

Intervention & Victim Recovery

How do victims escape? Who helps them?

In just about all domestic human trafficking cases, third-party bystanders play some role in assisting victims, reporting crimes, aiding victims in escaping, or assisting prosecutors and law enforcement. While victims do sometimes manage to escape or seek help on their own, in many cases bystanders interact with victims or see them well before someone finally reports the case to the police or before victims have a chance to escape.

Bystanders frequently act as witnesses at trial, and depending on the bystander's level of interaction with victims and knowledge of the trafficking scheme, they can sometimes be compelled by the court to assist prosecutors even if they are unwilling to testify.

Reports from third parties often lead to police investigations, and immediate action by these bystanders can even lead to the victims' escape. In *U.S. v. Maksimenko*, a patron at a strip club helped a labor trafficking victim escape physical captivity, and ultimately led to the prosecution of three traffickers and the rescue of over 12 victims.

Business owners, employees, and consumers in high-risk industries may unknowingly be employing or associating with forced laborers, and should be aware of the signs of human trafficking. These signs include evidence of physical abuse, workers' inability to control their own money, lack of access to their identity documents, unsafe working conditions, employment of children, and excessively long workdays. In addition to spotting potential cases of human trafficking, bystanders must be willing to contact law enforcement or call the National Human Trafficking Resource Center Hotline with possible tips.

How are victims treated by law enforcement?

Under U.S. federal law, anyone under the age of 18 who is arrested for a prostitution-related crime is automatically presumed to be a victim of sex trafficking. Most states have passed similar laws, called "Safe Harbor" laws, which decriminalize commercial sex for minors under the age of consent. Individual police departments have also adopted policies of treating children as victims, therefore not arresting them and sparing them prostitution-related charges. Instead, child victims in these cities are connected with social services.

However, in some states teenagers between 16 and 18 are given less protection than those 15 and under. Granting immunity to all minors is crucial for making sure that exploited children are able to access much-needed services and obtain future employment without the burden of a criminal record. When all trafficked children are rightly classified as victims of a crime, the police can direct attention to pursuing traffickers and on arresting pimps for sexual exploitation of children.

In contrast, adult sex trafficking victims aren't viewed with a presumption of innocence the way child victims are, despite the fact that many are recruited into sex work as children. Safe Harbor laws and no-arrest policies don't currently extend to adult trafficking victims who were forced into prostitution through force, fraud, or coercion.

Prosecutors may use their discretion to grant immunity to prostitution defendants who claim that they were forced into commercial sex work. If a prosecutor chooses to press charges against a trafficking victim, the victim's only option is to try to

have the conviction retroactively “vacated,” or removed from their criminal record. This can be a long and difficult process, which usually requires the assistance of an attorney. Also, this can only be done in states that have special “vacatur” laws for trafficking victims. 28 states have at least partial vacatur laws that provide post-conviction relief for victims of sex trafficking.

Undocumented labor trafficking victims tend to fear law enforcement and are reluctant to report abusive employers. These victims frequently fear deportation and are unaware that the U.S. immigration system permits survivors of all forms of trafficking to apply for T-visas—four-year temporary visas that lead to permanent resident status.¹ Organizations that assist victims of human trafficking also generally provide their services regardless of immigration status.

Police and prosecutors should adopt a victim-centered approach to investigation and prosecution, viewing both sex and labor trafficking victims as vulnerable people in need of services, regardless of age, and avoiding re-victimization by treating them like criminals or presenting unnecessary obstacles.

How do victims recover from their ordeal?

Sex and labor trafficking survivors almost always require extensive physical and/or mental health services after they escape exploitation. Although public awareness of human trafficking has increased since the enactment of the Trafficking Victims Protection Act in 2000, trafficking survivors still require more support than they currently receive.

¹ T-visas are granted to trafficking victims who reasonably assist in the investigation and prosecution of their traffickers, and who would suffer harm or additional trauma if deported. Victims under

Survivors are frequently prevented from receiving adequate care due to funding restrictions and lack of resources at nonprofit organizations engaged in victim relief, and because they often lack insurance and documentation. While there are ways for survivors to apply for federal benefits and services, it is ideal for them to first be connected with social services organizations that can assist them with paperwork, meeting their eligibility requirements, and overall case management.

Sex trafficking survivors often have extreme difficulty finding employment after their escape and even after their traffickers are prosecuted, due to the social stigma associated with sex work—especially if they have a criminal record for prostitution-related offenses. A holistic approach to victim recovery and treatment would include health and educational services, career counseling and skills training, childcare and other child-related assistance, transitional housing, and legal advocacy. This may require collaboration between multiple organizations and agencies.

Despite the many practical challenges following their escape and the lingering trauma they carry, trafficking survivors sometimes go on to become victim advocates, helping create anti-trafficking legislation and policy, and raise awareness of human trafficking both in the United States and abroad.

Survivors’ stories are powerful and effective in anti-trafficking advocacy. It’s also critical that they, having experienced the trauma of trafficking themselves, be included in the ongoing conversation among advocates and policy makers on how to best combat traffickers and support victims. ■

the age of 15, or who would suffer additional trauma if they worked with law enforcement, are exempt from the cooperation requirement.