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Supporting Survivors of Human Trafficking

*A new chapter to the “Support for
Survivors” Training Manual*



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Preface

This publication is a recent chapter update to the Support for Survivors Training Manual, which was first published in 2001 by the California Coalition Against Sexual Assault (CALCASA). The Support for Survivors manual was developed as a comprehensive training tool for staff and volunteers working with sexual assault and/or rape survivors. The training manual contains several chapters written by numerous experts from the sexual and gender violence fields. Collectively, these experts generously imparted their wisdom, knowledge and experience by writing specific chapters in the training manual. As a result, hundreds of staff and volunteers at local rape crisis centers have benefited from the manual's information and have positively changed the life of a sexual assault and/or rape survivor.

But as Marybeth Carter, CALCASA's Executive Director in 2001, noted in the manual's introduction, it is CALCASA's goal to ensure the Support for Survivors Training Manual remains "a fluid, living document that continues to evolve." As the 10th anniversary of the manual's original publication approaches, CALCASA has begun updating various chapters of the manual to acknowledge the many changes that have occurred in the field and in our society since 2001. Updating these chapters will also ensure crisis counselors and advocates receive the most current and accurate information. CALCASA will make these new chapter updates available online through its website at www.calcasa.org.

CALCASA is deeply grateful to the many people who contributed to the original Support for Survivors Training Manual and championed its creation, as well as to those who are now contributing their time, knowledge and expertise to update the manual's various chapters. CALCASA also wishes to thank the California Emergency Management Agency (Cal EMA) for their leadership, guidance and financial support for this chapter revision process and for their continued support of California rape crisis centers to provide critical services to sexual assault and rape survivors.

With gratitude,
Sandra Henriquez
Executive Director
CALCASA

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About the chapter authors:

Denice Labertew, J.D. has worked in the in violence against women field since 1993, first as an educator on date rape prevention in college. She volunteered for the Los Angeles Rape and Battering Hotline as a counselor advocate and worked directly with survivors of domestic violence and sexual assault to provide them with support. She later began working as the Rape Prevention and Community Education Coordinator for the Los Angeles Commission on Assaults Against Women (LACAAW), the first rape crisis center in the Southern California area. Ms. Labertew was eventually promoted to become Director of the West San Gabriel Valley of LACAAW (now Peace Over Violence), where she provided oversight to the multiple intervention and prevention services to a diverse community consisting of 22 cities.

After attending law school, Ms. Labertew developed the first of its kind Legal Advocacy Project in her work at the Los Angeles Commission on Assaults Against Women. This program provided civil legal assistance to survivors of sexual assault and domestic violence with particular focus in the areas of family law and immigration. Ms. Labertew also serves on the board of the California Partnership to End Domestic Violence and is the chair of the Policy and Governmental Affairs Committee. She is a member of the Partnerships Public Policy and Research Committee and heads up the Immigration Sub-Committee whose work is focused on bettering the lives of undocumented domestic violence survivors. She has also served as a member of the Steering Committee for the Los Angeles County Sexual Assault Coordinating Council.

In addition to her work in non-profit management, legal work and women's organizing, Ms. Labertew has a background in advertising and marketing, is a college professor and works with several non-profit organizations, coalitions and individuals as a program advisor and consultant. She has been an advocate and trainer locally, statewide, nationally and internationally on violence against women issues. She has recently become an advocate for female veterans who have been sexually assaulted in the military, and continues to work with organizations that help them to get access to services and benefits.

Since 2001, **Kimberly C. Wong, LCSW** has maintained a private psychotherapy practice in South Pasadena, California, where she provides therapy to both individuals and couples. Ms. Wong specializes in working with survivors of sexual assault, sexual abuse, domestic violence, and other trauma. She also specializes in substance and behavioral addictions, relationships, women's issues, and LGBT (lesbian, gay, bisexual, and transgender) affirmative psychotherapy. Ms. Wong received her Master in Social Welfare from UCLA in 1993 and has been licensed since 1997.

Ms. Wong's extensive experience working with survivors of sexual violence and interpersonal violence comes from having worked as the Director of Counseling Services for the Los Angeles Commission on Assaults Against Women (now Peace Over Violence), Ms. Wong has conducted multiple trainings on crisis intervention and counseling, sexual assault, domestic violence, PTSD, and cross-cultural awareness related to the Asian Pacific Islander community and the LGBT community. She has implemented and trained on alternative approaches to trauma recovery utilizing art and meditation.

Introduction to Survivors of Human Trafficking

This chapter is intended to be an introduction to Human Trafficking or Trafficking in Persons. It will provide some general information regarding what trafficking is, how it affects survivors, how to identify it and what options might be available for survivors of trafficking. Please use it as an opportunity to begin to develop a deeper understanding of the multiple issues that are experienced by sexual assault survivors who have been trafficked. It is important to continue to get more information about trafficking and its effects on survivors and to create alliances with experts in the field for continued support and training.

Human Trafficking

Human trafficking is the illegal trade in human beings and is considered a form of modern day slavery. In every country women, children and men are bought and sold as commodities for labor, sexual, domestic and commercial exploitation. It can occur with the use of force, fraud or coercion. Survivors are often recruited in the countries of origin through false advertisements for work or offers of apprenticeships.

People often believe that human trafficking requires the crossing of international borders. But identifying whether or not an action constitutes trafficking is based on the dynamic of the relationship between the victim and the trafficker, not the distance that is travelled.

Traffickers use several techniques to maintain power over the survivor and to instill fear in order to keep them enslaved. They may even keep them locked up. However, more often traffickers use less obvious techniques to maintain power over their victims and keep them in fear. These techniques include isolating victims from the public and their families so that they have no support systems, creating extreme financial obligations to the trafficker, confiscating passports and other documents, and threatening and/or using violence on victims and their families to create a sense of fear and isolation and thus, keep the victims under the control of the trafficker. In addition, traffickers often tell their victims that if the police or immigration services are notified that the survivor will be imprisoned or deported.

Types of Trafficking

People are trafficked into many types of labor including domestic work, sweatshop (textile work), forced prostitution and sex work, begging, agriculture and restaurant work. It is important to note that this is not an exhaustive list and that persons who are trafficking don't always work in crowded conditions with many other trafficked persons. There have been many cases where individuals were trafficked into marriage relationships (including "mail order brides") and or to provide domestic labor for an individual.

Trafficking vs. Smuggling

Trafficking and smuggling are not the same, both in the relationship between the trafficker and the survivor and in the eyes of the law. Generally victims of trafficking have their documents confiscated by the trafficker and they are forced into the service of the trafficker through the traffickers force, fraud or coercion. Smuggling, on the other hand, involves an agreement to cross an international border. When the border crossing is complete, the smuggled person is free to go. It is important to understand the differences since survivors of trafficking who are used for sexual exploitation or who are raped have different rights than those survivors that are smuggled. The law holds smuggled persons accountable for their illegal behavior, and therefore has created significant penalties for persons who participate in smuggling. Survivors of trafficking are not responsible for their illegal presence in the U.S. and will be provided with more benefits and options. Remember that when you are working with a survivor of sexual assault whom you believe to be trafficked, determine the circumstances on how she entered the U.S. before you begin identifying options on how to report the crime to law enforcement. Confusion between smuggling and trafficking in this case could be detrimental to the survivor.

Legal Protections

Human trafficking is defined under Federal Law as the “recruitment, transport, transfer, harboring or receipt of a person by such means as threat or use of force or other forms of coercion, of abduction, of fraud or deception for the purpose of exploitation”. In October 2000, the Trafficking Victims Protection Act of 2000 (TVPA) made human trafficking a federal crime. It was enacted to prevent human trafficking overseas, to protect victims and help them rebuild their lives in the U.S. and to prosecute traffickers of humans with federal penalties. Prior to 2000, no comprehensive federal law existed to protect victims of trafficking or to prosecute their traffickers. This law created a federal crime of trafficking, identified immigration options for the protection of trafficking survivors and required the development of specialized task forces addressing the problem of trafficking. This Act has subsequently been reauthorized and currently contains even more protections for survivors of trafficking than in its original form.

The “T Visa” is a special immigration status available to trafficking survivors that can provide them with access to specific rights including access to immigration protections, public benefits and social services. In order to be eligible for the T visa, a survivor must have been trafficked, is in the United States because of trafficking, is cooperating with law enforcement and would suffer extreme hardship if forced to leave the U.S. As a rape crisis advocate who is used to working within the law enforcement systems, you can provide valuable services for trafficking survivors who are required to cooperate but do not have any familiarity with our systems. In addition, you can provide support for the survivor throughout the process by helping her to gain access to much needed services.

Rape Crisis Centers and Trafficking

Rape Crisis Centers are in a unique position to identify and support trafficking survivors. Advocates are likely to encounter trafficking survivors, because they are often subjected to sexual assault, and will either seek out services from Rape Crisis Centers or be referred for services. Traffickers use sexual violence as a primary tool of power and control against women and children regardless of what type of trafficking they are being used in. Rape Crisis Centers are often the first responders in cases of human trafficking, as well as partners in raising awareness around the issue of trafficking. In these cases, it is important to understand that while trafficking survivors have special needs, they are also survivors of sexual assault. Address their needs as sexual assault survivors, inform them of their options and work within the systems that can provide them with support. In addition, help provide them with the invaluable psychological support they need as a result of the ongoing trauma they have experienced.

Considerations for Counselors

Build trust with the survivor. Often trafficking survivors do not know the systems they are now involved in and may come from countries where those systems cannot be trusted to protect people. Also, she may have been told by her trafficker that she will be arrested or deported if she tells anyone what is happening. Be aware that trusting you may be a big factor in her counseling.

She may not see herself as a victim. Since she is not homeless or in need of social services, and believes that she has a paying job, she may not see herself as a victim. You may need to help her understand her rights, and educate her about what options are available.

Assure survivor she is not to blame. The perpetrators, sellers and buyers of trafficking survivors are responsible.

Place the blame where it belongs. Guilt or self-blame is a frequent response to being used in the sex industry. Survivors sometimes worry that they could have done something to prevent this from happening to them. Since you work with other survivors of sexual assault, you are aware that traffickers, like rapists, target their victims.

Be aware of her loyalty to the trafficker. Much like in domestic violence situations, trafficking victims may have developed a loyalty to the trafficker since he is her path to survival. She may have been forced to choose a lack of response to the crisis as a means of self preservation. When you are counseling a trafficking survivor make sure to pay attention to how she feels about her trafficker and work within that context.

Have linguistically and culturally appropriate interpreters available. In small linguistically unique communities be sure that the interpreters used are not related to or known by the survivor. Use certified/trained interpreters if possible, not family members or other members of the survivor's community.

Listen to her and know your own feelings about her experience. As a means of survival, survivors in trafficking situations may appear to have “willingly” participated in behaviors or acts that might be difficult for us to understand. When someone is in a captive situation, survival is complicated and we must be aware of any judgments we have of those behaviors. Offer non-judgmental, non-blaming listening. Listen with compassion without asking questions that begin with *why*, or imply that she is responsible in any way for the abuse she has survived. Let her express her feelings in a time and manner and with language that is comfortable for her.

Counseling as a result of forced sex may not be her priority. Her basic needs may take priority over her legal and emotional needs. Ask her how you can help keep her safe. Find out what she needs. She may need help with some very basic necessities; where to live, how to get food, transportation. You may need to help her obtain needed medications or other medical services, make copies of important documents, or any other help you feel you can provide.

Have resources available. It is important to have resources available to provide to survivors who are trafficked. Identify local experts and have their information available for referral.