



## **Survivor's Perspective on Federal Post-Conviction Relief for Victims of Trafficking Act**

**Please Support S. 104 and H.R. 459** Senator Kirsten Gillibrand (D-NY) and Senator Rob Portman (R-OH) and Representatives Ann Wagner (R-MI-2), Tulsi Gabbard (D-HI-2) and Jim Sensenbrenner (R-WI-5)

### **Federal Criminal Procedure Post-Conviction Relief for Victims of Trafficking Act**

The bill provides for post-conviction relief from criminal charges stemming from offenses committed as a direct result of being a victim of human trafficking. The law ensures that only those offenses committed while an individual was a victim of trafficking are eligible to be vacated. This law builds on state laws already present in Arizona, Florida, Hawaii, Illinois, Maryland, Nevada, New Jersey, New York, Oklahoma, Washington, Wyoming, Florida, and New Jersey.

### **Why Federal Criminal Procedure Post-Conviction Relief for Victims of Trafficking is important to us as survivors**

Many trafficking survivors are arrested and prosecuted for acts directly related to having been trafficked. For a large number of NSN members pursuing stability and independence once they are no longer trafficked is hindered by their own criminal records. Survivors are denied employment, housing, and economic assistance due to their arrest records.

Criminal records are used against survivors in family court proceedings involving their children, and can prevent foreign-born survivors from attaining lawful immigration status. Many survivors live in fear of their criminal records coming to light because of the severe negative consequences convictions can have.

Many of NSN members have been arrested several times due to the crimes they were forced to commit by their traffickers. A survey conducted by the National Survivor Network (NSN) showed that 90.8% of trafficking survivors had criminal convictions, 23.7% had been arrested more than 10 times, and 9.2% had been arrested more than 30 times. The survey demonstrated that over 50% of all respondents believed that 100% of their arrests/charges/convictions were directly related to their trafficking experience. The majority of survivors reported that they had suffered long-term impacts from the arrests and convictions they faced as trafficking victims. 72.7% reported this had created a barrier when seeking employment and 57.6% reported it as a barrier to housing. Lack of housing and employment are often cited as significant factors in creating vulnerability to trafficking and other forms of exploitation.

Beth Jacobs is a child sex trafficking survivor. She has become an advocate for victims' rights and the founder of Willow Way, an organization that helps former sex slaves rebuild their lives. After escaping her trafficker, she found that she could not rent an apartment in her own name because of extensive background checks by property management. She always had to have a roommate, couldn't have her name on mailboxes, couldn't report problems, couldn't receive deliveries, and sometimes had to hide from landlords. "It's horrible to live that way," she says. Criminal convictions create a virtual steel wall for trafficking survivors, compounding trauma by preventing us from securing the vital resources we need to move forward with our recovery.

### **Why you should support this legislation**

- This legislation is the priority of the NSN based on the personal real life experience of our trafficking survivor members.
- Human trafficking is a modern day form of slavery that involves the use of force, fraud, or coercion to exploit a person for labor or commercial sex. As a result of being trafficked, victims of trafficking are arrested and convicted of federal crimes that follow them throughout the duration of their life. Our members have suffered enough enact this additional protection for survivors so they can more easily recover from their trafficking.
- Criminal convictions impair people's chances of finding jobs and housing.
- Vacating (making legally void) and expunging (sealing) a trafficking victim's criminal record is an important step in allowing survivors to attain gainful employment and housing and moving on with their lives.

### **Who We Are**

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.