma in this situation?”

Note: This story reveals the harsh realities of sex trafficking of young girls. It is a miracle these survivors escaped without contracting the HIV virus that causes AIDS, as so many girls (80%) do in that situation. The video conveys hope for survival and increased prosecution of traffickers in these areas.

## 1.4 Types of Human Trafficking

The two broad categories of human trafficking are sex trafficking and labor trafficking. This section will present the manifestations of each type and discuss their distinct characteristics and dynamics.

### 1.4.1 Sex Trafficking

Worldwide, hundreds of thousands of trafficking victims are used in prostitution and other commercial sex trafficking activities. As stated in the U.S. Attorney General's 2006 Report to Congress, global estimates reveal that "more than 80% of human trafficking victims are women and girls, and 70% of them are forced into sexual servitude."<sup>40</sup> The TVPA made sex trafficking a specific violation of federal law and outlined harsh penalties for traffickers. This means that traffickers convicted of federal offenses such as sex trafficking under the TVPA, can spend up to life in prison, lose their property and assets, and be required to fully compensate victims.<sup>41</sup>

Victims of trafficking are used in various forms of commercial sexual exploitation, including:

- Prostitution
- Pornography
- Exotic dancing/stripping
- Massage parlors
- Escort services
- Modeling studios

In the U.S., as in other countries, sex trafficking operations can be found in highly-visible venues, such as street prostitution or strip clubs, as well as more underground systems, such as closed brothels or child sex tourism operations conducting "business" out of residential homes. Often, victims begin by dancing or stripping in clubs and are often groomed and/or coerced into more exploitative situations of prostitution and pornography. As the video *The Price of Youth* demonstrates, once entrapped in a brothel or other prostitution situation it is very difficult for victims to escape.

#### *The Connection between Prostitution and Sex Trafficking*

A correlation exists between prostitution and increases in sex trafficking. A National Security Presidential Directive notes that "prostitution and related activities, which are inherently harmful and dehumanizing, contribute to the phenomenon of trafficking in persons, as does sex tourism, which is an estimated \$1 billion per year business worldwide". The U.S. State Department states that, "Prostitution and its related activities—including pimping *and* patronizing or maintaining

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<sup>40</sup> Report to Congress from Attorney General Alberto R. Gonzales on U.S. Government Efforts to Combat Trafficking in Persons in Fiscal Year 2005. June 2006., U.S. Department of Justice, Washington, DC, pg. 3.

<sup>41</sup> Trafficking Victims Protection Act of 2000, Public Law 106-386, Sec. 111-112.

brothels—fuels the growth of modern-day slavery by providing a façade behind which traffickers for sexual exploitation operate.”<sup>42</sup> The U.S. Department of State further describes the link between prostitution and sex trafficking by stating, “Where prostitution is legalized or tolerated, there is a greater demand for human trafficking victims and nearly always an increase in the number (supply) of women and children trafficked into the commercial sex industry.”<sup>43</sup>

### **1.4.2 Labor Trafficking**

The largest numbers of trafficked people throughout the world are enslaved through forced labor and indentured servitude. As mentioned earlier in this manual, the International Labour Office (ILO) estimates that there are 12.3 million people enslaved in forced labor, bonded labor (also called peonage), child labor, sexual services, and involuntary servitude at any given time.<sup>44</sup> As with sex trafficking, persons convicted for labor trafficking may be sentenced to lengthy prison sentences, be required to forfeit personal property and fully compensate victims.

#### *Forms of Labor Trafficking*

There are many forms of labor trafficking. Typically, victims are lured into labor trafficking situations in hopes of earning money for themselves and their families. Labor trafficking involves work that is usually performed in low-wage jobs often visible to the public. The following are examples of labor trafficking:

- Farming / agricultural work
- Landscaping / construction
- Hotel or tourist industries
- Janitorial services
- Restaurant / cooks / waitresses
- Factory work (in brutal conditions with long work hours sometimes referred to as “sweatshops”)
- Domestic servitude / housekeeping / nannies
- Entertainment / modeling
- Peddling / panhandling

In the U.S. many of the victims are immigrants who do not have permission to work legally, so they may initially accept the low-paying jobs and poor working conditions offered by the traffickers. To meet the definition of labor trafficking within the TVPA, it does not matter whether or not the individual initially accepts the work. What is important in meeting the trafficking definition is whether or not force, fraud or coercion are used to recruit and/or keep them trapped in the labor situation against their will.

Labor trafficking victims are often forced to work long hours in inhumane working conditions, with few or no breaks. The work is often physically demanding, and employers may be abusive. In some instances, victims have been chained to their stations and are not even provided regular breaks to

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<sup>42</sup> U.S. Department of State, *The Link between Prostitution and Sex Trafficking*, November 2004.

<sup>43</sup> Trafficking in Persons Report, revised June 2005, U.S. Department of State Publication 11252, pg. 19.

<sup>44</sup> ILO Minimum Estimate of Forced Labour in the World, April 2005, pg. 1.

use the restroom. It is important to note that many females who are recruited to work as models, dancers, and domestic servants may eventually be required by their “employer” to perform sexual services. Many forms of labor trafficking also include components of sexual abuse and exploitation.

Labor trafficking can take several forms, including:

*“Peonage/Bonded Labor”* or debt bondage is probably the least-known form of labor trafficking, yet worldwide it is the most widely-used method of enslaving people. Victims are entrapped when their labor is demanded as a means of loan repayment and the reasonable value of their labor is not applied to the liquidation of the original debt, making it difficult to satisfy the loan. Essentially, they are slaves with little chance of emancipation. (Debt bondage may also be used to enslave women and children in brothels and other forms of the commercial sex industry.)

In certain countries, the phenomenon of traditional bonded labor is the reality of millions of persons who find themselves enslaved from generation to generation, often not even knowing the amount of the original debt. Cultural practices, illiteracy, and unequal class power relationships make this form of trafficking for low-skilled workers extremely challenging to eliminate.<sup>45</sup>

*“Forced Labor”* involves situations in which victims are forced to work against their will, under the threat of violence or some other form of punishment; their freedom is restricted and a degree of ownership (of the victim) is exerted.

*“Child Labor”* is a type of forced labor in which the work is likely to be hazardous to the health and/or the physical, mental, spiritual, moral or social development of children and can interfere with their education. The International Labour Office (ILO) estimates that 246 million exploited children, some as young as 5 years old, are involved in debt bondage, forced recruitment for armed conflict, prostitution, pornography, the illegal drug trade, the illegal arms trade, or other illicit activities around the world.<sup>46</sup> However, the sexual exploitation of children in prostitution or pornography is actually serial sexual abuse of children. As persons not having reached the age of majority, children under 18 cannot consent to involvement in commercial sex activities.

To illustrate the dynamics of control, the following two cases on the next page are presented. They were prosecuted by the US government successfully. In reviewing the two cases, the reader is encouraged to identify the three elements of control (force, fraud, and coercion) presented earlier in this module. Often all three elements are used in some form and fashion.

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<sup>45</sup> Trafficking in Persons Report, revised June 2005, U.S. Department of State Publication 11252, pg. 15.

<sup>46</sup> The Labor Trafficking Fact Sheet, Rescue and Restore Campaign, the U.S. Department of Health and Human Services, Washington, D.C. (2005).

**Case one:** *In a case in Maryland, a single mother of young children was charged and convicted at a trial of involuntary servitude and harboring an alien. A naturalized citizen from Cameroon, she brought a young female from her home country under false pretenses to the U.S. and then forced the girl to do all the household chores and care for the defendant's two children for no pay. To ensure compliance, the defendant beat the girl with a metal broomstick and a cable cord; prevented her from leaving the house or even opening the door to anyone, and interfered with her mail. The defendant had previously brought other young girls to the U.S. using the same fraudulent identification. The defendant fled the U.S. prior to her sentencing; however, she was apprehended and sentenced to more than 17 years in prison.*

**Case two:** *Two U.S. Citizens were convicted on eighteen counts of forced labor and wire fraud for their treatment of Jamaican citizens brought to New Hampshire to work in their tree cutting business. These convictions, among the first secured under the TVPA's forced labor statute, were upheld on appeal in 2004. The defendants were sentenced to 70 months in prison; two years supervised release, and ordered to pay a \$12,500 fine and \$13,052 restitution.*<sup>47</sup>

## 1.5 Module One Summary

Human trafficking is a form of modern-day slavery that is a serious crime in the United States. Women and children are particularly vulnerable to being trafficked for the purpose of commercial sexual exploitation and labor. Human trafficking is estimated to enslave millions around the world and tens of thousands in the U.S. The two basic types of human trafficking are sex trafficking and labor trafficking. In order for victims of trafficking to be eligible for a variety of benefits and services, they must be identified as a victim of “a severe form of trafficking” as defined by the Trafficking Victims Protection Act (TVPA) of 2000. Under this definition, traffickers use force, fraud, or coercion to ensnare and maintain victims in commercial sex or labor trafficking situations. Persons under the age of 18 involved in commercial sex acts do not need to show evidence of force, fraud, or coercion to meet the definition of trafficking in order to be eligible for services.

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<sup>47</sup> Report to Congress from Attorney General Alberto R. Gonzales on U.S. Government Efforts to Combat Trafficking in Persons in Fiscal Year 2004, July 2005, U.S. Department of Justice, Washington, DC, pp. 24 & 26.

## 1.6 Take Away Points

- Human trafficking generates \$31.6 billion annually and is the fastest growing type of criminal activity in the world today.
- Human trafficking is a process involving the recruitment, harboring, transportation, provision, and/or obtaining of persons for labor and/or commercial sexual exploitation.
- Human trafficking is estimated to enslave millions of men, women and children around the world – with tens of thousands of victims living in the U.S.
- Women and children are particularly vulnerable to trafficking.
- The Trafficking Victims Protection Act (TVPA) was passed in 2000 and reauthorized in 2003, 2005, and 2008 to provide protections and benefits to eligible victims of “severe forms” of trafficking.
- To meet the U.S. legal definition of a “severe form” of trafficking, there must be evidence of one or more elements of force, fraud or coercion.
  - Victims of “severe forms” of trafficking are eligible for a wide variety of protections and life restorative programs.
  - Persons under the age of 18 entrapped in prostitution/commercial sex do not need to show evidence of force, fraud or coercion to meet the definitions of “severe forms” of trafficking.
- Human trafficking is a serious crime that is punishable under a variety of federal and state laws.



## **Recognizing and Serving Human Trafficking Victims**

### **Module Two**

#### ***Protections and Programs Available For Trafficking Victims***

Time Required: 65 minutes

Supplies Needed: newsprint, markers, tape, paper, pens

#### **Purpose**

This module will discuss the goals and objectives of the *Trafficking Victims Protection Act (TVPA) of 2000*, the federal agencies involved in anti-trafficking activities, and the services and benefits for which victims of severe forms of trafficking may be eligible.

#### **Lessons**

- 2.1 Goals of the *Trafficking Victims Protection Act of 2000*
- 2.2 Roles of Federal Agencies in Response to Human Trafficking
- 2.3 Legal Status Options for Foreign Victims (Immigration Relief)
- 2.4 Services Available to Trafficking Victims
- 2.5 Module Two Summary
- 2.6 Take Away Points

#### **Learning Objectives**

By the end of this module participants will be able to:

- State four goals of the U.S. law pertaining to trafficking victims.
- List the primary federal agencies that assist trafficking victims.
- Describe three forms of immigration relief available to trafficking victims.
- List the basic services available to trafficking victims.

## 2.1 Goals of the *Trafficking Victims Protection Act of 2000*

The four primary goals of the Trafficking Victims Protection Act (TVPA) are to:

- 1) Clearly define human trafficking.
- 2) Criminalize human trafficking.
- 3) Establish an infrastructure to protect and restore victims.
- 4) Prevent human trafficking, both within and outside the U.S.<sup>48</sup>

The TVPA establishes that victims of severe forms of trafficking may be eligible for services and benefits that are generally available to federal crime victims. Federal regulations provide:

“Certain government-funded programs, services, and assistance that are necessary for the protection of life and safety, such as crisis counseling and intervention programs for victims of crime, short-term shelter, and mental health assistance are available to anyone, regardless of their immigration status”.<sup>49</sup>

More specifically, the TVPA permits victims, who are not U.S. citizens, to be eligible for benefits and services to the same extent as refugees. Under certain circumstances, victims may be granted permission to reside temporarily in the U.S. and receive assistance to obtain services such as shelter, food, job training, legal assistance, and medical care. The TVPA also makes available federal funds to support organizations that provide social services listed in this module.

**Note:** In addition to continuing protections and services to foreign victims of trafficking found in the U.S., the 2005 reauthorization of TVPA authorized monies for programs to certain kinds of *domestic* victims of trafficking, especially sexually exploited youth, and authorizes bi-annual research initiatives on “severe” forms of *domestic* trafficking, including separate studies on sex trafficking.<sup>50</sup>

## 2.2 Roles of Federal Agencies in Response to Human Trafficking

On February 13, 2002, President Bush signed Executive Order 13257 to establish a new Cabinet-level Interagency Task Force to Monitor and Combat Trafficking in Persons. This task force oversees the interagency collaboration between federal law enforcement and services agencies in the work of prosecuting traffickers and providing services to victims. The following are brief highlights of the federal agencies that are principally involved in protections and services to trafficking victims.

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<sup>48</sup> Rescue and Restore Campaign, “Look Beneath the Surface” Fact Sheet. Department of Health and Human Services. (2005).

<sup>49</sup> Trafficking in Persons: A Guide for Non-governmental Organizations (2002). A publication prepared by the Women’s Bureau of the U.S. Department of Labor, The U.S. Department of Justice, et al.

<sup>50</sup> H.R. 972, the “Trafficking Victims Protection Reauthorization Act of 2005” United States Congress, Washington, DC. Signed December 14, 2005.



## **U.S Department of Justice (DOJ):**

***DOJ maintains the Trafficking in Persons and Worker Exploitation Task Force Complaint Line (1.888.428.7581).*** This is a toll-free hotline primarily intended for callers who wish to make a report of trafficking in persons and worker exploitation; however, callers may also receive information and referrals. The response to calls is coordinated with law enforcement officials at the federal, state, and local levels.

DOJ initiates investigations and prosecutions of trafficking cases by working through the DOJ Civil Rights Division/Criminal Section, U.S. Attorneys Offices, the Federal Bureau of Investigation (FBI), and other law enforcement entities. The Civil Rights Division/Criminal Section also trains prosecutors around the world about how to litigate trafficking cases. Federal law enforcement officers within DOJ may prepare documentation to support a victims' request for a T-Visa or may request Continued Presence for a victim who is needed to remain in the U.S. as a potential witness on a trafficking case. The temporary forms of immigration relief through Continued Presence and the T-Visa will be addressed later within this training module.

DOJ, through its Office of Justice Programs, has been a leading force behind the establishment of victim services and multi-disciplinary task forces in various cities throughout the U.S.

- The Office for Victims of Crime (OVC), within the U.S. Department of Justice, Office of Justice Programs, administers funds appropriated by the TVPA to support a network of organizations that provide direct services to victims of severe forms of trafficking. These funds specifically support victims who are not U.S. citizens and are awaiting certification to receive public benefits through other federal programs. A list of OVC's Trafficking Service Grantees can be found on the OVC Website at [www.ovc.gov/help/tip.htm](http://www.ovc.gov/help/tip.htm). OVC also administers the Crime Victims Fund that provides federal funds to support services across the U.S. to victims of all types of crimes, including (but not limited to) rape, domestic violence, child abuse, child exploitation, physical assault, and gun violence.
- The Bureau of Justice Assistance (BJA), within the U.S. Department of Justice, Office of Justice Programs, supports law enforcement, courts, corrections, treatment, victim services and crime prevention initiatives that strengthen the nation's criminal justice system. BJA administers grants to state and local law enforcement agencies for the purpose of establishing task forces to identify and rescue victims of human trafficking. These task forces include representatives of local, state, and federal law enforcement as well as victim service providers funded through OVC.

## **U.S. Department of Health and Human Services (HHS):**

***HHS maintains a Trafficking Information and Referral Hotline (1.888.373.7888).*** This national toll-free hotline responds to callers with questions, complaints, and reports regarding human trafficking. Callers are directed to the federally funded service providers (OVC and HHS grantees) in the callers' local area and may be referred to DOJ hotline if the caller wants to make a formal report about a trafficking case.

- The Office of Refugee Resettlement (ORR), within HHS, provides certification and eligibility letters that allow victims, who are not U.S. citizens, to access the same services and benefits that would be provided to refugees. Victims who have been identified by law enforcement as victims of severe forms of trafficking are eligible to receive food stamps, social services, medical assistance cards, immigration assistance, as well as training and employment services. HHS/ORR has implemented a national public awareness campaign about human trafficking and provides funding to organizations around the country to provide outreach and direct social services to victims.

### **U.S. Department of Homeland Security (DHS):**

Within DHS, several offices and bureaus investigate trafficking, immigration violations, and authorize temporary immigration status to victims of trafficking.

- The Bureau of Immigration and Customs Enforcement (ICE), within DHS, is responsible for the investigation, detention, and deportation of persons who are unlawfully present in the U.S (for example, persons who have entered the U.S. illegally or persons who are in the U.S. on expired visas), and it also investigates immigrant violations and human trafficking. In addition to the FBI, ICE agents may request Continued Presence for trafficking victims and they may also prepare documentation and support a victims' request for a T Visa.
- The U.S. Citizenship and Immigration Services (USCIS), within DHS, process T-Visa applications and issues T-Visas through the Vermont Service Center (VSC). USCIS also processes the paperwork for the employment authorization document and form I-94 card based on the request for Continued Presence or the T Visa. When USCIS determines an application for a T-visa is bona fide, grants a T-visa or issues a form I-94 based upon authorization for CP, it notifies HHS that the individual has the requisite immigration status and interaction/cooperation with law enforcement for purposes of certification. HHS then processes and issues the certification, which allows victims to receive TVPA benefits.

### **U.S Department of Labor (DOL):**

DOL publishes an annual report on the efforts governments are taking to meet commitments to eliminate the worst forms of child labor, including the trafficking of children for exploitative labor and commercial sexual exploitation. DOL's International Child Labor Program supports organizations in 16 countries to address trafficking in persons. These programs provide reintegration assistance to adult and child victims of trafficking for exploitive work situations. DOL also offers grants to states and localities for assisting eligible victims in seeking training opportunities and employment opportunities. In addition, the Wage and Hour division of DOL investigates reports of suspected labor trafficking.

Note: Job Corps services are also available to victims of human trafficking between the ages of 16-34.

## **U.S Department of State (DOS):**

DOS coordinates international anti-trafficking programs to prevent/eliminate trafficking abroad. Each year, DOS publishes the Trafficking in Persons (TIP) Report which ranks the efforts of foreign governments to combat trafficking. Those countries with poor rankings face possible U.S. non-humanitarian sanctions. This agency also assists foreign governments in drafting or strengthening anti-trafficking laws and funds law enforcement and victim assistance training to foreign governments to ensure that traffickers are fully investigated and prosecuted to final conviction. DOS also provides grant money to U.S. agencies that can assist victims with their “repatriation” or return to their home country.

## **2.3 Legal Status Options for Foreign Victims (Immigration Relief)**

### **“Continued Presence” Status, T-Visas and U-Visas**

The TVPA authorized the provision of temporary immigration relief to victims of severe forms of trafficking who lack legal status in the United States. “Continued Presence”, the T-Visa, and the U-Visa are three common types of relief that allow victims to remain in the United States legally. Congress recognized that returning trafficking victims to their country of origin is not always safe because victims face the threat of retribution or re-trafficking once they return home. Moreover, victims are often needed in the U.S. to participate in the lengthy process of investigation and prosecution of their traffickers.

The availability of immigration relief for a victim is determined by the circumstances surrounding the individual’s victimization and the type of relief sought. It is extremely important that victims of trafficking consult an immigration attorney to discuss their legal options and their rights as victims. In most cases, trafficking victims will need the assistance of an immigration attorney to apply for immigration relief. The New York City Anti-Trafficking Network Legal Subcommittee has written a manual to guide attorneys in trafficking cases.<sup>51</sup> Another comprehensive legal guide was developed by The Catholic Legal Immigration Network in November 2004.<sup>52</sup> The later 400 page guide can be found in the Resource CD accompanying this manual and is also available at the following web address: [www.issueLab.com/downloads/3500HumanTrafficking.pdf](http://www.issueLab.com/downloads/3500HumanTrafficking.pdf)

### *“Continued Presence” Status*

One of the most immediate forms of immigration relief for victims of trafficking is the issuance of “Continued Presence” (CP), which is a status requested by federal law enforcement to ensure the physical presence of a potential witness for testimony during criminal prosecution of traffickers. CP is usually issued in one-year increments, and can be renewed. ICE processes applications for CP in its Parole and Humanitarian Assistance Branch and when CP is authorized ICE forwards the

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<sup>51</sup> Identification and Legal Advocacy for Trafficking Victims (2<sup>nd</sup> Ed.). 2005. NYC Anti-trafficking Network Legal Subcommittee. New York City, NY.

<sup>52</sup> A Guide for Legal Advocates Providing Services to Victims of Human Trafficking. (2004). The United States Conference of Catholic Bishops, Migration and Refugee Services, Catholic Legal Immigration Network, and the Legal Aid Foundation of Los Angeles.

application to USCIS who processes the paperwork for the employment authorization document and form I-94 card based on the CP.

Note: In order to establish eligibility for CP, a victim is not required to cooperate with law enforcement's criminal investigation of the trafficker(s), but they must be considered by law enforcement as a potential witness to the criminal prosecution and meet the other conditions as described in the statutes.

### *T-Visa*

The T-Visa allows trafficking victims temporary residence in the U.S without fear of deportation for up to four years. Under certain circumstances, family members such as spouses, parents, children and unmarried siblings may apply for "derivative" T-Visas, in order to join the victim in the U.S. In order to be eligible for a T-Visa, each victim applicant must demonstrate that he or she:

- 1) Is a victim of a severe form of trafficking as described by the TVPA.
- 2) Is physically present in the United States due to trafficking.
- 3) Comply with all reasonable requests for assistance in the investigation or prosecution of the trafficking offenses.
- 4) Would suffer extreme hardship involving unusual and severe harm if removed from the United States.

Note: Derivative applicants, immediate family members of victims who are also applying for T-Visas, do not need to meet the above criteria. They only have to show that they meet the requisite familial relationship and they are admissible into the U.S.

USCIS processes applications for T non-immigrant status (Form I-94) at the Vermont Service Center. Victims are strongly encouraged to initiate and complete these applications with the help of an immigration attorney or another trained service professional. Recipients of T-Visas receive an Employment Authorization Document which allows them to work legally in the U.S. After three years, T-Visa recipients can apply for permanent residence status or a "green card" if he/she meets the following conditions:

- (S)he is a person of good moral character (no new arrests, etc.)
- During the three years, the person has cooperated with reasonable law enforcement requests in the prosecution of their traffickers.
- There is evidence (s)he will experience extreme hardship if (s)he is removed from this country.<sup>53</sup>

Note: There is a very small window of opportunity to file for permanent residence status. Although the T-Visa may be issued for a 4 year period (recently increased from 3 years), under current regulations, T visa holders must submit their application for adjustment of status within 90 days immediately preceding the 3rd anniversary of the granting of his or her T status. In other words they must file in the 90 days before the 3 years expires. If T-Visa holders do not file for permanent

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<sup>53</sup> Rescue and Restore Campaign, "Look beneath the Surface" Fact Sheet. Department of Health and Human Services. (2005).

residency within this timeframe their ability to do so will be terminated. It is possible that this will be changed by regulation or policy guidance at some point in the future, but right now that 90 day regulatory requirement is still in effect. Therefore, it is extremely important for advocates to help the victim track these dates carefully, and follow through on the required paperwork.

### *U-Visa*

U-Visas may be available to aliens who have suffered substantial physical or mental abuse as a result of being subjected to a broad range of crimes committed against them in the United States. These criminal activities include rape, torture, incest, domestic violence, sexual assault, involuntary servitude, and many other crimes, which are commonly experienced by trafficking victims. Consult an immigration attorney to see what interim relief may be available. Recipients of U Visas qualify only for a work permit. They are not eligible for the benefits and services provided to refugees.

**Note:** Congress recently passed new legislation effecting T and U Visas for trafficking victims. The Violence Against Women and Department of Justice Reauthorization Act of 2005, H.R. 3402, Section 821, makes T and U Visas available for four years, if a law enforcement official certifies the victim's presence is necessary to assist in the investigation or prosecution of their trafficker(s). For a summary of H.R. 3402 see:

[www.govtrack.us/congress/bill.xpd?tab=summary&bill=h109-3402](http://www.govtrack.us/congress/bill.xpd?tab=summary&bill=h109-3402)

## **2.4 Services Available to Trafficking Victims**

Victims of trafficking may be eligible for a wide range of benefits and services regardless of their immigration status. Certain government-funded programs, services, and assistance that are necessary for the protection of life and safety, such as crisis counseling, intervention programs for victims of criminal activity, short-term shelter or housing assistance, and mental health assistance, are available to anyone.<sup>54</sup>

In addition, victims of severe forms of trafficking must be provided reasonable access to translation and interpretation services and information about pro-bono and low-cost legal services, including immigration services.

### *Federal Victim/Witness Specialists*

Because trafficking is a federal crime, victims of a "severe form" of trafficking may be eligible for services and benefits that are generally available to victims of federal crimes. Federal Victim/Witness Specialists work intensively with victims to assist them to obtain all the benefits for which they are potentially eligible and to navigate through the judicial process. The FBI, ICE, U.S. Attorney's Offices, and the Civil Rights Division/ Criminal Section within DOJ, all have Victim/Witness Specialists or Coordinators that assist in trafficking cases. A list of the contact information for Federal Victim/Witness Coordinators can be found in the Resource CD

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<sup>54</sup> Trafficking in Persons: A Guide for Non-governmental Organizations (2002). A publication prepared by the Women's Bureau of the U.S. Department of Labor, The U.S. Department of Justice, et al.

accompanying this manual. Federal Victim Specialists can provide the following types of assistance to victims of federal crimes:

- Information about victims' rights and available protections, especially against threats and intimidation.
- Information about emergency medical and social services.
- Information about shelter options.
- Referrals to public and private programs, such as domestic violence and rape crisis centers, for counseling, treatment and support.
- General information about the status of an investigation and notice of important case events.
- Information on how to apply for state crime victims' compensation, in order to be reimbursed for crime related expenses.
- Information about restitution for victims.

As mentioned, witness coordinators can provide information about victims' rights and available protections, especially against threats and intimidation. The basic rights of crime victims are protected under federal law, the Justice for All Act of 2004 (H.R.5107, Public Law 108-405).

***A crime victim has the following rights under the Justice for All Act of 2004 (H.R. 5107, Public Law 108-405, Section 3771 (a)).***

- 1. The right to be reasonably protected from the accused.*
- 2. The right to reasonable, accurate, and timely notice of any public court proceeding, or any parole proceeding, involving the crime or a release or escape of the accused.*
- 3. The right to not be excluded from any such public court proceeding, unless the court, after reviewing the clear and convincing evidence, determines that testimony by the victim would be materially altered if the victim heard testimony at that proceeding.*
- 4. The right to be reasonably heard at any public proceeding in the district court involving release, plea, [or] sentencing, or any parole proceeding.*
- 5. The reasonable right to confer with the attorney for the government in the case.*
- 6. The right to full and timely restitution as provided by law.*
- 7. The right to proceedings free from unreasonable delay.*
- 8. The right to be treated with fairness and with respect for the victim's dignity and privacy.*

#### *“Certification” For Victims Who Are Not U.S. Citizens*

For non-U.S. citizens to access publicly funded programs, the TVPA mandates that victims be “certified” by the U.S. Department of Health and Human Services’ (HHS) Office of Refugee Resettlement (ORR).



In order to be “certified” as a victim of severe form of trafficking, the person must:

1. Be a victim of “a severe form of human trafficking” as defined by the TVPA. This determination is made by law enforcement.
2. Agree to “reasonably” assist in the investigation and prosecution of the trafficker.
3. Have completed a bona fide application for a T-Visa that has not been denied.
4. Have received “Continued Presence” status.

**Note:** Children under the age of 18, who are engaged in commercial sex acts, meet the severe form of trafficking definition to receive services. They do not have to cooperate with the prosecution of their traffickers. As minors they are considered to be too young to give consent for sexual activity in any form. Minors receive a letter of eligibility for services, rather than certification.

It is important to note that under some circumstances, adult victims have obtained a T-Visa and certification for public benefits without a written endorsement from law enforcement. Without law enforcement endorsement, victims of severe forms of trafficking may still receive a T-Visa or other types of immigration relief and benefits if (s)he has other evidence to corroborate his or her victimization story. In such cases, victims will need assistance throughout the process and it is strongly recommended that the social service worker secure a qualified immigration attorney and a trained trafficking specialist as soon as possible.

#### *Benefits to Certified Trafficking Victims*<sup>55</sup>

Once certified, victims will receive an official letter from ORR “certifying” that the individual is recognized as a victim of a severe form of trafficking and is eligible for the following services:

- Housing assistance
- Employment assistance (including Job Corps)
- Medical and dental care
- Food stamps
- English language training
- Mental health services
- Income assistance including Supplemental Security Income (SSI) and Temporary Assistance for Needy Families (TANF)
- Refugee matching grant
- Unaccompanied Refugee Minor Program
- Legal services

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<sup>55</sup> The Trafficking Victims Protection Act of 2000, Sec, 107

### *Services to Pre-certified Victims*

The pre-certification period is the time between discovery of a victim and when official certification is granted by ORR. Several factors influence the length of time it takes for a victim to become certified. Among the many factors include:

- Emotional trauma experienced by the victim.
- The complexity of the alleged crime(s) and the nature of the evidence of victimization.
- The service providers' familiarity with TVPA and the procedures for applying for immigration status.

It may take anywhere from one week to a year to help a victim achieve certification. While victims who meet the federal definition of human trafficking await formal certification from ORR, they may require the following array of services:

- Shelter, food, and clothing.
- Case management.
- Medical, dental, mental health and additional services.
- Legal services (including immigration relief assistance and criminal justice advocacy.)
- Translation/interpretation services and language education.
- Job placement counseling/job training.
- Transportation assistance.<sup>56</sup>

### *Case Management*

Once a victim comes forward and requests assistance, they are required to interface with a variety of agencies, including law enforcement, social service providers, shelter providers, medical professionals, etc. This is often overwhelming, and at times, the victims lack the skills necessary to navigate all of these systems independently. Case managers are trained to assist victims to secure all the benefits to which they are entitled in a timely, just, and compassionate manner.

### *Service Network*

The Office for Victims of Crime (OVC) and Office of Refugee Resettlement (ORR) provide funding to a network of organizations throughout the U.S. These organizations screen potential victims of trafficking, assist them in communicating with law enforcement, help them to apply for T-Visas, and provide or coordinate referrals for the necessary support services through the investigation and possible prosecution of a case, and there after. A list of OVC funded trafficking victim service programs can be found in the Resource CD included with this manual.

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<sup>56</sup> The Trafficking Victims Protection Act of 2000, Sec. 107.



The OVC grantees list can also be found on the Internet at the following address:

[www.ojp.usdoj.gov/ovc/help/traffickingmatrix.htm](http://www.ojp.usdoj.gov/ovc/help/traffickingmatrix.htm)

In areas of the U.S. where case management is provided by another agency, TSA staff should monitor and possibly provide case management to ensure the victim is receiving all the assistance they need as quickly as possible. If TSA's staff is concerned about the status of a case, they should call the trafficking victim's immigration attorney and the Victim/ Witness Coordinators. The contact information for the various victim/witness coordinators within the ICE, FBI, U.S. Attorney's Offices, and the DOJ Civil Rights/ Criminal Section can be found in the Resource CD accompanying this manual.

### *Shelter Services*

One of the most immediate needs of rescued trafficking victims is for safe housing. For this, federal law enforcement officials will utilize local shelter resources. Given TSA's vast network of shelters throughout the country, providing safe, short-term shelter services to victims may be a critical role for TSA.

Shelter services for victims may be needed for a few days or weeks, until more permanent housing is secured or other housing arrangements are made. In some situations, human trafficking victims will be placed in domestic violence shelters because their locations are secure. Other possible short-term shelter may be arranged in TSA facilities, Good Samaritan Homes, or similar secure facilities. As will be discussed in Module Five, trafficking victims placed in shelters may require special considerations. At times, trafficking victims may be accompanied by other family members. The specific shelter needs relative to the number, gender, ages, and ethnicities of victims must be considered when determining the best fit for the victim(s).

### *Other TSA Services to Human Trafficking Victims*

TSA may provide food, transportation, language interpretation, and case management services. In the provision of any of these services, TSA staff should be mindful of any security concerns and follow all confidentiality protocols in record keeping and communication with the media. Services will be covered in more detail in Module Five.

## **2.5 Module Two Summary**

This module covered many of the protections and benefits available to persons who are certified as victims of "severe" forms of human trafficking as defined under U.S. law. Persons may receive limited emergency services as pre-certified victims. Once identified as a victim of a "severe" form of trafficking who is willing to assist law enforcement, persons are eligible to receive the same benefits as refugees. Victim cases can also be prosecuted under other applicable laws and they may be eligible for other types of victim services. In all cases of suspected human trafficking, consult with a qualified attorney.

This module also presented governmental organizations that provide specialized assistance to victims and a web link to find the NGOs who also provide services. Trafficked persons may apply for temporary residency through T and U-Visas. Victims can also be certified if granted Continued Presence status and they are willing to assist law enforcement. Pre-certified and certified trafficking victims may receive a wide range of restorative services. Case managers ensure that victims receive the benefits they need on a timely basis.

## **2.6 Take Away Points**

- The main goals of the TVPA are to:
  - Define human trafficking.
  - Criminalize human trafficking.
  - Establish an infrastructure to protect and restore victims.
  - Prevent human trafficking into the U.S. and throughout the world.
- Numerous federal agencies and organizations, such as OVC and HHS and their victim service grantees, work to protect and restore trafficking victims. Government-funded victim service grantees often provide intensive case management services. For the contact information of grantees that cover your specific area, see the Resource CD included with this manual or the Internet for the most up to date listings.
- Unique forms of immigration relief allow victims of “severe forms” of trafficking to remain temporarily in the country. They include “Continued Presence” status and special residency visas called “T” and “U” Visas.
- Victims of “severe forms” of trafficking are eligible for life sustaining benefits, among them housing, food, clothing, medical, mental health, legal, job training, transportation, and interpretative services.



## **Recognizing and Serving Human Trafficking Victims**

### **Module Three**

#### ***Identifying Trafficking Victims: Understanding the Dynamics of Control***

Required Time: 60 minutes

Supplies Needed: Newsprints, tape, markers, paper, and pens

#### **Purpose**

Some persons who seek TSA assistance are victims of human trafficking. Unfortunately, most will go unidentified. In an effort to strengthen the capacity of TSA staff to identify and rescue victims when possible, this module will present strategies on planning safe interventions with potential trafficking victims. The module will cover the multiple challenges for victims in leaving their exploitive situations, the distinctions between smuggling and trafficking, and the “red flags” of trafficking.

#### **Lessons**

- 3.1 How to Recognize Human Trafficking - The “Red Flags”
- 3.2 How to Distinguish Between Human Smuggling and Human Trafficking
  - 3.2.1 Human Smuggling
  - 3.2.2 Human Trafficking
- 3.3. The Dynamics of Control
  - 3.3.1 Parallels Between Domestic Violence and Human Trafficking
  - 3.3.2 Domestic Violence Entrapment Factors
  - 3.3.3 Human Trafficking Entrapment Factors
  - 3.3.4 Some Differences Between Domestic Violence and Human Trafficking
- 3.4 Module Three Summary
- 3.5 Take Away Points

#### **Learning Objectives**

By the end of this module, participants will be able to:

- State the common “red flags” of trafficking.
- Differentiate between human smuggling and human trafficking.

- Describe the control dynamics operating in trafficking.
- State the parallels between domestic violence and trafficking.

### 3.1 How to Recognize Human Trafficking – The “Red Flags”

Because trafficking victims often do not self-identify, it is important for TSA staff to recognize the “red flags” of trafficking and think about opportunities to take a second look at the situation. TSA staff should look for the clues of potential human trafficking. The U.S. federal government lists the “red flags” of trafficking as the following:<sup>57</sup>

- Evidence of being controlled (rarely alone, seems to be under constant surveillance, isolated or cut off from family and friends, bruises, fear of speaking for themselves.)
- Evidence of inability to move or leave a job.
- Persistent fear, depression, anxiety, or submissive or stupor-like behavior (signs of trauma.)
- No passport or other identifying documentation.
- Excessive work hours - not free to take time off.
- Unpaid for work completed or paid very little.
- Lives with co-workers and “employer”- no privacy.
- Untreated illnesses and infections.
- Active in commercial sex industry or works “off the books” in low-paying job.

In addition to the above red flags, there are many other guides to identifying victims of trafficking. For instance, see *Hiding in Plain Sight: A Practical Guide to Identifying Victims of Trafficking in the U.S.* For this informative guide, compiled by Dr. Donna M. Hughes, go to the following link (also found in the Resource CD that accompanies this manual):

[www.uri.edu/artsci/wms/hughes/hiding\\_in\\_plain\\_sight.pdf](http://www.uri.edu/artsci/wms/hughes/hiding_in_plain_sight.pdf)

#### *Relatively Few Victims Have Been Identified and Rescued*

Given the U.S. estimates that between 14,500 and 17,500 victims enter the U.S. every year, and that there are perhaps tens of thousands of trafficking victims in the U.S. at any one time, it is sad to note that only a small portion of trafficking victims have been rescued. As of May 2006, the Department of Health and Human Services had certified only 1,000 victims of human trafficking since the TVPA was signed into law in October 2000. By the end of FY 2007, a total of 1,379 were certified.<sup>58</sup> According to federal officials, of those who have been granted immigration relief just over half are sex trafficking victims and fewer than 10% are minors.<sup>59</sup> Thus, there is a special urgency in identifying, rescuing and serving trafficked minors.

*Why is Identifying and Rescuing Trafficking Victims so Difficult?*

<sup>57</sup> Rescue and Restore Campaign, “Look beneath the Surface” Fact Sheet. Department of Health and Human Services. (2005).

<sup>58</sup> <http://www.dreamcenter.org/new/images/outreach/RescueProject/stats.pdf>

<sup>59</sup> Oral report by FBI, HHS, DOJ panel members at Human Trafficking Conference, February 1-3, 2006, Florida Gulf Coast University, Fort Myers, FL

Despite the increased efforts in recent years to raise awareness of trafficking and enhance protections as well as services to trafficking victims, they remain largely hidden and reluctant to come forward. This is because traffickers have many powerful psychological, physical, and cultural mechanisms for isolating, hiding, and intimidating victims, making it difficult to locate and rescue them. Further, the professional community still lacks adequate knowledge of how to recognize victims, and also the engagement skills to help them successfully escape.

The tactical advantage of traffickers is compounded by the following factors:

- *Victims are Isolated:* Victims are watched constantly and are often prevented from unsupervised outside contacts. Traffickers move victims to different locations to prevent them from developing relationships or from learning about resources which could help them escape. Victims do not know where to go or whom to trust. Moreover, foreign victims often have significant language and cultural barriers preventing them from escaping and reporting their situations.
- *Victims Lack Information:* Often victims do not understand their rights in our country. They may have come from a country that did not extend basic human rights, so they do not understand the rights afforded to them in the United States. Also, they may have encountered corrupt officials and police authorities and as a result possess a general mistrust of all authority, including those within the U.S. Just as likely is the probability that they do not understand that a crime has been committed and they *are* victims. Victims believe (and have been told by their traffickers) *they* have caused their own misfortune (e.g., they agreed to enter the U.S. illegally.) It makes sense that trafficked persons do not come forward because they do not view themselves as a victim of a crime.
- *Victims are Intimidated:* According to the accounts of social workers who have interviewed rescued trafficking victims, traffickers use many psychological and cultural ploys to instill fear and feelings of helplessness in their victims. Traffickers successfully build financial, psychological, and cultural victim dependence. Victims may fear that, by reporting their abuse, they lose the little bit of security, money or work that they have in their trafficking situation. Victims are told by their traffickers they will be “treated as criminals” and “jailed” or “deported” if they report their abuse to U.S. authorities. Traffickers also tell them that “no one cares for you in America; you are just one more illegal alien,” and that “no one in America will take care of you [as the trafficker does.]”<sup>60</sup> U.S. victims of trafficking have similar fears, especially victims who are sexually exploited through the commercial sex industry. Unfortunately, at times the threats by traffickers have come true. Trafficked persons are often viewed by U.S. authorities as illegal aliens and therefore as criminals. They are sometimes jailed and/or deported for crimes such as illegal entry or prostitution, rather than handled as victims who have committed criminal acts under duress. Fortunately, great strides are being made in training law enforcement, legal, and social service workers to be more victim-centered in their understanding of the dynamics of human trafficking.

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<sup>60</sup> Women Working Together Foundation, staff oral report, April 20, 2005, Austin, TX.

- *Victims are Physically Threatened and Abused:* Along with the psychological fear tactics, traffickers use other forms of intimidation to scare victims into silence. Victims also fear physical reprisals to themselves or their families. These are no idle threats. Sadly, there have been documented cases of murder, torture and assault tactics used to keep persons entrapped. More on the specific psychosocial and other control techniques will be presented later in this module.
- *Lack of Social Service Providers' Skills in Victim Identification:* Similar to the problem with law enforcement, social service personnel often are not trained to recognize or respond appropriately to trafficking victims. For example, some service providers - including social workers, medical professionals, victim advocates, and legal professionals - fail to see signs of victimization in persons engaged in the commercial sex trade, and may treat the person as a criminal, rather than assessing his/her needs as a victim of human trafficking or other form of violence. Victims entrapped as domestic servants or within agricultural settings are often overlooked as well. Working together with law enforcement, the legal community, and other social service agencies, TSA is dedicated to rescuing and restoring as many human trafficking victims as possible.

## **3.2 How to Distinguish Between Human Smuggling and Human Trafficking**

Two forms of illegal entry into the U.S are smuggling and trafficking. This section will cover how to distinguish between the two phenomena. Knowing how to differentiate between the two is important for TSA staff because persons involved solely in smuggling are not eligible for the special immigration relief and services authorized by the TVPA.

### **3.2.1 Human Smuggling**

Smuggling is a criminal activity whereby persons illegally transport others across international borders for work or other reasons. There are literally hundreds of thousands of persons who put themselves in dangerous and even deadly situations in order to be smuggled illegally into the U.S. These individuals, desperate for a better life, hire people to transport them across blazing hot deserts and stash them in freight trains, cargo ships, and even in the trunks of cars, in order to enter the U.S. without the proper documentation or inspection from authorities at the border. The person generally agrees to pay a transportation fee, and is free to leave their transporters once in the U.S. If they are provided work, smuggled persons may be reasonably paid, and as importantly, they are free to leave the work if they choose without serious repercussions. It is important to note that smuggling can become trafficking.

### **3.2.2 Human Trafficking**

In contrast to smuggling, trafficked persons are victims. As we have learned, they are unable to leave a situation without serious and sometimes life-threatening consequences to themselves and/or their families. In many situations, a person may have agreed to be smuggled into a country, and may have agreed to pay a fee or perform work. However, they become trafficking victims when they are held against their will, and when force, fraud, and coercion is used to maintain them for the purpose of exploitative labor or sexual services.

## Key Differences Between Human Trafficking and Smuggling <sup>61</sup>

TRAFFICKING	SMUGGLING
Must contain an element of <i>Force, Fraud</i> or <i>Coercion</i> (actual, perceived or implied,) unless under 18 years old and involved in commercial sex acts.	The person being smuggled is generally cooperating.
Forced labor and/or exploitation.	There is no actual or implied coercion.
Persons trafficked are victims.	Persons smuggled are violating the law. They are not victims.
Enslaved, subjected to limited movement or isolation, or had documents confiscated.	Persons are free to leave, change jobs, etc.
Need not involve the actual movement of the victim.	Facilitates the illegal entry of person(s) from one country into another.
No requirement to cross an international border.	Smuggling always crosses an international border.
Person must be involved in labor/services or commercial sex acts, i.e., must be “working.”	Person must only be in the country or attempting entry illegally.

Note: The above government fact sheet “Trafficking vs. Smuggling” does not provide a precise legal distinction of the differences between smuggling and trafficking. Fact scenarios are often complex; in such cases expert legal advice should be sought.

### EXERCISE I

#### *Smuggled or Trafficked??*

#### SMALL GROUP DISCUSSION

Time Required: 10 minutes

Supplies Needed: Training manual, small group reporter

#### Instructions

Instructor: Assemble the participants back into their small groups of three. Then give the following instruction, “Please read the following two case examples. After reading each scenario, your small group will determine whether the situation is representative of smuggling or trafficking by answering the questions. Your small group will select one person to report the findings during the following larger group discussion.”

<sup>61</sup> Human Smuggling and Trafficking Center, Fact Sheet, HSTC@State.gov. (2006).

### ***Case Example One:***

*Scenario One: Sonia was invited to come to the United States by family friends, and told that she could work for them as a housekeeper, and they would pay her \$100.00 a week. Sonia was provided with fraudulent documents and departed for the United States with her new employer. She knew that this was illegal, but she needed the money, and she was willing to take the risk.*

*Was Sonia smuggled or trafficked? The suggested answer is on the next page.*

*Scenario Two: Upon arrival into the United States, Sonia was kept in isolation, she was given a place to sleep in the basement and told not to speak to anyone or she would be turned over to the Immigration Service. Sonia was never paid for her work and felt that she had no one to turn to for help.*

*At this point was Sonia smuggled or trafficked? The suggested answer is on the next page.*

### ***Case Example Two:***

*Scenario Three: A recruiting agency in India was looking for welders to work at a company in the United States for \$10.00 an hour. The agency charged each prospective worker a non-refundable \$2,500.00 application fee. Enroute to the United States the workers were given contracts to sign. The contracts obligated the workers to work for the next six months for less than \$3.00 per hour. They were told to sign the contracts or they would be sent back home. The workers felt that they could not back out because they had invested all their savings, and were already on their way to the United States. Once they arrived, there were confined to the factory grounds and the owner of the company kept their passports.*

*Were the workers smuggled to trafficked? The suggested answer appears on the next page.*

(Source: Human Smuggling and Trafficking Center, Fact Sheet, [HSTC@State.gov](mailto:HSTC@State.gov) (2006).

## **EXERCISE II**

### ***Case Example Review***

### **LARGE GROUP DISCUSSION**

Time Required: 15 minutes

### **Instructions**

Instructor: Reconvene in the large group and lead a discussion on the small group exercise. Each small group will report their answers to the questions in Exercise I above.



As noted in Exercise I above, there are critical differences between smuggling and trafficking. There will be times when TSA staff will need to ask clarifying questions to determine if the person is smuggled or trafficked. When assessing these cases, it is always recommended TSA staff seek advice from human trafficking professionals and/or immigration attorneys in your area. **You may also call the DOJ Trafficking in Persons and Worker Exploitation Task Force Hotline at 1.888.428.7581 for general information, or the HHS Information and Referral Hotline at 1.888.373.7888 if the victim is in need immediate services.**

**Suggested answers to smuggled or trafficked exercise:**

Scenario One: Sonia was smuggled into the United States. She left willingly with full knowledge that she was entering the United States illegally.

Scenario Two: At this point Sonia was restricted from leaving the house, threatened with deportation if she attempted to talk to anyone, and forced into involuntary servitude. Sonia is a victim of trafficking.

Scenario Three: The workers were victims of severe forms of trafficking in persons. The workers were transported for the purposes of labor through the use of fraud and coercion, which resulted in the workers being subjected to involuntary servitude. Confiscation of the workers' passports by the employer also caused the workers to believe that they were forced to stay with the company.

### **3.3 The Dynamics of Control**

In Module One, training participants were introduced to the various tactics of force, fraud, and coercion used by traffickers to exploit vulnerable persons for profit. These powerful forces create multiple barriers to trafficking victims trying to escape. As TSA staff improves their capacity to identify and interview trafficking victims, there are many variables that influence if, when, and how potential victims should be interviewed. Trafficking victims may not be initially ready to be rescued once they are identified. The social service worker may have to establish a relationship of trust first, and work with the victim over a period of time to address all their obstacles to being rescued.

Force, fraud, and coercion can be accomplished in many ways. Many of the coercion tactics are psychological. In some cases it may be difficult to quickly ascertain whether a case is one of human smuggling or trafficking. As illustrated in the previous case scenarios, the distinctions between smuggling and trafficking are often subtle. Under U.S. law, if the person is under 18 and induced to perform a commercial sex act, then it is considered trafficking, regardless if force, fraud or coercion is involved.

Accordingly, it is important for participants to understand complex dynamics of trafficking. Indeed, entrapment in any type of abusive situation is complex. To sensitively prepare you to interview potential victims, a fuller understanding of the powerful control dynamics at work in trafficking is necessary. The control dynamics of another, more familiar abusive situation - domestic violence - will be presented. There are parallel control processes at work in domestic violence and human

trafficking that help us to better understand how to effectively interview potential trafficking victims. Only a few of the many control dynamics are presented here. They are intended as an introduction to the similar control dynamics at work in both domestic violence and human trafficking. For more information on domestic violence and trafficking, training participants are encouraged to review the numerous books, web-pages and other resources on the topic.

**Office for Victims of Crime - [www.ovc.gov](http://www.ovc.gov)**

**Office on Violence against Women - [www.usdoj.gov/ovw](http://www.usdoj.gov/ovw)**

**Victim Assistance - [www.navaa.org](http://www.navaa.org)**

**State Domestic Violence Coalitions - <http://www.nnedv.org>**

**Anti-Stalking website - [www.antistalking.com](http://www.antistalking.com)**

**Battered Women's Justice Project - [www.bwjp.org](http://www.bwjp.org)**

**Commission on Domestic Violence - [www.abanet.org/domviol](http://www.abanet.org/domviol)**

**Family Violence and Sexual Assault Institute - [www.fvsai.org](http://www.fvsai.org)**

**Institute on Domestic Violence in the African American Community - [www.dvinstitute.org](http://www.dvinstitute.org)**

**National Coalition against Domestic Violence - [www.ncadv.org](http://www.ncadv.org)**

**Note: The Web Resources in the Resource CD accompanying this manual lists other web resources on domestic violence.**

### **3.3.1 Parallels Between Domestic Violence and Human Trafficking**

The following is a brief discussion on the parallels between domestic violence and human trafficking. Trafficking victims, like domestic violence victims, are strongly influenced by a number of factors that keep them entrapped. Both victim populations are skillfully controlled by others through a combination of physical abuse, sexual abuse, emotional abuse, isolation, financial control, and intimidation tactics.

*"Violence against women and oppression are integral to sexual violence, domestic violence and trafficking."*<sup>62</sup>

### **3.3.2 Domestic Violence Entrapment Factors**

#### *Cognitive Distortions*

Domestic violence treatment professionals have identified cognitive distortions that keep victims from leaving abusive situations. To cope with the harsh realities of violence, victims predictably adopt certain beliefs about the violence that prevents them from clearly seeing their victimization.<sup>63</sup> These coping beliefs instill an emotional dependence and effectively prevent a victim from leaving.

<sup>62</sup> Zollo, N., & Thompson, R. (ed.). (2004). Human Trafficking Service Provider Manual for Certified Domestic Violence Centers. Florida Coalition against Domestic Violence, pg. 9

<sup>63</sup> Ibid.

Examples of these thoughts include:

- “He/she will change, and the violence will stop.”
- “I can’t make it on my own.”
- “If I leave him/her, I will always be alone.”
- “No one else will ever love me.”
- “I will die without him/her in my life.”
- “It is my fault he/she becomes angry or violent.”

One particularly disabling, but common, distortion is when domestic violence victims believe their behavior is the cause of their partners’ violent behavior. This distortion is further reinforced by their abuser, who also blames the victim. In the cycle of “violence, leaving, and returning” victims tend to inaccurately blame themselves for their partners’ behaviors, and therefore view themselves, rather than their partner’s behaviors, as the problem. Of course, this belief is inaccurate. *No person’s behavior is ultimately responsible for the aggressive behavior of another.* The confusion on responsibility for violence impairs their ability to understand their victimization and thereby decide to leave the abusive situation. For this reason, correcting victims’ distorted beliefs regarding their responsibility for causing their partners’ violence is often an initial cognitive treatment goal in counseling.<sup>64</sup>

### **3.3.3 Human Trafficking Entrapment Factors**

#### *Emotional Dependence*

Like other hostage-type victims, victims of trafficking can, and do, develop emotional dependence on their captors.<sup>65</sup> Similar to domestic violence situations, emotional attachment by victims to traffickers can be difficult to understand by helping professionals. Still, this emotional dependence is a clear and present dynamic that must always be considered when interviewing potential trafficking victims. If the emotional dependence is present, victims may not wish to leave the situation initially, may refuse to speak to law enforcement or refuse to testify in court against their traffickers. For victims who are not U.S. citizens, these choices ultimately will result in their ineligibility to receive services and special immigration assistance provided under the TVPA. Moreover, emotional dependence assures that the trauma from their entrapment will be greater when and if they are rescued.<sup>66</sup>

The intensity of the relationships between victims and trafficker(s) also creates a bond. Traffickers use psychological manipulations that play on the emotions of their victims. They isolate them so that the only people the victims see are the traffickers or others who abuse them. They make sure the victim remains unable to communicate with others most of the time. They force the victim

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<sup>64</sup> Roberts, A. (2002). *Handbook of Domestic Violence: Intervention Strategies, Policies, and Programs, and Legal Remedies*. Oxford University Press. Oxford, England.

<sup>65</sup> In *Modern Bondage: Sex Trafficking in the Americas: Central America and the Caribbean*. (2002). DePaul University College of Law. Chicago IL.

<sup>66</sup> Ugarte, M., Zarate, L., & Farley, M. (2003). Prostitution and trafficking of women and children from Mexico to the United States. In Farley (ed). (2003). *Prostitution, trafficking, and traumatic stress*. Haworth Maltreatment & Traumatic Press, Binghamton, NY. pg. 160.

through a cycle of physical and emotional abuse followed by non-abuse, companionship, fun, and cultural identification. They may make the victim feel as if they are the “favorite”, and may occasionally reward their “work” with gifts such as a kind word, nice clothes, or a good meal. Lastly, emotional dependence is created through the fact that the victims’ total survival relies on their traffickers - their food, clothing, shelter, money, and even their health depend on their captors. The fact that traffickers occasionally meet the basic needs of the victims creates a strong connection (e.g. Stockholm Syndrome) between the victims and traffickers, even when victims despise their situations.<sup>67</sup>

### *Faulty Beliefs*

Just as in domestic violence situations, there are powerful thinking errors (cognitive distortions) that create an emotional attachment between the trafficked victims and their traffickers.<sup>68</sup> Examples of these false beliefs instilled by the traffickers include:

- “After the horrible things I have done, no one will believe I was forced to do it.”
- “It’s my fault that I am in this situation.”
- “If I just keep working and pay my debt, I can get out of here soon.”
- “Only my friend(s) [the trafficker(s)] know and care about me.”
- “I can’t make it out there without my friends [and the trafficker(s)]”

### *Other Entrapment Factors*

Other entrapment factors that can be found in domestic violence also operate in human trafficking. These entrapment factors include the following: cultural and religious factors; drug dependence; lack of survival resources such as housing, income, employment, support, and community resources; lack of employment and life management skills; psychological trauma and debilitating depression. Finally, the most powerful entrapment weapon, as in domestic violence, is the traffickers’ threats or use of violence to instill fear.

### *Summary of the Parallels Between Domestic Violence and Human Trafficking*

Both domestic violence and human trafficking victims are entrapped by persons who use a number of different control strategies. Both populations may become emotionally reliant on their abusers and find it difficult to escape for that reason alone. In addition to emotional entrapment factors, there are cognitive factors, lack of support and resources, and safety factors.

For both groups, the most powerful form of control is violence. Domestic violence and human trafficking victims both live with the threat of physical harm or death to themselves and their families. Domestic violence (and similarly trafficking) is best conceptualized “not as a discrete series of violent acts but as a system of power and control the batterer institutes and maintains over

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<sup>67</sup> Stark, C., & Hodgson, C. (2003) Sister oppressions: A comparison of wife battering and prostitution. 2003). In Farley (ed). *Prostitution, trafficking, and traumatic stress*. Haworth Maltreatment & Traumatic Press, Binghamton, NY. pg. 23.

<sup>68</sup> Freed, W. (2003). From duty to despair: brothel prostitution in Cambodia. In *Prostitution, Trafficking, and Traumatic Stress*. Farley, M (ed). Haworth Maltreatment & Traumatic Press, Binghamton, NY. (pp. 133-146).

his victim through the use of an array of interconnected strategies: isolation, intimidation, emotional abuse, economic abuse, sexual abuse, and threats.”<sup>69</sup>

### **3.3.4 Some Differences Between Domestic Violence and Human Trafficking**

Unlike victims of domestic violence, human trafficking victims are often relocated from their homes of origin to a foreign country.<sup>70</sup> In a strange culture, they do not know the area or understand the local customs, laws, resources, and language. In order to keep victims disoriented, victims are often transported to many different locations. This lack of knowledge and disorientation renders victims more isolated, and more dependent for survival on their traffickers, than their domestic violence victim counterparts.

Trafficking victims are most likely in the country illegally and therefore subject to a complex set of immigration laws and regulations and possible deportation. Non-U.S. citizens are not allowed to work in the U.S. without proper work authorization documents. This restricts their ability to secure employment to sustain themselves outside of their trafficking experience.

Other differences include the following:

- Trafficking victims may be controlled by a network of organized crime rather than a single trafficker.<sup>71</sup>
- They may be forced to participate in criminal activities<sup>72</sup> (e.g. prostitution; illegal entry into the U.S.) and face legal repercussions (e.g. jail or deportation) if they are discovered.
- The lack of language and culture knowledge; lack of knowledge of their surroundings; the clandestine locations and frequent mobility; and illegal status in the U.S. are unique characteristics to human trafficking.<sup>73</sup>

These unique factors amplify the effectiveness of the physical and emotional control factors characteristic of both domestic violence and human trafficking situations. With such powerful entrapment factors, it is no wonder that human trafficking victims are unlikely to come forward for rescue. Consequently, it is critical that TSA staff learn to recognize human trafficking victims when they are encountered, understand their entrapment challenges, and assist them to address their immediate safety needs, legal needs, and basic needs of food, clothing, and shelter.

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<sup>69</sup> Freed, W. (2003). From duty to despair: brothel prostitution in Cambodia. In *Prostitution, Trafficking, and Traumatic Stress*. Farley, M (ed). Haworth Maltreatment & Traumatic Press, Binghamton, NY. (pp. 133-146).

<sup>70</sup> In Modern Bondage: Sex Trafficking in the Americas: Central America and the Caribbean. ( 2002). DePaul University College of Law. Chicago IL. Pg. 178.

<sup>71</sup> Zollo, N., & Thompson, R. (ed.), (2004). Human Trafficking Service Provider Manual for Certified Domestic Violence Centers. Florida Coalition against Domestic Violence. pg 54.

<sup>72</sup> Ibid.

<sup>73</sup> In Modern Bondage: Sex Trafficking in the Americas: Central America and the Caribbean. (2002). DePaul University College of Law. Chicago IL. Pg. 174.

### **3.4 Module Three Summary**

This module covered the control dynamics of human trafficking that makes identification and rescue of victims challenging for service providers. Trafficking victims may be encountered by TSA personnel during delivery of routine Army services. It is likely that numerous trafficking victims can be identified in our domestic violence and homeless shelters, drug and alcohol programs, and programs for youth. By more fully understanding the dynamics of entrapment, TSA staff will be able to more accurately identify potential victims and begin to establish a trusting relationship with them that may lead to their rescue.

#### **Take Away Points**

- A few of the “red flags” for trafficking include:
  - Evidence of being controlled.
  - Living with the trafficker(s) and other victims under strict surveillance.
  - Persistent fear, depression, anxiety, or submissive behaviors.
  - Lack of identification papers.
  - Working excessive hours with little time off or pay.
  - Lack of knowledge of the local community.
  - Cultural and language differences.
- Smuggled persons are free to leave their situations; trafficked persons are not.
- Traffickers control victims through physical assaults, isolation, emotional manipulation, fear and intimidation.
- Domestic violence and trafficking victims are entrapped by similar powerful physical, emotional and other factors.



## **Recognizing and Serving Human Trafficking Victims**

### **Module Four**

#### ***Initial Interviews with Possible Trafficking Victims***

Time Required: 50 minutes

Supplies Needed: Newsprint, markers, tape, paper, pens

#### **Purpose**

This module will provide guidelines on how to safely and ethically interview possible trafficking victims. The module will cover the key questions to ask to determine if there is potential trafficking victimization. This module also presents interviewing tips to ensure safety and confidentiality, and next steps in reporting suspected trafficking to the authorities. TSA staff may wish to consider these guidelines and suggestions as they develop their own protocols for interviewing trafficking victims.

#### **Lessons**

- 4.1 Initial Interviews with Possible Trafficking Victims
  - 4.1.1 Factors to Consider Before Interviewing a Possible Victim
  - 4.1.2 Key Screening Questions to Ask Potential Trafficking Victims
  - 4.1.3 Questions to Assess Immediate Safety
  - 4.1.4 Adapting Intake Forms to Screen for Potential Trafficking Victims
- 4.2 I Think I Have a Trafficking Victim: What Do I Do Now?
  - 4.2.1 Determine if you are a Mandated Reporter
  - 4.2.2 Reporting Suspected Trafficking of Minors
  - 4.2.3 Adult Victims: Help them to Identify Resources and Options
  - 4.2.4 Help Victims Develop a Safety Plan
  - 4.2.5 Protect Client Confidentiality
  - 4.2.6 Obtain Informed Consent
- 4.3 Module Four Summary

## Learning Objectives

- State three safety considerations before interviewing potential trafficking victims.
- List five key questions to ask potential trafficking victims.
- Determine who is mandated to report trafficking of minors.
- Describe three methods of protecting a potential victim's confidentiality.
- Describe how and when to construct a basic safety plan.

### 4.1 Initial Interviews With Possible Trafficking Victims

In most cases, if the “red flags” mentioned in the previous module are present, it is recommended that TSA staff investigate further to ascertain if human trafficking is occurring. For the purpose of this lesson, we use the words “initial interview” and “investigate” to describe activities and dialog between a TSA staff person and a possible victim that occur in a private and non-threatening setting. It allows the staff person to gather enough information to determine whether or not the person may be a victim of trafficking. This dialog also provides the TSA staff person the opportunity to express concern about the victim's safety, and educate the victim on the crime of trafficking, their identity as a victim, and their eligibility to receive protections and services.

#### 4.1.1 Factors to Consider Before Interviewing a Possible Victim

Once it is suspected that someone may be trafficked, more information is needed. If possible, TSA staff should contact people with trafficking expertise in their area, and let others conduct the more in-depth interviews. For organizations with trafficking service experience, see the list of OVC-funded grantee programs found in the Resource CD included with this manual, or go to the following website: [www.ojp.usdoj.gov/ovc/help/traffickingmatrix.htm](http://www.ojp.usdoj.gov/ovc/help/traffickingmatrix.htm)

Realistically, there will be times when TSA staff will have to conduct the interview. Importantly, before contacting another agency to collect more data, or conducting the interview themselves, TSA staff must first consider safety and other barriers that may influence the potential victim's responses to the questions.

The World Health Organization (WHO) has written a guide about ethical and safety recommendations for interviewing trafficked women.<sup>74</sup> The WHO guidelines are summarized below. The complete guide is reproduced in the Resource CD accompanying this manual.

- **Do no harm:** TSA staff must at all times consider if it is safe to ask a potential victim questions about his or her situation, or if such an interaction places the potential victim in danger, or makes his/her situation worse. For those who are still entrapped in trafficking at the time of an initial interview, the life of the victim and the lives of his or her family may be at risk if the trafficker believes the victim is reaching out for help. We, as compassionate

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<sup>74</sup> Zimmerman, C., & Watts, C., (2003). WHO Ethical and Safety Recommendations for Interviewing Trafficked Woman. Health Unit Policy Unit, London School of Hygiene & Tropical Medicine with support from the Daphne Programme of the European Commission and the World Health Organization. Used by permission.



caregivers, must act as if the potential for harm is extreme until there is evidence to the contrary.

- **Don't assume the person with the potential victim is a friend you can trust:** Traffickers, or others working with them, have been known to go with victims to social services agencies and hospitals for services or treatment. Traffickers often monitor and control the victim's conversations and interactions so that the victim has limited opportunities to reach out for help.
- **Know your agency's safety plan and be prepared for emergency intervention:** Your agency may already have a policy for handling violent situations and/or working with clients to develop a safety plan. Tips for developing a safety plan with clients are discussed later in this module.
- **Be discreet:** If at all possible, speak with the potential victim alone in order to obtain information about his or her situation. Be discrete in requesting a private conversation with the potential victim. It may be easier to arrange this private conversation if your agency policy is to always do screenings and assessments with patients/clients in private. When the potential victim is reluctant to go with you to a private location, or if the person(s) with them does not want them to speak with you alone, be very cautious – do not press the issue. It is better to be safe than put the potential victim in a dangerous situation.
- **Know your referral information – do not make promises you cannot fulfill:** At minimum, you should have the telephone number for the HHS Trafficking Hotline **1-888-373-7888**. You or the victim can call anonymously to obtain general information and telephone numbers for victim service organizations specializing in services to victims of human trafficking. You may also find and contact providers near you with an expertise in human trafficking at the link below or in the Resource CD accompanying this manual under the file named “OVC-Funded Grantee Programs To Help Victims of Trafficking”:

[www.ojp.usdoj.gov/ovc/help/traffickingmatrix.htm](http://www.ojp.usdoj.gov/ovc/help/traffickingmatrix.htm)

- **Assess the victim's language needs – know your interpretation resources:** Because many trafficking victims are transported to the U.S. from foreign countries, it may be that a potential trafficking victim does not speak the language(s) of TSA staff. If no one in your office speaks the language of the potential victim, you will need to use your local resources to find an interpreter you and the victim can trust. You may also call the DOJ and HHS hotline numbers identified earlier in this Module. These hotlines have access to interpreters with many language competencies.
- **Do not re-traumatize a victim:** Be very mindful that the questions you ask may be potentially upsetting. Strive to be sensitive. Do not ask questions intended to provoke an emotionally charged response. For example, a basic question such as, “do you have any family?” may evoke a strong emotional response. Thus, be prepared to respond to a victim's distress and highlight their strengths. If the victim is highly distressed, find a mental health professional trained in trauma work to counsel him/her.

- **Do not collect or document more information than you need:** Ask only the questions you need to identify the individual as a potential trafficking victim and assess his/her safety, and make an appropriate referral. Be mindful that you and your case records may not be protected from a subpoena if there is ever a case against the victim or the trafficker.

### *Finding an Interpreter*

Because trafficking victims may not speak English, finding a trusted person who speaks the potential victim's language may be a challenge. The next exercise will help you identify language resources in your community. Remember too, that the national trafficking hotlines have information on over 150 languages. There will be times when it is necessary to use an interpreter to interview potential trafficking victims. The following exercise is to discuss the local language resources. There is also a federal government organization with information and guidance for agencies on language access to federal programs and activities. This organization is called Meaningful Access for People who are Limited English Proficient. Their website can be found at:

[www.LEP.gov](http://www.LEP.gov)

## **EXERCISE I**

### ***Local Resources for Interpretation Services***

#### **LARGE GROUP DISCUSSION**

Time Required: 5 minutes

Supplies Needed: Flip Chart, Markers

#### **Trainer Instructions and Discussion Question**

Lead a discussion on local resources for interpretation services. Record the results on a flipchart at the front of the room.

**Question:** What local resources are available to provide crisis language interpretation services?

#### 4.1.2 Key Screening Questions to Ask Potential Trafficking Victims

The following are key questions on trafficking and can be used as a general screening tool for experienced social service providers and law enforcement professionals for possible referral to U.S. authorities and legal advocates. Upon referral, U.S. authorities will conduct a more extensive investigation of the suspected trafficking. While these questions can be used as a general first interview guide for any intake personnel, it is recommended that the questions are asked in coordination with an experienced trafficking social service or legal professional. At all times, intake personnel should be mindful of any potential risks in asking these questions.

- What type of work do you do?
- Are you being paid?
- Can you leave your job?
- Can you come and go as you please?
- Have you or your family been threatened?
- What is your working and living condition like?
- Where do you sleep and eat?
- Do you have to ask permission to eat/sleep/go to the bathroom?
- Are there locks on your doors/windows so you cannot get out?
- Has your identification or documentation been taken from you?<sup>75</sup>

#### 4.1.3 Questions to Assess Immediate Safety

For those entrapped in trafficking situations, TSA staff must assess the victim's *immediate* threat of harm. The safety risks to victims are real. Traffickers who are involved in criminal enterprises use force to control their victims and have access to weapons. The following is a *brief* safety assessment to supplement existing Salvation Army safety assessment procedures. When possible, work with local law enforcement officials to assess safety risks.

1. Have you ever been threatened or seriously injured by the person you live with?
2. Do you have reason to believe that you will be seriously injured (or killed) if you return to where you are staying today? (If yes, consult your supervisor.)
3. Why do you believe you are in serious danger? What is happening?
4. How do you plan to keep yourself safe if you are threatened today?

In addition, to the basic questions above, a comprehensive safety risk assessment form, developed by Safe Horizon, can be found in the Resource CD accompanying this manual. Safe Horizon is a non-profit victim assistance organization with experience in working with trafficking victims in the New York City area. Their intake form covers areas well beyond the scope of a Salvation Army Corp program; however, their form may serve as a guide to the development of TSA's safety and social service assessments.

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<sup>75</sup> Rescue and Restore, HHS, "Look beneath the Surface" question card. Publication funded by the U.S. Department of Health and Human Services, Washington, D.C. (2003).

After conducting an assessment, develop a safety plan. Follow your TSA emergency procedures to determine if 9-1-1 must be called. Be aware that they may not *perceive* themselves to be in grave danger when they *actually are*. Along with the data collected, use your clinical judgment to determine level of risk. Most endangered persons will not have a safety plan so help them to develop a basic strategy. (See the sample safety plan in the appendices at the end of this manual).

#### **4.1.4 Adapting Intake Forms to Screen for Potential Trafficking Victims**

General intake forms are used in many human service settings, including TSA shelters and other programs. If staff members who are conducting intakes are properly trained about human trafficking, they may consider adding the “key questions” listed above for identifying trafficking victims and screening for their immediate safety.

### **4.2 I Think I Have a Trafficking Victim: What Do I Do Now?**

Now that you have asked the general questions and believe that the person may be a victim of human trafficking, taking a victim-centered approach to helping the individual is critical. The age of the victim will be an important factor as you work through a plan to assist the victim. The following section will provide general information about what can be done when a victim is identified. **Caveat:** Be aware that victims may not know their age or they may initially lie about their age because they feel it is unsafe to disclose their situations.

#### **4.2.1 Determine if you are a Mandated Reporter**

Human trafficking may include emotional and physical abuse, as well as sexual abuse and exploitation of children. Therefore, it is important for TSA staff and all service professionals to know their state mandatory reporting laws. While state laws may vary, in general, certain types of professionals are mandated to report incidences of child abuse, neglect, and sexual exploitation of children under the age of 18 to local child protective services and/or the local police. Many laws identify professionals such as law enforcement officers, health care workers, social workers, mental health professionals, domestic violence/ victim advocates, school personnel, and substance abuse counselors as mandatory reporters. Some states even mandate commercial film or photograph processors to report suspected incidences of child exploitation and child pornography. Eighteen states require all citizens to report suspected child abuse and neglect. Be familiar with your professional code of ethics, the protocols and procedures of TSA, and discuss the situation with your supervisor.

**Caveat:** If the youth is accompanied by an adult, and it is unknown if the adult is involved in any way with the trafficking, use extreme caution in moving to report the situation. If possible, tactfully separate the youth from the adult for an interview. Discuss with your supervisor if a call should be made. If, after conferring with your supervisor, the decision is made not to call because of safety concerns, document this in your services notes.

### **4.2.2 Reporting Suspected Trafficking of Minors**

If, after conferring all relevant internal and external policies, the decision is made to call authorities, it is recommended that the social service worker, along with the supervisor and victim, call the local child protection authorities. The social service worker should first explain to the youth the reason for the call.

During the call, the social service worker should:

- Identify the case as one of suspected human trafficking.
- Give the evidence.
- Reveal any risk or safety issues that might affect the youth or the youth's family if the youth is immediately removed from the trafficking situation.

In a situation in which authorities are to be called involving the trafficking of a minor, the police should always be summoned. If the child is accompanied by an adult, the adult will need to be questioned as to his or her involvement in the trafficking.

If it is not safe to remove the youth from the trafficking situation immediately, the social service worker should discuss with the authorities the next step to prevent further trafficking and/or abuse. The plan may include FBI involvement to begin to monitor the situation and gather evidence for an eventual prosecution. The plan may include protections for the youth without immediate removal *until and unless the youth is safe*.

### **4.2.3 Adult Victims: Help them to Identify Resources and Options**

Professionals are not mandated to report trafficking of adults. However, potential trafficking victims should be encouraged and assisted in making a report of the trafficking to law enforcement. An initial report by the victim is needed in order for law enforcement to begin to investigate the case against the trafficker(s). Additionally, for adult victims who are not U.S. citizens, cooperation with law enforcement may be required for TVPA trafficking victims' public benefits through HHS, and to receive services offered through federally funded victim service programs. In order to obtain financial assistance through State Crime Victim Compensation, states may require that a police report of the incident be filed. As discussed earlier in this module, there are many reasons why victims may feel too scared to contact law enforcement right away. If the victim is an illegal alien, or if they have committed any crimes, they may be at risk of being arrested and/or deported if they approach law enforcement without legal representation.

The following are steps in assisting the person to engage local victim's services:

- Explain to the person that based on the information they provided, they appear to be a victim of trafficking, and there may be services for which they are eligible. Encourage them to speak with victim advocates who understand trafficking and who can explain their rights as victim. Information on FBI, U.S. Attorney and ICE victim witness coordinators can be found in the Resource CD accompanying this manual.

- Provide the victim with the telephone number for the HHS Trafficking Hotline (1.888.373.7888), or to specific trafficking victim service organizations. Assist the victim, when they are ready, in making the call. They may need a translator, a quiet place to use the phone, or other special assistance in communicating with a victim advocate. Often the hotlines have translators available.
- Assist the victim in finding necessary services such as shelter, medical attention, and legal assistance.
- Assist them in obtaining legal advice so that they may be fully informed of their legal rights and options.

#### 4.2.4 Help Victims Develop a Safety Plan

The following is a suggested basic safety plan that helps to determine what the person can do to keep safe. It does not have to be written, although it is best if written and a copy is placed in the client's file. The plan should be detailed enough to anticipate potential harmful situations and what the interviewee will do to keep safe. A sample safety risk assessment and complete safety plan can be found in the appendices at the end of this manual.

Safety Plan Commitment
<p>The things I can do to keep myself and my family safe are:</p> <p>_____</p> <p>_____ when</p> <p>_____</p>
<p>The things that will keep me from staying with the plan (barriers) are:</p> <p>_____</p>
<p>The things I can do to overcome these barriers are:</p> <p>_____</p>
<p>The places I can go to be safe are:</p> <p>_____</p>
<p>Signed _____ (or verbal agreement)</p> <p>Witness _____</p> <p>Date: _____</p>

If the interviewee denies the potential for serious harm, and Salvation Army personnel still suspect possible violence, it is recommended that TSA staff provide instructions on how to call the 9-1-1 emergency phone services. For instance, instruct the interviewee that if they need to call 9-1-1, they

should tell the operator their address or location *first* so the call can be better traced. Explain to the interviewee that 9-1-1 emergency services are designed for their protection. It may be helpful to walk through several scenarios with the interviewee on when and how to call.<sup>76</sup> Also, provide them with another contact source if they are reluctant to call 9-1-1 (i.e. 24-hour hotline, a domestic violence shelter number, etc.) Record all instructions and referrals made in your service notes.

**Safety Planning Challenges:** Be aware that trafficked persons may not speak English; have limited knowledge and skills (i.e. be unable to use the phone because they have never been exposed to a telephone); be isolated geographically; and fear the police. In addition, their construct of safety may be very different from that of the social service provider. Thus, it is important to discuss *their* concept of what being safe means to *them*.

**Safety Planning Resource:** The human trafficking service organization Safe Horizon has written an informative safety planning guide. The guide offers suggestions on how to keep clients, workers, and attorneys safe when working with trafficking victims. See the reference for their safety planning manual in the footnote below. A PDF version of the Safety Planning guide is provided in the Resource CD accompanying the manual. The website for Safe Horizon is:

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

#### **4.2.5 Protect Client Confidentiality**

As with most clients served through human service agencies, maintaining the confidentiality of the information a victim provides is a critical element in establishing their trust and upholding their right to privacy. In many instances, victims share personal information with a service provider they will not share with anyone else. There may be situations where the victims' lives, or the lives of their family members, may be at risk if information about the victim is leaked. Many people, including the media, defense attorneys for the traffickers and the traffickers themselves, may attempt to obtain this personal information, and may use it to further harm or exploit the victim.

In general, service providers should protect any information concerning the victim's identity, location, personal history, financial status, and details of the victimization. This information should only be released with specific consent of the victim. It is the service provider's responsibility to help the victim understand rules related to confidentiality and the limits to his or her protection of privacy under these rules. Service providers should ensure that all persons who interact with victims pledge to maintain the strictest of confidentiality in order to protect the safety of victims and their families.

Each discipline has developed a set of guiding professional standards regarding confidentiality. In addition to professional standards of conduct, TSA has official policies on protecting personal client information that are set forth in *The Salvation Army's Policy on Confidentiality and the Protection of Personal Privacy*, as well as, the *Guidelines for the Implementation of the Salvation Army's Policy of Confidentiality and the Protection of Personal Privacy*. Both documents are available to TSA staff from their supervisors or Human Resource representatives.

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<sup>76</sup> Safety Planning Standards for Trafficked and Enslaved Persons: A Guide for Service Providers and Attorneys, Safe Horizon, New York, NY, August 2004.

TSA policies require that all client information must be secured in a locked file and/or in a password-protected computer. Further, client information should only contain what is necessary to substantiate need and/or document services provided. Counseling or other types of progress notes should be written with protection of the client's privacy in mind and follow accepted professional standards for content.

**Caveat:** It is important to remember that any and all records can be subpoenaed in a court of law. For that reason, the social service worker should use extreme *discretion* in recording information on a trafficking case - careful not to disclose exact names and other identifying details that may jeopardize victim safety or damage the potential prosecution of the trafficking case.

#### **4.2.6 Obtain Informed Consent**

Another aspect of protecting victim confidentiality is informed consent. The victim provides consent to the release of information to specific persons for specific reasons. For example, a victim residing in a temporary TSA shelter may authorize TSA staff to provide a federal investigator with the telephone number and location of the shelter, so that the investigator may contact the victim to schedule an interview. However, the victim may not consent to the victim advocate's revelation of the same information to the media.

The following information pertaining to informed consent should be used in conjunction with existing professional standards and Salvation Army protocols for the work being conducted. Due to the high degree of collaboration that is required in trafficking cases, policies must be in place to allow the victim to consent to information being shared between a variety of service providers, law enforcement, prosecutors, and legal advocates.

All shared information should be accompanied by a written consent signed by the victim. It is best if the written consent is in the *language* of the victim, or at least translated verbally by an independent translator so the victim is informed of the nature of the consent. If the victim was interviewed by an interpreter during the initial phases of the law enforcement investigation - and the victim trusts that interpreter - if possible, use the same interpreter for Salvation Army case planning activities with the victim. The consent form should specifically include:

- The purpose of the consent form.
- The exact information that will be shared or disclosed.
- Who will be receiving the information and for what purpose.
- The expiration date of the consent form.
- Signatures of the client, agency representative, and translator if one is used.



### 4.3 Module Four Summary

This Module has provided a list of ethical and safety considerations for interviewing persons who you believe may be trafficking victims. General screening questions help you to determine if the victim may be a victim of a “severe form of trafficking”, and if the person may therefore be eligible for various programs and services. It is important to follow all confidentiality procedures and ensure that the victim understands the limits to your agency’s confidentiality policies. The victim should provide informed consent whenever personal information about them is shared. Identifying the victim’s immediate level of safety and risk of harm is critical in the first stages of working with a victim. Appendix D contains a risk assessment and a sample safety plan. Connecting potential victims to trafficking victim services and legal advocacy is a critical service that must be provided as soon as possible. Other assessment tools can be found in the Resource CD accompanying this manual.

### 4.4 Take Away Points

- Factors to consider before interviewing potential trafficking victims include:
  - Making sure that interviewing them will not cause them any harm (put them at a higher risk of danger.)
  - Do not re-traumatize them (keep their story-telling to only needed information to determine if a referral is warranted.)
  - Know your local trafficking victim service providers and referral procedures.
- Three safety considerations before you interview include:
  - Be aware the victim may be accompanied by the trafficker or an associate of the trafficker.
  - Assess if the person is in immediate danger if they return to their situation. If so, consult your safety protocols, discuss with your supervisor, and call 9-1-1.
  - Determine if the person has a plan to be safe if they return. If so, help them construct one.
- The key questions to ask potential trafficking victims include:
  - What type of work do you do?
  - Are you being paid?
  - Have you or your family been threatened?
  - Where do you sleep and eat?
  - Do you have to ask permission to eat/sleep/go to the bathroom?
  - Are there locks on your doors/windows so you cannot get out?
  - Has your identification or documentation been taken from you?
- Most states laws require that the potential abuse of minors be reported by the following:
  - Law enforcement officers.
  - Health care workers.
  - Social workers.
  - Mental health professionals.
  - Domestic violence/ victim advocates.
  - School personnel.
  - Substance abuse counselors.

1. Some states even mandate commercial film or photograph processors to report suspected incidences of child exploitation and child pornography.
  2. Eighteen states require all citizens to report suspected child abuse and neglect.
- Be familiar with your professional code of ethics, the protocols and procedures of TSA, and discuss the situation with your supervisor.
  - Three methods of protecting a potential victim's confidentiality include:
    - Interview victims in private where the conversation can not be overheard.
    - Keep all written notes to a minimum and do not record potential names of traffickers.
    - Secure all documentation in a locked cabinet.



## **Recognizing and Serving Victims of Human Trafficking**

### **Module Five**

#### ***Providing Shelter and Other Direct Services***

Time Required: 60 minutes

Supplies Needed: Newsprint, markers, tape, paper, pens

#### **Purpose**

To build the capacity of TSA staff to safely provide direct services to victims, this module will cover the special needs of trafficking victims in shelters. Module Five will present guidelines on how to safely and ethically provide services to trafficking victims, primarily shelter services. Participants will also identify the key local community providers in the victim service community and participants will construct a partial service delivery plan.

#### **Lessons**

- 5.1 Trafficking Victims Referred to a Community Shelter
  - 5.1.1 Assessments Commonly Completed by Law Enforcement Prior to Referral
  - 5.1.2 Challenges of Providing Shelter
  - 5.1.3 Assessments Conducted by TSA Staff Prior to Accepting Referrals
- 5.2 Special Needs of Trafficking Victims in Shelters
  - 5.2.1 Shelter for Domestic Violence Victims vs. Trafficking Victims
  - 5.2.2 Conducting Needs Assessments for Trafficking Victims
  - 5.2.3 Orientation to the Shelter
- 5.3 Collaborating With Key Community Trafficking Victim Service Providers
  - 5.3.1 Building Collaborative Relationships With Key Partners
  - 5.3.2 Identifying Key Partners in the Anti-trafficking Service Community
- 5.4 Developing a Comprehensive Service Plan
- 5.5 Module Five Summary
- 5.6 Take Away Points

## Learning Objectives

By the end of this module, training participants will be able to:

- Complete a pre-placement shelter risk assessment.
- State the special needs of trafficking victims in shelters.
- List local community human trafficking victim service providers.
- Conduct a basic needs assessment.
- Develop a partial service plan.

### 5.1 Trafficking Victims Referred to a Community Shelter

Trafficking victims are often “rescued” and interviewed by local or federal law enforcement after a victim has called the DOJ or HHS Trafficking Hotlines for help. Law enforcement personnel also encounter victims during raids on brothels, or after labor trafficking rings have been uncovered. Potential victims may also be referred to the shelter by community based service providers or by “good Samaritans”. Either way, law enforcement or other trafficking service professionals will make referrals to programs such as TSA shelters, so that victims can obtain the shelter they need.

Victims’ needs will vary depending upon whether or not they identify themselves as victims, the level of trauma experienced, and how much time has passed since they were “rescued” from their trafficking situation. This module is written with the assumption that the primary services TSA will provide are short-term shelter and other emergency related services and providing information and referral as needed. In some cases where TSA has received special federal grants to provide trafficking victim services, TSA will provide a variety of other services to victims.

In the role of primarily providing shelter and other short term emergency assistance, TSA will work collaboratively with other organizations in the trafficking victim services community. Ideally, Salvation Army facilities will have several weeks to prepare for housing trafficking victims. However, at times, shelter administrators may receive a call in the middle of the night requesting shelter services for multiple victims. Whenever possible, a risk assessment should be conducted and basic information should be obtained prior to receiving trafficking victims in Salvation Army shelters. A sample risk assessment will be presented later in this module. If a safety plan is needed, see The Safe Horizon Safety Planning Standards included in the Resource CD accompanying this manual.

#### 5.1.1 Assessments Commonly Completed by Law Enforcement Prior to Referral

In cases where large numbers of victims have been identified by federal law enforcement, trafficking victims may be referred to TSA and other shelters within two weeks of being rescued by federal law enforcement officials. In most cases, where federal law enforcement and victim/witness staff have had time to prepare, officials will take several days to several months to conduct interviews and assess the basic needs of victims. Be aware that some or all of the following assessments may not be completed in every case. In reality, agencies receiving victims may need to conduct comprehensive initial assessments. If possible, federal officials will screen (and treat) the victim for the following list of problems/issues before referring to a non-secured shelter facility:

- Evidence of victimization of a “severe” form of trafficking.
- Language needs.
- Infectious diseases such as TB, HIV and typhus.
- Suicidal and/or homicidal ideations.
- Gross mental health functioning (i.e. psychosis.)
- Safety concerns (federal officials have also indicated they will not release trafficking victims to shelters when traffickers, who can pose a threat to victims and other shelter residents, are still present in the community.)

Thus, prior to entering TSA and other community-based shelters, victims *should* be medically and psychiatrically stabilized. Additionally, the victims, or their trafficker(s), should not pose a security threat to other residents or staff. This is an important safety precaution as most TSA shelters do not have 24-hour security personnel and it is doubtful that federal authorities are able to provide additional security to shelters.

### 5.1.2 Challenges of Providing Shelter

It is important for social service providers to remember that not all victims identify themselves as “victims”, and may initially react with hostility when removed by law enforcement from his or her trafficking situation. Victims may feel angry. They may not know who to trust. Thus, when preparing protocols on how to provide services to sheltered trafficking victims, remember that rescued trafficking victims will vary widely in terms of their overall readiness to accept services and integrate into a shelter facility. In all cases, trafficking victims will have special needs upon arrival. To address their special needs will require careful assessment and collaboration with key community service partners.

Victims who *escape* their trafficking situation will more than likely welcome their release from their abusive situations. Those persons may enter your shelter severely traumatized, may be in need of a host of services, and will be grateful to be alive and to finally experience a degree of safety.

**TSA shelter staff cannot force a victim to stay.** If, for example, victims have been removed by law enforcement personnel abruptly, they may be frightened and confused about what is happening to them. They may not trust our criminal justice system; they may fear possible deportation, and/or retaliation from traffickers. Others do not welcome “rescue” because they are attached to their trafficker(s) and wish to stay with them. In the case where they remain bonded to their trafficker(s) they will possibly attempt to contact their trafficker(s), thus putting the shelter staff and residents in potential danger. Like most shelter programs, TSA staff can not force people to stay in the shelters or other programs if they desire to leave. If people wish to leave, they can. Before accepting a referral, ensure that the referring agency understands your shelter policies and the limits of TSA staff responsibility. If the victim refuses to stay or wants to leave, TSA staff should immediately contact the referring agency.

### 5.1.3 Assessments Conducted by TSA Staff Prior to Accepting Referrals

One strategy to reduce the likelihood of residents departing prematurely or presenting a heightened risk to shelter residents is to conduct a risk assessment screening with the referral source prior to

accepting victims into your shelter. This screening is for you to assess the “fit” of the trafficking victim(s) into your shelter program and any potential risks presented by the trafficking victim(s) to current residents. A sample screening tool can be found in Appendix D. This can be used when rescued human trafficking victims are referred for TSA shelter services.

### *Accepting Shelter Residents without Conducting a Risk Assessment*

Contact a supervisor prior to admitting any trafficking victims to TSA shelters. If it is not possible to conduct the above mentioned risk assessment (screening) prior to accepting rescued victims into a TSA shelter, conduct the assessment as soon as possible with the referral source.

## **5.2 Special Needs of Trafficking Victims in Shelters**

### **5.2.1 Shelter for Domestic Violence Victims vs. Trafficking Victims**

In their resource manual, *Human Trafficking Service Provider Manual for Certified Domestic Violence Centers*, The Florida Coalition Against Domestic Violence (FCADV) has identified some basic differences between providing shelter for victims of domestic violence (DV) and victims of trafficking. The following suggestions from the coalition offer a solid guide to domestic violence shelters in planning how to incorporate trafficking victims into existing domestic violence residential programs. For more information on the FCADV, or the *Human Trafficking Service Provider Manual for Certified Domestic Violence Centers*, go to:

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

The special considerations for sheltering trafficking victims in domestic violence shelters include:

- **Length of stay:** Victims of trafficking may need much longer-term housing compared to victims of domestic violence. The range may be from just a few days to months, depending on need and the certification process. Thus, it is important for advocates to work closely with service providers to secure longer-term housing as soon as possible, and appropriate.
- **Mental health/trauma:** Victims of trafficking face mental health challenges different from domestic violence victims, and more in line with victims of torture. Symptoms of trauma may include anxiety, depression, sleep and appetite disturbances, flashbacks to traumatic events, extreme mood swings, and a desire to isolate themselves from others. Depending upon their background and culture, “traditional” Western therapies may be refused by the victim. Culturally appropriate forms of mental health treatment should be offered. Coordination with trafficking service providers will be essential in meeting this need.
- **Participation in the center’s activities:** Trafficking victims may not have assimilated into the local community or U.S. culture. Barriers such as language, and lack of family and community support may make it difficult for trafficking victims to engage in traditional requirements of communal living, such as communal meals, support groups, and roommates of different ethnic, cultural, or religious backgrounds.

- Interpretation needs: Finding interpreters of specific dialects within a spoken language and translating written consent forms and other documents into those dialects is a constant challenge for centers. It is important to find a trustworthy interpreter and not someone who may be connected to the trafficker(s) in some way. Recall that the federal HHS trafficking hotline has over 150 different language interpreters.
- Providing services to minors: Many trafficking victims are unaccompanied minors. Domestic violence shelters may not accept minors. The center should decide if they want to provide shelter services to minors and, if not, assist in the prompt referral of the minor to appropriate community shelter and other resources.

Note: Unaccompanied minors are eligible for additional direct services. Contact the HHS hotline for information.

- More intensive case management: Trafficking victims require more intensive *and* specialized case management due to the complexities of their situation, circumstances or status.
- Providing services to men and boys: In situations involving labor trafficking, there may be a higher percentage of males rescued. The issue then becomes if the center will provide services to male victims. Many DV shelters expressly prohibit male residents. This is because the presence of males in a domestic violence program may be unsettling to some female residents and staff. Also, some staff/residents at domestic violence shelters may be uncomfortable around male visitors. Hence, center staff should determine ahead of time if they can assist males in a predominately female population; if not, identify other providers in the community that can provide shelter assistance to men and boys. Additionally, visitation policies should be clearly identified prior to taking any victims.
- Housing multiple victims at one time: Rescued trafficking victims may request that they be housed together, or law enforcement may request that the victims be housed together for security reasons. If the shelter is unable to accommodate multiple victims together, they should provide prompt referral of the victims to other community shelters and/or other resources.
- Cooperation with law enforcement: In order to receive benefits, a victim of trafficking may need to cooperate with “reasonable requests” from law enforcement personnel involved in the prosecution of the trafficker(s). As such, a center may have to educate law enforcement personnel about the center’s policies on law enforcement entering the building, confidentiality, safety procedures, and victim issues. It is important that law enforcement be informed that centers will not restrict victims from leaving.
- Criminal culpability of victims of trafficking: Victims of trafficking may themselves be charged with federal or state crimes. Centers should develop relationships with federal and public defenders, private immigrant attorneys and legal service organizations that can assist victims if they are charged with crimes.

- Reaching out to ethnic communities: Centers who wish to provide services to victims of trafficking will need to establish on-going relationships with diverse populations located in the community. These relationships will be vital when interpreters are needed and when culturally-sensitive knowledge and support for rescued victims are required. Be aware, however, that traffickers also live in and utilize these resources within ethnic communities.
- Establishing networks with additional service providers: No one agency can meet all the needs of trafficking victims. Thus, it is useful for centers to proactively identify and establish relationships with service providers, like those in the refugee resettlement service community.
- Media attention: Trafficking prosecutions often catch the interest of local, national, and international media. Centers should develop clear policies of how to manage the media during active trafficking court cases (see safety recommendations below.) When in doubt, do not discuss any aspect of a case with the media. Never give information about the case, particularly identifying information about the victim, without written consent of the victim.
- Safety planning: Safety planning takes on new complexities for victims of trafficking because their traffickers may be involved in organized crime and other extensive trafficking networks. Instructions for safety planning are provided in Module Four. Further instructions can also be found in Safety Horizon's Safety Planning Guide, located in the Resource CD included with this manual.

### **5.2.2 Conducting Needs Assessments for Trafficking Victims**

In general, the areas of needs to be assessed for trafficking victims include:<sup>77</sup>

- Safety
- Legal-immigration, T-visa applications, etc.
- Legal-criminal (e.g. state and/or federal criminal cases against traffickers)
- Legal-civil (cases against the traffickers for damages)
- Medical
- Language
- Housing
- Food
- Clothing
- Culturally appropriate social support
- Employment
- Education
- Life skills

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<sup>77</sup> Anti-trafficking Program Assessment Form, Safe Horizon, Anti-trafficking program, 2005, New York. Used with permission.



Trafficking victims may have untreated medical, mental health and other needs when rescued. If your staff develops a needs assessment instrument for trafficking victims, you may wish to reference the *Safe Horizon's Anti-trafficking Program Assessment Form* and the *Coalition to Abolish Slavery and Trafficking (CAST) Client Assessment and Outcome Matrix* included in the Resource CD accompanying this manual.

### **5.2.3 Orientation to the Shelter**

A good practice to make anyone comfortable in a shelter is to provide the individual with an orientation to their new location. This is especially important for victims of trafficking. When meeting victims for the first time, remember what you have been told about their trafficking experience. Attempt to provide them with a feeling of safety and security. Attempt to spend time with them to answer any questions they may have. An orientation to the shelter should include:

- Introduction to staff and other residents.
- A tour of the living spaces and of the facility.
- Information on how they may obtain toiletries, towels, and other items.
- The rules of the shelter.
  - Use of the telephone, and who they can and cannot call.
  - Procedures for leaving the shelter and returning to the shelter.
  - Safety procedures for all residents.
  - Confidentiality.
- The routine of the shelter, including meals, activities, and services.
- Who they can talk to if they need assistance during the day or in the middle of the night.

Victims should be given the freedom to decide if they want to stay in the facility. If they do not wish to stay in your shelter, TSA staff must immediately work in coordination with the referring agency to assist them in finding other lodging accommodations.

## **5.3 Collaborating With Key Community Trafficking Victim Service Providers**

### **5.3.1 Building Collaborative Relationships With Key Partners**

TSA staff is urged to get to know the key community service providers before receiving referrals. The Resource CD accompanying this manual contains the most current contact numbers for many of the key community partners who provide services to trafficking victims. The Resource CD includes contact information for ICE, U.S. Attorney General and FBI victim witness coordinators, and other key governmental agencies and non-governmental organizations funded by Office for Victims of Crime (OVC) and the Office of Refugee Resettlement (ORR) to provide services to trafficking victims. In addition, the Resource CD also contains documents entitled “Web Resources for Victim Assistance” and “Information and Referral about Victim Rights and Services”. This information will help you learn the local, state and federal trafficking victim service providers. To build relationships with the anti-trafficking service community, it is suggested that TSA staff attend local anti-trafficking agency meetings, training, and participate in local anti-trafficking task forces or councils.

### 5.3.2 Identifying Key Partners in the Anti-trafficking Service Community

The key community partners in the trafficking victims' service community include the following:

- ICE agents and ICE victim/witness coordinators (see Resource CD)
- FBI agents and FBI victim/witness coordinators (see Resource CD)
- Immigration attorneys
- Medical providers
- Mental health providers
- Employment/education resources
- Interpretive services
- U.S. Attorneys' Offices, and U.S. Attorney victim/witness coordinators (See Resource CD)
- Civil Rights Division and Civil Rights victim/witness Coordinators
- Local law enforcement (e.g. law enforcement task force members, officers specializing in trafficking cases, etc.)
- Short-term and long-term housing resources
- The OVC grantee(s) responsible to provide direct services to trafficking victims in your area. (Obtain updated list of OVC grantees at <http://ovc.gov/help/tip.htm> .)

The following small group exercise will help you identify key partners in your area.

## EXERCISE I

### SMALL GROUP DISCUSSION

**Time Required:** 15 minutes

**Supplies Needed:** Color markers, newsprint, training manual, Internet access, and person to record group work.

**Purpose** To identify human trafficking key community anti-trafficking resources

### Instructions

Tape three newsprints to the wall at the front of the room. Write the headings for the key community partners (see the list below.) Separate the participants back into their small groups of three. Assign each group a different key community partner for which they will find their contact information.

## EXERCISE II

### LARGE GROUP DISCUSSION

**Time Required:** 15 minutes

**Purpose** To identify the local key community partners

#### Instructions

After your small group exercise, reconvene in the large group. The trainer will lead a discussion on listing all the key community partners that were identified in the small groups. By the end of the exercise all the key community partners should be identified.

## 5.4 Developing a Comprehensive Service Plan

A comprehensive service plan is developed in partnership between TSA staff, other service providers, and the victim(s).

#### *Protocol Steps:*

The following are key steps in developing a service plan:

1. Inform the victims of their legal rights (including the right to not talk with you.)
2. Determine if you are mandated to report the case to law enforcement of child protective services since it involves alleged abuse of minors. If so, inform them of your obligations as a mandatory reportant, notify your supervisor, and plan the method of reporting.
3. Determine immediate safety risks - make a plan or call 9-1-1 if necessary.
4. Determine immediate health/emergency needs, especially:
  - a. Medical
  - b. Mental health
5. Determine Legal Status.
6. Determine if they wish to report the crime and cooperate with law enforcement investigators. (This will determine if law enforcement is called.) If yes, contact law enforcement to arrange an in-depth trafficking-in-person interview.
7. Begin needs assessment.
8. Contact local trafficking service providers (e.g. victim witness coordinators, ICE, legal advocates, etc. Plan to address immediate needs (e.g. safe shelter.)

At minimum, a service plan contains a needs assessment section where all needs are identified, and a Service Delivery Plan, which lists the service goals and specific action steps to be accomplished. The service plan documents actions taken by both the staff and by the victim in order to help the victim achieve their goals. A basic format for developing a service plan is as follows:

**Current Need Area:** These are the needs the victim must have addressed.

**Goals:** These are broad outcome statements of what you would like to accomplish and when. For example, if the current need is long-term housing, a goal statement might be stated as follows: “Maria will move into long-term housing by the end of April.”

**Action Steps:** These are measurable tasks to accomplish the goal(s) agreed upon by the victim and the staff person. Action steps for Maria moving into long-term housing by the end of the month could be formulated as follows:

- 1) On Thursday, May 2<sup>nd</sup>, Maria and her interpreter will drive to the Section 8 Housing Authority.
- 2) Maria will pick up an application and review the listing of available units at the Section 8 Housing Office.
- 3) Friday by 3:00, Maria will complete and return her Section 8 Housing Application. She will take her completed application back to the Section 8 Housing Office at 11:00. Her caseworker will drive her and return her to the shelter afterwards.

**Person(s) responsible:** This indicates who will complete or make sure the action step is completed. In the case of Maria submitting her Section 8 Housing application, the person responsible is Maria. The staff responsible to assist Maria will also be listed. Below is a sample service delivery plan.

Note: This service delivery plan focuses on her T-Visa application only.

### Sample Service Delivery Plan for T-Visa

**Need Area:** Legal/Immigration

**Current Need:** Temporary Residency Status (T-Visa)

**Goal:** Theresa will complete and submit her T-Visa application by May 7th.

#### **Action Steps: (WEEK OF MAY 1-7<sup>th</sup>)**

#### **Persons Responsible:**

- |   |                                       |
|---|---------------------------------------|
| 1. Thursday at 8 A.M. Theresa’s interpreter, Sarah, will be picked up at her house.   | Staff, Interpreter                    |
| 2. Thursday at 9 A.M. Theresa (and her interpreter) will attend a meeting at her attorney’s office to review her T-Visa application procedures. | Staff, Theresa, Attorney, Interpreter |
| 3. Thursday by 11:00 the review of the T-VISA application process will be completed.  | Staff, Theresa, Attorney Interpreter  |
| 4. Thursday by 3:00 Theresa’s T-Visa application will be completed.   | Staff, Theresa Interpreter            |
| 5. By 5:00 Theresa will mail her T-Visa application.  | Staff, Theresa, Interpreter           |

## **EXERCISE III**

### **SMALL GROUP DISCUSSION**

**Time Required:** 15 Minutes

**Supplies Needed:** Pen, paper, group recorder

**Purpose** To practice developing service plans

#### **Instructions**

Read the following case example. After reading the case, your small group will write a partial service delivery plan. Your small group will develop a service delivery plan for the key community partners your small group identified earlier. First assess the victim's needs in the area of your key community partner(s). Then write a service goal and action step for each need. Refer to the example of a service plan on the previous page.

## **EXERCISE IV**

### **LARGE GROUP DISCUSSION**

**Time Required:** 20 Minutes

**Purpose** To review the service plans

#### **Instructions**

The trainer will reconvene the large group. Each small group's service goals and plans will be presented, reviewed and discussed.

### *Case Example*

*Your agency has received a phone call from a community member who tells you of a potential trafficking case involving a 20 year old Mexican woman who has been held captive in a house in your city and forced to work as a prostitute. The victim, Theresa, was able to escape and is now temporarily in a TSA domestic violence shelter. She knew about The Salvation Army from an advertisement on a Spanish radio station. During your initial interview with Theresa, she tells you through an interpreter that she crossed the border on foot about two years ago and was then transported by van from one place to another. She believes she has been in this location for about two months. She had false documentation and an ID card when she first arrived in the U.S., but they have since been taken from her. She admits that she knowingly came into the U.S. illegally and she was told that she would work as a domestic helper for a wealthy family. Theresa was told that she would earn \$200 a week to send to her parents and that she would be able to go home anytime.*

*When Theresa arrived, however, she was taken to a house with several other women and forced to work as a prostitute. She was locked inside her bedroom at night after the “clients” left and was seldom allowed to leave the house. She was told that she had a large debt to repay her employers for her transportation to this country. She says that she has not been beaten, but the men she works for told her that they would harm her family if she did not comply with their demands. She was also told that the police would deport her or send her to jail if she tried to seek their help. She was able to escape, but she tells you that there are at least ten other women and girls remaining in the house and that some of them might be as young as 12 or 13. Theresa also mentioned that many of the remaining women are very fearful for the safety of their families and they might not want to leave.*

## **5.5 Module Five Summary**

The final module in this training focused on providing direct services to rescued trafficking victims in shelters. This module covered the special issues of providing shelter services to victims, how to conduct basic needs and safety assessments, and how to identify key community trafficking victim service providers. Lastly, this module covered how to construct a basic service plan.

## **5.6 Take Away Points**

- Trafficking victims referred to shelters manifest unique needs and challenges.
- Trafficking victims should be screened and oriented prior to their admission to a shelter.
- Staff should assess basic needs and develop a service plan.
- It is important to build collaborative relationships with key community victim service providers.



## **Recognizing and Serving Victims of Human Trafficking**

### **Module Six**

#### ***Culturally Appropriate Services to Trafficking Victims***

Time Required: 45 minutes  
Supplies Needed: Newsprint, markers, tape, red and yellow pieces of paper, pens

#### **Purpose**

Human trafficking victims originate from nearly every country in the world (including the United States). Thus, it is vital for Salvation Army social services staff to be sensitive to how strongly culture influences how victims (and caregivers) will respond to the traumatic events and interact in the helping relationship. The purpose of this module is to present ideas on how caregivers can deliver culturally sensitive services that best promote healing for victims. Naturally, the principles of culturally sensitive victim services apply to providing services to all types of victims, not just foreign national human trafficking victims.

#### **Learning Objectives**

By the end of this module participants will be able to:

- State the importance of culturally appropriate services in working with victims.
- Identify three ways that culture affects victims' and caregivers' perceptions/beliefs/ feelings related to trauma, the healing process and communication.
- List five methods to provide culturally appropriate services without harming victims in the process.

#### **Lessons**

- 6.1 What is Culture?
- 6.2 Three Aspects of Culture
- 6.3 Values and How They Affect Beliefs and Behavior
- 6.4 Cultural Competency
- 6.5 Communication
- 6.6 Needs of Trafficking Victims Related to Cultural Influences
- 6.7 Summary
- 6.8 Take Away Points

## 6.1 What is Culture?

To begin our discussion, we need a “working” definition of what we mean by culture. Indeed, there are a variety of definitions and a full presentation of the complexity of culture is well beyond the scope of this module. Nevertheless, the author hopes this basic discussion of culture and cultural influences will inspire the readers to explore additional information on this topic. The author will present a unified specific definition of culture related to how culture impacts our involvement with trafficking victims. This unified definition of culture will anchor the discussion in this module.

One basic definition states that culture is, “the unique *lens* through which people view themselves and the world and people around them.” Another definition describes [culture](#) as, “a shared system of [beliefs](#), [attitudes](#), [values](#), [expectations](#), race, ethnicity, ethnocentrism and [norms](#) of [behavior](#).” A third more comprehensive definition suggests the following, “culture may be understood within the *context* of experience, attitudes, religion, ethnicity, race, nationality, economic status, health or disability issues, national origin, sexual orientation, gender, extended or nuclear family issues, and education.”

### Unified definition of culture

Given this discussion focuses on the role of culture as it pertains to the experience and healing from trauma the author offers the following victim-specific combined definition:

Culture is a set of shared beliefs, values, gender and class role expectations and attitudes representative of a distinct group, as such pertains to the causes and meaning of traumatic life events and the acceptable means of discussing and healing from those events.

As the above unified definition suggests *context* and *shared beliefs and values* provide a powerful influence on how victims find meaning in and healing from traumatic events. To illustrate how powerful culture plays a role in traumatic healing, two specific groups will be discussed- American Vietnam vets returning after the war and rural Thai females rescued from sex trafficking.

### Examples of how culture influences healing from trauma

*Vietnam vets:* Examining the cultural responses to returning Vietnam vets illustrates the cultural influences/barriers in trauma recovery. *Societal factors:* The general public hated the war. American soldiers returning from Vietnam faced hostile homecomings. Rather than welcomed as heroes upon their return, they were called “baby killers” (among other names), vilified, and largely ostracized by the culture. Undeservedly, many were blamed for their involvement in the war, despite being drafted. Most clearly, traumatized Vietnam vets were NOT universally viewed as victims of the war when it ended. *Treatment professional factors:* The widespread ignorance of military trauma, and lack of dedicated mental health resources resulted in a large percentage of Vietnam vets not receiving professional mental health services that would have helped them heal from the horrific events they witnessed or/and may have participated in. *Family and friend factors:* Family and friends failed to understand the importance of listening to the stories of loved ones so they could heal and move past their traumas. Such candid disturbing revelations were taboo. *Individual factors:* As hardened military men, their gender roles as strong and unemotional



masculine fighting machines also inhibited men from openly discussing the details of the war. The war was over; they were just supposed to get over it and move on. Unfortunately, the inadequate cultural response left Vietnam era vets to struggle alone with unresolved post traumatic disorders that continue to deeply impact them three decades later.

*Thai Female Trafficking Victims:* A second example is of rural Thai women exploited in sex trafficking. These victims too seem to face insurmountable cultural barriers to healing. *Individual factors:* Women from desperately poor rural areas may have chosen to leave (out of financial desperation or being tricked by false promises of work). When later entrapped in trafficking situations, victims tended to blame themselves because they chose to leave their home communities. *Family and community factors:* Due to stigma of sex trafficking, when rescued they were barred from returning home (another loss). *Gender role factors:* Traditional Thai female gender roles emphasize conformity and passivity, especially to male authority figures. Vulnerable females are easily dominated, controlled, conditioned by abusive males. Females have little power to resist or escape. *Societal/religious factors:* Religion too can play a role by promoting beliefs in “fate” or destiny of events so that victims may falsely accept the notion they deserve the mistreatment. *Treatment professional factors:* Many Western service providers lack cultural sensitivity. For this reason Thai female victims may be labeled by Western professionals as “resistive.” But the reality is that those exploited will likely not see themselves as victims initially. Also, disclosing intimate details to “strangers” is taboo in their culture. Therefore, significant time is needed for a treatment profession to develop a relationship of trust and to help victims understand the dynamics of their victimizations.

Additionally, Engelsvoid (2007) points out that **trauma destroys one’s belief in a safe and just world, and individuals search for meaning in what has happened to them.** As the above case examples illustrate, culture inexorably influences how trauma is defined, experienced and resolved.

Culture affects:<sup>78</sup>

- Individual’s perceptions of control
- The ways that people manage conflicts and work to resolve problems
- How survivors understand the trauma they experienced
- How individuals and communities express the pain after trauma
- How traumatized persons view each other
- What is needed and available for survivors to build a new life

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<sup>78</sup> Engelsvoid, B. (2007). Cultural Issues in Treating Trauma. In, *Hands that Heal: Academic Edition*, Life Publishers, Springfield, MO., pg. 268.

## 6.2 Three Aspects of Culture

The next section will discuss two aspects of culture: *cultural diversity* and *cultural identity*.

### Cultural Diversity

*Cultural diversity* is a term used to identify and explore the impact of religious, national, race, belief/value systems, traditions, and attitudes between and within discrete groups of people. Obvious cultural diversity exists between countries (e.g., China and the Canada) and within countries (e.g., Muslim and Christian Protestant religious groups in England), and finer differentiations within subcultures (i.e., sects of various fundamental Christian churches. such as The Salvation Army and Southern Baptist in the United States). The important idea is that each diverse group clings to their unique ways of thinking and behaving within a larger culture.

Being exposed to elements of cultural diversity is unavoidable when American caregivers work with foreign nationals. The challenge is for caregivers to accept persons for diverse cultures with genuine respect and openness and to be careful not to impose their personal cultural patterns on them. This is particularly harmful when caregivers over control human trafficking victims. In the process of care-giving a caregiver might not even realize that he/she is having a negative impact on the victims by imposing certain rules and procedures. For example, a faith-based program may require victims attend certain religious services, when the victims may practice a Buddhist faith (or no faith at all); or insist shelter residents consume only Western food (e.g., hot dogs/hamburgers) which as vegetarians they may find unpalatable, even offensive. When culture aspects are not considered in shelter routines victims might feel as though they are being discriminated against, disrespected, and disempowered.

A cultural competent program considers cultural accommodations as much as reasonable. For instance, the practice of purchasing and preparing culturally-sensitive food is a practical way to honor victims' cultural diversities. Allowing persons to practice their own spiritual customs is another way to honor differences and build trust. Permitting as many choices and making the environment as safe as possible are other ways to honor culture diversity.

**Case Example:** A domestic violence shelter that agreed to accept trafficking victims later insisted referred Asian victims immediately engage in intimate self disclosure in group therapy- to “tell their story” of victimization. When the victims balked at this, the shelter labeled them as “resistive” to psychotherapy. The Asian women found the demand that they speak so candidly with strangers incredibly offense and foreign to their home culture’s pattern of relating which required slow building of trust over time before such intimate disclosures were made- and then only to one person and not in a group setting. Additionally, the women were leery of Western Style psychotherapy and felt there were not “crazy” and therefore NOT in need of any type of mental health services. In fact, they were so uncomfortable they left the shelter within just a few days. Sadly, efforts to contact them were unsuccessful, and they most likely they ended up back in their trafficking situation. In the trafficking situation they were immersed in their home culture and ones’ desire to return to the familiar is strong.

**Note:** As a general rule, foreign victims have not engaged well in traditional Western “talk” therapies. In part this is because in many cultures there remains a stigma against any type of mental health services, and often there is a lack of trauma/cultural informed practitioners. Additionally, newly rescued victims often lack identities as victims (a sense of having been wronged and damaged), so it is difficult initially to directly address trauma issues in traditional verbal therapy. With most foreign victims, victim identity is gained over time and with peer support. One practitioner stated it took her six months of three times a week of therapy with a client for the client to first begin to identify a few of the ways she was exploited. Until then, the victim felt as if she was to blame because she agreed to enter the US illegally. As an alternative to traditional talk therapies, expressive therapies- such as art, dance, music, and drama- have been shown to build support (again when cultural sensitivities are considered). With any therapy, the victims must be given a choice on participation.

The above example is given to illustrate culture factors to be considered in providing shelter services to victims. The shelter administration above lacked sensitivity to Asian culture, and specifically the immediate needs of the victims. The women needed time to rest, familiar food, privacy and a reconnection with cultural supports-not forced group therapy. The shelter’s inflexibility in adjusting their programming to better accommodate these traumatized victims resulted in their premature leaving.

If understood, sensitivity to cultural diversity can call forth in programs new creativity/innovation, collaboration, cooperation, and teamwork. Adapting programs to victim needs and cultural differences can accelerate the process of healing of foreign victims who feel accepted by the honoring of their cultural needs and differences. The following sections will present more detailed information in other aspects of culture diversity.

## **Cultural Identities**

When one is thinking about culture and identity development, it is helpful to conceptualize personal identity development according to these three Cultural Identities: Individual, Group, and Universal (Sue & Sue, 2003).<sup>79</sup> The following section is taken from Sue & Sue, 2003 textbook on *Counseling the Culturally Diverse*.<sup>80</sup>

**Individual Identity:** Every individual is distinct from any other individual, both biologically and in experiences of life. Hence, it is important to realize that every human trafficking victim will be different from the other victims even though they both are trafficking victims. A caregiver must also consider his/her individual culture and the differences that might prevail across both the cultures. Additionally, individuals also subscribe at different levels to cultural norms.

**Group Identity:** Personal identity is also made up of elements that are shared with groups of other people. Every person is born on a specific date, at a specific place, and into a specific culture with its own values, beliefs, rules, and social practices. Interestingly, human trafficking victims exist in both their family of origin culture and simultaneously in a “culture”, if you will, of victimization (identification as a victim). They share a culture of brutal experiences, survival tactics, as well as the emotional aftermath with others who have survived severe trauma while in captivity. Similarly, caregivers exist in various cultures simultaneously- one being the service provider culture. As such, they bring forth their own unique culture experiences along side the “culture” of the service

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<sup>79</sup> Sue, D. W., & Sue, D. (2003). *Counseling the Culturally Diverse: Theory and Practice* (4th ed.). New York: John Wiley & Sons, Inc.

<sup>80</sup> Ibid.

provider community. Hence, professionals need to understand the multiple layers of cultural lenses that the trafficking victim uses to interact with the caregiver (and vice versa).

**Universal Identity:** Despite regional, national, religious, and other differences, all human beings belong to a common culture of humanity. We all share basic physical and emotional needs- the need to be loved and affirmed among the most important ones. This central truth allows caregivers from cultures different than their clients to genuinely connect with them on a deep personal level. The principle of universal identity requires caregivers to *affirm* victims for surviving; *respect* their differences; and promote their *empowerment* by allowing them to make their own life decisions; even if their choices are contrary to caregivers' recommendations (e.g. leave a shelter). This is to say, caregivers can compassionately affirm victims' worth and dignity no matter where they are in terms of the healing process.

### 6.3 Values and How They Affect Beliefs and Behavior

It is interesting to note that every culture has its own values and belief systems and that these values run very deep in forming the personalities of the members of that culture. Both caregivers and victims believe in the values with which they grew up and may or may not understand the value system of the party with whom they are interacting. Accordingly, it is vital for the caregiver to acknowledge the various value systems and work with them. The following exercise examines the differences between two radically different macro (large) cultural value orientations- Individualistic Values vs Collective Values<sup>81</sup>. The individualistic value orientations tend to represent behaviors in Western societies, while the Collective value orientation typically represents non-Western societies.

#### Values Orientations

##### Individualistic

Nuclear family orientation  
Competitiveness  
Individual expression/creativity  
Direct communication

##### Collective

Extended family orientation  
Cooperation and sharing of resources  
Conformity  
Indirect communication

#### GROUP EXERCISE I: 10 minutes

**Instructions to Facilitator:** On a flip chart write the value orientations below. Then, ask the group to give examples of how the values are expressed in behavior. Discuss the differences between the two orientations and how these differences might impact work with trafficking victims.

<sup>81</sup> Engelsvoid, B. (2007). Cultural Issues in Treating Trauma. In, *Hands that Heal Academic Edition*, Life Publishers, Springfield, MO. pg. 260.

## 6.4 Cultural Competency

A final term to frame our discussion of culture is *cultural competency*. In short, cultural competency is the behavior (the act) of sensitivity to cultural influences. According to Davis (1997), “cultural competence is the *integration and transformation* of knowledge about individuals and groups of people into specific standards, policies, practices, and attitudes used in appropriate cultural settings to increase the quality of services, thereby producing better outcomes).”

With the above components in mind, culturally competent service providers strive continually to be cognizant of the influences of their personal culture, the personal culture of victims in line with the various broader victim cultural influences such as cultural identity, gender and class roles and the role of religion and general cultural acceptance of trauma and natural healing processes. As importantly, the culturally competent caregiver works to bridge the cultural differences between themselves and their clients in order to deliver effective victim services. To understand the “culture” of victimization, it is crucial to pay attention to both verbal and nonverbal communication and the times where the communication gets broken (more on communication later in this module).

It is important to acknowledge that cultural differences are neither good nor bad; they are simply different. Often however, when caregivers encounter cultural differences, they experience internal conflict and discomfort as they try to balance their personal beliefs with the need to accommodate new information about other cultures. In contrast, a culturally competent caregiver feels comfortable, communicates effectively within all cultures, and can develop the skills of a cultural mediator to help build bridges of understanding among the diverse cultures of the world (his/her culture and the culture of a human trafficking victim).

### Becoming culturally competent

Becoming culturally competent is not a static process. Individuals, as well as organizations, begin at various points of awareness, knowledge, and skills along the cultural competency continuum. Accordingly, focused efforts are necessary to continually integrate cultural competent practices at the individual and larger levels. The encouragement of this module is for organizations working with human trafficking victims to develop a system with a defined set of values and principles that will demonstrate to clients culturally competent behaviors/policies. To be sure, however, individual or corporate cultural competence will not happen overnight; such competency too is a developmental process that evolves over an extended period of time. One aspect of delivering culturally competent victims services is in the critical area of communication.

Components of cultural competence include the following:

- Open minded, non-judgmental attitude.
- Acceptance of other cultures/belief systems.
- Use of specialized skills in a safe environment.
- Respecting of cultural diversity.
- Utilizes natural helper networks and structures that already exist in the minority culture and community.

With the above components in mind, culturally competent service providers strive continually to be cognizant of the influences of their personal culture, the personal culture of victims in line with the various broader victim cultural influences such as cultural identity, gender and class roles.

Hint: Learning about other cultures is half the task of becoming culturally competent. Just as importantly caregivers must be aware of how their own values, biases, and barriers being members of their own culture/class/gender influence their interactions. **It is extremely easy for members of a dominant power culture to miss the many factors of *oppression* experienced by persons in a non-dominant culture and how that oppression influences victims.**

## 6.5 Communication

Within the process of working with diverse populations, it is critical that a caregiver working with a culturally diverse population understand difference in how communication is exchanged. This means the caregivers should educate himself/herself about the differential meanings of nonverbal behavior and the broader implications for communication styles.

There are many important elements of communication that are culturally bound. Proxiemics (personal space) and kinesics (body language) often differ from culture to culture. Paralanguage refers to the nonverbal elements of communication used to modify meaning and convey emotion, such as pitch, volume, and intonation of speech or vocalizations that are not actual words, such as groans or sighs. Even words themselves can have different meanings in different contexts. All these forms of communication can lead to misinterpretation in the assessment of clients. People may misinterpret each other's motives. For example, a caregiver may assume that he/she is simply exchanging information about what they know and believe, but the victim of human trafficking may interpret the exchange as derogatory or demeaning.

### Tips to Improve Intercultural Communication/Understanding

- Do not use your culture's language slang terms.
- As necessary, use basic language. Fully explain the meaning of the words if you in doubt that the accent or the pace of language might cause confusion. Be aware that at times, victims may act as if they understand when they don't. The preference is to use a qualified and trusted translator as much as possible.
- Ask victims to help you understand his/her culture. For instance, questions can center on the meaning of acceptance of help from outside and within their culture, and healing from negative events. Ask how to greet and say good-bye; ask about their families. In other words spend time to get to know them before pressing them on trafficking recovery issues.
- Most importantly, show respect for their cultures establishment of personal space, intimacy and boundaries that a caregiver might inadvertently disrespect.

## Cultural bound rules of non-verbal communication

Every culture has unwritten rules that govern patterns of interaction. These rules are critical particularly in first greeting. Understanding these hidden rules can be solved by the caregivers gently inquiring about their cultural rules of engagement. The following is a brief exercise to illustrate the importance of learning hidden rules of engagement.

### Group Exercise II

Time: 15 minutes **Instructions to Facilitator:**

Divide the audience into two separate groups. One group will be Culture A. The second group will be culture B. Separate the groups into different locations and have them read only their culture's rules below in the green boxes. After allowing them five minutes or so to read and prepare for an interaction, bring the two groups together and have them complete the exercise in greeting, conversing and saying good-bye to the other group by adhering closely to their culture's rules. Allow the interaction for eight to ten minutes depending on the size of the two groups (the larger the groups the longer the time of interaction). After the time of interaction bring the two groups together to process the questions below:

1. What are the greeting, conversation and good-bye rules of the other culture? What feelings did you experience during the exercise?
2. Did you feel respected by the other culture? Yes or no, and if no, why not?
3. How might this exercise relate to your work with trafficking victims?

### READ ONLY YOUR CULTURE'S RULES

Cultural game: (from Hand that Heal Curriculum, Community-Based Edition (part 1, pg 146)

Culture A:

Cultural Cues

- Your culture values privacy and politeness. Touching your head, or some one's head, is never done in public because it is very intimate and private gesture. Further, when you greet someone new you never look them in the eyes.
- The word "tiger" is one of the strongest curse words (profanities) in your language. The mention of panda brings good luck, and makes you happy so you often relate stories involving Pandas in everyday conversations.
- You say good-bye with a strong handshake. In fact you consider it rude to shake hands too softly.

Rules of Interaction: You must interact with the members of another culture using your specific cultural cues.

- Greet a member of the other culture.
- Tell him/her something that made you happy and sad.
- Say "goodbye" with your cultural cue.

Repeat the interaction 3-4 times with the members of the other culture.



### **READ ONLY YOUR CULTURE'S RULES**

Cultural game: (from Hand that Heal Curriculum, Community-Based Edition (part 1, pg 146)

Culture B:

Cultural Cues

- Your culture values outward signs of friendliness. Touching your head, or some one's head, is welcomed as a public jester of politeness and friendship. Upon greeting someone, strong eye to eye contact is another sign of genuine caring.
- The word "tiger" in your culture is a popular expression of strength. In fact, a common greeting is, "may you have the strength of a tiger".
- Interestingly, in your culture one says good-bye with a weak handshake. Actually, one is considered rude to shake hands too aggressively.

Rules of Interaction: You must interact with the members of another culture using your specific cultural cues.

- Greet a member of the other culture.
- Tell him/her something that made you happy.
- Tell him/her something that made you sad.
- Say "goodbye" with your cultural cue.

Repeat the interaction 3-4 times with the members of the other culture.

## **6.6 Needs of Trafficking Victims Related to Cultural Influences**

All cultures have their own ways of dealing with human needs, and it is the responsibility of the caregiver to understand and accept the ways individual trafficking victims from various different cultures would create his/her own route of healing (for a fuller discussion of needs see Module Five).

**Social Needs:** Human trafficking victims have many social needs that are sometimes neglected by the caregivers. Having them promptly and safely affiliate with their primary cultural group is an important ingredient to their healing. Example: Two Thai victims of sex trafficking were linked to a local Thai community center for English and sewing classes. There they quickly developed strong friendships with other women immigrants that promoted their reconnection to their culture and other non-victim women.

**Physical Needs:** There are multiple physical needs. The longer a victim stays in a trafficking situation, the higher the likelihood of them manifesting multiple health risks. Many sex trafficking victims have contracted HIV/AIDS and other significant medical conditions. In conducting a medical assessment, caregivers would do well to have a trusted translator collect as much medical history as possible and whenever possible use medical professionals from the victims' culture or at the very least someone with whom they are comfortable. In addition to medical, food and shelter, clothes, vocational, educational and basic clothing needs are often unmet.



**Spiritual Needs:** Research shows that faith can play very important role at the time of stress such as a trafficking situation, and the healing process can be accelerated when trafficking victims are allowed to practice their religion/spiritual beliefs in the safe environment of a shelter. The most important point would be to encourage victims to incorporate their own spiritual beliefs and practices. This includes utilizing the natural helper networks and structures that already exist in the minority culture and community.

**Psychological Needs:** A study in 2001 by Janice Raymond, Donna Hughes, and Carol Gomez revealed that 86% of women trafficked within their countries and 85% of women trafficked across international borders suffer from severe depression. The impact can be lifelong and can include dissociative and personality disorders, anxiety/panic, and depression. It can damage self esteem, self respect, and the sense of human dignity, and the victims might lose hope in present, future, and life itself. For this reasons a caregiver should possess at least basic information on trauma informed services as to not inflict more damage (see Module Seven).

## 6.7 Summary

As presented in this module, culture is the context that creates the lens through which persons see themselves and the world at large. More specifically, culture refers to integrated patterns of accepted group behaviors of a particular group that includes common language, non-verbal communications, actions, customs, beliefs, values, and institutions of racial, ethnic, religious, or social groups. Culture impacts our work with trafficking victims in every aspect from how we greet them, their victim identity and acceptance of help, and their abilities to address their traumas; and how caretakers view and assist them. To provide the highest quality of victim services, caregivers must be sensitive to cultural influences. Cultural competency implies having the capacity to function effectively as an individual and an organization within the context of the cultural beliefs, behaviors, and needs presented by consumers and their communities.<sup>82</sup>

## 6.8 Take Away Points

Components of culturally competent services include:

- Human trafficking victims feel respected and can feel free to discuss their goals and future life with the caregiver.
- Human trafficking victims are provided with an open, non-judgmental, and safe environment to practice their cultural values and religious beliefs.
- Human trafficking survivors are allowed to choose the healthy pace of healing in accordance with their own cultural beliefs and values.
- The policies, standards, and procedures of the facility are safe and not harmful to trafficking victims.

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<sup>82</sup> Based on Cross, T., Bazron, B., Dennis, K., & Isaacs, M., (1989). 'Towards a Culturally Competent System of Care, Volume I.' Washington, DC: Georgetown University Child Development Center, CASSP Technical Assistance Center.

- The program is client centered and the whole aim of the program is to empower the survivors and help them reintegrate into society as a healthy and normal human being.
- Caregivers work together with other organizations, building up teamwork, and organizing useful planning to provide effective services.



## **Recognizing and Serving Victims of Human Trafficking**

### **Module Seven**

#### ***Trauma Informed Services to Trafficking Victims***

Time Required: 30 minutes  
Supplies Needed: Newsprint, markers, tape

#### **Purpose**

Trauma destroys one's belief in a safe and just world. All survivors search for meaning in what has happened to them. Often, how caregivers interact with trafficking survivors will greatly influence their healing. In the previous module we discussed how culture competency plays a key role in establishing a helping relationship between helper and client. Similarly, it is vital for caregivers to understand the basics of trauma informed service delivery in order to establish and maintain a caring environment in which victims can heal from their traumas.

#### **Learning Objectives**

By the end of this module participants will be able to:

- State a basic definition of trauma.
- Identify three ways that trauma impacts trafficking victims.
- Describe four core components of trauma informed services.

#### **Lessons**

- 7.1 What is Trauma?
- 7.2 How Trauma Affects the Brain and Functioning
- 7.3 What Does Trauma Look Like? – Trauma Symptoms
- 7.4 Trauma Informed Services
- 7.5 Summary
- 7.6 Take Away Points

## 7.1 What is Trauma?

To begin our discussion, it is important to understand what is meant by the term “trauma.” As noted in the previous module, trauma destroys one’s belief in a safe and just world. All survivors search for meaning in what has happened to them. For this discussion trauma is defined as follows:

A traumatic experience usually includes the following components:

- Overwhelming experience(s) beyond one’s normal ability to cope.
- Involves a pernicious threat(s) to one’s physical and/or mental well-being.
- Results in extreme vulnerability or a complete loss of control.
- Leaves one feeling chronically helpless and fearful.
- Profoundly disrupts relationships and one’s basic belief systems.

Moreover, trauma occurs on a *continuum* of complexity, from less complex single events which are adult onset (say an auto accident), to repeated and intrusive trauma, frequently of an interpersonal nature (i.e., the serial rape of sex trafficking). The more “serious” symptoms at the end of the trauma continuum are “associated with histories of multiple victimizations, often beginning in childhood and resulting in the disruptions of parent-child relationships.”<sup>83</sup> That is to say, victims who experience early, violent, prolonged, intrusive, and life threatening situations can be expected to manifest severe trauma symptoms *and* without specialized treatment their traumas will likely leave permanent emotional scars.

### 7.1.1. The Trauma of Sex Trafficking is Pervasive Due to Violations of Trust and Safety

Human trafficking, *especially sex trafficking*, is an acute form of violence against persons, primarily children and women. According to Dorchen Leidhardt, a human trafficking scholar and activist, it coexists with other practices of gender-based violence, in particular domestic violence and sexual assault<sup>84</sup>. Leidhardt points out that sex traffickers lure vulnerable women and girls into situations of sex slavery by establishing relationships with them, presenting themselves as boyfriends and protectors. The modus operandi of domestic sex traffickers, popularly known as pimps, is to ensnare vulnerable girls and women through tactics that combine seduction with brainwashing and terrorism.

A “pretense” of a romantic relationship is used as a means of extreme emotional control. This violation of trust is deeply wounding and often results in a phenomenon called “traumatic bonding” in which trafficking victims have strong feelings of attachment to their abusers. Hence, the violation of “trust” complicates the trauma experienced in sex trafficking. Almost all sex trafficking victims are victims of serial sexual assault, concludes Leidhardt. He continues, “For many, sexual assault precedes their entry into sex trafficking; the trauma they have sustained renders them vulnerable to their traffickers, facilitates the traffickers’ control, and is exacerbated by

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<sup>83</sup> Goziak, E., Bump, M., Duncan, J., MacDonnell, M., Loiselle, M., *The trafficked child: trauma and resilience*. In FMR 25, pp. 14-15.

<sup>84</sup> Leidhardt, Dorchen. (Nov 2007). “Successfully Prosecuting Sex Traffickers”- Testimony before the Committee of the Judiciary, House of Representatives, United States. [http://action.web.ca/home/catw/readingroom.shtml?x113289&Aa\\_EX\\_Session=e290fa8](http://action.web.ca/home/catw/readingroom.shtml?x113289&Aa_EX_Session=e290fa8)

ongoing serial commercial rapes, terroristic control tactics, trauma bonding, confinement and isolation..”<sup>85</sup>

### 7.1.2. Captivity Deepens Trauma

In situations of captivity, like human trafficking, the perpetrator becomes the most powerful person in the life of the victim, and the psychology of the victim is shaped by the actions and beliefs of the perpetrator. According to researcher Judith Herman (1993), captors universally have a psychological need to justify their crimes, and for this they need their victim’s affirmation. Thus, the captor relentlessly demands from his/her victim declarations of respect, gratitude, and even love. A perpetrator’s ultimate goal is to create a willing victim.

“Fear is also increased by inconsistent and unpredictable outbursts of violence and by capricious enforcement of petty rules. The ultimate effect of these techniques is to convince the victim that the perpetrator is omnipotent, that resistance is futile, and that her life depends upon winning his indulgence through absolute compliance.” In *Trauma & Recovery*, Judith Herman, 1993

### 7.1.3. Challenges in Working with Trafficking Survivors

Due to the life threatening violations of trust and safety, victims of trafficking exhibit unique challenges in treatment. The primary challenge is **difficultly for providers in establishing trustful relationships with victims**. Short stays in shelters do not provide adequate time to establish the trust necessary to begin to address complicated trauma histories. At the same time, many victims lack trust of service providers initially. For some victims, the trauma induced by someone they once trusted results in pervasive mistrust of others and their motives. This impact can make the job of first responders and those trying to help victims difficult at best. Furthermore, victims’ mistrust is often compounded by fears that connections with law enforcement and/or service providers can compromise their physical safety (e.g., the trafficker will find them, they will be deported, or they will be sent back to an abusive home).

Understanding cultural influences is another challenge in working with trafficking survivors. In order to help survivors, caregivers must understand how culture affects one’s understanding of traumatic events. As we presented in the previous module culture affects:<sup>86</sup>

- Individual’s perceptions of control
- The ways that people manage conflicts and work to resolve problems
- How survivors understand the trauma they experienced
- How individuals and communities express the pain after trauma
- How traumatized persons view each other
- What is needed and available for survivors to build a new life

<sup>85</sup> Leidhardt, Dorchon. (Nov 2007). “Successfully Prosecuting Sex Traffickers”- Testimony before the Committee of the Judiciary, House of Representatives, United States. [http://action.web.ca/home/catw/readingroom.shtml?x113289&Aa\\_EX\\_Session=e290fa8](http://action.web.ca/home/catw/readingroom.shtml?x113289&Aa_EX_Session=e290fa8)

<sup>86</sup> Engelsvoid, B. (2007). Cultural Issues in Treating Trauma. In, *Hands that Heal Academic Edition*, Life Publishers, Springfield, MO., pg. 268.

## 7.2. How Trauma Affects the Brain and Functioning

To better understand the impact of trauma on victims, a short discussion of the biochemistry associated with trauma is presented below. In very basic terms, the human brain is wired for two general functions: to DO/ACT and to THINK. The DOING brain *automatically* reacts in a life threatening situation. In contrast, the thinking part of our brain, referred to as the pre-frontal cortex or cerebrum, is used for planning, problem-solving and organizing. It is the second function, the THINKING brain that gives humans an ability to soothe and calm ourselves in non-life threatening stressful situations. In the following chart the chemicals associated with regulating stress in our brains are identified:

When the doing brain detects threat, chemicals are released in the brain to prepare the body for action. These chemicals, referred to as **neurotransmitters** and **neurohormones**, are designed to work together:

One set of chemicals called the **catecholamines** (“ka-ta-’kO-la-”mEns”) helps to increase arousal in your body. These chemicals bring the energy in the body up, like when you get a rush of adrenalin.

Other chemicals called the **glucocorticoids** (“glü-kO-’kor-ti-”koids”) help manage the arousal in your body. These chemicals bring you back down, calming the body.

A final chemical called **serotonin** (“ser-a-’tO-nan,”) regulates the other chemicals in the bloodstream. The serotonin helps to make sure that you have just the right amount to give you energy but also to bring you back to a state of calm.

Thus, we have one set of chemicals that **revs us up**, another that **calms us down**, and a third set that helps **regulate** the other two.

Source: Homelessness and Traumatic Stress Training Package  
The National Center on Family Homelessness

### 7.2.1. Environmental and emotional triggers associated with traumatized victims

*How do neurotransmitters interact to regulate our moods and functioning?* The DOING brain acts like a “smoke detector” to warn the body of imminent danger or threat. This is the classic “**fight**” or “**flight**” or “**freeze**” response in dangerous situations. For example, in the case of danger, (e.g. car swerving towards you) one person might **fight** (slam on the brakes), another might try **flight** (steer to avoid the situation) and another driver might **freeze** (unable to move at all out of fear).<sup>87</sup> The DOING brain remembers past signs of danger so that it can respond efficiently the next time something dangerous happens. If we’re in constant danger, this efficient system is protective. However, sometimes something will remind us of a past danger even when we’re not in actual danger.

Our body is designed to keep us out of danger. In other words, when trafficking victims are unable to fight or flee, the entrapment instills a constant state of frozen hopelessness and hyper vigilance. *For*

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<sup>87</sup> Source: Homelessness and Traumatic Stress Training Package, The National Center on Family Homelessness, Department of Health and Human Service, 2007

*chronically terrorized powerless victims the mode of survival is that the **DOING** (emergency response) brain is **constantly** turned on.* The constant **hyper vigilance** leads to further persistent and devastating emotional effects even when a victim is out of danger. Reminders of past dangerous experiences are called **triggers**.

- Triggers activate the alarm system.
- When someone is triggered they may feel and act as though they are back in the time of danger, even though they are not.<sup>88</sup>

**Note:** Trauma informed practice suggests the staff are aware (as much as possible) of potential triggers and reactions to triggers for the survivors under their care, and that **staff** will have planned a strategy to assist survivors to calm themselves when they are triggered with non-life threatening environmental stimuli. In order to be most helpful, Salvation Army line staff should be trained in basic calming techniques and coordinate efforts with the treating specialized clinical therapist, and the victim/survivor him or herself. Potential calming strategies include: deep breathing, calming self statements, environmental adaptations, cognitive restructuring, rapid eye movements and others. For more information on possible calming strategies see the trauma specific practice discussion below.

### 7.3 What Does Trauma Look Like? – Trauma Symptoms

Trauma symptoms are unique to each victim. However, in general victims of trafficking may suffer from the following:

- anxiety,
- panic attacks,
- major depression,
- substance abuse and
- eating disorders.

For those who struggle with PTSD characterizing symptoms include:

- intrusive re-experiencing of the trauma (e.g. flashbacks, nightmares and intrusive thoughts),
- avoidance or numbing of trauma-related or trauma triggering stimuli (e.g. avoiding certain places, people or situations) and
- hyper arousal (e.g. heightened startle response and inability to concentrate).

In both adults and children, once established PTSD is usually chronic and debilitating if left untreated (Herman, 1993).<sup>89</sup> Post-traumatic responses, like those outlined above, reportedly contribute to:

- problems with functioning including difficulties controlling emotions, sudden outbursts of anger or self-mutilation,
- difficulties in concentration,
- suicidal behaviors,

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<sup>88</sup> Source: Homelessness and Traumatic Stress Training Package, The National Center on Family Homelessness, Department of Health and Human Service, 2007

<sup>89</sup> Herman, Judith. (1993). *Trauma and Recovery*. Basic Books, New York, New York

- alterations in consciousness (dissociation) and increased risk taking behaviors. For some victims, the use of alcohol and drugs is a common escape from these emotional states.

The bulk of literature on trafficking trauma focuses on women trafficking internationally for sexual exploitation.<sup>90</sup> In addition to experiencing terrorizing physical and sexual violence, researchers report that these victims often experience multiple layers of trauma including psychological damage from captivity and fear of reprisals if escape is contemplated, brainwashing and for some a long history of family, community or national violence.

In addition to emotional problems noted earlier, physical health problems can also predominate and result from the trauma of physical injury or indirectly through stress-related illnesses. For example, service providers report victims often complain of:

- chronic stomach pain,
- headaches and
- other unexplained ailments.

Some victims of trafficking have:

- difficulty obtaining and holding down a job,
- difficulty paying bills and
- problems reintegrating back into society.<sup>91</sup>

The next section will describe trauma informed and trauma specific services. For the purposes of this manual, it is assumed that caregivers will be more often involved with victims in shelters or in providing other basic social services and not providing specialized clinical trauma specific services. As noted at the beginning of this discussion, how victims are treated in shelters can affect their ultimate recovery. For that reason the importance of services that promote an atmosphere of safety and support cannot be overstated. Such services are described below. For reference purposes, trauma specific services are also described below.

## 7.4 Trauma Informed Services

Trauma informed services promote a sensitive and relevant response regardless of where a victim seeks help, and they can also improve the identification of victims. Trauma informed service providers are aware (when possible) of the history of past and current abuse. Second, service providers understand the role that violence and victimization plays in the lives of clients and use that understanding to design service systems that accommodate the vulnerabilities of trauma survivors and allows services to be delivered in a way that will facilitate consumer participation in treatment. Regardless of the agency's primary service, trauma informed caregivers are committed to rendering services in a manner that is *welcoming* and *appropriate* to the special needs of trauma survivors. Both the identification and successful treatment of their trauma can be improved by having trauma informed services provided in multiple systems.

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<sup>90</sup> Clawson, H., Salomon, A., & Goldbatt Grace, L., (2008). Treating the Hidden Wounds: Trauma Treatment and Mental Health Recovery for Victims of Human Trafficking. [http://aspe.hhs.gov/hsp/207/Human Trafficking/Treating/ib.htm](http://aspe.hhs.gov/hsp/207/Human%20Trafficking/Treating/ib.htm)

<sup>91</sup> Ibid.



**Overt example of non-trauma informed services:**

A shelter does not have locks on the bathroom doors, leading to a lack of privacy that makes clients wary of showering/using the restrooms. The property around the shelter is not well-lit.

**Covert example of non-trauma informed services:**

Staff is often put in positions as “rule enforcers” rather than collaborators with clients, leading to power struggles and staff-client conflicts.

The system/program often determines what the goals should be for the client, rather than having the client identify her own goals/needs.

(Source: Homelessness and Traumatic Stress Training Package  
The National Center on Family Homelessness  
Department of Health and Human Service, 2007)

#### **7.4.1. Core components of trauma informed and specific services <sup>92</sup>**

*What are trauma specific services?* Along with trauma informed services, many victims will need more intensive specialized therapeutic services to fully recover. Trauma specific services are those services likely to be found in specialty mental health programs or providers. They are generally accessed by referral to those doing clinical work.

A variety of trauma specific techniques are in the repertoire of these services. Among them may be grounding techniques to help manage dissociative symptoms; desensitization therapies to help make painful images more tolerable (i.e. rapid eye movement); and certain behavioral and cognitive-behavioral therapies that teach skills for coping with post-trauma effects. The therapies can be delivered individually or in groups, and are often augmented by other complimentary approaches including culturally relevant material.

Encouragingly, more and more programs are starting to incorporate survivors in programming. This includes peer counsels assisting in program decision-making and peers providing group-mentoring/support to current clients. Other programs have organized “communities” of survivors to serve as peer groups to assist other victims in rebuilding their sense of personal efficacy. Part of the success for these groups has been to allow victims to set the agenda for meetings and focus on what is important to them, which have included computer training, language classes, ethnic celebrations and writing plays about their experiences.

Additionally, developing alternative to traditional “talk” therapies is seen as an important adjunct in the long term healing of trauma, especially therapies that build self esteem, empowerment and re-

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<sup>92</sup> Clawson, H., Salomon, A., & Goldbatt Grace, L., (2008). Treating the Hidden Wounds: Trauma Treatment and Mental Health Recovery for Victims of Human Trafficking. [http://aspe.hhs.gov/hsp/07?Human Trafficking/Treating/ib.htm](http://aspe.hhs.gov/hsp/07?Human%20Trafficking/Treating/ib.htm)

connection with self. Art therapy, journaling, poetry and song writing, yoga, body work, drama and outdoor physical activities, such as gardening and pet therapy, are a few examples. Some youth programs offer leadership and vocational training. Adult programs may consider adding a spiritual component, acupuncture and meditation.

#### **7.4.2. Characteristics of Trauma Informed Program Services <sup>93</sup>**

*Trauma is a life defining event with a complex course which can profoundly shape a victim's sense of self and others;*

The victim's complaints, behaviors and symptoms are coping mechanisms (their original sources of strength may no longer be effective), and require the use of relational rather than confrontational approaches by service providers.

*Prior exposure to trauma will impact how a person responds to trauma;*

The more traumatic experiences a person has, the more intense future traumatic experiences may be and the more difficult it may be to come back to balance and move on. It is important to consider the presence of mental health issues such as depression and anxiety, both in the past and at present. Some mental health issues may be a response to past trauma.

Mental health issues increase a person's vulnerability to future difficulties and impair their ability to manage traumatic stress. Patterns of behavior and mental health functioning have implications for people's coping and problem-solving skills and how they have learned to manage stress.

*The primary goals of services are empowerment and recovery* (growth, mastery, and efficacy) which are prevention-driven and limited by survivor self-assessment and recovery needs. The service relationship is collaborative: with the victim and the provider having equally valuable knowledge, the victim can be an active planner and participant in services, his/her safety ensured, a priority placed on choice and self control, and trust developed over time (Harris & Fallot, 2001).<sup>94</sup>

*Frequent reviews of agency policies and procedures* should identify any potentially unsafe and harmful practices to trafficking victims with histories of trauma (e.g. strip searches, mandatory group participation, confidentiality policies, locked holding rooms, etc.). Conversely, assess the degree to which policies and procedures welcome, and assess the needs for traumatized persons and the agency need for staff training on trauma informed service delivery.

*Screening for trauma in multiple settings:* Identification is the first and necessary step in assuring victims get the help they need. In some cases, providers may be reluctant to ask sensitive questions early on in the relationship building process; however, not raising questions may be more detrimental. For victims of sex trafficking, asking culturally sensitive screening questions that incorporate multiple references to sexual abuse has been considered beneficial in reframing the

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<sup>93</sup> Clawson, H., Salomon, A., & Goldbatt Grace, L., (2008). Treating the Hidden Wounds: Trauma Treatment and Mental Health Recovery for Victims of Human Trafficking. [http://aspe.hhs.gov/hsp/07?Human Trafficking/Treating/ib.htm](http://aspe.hhs.gov/hsp/07?Human%20Trafficking/Treating/ib.htm)

<sup>94</sup> Harris, M., & Fallot, R. D. (Eds.). (2001). Using trauma theory to design service systems: New directions for mental health services. New York: Jossey-Bass.

abuse and shifting responsibility to the perpetrators.<sup>95</sup> Staff members that conduct these screenings will need adequate skills, supervision and supports.

*Ensuring safety and meeting basic service needs.*<sup>96</sup> Establishing physical and psychological safety is considered a pre-requisite in working with trafficking victims with trauma histories. This may mean collaboratively assessing the current level of client safety and developing together plans to remain safe. It can also mean designing each component of service to prioritize safety. For example, to promote client safety and control, an intake worker could ask the victim about the amount of privacy he/she might want in the initial interview and follow his or her lead in the amount of disclosure given.

Victims should be dutifully informed on exactly how disclosures will be recorded, held and released and the possible ramifications of any disclosures (e.g. possibly subpoenaed in criminal trial of trafficker; not released to immigration authorities, etc.). Safety may also include working with a clinician who is respectful, non-judgmental and allows the victim to explore his/her abuse history in a safe and containing way.

*Interviewing techniques* are very important when working with trauma survivors. Having the capacity to empathize with the victim, letting her take the lead and treating her respectfully goes a long way in building trust and getting results.

Providers also need to *understand and access the role that culture plays* in resiliency and the importance of community resources as potentially mediating the trauma experience. Individualized Western conceptualizations of trauma may miss the potential strengths inherent in culture and community involvement, especially for foreign born victims.

Given the difficulty in developing trusting relationships with professionals, there was wide acceptance among providers that successful programs need to incorporate *peer-to-peer counseling and supports among core components*. Particularly for victims of human trafficking, where shame promotes secrecy, individuals can be most comfortable with peers who understand, and have lived their own struggles. Both providers and victims highlight the critical importance of non-judgmental, empathic peer support that allows trauma victims to successfully make the transition to a new life. Furthermore, peer-led services can *reduce or remove the cultural and language barriers* that can get in the way of successful recovery. Structured peer support additionally offers the opportunity for survivors to “develop a new identity as a valued and responsible member of a community”.<sup>97</sup>

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<sup>95</sup> Ugarte, M. B., Zarate, L., & Farley, M. (2003). Prostitution and trafficking of women and children from Mexico to the United States. In M. Farley (Ed.). Prostitution, trafficking, and traumatic stress (pp. 147-165). Binghamton, NY. The Hawthorne Maltreatment Press.

<sup>96</sup> Clawson, H., Salomon, A., & Goldbatt Grace, L., (2008). Treating the Hidden Wounds: Trauma Treatment and Mental Health Recovery for Victims of Human Trafficking. [http://aspe.hhs.gov/hsp/07?Human Trafficking/Treating/ib.htm](http://aspe.hhs.gov/hsp/07?Human%20Trafficking/Treating/ib.htm)

<sup>97</sup> Herman, J. (1997). *Trauma and Recovery*. Basic Books, New York, NY. pg. 11.

### 7.4.3. Key Characteristics of Skilled Providers Working with Trauma Survivors <sup>98</sup>

#### Trauma informed services require that staff:

- Understands that certain survivor behaviors are a response to trauma.
- Is knowledgeable regarding the mental health (and substance abuse) effects of violence and in particular, sexual violence.
- Is skilled and knowledgeable regarding trauma and trauma treatment.
- Is able to provide culturally competent services and seeks supervision regarding cultural issues.
- Is responsive to emergency mental health issues of clients.

(Source: Modified list from Helping Sexual Assault Survivors with Multiple Victimizations and Needs: A Guide for Agencies Serving Sexual Assault Survivors (Davies, 2007), page 40)

## 7.5 Summary

Victims of human trafficking constitute a unique sub-population of severely traumatized persons. These victims may enter our shelter and social service programs. Often *how* Salvation Army personnel interact with trafficking victims influences their healing. This section detailed trauma informed and trauma specific services by which victims can recover from the horror of human trafficking. By providing trauma informed services, victims will be afforded a best chance at rediscovering their God-given potentials.

## 7.6 Take Away Points

- Trauma is a life defining event with a complex course which can profoundly shape a victim's sense of self and others.
- Primary trauma symptoms include: chronic anxiety and depression, sleep and appetite disturbances, intrusive re-experiencing of the trauma (e.g. flashbacks, nightmares, and intrusive thoughts), avoidance or numbing of trauma-related or trauma triggering stimuli (e.g. avoiding certain places, people or situations) and hyper arousal (e.g. heightened startle response and inability to concentrate).
- The primary goals of trauma informed services are **empowerment** and **recovery**.
- Trauma recovery starts with ensuring victims' safety and meeting their basic service needs.

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<sup>98</sup> Clawson, H., Salomon, A., & Goldbatt Grace, L., (2008). Treating the Hidden Wounds: Trauma Treatment and Mental Health Recovery for Victims of Human Trafficking. [http://aspe.hhs.gov/hsp/07?Human Trafficking/Treating/ib.htm](http://aspe.hhs.gov/hsp/07?Human%20Trafficking/Treating/ib.htm)

## **Appendix A**



## **The U.N. Definition of Human Trafficking**

*(a) Trafficking in persons shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation. Exploitation shall include, at a minimum, the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs;*

*(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;*

*(c) The recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall be considered 'trafficking in persons' even if this does not involve any means set forth in subparagraph (a) of this article;*

*(d) 'Child' shall mean any person less than eighteen years of age.*





## **Appendix B**



## **The 2003 U.S. PROTECT Act**

Each year, adults travel outside the country and engage in sexual behaviors with minors, which, of course, is illegal in the U.S. Until recently, such perpetrators were rarely prosecuted. In the past, successful prosecutions of child sex tourism cases in the U.S. were hampered because prosecutors had to prove the alleged perpetrator traveled abroad for the express purpose of engaging in sex with minors.

In April of 2003, the U.S. passed the PROTECT ACT. This law strengthens the American government's ability to prosecute sexual tourism related criminal cases. The law makes it a crime for anyone to engage in illicit sexual conduct with a minor while traveling abroad, regardless of whether or not such behavior was the intended purpose of their travel to the foreign destination.<sup>99</sup> It also toughens the prosecution of persons coming to the U.S. to engage in illicit sexual activity and persons operating child sex tours. As a result of this new legislation, the number of successful prosecutions for sex tourism has increased.

Note: Child sex tourism cases are prosecuted by the Child Exploitation and Obscenity Section (CEOS), a specialized unit of the Criminal Section of DOJ's Civil Rights Division. More information on CEOS can be found at the following website:

[www.usdoj.gov/criminal/ceos](http://www.usdoj.gov/criminal/ceos)

Tips and complaints related to child sex tourism cases have come in through the DOJ Trafficking in Persons and Worker Exploitation hotline is 1-888-428-7581. It has played a crucial role in the apprehension and conviction of 32 violators of child sex tourism laws.<sup>100</sup>

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<sup>99</sup> Report to Congress from Attorney General Alberto R. Gonzales on U.S. Government Efforts to Combat Trafficking in Persons in Fiscal Year 2004. July 2005, U.S. Department of Justice, Washington, DC, pg. 17.

<sup>100</sup> Ibid.



## **Appendix C**



## Trafficking Victim Safety Assessment and Safety Plan

1. Is alleged victim still under control of trafficker(s)? Y / N
  - a. If yes, skip to question 4.
2. Roughly how many traffickers are involved? \_\_\_\_\_
3. Are traffickers in custody? Y / N
4. If yes, location of trafficker(s) in custody: \_\_\_\_\_
  - a. *If more than one:* number in custody \_\_\_\_\_ and number not in custody \_\_\_\_\_  
Location of all: \_\_\_\_\_
  - b. *If no or more than one:* does the client live in the same geographic, ethnic or religious community as the traffickers? Y / N / don't know
  - c. Is trafficker(s) in same country as client's family/friends? Y / N / don't know
  - d. Is there potential for the client to encounter trafficker(s)?  
If yes, explain: \_\_\_\_\_
  - e. Is the client associating with anyone who may have contact with the trafficker(s)? Y / N
  - f. Has the trafficker(s) looked for the client after escape? Y / N / don't know
  - g. Has the trafficker(s) had contact with client since escape? Y / N  
If so, why? \_\_\_\_\_
  - h. Have other victims been injured by the trafficker(s) since initial arrest? Y / N  
If yes, "In general vicinity of client?" Y / N
  - i. Does the trafficker(s) know where the client's family is? Y / N / don't know
5. Have there been any acts of violence directed towards the alleged victim? Y / N
6. Have there been any threats of violence directed towards the alleged victim? Y / N  
List any specific threats. \_\_\_\_\_
7. Have there been any acts or threats of violence directed towards the alleged victim's family or friends? Y / N  
List any specific threats. \_\_\_\_\_
8. Other alleged illegal activity of trafficker(s): \_\_\_\_\_

### **Threat of Victim Harm Rating Scale**

Low                      Medium                      Medium High                      High                      Very High

#### **Legend:**

Low = no evidence of past or current physical violence; no weapons; no threats against victim; traffickers jailed or not in the area;

Medium = several incidents of past physical violence; traffickers not known to be in the area; no current threats but past threats against victims have been made;

Medium High = past violence by traffickers; traffickers in the area and may inadvertently come into contact with victims; weapons present;

High = frequent past violence by traffickers; traffickers in the area, threats against victim and/or victim's family and seeking contact with victims; weapons present; past violence by traffickers; and

Very High = traffickers in the area and know the whereabouts of the victim or victim's family members or victim is still entrapped in the trafficking situation; frequent extreme violence has been used previously and there are serious threats against victim or victim's family; weapons present.

**Basic Safety Plan:** If the possibility of harm is *high or very high*, a basic safety plan should be developed, and signed by the trafficking victim (or verbally agreed to if he or she does not wish to sign the plan).

10. Does the victim/victim's family have a plan to stay safe? Y/N (if no, complete attached safety plan.)
11. What are the barriers/ challenges to implementing the safety plan(s)? How will the victim address those barriers and challenges?
12. Does the victim know someone who can protect them or assist them? Y/N (don't list names)  
If yes, provide the victim with the 9-1-1 number and encourage them to call if they feel unsafe or they are being assaulted (see calling 9-1-1 instructions earlier in this module). If no, encourage the person to seek safety. Set another appointment to see as soon as possible.

(Source: This safety risk assessment was compiled in part from the Safety Assessment tool developed by Safe Horizon, Inc. The complete Safe Horizon Risk Assessment is located in the Resource Directory).



## Safety Plan Commitment

The things I can do to keep myself and my family safe are:

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When

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The things that will keep me from staying with the safety plan (barriers) are:

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The things I can do to overcome these barriers are:

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The places I can go to be safe are:

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Signed \_\_\_\_\_ (or verbal agreement)

Witness \_\_\_\_\_

Date: \_\_\_\_\_

### **Safety Plan Commitment:**

Case situation: The victim is entrapped in labor trafficking. She works long hours in a factory (referred to as a “sweatshop”). She and the other victims live at the factory and they are not allowed to leave except to attend church and buy groceries once a week. She is not paid for her work. Her trafficker is violent towards her, hitting her when she is not working “fast enough” or if she is talking to others. She is planning an escape, but is not quite ready to leave. The TSA staff is working with her to strategize a final escape plan. After several conversations, the trafficked woman realizes that her trafficker has no right to beat her and that is a crime in the U.S. She has just agreed to call the police if she is assaulted and hurt. In the meantime, the TSA staff is helping her to plan how to keep herself as safe as possible from assaults by her trafficker. The following is her first safety plan. Note she uses the term “boss” to refer to her trafficker. Her safety risk is rated as very high.

**The things I can do to keep myself and my family safe are:** I will stay around other women during the work day. If I concentrate only on my work I am in less danger of being hurt by my “boss.” If I need to talk to someone I will make sure to speak softly and only speak when my boss is not watching. **When:** When my boss is present in the room.

**The thing that will keep me from staying with the safety plan (barriers) is:** My boss might hurt me anyway.

**The thing I can do to overcome this barrier is:** If hit, I will not talk back and I will curl up in a ball. If I am hurt, I will sneak away as soon as I can and call 9-1-1. I will report the abuse to the police.

**The places I can go to be safe:** I will go the Salvation Army center down the street to talk with the police.

Signed \_\_\_\_\_ (or verbal agreement)

Witness \_\_\_\_\_

Date: \_\_\_\_\_

## **The Salvation Army's Rescued Trafficking Victim Risk Assessment and Screening Form**

- 1) What is the total number of victims? What are their ages, genders, and ethnicities? Do they need interpretative services? If yes, what language(s)?
- 2) Security: To your knowledge, are there any safety concerns TSA staff should be aware of? Have there been any threats of violence or retaliation by their traffickers/family/significant others? To your knowledge, is anyone in the group a flight risk? What are their security needs? Inform the caller that shelters are generally not 24-7 locked/staff monitored facilities.
- 3) Do they appear relieved to be rescued? Have they been cooperating with any criminal investigations? Do you suspect they may attempt to contact their trafficker(s)?
- 4) What is/are the type(s) of trafficking victimization? (sexual, labor, other)
- 5) To your knowledge, are there any health or contagious disease concerns that we should be aware of? Are there immediate medical/dental needs?
- 6) Have/are the victims behaving? Are there any known mental health concerns (psychotic, suicidal/homicidal, depression, etc.?)
- 7) What are your and/or the victims' expectations of the accommodations at the shelter (explain the living accommodations?) Do you believe they will follow shelter rules and expectations?
- 8) How long do you anticipate the victim(s) will need shelter?
- 9) What are the procedures for reimbursement for the lodging, food, and other expenses? Is payment guaranteed? Who will pay? (\* Note: If reimbursement is not guaranteed, you are not obligated to accept the referral.)