

# **National Survivor Network Members Survey: Human Trafficking Survivors Interaction with Judges & Courtrooms During and After Their Trafficking Experience.**



## **Introduction**

The National Survivor Network (NSN) is a Survivor Leadership Program of the Coalition to Abolish Slavery & Trafficking (CAST). In February 2011, CAST launched the NSN in an effort to foster connections between survivors of diverse forms of human trafficking and to build a national anti-trafficking movement in which survivors are at the forefront and recognized as leaders. Members of the NSN include survivors with various backgrounds and origins spanning 24 countries, including Burkina Faso, Cameroon, Canada, Colombia, El Salvador, Ethiopia, Ghana, Honduras, Hungary, India, Indonesia, Jamaica, Kenya, Malawi, Mexico, Netherlands, Nigeria, Pakistan, Philippine, Republic of Dominican, Sri Lanka, Thailand, United Kingdom, and United States. Active members currently reside in over 38 states including Alabama, Arkansas, Arizona, California, Colorado, Delaware, Florida, Georgia, Hawaii, Illinois, Indiana, Kansas, Kentucky, Massachusetts, Maryland, Maine, Michigan, Minnesota, Missouri, North Carolina, North Dakota, Nebraska, New Hampshire, New Jersey, Nevada, New York, Ohio, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Washington D.C. The NSN's diverse membership makes it uniquely representative of the myriad of situations experienced by survivors of human trafficking. By connecting survivors across the country, the NSN supports and encourages survivors to realize and develop confidence in their own leadership qualities and for others to learn to value their insight not just as survivors but as experts in the field.

In the fall of 2017 the NSN created this survey to better understand survivors experience with court systems both during and after their human trafficking experience. 31 members of the NSN responded to this survey, 24 members who responded to the survey had been in front of a judge at least once during their trafficking experience.

Respondents were from the States of California, Pennsylvania, Virginia, Michigan, New York, Washington, Texas, Minnesota, Nevada, Utah, Florida, Arizona, Indiana, and Missouri.

## **Questions asked to discover information specific to trafficking survivors experience in the courtroom included:**

- If you have been in front of Judge when in your trafficking situation, what could a Judge in a courtroom have done to help you? Explain
- If you have been in front of a Judge when in your trafficking situation, what if anything a Judge in her or his courtroom did that helped your trafficker / hurt you? Explain
- If you have been in front of a judge after getting out of your human trafficking situation, what did the Judge do while you were in his or her court room that was helpful/made you feel good?
- If you have been in front of Judge after getting out of your trafficking situation, what if anything a Judge in her or his courtroom did that helped your trafficker / hurt you?

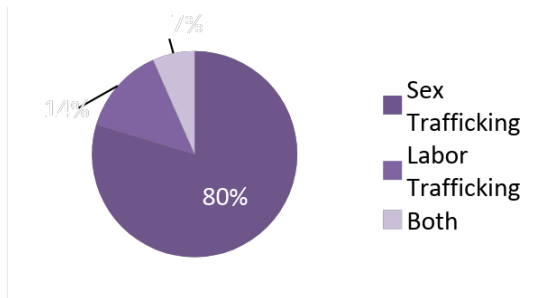
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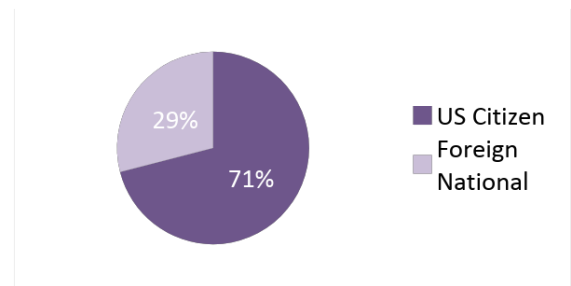
## Profile of Survey Respondents

The majority of individuals who took the survey were sex trafficked with the remaining being labor trafficked or both. Almost 50% of those surveyed were under the age of 14 when their trafficking began. The majority of respondents who took the survey were United States citizen victims of trafficking, with 30% being foreign national victims.

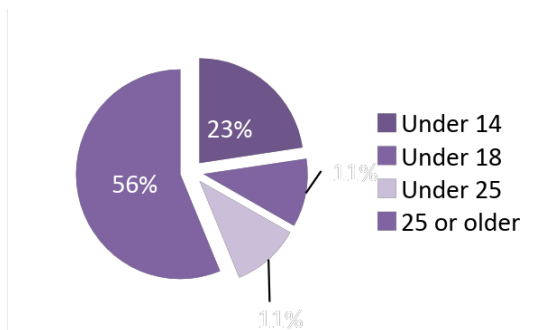
### Type of Trafficking?



### Citizenship



### Age at time of trafficking situation?



## Specific Interaction with Judges/Court Rooms

Overall 54% of respondents were in front of a judge while being trafficked and 58% saw a judge after being trafficked. Trafficking survivors with experience in court were found in criminal, civil and immigration matters. Some points of merit in the different types of court room settings are that **55% of respondents seeing a judge during their trafficking experience were criminal defendants** while only

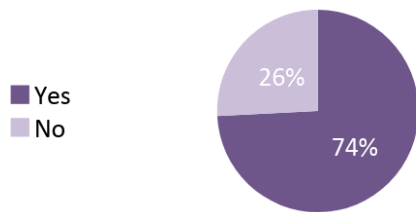
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7% were victim-witnesses. Another 7% were in front of judges while being trafficked in family court. Those seeing judges after leaving their trafficking situation were still only 11% victim-witnesses with 40% being criminal defendants and 7% in family courts. Notably only 3% of respondents were plaintiffs in a civil suit.

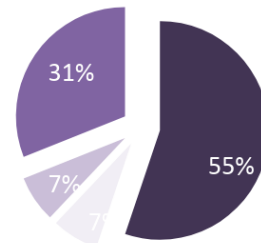
A The troubling fact that trafficking victims appear so frequently as criminal defendants in front of judges should be further researched to ascertain what more these systems can do to ensure that trafficking victims are not seen as perpetrators/criminals. Also questions raised by this preliminary data that require more extensive research include: Are the cases of court experiences post trafficking experience related to the cases before their trafficking experience? Or are there systemic biases in play? Would a judge be able to intervene as a last step before a conviction is established? Were the higher numbers of cases in the post trafficking situations post-conviction relief cases? NSN recommends a more exhaustive study to answer these questions beyond the basic data that NSN was able to gather from its membership.

## Have you ever been in front of a judge?

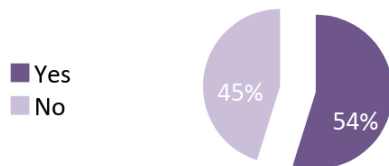


## What type of judge was it?

- Immigration
- Criminal-Defendant
- Criminal-Victim/Witness
- Civil-Family Law
- Civil Plaintiff
- Don't Know



## Were you in front of a judge WHEN you were being trafficked?



## Recommendations from NSN Members About What A Judge Can DO.

Many trafficking survivors who responded felt that a judge should be able to identify them as a trafficking victim and provide referrals for services. Respondents felt that if a judge had asked more questions they

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may have identified the victimization the person was too afraid or unaware to self-identify. Some of the respondents noted that language barriers were a hardship that may have been overcome with an interpreter available, and should be provided by the court. Other respondents noted that personal bias or lack of understanding did not allow judges to identify trafficking victims overall. For example one respondent noted the judge was judgmental about being pregnant at the age of 12 but did not see this as a reason to follow up with more in depth questioning to determine why a pregnant was in that condition without a red flag for possible victimization. There was also a noted need for more secure and private conversations with potential victims of trafficking away from the public and their potential perpetrators.

### **Specific Response by NSN Members For Judges**

- **When I went to in jail the judge never knew about Human Trafficking.**
  - Identify me as a victim as a minor; preventing me from becoming a victim as an adult.
  - Provide resources whom to reach in case of help with legal, accommodation, food and shelter.
  - Provide an interpreter
  - Help me get away from my trafficker.
  - Express concern about my future. Offer a kind word and resources.
  - Be more understanding of why a victim in an intense situation may feel they have no other choice to stay alive than to do what they are forced to do?
  - Pimps were in the courtroom watching the case unfold.
- **Asked more question about my behavior instead of being so judgmental**
  - Assumptions about looks.
  - Not red flagging a minor that is pregnant.
  - Concerns of long history of arrests.
  - Offered kind words. He said, "You have potential. The problem is you don't believe it."
  - Figure out a way for a victim/survivor to record testimony and not be in a courtroom.
- **Specific Examples from NSN Members on What Happened in Court**
  - I was charged with petty theft. My father was with me. I had no memory of my neither past nor current traumas at the time. I was in the process of questioning why I had so many memory gaps and why I hated my father so much and didn't like anyone in my family to touch me. Maybe if I was asked by a female judge or social worker or child advocate why I shoplifted, something may have come out of me. Even without memories, I trusted no one, since members of the pedophile ring my father was part of included doctors, lawyers, judges, professors, child therapists, police officers, etc. I was also in front of an immigration judge for my naturalization ceremony. I was invisible. The room was filled with so many people.
  - Had recently been trafficked, but not during. Was there for curfew charges. Was threatened with foster care if I got in any more trouble. Judge didn't try to integrate any inquiry into why I was acting out. I had in fact been kidnapped off the street and held for several days and sold. I escaped. It was all downhill from there, and I got in a lot of trouble as my dysregulated self-bounced around, in pain. All the judge gave me were threats. This further dysregulated me. It

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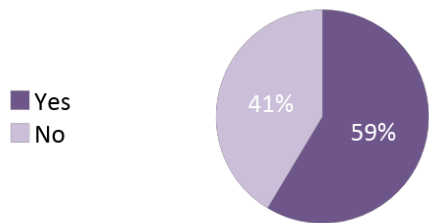
did not cause me to stay home with my abusive family. I just became more secretive and closed off.

### **If you have been in front of a Judge when in your trafficking situation, what if anything a Judge in her or his courtroom did that helped your trafficker / hurt you? Explain**

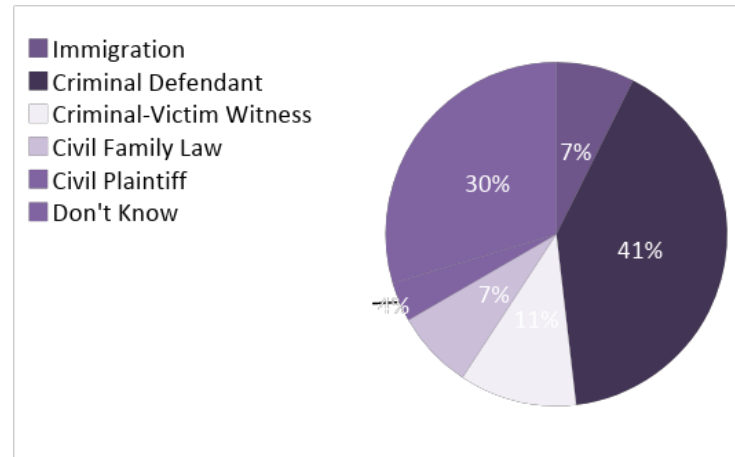
- I felt manipulated by the detective and punished by the judge, because they wanted me to snitch but I didn't. It just reminded me that they didn't care about me. Any kind question about my childhood or life... I was still within the statutes. Real criminals could have been named.
  - Shamed me for my crime proving that my trafficker was right no one cared
  - By the time I was in jail the trafficker was not there anymore. He had gone already.
  - Tell my trafficker not to make gestures when I am telling the facts
  - Nothing he placed me back with my trafficker
  - I was still being trafficking during the visit with my mom
  - Judges seem to always confirm that children are just trouble. The problem is them, not the people who are supposed to take care of them. Adults always believed the spin my parents told. Never challenged them. Never saw them as the source of my acting out.
  - My experiences in front of the judges only supported what my trafficker told me: nobody will ever care about me, I would never be accepted in the 'real world' and my only worth was how much I could make in a night.
  - He gave my trafficker full custody of my three baby daughter's because I was a prostitute.
  - I've never seen them again.
  - No one ever noticed me
- Give me an opportunity to talk to Judge and explain my trafficking situation or at least help me give me signed paperwork for my immigration visa (like T-visa and U-visa USCIS forms), as my case US attorneys promised me to give S-visa and took all the help from me and finally backed out on S-visa and gave me an incomplete U-visa certification and when I immigration attorney asked for another NEW U-visa certification they took 6 months to give. I hope there was a way to explain it to Judge and Judge would have helped me out.

### **Were you in front of Judge after you got out of your human trafficking Situation?**

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**What type of Judge did you see after getting out of your human trafficking situation?**



**If you have been in front of a judge after getting out of your human trafficking situation, what did the Judge do while you were in his or her court room that was helpful/made you feel good?**

- The rest of the time I've been in courts the judge has explain what is going to happen in the room. But never mention about human trafficking.
- Explain in details what the next steps are and provide contact info of the resources to reach out.
- Keep me in jail away from my trafficker
- Expunged me of my charges!
- Stay in jail where there was free food
- I was just legally changing my name. It was quick and painless. She only asked one question to make sure my new name was spelled correctly. Then, it was over.
- She did she left me of probation a year early
- I don't know if you can really say that I was 'out' of the situation. I was on charges of trafficking and too afraid to tell the truth about what had really happened. The judge did take into consideration that I had three children with my trafficker and she recognized that there was more to the story. Instead of sentencing me to 10 years, I only got two.
- I was a victim witness asked to provide expert testimony in both male and female sex trafficking cases in Florida. In both cases neither judge had ever heard a case before about HT, so they were very open to learning and hearing my personal testimony. Those made me feel valued and respected by them. The end verdicts were victorious as a result of having Survivor testimony, I believe. It made the case and the victims seem more real. Then, they understand.

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- I went to trial against my trafficker. The judge was kind to me but never spoke to me other than to tell me to repeat a question, rephrase, etc. I think that he speaking to me would have made me feel better.
- Provide me more resources for immigration services, food and place to stay.
- At least acknowledged discrepancy in the stories from magistrate, to police report, to the open court room.
- Talk to law enforcement on why they are charging a victim when a trafficker forces the victim to commit the crime. As even though the victim didn't do knowingly he has record forever, which I think is unfair.
- Get notified of all victim-witness services in advance so that I am aware of what services I can get. As I was borrowing money from my friends in order to survive and didn't know how to apply for food stamps when I was not having immigration status.

### **If you have been in front of Judge after getting out of your trafficking situation, what if anything a Judge in her or his courtroom did that helped your trafficker / hurt you?**

- Gave him a short sentence
- She never asked me why I wanted to legally change my name. My traffickers (my family) always said no one would ever care about me or if I told the truth. It always proved true in my childhood.
- In the children's court case; I had to continue to be in the same court room as him for years to come.
- Wanted me to "prove" I was trafficked
- You've only testified on behalf of survivors of human trafficking, one judge let the trafficker speak in front of their victims and try and garner sympathy from the judge, which in my opinion was a mistake and caused greater victimization.
- There was nothing that he did that hurt me specifically other than not talking to me. It made me feel less important.
- My ex was abusive physically and sexually. He pleaded the fifth. My ex and his attorney said I made up the whole thing and my PTSD caused me to replay the trauma. The opposing counsel subpoenaed my counseling records and I was actually asked to describe my flashbacks to a judge. After being in a DV shelter, transitional housing, and an apartment, then my own home, opposing counsel said I moved to many times and was unstable. Final judgement I lost custody of my child. My validity was questioned because of having a fuzzy timeline
- Still convicted knowing there were doubts. I didn't have enough "evidence" to prove the case.