



Michigan Coalition to End Domestic & Sexual Violence

Human Trafficking Toolkit for Domestic & Sexual Violence Agencies

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I. Executive summary

What is the Human Trafficking Toolkit for Domestic and Sexual Violence Agencies?

To meet the goal of improving services to survivors of the related and often co-occurring traumas of domestic violence, sexual assault, and human trafficking, the Human Trafficking Clinic at the University Of Michigan Law School and the Michigan Coalition to End Domestic and Sexual Violence has entered in. The result of this partnership is the creation of this *Human Trafficking Toolkit for Domestic and Sexual Violence Agencies*, to assist domestic violence and sexual assault advocates in better serving survivors of human trafficking, survivors they are perhaps uniquely qualified to support. By presenting an overview of human trafficking and its relationship to domestic violence and sexual assault, the authors of this document hope that advocates will be better prepared to plan for, recognize, and support survivors of human trafficking, who they are often already serving, although sometimes unknowingly.

What is human trafficking?

Human trafficking occurs when a person is compelled against their will, by force, fraud, or coercion, into commercial sex acts or into labor or services. It is crucial to note, however, that any person under 18 years of age who is induced into commercial sex is considered trafficked, regardless of the way in which the minor comes to the act.

The Polaris Project defines human trafficking accurately as “the business of stealing freedom for profit” (www.polarisproject.org). Because human trafficking occurs through force, fraud, or coercion, and is by its nature oppressive, it shares and overlaps with many of the same conditions underlying domestic violence and sexual assault. The conditions for all three oppressions begin with an unequal power relationship and result in the violent abuse of power by the perpetrator. In the case of human trafficking, the perpetrator is known as the trafficker. In most cases, the trafficker benefits economically from the partial or full enslavement of the person being trafficked. Though we lack accurate data on numbers, means, and geographic distribution, most estimates put the number of persons trafficked annually in the millions, indicating a global criminal industry stealing multiple billions of dollars from survivors each year.

How to use this toolkit?

This toolkit provides important concrete resources for orienting services to effectively support survivors of human trafficking.

- Principles, key concepts, and terminology

The Michigan Coalition to End Domestic and Sexual Violence uses several key paradigms as the basis of its advocacy training and employs specific terminology that supports survivors. These concepts and terminology are presented at the beginning of this toolkit so that the user can

familiarize themselves with important concepts such as harm reduction, trauma-informed services and approaches, survivor-centered advocacy, why pronouns matter, and the underlying philosophy of intersectionality and how it can deepen empathy.

- Intersections between human trafficking and domestic violence/sexual assault (DV/SA)

We see how victimization due to human trafficking, stalking, and domestic and sexual violence overlap, with common mechanisms of interpersonal violence and control. This toolkit provides a way for advocates to understand this interrelationship and supports movement in the extension of DV/SA services to explicitly cover human trafficking survivors as well, with planning and effective networks of multiple agencies and professionals.

- Advocacy, agencies, confidentiality, ethics and the media

Addressed throughout this toolkit are descriptions of the types of agencies doing anti-human trafficking work, and the types of advocacy being provided to survivors. The section on effective advocacy and how this foundational approach can benefit systems advocacy and community advocacy may be particularly helpful for advocates who are new to the field. Additionally, the sections on confidentiality, ethics, and the media show important ways that advocates must be vigilant to assure that they cause no further harm to survivors.

- Legal and administrative remedies

Developed by attorneys who have extensive experience in family and immigration law, the toolkit section on legal remedies for survivors of human trafficking addresses access to justice, restitution, lawsuits against perpetrators, administrative remedies, immigration relief, and several other key issues. Human trafficking is a somewhat difficult crime to convict and to prosecute. This toolkit provides concrete suggestions for a wide variety of situations for legal and administrative remedies and other strategies that can support survivors, and how advocates can help survivors identify options and achieve appropriate recognition of the crimes perpetrated upon them.

- Identifying survivors of human trafficking

Working from the assumption domestic and sexual violence agencies are already serving survivors of human trafficking without knowing it, the toolkit provides tips to identify these survivors and thus enables advocates to provide additional supports. Though this section does not provide a complete list, it does help to engage the advocate with strategies for considering survivorship through the lens of possible trafficking victimization. This section is a complement to the previously published tool, *Best Practices in Assessing Human Trafficking*, co-authored by the Human Trafficking Clinic of the University of Michigan Law School and the Michigan Coalition to End Domestic and Sexual Violence (2015).

- Working with survivors

The main body of the toolkit delves more deeply into particular considerations required to support individuals from specific communities who are survivors of trafficking. One fundamental concept necessary in working with all survivors is approaching the work with cultural humility. Recommendations on advocating from a place of cultural humility help to assure that the services provided are survivor-centered; stemming from a deep understanding and belief that the survivor knows what is best for them, and that respect and support is given to assist the survivor in achieving this outcome. Support and advocacy given with compassion and integrity will flow from the basic tenants held by the authors of this toolkit: survivor-centered, trauma-informed, and intersectionally aware, but additional considerations are needed when working with survivors from specific populations. This toolkit provides specific information for supporting

- Rural survivors
- Elder survivors
- Native American survivors
- LGBT+ survivors
- Undocumented or under documented survivors
- Survivors who have contact with the criminal justice system
- Youth survivors
- Survivors who are boys or men.

Additional information provided to enrich these supports or explain additional dynamics are included in the appendices.

Additions to the toolkit:

- Appendices

Following the main text, users of this toolkit will find a set of appendices that provides historical context for certain communities and further shows how history may influence positions of vulnerability. Additional experts have been asked to prepare the documents in these appendices, thereby bringing welcome new voices into this work. These appendices are:

- Historical Trauma & Positions of Vulnerability in the LGBT+ Community
- A Contextual Understanding of Faith-based Service for Survivors of Human Trafficking and Human Trafficking Advocacy Service Providers
- Historical Trauma and Indigenous Peoples
- Supporting Survivors and the SASHA Center Model: Black Women's Triangulation of Rape

- **Quick view of primary resources on human trafficking**

There were many resources used in the creation of this toolkit. Complete references cited sections follows the main toolkit text and each of the externally authored appendices. This toolkit also includes a brief annotated guide to some of the recent literature published. The subject of human trafficking is a rapidly expanding field, and advocates are almost always short on time, so the authors of this toolkit hope that this brief annotated bibliography might assist advocates in selecting texts and Internet sources that will best serve them and their particular needs.

- **Michigan Resource List**

At the close of this document you will find a list of anti-human trafficking resources, agencies, and taskforces specific to the State of Michigan.

The authors of this toolkit hope that you find this information useful in continuing to do the crucial work of social justice. It is our shared hope that we bring about an end to violence and oppression in all its many forms and we are proud to be doing this work alongside you.

I. Introduction and how to use this toolkit

The Michigan Coalition to End Domestic and Sexual Violence (MCEDSV) is pleased to provide this toolkit to provide practical insight and resources to those who would like to support survivors of human trafficking. This toolkit is designed as a starting place or point of reference when seeking to navigate human trafficking; this toolkit while comprehensive is not exhaustive and as with all subjects, the MCEDSV encourages further research, debate and thought to further provide rich discussion a difficult subject. ***This toolkit should not be considered legal advice and is not designed as such.***

Generally speaking, human trafficking exists where labor or sex acts are obtained through force, fraud, or coercion (Trafficking Victims Protection Act, 2000).¹ Throughout the nation, there is debate whether state coalitions to end domestic and sexual violence have a role in ending human trafficking. Because MCEDSV has long recognized that all forms of oppression reinforce the belief that it is legitimate for one group of people in our culture to dominate another group, we position ourselves squarely against all forms of oppression. As an anti-oppression movement, MCEDSV acknowledges that human trafficking is often rooted in similar dynamics of power and control to those found in domestic and sexual violence. MCEDSV recognizes that not all survivors of human trafficking experience sexual or domestic violence. However, there are many survivors who do. Moreover, because of the intersections and overlap between gender violence and trafficking, the principles that guide our efforts to end domestic and sexual violence are applicable to guiding human trafficking intervention and prevention work. Furthermore, MCEDSV believes that the root causes of human trafficking are closely related to domestic and sexual violence...

MCEDSV's core beliefs regarding human trafficking are as follows:

- Human trafficking can be more fully understood when the lessons learned by the movement to end domestic and sexual violence are applied.
- Human trafficking exists in the interconnected systems of oppression and violence at the interpersonal, community, and systemic levels.
- Survivors of domestic and sexual violence are vulnerable to human trafficking; similarly, survivors of human trafficking are vulnerable to domestic and sexual violence.
- Survivors of human trafficking are often survivors of domestic and sexual violence—regardless of whether both forms of victimization are initially clear or obvious.
- Domestic and sexual violence are often tactics used strategically by traffickers, intimate partners, friends, and relatives to control individuals involved in human trafficking.
- Individuals in the sex trade (whether trafficking survivor, sex worker, or both), people with criminal records, undocumented people, people with addictions, people who are HIV+, queer people, Indigenous people, transgender and gender-nonconforming people,

¹ Please see key terms and the glossary for a more in-depth definition of human trafficking.

people with disabilities, survivors of multiple forms of violence, and racialized people are worthy of human love, human dignity, compassion, and advocacy.

- The unique experiences of oppression, violence, service provision, and the criminalization of individuals are dependent on their identity and location.
- Serving survivors of human trafficking requires thoughtful planning and coordination among professionals, agencies, and organizations.

Anyone interested in this subject should feel free to contact MCEDSV at mcedsv.org or (517) 347-7000. The Coalition offers:

- Training: MCEDSV provides large statewide trainings and small closed trainings for domestic and sexual violence service providers and others on topics ranging from the basics of human trafficking as it may come up while serving survivors of domestic and sexual violence to utilizing trauma-informed care and harm reduction practices with survivors. MCEDSV will also customize a training upon request.
- Technical Assistance: MCEDSV provides one-on-one technical assistance to member and affiliate programs. MCEDSV also provides assistance to non-members who are working with survivors or survivor-serving programs.
- Legal Advice: MCEDSV has attorneys on staff who can provide legal advice around issues of human trafficking where they come up in serving victims of crime including domestic and sexual violence. In addition, MCEDSV has a close working relationship with the University of Michigan Human Trafficking Clinic.
- Public Policy Work: Policy advocacy has been a key component of MCEDSV's work, and we have been involved in a variety of initiatives that focus on human trafficking legislation and policy in Michigan.

II. Guiding principles and key concepts

Building on decades of experience, MCEDSV promotes the following guiding principles in the service of survivors:

- We support intersectionality, survivor-centered, and trauma-informed practices that prioritize reduction of harm.
- We reject and work against all models that could bring harm to survivors.
- We work to eliminate stigma, barriers, and violence experienced by survivors in all community and system responses.
- We work and advocate for survivors to be in leadership roles and at the center of our work to design programs and initiatives to serve victims of human trafficking, and we work to support one another, person to person and agency to agency, in this work. This movement was built by survivors for survivors and should always remain so.

- We work to end all forms of violence against all people, not just some forms of violence against some people.

The key concepts of being trauma-informed, victim-centered, and applying an intersectional lens in our work are described in detail below.

A. *Intersectionality and empathy*

The concept of intersectionality promotes an understanding of human beings as shaped by the interaction of different identities. The term “intersectionality” was coined in 1989 by American legal critical race scholar Kimberlee Williams Crenshaw (1989). However, the central ideas of intersectionality have long historic roots within and beyond the United States. Black activists and feminists, as well as Latina, post-colonial, queer and Indigenous scholars have all produced work that reveals the complex actors and processes that shape human lives (Hankivsky, 2014). In short, people are shaped by an interaction of many different social locations that range from race and gender to age, ability, income, and beyond. This shaping occurs through connected systems and structures of power such as government and religious institutions that favor one type of identity (such as wealth or being white) over another (such as such as poverty or being black). In turn, interdependent forms of privilege and oppression are created.

Because it has taken interconnected systems of privilege to create the vulnerabilities that many people face, it will take an intersectional approach to break down those structures and support survivors. The intersectional lens is an indispensable tool for all anti-violence and anti-oppression work. When applied to human trafficking survivors, using an intersectional lens appreciates that vulnerability and inequity are never the result of a single factor, but rather the result of the interaction between different social locations, power relations, and lived experiences. This allows survivors to be seen more fully and enables advocates to provide more comprehensive assistance.

When survivors are seen more fully, an opportunity for true empathy is created. Brené Brown (2012) has explained that empathy begins with being able to see the world as others see it, choosing not to be judgmental, understanding the survivor’s feelings, and communicating an understanding of those feelings. It is challenging to be empathic because humans naturally try to escape pain—even another person’s pain. Because of this natural tendency, it is tempting to try to judge the other person in an attempt to protect ourselves from the pain of the situation. But when we acknowledge the complex intersections of privilege and oppression that make some people more vulnerable, we begin to understand how the world looks from their point of view. Empathy is a skill that strengthens with practice (Brown, 2012).

Related to the concept of intersectional empathy is a caution against an implicit narrative of what a “perfect victim” would look like. Common misconceptions of human trafficking abound, particularly a narrative that the majority of victims are suburban, white women and girls who are trafficked by men from different races or nationalities. This construct of the perfect victim promotes a notion of a helpless person who has been involuntarily forced into labor or sex. For many reasons that are explained in this toolkit, the perfect victim narrative harms survivors who actually represent multiple intersectional identities and whose experiences cannot be

summed up by a headline or sound bite (Michigan Coalition to End Domestic & Sexual Violence, 2017).

The concepts of intersectionality and intersectional empathy are the foundation of MCEDSV's work and of this toolkit.

B. Trauma-informed service

Trauma can come from any experience where a person experiences fear and lacks or feels they lack control over what is happening (Classen 2005). Because of the trauma they have experienced, survivors of trafficking may present as seemingly:

- Frozen, shut down, or spaced out;
- Having trouble regulating emotions;
- Distrustful;
- "Scattered" or having trouble remembering events;
- Inappropriate given the subject matter (for example, laughing when discussing something serious);
- Overwhelmed by seemingly small tasks;
- Minimizing their own experiences or blaming themselves;
- Experiencing extreme physical issues, such as headaches, stomach aches, digestive issues, etc. (Trauma Center, 2014).

To be trauma informed means to understand the role that traumatic experiences will play in the lives of clients and "to design service systems that accommodate the vulnerabilities of trauma survivors and allow services to be delivered in a way that will facilitate . . . participation." In short, a trauma-informed approach asks, "What has happened to you?" or "How are you coping?" rather than "What is wrong with you?" (WCSAP, 2012.) Advocates must appreciate that it is not their role to investigate whether survivors' experiences are true as relayed. Advocates should always work from a starting point of believing survivors. Throughout this toolkit, utilizing trauma-informed and proactive services is understood to be a guiding principle of all efforts on behalf of human trafficking survivors.

C. Survivor-centered advocacy

A recent study asked survivors of human trafficking what they would recommend for service providers. One of the key recommendations that emerged was to "Start service provision with what the survivor identifies as their priorities and needs" (Urban Institute, 2018). Another recent study that applied a public health lens to anti-trafficking work (Schwartz, 2015) suggests that agencies wishing to serve survivors of human trafficking "destabilize the typical service model that assumes a linear progression from risk-taking behavior or vulnerability toward a position of security and stability" and instead, recognize that there is "no single package of mechanisms for each survivor." This is consistent with the concept of survivor-centered advocacy that has emerged from decades of work against domestic and sexual violence.

Because MCEDSV believes that the survivor must have full agency in this process, the support given to survivors comes at the survivor's request and meets the needs identified by the survivor. MCEDSV prefers this survivor-centered approach over approaches that encourage helpers to "rescue," "free," or "restore" victims of trafficking.² In such an approach, a helper may intervene without the survivor's explicit request in an attempt to "rescue" the survivor from the trafficking situation and "restore" the survivor to "freedom." The "restore" process may have a series of requirements that are imposed upon the survivor if they wish to remain in the program, such as coursework, attendance in a religious ceremony, participation in a particular rehab program, or the like. After decades of experience working with traumatized victims of relational crimes, MCEDSV cautions against this "rescue" approach because it takes agency away from the victim and can often put the survivor and the advocate in danger (Michigan Coalition to End Domestic & Sexual Violence, 2017). Instead of approaching a survivor seeking to rescue them, the advocate should allow a space for the survivor to be fully heard, without offering remedies or suggestions. This empathic listening builds a foundation in which an advocate can develop trust and outline roles and boundaries.

Once an advocate has truly heard the needs and concerns of a survivor, then they can support survivors by helping them navigate systems to meet the needs expressed by the survivor. Support is often needed in helping survivors access medical, financial, legal, and housing services. Each of these service areas are fraught with historical barriers to certain individuals based on demographics, ethnic affiliations, and social and economic status. Attempting to navigate through these areas can often re-traumatize a survivor. Past negative experiences in these areas can also create a fear in the survivor that attempting to access these crucial services may generate more harm than benefit. The advocate's role in the lives of survivors is designed by the survivor at their own pace, time, and needs being defined. An advocate needs to be knowledgeable in resources and services that are offered both locally and outside of their communities.

Advocates must remember that survivors are just that—survivors. They are people who know how to survive unspeakably difficult circumstances and are seeking to be heard, believed, and validated as they take this leap of faith in an unknown journey. Survivors are more than just their captivity story. Throughout this toolkit, the concept of survivor-centered service delivery refers to a rejection of the "rescue" and "restore" model and an embracing of an "empowerment" or "survivor-centered" model in which the survivor is the driver on their own journey, and an advocate seeks to offer support and information.

² The rescue and restore approach can sometimes be found expressed by individuals or by whole institutions and may be demonstrated more with certain survivors than others. As used here, the framework of rescue and restore does not specifically refer to any governmental or non-governmental program. It is merely an approach to service delivery that differs from a survivor-centered approach.

D. *Harm-reduction practices*

Safety planning and harm reduction are survivor-based, trauma-informed practices that occur on both a micro-social (or small group) level, as well as at a more formal, organizational level. Harm reduction theory emerged from research during the early AIDS epidemic, and reflects how groups more susceptible to the infection, such as intravenous drug users, worked collectively to protect themselves from HIV in a political, legal, and medical environment that was generally hostile to the infected as well as hostile to the communities most at risk. The term “harm reduction” is embraced by the World Health Organization and is characterized by interventions that are targeted to meet the needs of specific groups of people who may be engaged in unsafe behaviors (Hickle, 2015). Research suggests that input from the survivor or group most at risk for human trafficking is crucial to the development of an effective safety plan (Freidman, 2007). Prioritizing reduction of harm honors the resilience that is present in every survivor and highlights the fact that survivors have developed clever and sometimes quite elaborate methods to stay as safe as possible.

Arranging services to support harm reduction

There are four primary components that underpin the theory of harm reduction (Stimson, 1998). These can serve as a baseline for envisioning services. The first is raising awareness; for example, distributing information and providing access to education about a particular danger. Second is to contact people through outreach, providing accessible services that are attractive to service users and maintaining contact by offering ongoing support. Third is providing a means to change by providing tangible resources and facilitating contact with formal services that can break down barriers for the survivor. And finally, garnering support for harm reduction work by facilitating alliances between diverse stakeholders (service users, researchers, practitioners, community, and government).

Based on principles set forth by the Harm Reduction Coalition (<http://harmreduction.org>), best practices for harm reduction in anti-human trafficking context should include:

- Understanding of human trafficking as a complex, multi-faceted phenomenon in which the survivor or potential victim likely experiences a set of intersectional barriers to a life separate from their trafficker(s);
- Non-judgmental, non-coercive provision of services and resources to survivors or potential victims of human trafficking;
- Assurance that survivors of human trafficking have a meaningful voice in the creation of programs and policies designed to serve them, or to serve potential victims of human trafficking;
- Establishment of quality of individual and community life and well-being as the criteria for successful interventions and policies.

Harm reduction is a continual process. Each special population will have its own set of best practices and concerns that will inform how to approach harm reduction as it relates to human trafficking. You will find discussion around these practices at the end of each section. Given the array of intersectional barriers toward services experienced by survivors and potential victims of human trafficking, it is important to understand different areas of concern, risk and vulnerability for the discrete populations mentioned above.

Safety planning

The concept of safety planning in domestic and sexual violence is a practical application of harm-reduction philosophy. A safety plan is a personalized, practical plan that includes ways to remain safe throughout the various stages of a survivor's journey to a safer existence. Best practices for safety planning in domestic violence situations have developed over the years to a generally accepted list of suggested measures survivors may take to protect themselves from further abuse, or to mitigate the effects of continued abuse. These best practices are helpful to inform survivors or potential victims of human trafficking about safety planning in situations that include sex trafficking, labor trafficking or both, but should not be applied to all trafficking situations without careful thought and personalization.

The National Human Trafficking Resource Center (<http://www.traffickingresourcecenter.org>) has developed a very specific set of safety planning steps for victims of human trafficking and asserts that a successful safety plan will:

- Assess the current risk and identify current and potential safety concerns;
- Create practical strategies for avoiding or reducing the threat of harm;
- Outline concrete options for responding when safety is threatened or compromised.

Tailoring these general concepts to the unique intersectional identities and lived experiences of survivors of human trafficking will allow agencies to meaningfully reduce the harm that survivors experience while delivering services in a survivor-centered, trauma-informed manner.

Building on all of these foundational principles, the purpose of this toolkit is to provide domestic and sexual violence agencies with the information they will need to be able to properly support survivors of human trafficking in effective safety planning and service delivery.

III. Terminology

In all of its endeavors, MCEDSV strives to use terminology that respects the wishes of the people concerned. MCEDSV has identified some such choices that warrant a brief explanation here.

- The term “they” is used as a gender-neutral pronoun, even where it may refer to a single individual. MCEDSV regrets that this may appear confusing and frustrate some grammar purists. However, MCEDSV believes that those who experience human trafficking can and do identify as either, both, or no particular gender and wishes to honor all survivors.
- The terms “survivor” and “victim” are both used to refer to people who have experienced human trafficking or domestic and sexual violence, but the term survivor is chosen more frequently. This choice is intended to honor the resilience and stamina that is so often demonstrated when people are subjected to unimaginable suffering. MCEDSV respects and applauds efforts to reclaim and repurpose the term “victim” (such as Campoamor, 2018), but MCEDSV continues to favor “survivor” at this time because of the historical blame, pity, and scrutiny that has been heaped upon the term “victim.” In choosing this word, MCEDSV does not wish to impose any particular path or identity upon individuals who have been victimized. Finally, MCEDSV also appreciates that in the criminal justice context, the term “victim” may be more useful at times.
- The term “human trafficking” is used loosely to refer to exploitation for labor or commercial sex where the person has experienced force, fraud, or coercion. MCEDSV’s use of this term may include patterns of victimization that may or may not be successfully prosecuted for the federal or state crime of human trafficking. It also includes the experiences of individuals who may never self-identify as victims of trafficking. The use of the term human trafficking, and indeed, the publication of this toolkit, should not be seen as promoting a separation or prioritization of survivors by form of victimization.
- Several terms specific to serving LGBT+ survivors are set forth in the section on considerations for LGBT+ survivors.

IV. Action-Means-Purpose (A-M-P) model of human trafficking

The Action-Means-Purpose (A-M-P) model is the tool used by the federal government to define human trafficking. Human trafficking involves three essential elements: Action, Means, and Purpose. According to the National Human Trafficking Resource Center (NHTRC) and the Trafficking Victims Protection Act (TVPA), the A-M-P model assists in determining whether force, fraud, or coercion was present, indicating the encounter was not consensual. A trafficker first induces, recruits, harbors, transports, provides, or obtains an individual. In the case of human trafficking the trafficker then uses force, fraud, or coercion to compel the victim to provide commercial sex acts, labor, or other services.

THE A-M-P MODEL		
Action	Means*	Purpose
Induce Recruits Harbors Transports Provides or Obtains	Force Fraud or Coercion	Commercial Sex (<i>Sex Trafficking</i>) or Labor/Services (<i>Labor Trafficking</i>)

*Minors induced into commercial sex are human trafficking victims—
regardless if force, fraud, or coercion is present.

Figure 1: National Human Trafficking Resource Center

This Action-Means-Purpose model becomes a powerful assessment tool for understanding the definition of human trafficking. The advocate can compare the A-M-P model with the *Human Trafficking Power and Control Wheel* to begin to understand how traffickers use many of the same means as perpetrators of domestic and sexual violence to control survivors.

V. Human trafficking power and control wheel

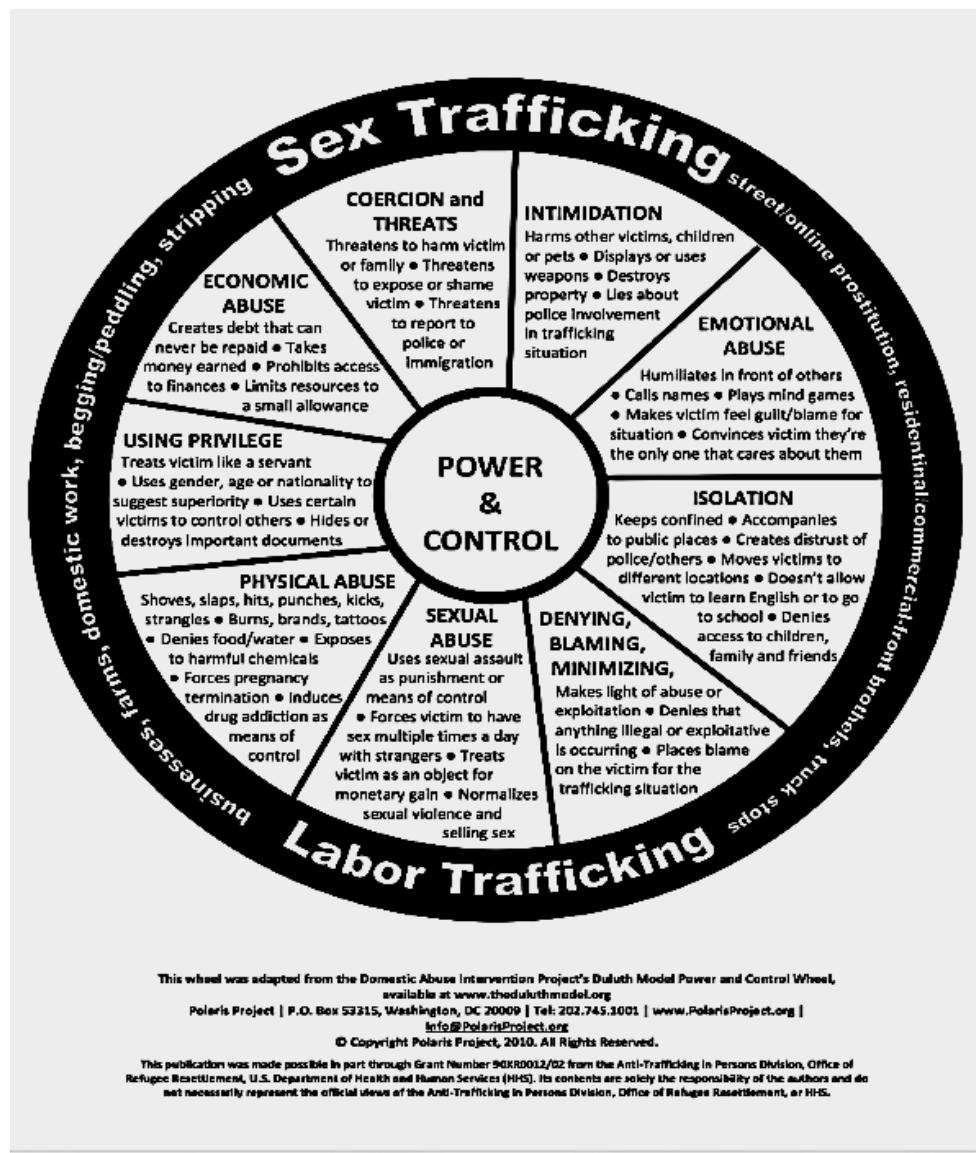


Figure 2: National Human Trafficking Resource Center

Created in 1984 by the staff at the Domestic Abuse Intervention Program (DAIP) in Duluth, Minnesota, the *Power and Control Wheel*, as it has become known, is an important tool used the world over by those advocating in areas of domestic violence and sexual assault. As a visual representation, the wheel makes the pattern, intent, and impact of violence visible. Since its initial development in the mid-1980s, the *Power and Control Wheel* has been translated into many languages and also adapted to many specific populations, such as the re-conceptualizing of the wheel into DV/SA work in Native American communities or in the LGBT+ community.

Published in 2010 by the National Human Trafficking Resource Center (NHTRC), *the Human Trafficking Power and Control Wheel* uses the DAIP “Duluth” Model to outline different types of abuse that can occur in labor and sex trafficking situations. As the parent model does for Domestic Violence and Sexual Assault (DV/SA), this human trafficking-specific model allows the viewer to see the pattern, intent, and impact of the violence perpetrated in human trafficking against victims, through force, fraud, or coercion.

For larger graphic and fuller discussion of the human trafficking power and control wheel, please see *Best Practices in Assessing Human Trafficking* by the Human Trafficking Clinic of the University of Michigan Law School and MCEDSV (2015).

VI. Intersections between human trafficking, domestic & sexual violence, stalking

Advocates and academics alike have acknowledged that human trafficking and other forms of domestic and sexual violence do not “occur in silos” (National Network to End Domestic Violence, n.d.). Instead, the two types of victimization overlap in many cases, and understanding the dynamics that occur in other relational crimes can be helpful in understanding the relationship between traffickers and trafficked individuals. Despite a common misconception that traffickers are usually strangers to their victims, most trafficking survivors are trafficked by someone whom they know and trust, which is often an intimate partner or family member. At times, a marriage or romantic relationship may actually be a cover for fraud at the outset of human trafficking, but a bona fide marriage can also devolve into a trafficking situation (Bessell, 2018). Both trafficking crimes and crimes involving domestic and sexual violence are relational and involve a pattern of power and control (Campbell, 2017).

A. *Domestic violence*

Intimate partner trafficking bears many of the “hallmarks of domestic violence” (National Network to End Domestic Violence, n.d.). In such a situation, an intimate partner may coerce the other partner to engage in commercial sex or labor, which is framed as being for the benefit of their family, the relationship, for financial support or to support an addiction (Bullard, 2012).

Although it is more common to expect a perpetrator of domestic violence may exploit their victim for commercial sex, it is also crucial to understand that abusers will also exploit their intimate partners for forced labor. For example, in one case a Russian national met her husband online, and after a two-year connection, the trafficker married her and promised to take care of her sixteen-year-old daughter. When the women arrived in the United States, the trafficker forced them to engage in heavy manual labor and frequently sexually assaulted the daughter (Bessell, 2018).

One level of the commonality between trafficking and domestic violence is the methods used, all of which can overlap with sexual violence and stalking as well:

- **Physical violence, threats, and intimidation.** While physical abuse is one way in which abusers assert power and control, both domestic violence abusers and human traffickers use subtler tactics that make it possible for abusers/traffickers to control their victims even without physical harm. Threats of physical harm to third parties are also common (National Network to End Domestic Violence, n.d.).
- **Emotional abuse.** Human traffickers and domestic abusers both benefit if their victims feel shamed and worthless, so they use cruel words and jokes, humiliation, and the implication—or direct statements—that the victim is the one who actually caused the problems they are facing, to ensure their victims will not feel worthy of help or support (Polaris Project, n.d.).

- **Isolation.** Both domestic abusers and human traffickers make their victims feel as though there is no one else on whom they can rely. Friends, coworkers, and family are pushed away through insulting behavior or preventing contact. Any existing barriers such as limited English proficiency, lack of immigration documents, and other marginalized identities are used to keep the survivor from seeking to leave the relationship (Bullard, 2012).
- **Economic abuse.** Both traffickers and domestic abusers engage in economic abuse—ranging from putting their victim on an allowance or holding their wages to engaging in identity theft and opening accounts in their victim’s name (National Network to End Domestic Violence, n.d.).
- **Legal abuse.** Domestic abusers and traffickers will both use threats or actions within the legal context to intimidate and control their victims. For example, a trafficker who is married to their victim may continuously file and withdraw immigration documents, or a domestic abuser might threaten to seek full custody of the children.

It is also crucial to acknowledge that domestic violence is often a reason individuals are pushed into human trafficking. Survivors who are escaping domestic violence may lack support from their community and are profoundly vulnerable to trafficking (Bullard, 2012).

These overlaps between domestic violence and trafficking carry over into other crimes, with some additional contours as detailed below.

B. *Sexual assault*

Any survivor of sex trafficking is also a survivor of sexual assault. Sexual assault and labor trafficking also frequently coexist, as assaults are used as a means by which to continue the pattern of power and control over the victim. Finally, forced sex can be a form of involuntary servitude, in which the survivor of trafficking is forced to provide sex under threat of force, fraud, or coercion. In this way, sexual assault is both an end and a means of human trafficking, and human trafficking is also a tool utilized by sexual assailants (Bessell, 2018).

C. *Stalking & harassment*

Stalking and harassment are patterns of unwanted contact that are designed to threaten or instill fear in their targets. Human traffickers of both labor and sex trafficking use control over technology and constant monitoring through various devices to control their targets. Upon leaving a trafficking situation, it is not at all uncommon for a survivor to experience extreme forms of stalking and harassment in an attempt to threaten or coerce them into returning to the exploitative situation. Some traffickers also use their knowledge of technology to isolate their victims, making them feel as though they are not smart enough to understand how it works. This is particularly common in elder-abuse scenarios. Advocates should consult the NNEDV technology toolkit for further information on how to spot, mitigate, and seek relief from various forms of technology-facilitated abuse: <https://www.techsafety.org/resources/>

D. *Poly-victimization*

There has been much research surrounding the impact that trauma has on children and adults. However, studies often fail to recognize the complex trauma that results in being the victim of multiple different crimes. Poly-victimization refers to multiple victimizations types. For example, someone could survive child abuse, sexual abuse, and bullying. Research surrounding poly-victimization notes the important connections to trauma symptoms that are sometimes overlooked by failing to understand the impact that being victimized in multiple ways can have on an individual. If someone failed to screen for multiple victimizations or focused only on one victimization they could overlook key aspects of the individual's experience, scope of the trauma, and pieces needed for healing. Research shows that poly-victimization is "more highly related to trauma symptoms than experiencing repeated victimizations of a single type and explains a large part of the associations between individual forms of victimization and symptom levels" (Turner, 2010). When we fail to examine poly-victimization we cannot understand the full scope of exposure and potential for trauma responses. It also can lead us to attribute response to one specific crime versus being a result of multiple crimes. Studies that only focus on single victimization may fail to capture the full scope of victimization and minimize the impact that this may have (Turner, 2010).

E. *A way forward*

With these overlaps and intersections in mind, we can begin to recognize how patterns of abusive behavior create environments that perpetuate violence. In other words, we can see that human trafficking is rooted in the same complex, relational dynamics as domestic and sexual violence as well as stalking. Identifying that a survivor of domestic violence, sexual assault, or stalking has also experienced human trafficking, or vice versa, allows us to better help them see the full array of services that may be instrumental in helping them move forward. Human trafficking survivors then have access to a broader menu of options, rights, and remedies that an advocate can support them in accessing.

Those who regularly work with survivors of domestic and sexual violence often express that they feel overwhelmed by the idea of taking on clients who have a history of trafficking. In truth, it is possible that no one is better situated to do so or more expert in the patterns of coercive control that rule the lives of trafficking survivors. In fact, it is likely that advocates are seeing human trafficking survivors in the course of their work and simply have not previously identified them in that way. If domestic and sexual violence advocates are willing to bring the tools they use with their other clients to bear in service of human trafficking survivors, then both survivors and the movement to end trafficking will be better off.

VII. Effective advocacy

Advocacy is the act or process of supporting a cause, or in this case, survivors of human trafficking seeking services. A primary role of the advocate is to support survivors on their journey toward healing. Advocates are temporary supports in the survivor's life, and with the time allotted they empower survivors by introducing them to tools that can be implemented and used on their journey to heal. The survivor can end the supporting relationship at any time during this journey. Navigating through systems, and across barriers is foundational to insuring a survivor becomes and stays safe. Often an advocate is the only person who understands the totality of the victim's story and is best able to identify tools and resources so that the perpetrator does not exploit any gaps between systems.

To that end, advocates need to be present and authentic in providing support to the survivor. When issues arise, and the advocate does not have a clear answer, or cannot offer a pathway, it is important that the survivor knows this. It is also important that the survivor knows that the advocate will attempt all means to find answers if none are present so that the best solutions can be presented.

These are the crucial attributes to becoming an effective advocate:

- Someone who listens carefully, with empathy;
- Someone who believes the survivor's story;
- Someone who understands or is willing to learn about the systemic barriers to safety for survivors;
- Someone who lets the survivor tell their story;
- Someone who is authentic;
- Someone who is supportive;
- Someone who is resourceful and can connect the survivor to local resources; and
- Someone who is knowledgeable on human trafficking, intersectionality, trauma-based approaches, and survivor-centered support.

Human trafficking survivors must be identified as individuals first and foremost with a right to self-determination, dignity, and respect. A survivor's trauma does not define them, nor does the story of their victimization. Advocates need to be aware that survivors have many identities beyond that of being trafficked. The intersections of these identities, and the barriers caused by these intersections, can further induce harm, may impede the healing process but may also promote resilience in the survivors.

It is crucial to remember that an advocate is only "invited along" the journey of the survivor's healing. A survivor's progress, outcomes, or setbacks are solely theirs to evaluate. Advocates should not measure the quality of their advocacy based on the outcomes of the survivors the advocate serves.

A. System and community advocacy

System advocacy seeks to engage the community in a collaboration with the survivors the agency serves. System advocacy requires building new relationships and fostering existing ones, with the end goal being that survivors will have a voice in the development of policies not only at the agency level, but in all systems in which the survivor will participate. Inviting survivors to the table to share and to learn from their lived experiences can, and should, guide advocacy at the agency level, and allow survivors and agencies to challenge unfair systems, and participate in systems changes toward greater equity.

In the area of human trafficking, system and community advocacy can be challenging because there is no one definitive answer or solution to end human trafficking, but advocates can be educated on the subtle tactics that are utilized by human trafficking assailants to gain and maintain power and control over their victims. This crucial information can only be attained by listening to survivors' experiences.

Community advocacy is a collective effort for restoration by mobilizing community toward a common goal or initiative that has benefits for the community as a whole. Community advocacy leads to a partnership between the survivor and the larger community in which the survivor is a member. A survivor's experience can and should support a community's overall larger goal of advocacy toward the rights and safety of all its individuals.

B. Advocacy and Self-care

It is crucial that advocates make a concerted effort to take care of themselves. This important work can be emotionally impacting on the advocate and can result in vicarious trauma. Vicarious or secondary trauma is a natural response to being a witness to others' traumatic experiences and involves re-living, remembering, or feeling the impact of trauma experienced by another person whom you are trying to help (ProQOL, 2018). It can also result from something the advocate hears or sees that triggers the advocate's own past trauma. A related but distinct concept is that of "burnout" that is associated with feelings of hopelessness or being over-worked and which usually has a gradual onset (ProQOL, 2018). The following is a list of some possible indicators of vicarious trauma:

- Physical symptoms, such as changes in appetite, sleep patterns, and chronic illness;
- An elevated use of caffeine, nicotine, alcohol, or other substances to deal with the stress;
- Low tolerance for supporting friends, or family members with their problems;
- Little or no participation in activities that you once enjoyed; and
- Feelings of anxiety or frustration with clients and coworkers.

The effects of compassion fatigue can be offset by incorporating a well-planned and thoughtful healthcare regime. Spending time alone, meditation, hobbies and other enjoyable, rejuvenating

activities, journaling, and debriefing with colleagues to debrief and re-focus are just a few of the techniques used by advocates. This simple rubric can be posted on the advocate's wall, or committed to memory:

The ABCs of Addressing Vicarious Trauma (Saakvtne, 1996):

- **Awareness:** Self-identifying of one's own needs, limits, emotions, and resources.
- **Balance:** Maintaining balance in your daily activities of work, play, and rest.
- **Connection:** Recognizing the importance of affiliation. People need people, and stress can increase the need to have other people around.

Specifically, here are ten things that advocates can try to do every day to limit the effects of secondary trauma on their ability to be present for survivors and their families:

- Get enough sleep;
- Get enough to eat;
- Do some light exercise;
- Vary the work that you do;
- Do something you enjoy;
- Focus on what you did well;
- Learn from your mistakes;
- Share a private joke;
- Pray, meditate, or relax; and
- Support a colleague.

Resources on self-care:

Naomi Ortiz, *Sustaining Spirit: Self-Care for Social Justice*, 2018 Reclamation Press

Laura van Deermoot Lipsky, *Trauma Stewardship: An Everyday Guide to Caring for Self While Caring for Others*, 2009 Berrett-Koehler Publishers

Professional Quality of Life Resources to assess and counteract secondary trauma.

https://www.proqol.org/ProQol_Test.html

VIII. Confidentiality and ethics

Shelters and service agencies become involved in particularly private and personal areas of people's lives. Confidentiality is critical to the services and advocacy provided. It is a fundamental underpinning both of client and provider safety and the integrity of services. The harm of disclosure to those seeking support is palpable: experts agree that when told that the private information revealed during counseling sessions may be used in court, there is a drastic change in the dynamics of the counseling relationship. The possibility that the trafficker could find out that a victim has sought or received services is also a serious safety risk for both the survivor and the agency or individual who is providing support (MCEDSV, 2018). Knowledge of the possibility of disclosure has led some survivors to refuse or avoid counseling, advocacy services, or shelter.

A. *Background and terms used*

Though the concepts of privacy, confidentiality, and privilege are inter-related, they differ in important ways. Privacy refers to a domestic violence victim/survivor's right to control their own personal information. Privilege refers to the right to prevent the disclosure of personal information that was shared in confidence. The difference between these concepts can be explained this way:

Privacy is "I decide who knows my information;"

Confidentiality is "You commit to protect my information;" and

Privilege is "They can't make you share my information" (Aiken, 2015).

Advocates must be honest about any limits of confidentiality that may exist for you as an individual or for your agency. Assure the client that, within the limits of your confidentiality obligations, you will not pass on their information to anyone, including law enforcement. Emphasize verbally that their safety is your foremost concern and you will do everything you can to protect their safety. Do not, however, make promises to protect that you cannot keep.

Laws designed to protect confidentiality and/or establish privilege are complex. Protecting survivors requires understanding relevant privacy rules and regulations, evidentiary privileges, state and federal statutes, state and federal constitutional rights (including crime victims' rights), and the unique status of minors, persons with disabilities, older survivors, or trafficking survivors with other vulnerable identities.

Sharing personal information without informed consent can be a violation of professional ethics for the provider, too. Survivors often disclose their experiences to a survivor service provider because of presumed confidentiality; however, there are several exceptions to confidentiality which need to be taken into consideration before discussing the scope of confidentiality that can be guaranteed to a survivor. It is very important for agencies to have clear outlines as to how confidentiality of data will be managed and maintained on all levels, and for all members

of the task force to understand the policies, procedures, and ethical requirements that guide the other members.

The starting point for consideration should always be that ALL survivor information must remain confidential.

B. Disclosing confidential information

There are limited exceptions to confidentiality and privilege protections. They are briefly noted below, but providers should consult MCEDSV's Confidentiality Manual for more details on each potential exception. Revealing confidential information should never be taken lightly:

- **Signed release.** Survivors may choose to permit the release of confidential information. Any release should be in writing, have a short timeframe in which it is valid, and be written in clear language, specifically stating what information may be disclosed and precisely to whom. The release should be discussed in detail with the survivor before they give free consent to disclose.
- **State mandatory reporting laws for child or vulnerable adult abuse.** Where there is a reasonable suspicion that a child or vulnerable adult may be harmed, you should consult with a supervisor and your agency's policy before making a mandatory report. It is necessary to notify the survivor at the onset of your service provision that you are a mandated reporter and what areas require a report. Wherever possible, agencies must also work with survivors if they determine that such a report is necessary. Please see the MCEDSV Confidentiality Manual and consult the legal team at MCEDSV for more detailed explanations of mandatory reporting responsibilities against the confidentiality backdrop.
- **State laws regarding a duty to warn.** Statutes pertaining to the duty to warn a third party about a credible threat of harm are different for various professions that have statutory confidentiality privileges with their clients. In addition, various professional organizations have issued guidelines regarding duty to warn. In Michigan, the statutory duty to warn that would most likely apply to domestic violence or sexual assault service provider programs would be the social worker confidentiality statute. The social worker duty to warn imposes a duty to disclose a threat of physical violence against a person whom the social worker can identify fairly easily if the worker has reason to believe that the person actually has the ability and intent to carry out the threat. Even where a credible threat must be conveyed to warn another person, the worker should only disclose the portion of a communication that contained a threat. For instance, if the threat was made within the context of a thirty-minute conversation, the portions of the conversation leading up to the threat would stay confidential. For workers who are not licensed social workers, an agency policy should direct whether and how warnings should be issued based on credible threats.

Subpoenas. A subpoena is an order directing an individual to appear in court as a witness and/or to produce records or physical evidence in a court proceeding. The court, prosecutor, or an attorney for a party in criminal or civil case may issue a subpoena. Attorneys for traffickers and other actors will likely subpoena records or testimony regarding trafficking survivors. Programs should consult the MCEDSV Confidentiality Manual and contact MCEDSV regarding questions about subpoenas. Several considerations must be made in advance of receiving any such subpoena:

- A subpoena should never be ignored.
- Some subpoenas should not be accepted, for instance:
 - A subpoena for a person to testify not served on that person.
 - A subpoena for records that is not directed at the custodian of records.
 - Any subpoena directed at an individual assumed to be a current or former client. The agency may not confirm or deny that individual's status or contact with the program.
- Programs must have policies in place for how best to handle different scenarios pertaining to subpoenas.
- Many subpoenas can be resisted in court. Agencies should work with their attorneys to support this process and contact MCEDSV with any questions.

Warrants. There are two types of warrants: those to search premises, and those to arrest a person (also called a writ). A search warrant is a written order issued by a judge or magistrate directed to a law enforcement officer. By law, a valid search warrant must specifically name the premises to be searched (address and description), the property or materials allowed to be seized, and be dated and signed by the judge or magistrate. Prior to executing a search warrant the police officer must knock, state their name, and purpose and present the occupant with a copy of the warrant, including the affidavit of probable cause. However, police may not comply with this requirement if they believe "exigent circumstances" exist. Exigent circumstances may include a belief that evidence is being destroyed or a person subject to the warrant is fleeing.

An arrest warrant or writ is a written order issued by a judge or magistrate directed to a law enforcement officer. It allows the officer to take into custody the person named in the order. That person will then be brought before the issuing judge. Notably, an arrest warrant alone likely does not give officers the right to enter otherwise private property, such as a shelter or home.

Program staff must make it clear that, due to federal law that imposes confidentiality requirements, they may neither confirm nor deny any personally identifying information about a client or anyone who may or may not have sought services. Accordingly, absent a valid warrant to enter the premises, federal confidentiality requirements prevail.

Cross-training between law enforcement and agencies serving survivors can help both groups better understand their roles and confidentiality requirements. Using a warrant to try to force a

victim service provider to breach confidentiality can have a chilling effect on many victims in a community and should be avoided. Warrants can be challenged in court, literally putting law enforcement and service providers in an adversarial position. Often, law enforcement can get the information they need from another source, such as a neighbor, a hospital, or another party, without involving the survivor. (Michigan Coalition to End Domestic & Sexual Violence, 2018)

Sharing information for fundraising or research. When a survivor has a particularly compelling story, it can be tempting to share it for educational or fundraising purposes. Programs must remember that this is not their story to tell, but the survivors. It is also crucial to remember that there is a persistent power imbalance between a survivor and the agency that has supported them. Accordingly, even if a survivor agrees to share their story for fundraising purposes, it may not be appropriate to do so. No information should ever be shared that could identify a survivor directly, including names, addresses, ages, and other direct demographic information. However, in some instances, compiled information that is non-identifying may be shared for research purposes. Agencies must weigh such decisions carefully. (Michigan Coalition to End Domestic & Sexual Violence, 2018)

C. *Resources*

MCEDSV's Confidentiality Manual:

Confidentiality Policy Considerations and Recommendations: A Resource Manual for Michigan Domestic and Sexual Violence Programs. 2nd edition.

<https://mcedsv.org/wp-content/uploads/2019/11/Confidentiality-Manual-Update-2018.pdf>

IX. Identifying survivors of human trafficking

Survivors of human trafficking may have a wider variety of legal and remedial options available to them beyond what other survivors must choose from. Because the menu of options increases when someone is identified as a survivor of human trafficking, it is important that domestic and sexual violence agencies be able to spot the signs of human trafficking.

There is not a certain outward signal that distinguishes victims of trafficking from other people. It is only through a meaningful relationship built on trust that patterns of behavior that fall into the trafficking rubric are likely to become clear. While some tips provided below may assist advocates in identifying survivors, agencies and individual workers should use extreme caution in any activity aimed at identifying survivors who have not sought out some kind of service. Endeavors to find survivors at places where trafficked individuals are rumored to be working, for example at truck stops, on farms, in hotels, or at strip clubs, can not only be incredibly dangerous for the person seeking to help survivors but also for the survivors themselves.

As a service provider, you may have an opportunity to identify and assist a survivor of human trafficking. These are some red flags identified by the U.S. Department of Homeland Security's Blue Campaign against human trafficking:

- Does the person appear disconnected from family, friends, community organizations, or houses of worship?
- Has a child stopped attending school?
- Has the person had a sudden or dramatic change in behavior?
- Is a juvenile engaged in commercial sex acts?
- Is the person disoriented or confused, or showing signs of mental or physical abuse?
- Does the person have bruises in various stages of healing?
- Is the person fearful, timid, or submissive?
- Does the person show signs of having been denied food, water, sleep, or medical care?
- Is the person often in the company of someone to whom he or she defers? Or someone who seems to be in control of the situation, e.g., where they go or who they talk to?
- Does the person appear to be coached on what to say?
- Is the person living in unsuitable conditions?
- Does the person lack personal possessions and appear not to have a stable living situation?
- Does the person have freedom of movement? Can the person freely leave where they live? Are there unreasonable security measures? (U.S. Department of Homeland Security, n.d.)

Please note that the absence of an indicator does not mean that an individual isn't being trafficked or diminish their experience as a survivor.

A. *Recommendations for assessment*

The guidelines below are adopted from the MCEDSV document “Best Practices for Assessing for Human Trafficking,” which was published in 2015 in collaboration with the University of Michigan Human Trafficking Clinic (U of M Trafficking Clinic and MCEDSV, 2015), and is available on MCEDSV’s website at https://mcedsv.org/wp-content/uploads/2019/11/BestPracticesReferral_ElizabethCampbell2015.pdf. They are meant as general guidance and are not meant to replace a victim advocate’s sound judgment and ability to adapt to each individual client. The guidelines include that:

- It is important to have a natural discussion with the survivor. The question/answer format of an interview does not allow the survivor to tell their story in their own way. Thus, the objective here is to provide guidance on what kind of information to listen for, as opposed to design an interview form.
- Screening is a process, as opposed to an event. It may be evident after one interaction that the person is a victim of human trafficking. However, in many cases it may be hard to know after the first meeting. Thus, when trying to determine if the client is a victim and eligible for referral to trafficking-specific services, evaluate their case based on the culmination of all your interactions with the client.
- If the client is or was under 18 years of age at any time during their involvement in the commercial sex industry, they are a victim of sex trafficking.
- There is no minimum amount of time that one must be exploited for there to be trafficking.
- Although it is important that in-person interviews be done in a private location, given that victims of human trafficking are sometimes enclosed in small spaces and more often are restricted in their movement, it is equally important that the client not feel confined. Thus, it is recommended that the interview room be spacious and that you show the victim how to exit.
- It is important to mirror the language that the client uses. This may be “boyfriend,” instead of “pimp” or “trafficker.”
- Avoid questions with loaded terminology such as prostitution, rape, illegal work, or human trafficking. Instead of using those labels, describe the activity you are referencing. For example, ask if they have ever been compelled to engage in sexual contact or provide sexual favors in exchange for something.
- Use of the term “undocumented immigrant” rather than “illegal immigrant” is encouraged.

B. *Similarities in assessing for human trafficking with domestic & sexual violence, stalking*

- Confidentiality and safety are of the utmost importance in communicating with victims of human trafficking. Be honest about any limits of confidentiality that may exist for you as an individual or for your agency. Assure the client that within the limits of your confidentiality obligations you will not pass on their information to anyone, including law enforcement. Emphasize verbally that the client's safety is your foremost concern and you will do everything you can to protect it. Do not, however, make promises that you cannot keep.
- As is the case with domestic violence and sexual assault, there is a difference between compliance and consent. A victim will follow the trafficker's demands in order to survive, but they have not consented to anything.
- Traffickers are often known to their victims, including current or former intimate partners, siblings, or parents.
- Victims of both labor and sex trafficking often experience extreme shame. For victims of sex trafficking, the shame and stigma associated with being involved, even though nonconsensual, in the commercial sex industry is enormous. For victims of labor trafficking the humiliation of having "allowed themselves" to be exploited is significant.
- It is important to note that many of the topics necessary to assess for trafficking are likely already addressed in your domestic violence and sexual assault assessments. For example:
 - How the survivor met their partner/perpetrator and what the start of their relationship was like.
 - The amount of freedom of choice the survivor has, how and where the survivor spends their time, and if and how they are monitored at work, in the home, or in public. This includes attending social, family, and religious events. It can also include restrictions regarding medical care.
 - Who in the household controls the survivor's finances? If the perpetrator keeps and uses all the money earned by the survivor and the survivor fears the consequences of not providing that money to the perpetrator, the survivor may be a victim of human trafficking.
 - How labor is divided within the household. If the perpetrator essentially treats the survivor as a domestic servant by requiring excessive work in the home and punishing (including by threats) the survivor if they doesn't do all that has been required, then they may be a victim of labor trafficking.
- Traffickers often maintain control over and exploit victims by threatening those most important to the victim, including children, family, and friends.

- Traffickers humiliate their victims while simultaneously blaming the victim for everything that is occurring. Consequently, rather than blaming their abuser and exploiter, a victim will often blame themselves.
- Once traffickers have obtained physical and psychological dominance over their victims, they rarely need to resort to force; an expression of annoyance or gesture of disapproval will often suffice.
- Trauma impacts memory. Thus, there are commonly gaps or inconsistencies in stories. If clarifying questions are required, reassure the client that you believe them and understand how challenging it is to remember details and that the questions are being asked so that you have the relevant information.
- Traffickers will often introduce and/or compel victims into substance abuse to make them more compliant.
- At the beginning, traffickers, like perpetrators, will be incredibly caring and describe the wonderful future they will share with the victim. As time goes by, the trafficker will start to convince the victim that to support their family and be a good partner they need to engage in labor or commercial sex. During this time, the controlling behavior over both the victim and/or the benefits of the victim's efforts are escalating. Eventually the trafficker's abuse, acts of violence, or threats against the victim make the victim fearful that if they do not engage in labor or commercial sex, they will suffer psychological, legal, or physical harm.
- The fear and distrust that survivors of domestic violence and sexual assault feel towards authority is often compounded for victims of human trafficking. This may be because the trafficker has told them that law enforcement will not believe them or, in the case of foreign nationals, that law enforcement is corrupt. Threats of deportation and/or arrest are commonly used by traffickers to maintain control over victims.
- While societal systems (human services, medical, law enforcement, etc.) are still ignorant of and require education around domestic violence and sexual assault, the need for education on human trafficking is even greater. Although human trafficking has been occurring for decades, it is only with the last 10 years that there has been any awareness of the issue. Thus, victims often do not know that what has happened to them is a crime.

C. Possible differences in assessing for human trafficking

- Foreign nationals are particularly vulnerable to human trafficking because of the design of our immigration system. Victims of human trafficking may have complex issues related to their immigration status. While it is important to eventually discuss a foreign national's status, do not begin your interview with documentation or legal status, as this may frighten or confuse the victim and interfere with building trust.
- Because victims of sex trafficking are compelled into illegal activity they are often arrested and charged with crimes. When authorities treat victims as criminals, the

victim becomes further isolated and is left without resources, while the trafficker is empowered to continue exploiting the victim. Thus, victims of sex trafficking will sometimes present with criminal records and will be particularly reluctant to trust anyone.

- Psychological coercion, deception, and brainwashing by traffickers may make victims inclined to see themselves as criminals rather than victims. This is especially true for victims of sex trafficking who legitimately fear they will be arrested for prostitution or solicitation.
- Victims of trafficking may have an immediate need for medical tests, including testing for tuberculosis, sexually transmitted infections and other diseases, and pregnancy.
- Victims of trafficking are sometimes led to believe that they must work to pay down a debt. If their work is not actually reducing the debt and the trafficker is simply profiting from the labor or commercial sex, then it may be human trafficking. In those cases that intersect with domestic violence, the debt may belong to or be shared with the victim's intimate partner, who is compelling them to bear the full responsibility of paying the debt down.
- In human trafficking, the perpetrator may be someone other than the victim's intimate partner, such as a parent, other relative, or unrelated men or women who exercise control over the victim (U of M Trafficking Clinic and MCEDSV, 2015).

X. Working with specific populations

As discussed in Section III, guiding principles and key concepts, MCEDSV's work and this toolkit are founded on intersectionality. The idea of intersectionality recognizes that people are shaped by an interaction of many different social locations that range from race and gender to age, ability, income, and beyond. This shaping occurs through connected systems and structures of power such as government and religious institutions that favor one type of identity (such as wealth) over another (such as poverty). In turn, interdependent forms of privilege and oppression are created. Because it has taken interconnected systems of privilege to create the vulnerabilities that many people face, it will take an intersectional approach to break down those structures and support survivors. The intersectional lens is an indispensable tool for all anti-violence and anti-oppression work. When applied to human trafficking survivors, using an intersectional lens appreciates that vulnerability and inequity is rarely or never the result of a single factor, but rather the result of the interaction between different social locations, power relations, and lived experiences. This allows survivors to be seen more fully.

This toolkit does not attempt to address the experiences that survivors of every identity group may face because survivors must be seen in their intersectional individuality. However, certain identities are discussed here to allow service providers to readily access resources and understand the important distinctions that should not be missed when working with those populations. That said, advocates should seek to honor all the intersecting identities that each survivor presents and should not use the guidance here in a one-size-fits all manner.

A. *Approaching the work with cultural humility*

Human trafficking does not exist in a vacuum, in a particular context, nor within a single narrative. Just as we know this to be true, those who experience trafficking have diverse and interwoven identities which contribute to the uniqueness of each and every survivor. A guiding principle when working with survivors of human trafficking, and those who experience concurrent or other violence, is basing our advocacy on an intersectional framework. Using this framework allows for awareness of how survivors may interact with advocates and other social systems, and, reciprocally, how these systems may interact with a survivor. In this section, we will take a closer look at culture as part of a survivor's whole identity.

The meaning of the word culture is varied and ranges from formal to informal use. Culture most often describes a group's identity, norms and ways of living, and elements of arts and food. Often, cultural competency trainings are utilized to help make this broad definition more concrete in order to see how aspects of a human trafficking survivor's experiences may be influenced by elements of their cultural identity.

While there can be a certain degree of variance, the underlying premise of this approach to learning about culture remains the same. "Expert" level knowledge is curated, and participants are presented with information as absolute truths. For example, "when working with people from this country, remember to take your shoes off before entering their home." Competency

is often determined by demonstrating mastery of pre-determined objectives that are based on factors we know contribute to culture (practices, customs, traditions, language use, etc.). This is problematic because no individual experiences a culture uniformly and individual identities (female/male/queer, young/old) may be the determinative way a survivor experiences their culture.

Below are further challenges to a cultural competency approach to service:

- It reinforces that Survivors do not know what is best for themselves (someone else is the “expert”)
- It contributes to implicit bias through its limited knowledge and absolutes
- It continues to perpetuate the beliefs that harm survivors (i.e. women from this culture will often wear tight clothes....)

It is inadequate to say that a 1 or 2, or even 3-hour session learning about culture will equip anyone to be able understand anything or everything about a culture, how this culture may influence a survivor of human trafficking, how cultural practices affect a community, how this culture supports a survivor, how culture may shame a survivor, etc.

The Coalition embraces a cultural humility lens to serving survivors. Cultural humility is a process, rather than a one-time session of learning. Cultural humility is the acknowledgement of differences and accepting a survivor for who they are. This process goes further by encouraging a relationship of on-going learning with the intention of honoring a survivor’s beliefs, values, and customs. Moreover, there is a deference to the survivor’s experience. It is not necessary to fully understand multifaceted cultural norms to believe the survivor’s individual experience with those norms as well as how those norms present a barrier to safety.

There are three factors that guide the lens of cultural humility:

Lifelong commitment to self-evaluation and self-critique (Tervalon, 1998). This is the acknowledgement that the learning process will never end. Advocates will not reach a point where they are done learning about survivor experiences. This can be challenging because it requires self-evaluation and criticism, including looking at personal bias, in a manner that promotes a desire to seek more knowledge. It also will require a level of admission—to say, “I don’t know,” which can pose as a challenge for many advocates. However, this critical first step allows for the acceptance that there is no finish line and a boldness in the assertion that learning about self can equal to better outcome for survivors. A good start is to challenge patterns of thoughts, to ask questions like those below:

- How do I describe my own race, gender, sexual orientation?
- What are my values?
- Am I assuming because they come from a particular country, they speak a particular language? What about *myself* makes me come to that conclusion?

It is important to see the value of the information that a survivor holds about their history, and experiences, and realize they are experts about their own situations (Tervalon & Murray-Garcia, 1998). An advocate can share their knowledge of resources, systems, laws, etc., in aiding a survivor to recognize their resilience and options as they proceed in their journey but must ensure they **follow an empowerment philosophy** at all times. These questions can help:

- Am I listening to a Survivor's knowledge before sharing my own?
- Did I first ask the survivor what they think a solution may be?

The third area is to **develop partnerships with people and groups who advocate for others** (Tervalon, 1998). An advocate, alone, can certainly have impact by directly supporting human trafficking survivors. An advocate alone can make the commitment to examine self and acknowledge bias. An advocate alone can commit to ensure that during individual interactions with survivors, they will ensure a balance of power.

However, the reality is that human trafficking survivors live and interact within systems, and changing these systems is also part of advocacy. Changing systems requires many voices heard at many points throughout the complexity of societal relations and expectations. Beginning by educating communities on cultural humility would be a significant change with positive impact for the individual survivor and survivors to follow.

Part of the challenge of advocacy is recognizing the unmet needs of a survivor because of the complexity of the many systems that exist, such as social service, legal, immigration, education, and healthcare. Imagine what it would mean for survivors when the commitment of cultural humility is made by groups and communities. This would mean that at every instance:

- A survivor would be believed.
- The perpetrator would be held accountable.
- Survivors would have what they need to feel safe and move forward to healing.
- A survivor would be empowered.
- A survivor would be respected and treated with dignity.

The subsections below give specific considerations to be aware of in providing services for rural survivors, survivors trafficked in later life, LGBT+ survivors, undocumented and under-documented survivors, survivors who have had contact with the criminal justice system, youth survivors, survivors who are men and boys, and Native American survivors.

B. Considerations for rural survivors

The rural United States comprises 97 percent of the nation's land area, according to 2016 data collected by the U.S. Census, and is home to 60 million Americans, or slightly under 20 percent of the population (U.S. Census Bureau, 2016). Rural America may consist of small towns, with a

tight-knit community identity, or it may consist of remote homesteads that are far from any center of commerce or services. Rural Americas' need for social services is equal to that of their urban counterparts, yet too often those services are unavailable due to lack of funding, remoteness of location, or misperception of need.

Barriers to serving rural survivors

There are multiple, well-documented barriers to accessing services for rural survivors of domestic violence. These barriers are similar to the barriers faced by survivors of human trafficking and they can affect those who are in vulnerable positions as potential victims of human trafficking (National Advisory Committee on Rural Health & Human Services, 2015). Among the most prevalent barriers are:

- **Geography:** Many people live long distances from their closest neighbors, meaning they are unable to communicate through shouting, or basic eye contact or gestures which might be employed in a more populated setting. Police response time may be delayed as well, decreasing the likelihood of intervention as the need may arise.
- **Poverty:** Rural America has a greater level of poverty than the nation as a whole. According to a report from the U.S. Department of Justice, rates of violent victimization are associated with poverty level, with 40 victims per thousand persons categorized as poor (household income below \$15,000) versus 18 victims per thousand persons categorized as high income (household income above \$75,000) (Harrell, 2014).
- **Perception:** People may hold an unrealistically idyllic view of rural areas, and this view alongside a romantic notion of small community life may render social problems, such as human trafficking invisible (Edwards, 2009). In addition, social problems are equated with urban centers, causing many people to believe that such things as human trafficking could never take place in a rural setting.
- **Confidentiality:** In small towns, it is incredibly difficult for survivors to seek services in a truly confidential manner. Even if a site is secret, people may see a survivor walking or driving up to it and recognize them. There simply is no anonymity. Staff at agencies frequently encounter relatives or acquaintances when attempting to deliver services. Remaining professional and guarding confidentiality are especially important, but some survivors cannot be convinced that their secrets will remain private.
- **Limited Resources/Economics:** Along with traditional gender roles, which may play a part in both sex trafficking and labor trafficking, the lack of economic opportunities, and relatively high rate of poverty in rural areas combined with traditional farming occupations may be a factor in human trafficking (Peek-Asa, 2011). Labor required for farming, logging, and fishing—along with the isolation of rurality—can facilitate labor trafficking as well as sex trafficking.
- **Substance abuse:** Rural adults have higher rates of alcohol abuse, tobacco use, and methamphetamine use than their urban and suburban counterparts, while prescription drug abuse and heroin use has grown in towns of every size (Rural Health Information

Hub, 2018). Limited resources for prevention, treatment, and recovery are significant barriers for those who are addicted in a rural area.

- **Transportation:** Most rural residents do not have access to public transportation. If the trafficker is the sole provider of transportation the possibility of escape decreases. Road conditions, as well as distance, play a major role in the isolation experienced by rural residents. In winter months many roads may become impassable.
- **Increased access to firearms:** Hunting is common in rural areas, and accordingly approximately 6 in 10 rural Americans have a gun in their household (Pew Research Center, 2017). Harm reduction strategies for human trafficking in rural areas must consider the increase in gun ownership, gun knowledge, and gun usage.
- **Lack of Awareness and Education around Human Trafficking** – Studies confirm that more professionals in urban areas report having received training in human trafficking, and its laws, than in rural communities (Cole, 2015). Lack of awareness as to what human trafficking is, or how it may or may not appear in rural settings, is a continuing barrier to addressing the issue. This can affect local residents who may be able to report trafficking, as well as police, medical practitioners, clergy, and other professionals in these areas.

According to one study, while reported sex trafficking of minors occurs at a greater percentage in urban areas, the reports of similar trafficking in rural areas is still significantly high, and underreporting may be exacerbated in rural areas because it is easier to hide (Cole, 2015). That report collected sources observing that many victims had a strong bond to their traffickers, which complicates victims' view of the trafficking and may include involvement in dating or sex with the trafficker at various points throughout the relationship (Cole, 2015). Though trafficking can occur across all spectrums, factors specific to rural minors likely include:

- Compromised parenting or lack of stability in the home;
- Material need;
- Developmental issues;
- Substance abuse on part of the perpetrator, the survivor, or both; and history of abuse or neglect (Cole, 2015).

Traffickers of minors for sex in rural areas fall roughly into the same four categories as in metropolitan areas. According to this study, perpetrators in rural or micropolitan areas who sex traffic minors are:

- Family members such as parents, grandparents, siblings, aunts, uncles, and cousins;
- People the victim knew prior to trafficking, such as coaches, family friends, and drug dealers;
- Intimate partners;
- And in a small percentage of cases victims are trafficked by people they did not know well (Cole, 2015).

Human traffickers in rural areas also control their victims in the same way as their urban counterparts. Physical abuse or physical force is common, as are threats of harm to something or someone the survivor loves. Threats and gas lighting occur, such as telling the victim that no one will believe them or telling the victim that what is occurring is their fault, or that they are imagining it. Perpetrators may promise their victims things, assuring the victims that the situation will improve. Perpetrators may, as well, introduce victims to drug use, thus controlling the victim through drug addiction (Cole, 2015).

Conditions for migrant farm workers are often hard, and labor is often exploited, but it only becomes human trafficking when force, fraud, or coercion are used to maintain control of the worker and cause the worker to believe that they either owe a debt or that that harm would come to themselves or someone else if they don't continue to work (Holly, 2017). However, human trafficking on rural farms is vastly under reported and a significant issue in rural communities.

Use of force, fraud, or coercion are the hallmark of human trafficking and, in the context of migrant workers, may include the following acts.

Use of Force:

- Controlling means of transportation
- Restricting communication with outsiders
- Physical and/or sexual abuse
- Exposure to life-threatening environmental conditions
- Disregard of health-related injury or illness

Use of Fraud:

- False promises about the working conditions
- Exorbitant recruitment fees for low paying jobs
- Altered pay contracts or pay-statements

Use of Coercion:

- Document confiscation
- Debt bondage through high fees for food, rent, tools or transportation
- Verbal and psychological abuse designed to intimidate the survivor into compelled cooperation

Farm work is seasonal. Because workers are rarely in a community long enough to establish connections, particularly with services that might assist them in their survivorship, or because they are unaware of the laws around human trafficking, they are often further enslaved by the migratory nature of the farming industry (Holly, 2017).

Farm work often takes place in rural sparsely populated areas. This can lead to further isolation for survivors. Migrant farmworkers often live in housing provided by their employer, which further isolates them from the community while reducing the likelihood of identification by neighbors and community members, and also changes the power dynamics with their employer. Crew leaders or employers who wish to exert control over farm workers may keep them confined to the property, sometimes with the use of locks, armed guards, or dogs. Often moved from relatively unknown location to unknown location as the season dictates, trafficked workers face further barriers to obtaining assistance due to unfamiliarity with new surroundings (Holly, 2017).

Rural labor trafficking is not, however, limited to agricultural work. Rural areas have seen a decline in local industries, and often traditional agricultural work has been replaced by tourism. Labor trafficking has been reported in the restaurant and food service industries, domestic work, the hotel industry, retail and small businesses, and frequently in traveling sales crews, migratory in nature, in which the sales force is kept in debt bondage as it travels from area to area selling products door-to-door. Force, fraud, and coercion, necessary to change labor exploitation to human trafficking, are used in various ways within each of these industries (Polaris Project, 2018).

Moving forward with rural survivors

These are some safety tips for rural areas and small towns as provided by the National Network to End Domestic Violence (Women's Law, 2016) and can be useful in safety planning for both survivors and potential victims of human trafficking:

- Be mindful that it may take police and sheriffs a long time to get to you, and they may not be well-educated on human trafficking.
- If you call the police, get to a safe place and wait for them to arrive. Consider going to the home of a trusted friend or neighbor if available. It is important to try to make connections with people in the area. Any connection you make may be of help to you.
- Get the names and telephone numbers of the nearest domestic violence organizations. These organizations may be the best educated in how to best assist people subjected to human trafficking.
- Reach out directly, or through means of a trusted acquaintance, to local churches, synagogues, or spiritual groups that may be willing to assist you in your situation, whether it be through shelter, transportation, or outside communication with the authorities.
- Be aware of the likelihood of firearms in the home. Know where they are and keep away from those areas during an altercation with the trafficker.

- The trafficker may be well-known and well-liked in the community and may be in a position of power, therefore attempt to contact a neutral and trusted acquaintance if the trafficker holds a position of police, religious, or political power in the community, so that contact with the authorities can be made outside of the community.

Resources for working with rural survivors

Rural Health Information: <https://www.ruralhealthinfo.org/topics/violence-and-abuse>

Michigan Farmworker Legal Services: <https://michiganlegalhelp.org/organizations-courts/find-lawyer/farmworker-legal-services> (800) 968-4046

NNEDV Women's Law safety tips for rural areas and small towns:

<https://www.womenslaw.org/about-abuse/safety-tips/safety-rural-areas/safety-tips-rural-areas-and-small-towns>

C. Considerations for survivors trafficked in later life

The number of U.S. citizens who are 65 years or older is projected to increase from 46 million (2015 statistic) to over 98 million by 2060. The population share will increase from 15% to 24% meaning that with the next 40 years one in four Americans will be over 65 years old. Data about this large population's vulnerability to human trafficking is limited, however, as for many populations listed throughout this toolkit, trafficking of people in later life is believed to be a significantly underreported crime.

Barriers to serving elders

Service providers seeking to serve survivors who are victimized in later life should also be aware of the following:

- Life expectancy has increased from 68 years in 1950 to 79 years in 2013 due to a large part in the reduction in mortality at older ages.
- The poverty rate for Americans 65 and older has dropped sharply during the past 50 years, from nearly 30 percent in 1966 to 10 percent in 2015.
- Older adults are divorced compared with previous generations: Women 3% in 1980 to 13% in 2015, and men from 4% to 11% in the same period.
- More than 27% of women ages 65 to 74 lived alone in 2014, and this jumps to 42% among women ages 75 to 84, and to 56% among women ages 85 and older.
- The aging of the baby boom generation could fuel a 75% increase in the number of Americans ages 65 and older requiring nursing home care, to about 2.3 million in 2030 from 1.3 million in 2010.
- Demand for elder care will also be fueled by a steep rise in the number of Americans living with Alzheimer's disease, which could nearly triple by 2050 to 14 million, from 5 million in 2013 (Population Reference Bureau, 2018).

In order to address human trafficking in later life, it is important to address the misconception that human trafficking must consist of a person being transported from one location to another. This is a dangerous misconception in all forms of human trafficking, but a particularly damaging one in a discussion on human trafficking in later life. As noted, human trafficking occurs under the following conditions: when a person is subjected to force, fraud, or coercion to obtain some type of labor or commercial sex act. Though the line can become blurred, what is clear is that when force, fraud, or coercion is used to take money earned by savings, retirement or social security pensions, or other streams of income from the elderly; or when the elderly are used through force, fraud or coercion in pornography, elder abuse may be co-occurring with human trafficking. The victim need not leave their home or care facility to become a victim of human trafficking.

Service providers should also be aware that although the majority of victims are still female, there is an increase in the statistics of intimate partner violence against men in later life, as

vulnerability and power dynamics may shift. Research indicates that about 2/3 of older victims of intimate partner violence are female while a full 1/3 are male (National Clearinghouse on Abuse in Later Life, 2016).

Human trafficking abuse advocates need to be clear that there are legal remedies for elder abuse, and nearly all human trafficking of the elderly would fall under this category. The issue of human trafficking has its own set of legal remedies, safety planning, and harm-reduction considerations, and needs to be given equal concern as we enter into a time in which the elderly are more apt to become victimized by traffickers.

Moreover, there are multiple barriers elders face when dealing with sexual abuse or sex trafficking. A major barrier comes from the public in general refusing to see elders as sexual beings capable of being assaulted. Other barriers include lack of access to transportation, lack of cultural awareness to even frame a discussion around the topic, and, on the part of elders, often the lack of ability to use current language to describe what is happening.

For example, in one recent scenario in Northern Michigan:

An elderly woman suffering from dementia was being taken care of in her home by her grandson. Her grandson repeatedly sexually assaulted his grandmother. The woman, who was bedridden, was further prostituted by her grandson in exchange for drugs and money to buy drugs, as the grandson allowed other addicted men to come into the house and sexually assault her. This is not only elder abuse and sexual assault—it is also human trafficking. This case is significant because although there was eventual prosecution, there was originally significant disbelief of the sex trafficking by law enforcement and it required intensive advocacy to eliminate the system's bias that no senior could be sex trafficked.

Moving forward with older survivors

The National Clearinghouse on Abuse in Later Life (2016) sets forth several ways that domestic and sexual violence agencies and advocates can better serve those abused or trafficked in later life:

- Design services based on input from older adults from various backgrounds.
- Recruit older adults from diverse backgrounds to provide individual peer counseling and support for older victims.
- Offer support or education groups tailored for older survivors that address age-specific issues such as health concerns, grief, loss, aging, and family roles. For programs that prefer an intergenerational group, include content that is relevant for multiple generations.
- Provide legal advocacy that includes information on obtaining wills, powers of attorney, guardianships, and health care directives.

- Train staff and volunteers of all ages to be sensitive to the unique needs of older victims and to provide information about the aging services network and adult protective services, if appropriate.
- Offer economic advocacy that includes providing resources on Social Security, Medicare, Medicaid, credit card debt reduction and other programs for older adults.
- Review safety planning tools to ensure that they are inclusive of older adults. For example, address situations where the abuser is a family member or caregiver, physical or cognitive limitations may impact safety planning, or financial exploitation and neglect have occurred. Have a safety planning process in place for victims who need support if a mandatory report of abuse, neglect, or exploitation has been made to law enforcement or adult protective services.
- Listen for issues that matter to the older adult and follow-up on cues, even if those issues are not on the typical safety planning checklist, such as ensuring the safety of pets, spending time with grandchildren, participating in faith-based or spiritual activities, or dealing with grief.
- Work with older victims to regularly update their safety plan since life changes, such as the death of a trusted support person or changes in the health status of the victim, may impact strategies.
- Create outreach materials that include images of older adults and are accessible to individuals with low or impaired vision (e.g., large print type, no decorative fonts, high contrast between text and background, white space).
- Use language in public awareness and outreach materials designed to reach older victims. Consider using the phrase “across the lifespan” whenever possible. Avoid using acronyms and words such as sexual assault and elder abuse. Instead, describe specific behaviors, such as “threatens or says things to hurt your feelings” and language such as “person causing you harm” instead of abuser. Include examples of financial exploitation and neglect.
- Describe abuse in later life to include people of relationships other than that of intimate partners, such as adult children and caregivers, as potential abusers. When mentioning children, also say grandchildren.
- Distribute outreach materials and facilitate presentations at places older adults might be, such as senior centers, faith communities, Area Agencies on Aging, senior fairs, meal sites, tribal elder programs, etc. When possible, arrive early and stay after to be available to talk to older adults who may want to talk privately.
- Create accessible sleeping rooms and bathrooms. Provide older victims with quiet space away from younger families. Adjust chore schedules for older adults who may find it difficult to participate (National Clearinghouse on Abuse in Later Life, 2016).

Resources for working with survivors who are trafficked in later life

National Clearinghouse on Abuse in Later Life: <http://www.ncall.us/domestic-and-sexual-violence-advocates-and-programs/>

D. *Considerations for LGBT+ survivors*

Lesbian, gay, bisexual, and transgender (“LGBT”)³ survivors face many challenges different than straight human trafficking survivors who identify with the gender they were assigned at birth. LGBT+ survivors of trafficking bring unique lived experiences. This section will consider what issues LGBT+ survivors encounter and aid advocates in being understanding and effective in shoring up resiliencies and building a base of trust with their clients. As with other populations, trafficking data on this population remains scarce, but significant anecdotal evidence from the field suggest that there is high rate of sex trafficking amongst the LGBT+ community, particularly among youth and young adults. Moreover, nearly 25 percent of transgender people in Michigan who took part in a survey said they became homeless because of their gender identity, making them vulnerable to sex and labor trafficking (Grant, 2011).

When serving LGBT+ survivors, it is particularly important that advocates ensure that the pronouns and terminology they use mirrors that of the client and is being heard as respectful and inviting. If advocates are not sure, then they should ask. Before delving into a discussion of those challenges, a brief list of key concepts and terms as they are used in this section may be helpful.

- *Gay* refers to a person who is emotionally and/or physically attracted to some members of the same gender, and more often refers to a male-identified person who is emotionally and/or physically attracted to some other males. Advocates should note that, while some use this term as a general term to include both men and women, for example, the “gay community” (MCEDSV, 2012), it should not be used as an umbrella term to refer to all lesbian, gay, bisexual and transgender people; the term “LGBT” is more accurate and inclusive (GLSEN, 2014).
- *Gender* refers to the set of cultural identities, expressions, and roles—codified as feminine or masculine—that are assigned to people based upon the interpretation of their bodies, and more specifically, their sexual and reproductive anatomy.
- *Gender Identity* has to do with how a person sees themselves in terms of gender and may include male, female, or another term, such as “androgynous,” that the survivor may prefer.
- *Sexual orientation* has to do with who the person is attracted to emotionally and physically.

³ Throughout culture and anti-oppression work, the term “LGBT” or “LGBTQ” are both used. The “Q” stands for “queer,” which is a term that has been reclaimed as an “umbrella term used to describe a sexual orientation, gender identity, or gender expression that does not conform to dominant societal norms” (GLSEN, 2014). Because the term “queer” was historically used as a derogatory slur, the term LGBT+ is used in this toolkit to avoid harming survivors. Nonetheless, MCEDSV honors individuals who have now reclaimed the term “queer” and embrace it and encourages advocates to use the terminology preferred by the survivor with whom they are working.

- *Transgender* or “trans” refers to a person whose gender identity and/or expression are not aligned with the gender they were assigned at birth. Advocates should note that the similarly rooted term, “tranny” is generally considered to be an insulting term and should be avoided, although it is being reclaimed in some circles. (GLSEN, 2014)

Even as we make space for LGBT+ survivors we must remain aware that some survivors even within this subset are going to be more privileged than others. Gaining a label can be a way that a group finally becomes acknowledged by the majority, but others in the world may still be out there unrecognized and unnamed. This reality should not shut down attempts at allyship, or efforts by a member of a majority group to support an oppressed population but should further emphasize the necessity of trauma-informed, survivor-centered approaches. Sometimes being an advocate means listening for un-nameable and unsaid pain (Robertson, 2012).

Some common examples of why LGBT+ survivors of human trafficking are marginalized in the area of victim services are as follows (Schwartz, 2015):

- Many shelter situations are, or appear to an outsider to be, gender-specific to “women” and this can lead to discomfort, confusion, and further isolation for someone who identifies as male or as gender nonconforming.
- A gay or Trans person may not be allowed into a space for fear of how it might affect relationships and living conditions.
- LGBT+ youth are sometimes abused or pushed out of their own family and might also be abused or discriminated against in group homes or the foster care system they are sent to as a remedy.
- An LGBT+ survivor may lose their connection to their spiritual community because of who they are.
- A Trans person may have to identify as “male” or “female” to receive benefits or seek justice within systems and having to do so may make the survivor feel not true to themselves. (Schwartz, 2015).

LGBT+ folks face these and several other like factors in their everyday survivorship. When a population is overlooked both in society and within our movement, it can feel to them like their survivorship may not be valid, or that service providers and healing networks were not made to hold space for them.

Barriers for LGBT+ survivors

As stated before, there are multiple crossovers in the lived experiences of LGBT+ survivors and other survivors of trafficking. While it is useful to consider the manner in which identity can affect a person’s movement through survivorship, it is often best to tend to the survivor in front of you rather than assume how their identity explains who they are and what they need. That said, advocates can mindfully use the list that follows to help sketch out some possible experiences that make the LGBT+ community more vulnerable to being trafficked.

LGBT+ folks may be:

- More vulnerable to marginalization and exploitation due to discrimination for their sexuality or gender
- Lost or forgotten as survivors due to not being viewed as the “ideal victim” by systems
- More susceptible to anxiety and depression
- More susceptible to substance abuse
- Likely to be kicked out of home or shelter because of their identity
- Susceptible to deep shame and/or suicidal thoughts or suicide attempts
- Less trusting of police, doctors, or other authorities based on past experiences
- Lacking in family support systems
- Struggling with day-to-day feelings of hating parts or all of their body
- Choosing to lie about themselves in word or presentation to avoid being hurt physically or emotionally
- Physically or emotionally harmed because of their gender or sexuality
- Runaway or homeless youth who lack education or job experience
- Facing roadblocks in government systems as they try to change their name or sex on official documents
- Struggling to find the money to receive affirming surgery or clothing

Moving forward with LGBT+ survivors

One recent study suggests that agencies can make themselves LGBT+ affirming by adopting a survivor-centered approach in which the survivor is the driver on their own journey (Schwartz, 2015). (See the Guiding principles and key concepts, Section III.) Being survivor-centered for LGBT+ survivors may require advocates to re-think what a “desirable” outcome may look like. For instance, a so-called “normal” life span may include major milestones like graduation from high school and college, gaining a steady job, marriage, home ownership, and building a family. Anyone in the U.S. would recognize these markers as part of a “normal” life narrative, but not everyone has access to this life story, nor does everyone desire this narrative (Schwartz, 2015). Deviations from the norm include non-monogamy, dropping out of school, and homelessness.

Even with the best intentions, advocates may inadvertently subscribe to a “normal” ideal of what health and safety look like, and if or when their clients do not match up with the expected markers of normal, they might be categorized as frustrating or disappointing or considered a failure. Being survivor-centered creates space for advocates and clients to celebrate power and resiliency by reassessing expectations for success.

Simply listening to what clients’ lives are actually like can help improve advocacy for LGBT+ survivors. Listening to clients’ definitions of safety, health, family, and success can not only better honor the stories of one’s clients, but also is consistent with the way advocates are

working to be trustworthy resources and strong supports. Because of common cultural representations of trafficking, it is very easy to think of sex workers and other trafficked laborers as lacking agency of any kind, but such thought fails to recognize the humanity, resiliency, and choice that survivors possess. Advocates should try to notice environments and situations that could be limiting the survivor's agency and provide options that could help them feel more empowered and secure. For example, agencies may consider (Ferguson-Colvin, 2012):

- Build adaptable service models that allow for dropping in and out of service.
- Give attention and energy to prevention of trafficking. This means investing in all that aids LGBT+ people in securing housing, healthcare, jobs, food, clothing, and community support.
- Use gender affirming language—ask pronouns (he, she, and they), use the ones the client presents, and apologize if you slip.
- Never assume—ask questions, but only those necessary for accessing whatever the client wants.
- Edit forms to allow space for more options than M or F or do not ask.
- If a form cannot be changed, still write what the client answers.
- Create partnerships with service providers that can offer more help if you are unable to meet the needs of the client. Work to know who can best help so that you can feel good about the recommendation and build a reputation as a trustworthy ally.
- If you feel out of your depth, acknowledge that you may make mistakes but you will take feedback because you truly want to try your best, but know it also takes energy for someone to teach you how to be there for them.
- Withhold judgment and avoid rescuer mentality.
- Consider the client's power—they gave it to you, which is hard in itself.
- Help them consider their options and give them space to choose what they deem best, even if their choices do not seem like the best course of action.
- Partner with LGBT+ affirming caregivers and build strong relationships so you know who you are sending your clients to—create networks of trust and reputable services (Ferguson-Colvin, 2012).

Resources for serving LGBT+ survivors

VAW Net, "Improving services for LGBTQ individuals": <https://vawnet.org/sc/improving-services-lgbtq-individuals>

Michigan Coalition to End Domestic & Sexual Violence, "Relationship Violence in LBGTIQ Communities: A Guide for Lesbian, Bisexual, Gay, Transgender, Intersex, Queer, & Questioning Survivors of Relationship Violence": <https://mcedsv.org/wp-content/uploads/2019/11/Relationship-Violence-in-LGBTIQ-Communities-Brochure.pdf>

E. *Undocumented and under-documented survivors*

When an individual lacks valid documentation permitting them to remain or work in the United States, they are vulnerable to many negative outcomes, including human trafficking—which may co-occur or overlap with domestic or sexual violence. For more information on immigration benefits potentially available to survivors of trafficking, such as immigration relief, please see Section XII, Legal remedies for survivors. But not all survivors of human trafficking who are foreign nationals will qualify for one of those methods of relief, and not all of them will necessarily wish to stay in the United States long term. This section is intended to support advocates seeking to serve UN- and under-documented immigrants who are also survivors of human trafficking by explaining the barriers they may face, and highlighting resources for a way forward.

Barriers in serving Un- and under-documented immigrants

There are several things about the U.S. immigration system that advocates should be aware of to appreciate the experience of undocumented survivors:

- As a general matter, there are very few authorized ways to come to the United States as an immigrant, and many people do not have the requisite family connections, employment and educational opportunities, or disposable income to make a “legal” trip to the United States. Similarly, once a person is in the United States without authorization, there are very few, if any, options to regularize their status. This means that it is not helpful to ask someone why they did not come legally or why they do not just become a citizen. These generally were/are not options (Legomsky, 2015).
- Being undocumented makes it dangerous to seek work, ask to be paid for work, see a doctor, travel by car or bus, go to the grocery store, or even go to court. Being undocumented makes it nearly impossible to make long-term plans. The fear of deportation and family separation rules most decisions, and prompts most people to seek a life that is outside the view of anyone who may be able to help in a crisis (Lopez, 2016).
- Removal proceedings (or “deportation”) can sometimes drag out over several years but can also be completed quickly—sometimes in a matter of days. Intense, focused advocacy can make the difference between a survivor who stays in the United States and obtains helpful services and one who is deported back to a place they may legitimately fear returning to or where they have not lived for many years (Legomsky, 2015).
- Unauthorized immigrants may have come to the United States without authorization or may have stayed beyond the time allowed in their authorization. Both of these groups could be deported regardless of whether their spouse or child is a U.S. citizen (Legomsky, 2015).

- Human trafficking can be related to but is distinct from human smuggling. Smuggling of humans into the United States is a service in which an individual may enter willingly into a contract with a smuggler to pay a certain fee to be brought into the United States. This is done in violation of immigration laws. An individual who has agreed with a smuggler to be brought into the United States is vulnerable to becoming a victim of human trafficking if the smuggler, or someone else, engages in force, fraud, or coercion to extract commercial sex, sex with a minor, or labor. Not all people who are smuggled are trafficked (U.S. Department of State, 2017).

Two specific populations within Michigan that advocates should be aware of are holders of two types of nonimmigrant visas: J visas and H-2 visas. In both programs, workers are sponsored by their employer to come to the United States, which creates a relationship that can be exploited and turn into human trafficking. J visa holders come to the United States through an approved work-and-study-based exchange and agree to return to their home country after the designated period for at least two years. The most common scenarios under which lower-wage workers would use these programs are as *au pairs* (that is, nannies or childcare workers), camp counselors, or in the travel industry. Michigan has approximately 8,000 J visa holders (U.S. Department of State, 2018). The National Human Trafficking Resource Center (2016) reports receiving several substantive calls regarding trafficking of individuals who were in Michigan as J visa holders. In the H-2 visa program, both H-2A (for agricultural workers) and H-2B (for other temporary workers) visas allow employers to recruit and hire foreign nationals for temporary work (Wittkowski, 2017). Michigan's population of H-2A workers has increased ten-fold since 2013. Both research and experience in the field has shown that many workers (although not all) experience patterns of force, fraud, and coercion (Polaris Project, 2018).

It may help to consider the following two scenarios, based loosely on cases seen in the field:

Adom came to the United States as a medical student from Egypt. While studying in the United States, he acknowledged to himself and his family that he is gay. His family was open minded and accepting of him but warned him that he should not come home. His mother shared several reports stating that gay men were being jailed in droves. Adom knew he could not go home. Unfortunately, school was not going well for Adom. He struggled academically and was not able to secure a residency in the United States. His student visa expired, but Adom stayed on, hoping to figure something out. Among his fellow Egyptians, everyone was telling him that the only way to stay in the United States is to get married. Adom used all of his savings to pay an immigration consultant, who promised him he would get him a work authorization, but a few months later when Adom tried to get in touch with the consultant, he found that the individual had disappeared. Adom began speaking with one of his former professors about his situation and his fear of returning to Egypt. The man told him that he did not have to worry about going back, because he wanted to marry Adom and everything would be fine. This man was much older, and Adom was not initially interested in marrying him,

but agreed because he did not know what else to do about his immigration problems. Adom's new husband changed his tact once Adom lived in his home and Adom was not allowed to leave the house. His husband forced him to engage in degrading and humiliating sex acts nearly every day. Whenever Adom protested, his husband threatened to have him deported. One day Adom tried to run away, but his husband followed him in a car and caught up to him. His husband got out of the car and tried to pull Adom back to the vehicle. Adom pushed his husband away, just as a neighbor's car passed. The neighbors called the police, stating that a large young man was beating up an older white man in the street. Police arrested Adom, who is now facing criminal charges as well as deportation. He is too humiliated and afraid to discuss the sexual exploitation with law enforcement.

Aracely experienced years of severe abuse at the hands of her husband in her native Honduras, moving with her children several times to escape him and unable to find safety. Her uncle put her in touch with a smuggler who offered to take her to Michigan to work in a fruit processing plant. She spoke with the smuggler and agreed to a price of \$7,000 to be taken to the United States and be placed in a job. She could work until she paid off the \$7,000. After a difficult journey and having crossed into the United States, Aracely was taken to a warehouse, where she was told that the price had changed to \$10,000 or they would not take her anywhere and would leave her in the desert. She agreed to the new price and was taken to a fruit packing plant in rural Michigan. The employer provided her housing and transportation, but the supervisor collected all of her pay each week and gave her \$20 for groceries. She was driven to the grocery store by the employer and followed while she bought supplies. Everyone other than her fellow employees were white and spoke only English. Aracely speaks only Spanish. Every few weeks she would ask how much was left on her debt, and the supervisor would laugh at her, saying that there was still a lot and she had better get comfortable, and if she wanted to leave, then ICE would be waiting on the next corner for her.

These stories set forth several different issues that arise for undocumented immigrants who experience trafficking:

- In both cases, the legal abuse in the form of threatening to call immigration enforcement is sufficient to cause the victims to comply.
- Both survivors are escaping situations that have created compounded trauma that will mean their needs from agencies will be extensive.
- Even though Adom may have been able to seek safer ways to obtain immigration relief, rumors and fraud kept him from being able to access reliable advice about how to regularize his status. Fraudulent practitioners who pose as immigration lawyers and consultants or "notarios" are prevalent and prey on immigrant communities.

- Adom’s sexual exploitation may not have been commercial sex because nothing of value was exchanged but could be considered labor trafficking because his husband used the threat of deportation to extract sexual services.
- The fact that Adom got married in order to obtain an immigration benefit is irrelevant to the trafficking analysis, but will change the way that he is viewed by many actors in the system and would likely negatively impact the outcome of his case.
- Adom’s status as a male survivor complicated his interactions with law enforcement. His criminal case may have a significant impact on the outcome of his immigration case.
- Aracely had already experienced extensive domestic and sexual violence before becoming a trafficking survivor, which is often the case.
- Sometimes smuggling and trafficking occur separately from one another, but sometimes they overlap. In Aracely’s situation, what began as smuggling became trafficking when the traffickers held her in debt peonage.
- Like Aracely, migrant farmworkers who are immigrants and U.S. citizens alike experience significant vulnerability to trafficking. The fact that their housing and transportation are all controlled by their employer gives supervisors an incredible level of control over their lives. For example, even “documented” farm workers who hold an H-2A visa are highly dependent on a single employer for their status in the United States—a vulnerability that is easily exploited for labor and even sex trafficking. To move forward, advocates should remember and be sensitive to the constant vulnerability and uncertainty that comes along with being undocumented. Advocates should zealously protect against disclosure of a client’s status as an undocumented immigrant and be especially conscious of this issue and how it might affect their client throughout the relationship. Programs should avoid asking about citizenship status at intake and instead offer services that would help undocumented survivors to all clients so that individuals are not dissuaded from using services out of fear of deportation.

Moving forward with un- and under-documented survivors

Programs should be mindful of the difficulty in obtaining work authorization and public benefits for undocumented survivors. Because of these concerns, programs may struggle to offer transitional housing through the usual channels to undocumented survivors. In advance of any survivor seeking services, programs may want to plan for what funds or alternatives could be mobilized in support of an undocumented survivor in the event that the usual programming is not available.

Undocumented immigrant survivors of trafficking may be entitled to immigration relief and it is essential that you seek competent legal assistance immediately. Because this population are potentially eligible for immigration relief based on their experience of trafficking, they need advocates to work closely with them to determine how and to whom they can disclose their story. The University of Michigan Human Trafficking Clinic or Michigan Immigrant Rights Center

are two excellent resources for attorney support in navigating the appropriate remedies and their websites are listed below.

Immigration law is extraordinarily complex, and support agencies and advocates should not assume that simply because the survivor has been trafficked, they have no need to fear removal or that they will automatically be given a T visa. Undocumented survivors must expect a long and uncertain period of waiting and cooperating with authorities before any benefit will come to fruition, and the intervention of a skilled attorney is indispensable. Unfortunately, undocumented survivors like Adom are sometimes unable to disclose their status and are deported despite being victims. That said, undocumented survivors who do have an application for T, U, or VAWA relief pending are protected from immigration enforcement in any court proceedings that are connected to the victimization, which may help assuage some fears associated with going to court. However, community supports during the duration of the immigration case will be essential to keep the survivor safe.

Resources for serving un- and under-documented survivors

For legal representation in immigration cases:

University of Michigan Human Trafficking Clinic:

<https://www.law.umich.edu/clinical/humantraffickingclinic/Pages/default.aspx>

Michigan Immigrant Rights Center: <https://michiganimmigrant.org/>

For information on how the U.S. immigration system works and why:

American Immigration Council: <https://americanimmigrationcouncil.org>

Department of Homeland Security Blue Campaign <https://www.dhs.gov/blue-campaign>

F. *Survivors who have had contact with the criminal justice system*

A criminal record can create barriers to housing, benefits, financial aid, education, employment, voting, and immigration benefits. For many survivors, a criminal record also serves as a record of their victimization and can be a source of profound shame. They face a “double stigma” of being both victimized and involved in criminal activity (MCEDSV, 2011). Domestic and sexual violence agencies are accustomed to assisting survivors with complex needs, but individual, community, and system-level barriers make it challenging to provide the supports necessary to help human trafficking survivors with criminal histories succeed. An in-depth toolkit is available explaining how agencies can best serve survivors of domestic and sexual violence who also have criminal histories: <https://vawnet.org/material/best-practice-toolkit-working-domestic-violence-survivors-criminal-histories>

Barriers to serving survivors who have had contact with the criminal justice system

There are several specific considerations that advocates working with survivors of human trafficking who have criminal histories should be aware of:

- They may not label their offenses as connected to trauma or trafficking, particularly while they are incarcerated.
- The fact that a survivor was trafficked does not always mean they will be able to obtain an expungement (that is, an opportunity to clear their criminal record through a legal proceeding). While that may be an option for some, it should not be taken for granted.
- The intersections between contact with the criminal justice system and human trafficking go beyond prostitution—the most known connection. Trafficking survivors sometimes face prosecution for charges associated with drugs, child abuse, theft-related charges, and nearly any other criminal charge.
- Traffickers sometimes utilize jails and prisons as a recruiting source, seeking out relationships with incarcerated individuals through sending letters and making deposits in their bank accounts. Traffickers will post bond and sometimes pick survivors up directly upon release (Guardian, 2018).
- Advocates and experts can be highly influential for survivors who are currently facing criminal charges or would like to seek remedies like expungement, as they can explain non-intuitive behavior and strategize with survivors around how to make intentional disclosures of the trafficking that may have given rise to the criminal conduct.
- Criminal histories that may seem less serious to most people may have serious immigration consequences, sometimes even for trafficking survivors.

It is important for anyone working with this population to examine their own beliefs about individuals who are incarcerated. Many unconscious ideas influence how and what we can see and how we interact with others. A critical first step in preparing to work with survivors of human trafficking who are in jail or prison is to ask one-self: What do I feel about people who are in jail or prison? Why do I feel that way? Do I honor people with different coping mechanisms, for example, relying on prayer or expressing anger? It is essential to avoid the trap of thinking in terms of the ideal victim versus the bad survivor. This perspective creates an artificial distinction that can interfere with one's ability to provide quality advocacy to all survivors (MCEDSV, 2011).

It may be helpful to consider the following example:

Jane, the advocate, receives a call from a defense attorney who is working with a Chinese national named Ai Shu. The attorney states that Ai Shu was arrested when a large underground gambling establishment was raided. According to police, Ai Shu was the manager of the gambling ring because she maintained all the account records for approximately three years. She is facing felony charges on that basis. Ai Shu has not discussed the details of her case with anyone, including her defense attorney, but the attorney got permission from her to contact Jane's agency for support on her behalf because she stated she was afraid of what would happen if she had to testify against the head of the ring, who was her physically abusive boyfriend. The prosecutor has offered Ai Shu a plea to a lesser offense involving financial fraud in exchange for her testimony. Once Jane makes contact, she discovers that Ai Shu has experienced labor trafficking, domestic violence, and sexual assault.

Ai Shu's case can show us how advocates can be helpful in many ways across the continuum of legal interactions. In the first instance, advocates must forge new relationships to be a resource for trafficking survivors who have criminal histories. While many agencies have worked hard to create good relationships with prosecutors and police, it is important to have connections with the defense and immigration bar if advocates want to be truly helpful to survivors in these situations. Agencies must also rethink whether there are policies against individuals with criminal records being permitted to stay in shelters or against going into jails or prisons to provide support. In Ai Shu's case, she may never have come to the agency's attention unless the defense attorney had a good impression of the agency.

Moving forward with survivors who have had contact with the criminal justice system

Advocates who have strong relationships in all facets of the criminal justice system may be instrumental for survivors at various points in the system. However, advocates must be especially careful that they do not discuss the specific, alleged criminal acts in any detail with survivors. Those conversations must be saved for the survivor's attorney because the attorney-client privilege is more expansive than the advocate-client privilege. The advocate's role can be

to discuss the surrounding circumstances of victimization and the survivor's current, practical needs (MCEDSV, 2011).

Pre- or Post-arrest. Many survivors of human trafficking may have outstanding warrants against them that have never been resolved but may add to their sense of insecurity. Often a survivor will not find out that the warrant is outstanding until they have an unrelated interaction with police, such as a traffic stop. Working with survivors to identify and resolve any warrants that they are aware of may be a helpful way in which advocates can assist survivors in restoring some sense of safety and predictability. Advocates should refer to experienced defense counsel for such proceedings. Post-arrest, many proceedings may occur quickly for a survivor, and so it will be crucial that the advocate have connections they can bring to bear to get the survivor connected to help as soon as possible. Where a disclosure of traumatizing past events is key to supporting the survivor's case, advocates can accompany and assist the survivor in making that disclosure. For instance, conveying Ai Shu's status as a survivor of human trafficking could potentially convince the prosecutor to drop charges altogether, but she should still have control over what is said to the greatest extent possible.

Considering a plea. Often it is tempting for survivors to accept a plea so that the case will be "over." But an advocate can be instrumental in assisting survivors so that they understand the many possible repercussions of doing so. While a criminal defense attorney may be focused on the benefits of a plea for the case before them, an advocate can orchestrate conversations with immigration, family, and other attorneys that may be able to help a survivor understand how a plea may affect their lives going forward. It is crucial to note that advising any noncitizen to plead guilty to seemingly low-level offenses, for example, misdemeanor domestic violence, without fully appreciating the impact such a plea could have on immigration status could have "disastrous effects." (MCEDSV, 2011) For example, for Ai Shu, taking a plea to something involving fraud could be considered a crime involving moral turpitude, rendering her ineligible for many immigration benefits, but that may also be waivable under certain benefits, so a consultation with a trained attorney is essential.

Trial. Advocates are exceptionally well situated to support survivors through trial and serve as emotional support. That said, funding constraints may make it challenging to be present for the survivor throughout the entire trial. Having an advocate on the most trying days would make the experience less taxing for the survivor. One of the most helpful services that all people who are knowledgeable regarding the dynamics of domestic or sexual violence as well as human trafficking can provide is expert testimony. Having an expert who can explain non-intuitive survivor behavior, such as returning to an abusive trafficker/partner, is crucial to helping judges and juries make informed decisions on cases involving trafficking. Interested individuals should get in touch with MCEDSV's legal team for more information. For instance, if Ai Shu declined to take a plea because of the potential immigration consequences, emotional support during the trial and expert witness advocacy to explain why she may have been pushed to illegal activity by her abuser/trafficker could make an enormous difference in the outcome.

Sentencing. If the survivor is convicted, then the period between conviction and sentencing can also be especially nerve wracking. Therapy, emotional support, and safety planning will be crucial, particularly if the survivor is incarcerated during this period. Advocates should work with the survivor and the systemic actors to ward off any contact from their trafficker, and anyone else who may seek to coerce, threaten, or intimidate the victim. An advocate may also support the survivor and the defense attorney in making the case for leniency in sentencing. This will also require some discussion of the details of the victimization and how it contributed to the survivor's criminal conduct. For Ai Shu, a statement regarding the beatings and the fear they instilled in her may persuade a judge toward leniency, and emotional support throughout the process would help her remain composed.

During incarceration. Incarceration can be incredibly triggering for survivors of human trafficking, as well as domestic and sexual violence. An engaged advocate can support with seeking out confidential services for the survivor in the jail or prison. The advocate could also make visits that will not be confidential and exchange letters. As parole opportunities approach, the advocate can again work with the survivor to determine how to share their story in a way that will support timely parole. The advocate may also be instrumental in breaking down barriers such as parole fees, limits on movement, and barriers to accessing their children. Finally, advocates can safety plan with survivors as release approaches (Miller, 2017)

Advocates should also be aware that most detention facilities are required to comply with the Prison Rape Elimination Act ("PREA"). This includes juvenile detention centers, work release, community confinement, lockup, and immigration detention. This means that an incarcerated survivor should have access to outside, confidential services at all stages of an investigation process. Advocates can support survivors who are having trouble navigating the PREA system within their institution (PREA Resource Center). Should advocates determine an institution is not providing such confidential options to inmates, then they should contact MCEDSV.

Post-incarceration. The time immediately following incarceration may be one of the most dangerous times for survivors (Scaccia, 2018). With a survivor like Ai Shu, it would be essential to ensure that someone be present to pick her up upon release so she is not compelled to contact someone connected to her trafficker, and to find appropriate housing and work opportunities to decrease her vulnerability.

The criminal record that stays with a survivor after release can feel like its own unique prison. Expungement can be incredibly helpful for survivors and is explicitly available for survivors of sex trafficking as it pertains to prostitution offenses. But expunging a criminal record can be an emotionally taxing process, in which a survivor will have to recount their traumatic history to secure an expungement under invasive line of questioning from the courts—which may be incredibly traumatic places for the clients because the courtroom was a place where they were forced to be as a result of victimization (Scaccia, 2018). The support of an advocate throughout the expungement process, in tandem with a skilled attorney, may allow the survivor to

persevere. The University of Michigan Human Trafficking Clinic can provide knowledgeable support through this process.

Domestic and sexual violence advocates can be a crucial source of hope, support, and information for survivors of human trafficking facing criminal charges. Agency policies that leave out or dissuade full services to survivors experiencing prosecution or with criminal histories will likely make an incredibly vulnerable population even more at risk of being trafficked and re-victimized. Agencies seeking to provide such services should consult MCEDSV with any questions.

Resources for serving survivors who have had contact with the criminal justice system

For an in-depth look at serving incarcerated survivors, consult the MCEDSV toolkit:

<https://vawnet.org/material/best-practice-toolkit-working-domestic-violence-survivors-criminal-histories>

Organizations focused on defending survivors in the criminal justice system:

- [National Clearinghouse for the Defense of Battered Women](#)
- [Purple Berets – Women Defending Women](#)
- [Battered Women’s Justice Project](#)

G. *Youth survivors*

Young people's brains are still developing, they are perhaps new to understanding their sexuality and boundaries and are dealing with puberty and peer pressure in addition to any number of reasons for familial instability. Whether they are runaways, homeless, or struggling to survive in a harmful household, youth can be drawn into trafficking situations with the promise of securities like food, shelter, clothing, or autonomy.

Advocates should be aware of the following statistics regarding homeless youth, who are particularly vulnerable to human trafficking (Washington Inter-Religious Working Group on Human Trafficking, 2016):

- Approximately 1.68 million U.S. youth experience homelessness each year.
- Unsheltered youth are more likely to fall victim to sexual exploitation.
 - 28% of youth living on the street trade sex for basic needs, such as food or shelter, a practice known as "survival sex."
 - 21 – 42% of runaway and homeless youth were sexually abused before leaving home.
- As many as 75% of runaway youth drop out of school, limiting employment opportunities and wage earnings.
- Upwards of 40% of all-American homeless youth identify as LGBT, yet only 7% of the overall U.S. youth population is LGBT.
 - LGBT+ homeless young people are disproportionately likely to be young people of color, compounding the risks and impact of stigma and violence (Washington Inter-Religious Working Group on Human Trafficking, 2016).

Philosophical and logistical barriers to serving youth

The details of trafficked life that could seem shocking to an advocate might be seen by the youth as entirely normal within their own context. If their peer group is all touched by trafficked experience, youth may not even see themselves as in need of assistance. For this reason, trafficked youth may not seek out services unless it is clear that the service can meet a need that the youth thinks they have.

People who would be seen as authorities, like advocates, therapists, police, or doctors may not be trusted if the youth's previous history with them has felt punishing or fruitless. Once again, advocates should trust and honor the narratives and feelings of the client before them. This is particularly important for children and teens because they are told what to do at every turn, and so advocates who do not employ a survivor-centered model will risk losing a bond of trust and communication. Listening and building a base of trust are key when working with youth in general, and trafficked youth specifically (Hickle & Hallett, 305).

An advocate's knowledge of power and control cycles in domestic and sexual violence can benefit them in identifying the power struggles in trafficking. Grooming behaviors that attract

youth into trafficking can be simple or can be a complex web of deceit. Offers of attention, money, love, coveted items, drugs, or even the companionship of peers could be enough to lure youth into having their photos taken or engaging in sex acts. Recruiting may happen in person, but it is also quite common for traffickers to utilize social media to make these initial connections. It is possible that a recruiter might sweet-talk someone online for an extended period and then gently escalate expectations once the person is involved, or a child/teen could be quickly swept into a situation and held compelled by threats of blackmail or physical harm. “Many children experience repeated physical violence (e.g., beating, choking, sexual assault, gang rape, psychological abuse and manipulation, threats, and blackmail) at the hands of the trafficker, facilitators in the trafficking trade, and buyers” (Greenbaum and Crawford-Jakubiak, 2015, p. 568.)

Traffickers often adjust their behavior situationally, manipulating youth with loving and kind behavior, giving presents, showing affection, and forming strong bonds of connection. Just as easily, they may turn cold, forbidding, or punishing. These same tactics of gas lighting and emotional abuse are utilized in domestic violence and make it difficult for the survivor to break free from the situation. Trafficked youth, much like a survivor of interpersonal violence, may find themselves unwilling to leave the loving aspects of the relationship, or feel that if they could only behave better, they could avoid painful consequences. Survivors who have endured various traumas within trafficking may suffer from PTSD, depression, suicidality, anxiety, drug or alcohol addiction, and aggression, along with STIs, physical ailments and injuries. (Greenbaum & Crawford-Jakubiak, 2015, p. 568.)

Youth survivors of sex trafficking may experience especially complex trauma and distrust. Studies have shown that experiencing sexual abuse in childhood is a significant risk factor for later sexual victimization (Classen, 2005). Sexual abuse in childhood can impact sense of self and connection with others and can result in self-blame and shame. While it is impossible to measure the impact that sexual abuse can have on an individual because sexual abuse encompasses many different behaviors, significant psychological impact on multiple different relationship dynamics is common. Additionally, isolated incidents of abuse may have a different impact than that of complex, repeated abuse. It is important to note that the psychological impact of the abuse is determined by multiple factors including children’s resiliency and how others respond to them (McElvaney, 2016). The impact of sexual abuse effects each person differently and it is important to never assume the impact it will leave on the individual. While many examples of psychological distress are often connected with sexual abuse it is important to note that the impact that abuse has on individuals can extend into impacts on social and physical health as well (Dube, 2005).

The following story sheds light on how some of these barriers play out in the lives of trafficking survivors:

Christopher grew up in an abusive and neglectful household. Chris was often left in the care of his older sister Missy who would lock him in his closet if he was acting up or even

just being too annoying or bothersome to take care of. Missy, an older teen, would bring many kids over to party and use drugs in the adult-free zone of their house. Lacking supervision, some of the older boys convinced Chris (at this time, 12 years of age) to engage in sexual acts with them, often using dares, making fun of him, or threatening him. One of the boys, Asher, used a kinder approach to Chris and built more of a caring relationship with the boy, but would also use his loving nature manipulatively, knowing how to pull it away to get Chris to do whatever he wanted. Chris, seeing the teens around him engaging readily in sex acts with one another and not thinking too much of it, was not too shocked by Asher pressuring him into sexual relationships with older men he knew. Chris eventually moved in with Asher and felt more cared for and secure than he did in his own home. Both used sex work to survive.

Several years later, at the age of 16, Chris is approached by an advocate who sees him at a known pick up spot for sex workers. After chatting with him and letting him know what kind of services the shelter provides, Chris agrees that he would like to receive some free medical care. The advocate is pleased but urges him to come in for therapy and shelter away from his trafficker. Chris responds angrily that he loves Asher and he is not really a “bad guy.” Chris never comes in for medical care.

In this story, the advocate sees so much potential in Chris and dreams of a better life for him, but ultimately ends up alienating him. The advocate does not recognize the complexity of the relationship between Chris and Asher—one that provides nurturance and maybe love, but also is exploitative and money-driven. Understanding the complexity of a trafficking relationship is essential to harm reduction and support. If the advocate had listened and developed a baseline of trust, Chris may have felt comfortable enough to learn more or come back to the agency for other services in the future. This illustration shows the importance of taking a survivor-centered and harm reduction approach with young survivors. Ultimately, advocates must meet victims at the emotional place that the survivor is at and provide the support the survivor is seeking.

Additionally, before beginning services to minors, all programs should openly discuss the ethical and legal issues inherent to serving individuals under the age of 18. Programs should consult an attorney to determine the level of liability that can be absorbed in offering such services.

However, below are some initial considerations:

- Significantly, there is no age limit under Michigan law for a person to be considered a victim of domestic or sexual violence. Parental permission is not required to provide counseling, hotline, advocacy and prevention education services to a minor. It is recommended that where appropriate, services are provided with the knowledge and assistance of the minor victim’s non-abusive parent. Advocates should work with the minor to encourage the minor to inform the parent of the situation that brings them to the program and seek the parent’s participation and/or support and/or consent. Minors who are at least 14 years old may consent to limited, outpatient, mental health counseling on their own (MCL 330.1707).

- Providing shelter or housing services for minors without an accompanying parent or parental consent presents a unique challenge for programs. Programs will need to determine their level of acceptable risk and liability for taking a minor into shelter without parental consent. That said, programs that house youth who have been victimized are not committing a crime such as kidnapping (MCL 750.350; 750.349). The program may also need to develop unique housing models because most transitional housing or leased housing may not be available to minors, who cannot be bound to contracts.
- Confidentiality is of the utmost importance for all survivors and minors are no different in that respect. The bulk of the provisions discussed in chapter five apply equally to minor clients. Neither an abuser of the minor nor the abuser of the other parent of the minor may provide a release to reveal confidential information on the minor's behalf (34 USC 12291(b)(2)). It follows that in most instances, confidentiality standards followed for service provision of adults govern wherever possible in service to minors. Unless a minor appears to be a threat to themselves or others, or there is a medical emergency, a minor's confidentiality should be guarded just as any other client's information would be. A minor should be involved in any decision to release confidential information, along with their non-abusive parent, if applicable and appropriate under the circumstances.

In general, programs may want to think about creating guidelines to evaluate cases based not on age alone but on the minor's mental capacity and the minor's ability to comprehend confidentiality and, when needed, provide informed consent for disclosure. All these efforts should be informed by the discussion above and handled in a non-judgmental, survivor-centered manner.

Moving forward with young survivors

In relationship with youth, advocates can work on empathizing with and respecting the complex intersections of young people in their community. Below is a short list of effective tools to consider when working with youth:

- Check for internal bias regarding age and mindfully assess tone. Remembering to assist folks in need as people first and foremost and refraining from referring to people or their life content as risks, problems, or barriers is also important. For example, commenting on one's LGBT+ "lifestyle" can be distancing, as is any assessment that seems to hold a part of one's identity as linked to their pain or misfortune. Ultimately, be considerate and careful not to assume too much or label.
- Hire a diverse staff that is passionate about honoring all walks of life
- Highlight human trafficking survivors' resiliency. Celebrate survivors' existing skills, tenacity, or honesty. Recognize and honor initial help seeking behavior. Resist the urge to attempt to "save" the youth.

- Do not promise results you cannot deliver. Build trust. List and explain limitations created by law or society. Work to develop solutions within those limitations.

Research shows that involving youth within the service organization can be incredibly empowering for young survivors (Harm reduction 305). Asking youth for input on intake forms, activities, space usage, and other areas of work levels the power dynamic between staff and youth. Cultivating involvement could range from small tasks such as creating signage or flyers to asking teens to help run a clothing drive, help with support groups, or serve on the board of directors. Urging youth to pursue volunteer efforts within the agency or in the larger community aids them on a path to advocating for themselves and looking to staff as mentors rather than outside authorities. Engaging youth in issues that directly affect them has multiple positive impacts as then these young advocates can be a more convincing and relatable link to other youth who are wary of institutions but could benefit from resources.

In alignment with self-empowerment, presenting services that allow youth to drop in and out as necessary can be especially useful. Youth in trafficking experiences might understand their predicament as a temporary means to an end. If a survivor does not want to get out of their situation, any type of long-term rehabilitation style response will not serve them. Here, relying on harm reduction approaches can be most effective.

In the spirit of harm reduction, agencies should try to make basic services as simple to access as possible. Outreach efforts could focus on finding crossover points in the community where survivors in need may have regular contact with vendors, such as salons, health clinics, etc., could inspire creative networking and education opportunities. Sharing flyers, resource maps, and numbers for shelters and advocates could broaden safety nets and outreach possibilities. (Harm reduction 306). All such efforts should be undertaken with the greatest of care to avoid endangering the survivor.

Resources for serving youth survivors

Break the Cycle toolkit on young survivors: <https://www.breakthecycle.org/working-young-survivors>

Washington Coalition of Sexual Assault Programs, Working with LGBTQ Teen Survivors: <http://www.wcsap.org/working-lgbtq-teen-survivors>

Working with Young Survivors of Refugee Trauma and Torture:
http://www.youthaction.org.au/survivors_of_refugee_trauma_torture

Vista Maria shelter for trafficked girls: <https://www.vistamaria.org/programs/>

H. Considerations for working with boys and men

Globally, men and boys likely represent nearly half of the total number of human trafficking victims (U.S. Department of State, 2017, p. 22) yet identifying these survivors and providing them services continues to be an enormous challenge for service providers. Many agencies and shelters do not have adequate services, or often even any services for men and boys who identify as male or transgender men.

Barriers to serving men and boys

Domestic abuse and sexual assault shelters, many of which rose through grassroots movements in the 1970s, were specifically designed to address the needs of “battered women,” and were referred to generically as “women’s shelters.” After the passing of Violence Against Women Act of 1994 (“VAWA”), the movement against domestic violence and sexual assault not only increased in public awareness of the needs of women experiencing intimate partner violence and/or sexual assault but provided a major expansion of shelters and services. At this time, no federally funded domestic violence or sexual assault program may unilaterally choose not to serve men.

Despite this progress, many staff of shelters and agencies struggle to view male-identified men as survivors. One challenge is that the majority of perpetrators of violence against women are men, and statistically the number of male survivors of sex trafficking is small in comparison to the number of female survivors. Further, many agencies frequently field inquiries and calls from perpetrators posing as victims who seek to either locate their target or to damage the agency that they may blame for their target’s ability to escape dynamics of power and control.

An additional barrier arises from prevailing cultural systems. Men and boys are expected to be self-sufficient, and physically, emotionally, and intellectually strong enough to “escape” from dangerous situations. Not only is this a cultural lie, but it can create emotional and psychological barriers for the male survivor who may feel as if he failed or is “less a man” and therefore be hesitant to speak out, seek assistance, or even to believe himself to be a victim (U.S. Department of State, 2017).

These are several points to be aware of when addressing the needs of male human trafficking survivors (U.S. Department of State, 2017):

- **Housing** – Male survivors, like their female and trans counterparts, need access to housing that is safe and has the resources to meet their unique needs. Homeless shelters rarely have these crucial services.
- **Health** – Male survivors need access to the full-range of trauma-informed physical and mental health services—including peer-to-peer counseling. Male survivors of sex trafficking need access to sexual health services, including HIV/STD services.
- **Legal Support** – Access to legal support to become aware of rights, have access to legal proceedings, and assistance, if necessary, in contacting consular services in their home

country. Legal assistance in seeking compensation for lost wages, injuries, and other forms of restitution.

- Employment Assistance – Access to education, skills training, and job placement (U.S. Department of State, 2017).

The following two scenarios help illustrate some of these struggles as they are faced by boys and men who are trafficked and are based loosely on real cases previously shared with the public by actual survivors.

J. was only four years old when his mother's alcohol addiction, increased by her recent divorce from J.'s biological father, became a problem resulting in J.'s neglect. When J. was five, his new stepfather began to take J. from city to city to sell him for sex following an amateur stock-car racing circuit. "Clients" would come from great distances, and soon J. became a well-known "date" and his traffickers made a great deal of money from this forced abuse, relieving J.'s physical pain and keeping him compliant through a steady diet of cocaine and alcohol. By the time J. was 12 he attempted suicide. Rescued from death by a team of medical professionals, who also discovered his severe physical abuse, he continued his broken adolescence in foster care. Never finding anyone he could talk to about his trafficking, he joined the marines at age 17 where he found companionship, support, and discipline—all things severely lacking in his childhood. It was only many years later that J. began to open about the nightmare of his childhood as a survivor of sex trafficking.

C. was living in a medium-sized city on the west coast of Mexico, in Sonora. He had full-time employment, but his wages amounted to little more than \$70 (USD) per week. His son was diagnosed with cancer and specialized treatments for his illness required additional money. In need of more income, C. responded to a suggestion by an acquaintance. His acquaintance belonged to a group who could help men, for a reasonable upfront fee, relocate temporarily to Florida for construction projects and make over \$1000 a week. C. jumped at the opportunity, borrowing money for the "fee", and soon found himself being smuggled across the border into Texas. Upon arrival, he discovered that he "owed" his trafficker, an American man with a vast ranch, over \$3000 for C.'s trip into the United States.

C. was assigned to a work crew consisting of seven other men from various parts of Mexico. This crew was supervised day and night. All the men's passports and identification papers had been confiscated by the ranch owner. This crew slept in a small room with only three twin beds. The crews were "rented" out to other farms in the area, and when they were not at other farms, they performed backbreaking work on the ranch, often putting in over 12 hours a day, seven days a week. C's first paycheck, for his first week of work, amounted to \$20. It was explained to him that they (his traffickers) would be "payroll deducting" the cost of room, board, the expense of the

trip and documentation to the U.S., and taxes. Of course, there was no actual payroll statement, but C.'s English was extremely limited, and his knowledge of legal process or financial practices in the U.S. was also limited. Most of all he was relying on hope, and determination to meet the medical expenses of his child.

This went on for four years. C. was beaten and verbally abused. He was told that if he tried to escape, they (the traffickers) would take revenge on his wife and family. To keep the survivors from plotting escape crewmembers were continually shifted, and many of the initial victims disappeared. Occasionally C. was trafficked inter-state, enslaved to seasonal harvesting in Florida, Missouri, and Michigan. He could call Mexico occasionally, under the guarded supervision of the thugs who trafficked him. His son was still struggling to recover, and C. became ever more determined, his determination being the only resistance to hopelessness.

Eventually he and his crew overheard the traffickers saying that they were going to get rid of one of the insubordinate victims through murder. The entire crew escaped that night, making their way to the nearest city. They were fortunate because they did receive help though a local official aware of a program for foreign human trafficking survivors. Through the help of that program, C. continues working, legally, in the U.S. until he can earn enough to return to Mexico. In the meantime, he has no one to share his experience with, or the fears for his family, and he remains disenfranchised by the intersectional barriers of language, ethnicity, poverty, and, in this case, maleness.

Moving forward in service of men and boys

These scenarios are by no means exhaustive. For men and boys, there are some lessons that can be learned from the situations above and considerations to structure the care provided:

- Male survivors often do not initially see themselves as having been the victim of labor trafficking, instead they are likely to view their situation as bad luck, or their own "gullibility." Someone like C. may not have sought help in part because he blamed himself for not having gotten a better deal from his employer.
- While gay and transgender youth are more likely to become trafficking victims, male survivors of sex trafficking may be gay, straight, or questioning in their sexual orientation. Someone like J. may struggle for years after victimization with what their exploitation by other men means for their own sexual orientation. Many sexual abusers of young boys are also straight, sometimes with wives and children of their own. The desire to commit sexual abuse is often connected to a desire for power and control rather than solely sexual desire (Swaner, 2016).
- Male survivors of sex trafficking may feel deeply ashamed for their vulnerability, and inability to "stand-up" to, or resist, their traffickers. Male child survivors may need special counseling, in addition to abuse counseling, to work through the possible pain inherited through cultural shame, or the public "invisibility" of the crime. It is crucial

that service agencies understand that, while some of those who have experienced child sexual abuse become perpetrators of that abuse, most male survivors of child sex abuse do not go on to offend (Leach, 2015). The common myth that male survivors are somehow destined to perpetrate on children as adults is extremely damaging.

- Often authorities, such as immigration officers, labor inspectors, and police, fail to recognize victims of labor trafficking due to the culturally perceived innate security of men, or the mistaken view of human trafficking as exclusively the sex trafficking of women and girls. Advocates should be prepared to support in overcoming these stereotypes and should not allow themselves to succumb to them.
- Men who are victims of labor and/or sex trafficking, like their female and transgender counterparts, may suffer from substance abuse or addiction, requiring special support which should be survivor centered. See the discussion of harm reduction in Section III, Guiding principles and key concepts.
- There are few options for male survivors of human trafficking who require housing in the long-term. Shelters who are willing to take on this challenging yet satisfying service would fill a deeply felt need in Michigan.
- Men and boys who have been trafficked, like other trafficking survivors, may have multiple intersectional needs and require multi-faceted interventions. Building a network of service providers specific to trafficking would be wise before launching service delivery for trafficked individuals.

Resources for serving boys and men

YWCA Kalamazoo, offering one of the only housing options with wraparound services for male trafficking survivors in Michigan <http://ywcakalamazoo.org/>

U.S. State Department, Assisting Male Survivors of Human Trafficking
<https://www.state.gov/j/tip/rls/fs/2017/272004.htm>

Technical Assistance Guide, Serving Male-Identified Survivors of Intimate Partner Violence:
https://vawnet.org/sites/default/files/assets/files/2017-07/NRCDV_TAG-ServingMaleSurvivors-July2017.pdf

I. *Native American survivors*⁴

Background

To understand present-day tribal communities,⁵ tribal citizens, and behaviors, it is critical to appreciate the role of historical trauma. (Brave Heart, Chase, Elkins, & Altschul, 2011; Goodkind, LaNoue, Lee, Freeland, & Freund, 2012; Myhra, 2011). Historical trauma is the concept that current problems facing a specific group, in this case, Native Americans, may be the result of "a legacy of chronic trauma and unresolved grief across generations" (Brave Heart et al., 1998, p. 60). The idea is that trauma suffered in the past is transferred to current and future generations through biological, psychological, environmental, and social ways. This results in a continuing cycle of trauma in which the Native American child grows up in an environment that is challenged not only by continuing discrimination and lack of access to social benefit programs but also by residual trauma caused by genocide, removal from tribal lands, and systematic rape. Native people's identity is further challenged by nearly four centuries of media portrayal of Native Americans as savage, sub-human, enraged, or isolated loners. Historical trauma can deeply affect the self-esteem of Native Americans and must be considered when providing services—whether by Indian-run programs or non-Indian-run programs.

Historical trauma is tied intimately to all impacts that colonization and assimilation have had on Native Americans. Prior to European contact, Native Americans were not immune to cruelty, but, generally speaking, violence is not a traditional value of Native people. Traditionally, Native women were likened to mother earth, were held in high regard as the givers of life, and even held political positions within their tribes. Matrilineal societies were common, with many Natives receiving their clans through their mother's clan. Laws were in place to protect members of tribes from violence, and if a violent crime occurred within the tribe, there was serious punishment handed down to the perpetrator. Mostly until colonization and assimilation policies were put into action, tribes were living in peace. Indeed, observers of Native communities before significant contact with European settlers noted that there was a distinct

⁴ By Hali McKelvie, Community Outreach Specialist, Uniting Three Fires against Violence. Author's note: I want to be clear that though I am the author of this chapter, and though I am an Ojibwe woman, I cannot speak for every Native experience nor for each of your clients. Nonetheless, I hope to share with the reader an insight and understanding on how to best meet the needs of clients, their unique barriers, and how to be culturally sensitive and respectful when working with any Native population.

⁵ Any writing that discusses tribal or Native American communities must be thoughtful and deliberate about its wording. Many terms, such as Native American, First Nation, Indigenous, Indian, and Tribal or Tribe Member could be used to describe the population that is the focus of this section. The terms "Native American" or "Native" are often used here in an effort to mirror the language used by many Michigan Native survivors and those who serve them. In making this selection, we appreciate that some survivors may not prefer this term, and encourage agencies wishing to serve individual survivors to adopt the survivors' own individual terminology for their own identity.

lack of violence against women, and the first laws that were enacted by tribes dating back to the early eighteenth century were strong and victim-centered (Deer, 2018).

Six eras describe the major periods and policies of violence towards Native people in the United States (Deer, 2018):

The Colonial Era introduced legislation that defined land boundaries between Native American lands and the British Colonies. The Proclamation Act of 1763 ensured that the British Colonies could not move into Native territories.

The Removal Era came about after the Louisiana Purchase in which the United States entered into negotiations with tribes for the “newly” acquired land that resulted in many disputes between United States citizens and the tribes. In 1823, a Supreme Court case permitted acquisition of land from Native Americans, allowing land to be taken from Native peoples by either purchasing it or conquering it. This led to the Indian Removal Act of 1830, which forced the removal of Natives from their lands or confined them to reservations. The most famous example of the removal practiced against many tribes was the Trail of Tears, in which removal agents and others used rape and violence as a tool against Native women. There were multiple trails of tears as officials allowed dislocation of Native populations throughout the U.S.

The Allotment Era was another era of removal for Native Americans. Under the Dawes Act of 1887, the head of each Native American family received 160 acres in an effort to encourage Native Americans to take up farming, live in smaller family units that were considered more “American,” and renounce tribal loyalties. The government held such lands in trust for 25 years, until the recipients could prove themselves self-sufficient farmers. Before the family could sell their allotment, they were required to get a certificate of competency. If the family did not succeed at farming, the land reverted back to the federal government for sale, usually to white settlers. The Dawes Act reduced Native American landholdings from 138 million acres in 1887 to 78 million in 1900 and continued the trend of white settlement on the previously Native American-held land. In addition, the law created federally funded boarding schools designed to assimilate Native American children into white society.

The Boarding School Era was born out of the Allotment Era. General Richard Pratt, veteran of the Civil War and Indian Wars, championed the idea of an educational system that would remove Native children from their families, ancestral lands, culture, traditions, and place them in institutional environments. The children were indoctrinated to an idea of white culture under the guiding principle of Pratt’s motto, “Kill the Indian, save the man.” Students were systemically abused during their time at residential boarding schools. From a young age where children should be nurtured, loved, and provided environments to flourish, in these institutions children were regularly deprived of nutrition, beaten, molested, and exploited. Deliberate separation from family structure resulted in generations of Native Americans who never learned how to be nurturing parents. When these children either returned to their tribal communities or moved on from boarding school, they were filled with unresolved trauma,

shame, and guilt. Many felt they no longer identified with their culture or traditions anymore. The legacy of assimilation was prevalent and detrimental to the healing and flourishing of Native people. There was a huge loss of their first language, cultural practices, and traditions. Many boarding school era survivors coped through the abuse of substances, and a desensitized response to violence that further disconnected them from their families and cultural identities. Either the violence continued to perpetuate beyond their stay at the boarding school or those who continued to witness violence outside of the boarding school era continued not to acknowledge violence they witnessed or even address the violence. The boarding school environment left many generations, even those today, with a perpetuated cycle of intergenerational trauma, conflict, and shame as Native people (Deer, 2018).

The Reorganization Era came into fruition after many acknowledged that assimilation had been unsuccessful. The Indian Reorganization Act in 1934 was set to have protections for tribes and allow them to self-govern and to fully encompass their sovereignty with respect to their autonomous constitutions and laws. Because the Act did not disturb existing private ownership of reservation lands created under the Dawes Act and other actions, it left reservations as a patchwork of tribal or individual trust and fee land, which remains the case today.

The Termination Era was a regression to the policy of assimilation, and where federal Indian policy administrators removed federal recognition from, or terminated, 109 tribes. Through the termination process, about 11,500 Native Americans lost their legal status and rights, and nearly 1.4 million additional acres of land lost its status as trust land. The termination policy exacerbated poverty and suffering of those people and tribes who lost their status.

The Self-Determination Era (1960s-present day) resulted from the acknowledged failure of the Termination Era. Policies began to expand to allow tribes the right of self-determination or the right to govern themselves. Examples from this era include the Indian Civil Rights Act of 1968, which applies to the Indian tribes of the United States and makes many, but not all, of the guarantees of the Bill of Rights applicable within the tribes. In 1978 the Indian Child Welfare Act (ICWA) was passed in an attempt to intervene in the decades old practices of private and public agencies removing Native children for foster care and adoption, at a much higher rate than for other populations, outside of their families and communities (Michigan State University Indian Law Clinic, n.d.).

These eras set the precedent to the issues we face today in Indian Country. Native American families still grapple with the residual effects of this generational abuse as surviving parents, grandparents, aunts, and uncles who themselves were forced into boarding schools and foster homes, pass down the effects of this trauma to Native youth. As a result, Native adults experience post-traumatic stress disorder (“PTSD”) at 4.4 times the national average, with Native children experiencing PTSD at the same rates as veterans returning from Iraq and Afghanistan (Lechner, 2016). Native American women also suffer the highest rate of sexual assault in the country, with 56.5% experiencing sexual violence, statistics show (Rosay, 2016). Non-Natives commit 88% of violent crimes against Native women. In a summary to Congress in

2013 the National Indigenous Women's Resource Center observed that "Given the above statistical data and historical roots of violence against Native women, the level of human trafficking given the sparse data collected can only equate to the current epidemic levels we face within our tribal communities and Nations" (Brunner, 2018).

An additional, significant barrier occurs due to jurisdictional complexities in prosecuting crimes that occur on tribal lands, which can lead to serious delays in prosecution or failure to prosecute altogether, leaving the survivors of crime vulnerable to further victimization. This began in the nineteenth century with the Major Crimes Act, which imposes federal authority over certain serious crimes committed by Native people in Indian country (Deer, 2018). But after taking jurisdiction, the federal government then created a "poor track record in terms of responding effectively to violent crime on tribal lands" with a declination rate of approximately 76% (Deer, 2018). Later, tribes' sentencing authority for those crimes they could prosecute was strictly limited, meaning that tribes could not effectively punish perpetrators even if they were able to gain jurisdiction. Then, in 1978, the Supreme Court ruled in the case of *Oliphant v. Suquamish Indian Tribe* that tribal nations may not prosecute non-Native people for any crime. This decision "has wreaked havoc for Native victims that have the misfortune of being attacked by a non-Indian" (Deer, 2018). Scholar Sarah Deer aptly called the resulting dysfunction a "Maze of Injustice" for Native survivors of crime (Deer, 2007).

Although Congress attempted to rectify aspects of this framework through the Violence Against Women Act of 2013, there continues to be a lack of tribal sovereignty over crimes that occur in Indian country (Logan, 2016). More specifically, VAWA 2013 created Special Domestic Violence Criminal Jurisdiction ("SDVCJ") to allow tribes to have jurisdiction over non-native offenders who commit acts of domestic violence. Although this represents a crucial step forward, those tribes who have adopted SDVCJ have noted some important shortcomings. Only victims of domestic and dating violence are protected, which leaves out critical groups such as victims of child abuse, non-intimate-partner sexual assault, and trafficking. Each tribe who seeks to implement SDVCJ must adopt an appointed counsel system, among other modifications. As a result, out of the 12 federally recognized tribes in Michigan, just a handful of the tribes have implemented the SDVCJ as of this publication date.

Finally, it is critical to understand that statistical tracking of crimes against Native people is deficient. To begin with, statistics available do not reflect the real-time crimes perpetrated in Indian Country. For urban Indians who are victimized, the statistics are just as scarce. Most municipalities do not track if their victims are of Native American decent nor are many victims of trafficking intercepted appropriately. There are also instances where victims who are trafficked are still arrested under prostitution rather than considered survivors of the crimes perpetrated against them.

Other modern-day vulnerabilities that entrap victims of trafficking include poverty, substance abuse, lack of resources, and discrimination. These are common vulnerabilities many Native Americans face today living on or off trust land. Though the overall poverty rate for Native

Americans is about that of African American and Latinx populations, 26%, 28%, and 25% respectively, some Native American reservations experience poverty at much higher percentages. A study completed at the Standing Rock Reservation in North and South Dakota found that 43.2% of the reservation population was at or below poverty levels (Pew Research, 2012).

Sex trafficking of Native women and children began in the colonial era. Early settlers “viewed Native women’s sexual and reproductive freedom as proof of their ‘innate’ impurity” and “assumed the right to kidnap, rape, and prostitute Native women and girls without consequence” (Koeplinger, 2011). More recently, the Federal Bureau of Investigations has noted that traffickers not only center activity around rural, high-poverty reservations but also seek out Native women and girls for sex trafficking because they can be “marketed” as many different races, such as Asian, Native, Hawaiian, etc. (Koeplinger, 2011).

Every year, untold numbers of Native American women, and girls, are brought from reservations, to supply commercial sex to hunters in established strip clubs or “pop-up,” or temporary, “gentlemen’s clubs” in rural communities. Similar problems occur in logging camps, on oil fields and fracking operations, and forestry projects, where large groups of isolated men, often very far away from not only urban centers, but nearly outside the reach of the law, have ample supplies of alcohol, drugs, and ready cash to coerce or manipulate Native women brought in for commercial sex. Horrible and remarkable is the fact that for generations Dakota and Ojibwe women and children in Minnesota have been trafficked from their reservations onto the boats in the port city of Duluth and prostituted in the international waters of Lake Superior (Hilleary, 2015). Some women are actually sold to ships’ crews and forced to remain onboard for months at a time.

Few statistics are available on labor trafficking among Native individuals but given available information it is safe to assume that some, if not many, Native individuals are trafficked for their labor each year. It should also be noted that several nationally prominent cases in recent decades bring attention to the vulnerability of infants born to one, or both, Native American parents, and the desire for the adoption of these infants. Occasionally infants are adopted through lax laws in some states and children are in effect “sold” to Non-Native parents for a large sum.

Barriers

Discrimination against Native Americans takes place at both and overt and subtle levels and often occurs in the following ways:

- Misidentifying cultural differences such as the Native American’s idea of family. For many Native Americans, the idea of family extends well beyond the father/mother/child triad. Aunts, uncles, cousins, and even relations beyond are commonly seen, and felt, as immediate family. If something ill befalls these family members, the presence of the

individual, who may be a recipient of services in a shelter, or human trafficking prevention program, may be required. This can cause a misunderstanding with the staff and administration of the social service program—misidentifying the individual as “not taking the benefits and the services seriously” due to extended absences from the program.

- Additionally, some Native Americans culturally have an expanded approach to spirituality. They may incorporate spiritual practices daily, in either ritualistic, or non-ritualistic ways. One example may be the burning of sage, which is a spiritual practice of purifying oneself, another, or one’s environment. This has been seen to cause problems in some shelter settings, and these problems arise when staff is unaware of the importance and significance of the individual’s need to perform this practice.
- Many Native people, especially if raised in a more traditional environment, on a reservation, or deeply informed by traditional cultural practices, may base their actions on traditional practices and beliefs, which are often centered in the “here and now” rather than in the future. This can cause conflict in areas such as safety planning, and the development of more mainstream skills such as goal setting, financial planning, and the like.
- Another serious barrier is general lack of access to quality medical services for Native Americans, particularly those living on tribal lands. Lack of access to medical services, including mental health services can destabilize a person, making them more vulnerable to trafficking. There is a myth that health care, including mental health care, is free to Native Americans through the establishment of Indian Health Services (IHS) in 1955. Consistent underfunding, mismanagement, and inability to retain competent staff has created a history of poor medical services though the IHS, and this service only covers, on average, 54% of health care costs (www.cherokee.org) for a Native American seeking services within a qualifying geographic area, which means that many Native Americans remain underinsured or without insurance, and unable to afford adequate and beneficial health care services. Lack of adequate healthcare jeopardizes an individual in numerous ways. Poor health can leave an ill individual vulnerable to predation by traffickers though the desperation caused by the illness, or by untreated mental health issues.

Moving forward

Some promising developments are taking place that may enhance services for Native survivors of trafficking. Federal government agencies continue to attempt to provide a range of resources and training to improve responses to human trafficking. Specific to the Native American community are the Department of Justice’s National Indian Country Training Initiative which provides training for federal and tribal law enforcement on human trafficking in Indian Country,

including training in identifying victims, investigating cases, and working effectively with Native cases.

Similarly, the U.S. Department of Homeland Security's Federal Law Enforcement Training Center has partnered with the Bureau of Indian Affairs Indian Police Academy to deliver a train-the-trainer course for tribal law enforcement on indicators of human trafficking, with Indian country case examples and information on victims' rights.

The Violence Against Women Act of 2013 amended the authorizing statutes for the Department of Justice's Office on the Violence Against Women's (OVW) Grants to Indian Tribal Governments and Grants to Tribal Domestic Violence and Sexual Assault Coalitions Programming to include sex trafficking as an additional area addressed by each program. This results in:

- Revising grant solicitations;
- Funding additional training and technical assistance;
- The creation of a resource book on sex trafficking for tribal coalitions and advocates (prepared by the Tribal Law and Policy Institute); and
- Funding for a partnership between the Minnesota Indian Women's Sexual Assault Coalition (MIWSAC) and Mending the Sacred Hoop to provide training and technical assistance to tribal communities to increase their capacity to respond to sex trafficking, including on-site technical assistance, a resource manual of best practices, and a national convention.

Continual work needs to be done, both inside and outside Native communities, to address both sex trafficking and labor trafficking. Many reservations, tribal councils, and Native advocacy groups have begun this important work—and as the community becomes more aware of what trafficking might look like, and becomes more familiar with the resources available to combat it, more potential victims will be saved the horror of human trafficking.

Service providers working with Native survivors should seek to honor their traumatic history and resilience. A few points will assist providers and avoid the harm that can come from misunderstanding:

- There continues to be a strong need for cultural humility and sensitivity, as well as an understanding of the unique barriers, histories, and cultural traditions, for service providers who may advocate on behalf of Native American survivors.
- There continues to be a strong need for culturally relevant and inclusive healing. Western-trained practitioners and advocates often lack training to provide competent services for Native people which honor their belief systems and history (Grandbois, 2015).

- Some Native survivors have expressed a longing to connect or reconnect with Native cultural and spiritual traditions. These should be made available to survivors in a non-judgmental, supportive setting.
 - Relatedly, there are Native survivors who do not want to participate in Native cultural practices, yet still identify as Native American. It is crucial that there is no pressure to participate in any specific type of “healing” or any type of spiritual practice, regardless of affiliation, belief, gender, or any other potentially defining feature.
- Our cultural practices may include ceremonies that call for participation, and a traditional funeral service may consist of several days (as opposed to a single afternoon) in the event of a loss in the family or tribal community. As a result of a client participating in a traditional or cultural ceremony, the interpretation of non-compliance of the client may result in the client being asked to leave the shelter and leave the client then homeless and at risk for further victimization.
- Shelter staff and program administration should be aware of the practice of smudging, a spiritual cleanse and purification of the mind, body, and spirit. Non-Native specific shelters have often misunderstood the cultural importance and significance smudging has for their clients. This, too, has led to the termination of services or the opportunity to make inappropriate statements against our traditional practice. Many of the general population believe sage to be the main sacred medicine to smudge, however, Native Americans have four different medicines with which to smudge and purify:
 - Sweet Grass, which is often called the hair of Mother Earth and associated with the Northern Direction;
 - Tobacco, which is often associated with the eastern direction of new beginnings;
 - Cedar, a sacred medicine associated with the southern direction; and
 - Sage, which is often associated with the western direction, is used to purify the mind of any troubles, and worries, removing negative energies and preparing the person for ceremony.
- General health and mental health programs for Native Americans are inadequate and underfunded which challenges equitable health access to Native Americans, particularly Native women, who are the most vulnerable to commercial sex-trafficking.
- There is a need for legal services provided by attorneys who are competent in the complex jurisdictional framework and are willing to advocate in tribal courts. The service needs that are most acutely felt are in family law, criminal expungement, disability law and benefits law. Contact Uniting Three Fires Against Violence (UTFAV) and MCEDSV for support in seeking legal services.
- There is a need for increased federal and state funding for emergency/transitional housing and for long-term housing for Native survivors of human trafficking.

- There is a need for funding and development of both reservation-based and urban-based Native programs that offer health services, advocacy, and counseling to Native survivors of human trafficking.
- Support is needed for efforts to enforce laws through a priority on full prosecution. A full restorative fix to tribal jurisdiction may be one route to this. However, to hold this as an entire solution is re-traumatizing to people hurt under or with the complicity of a corrupt government administration that is tribal. Until there is a priority enacted on prosecution of offenders throughout jurisdictions Native American children and adults will still be at a high risk of victimization.

XI. Legal remedies for survivors of human trafficking⁶

A remedy is an attempt to right a wrong or injustice, as much as possible (United Nations, 2016). One reason why it is useful to screen clients for trafficking is that trafficking survivors have additional legal remedies available to them. These remedies go beyond the options for survivors of domestic and sexual violence and may have a significant impact on the ability of a survivor to move on from a situation of coercion and violence. This section will discuss some of the options that trafficking survivors may have in Michigan. This section will also explain what the process of obtaining those remedies may look like for a survivor. Remedies can be accessed via the criminal justice system, the civil justice system, or through administrative agencies, including through immigration relief.

The United States is bound by the United Nations Trafficking in Persons Protocol, which requires it to “establish appropriate procedures to provide access to compensation and restitution for victims . . .” (United Nations, 2016). Both federal and state laws provide protections that apply specifically to victims of human trafficking. There are also many federal and state frameworks available to victims of acts such as sexual harassment, wage theft, and unacceptable working conditions that could be used to make survivors of trafficking whole.

Access to justice

The existence of a remedy means little if there is no legal assistance available. Trafficking-related legal issues are often missed because a survivor does not have access to knowledgeable counsel. In Michigan, we are fortunate to have the University of Michigan Human Trafficking Clinic, which can provide many legal services ranging from setting aside convictions to immigration relief. Legal services are also widely available to victims of crime, which would include victims of trafficking. MCEDSV can also provide referrals to respected attorneys who can handle cases at no cost to the client. Even so, it can be difficult to obtain holistic legal representation that can meet all a client’s needs, and this lack of access serves as a barrier to realizing the many remedies discussed here. Access to justice for victims is an issue that MCEDSV is constantly monitoring and seeking to improve.

Restitution through a criminal prosecution

Federal law requires mandatory restitution for trafficking victims through the Trafficking Victims Protection Act (2000). Specifically, the TVPA orders that U.S. federal courts “shall order restitution for any offense” committed under federal anti-trafficking statutes. The mandatory restitution law requires that victims be awarded recovery for the “full amount” of their losses,

⁶ Please note regarding the terms used in this section that MCEDSV strives to use terminology that respects the wishes of the people concerned. The terms selected here are either legal terms of art, which are selected to ensure clarity (i.e., Indian country or alien) or were selected because they seem most suited to the context. These selections are not meant to minimize the diverse experiences of survivors and do not seek to generalize their identities.

calculated with a specific formula that is defined as the value to the defendant of the victim's services or labor. The law goes on to require that the minimum wage and worker protection laws be used to calculate the value of the work. Courts have also found that the value to defendants of sex trafficking victims' work may be significantly more than what the victim would have received if paid minimum wage, and have used much higher numbers to calculate that value (*United States v. Lewis*, 2009; Human Trafficking Legal Center, 2014). A court can award restitution based on the minimum wage law if appropriate regardless of whether the work was lawful (*United States v. Cortes-Castro*, 2013). Restitution payments under federal cases are tax-free (IRS, 2012). This is truly extraordinary and could make an enormous difference in the amount of money that a victim is able to keep.

Michigan law also provides for mandatory and robust restitution in trafficking cases (MCL 780.766, 766b). This includes lost income based on amount received by defendant or value to defendant of labor or minimum wage; the cost of transportation, temporary housing, childcare expenses incurred by the victim; attorney fees incurred; and any other losses suffered.

There are several practical considerations to keep in mind for survivors whose traffickers are prosecuted:

- Despite their mandatory nature, one study found that only about 36% of cases had restitution ordered. (Human Trafficking Legal Center, 2014) This means that advocates and crime-victim attorneys can have an important role to play.
- Urging the prosecutor to seek restitution and doing an independent analysis of the many damages associated with the victimization could make a significant difference to survivors.
- Restitution is more likely to be granted if a specific motion is brought asking for it.

Lawsuit against perpetrator

Both federal law and Michigan law provide a civil cause of action specifically for human trafficking (Trafficking Victims Protection Act, 2000; Human Trafficking Victims Compensation Act, 2014). These laws make the offender liable (that is, financially responsible to pay the victim) regardless of whether there was ever any physical injury and regardless of whether there was a prosecution or conviction. The offender is liable for all physical and mental suffering, denial of pleasure, embarrassment, disability or disfigurement, aggravation of preexisting ailment, all reasonable expenses for treatment, loss of earning capacity, damage to property, and any other necessary and reasonable expense. The federal law goes even further by including anyone who knowingly benefits from the proceeds of trafficking in the list of potentially liable. This could make it more likely that a victim would recover by expressly making a business or business owner potentially liable. In addition, the federal law gives victims ten years in which to file a lawsuit, while state law provides a three-year limitations period (MCL 752.984).

There are several other federal and state laws that may provide remedies through a civil lawsuit against the perpetrator, for example:

- The federal Fair Labor Standards Act and Agricultural Workers' Protection Act provide protections for workers and in many cases allow workers to sue the employer (or trafficker) to enforce those rights.
- Federal and state anti-discrimination laws allow trafficking victims to sue people who discriminated against or harassed them because of their national origin, race, or gender (which is increasingly understood in some jurisdictions to include gender identity and sexual orientation). As discussed below, victims must first seek relief through administrative agencies to ensure they are eligible to file a lawsuit, and action must be taken quickly, usually in less than one year.

When considering whether to pursue a civil action regarding a trafficking case, advocates, and those they serve should be aware of the following:

- The case is likely to be stayed, or paused, so long as any criminal case is ongoing.
- If there was a criminal trial and conviction, a civil trial may be less traumatic for a survivor because the perpetrator would be precluded from re-litigating the claim that they were not involved in the underlying trafficking. This is called "collateral estoppel." In other words, the survivor may not have to testify to all of the details of their experience over again (Southern Poverty Law Center, 2008).
- Expert witnesses are helpful for cases involving human trafficking to help a jury understand behavior that may be non-intuitive or not make sense to a person who has not been trafficked (MCL 750.462g).
- One study showed that approximately half of trafficking-related lawsuits settle (Human Trafficking Legal Center, 2008). The survivor would not have to testify in court and may not have to give a deposition to obtain money through a settlement.
- Where there was not a conviction, victims considering a lawsuit should ask a potential attorney whether there is a significant likelihood that they could be sued by the perpetrator in retaliation for making their claims. Sometimes perpetrators will sue victims for defamation, which is a lawsuit alleging that the victim lied about the perpetrator's crimes. These lawsuits are not always successful but can be incredibly traumatizing for survivors.
- Attorneys handling cases should be made aware of confidentiality concerns for the victim and the importance of keeping certain information—like a person's immigration status or real name—out of the lawsuit and public record. MCEDSV's Survivor Law Project can support attorneys attempting to keep information like this confidential.

Clearing of criminal record

Many survivors of human trafficking have encountered law enforcement before, during, or after their victimization, and have criminal convictions on their record. Seeking expungement

for survivors can make an enormous difference in the options that they have available to them, ranging from housing to employment. Michigan has created limited, special expungement rules for survivors of sex trafficking, allowing them to have their criminal record cleared from any prostitution offense directly resulting from being a victim of human trafficking (MCL 712A.18e). Other survivors who have a criminal record may also be eligible for expungement of minor offenses for which they were released from incarceration at least five years ago. The University of Michigan Human Trafficking Law Clinic is an excellent resource.

Administrative remedies

Several federal and state administrative agencies may serve as alternative sources of remedial payment to victims. As a practical matter, if a survivor of trafficking can access an administrative remedy with the support of counsel, the application process is likely to be less intrusive than a civil trial would be. Because these processes may be less triggering for a survivor, awareness of potential administrative remedies is crucial. Survivors and advocates should prompt attorneys to consider these avenues for relief. Some administrative remedies that may help survivors of trafficking are as follows:

- **Crime victim compensation** through the Michigan Department of Health and Human Services. Such compensation can provide emergency funds of up to \$500 and could provide as much as \$20,000 in lost wages or other costs associated with injuries. There is a one-year deadline for this compensation, but that can be waived if a victim can show good cause, which can be the result of the trauma associated with being a trafficking victim. It is free to file a complaint.
- **Wage theft and wage & hour violations:** The Michigan and the federal wage and hour divisions allow workers to file claims for wages that have not been paid for lawful employment. Claims must be filed within three years of a failure to pay at least minimum wage. It is free to file a complaint.
- **Occupational safety complaints and retaliation:** If a workplace is unsafe, then both federal and state Occupational Health and Safety Administration could be a resource. If the victim complained about unsafe conditions and was fired because of the complaint, then the trafficker could be forced to award back pay.
- **Anti-discrimination complaints** with the Michigan Department of Civil Rights or with the U.S. Equal Employment Opportunity Commission are essential if a victim would like to bring a lawsuit for sexual harassment or discrimination. Complaints may be made whether the survivor was exposed to a hostile work environment (and case law has found that even one sexual assault could give rise to a hostile work environment) or if there was quid pro quo harassment, which occurs if a trafficker says that a victim can have a promotion or continue working in exchange for a sex act. Complaints could also be made if there is harassment or negative treatment based on national origin, for example, if all white workers are assigned to less burdensome tasks or give nicer living quarters and Latino workers or workers who hail from Mexico and Central America are

treated worse. In most cases, a case must be started within 300 days of the last discriminatory action.

Immigration relief

For survivors of human trafficking who are not U.S. citizens, the possibility of immigration relief related to their status as trafficking victims could be life changing. Some background on the U.S. immigration system can provide a helpful starting point for advocates hoping to support survivors through this process.

Noncitizen trafficking survivors may have some immigration status or none. Under U.S. immigration law, all people who are not citizens (those who were born in the U.S., acquired citizenship through a parent, or who have naturalized) are referred to as “aliens” (Immigration and Nationality Act). A noncitizen may be a lawful permanent resident, which means that it would be difficult to deport them, but still possible, especially if they have certain criminal convictions. Permanent residents may apply to naturalize and become a citizen after a certain number of years if they are willing to go through the process. They may also have a non-immigrant visa, such as a tourist or student visa, which may be set to expire or have already expired. They could also have come to the United States without any prior authorization.

The United States immigration system is divided into several federal agencies. Immigration and Customs Enforcement (“ICE”) can be understood as the police and prosecutors of immigration law within the borders. The immigration courts are administrative courts that are set apart from the ordinary federal court system. Immigrants do not have a right to appointed counsel in immigration court because it is considered a civil proceeding (Immigration and Nationality Act). State courts and agencies have no authority over immigration law, but it is important for advocates to become aware of any existing local or state policies regarding how government officials will coordinate with ICE.

A trafficking victim’s immigration case may vary significantly depending upon whether they have been placed into immigration court proceedings. If a survivor is apprehended by ICE and placed in removal proceedings with the immigration court, then they are likely to be detained while their proceedings are pending. Detained immigrants are much less likely to win their immigration cases than those who are let out on bond. Bond in immigration proceedings is generally high—at least \$2,500—and many survivors cannot pay that amount. These realities make the path forward for detained survivors, and the job of their attorneys and advocates, much more difficult. Also, a survivor will need to convince the immigration court to grant them a continuance, or break, in the deportation proceedings, by showing that it is likely that they will succeed in their application. Some courts are unlikely to grant such continuances. All in all, it is much easier to seek immigration relief when the person is not facing ongoing immigration proceedings.

Victims of trafficking may be eligible for humanitarian or family-based remedies. The most common forms of relief available are as follows:

- T Nonimmigrant Status (“T Visa”);
- U Nonimmigrant Status (“U Visa”);
- Special Immigrant Juvenile Status;
- Asylum, withholding of removal, or a Convention Against Torture claim; and
- Family-based forms of relief, such as a Violence Against Women Act self-petition, a battered spouse waiver, or VAWA cancellation of removal.

In addition to being eligible for one of these areas of relief, a survivor must also be able to demonstrate that they are admissible to the United States. This means that they must review any history of interaction with the criminal justice system, health-related grounds of inadmissibility (which can include some serious mental health issues), and any security-related grounds of inadmissibility. Support from trained counsel is essential to making the correct determination about what possible barriers might come up.

T and U visas

T nonimmigrant status allows a person to live and work in the United States for approximately four years. Certain family members may be granted T status as derivative beneficiaries. T status also provides a path to lawful permanent resident status, and ultimately, citizenship. A person in T status may apply for lawful permanent resident status after three years in T status. The granting agency, United States Citizenship, and Immigration Services (“USCIS”) is able to issue up to 5,000 grants of T status may be made per year.

One crucial consideration is that immigrants in T status are eligible for many public benefits. These benefits include Refugee Cash and Medical Assistance, Temporary Assistance to Needy Families, Medicaid, SSI, Food Stamps, Refugee Social Services, and access to federal financial aid, as well as other benefits (Trafficking Victims Protection Act, 2000). In contrast, U visa status does not open the door to these benefits.

To establish eligibility, applicants for T status must show that:

- they are victims of a severe form of trafficking;
- they are physically present in the United States on account of the trafficking;
- they have complied with reasonable requests for assistance in the investigation or prosecution of acts of trafficking (unless they are under the age of eighteen or unable to cooperate due to physical or psychological trauma); and
- they would suffer extreme hardship involving unusual and severe harm if they were forced to leave the United States (Immigration and Nationality Act).

The key to survivors demonstrating they are victims of a severe form of trafficking is showing that the trafficking happened through either force, fraud, or coercion. But minors under the age of eighteen who have been sex trafficked (but not labor trafficked) are automatically considered victims of severe trafficking and do not need to establish that they have been trafficked through means of force or fraud or coercion (Trafficking Victims Protection Act, 2000).

Applicants for U status must establish that (1) they are a victim of a qualifying crime, (2) they have cooperated with law enforcement in investigating or prosecuting that crime, and (3) they have suffered substantial physical or mental harm as a result of the crime (Immigration and Nationality Act).

Perhaps the most significant advantage of U non-immigrant status over other forms of immigration relief is the many waivers of inadmissibility that are available to applicants. Entering the United States without border inspection by an immigration official can be waived, as can past crimes (Immigration and Nationality Act).

Advantages of T status

- When victims are unable to obtain the law enforcement certification necessary for U status applications, applying for T status is a better option because secondary evidence of cooperation can take the place of certification by law enforcement for T applications.
- Holders of T status have more access to public benefits.
- Holders of T status are eligible to apply for federal financial student aid.
- Most of the time, as of this writing, the process for obtaining a T visa moves more rapidly.

Advantages of U Status

- Clients who have many inadmissibility factors and are unable to tie them directly to trafficking may be better off applying for U status because of the broad waiver provisions.
- U status is also an option for victims unable to meet the T status requirement of showing that they are present in the United States on account of trafficking or the extreme hardship requirement.
- Some survivors of sex trafficking prefer U status because they fear T status will alert others to a history of involvement with prostitution.

Native American survivors' access to justice

Native Americans have experienced staggering historical trauma and continue to experience high levels of domestic and sexual victimization including trafficking. Some evidence suggests that Native Americans are also more likely to be victimized by human trafficking than other ethnic groups (Pierce, n.d.).

But Native survivors of all forms of victimization too often encounter a complex web of overlapping and incomplete jurisdictional confusion that has been aptly called a “Maze of Injustice” (Deer, 2007). Agencies should contact Uniting Three Fires Against Violence (<http://unitingthreefiresagainstviolence.org/>) or MCEDSV’s legal team to discuss the specifics of any particular case. This guide is intended to help advocates understand what survivors may expect.

There are several concepts that clarify how this Maze of Injustice came to exist. First, the location of victimization is key. The term “Indian country” is used in the law to discuss reservation land, as well as land set apart or allotted for use by Native Americans. Second, the political identity of each party will make a difference, that is, whether they are a “member” or a person who is a citizen of a tribal nation. Early in U.S. history, the Supreme Court held that Indian nations were “domestic dependent nations” and that state laws have no force within Indian country, but recognized tribes as having separate sovereignty or power over their territory. The Court also has held that a tribal court could not prosecute a non-Native offender (Warner, 2017).

In addition, Congress passed laws giving federal courts authority over major crimes committed within Indian country. More recently, laws have been enacted allowing the federal government to prosecute most federal crimes, which would include federal human trafficking offenses, even when they are committed in Indian country by a non-Native offender. Finally, the Violence Against Women Act 2013 reauthorization gave tribes the ability to adopt special jurisdiction for domestic violence cases, which may be important for survivors of trafficking that co-occurs with domestic violence (Warner, 2017).

Trafficking survivors who are victimized outside of Indian country should ordinarily have the full set of remedies available to them in the state and federal courts. Survivors who identify as Native American may benefit from resources that support culturally relevant healing.

Jurisdictional questions are incredibly complex and do not have any easy answer, but the points below contain a brief overview of what Native survivors of trafficking who are victimized *in Indian country* may expect if the tribe governing the land on which they were victimized has adopted Special Domestic Violence Jurisdiction.⁷ It should be noted that significant legal limitations prevent most tribal courts from imposing sentences that are longer than 1-3 years. Individuals should consult with a lawyer to confirm the information set forth below (National Congress of American Indians, 2017).

- For criminal prosecution:
 - Human trafficking where victim is a tribal member and perpetrator is also a tribal member, the federal court has jurisdiction.
 - Human trafficking where victim is a tribal member and perpetrator is not, the federal court has jurisdiction.
 - Domestic Violence (including intimate partner sexual assault) where victim is a tribal member and perpetrator is also a tribal member, the tribal court has jurisdiction.

⁷ Keep in mind that in many instances, trafficking victimization will occur outside of Indian country in addition to within those boundaries and advocates can support survivors in seeking state court remedies where victimization involves more than one area. Moreover, there are very few tribes that have adopted jurisdiction in domestic violence cases.

- **Domestic Violence (including intimate partner sexual assault) where victim is a tribal member and perpetrator is not**, the tribal court may have jurisdiction if it has adopted Special Domestic Violence Criminal Jurisdiction. Consult tribal resources, UTFAV, or MCEDSV to learn more.
- Sexual Assault (non-intimate partner) where victim is a tribal member and perpetrator is also a tribal member, the tribal court has jurisdiction.
- Sexual Assault (non-intimate partner) where victim is a tribal member and perpetrator is not, the federal court has jurisdiction under the Major Crimes Act.
- For civil matters, such as personal protection orders (“PPOs”) and lawsuits against their perpetrator or those who benefitted from the crime:
 - PPO where survivor is a tribal member and the perpetrator is also a tribal member, the tribal courts have jurisdiction to enter and enforce the order.
 - **PPO where survivor is a tribal member and perpetrator is not**, the tribal court has jurisdiction to enter and enforce the order (18 USC 2265), so long as the particular tribal court offers this remedy.
 - Civil lawsuit where survivor is a tribal member and the perpetrator is (and all other defendants are) also tribal members, the tribal court would have jurisdiction.
 - **Civil lawsuit where survivor is a tribal member and defendant is not**, for actions involving human trafficking and domestic or sexual victimization, the tribal court likely has jurisdiction because this involves the health and welfare of the tribe, but survivors may be well advised to sue in federal court, or perhaps state court, where human trafficking is involved because of the enhanced remedies available.

This list does not cover all possible scenarios, and the law in this area is subject to change, so please contact MCEDSV’s Survivor Law Clinic for more information on how crimes and civil actions are proceeding locally.

No legal remedy will ever make a trafficking survivor whole again. However, trafficking survivors currently have access to more extensive legal remedies than most victimized populations. Knowing about the possible menu of choices available to survivors can allow advocates to effectively serve and empower. The following resources may help.

Resources

Organizations:

University of Michigan School of Law Human Trafficking Clinic

<https://www.law.umich.edu/clinical/humantraffickingclinic/Pages/default.aspx>

Lakeshore Legal Aid's Counsel and Advocacy Law Line:

<https://michiganlegalhelp.org/organizations-courts/find-lawyer/counsel-advocacy-law-line>

Farmworker Legal Services: <http://www.farmworkerlaw.org/>

YWCA Kalamazoo, for legal services to trafficking survivors: <http://ywcakalamazoo.org/caring-for-victims-of-assault-violence/>

Uniting Three Fires Against Violence: <https://unitingthrefiresagainstviolence.org/about-us-2/>

Time's Up/National Women's Law Center, providing information and services for sexual harassment claims <https://nwlc.org/legal-assistance/>

State Bar of Michigan find a lawyer: <https://www.zeekebeek.com/SBM>

Agencies:

United States Citizenship & Immigration Services: <https://www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes>

Federal Equal Employment Opportunity Commission:

<https://www.eeoc.gov/employees/charge.cfm>

Michigan Online Wage Complaint Form: https://www.michigan.gov/lara/0,4601,7-154-59886_79554---,00.html

Michigan Department of Civil Rights: https://www.michigan.gov/mdcr/0,4613,7-138-70682_67734-153171--,00.html

Michigan Occupational Health & Safety Administration Complaint:

https://www.michigan.gov/lara/0,4601,7-154-11407_15333-93835--,00.html

Michigan Attorney General's office on Human Trafficking:

https://www.michigan.gov/ag/0,4534,7-359-82917_81399--,00.html

XII. Working with the media

Over recent decades, human trafficking has become a hot topic in the media—from movies to investigative news reports. But MCEDSV has outlined several problematic themes in the way that survivors and traffickers have been portrayed in the media. To summarize, victims of trafficking are often portrayed as weak, helpless, and forced into the trafficking relationship. Traffickers are similarly portrayed as one-dimensional offenders. Victim and trafficker portrayals are shaped by the dominant culture as primarily white female victims and disproportionately minority male traffickers (Michigan Coalition to End Domestic & Sexual Violence, 2017).

This oversimplification of human trafficking, in addition to inaccuracies, leads to a nation believing that this is the only story—albeit a horrible one. This narrative does more than just erase the deep complexities of every human trafficking experience; it may have damaging effects on policymaking and legislation, particularly within criminal justice system solutions. Media coverage becomes a further problem when the focus is directed exclusively on sex trafficking. The nation’s desire for salacious material impedes a broader understanding of human trafficking, particularly the stories of survivors of labor trafficking. Additionally, focus on sex trafficking rarely sheds light on stories where the survivor is trafficked by their own family, or discusses the nuanced complexity of survival sex. This type of narrative also leaves out large swaths of victims: people of color, foreign nationals, men and boys, and LGBT+ youth, all of whom comprise a majority percentage of those victimized by sex trafficking (Austin, 2017).

The “ideal victim” according to the media, is a young white female taken from her home and forced into commercial sex. This “ideal victim” image becomes a barrier to all those who do not fit into this category. The crucial systems of law enforcement, medical and mental health services, and even family and community structures tend to discount or mistrust those who do not fit the “ideal victim” image.

Advocates should recall that the media’s goal is to report a story, and the more interesting or important the story, the greater the impact will be on the public, and the more that the media will reap benefits such as higher numbers of viewers and more advertisement revenue. In both civil and criminal cases involving human trafficking the media will perform a public search for information to use in its coverage. Confidentiality can be a necessary protection of survivors, particularly if the survivor remains vulnerable to the trafficker.

Where the survivor is interfacing with the criminal or civil justice system, advocates must be aware that all court proceedings will likely become public records, which the media can easily access. An advocate may be able to work with a human trafficking survivor’s prosecuting attorney or civil attorney to assure as much confidentiality as possible. An advocate can support the survivor in urging the prosecuting attorney to bring motions to seal certain records and protective orders to assure that the victim is non-identifiable, or that certain aspects of their identity remain confidential (for instance, that the survivor is undocumented). Indeed, a civil

lawsuit may even be brought under a pseudonym like Jane Doe if the attorney is willing to take the extra time necessary. It is extremely useful for the advocate to raise these considerations, as attorneys may not focus on these specifics without intervention from the advocate.

The way the media frames any issue encourages a specific interpretation of that issue. Successful media framing is most successful in defining a problem, proposing a solution, and motivating an action when it resonates with current social climates and reinforces cultural stereotypes and beliefs. *Simple and easy to understand* are the two standbys in successful media output. The problem is that human trafficking is not an easy straightforward story. It is an enormous problem globally, as well as within the United States. It affects a great many of our daily activities, from wearing clothing produced under slave labor, to eating fruit picked by enslaved victims. Those are just two quite well-known examples, which are well-known because of quality media coverage.

Media is one of culture's most powerful tools and used ethically it can change behavior and beliefs. That said, the following, persistent issues have arisen:

- Labor trafficking remains largely invisible due to underrepresentation in the media.
- Media has created a story in which sex trafficking is seen as the only form of human trafficking.
- Media has a history of representing human trafficking as a crime rather than a human rights, public health, or activist awareness issue. The opportunity for a broader discussion on the complex societal issues, or complex issues of globalization is reduced to a formula of a simple crime by an individual perpetrator.
- Framing human trafficking solely as a crime sets the stage for explaining it as the result of nefarious predators instead of as a by-product of larger societal issues that are complex and harder to explain.
- This framing also fails to propose any remedy such as addressing an increase in services, including shelter, health care, and trauma services. Reframing human trafficking as a human rights issue, in addition to its being a crime, will recalibrate the national discussion
- The media has created an “ideal victim,” a white female or child taken from the home, an idea which serves to erase all other survivors, or to diminish them.

Remembering that the media is an extremely powerful tool is crucial in moving forward toward a balanced, ethical stance in representing human trafficking survivors. The media has perpetuated stereotypes and can create ignorance and misunderstanding and even incite hatred. It can also do the reverse of all these things, and, to that end, the following strategies for advocates and members of the media may be helpful when representing human trafficking:

- Accuracy and fact-based reporting: Avoid unverified information, avoid unnecessarily inflammatory language, do not sensationalize.

- Independence: Act according to an ethical standard: do not be swayed or persuaded by an outside political interest or other stakeholder.
- Impartiality: Tell all sides of the story while remembering that we are survivor-centered and trauma-informed.
- Humanity: Journalism should do no harm and should show compassion and point to solutions.
- Accountability and transparency: Be responsible, make sure those on whom you are reporting are aware of what you are doing, cite names when applicable, and retain anonymity of survivors when necessary.

Advocates should be aware and be ready to share the Code of Ethics of the National Press Photographers Association in the United States mandates:

Treat all subjects with respect and dignity. Give special consideration to vulnerable subjects and compassion to victims of crime or tragedy. Intrude on private moments of grief only when the public has an overriding and justifiable need to see (<http://accountablejournalism.org>).

These strategies can help advocates and media practitioners create accurate, nuanced, ethical, fair, and useful depictions in the media.

XIII. Agency policies

This section provides concrete steps for agency policies and practices to provide effective, trauma-informed, and survivor-centered services.

Agencies should review policies to ensure that they are trauma-informed and survivor-centered from the perspective of trafficking survivors, taking into consideration the various intersecting identities that survivors bring to the experience. This may require extra scrutiny of how things are done. This section provides a background on the goals of agency policies and highlights several categories of policies that may need to be re-evaluated for human trafficking survivors.

To take a proactive approach to trauma, agencies must make the primary goals of their services empowerment and recovery, creating a collaborative approach where the survivor is an active planner and protagonist in all services, and priority is placed on choice and trust that is developed over time (Curtis et al., 2012). Clients should be aware that their safety and confidentiality will be guarded as much as possible, know the limits of confidentiality, and expect that professionals in the agency will maintain healthy boundaries. Finally, services must be offered with cultural humility, removing language and ability barriers wherever possible (WCSAP, 2012).

Ensuring that human trafficking survivors receive trauma-informed services requires that programs be thoughtful and creative about how to thoroughly integrate trauma-proactive policies into the culture of their organization. If advocates and therapists are informed about the effects that trauma can have on survivors, but the initial points of contact are not, then the survivor's experience will not accommodate their trauma experience. Service providers must also remember that they are not investigating what happened to the survivor, but instead may respond proactively to how the survivor perceives any situation. In other words, the agency should believe the survivor and empower them.

Trauma experienced by many trafficking survivors can have a significant short- and long-term effects and may also compound earlier traumas in the survivors' lives (Dube, 2002). It is easy to mistakenly consider some trauma survivors to be presenting as "difficult" because of the various behaviors they may have taken up to cope with their trauma. It is crucial that agencies work to overcome this initial reaction to survivors of trauma.

Here are some ways to ensure that your agency is proactively relating to trauma for human trafficking survivors:

- Be sure that all staff and volunteers are trained on the effects of trauma before they have any contact with clients. For example, staff at the reception desk or volunteers at a food pantry should be aware that some behaviors or complaints may seem ineffective or unhealthy to the staff or volunteer and may represent adaptive responses to past traumatic events. These initial points of contact can shape a survivor's understanding of your agency from the beginning.

- Do not expect immediate trust from your client but do everything that you can to be sure that they know you are trustworthy. For example, an initial intake should not require in-depth disclosures, but any feelings that come from the trauma experience should be normalized and validated.
- While physical safety is essential, keep in mind that what makes some people feel safe may make others feel unsafe. For example, it may be crucial to have cameras onsite or to lock certain doors, but these tools may also trigger survivors of trafficking whose movement may have been restricted and surveilled by their trafficker. Review policies to decide whether they are necessary and if they are, be sure to give a thoughtful explanation of why a measure is taken. Considering any necessary safety measures, ask what the client what would make them feel more comfortable.
- Encourage cultural practices that will allow survivors to take the lead in finding their path towards healing. For example, if a survivor would like a private place to pray, to burn incense or a candle, or limit movement on a particular day of the week as part of their journey, it is best not to limit this in an arbitrary manner, but instead to take reasonable safety precautions while allowing a survivor to do what is helpful to them.
- Be sure that interpreters are available who are not part of a survivor's or trafficker's social or familial network and see that the interpreters will strictly comply with confidentiality and empowerment practices.
- All staff and volunteers should be supported, respected, and given space to grow and heal from their own trauma history. Opportunities for staff input should be incorporated into management policies. For example, agencies may consider a trauma working group that consists of individuals from several different positions across the agency that is tasked with reviewing policies, making suggestions, and planning trainings to enhance the agency's trauma-proactive efforts.

J. *Identifying policies that can cause tension and hurt human trafficking survivors*

Some policies that may make sense for survivors of other forms of victimization are not helpful for survivors of human trafficking. This section attempts to marshal a non-exhaustive list of those policies, but agencies should constantly be on the lookout for points of tension.

At the intake and eligibility screening stage:

- Trafficking survivors who are taken into immigration or police custody or are being helped by an interpreter or other support agency may make initial contact through a third party. Policies that, for purposes of fostering empowerment, require that a survivor contact the program themselves could endanger survivors and should be reconsidered. Instead, agencies could consider procedures that ensure to a program's satisfaction that the survivor, indeed, would like to be served by the agency without the agency declining to speak with the survivor through a third party.

- Programs who are particularly interested in serving trafficking survivors should consider coordinating with local, state, and federal authorities to let them know of the services that the agency offers.
 - If programs have shared with law enforcement that they are able to shelter trafficking survivors, they may wish to prepare to potentially have multiple survivors come into shelter at the same time when a raid or other enforcement event occurs. These survivors may have experienced profound acute trauma that is distinct from that of many survivors entering shelter and will require specific attention.
- Trafficking survivors may have been coerced or forced to engage in illegal activity that either led to or was part of their victimization. Further, individuals who have been incarcerated or who have criminal histories may be especially vulnerable to trafficking. Policies that automatically exclude from eligibility individuals who have criminal records should be reconsidered.
- Foreign nationals, especially unauthorized immigrants, are especially vulnerable to trafficking because of the design of our immigration system. Policies that screen for, or even ask about, a person's immigration status should be avoided wherever possible.
- Many trafficking survivors are minors who may seek services along with an unrelated adult who may have been victimized by the same trafficker. Other minors may seek services individually. If agencies do not provide services for minors, then they should form close referral relationships to agencies that do so that survivors do not fall through the cracks.
- Although it is important that intake conversations be held in a private place, the location of an initial interview should not be in a small office that could lead a survivor to feel trapped, which can be especially triggering for those survivors whose movement has been confined. The interview room should be spacious and there should be a clear exit. The interviewer should let the survivor know that they may take a break and/or leave the room whenever they like.
- Programs should avoid technical trafficking terms unless the survivor is using them. Whenever possible, mirror the language that the survivor is using, such as boyfriend, dates, the life, etc.

Working with Interpreters:

- From initial contact and throughout an agency's interaction with a survivor, professional interpretation should be provided. Interpretation in person is superior to telephone or other methods.
- A preliminary step is to ensure that the interpreter speaks the survivor's preferred dialect but does not have any ties to their trafficker or any family or community members who may be known to the survivor. For some dialects, this can be incredibly difficult.

- It is crucial that interpreters who are working with human trafficking survivors are neutral; they must interpret precisely what a survivor and interviewer say. When interpreting in person, the interpreter should position themselves to the side so that the survivor and interviewer have the impression that they are merely talking to one another with the interpreter fading into the background.
- Before meeting with the survivor for the first time, the interviewer should meet with the interpreter and discuss the following specific issues:
 - The importance of confidentiality (the survivor should be told that the interpreter has agreed to strict confidentiality too);
 - The basic subject matter you intend to discuss, and that it may be triggering for the interpreter, given the historical or recent trauma that certain cultures have disproportionately experienced;
 - Any cultural norms that the interviewer should be aware of;
 - That the interpreter is merely a conduit for the conversation between the survivor and the interviewer and should not add to or elaborate upon what is being said and should be prepared for you to interject and ask questions if it appears that they are doing so;
 - Prepare for any breaks that may be needed for the interpreter or the survivor.
- Agencies may contact MCEDSV if they need support looking for interpreters of lesser known languages and dialects (such as interpreters available with the assistance of the Office for Victims of Crime Training and Technical Assistance Center, OVC TTAC).

During a trafficking survivor's shelter stay:

- Trafficking survivors may not present with a history of intimate partner violence, and accordingly, shelters may have to thoughtfully plan how to fund and implement housing for trafficking survivors. Where these barriers are presented, shelters should work to creatively problem solve wherever possible so that trafficking survivors can be served and are not unnecessarily separated from other agency services.
- Safety measures taken within shelter, such as locking doors or having cameras and staff observing residents, should be explained so that the survivor does not feel confined to the shelter unnecessarily.
- Trafficking survivors may need shelter services and housing much longer than non-trafficked victims of domestic violence or sexual assault. Policies that limit the length of time that individuals can be in shelter should be reconsidered considering these realities.
- Problems associated with communal living may be exacerbated for survivors of trafficking, which may require additional privacy measures for them to feel safe and secure. Sex trafficking survivors may have been forced to think of those associated with

the trafficker as their family and could translate that experience to form unhealthy attachments with other shelter residents.

- Trafficking survivors may not feel comfortable in group therapy settings given the added dimensions of their victimization (Florida Coalition Against Domestic Violence, 2016).
- It is possible that a trafficking survivor at a particularly complex place in their journey may attempt to recruit other survivors in shelter to their trafficker. If this occurs, the agency must act to protect the other residents from dangerous perpetrators. Even so, the survivor who engages in recruiting must be treated with respect and kindness to the extent possible so as not to alienate them if they choose to seek services on another occasion. Agencies may want to add something addressing this possibility to their community agreement and discuss it with residents before they enter shelter.

During a trafficking survivor's stay in transitional housing:

- In general, transitional housing options may need to be evaluated for their ability to accommodate most trafficking survivors for several reasons (Berman, 2016):
 - Case management emphasizing long-term permanency planning may not be realistic with some trafficking survivors until they have had significant time to recover from trauma.
 - Survivors who have criminal histories may not be eligible for public housing programs. However, programs should advocate for participation in such programs where the criminal activity is tied to the survivor's victimization. Survivors who are not authorized immigrants may be eligible for short-term housing but may need to seek a form of immigration relief before they will be considered eligible for long-term housing support (Morales and Orloff, 2017). Some immigrants may be reticent to seek housing assistance as their use of a public benefit may hamper their ability to seek more permanent immigration status. Further, undocumented survivors may lack authorization to work, which will interfere with their ability to qualify for state programs designed to support their first month's rent and security deposit costs. Having separate general funds available to handle some of these costs may assist survivors in overcoming these hurdles. Also, trafficking survivors who are cooperating with law enforcement or minors who have been trafficked may be able to secure eligibility for several benefits; see Section XII.
- Trafficking survivors may require additional safety and confidentiality measures while in transitional housing, particularly if they are cooperating with law enforcement. Somewhat more so than many domestic violence and sexual assault perpetrators, human trafficking perpetrators often have access to sophisticated criminal networks that would make finding and intimidating or harming the survivor more possible. Programs may wish to seek ways to prevent the survivor's name from going on a lease.

General agency review

In general, agencies should regularly review policies from the standpoint of many different survivors so that they can be consistently updated to consider new learning on how best to serve survivors. Asking the following questions may assist with reviewing policies (American Institutes for Research, n.d.):

- Is this policy or rule necessary?
- What purpose does it serve?
- Who does it help? Who does it hurt?
- Does the policy facilitate or hinder survivor inclusion and control?
- Were survivors included in its development?
- Could this policy or rule re-traumatize the survivor (e.g., limit their control, lead to fear or confusion, etc.)?

In conclusion, despite the significant overlaps and similarities between the experiences of trafficking survivors and survivors of domestic and sexual violence who were not trafficked, agencies should not necessarily presume that the policies that support one population are automatically useful with another. Most of the time, taking a trauma-informed approach from the initial contact throughout the provision of services will allow agencies to serve all survivors well.

XIV. Taking on human trafficking

In the year 2000, the United Nations held the Convention against Transnational Organized Crime in Palermo, Italy, and the protocols that were adopted during this convention are known as the Palermo protocols. Of these protocols, the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (United Nations, 2000) ushered in an era of greater concern for the prevention of human trafficking, and in many ways brought attention to an issue, modern slavery, that many in the world had thought ceased to exist. To be certain, there were advocacy groups working to prevent human trafficking prior to the Palermo protocols, but after the adoption by the U.N. in 2000, the interest by new and existing agencies increased.

The increase in interest sometimes outpaced development of tools, strategies, and education to confront human trafficking. No one organization should try to do this work alone. The Office for Victims of Crime Training and Technical Assistance Center's e-guide puts a fine point on this: "the power of a successful anti-human trafficking collaborative effort can transform the limitations of a singular agency or organization into a strong, strategic multidisciplinary team with substantially improved capacity to impact the problem" (Office on Victims of Crime, 2018).

Some governmental and inter-governmental agencies have promoted a "4P" framework of addressing human trafficking that encompasses prevention, prosecution, protection, and partnership (Zimmerman, 2011). While not all survivors wish to have prosecution be a part of their journey, the 4P framework helps illustrate the facets of action that survivor-centered advocacy can take. Since 2010, the addition of the "fourth P," for partnership, has been used in documentation. The inclusion of partnership highlights the fact that combating human trafficking requires the expertise, resources, and efforts of many individuals and entities. It is a complex, multifaceted issue requiring a comprehensive response of government and non-government entities in such areas as human rights, labor and employment, health and services, and law enforcement. It requires partnerships among all these entities to have a positive impact.

Partnerships augment efforts by bringing together diverse experience, amplifying messages, and leveraging resources, thereby accomplishing more together than any one entity or sector would be able to alone. Examples of existing partnerships governments use to facilitate prevention, protection and prosecution include:

- Task forces among law enforcement agencies that cooperate to share intelligence, work across jurisdictions, and coordinate across borders;
- Alliances between government and business association that seek to craft protocols and establish compliance mechanisms for slavery-free supply chains; and,
- Regional partnerships among nations, such as the anti-human trafficking efforts of the Organization of American States (OAS) or the European Union (EU).

Outside the government, partnerships include coalitions of nongovernmental organizations coming together for purposes of advocacy, service provision, and information sharing, and networks of survivors, whose experiences inform the broader trafficking movement.

In order to clarify how partnerships might occur, or how internal struggles may occur within discrete organizations when taking on the task of anti-human trafficking work, this toolkit takes into consideration agencies, especially agencies that were originally formed as domestic violence/sexual assault/interpersonal violence (DV/SA/IPV) agencies, CCRs (coordinated community responses), SARTs (Sexual Assault Response Teams), task forces, faith-based and spiritual communities, and community engagement, especially as it occurs at an organized level.

Domestic and sexual violence agencies are generally quite skilled in building partnerships to address social problems. That said, when it comes to human trafficking prevention, effective collaboration between organizations, and even within organizations themselves, is not so easily defined, nor is it often so easily accomplished. Figuring out how to work collaboratively in prevention, protection, and prosecution requires of any organization partnering honest self-reflection and a careful analysis of the dynamics of collaboration to build robust partnerships.

Agencies

Internally, organizations may struggle, particularly if the organization was founded on a mission separate from serving survivors of human trafficking. There is a definite trend occurring in which Domestic Violent/Sexual Assault organizations and advocacy groups have begun to explicitly include within their organization's mission work serving survivors of human trafficking. Often internal conflict arises when factions of staff in an organization feel that by focusing on human trafficking the original intentions or founding concerns of the organization will be lost or abandoned. This is known as mission drift and has been considered a negative process in management studies. This toolkit suggests that the term *mission drift* can be positively reframed, such as *mission evolution*, allowing organizations to reflect on why taking on the task against human trafficking makes sense given its close connection with issues occurring within domestic violence situations and within sexual assault situations.

From a practical standpoint, many DV/SA organizations are, in effect, already serving survivors of human trafficking. This toolkit has highlighted the intersections of domestic violence/sexual assault/human trafficking and how these may influence and effect the vulnerability of a person to be trafficked, or the results from being trafficked. Because these agencies are already set-up to serve survivors, there is reason to believe that the extension into human trafficking prevention seems like a natural one. Often survivors who are already being served by these agencies are victims of human trafficking as well. To acknowledge this, and to take a survivor-centered, trauma-based approach in supporting these survivors will decrease the likelihood of further exposure to the trafficker or prolonged exposure to dangerous situations, decreased lethality, and ultimately better stewardship of non-profit resources.

CCRs (Coordinated Community Responses)

Agencies already signifying as Domestic Violence/Sexual Assault advocates will more than likely be a part of a Coordinated Community Response (CCR). Coordinated Community Response, a concept that was activated and developed through DV/SA work, is the philosophy that domestic violence, or in this case human trafficking, is a community problem, and therefore requires the entire community to address the issue. Governmental and Non-governmental organizations are brought together to form a “team of professionals” which may include health and mental health agencies, the police and court system, non-profit agencies, social organizations, religious institutions, schools, and individuals or small grass-roots groups. CCRs create partnership from these various community members to help trafficked survivors access protection, and legal assistance and to meet other basic health and livelihood needs.

Often a CCR may begin with the criminal process as part of the coordination. In the case of human trafficking (or in DV/SA) there may be legal issues that might intimidate, or even prevent the survivor from choosing to use this system. Issues may include immigration status, or fear of being charged with solicitation of prostitution or even other crimes because of their trafficking. If the survivor chooses to avoid law enforcement, it is still important to assure that they are supported fully from the other sectors of the response team. The idea of extending the scope of what a DV/SA agency can do to assist survivors of human trafficking holds true of CCRs as well. In sex trafficking, and potentially even in labor trafficking situations, CCRs, who may be trained to be aware, and to support the community’s most vulnerable populations, would be in close enough direct service to get a sense of potential trafficking situations; certainly not all trafficking situations, but by an extension of focus, the CCR could be trained to ask further questions in order to see if DV/SA occurrences are also human trafficking occurrences.

SARTs (Sexual Assault Response Teams)

A specific type of CCR is the Sexual Assault Response Team (SART) which is an organization of individuals, professionals, and officials who promote a community-wide approach to end sexual violence and help victims of sexual assault to navigate the complexities of medical, emotional and legal issues along with the associated procedures. The team may include a Sexual Assault Nurse Examiner (SANE), victim advocates, law enforcement, prosecutors, judges, university staff and many others with the specific interest of assisting victims of sexual assault. SARTs would be most helpful, so far as human trafficking is concerned, in being the first responders to survivors of sex trafficking, though one huge barrier is that in the case of sex trafficking, the rape is rarely reported – and therefore a SART would not be activated.

Task forces

The term “task force” has been brought into common parlance, and is used to describe different types of groups, and occasionally groups that are not really, by traditional definition, task forces. The term “task force” comes from naval history. When specific, limited time military tasks were required by various world navies, discrete numbers of ships would be pulled

from larger fleets and squadrons to come together to perform that task, and when completed, would be disbanded back into their original, larger, and permanent units. This is the same idea behind the formation of task forces in the social service sector, though more often in recent years, task forces take on a permanent role – such as in the case of human trafficking, where no immediate end to the problem is in sight.

A task force in the social services sector is a collaboration between experts in a given field and is often a collaboration between multiple agencies at the federal, state, local, and tribal levels. Experts in certain fields, such as the justice system, can share information that might otherwise be unavailable to individuals without the proper clearance to work together to support victims or investigate traffickers. Given that human trafficking is a crime, and prosecution of traffickers is a complicated and often dangerous undertaking, these task forces perform a crucial role in the movement to eradicate modern slavery. A barrier to service might be, however, that a task force may opt for an interventionist strategy, the “rescue and release” strategy, which is potentially dangerous physically and emotionally for survivors.

Faith-based and spiritual communities

The moral affront of human trafficking and recent attention to the issue has generated a groundswell of support from many faith-based communities. Communities and people of faith have much to offer the anti-trafficking movement. They may be able to meet many of survivors' urgent needs with material support. For survivors who feel connected to a faith tradition, such communities may also offer resources for meaningful healing that a fully secular organization could not. Domestic and sexual violence agencies can be strengthened by working with faith communities (National Human Trafficking Resource Center, n.d.). At the same time, the work of faith communities can also be enhanced by building on the many lessons that have been learned over several decades of work done by domestic and sexual violence agencies.

The movement to end domestic and sexual violence emerged in the 1970s and has constantly sought to improve its results for survivors and the society in which they live. The movement continues to grapple with and examine the many ways that it could do better, but one important lesson learned has been to adopt a focus on survivor empowerment. To make a long story short, at the outset of the movement, many well-meaning helpers kept their focus on fixing or rescuing victims to keep them safe on the supporters' terms, not the survivors. Frustration emerged among helpers when survivors did not behave in the way that these helpers expected. But over time, the movement learned from these experiences and adopted approaches based on research that favor empowerment-based accompaniment of survivors instead of intervening and providing what the helper believes is right. A major component of the empowerment approach includes noticing, critiquing, and seeking to change structural conditions that get in the way of a violence-free society (Sullivan, 2006).

Domestic violence survivors who utilize shelters practicing an empowerment-based model are offered safety planning, and information about rights and options as well as information about

the dynamics of domestic or sexual violence. They generally report that such shelters helped them “find their inner strengths and advocated effectively for them,” noting that shelter staff “validated their experiences, helped them feel less alone, and provided concrete resources that they needed” (Sullivan, 2012). While the domestic and sexual violence movement still has much to learn, these lessons were hard won and allowed those working in the movement to stop shaming and harming survivors who were isolated and left out of services.

The theological concept of accompaniment also sheds light on service to survivors of human trafficking. Accompaniment can be seen as walking with someone in “companionable silence,” or “being present on a journey” (Farmer, 2013). This means that the focus is not on the person trying to help, but instead is on the person experiencing victimization. The survivor identifies needs and the advocate is a companion who is present and provides options.

The concepts of empowerment and accompaniment teach two key lessons:

- Interactions with survivors must be led by their choices and honor their multiple identities and experiences.
- Any movement for social change must remain in motion and critical of both systems that oppress others and the movement’s own approach to the work.

This summary of the movement towards empowerment and accompaniment is helpful when considering the current framework of the anti-trafficking movement, which is often called “rescue and restore.” The phrase “rescue and restore” often refers to agencies or initiatives that focus on removing individuals from situations that may or may not be human trafficking through raids, outing of traffickers, purchasing of individuals, or assisting in escapes. The intentions of such individuals are generally good, and they may help some survivors, but they often result in survivors being removed from their situation without the survivors’ consent or any support plan. In addition, these strategies do not get to the root causes of human trafficking that are tied to the vulnerability of poor and marginalized people (MCEDSV, 2017). The “rescue and restore” framework usually does not empower survivors to build their own future, and it does not accompany them on a journey to end violence in their own life and to address the underlying causes on a societal level.

It may be helpful to consider the following examples of how a survivor of sex trafficking may experience intervention from a faith community:

Jordan is a young man who was trafficked for sex with other men. Jordan is able to escape his trafficker when he is told to go purchase cigarettes and notices a homeless shelter that is part of a church and is able to offer him food and shelter. Jordan noticed that there was a small rainbow flag sticker on the door of the shelter, so Jordan felt safe entering in the first place. Every week, people from a church come to the shelter to provide professional clothing for the men in the shelter. Jordan wears the outfit he selected to a job interview and is able to obtain employment. One day, a friend invites

Jordan to attend that same church with him. The church members are friendly, and Jordan can sense that he is welcome. After a few weeks, he discloses to a member of the church some of the details of his victimization. The church member supports Jordan as he seeks counseling and plans for his future. Upon Jordan's request, they pray together. Jordan remains a member of the church for years to come, eventually marrying there and having his children baptized.

Liliana is addicted to heroin, which her trafficker uses to ensure she remains compliant for commercial sex customers. One evening while she is standing near a truck stop waiting for her next customer, Liliana is approached by a church member who hands her a yellow rose that has a small piece of paper affixed to it that lists the phone number for the national anti-trafficking hotline. The person who gives it to her tells Liliana that she is beautiful and loved by God and that God wants a better life for her. Liliana looks around nervously and makes eye contact with her trafficker, who is in a car in a nearby lot. Liliana gives the church member a weak smile and tries to walk away. A potential customer sees Liliana talking to the church members and races back to his truck. When Liliana returns home with her trafficker that night, he asks her why the church members were talking to her, believing that she contacted them or was seeking their attention. Her trafficker beats Liliana severely.

These very different experiences highlight why partnerships between faith organizations and domestic and sexual violence agencies can be made more fruitful by engaging in an empowerment-based, accompaniment style of advocacy. The societal structures that make some individuals vulnerable to trafficking overlap with those that make them vulnerable to social isolation, hunger, homelessness, violence, sexual mistreatment, and self-harm. Note too, the incredible danger that both the church members and Liliana were placed in when they sought to rescue and restore her. Thoughtful partnerships across a broad spectrum of resource providers can effectively empower survivors of trafficking in a spirit of accompaniment.

Some action steps for agencies who wish to engage faith communities are as follows:

- Learn about the community or individual's motivation for serving survivors of trafficking. Understand why they feel their faith calls them to do this work and ensure that you remain constantly and unwaveringly respectful of their beliefs. See if the discussion being had in the faith community centers on a rescue and restore model or not.
- Before partnering with groups that promote a rescue and restore, humbly seek to share some of the lessons that the movement to end domestic and sexual violence has learned that prompted adoption of the empowerment model.
- Learn about the theological concept of accompaniment and see whether it is appropriate to introduce that into conversations, as it emerges from a faith-based source.

- Seek opportunities to learn together about systemic failures that make people more vulnerable and look for ways that you can partner in taking them on.
- If one partnership does not work, then keep looking for a good fit.
- Do not engage in activities that your agency determines may be harmful to survivors.

Advocates should consult this helpful toolkit and may want to refer to it when working with faith-based communities:

Interfaith Toolkit on Human Trafficking: <http://www.uccfiles.com/Interfaith-Toolkit-on-Human-Trafficking-2016.pdf> (Washington Inter-Religious Staff Community Working Group on Human Trafficking, 2016).

Moving forward

Since the Palermo protocol, awareness of human trafficking increased to the point in which it has become a hot topic, and selling point for major motion pictures, television shows, and other cultural products. The benefit of this is that many more individuals are aware of modern slavery, concerned by it, and willing to try to eradicate it. From an individual level, or a community level, it is crucial to remember the following when advocating for survivors of human trafficking:

- Human trafficking is a community problem, and it requires a community approach to its eradication;
- Work to end human trafficking must be survivor-centered in its approach; and
- Work to end human trafficking must be trauma-informed in its approach.

Human trafficking groups may have differing agendas as how best to serve survivors, this toolkit is one method by which all groups working in this movement may find a common method by which to approach the work, thereby lessening interagency tension and intra-agency tension while providing effective service.

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XVI. Appendix A: Historical Trauma & Positions of Vulnerability in the LGBT+ Community

Why Positions of Vulnerability Matter when Considering Human Trafficking

Human trafficking can occur when a person is in a vulnerable position. Traffickers prey on people whom they can economically exploit through force, fraud, or coercion. A person in a vulnerable position provides the trafficker with what they need, a human commodity, capable of being exploited repeatedly for low risk and high profit. The exploitation can be for commercial sex purposes, non-sexual labor, or both. A person who has been excluded from social safety nets such as legal status, family ties, strong religious affiliations, economic stability, or shelter becomes easier prey to traffickers. Disconnected from these safety nets, those who experience additional systemic barriers such as racism, ableism, language access, or others become even more vulnerable. Traffickers are able to exert control over their victims by using these systemic barriers along with their isolation from social safety nets to ensnare them in sex trafficking or labor trafficking, in which the victim is forced into commercial sex acts or labor with little or no economic gain to themselves.

Historical Trauma from an LGBT+ Viewpoint

Recent scholarship on historical trauma argues that it is a type of trauma that is passed down to individuals generationally resulting from the large-scale trauma suffered by one's ancestors. Maria Yellow Horse Brave Heart first used the term in the 1980s as a way of studying the effects of genocidal trauma, and the effect of forced boarding school trauma on the Lakota people. More current scholarship suggests that this type of trauma may be epigenetic, meaning that it is passed down in part through the DNA. Historical trauma theory has been used to conceptualize the lived experiences of African Americans (DeGruy, 2005), Holocaust survivors (Yehuda, 2002), as well as Native Americans (Yellow Horse Brave Heart, 2000). As the lived experience of LGBT+ folk* is not primarily epigenetic, it may be more accurate to refer to the type of historical trauma experienced by those who identify as LGBT+ as a specific type of collective trauma. This trauma has been passed down from community elders not through DNA, but through their lived experiences. Incited by the continued history of oppression resulting in systems that fail to protect queer individuals and communities, this trauma has the powerful ability to decenter LGBT+ folk as they navigate their own gender identity and sexuality in a hostile world from the safety of the centralized protection of social systems, to the more vulnerable spaces on the margins.

(* folk is a gender-neutral collective noun we use to address our group.)

Historical Trauma through the Continuing History of Social Institutions

Individuals who identify as lesbian, gay, bisexual, or other than straight as well as those who experience life through marked gender variance including trans men, trans women, and non-binary individuals, are highly vulnerable to victimization. The United States government has

historically oppressed people because of sexual orientation or gender identity. Policies, laws, and cultural norms have excluded, criminalized, and erased lesbians, gays, bisexuals, trans men and women, and non-binary people; this has created a culture in which many LGBT+ individuals feel like they need to hide or lie about their identities to remain safe. This forced prevarication is a way that many LGBT+ folx attempt to retain the rights afforded by the government, services provided by the medical establishment, and a host of benefits given invisibly to heterosexual and heteronormative individuals and groups.

Legal Systems

Prior to the 20th century, laws regarding cross-dressing and sodomy were focused on regulating gender presentation and norms. With the rise of the LGBT+ urban subculture, the passive tolerance of the 1920s through the mid-1930s gave way to national conservatism. By the late 1930s homosexuality was declared a mental illness and strict “decency” laws were passed which served to force LGBT+ folx into “the closet.” These decency laws used language such as unnatural acts or crimes against nature, and their interpretation opened the door for widespread police harassment of gay men, lesbians, and trans folx (Leonard, 2015). Police brutality of LGBT+ folx and raids on queer gathering spaces was commonplace. The public shame and subsequent economic consequences of job loss brought about by arrest plagued the community throughout the mid-century. Police brutality and harassment across the country led to the Stonewall riots of 1969; probably the most famous LGBT+ acts of police resistance in the United States. This riot and many other lesser-known acts of resistance, along with shifting cultural norms due to increasing awareness of civil rights and environmental issues, brought about a new era of cultural tolerance in the 1970s. This tolerance however has not been codified, as there are no federal legal protections for LGBT+ folx.

The Military

The Armed Forces has historically blocked LGBT+ people from service in any branch of the military. After World War II, screening practices were used to prevent homosexuals from joining the military. If a person were found out to be homosexual during their service in the military, they could face “undesirable” or dishonorable discharge. Under the GI Bill of rights, a dishonorable discharge strips you of receiving any benefits. Folks who were discharged would face a harsh social stigma that most often led to trouble finding new employment (Newsweek, 1947; IOM, 2011).

In 1993, Don’t Ask, Don’t Tell was enacted, adjusting the qualification standards for enlistment into the armed forces to entail that recruits not be asked or required to reveal their sexual orientation (DOD, 1994). The law received criticism for its attempt to appear that progress was being made toward inclusion for LGB individuals but being public in a same-sex relationship still disqualified you for service and would prompt a discharge. Service members in the LGBT+ community had to work hard to keep their personal lives secret. If their sexual preference was discovered, they would face loss of employment as well as the social stigma of a dishonorable

discharge. Service members who were discovered to be gay or lesbian continued to be discharged from the military at a rate of approximately 1200 people a year (Bateman, 2004).

In 2011 it became legal for LGB people to openly serve in the military, but transgender people were not included. It was not until 2016 that trans men and women were openly allowed to serve, and that was short lived, with a new ban placed on transgender troops in 2019 (Branstetter, 2019).

Medical Systems

Throughout the 1950s and 60s, individuals in the LGBT+ community continued to be at risk for psychiatric incarceration (Morris, 2019). Medical doctors attempted to cure homosexuality through interventions like lobotomies, sterilization/castration, and electric shock therapy. The attempts to cure homosexuality were justified by American Psychiatric Association (APA), when they released the Diagnostic and Statistical Manual of Mental Disorders (DSM). The first edition, released in 1952, listed homosexuality as a sexual deviation, in a category with pedophilia and exhibitionism (Kirchick, 2019). After 1973, the DSM no longer included homosexuality, however gender disorder and dysmorphia is still listed. Pathologizing homosexuality and gender variance legitimizes the medical system's control over the bodies of LGBT+ individuals, and its history is one of sheer terror for many people.

The medical system continued pathologizing gay men during the AIDS epidemic when doctors discovered how the disease could be spread. Those who were infected were stigmatized because people were fearful that any sort of contact with an infected person would transmit the disease. At the height of the AIDS Crisis, the LGBT+ community was rocked by the shocking death tolls of gay men, and the lack of a coordinated response from the United States government.

Anti-LGBT+ bias further enables the spread of HIV by discouraging many in our communities from being tested or treated for HIV for fear of harassment and forced disclosure. Since the start of the AIDS crisis, the government has failed to treat all communities equally. Federal policies have caused spikes in infection rates and people of color, LGBT+ people, and the poor have tended to suffer most.

LGBT+ individuals report experiencing refusal of treatment by health care staff, verbal abuse, and disrespectful behavior, as well as many other forms of failure to provide adequate care. Also, limitations in employer-based health care systems can restrict LGBT+ individuals' access to marital benefits, including eligibility for health insurance. Furthermore, the lack of training in LGBT+ health received by providers and insurance practices often limit the types of care covered for LGBT+ individuals (IOM, 2011).

Economics

In the 1950s, the federal government took the stance that homosexuals were unsuitable for government employment. Homosexuality was seen as a moral weakness as well as a mental

illness, and therefore it posed a threat to national security. Federal employees were subjected to investigations to detect homosexuality, and as a result thousands of people lost their jobs. The blatant hunt to oust people continued – folk in the LGBT+ community could be legally barred from federal employment until 1975 when the Civil Service Commission announced new rules.

Workplace discrimination for LGBT+ populations can be implicit or explicit. Sexual orientation is not protected against workplace discrimination as of 2019 there are no federal workplace protections for sexuality or gender identity. Protections for folk in the LGBT+ community vary by state and by individual businesses. To keep their jobs, many queer people conceal their relationships, or even suppress their identity. Employers, however, continue to make hiring and firing decisions based on biases they have about employees' actual or perceived sexual orientation.

Religion

Religious groups or institutions are a source of strength for many people and can provide important support systems and a sense of meaning or purpose. Unfortunately, individuals who identify as LGBT+ have often report feelings of condemnation from religious groups and religious doctrine resulting in a demonization based on identity. LGBT+ folk are often alienated from religion and in some more orthodox cases, barred altogether.

Religion can be central to individual, family, and cultural identity; exclusion from religious groups or institutions can create significant vulnerabilities for members of LGBT+ communities. Many religious institutions historically posed gender roles as heteronormative, fixed, universal, and unchanging, and any variance or nonconformance as an aberration or sin. The forced or perceived shunning, exclusion, or violence that can result from the propagation of these ideologies reinforces the vulnerabilities that LGBT+ folk experience.

In the United States, some religious groups have promoted the idea that a person can change their gender or sexual orientation through “conversion” therapy. Conversion therapy includes prayer and other religious practices. While several states, districts, cities, and counties have laws or regulations protecting minors from conversion therapy, many are still subjected to these harmful practices, which research has shown are harmful. Although most reputable medical and mental health organization have condemned these practices for decades, religious ideology, societal bias, and family rejection has meant that LGBT+ minors are still subjected to these practices in states without protections in place. (Human Rights Campaign, 2019)

Education

School policies and guidelines have reinforced homophobic and transphobic attitudes in individual institutions, as well as across the education system in the United States. They have become part of everyday practices and rules guiding school policies. LGBT+ students have been bullied in schools throughout the 20th century and this violence has decreased little while

remaining largely socially sanctioned through a lack of enforcement of anti-bullying policies to protect LGBT+ children. Indeed, now the bullying can continue well after school hours with most young people having access to social media platforms. Many school faculty and staff are unprepared to address gender and sexuality-based violence in schools, because of the lack of institutional support for LGBT+ issues, or an unwillingness due to their own biases. (UNESCO, 2016)

Policies that reinforce discrimination against LGBT+ students in the education system include asserting that some subjects are better suited to students based on their sexual orientation or gender identity/expression (science vs. drama). It is often the case that the curriculum materials or training teachers receive also reinforces stereotypes. Often this manifests as presenting heterosexuality as “normal” and excluding topics of sexuality and gender in sex education classes. Educational policies, rules, and regulations tend to reinforce stereotypes rather than create spaces of safety. If students feel unsafe, it can have a negative impact on their concentration and academic performance. Students who experience this discrimination are more likely to skip classes or drop out.

Family

Parental expectations for their children often reflect the culture in which the parents were raised. Heteronormativity has guided, influenced, and decided many social norms all over the world – parenting notwithstanding. Families are important sources of feelings of belonging and connectedness, both factors that impact mental and emotional well-being. Family also provides important physical security, especially for youth.

When children come out to their families as lesbian, gay, bisexual, transgender, or non-binary, parents and family members often experience uncomfortable emotions. These emotions can range from surprise to disappointment to anger. If the anger is great enough, the child may be forced to leave their home due to the parents/guardians demanding that they do so, or for fear of physical violence. Homelessness of LGBT+ youth is an all too common occurrence, and these homeless youth are ideal victims for human traffickers.

LGBT+ folx often form their own distinct familial structures, or a “chosen family,” to replace their families of origin who have rejected them. Although, many “chosen families” are more unstructured, those who participated in the early ballroom drag scene recognized the safety and connection of forming “houses” together, utilizing terms like “mother,” “father,” and “children” to describe their relationships to each other. The seeking to replicate familial safety, however, can itself be a vulnerability. Hunger, dire poverty, physical hygiene, lack of clothing and shelter – all of this and more may lead LGBT+ youth to fall prey to adults who might traffic them.

Resulting Vulnerability to Human Trafficking in the LGBT+ Community

Historical failures of systems to protect individuals identifying as LGBT+ have produced a wariness to trust systems today, as many of these systemic social safety nets continue to exclude LGBT+ folk in part, or at times wholly. LGBT+ youth are particularly vulnerable because family of origin rejection can be wholesale and leaving nowhere else to turn for safety and sustenance, youth may easily become the victims of traffickers. LGBT+ folk who also experience additional marginalized positions due to race, socio-economic status, immigration status, language access, disability, gender variance and age are also more vulnerable to force, fraud and coercion perpetrated by human traffickers, and without larger social safety nets to protect them, or even to fully acknowledge their existence, these survivors become invisible. It is therefore crucial that we understand how the trauma experienced collectively by LGBT+ folk continues to influence how we navigate spaces, and how we may be more easily exposed than some other groups human traffickers.

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XVII. Appendix B: A Contextual Understanding of Faith-based Service for Survivors of Human Trafficking and Human Trafficking Advocacy Service Providers – How Clergy, Ministers, Church Auxiliaries, and lay members can provide trauma-informed services.

Churches and faith institutions have historic legacies of embracing humanitarian efforts and championing civil rights and other causes. Faith institutions are endowed with call-to-action visionaries and change agents. However, many faith leaders, when confronted with situations of domestic violence, sexual assault, and/ or stalking, shy away because they lack the training in this global and societal crisis. Only in the last two decades has momentum increased in faith communities toward understanding domestic violence and recognizing it as much more than simply a marital issue, but a crime. Al Miles, author of Domestic Violence: What Every Pastor needs to Know, notes that prior to pioneers such as Catherine Clark Kroeger and Nancy Nason-Clark, no one had pointed out “there is a faith-related connection; there are things we’re doing and not doing that contribute to [domestic abuse].” Pastors that are more progressive felt comfortable with these pioneers and their language and knew their qualifications were sound. Their evangelical approach also helped to address the way some conservatives used the distrust of theological liberalism as an excuse to avoid the topic (Martin, G., 2007). We as faith leaders have known about it for a long time, even if we did not have a specific name for it. The insidiousness comes when we know the survivors (and perpetrators) and they are right in front of us. Documented responses from some faith leaders have historically been:

“I don’t know what to do; it’s messy”

“I wish it hadn’t been brought to my attention”

“It couldn’t happen here because we’re so spiritual”

“Our church is too rich, or too educated, or too successful.”

Pastor Al Miles says, “It’s amazing that we still tend to blame women for men’s behavior” (p.27). Institutions of faith must be safe places for self-disclosure and inclusive of the surrounding community and church members who are survivors of domestic and sexual violence, or those who expose it. In many instances, faith leaders are the first responders to underserved, marginalized, and vulnerable populations who may not have access to other forms of advocacy.

The Scope of Human Trafficking in Urban Communities and Communities of Color

Human Trafficking is another crime hidden in plain sight. Survivors of human trafficking may also bear the intersections of domestic violence and sexual assault. This toolkit has previously mentioned barriers that survivors of human trafficking might face, and how important it is for faith leaders to be trained in survivor centered, trauma informed methods of advocacy. Competency is a key, as it pertains to becoming educated about the various forms of human trafficking and becoming educated in how faith leaders can play a part in supporting survivors through faith and guidance toward healing. Church and faith leaders must collaborate with

secular organizations experienced and informed about services for victims of domestic and sexual violence, dating violence, stalking, and human trafficking. In urban centers and communities of color, black and brown victims are hiding in plain sight. Many churches have African American survivors of domestic violence in their congregations and victims of human trafficking from impoverished and war-torn nations as well. Many congregations have women and families who are fleeing catastrophic earthquakes and flooding from home countries such as Haiti, Ghana, Nigeria, and Sudan. Several areas of research discuss the protective factors that are fundamental for faith communities working with refugee women that can also parallel with displaced women in urban communities who are being trafficked.

The Global Plight of Displaced and Refugee Women

During the normal course of their lives, most adults are confronted with at least one, and sometimes several, highly adverse and potentially traumatic events. In the case of forced migration, in addition to the potentially traumatic experiences in the countries of origin, refugee women may experience forced labor, sexual abuse, and sexual exploitation (Hebebrand et al., 2016). A cross-national study of trafficked women in Europe found multiple examples of abuse from physical and sexual assault, psychological abuse, coerced use of drugs or alcohol, restrictions on movements, social isolation, economic exploitation and debt bondage, illegal status, and abusive working conditions associated with being a migrant (Zimmerman et al., 2003). Sexual violence, including rape, is the most common form of coercion against female victims (Kok, 2017). Often, women's trafficking results in forced prostitution, and the lack of basic services available in the country of destination represents a barrier to their ability to escape their position as sex slaves (Miller, Decker, Silverman & Raj, 2007).

Approximately half of the global refugee and displaced population are women (Shishehgar et al., 2017) and the share of asylum seekers who are women generally appears to be rising (Spijkerboer, 2017). Globally, women are disproportionately affected by poverty and other economic limitations due to discriminatory practices in attaining education and employment (Kligman & Limoncelli, 2005). Economic and gender-based inequalities may push women to migrate (Williamson, 2017) and ethnicity and age create racialized sexual stereotypes, further exacerbating their vulnerability and favoring the trafficking of refugee women (Butler, 2015). The experiences of refugee women, who occupy a 'neglected position' at the point of intersection of gender, ethnicity, and class (Anthias, 2002) suggests that there is an extra penalty for women refugees due to multiple discriminations: language, race, economic disadvantage, gender and the stigma attached to a refugee's status (Tomlinson, 2010). This compounding of vulnerabilities through discrimination and marginalization in multiple areas places refugee women at a high risk of trafficking.

Spirituality and Faith as Both Resource and Strength

Faith and spirituality, conceptualized broadly to encompass both religious and non-religious forms, refers to a person's strong belief, based on spiritual conviction (Starnino & Sullivan,

2017) which can contribute to coping with new situations and the accompanying shocking experiences (Shishehgar, et. al 2017). In the lives of refugee women, faith plays a double role: it represents a social and community resource to draw upon and an inner strength promoting resilience (Schweitzer, Kagee & Greenslade, 2009). As a resource, faith encompasses the support obtained from both prayer and church attendance, family, community, and friends. As a strength, faith includes having hope and goals, a positive attitude, and perceptions of growth and resilience (Shakespeare-Finch & Wickham, 2009). The potential effects of spiritual and religious beliefs on coping with traumatic events and in fostering resilience in trauma survivors have been widely recognized (Peres, Moreira-Almeida, Nasello, & Koenig, 2007; Ano & Vasconcelles, 2005; Fontana & Rosenheck, 2004). The literature suggests that refugee women employ various strategies to cope with their new way of life. Spiritual fulfilment and social support are commonly used resilience strategies that help asylum seekers and refugee women maintain equilibrium despite their uncertain status and ongoing distress (Sossou, Craig, Ogren & Schnak, 2008).

Faith is an integral part of the healing and coping process with a significant influence on greater psychological well-being (Walker, Reese, Hughes, & Troskie, 2010). Faith is strongly based on a personal quest to understand ultimate questions about life, meaning, and relationships with the sacred or transcendent (Moreira-Almeida & Koenig, 2006) and is an important component of almost all cultures. Indeed, religious frameworks and practices have an important influence on how people interpret and cope with traumatic events that may reduce loss of control and helplessness, provide a cognitive framework that can decrease suffering, strengthen one's purpose and meaning in the face of trauma, and help give purpose and meaning to suffering (Pargament, et. al 1998). In addition, faith can provide a sense of hope and motivation (Pargament, et. al, 1998). Traumatized individuals often look for a new sense of meaning and purpose in their life. Faith, by helping to interpret life events and giving them meaning and coherence, may contribute to the psychological integration of traumatic experiences (Koenig, 2006). For example, Pardini, Plante, Sherman, and Stump (2000) found that among individuals recovering from substance abuse, higher levels of religious faith and spirituality were associated with a more optimistic life orientation, greater perceived social support, higher resilience to stress, and lower levels of anxiety. Consequently, with such direct and strong links already established between spirituality and resilience, faith is an integral construct to include when studying resilience in refugee women (Smith, Lenz, & Strohmer, 2017).

A Call to Action

Reverend Dr. J. R. Thicklin, (Speaking of Faith, 2011).

It is important for faith leaders to provide an atmosphere for vulnerable populations that represent bridges, not barriers formed by unenlightened theological opinions. Survivors have long experienced further victimization by the “Holy Hush” of the church and other such religious institutions. There must be an intersection between the “steeple and the shelter.”

“Our families and communities are torn by and destroyed by violence. Our faith is tested by violence. We have an obligation to respond” (Committee for Domestic Social Policy, 1994). It is a fact that domestic violence in the African American community occurs at a disproportionately alarming rate. According to Intimate Partner Violence in the United States, a report released by the U.S. Department of Justice’s Bureau of Justice Statistics, while the rates of nonfatal intimate partner violence decreased for black females between 1990 and 2003, the rate increased from 3.8 victimizations per 1,000 persons age 12 or older in 2003 to 6.6 per 1,000 in 2004 (Catalano, 2007). Black females are victimized at a higher rate than white females, and black females report such incidents at a higher rate than white females – 68.4% compared to 53.5%. The statistical research alone serves as a summons to the African American church. The church must awaken and respond in a practical manner with the goal of prevention, safety, intervention, accountability, healing, and transformation.

“For many black women who choose to seek help in the black community, experts say that the black church, instead of a shelter or hotline, may be their first stop. But women are not always met with the help they need,” said Sherry Turner, vice president of student affairs at Spelman College and an ordained minister, “Very often, for those of us who are members of conservative communities of faith, there are sacred texts and passages that are being used to justify the oppression of women” (Religion Newsblog, 2007). The African American church has historically had ministries within the church to address different social ills and needs in the community and within the local church itself. This issue of domestic violence calls for the same type of initiative and attention. The concept of having domestic violence ministries is still in its infancy stages. The way the congregation (not necessarily the overall denomination) and the way individual parishioners view domestic violence could play an important role in how churches approach and respond to domestic violence within their churches and communities.

Following are a few examples of how the scope of the church’s work is influenced by its perspective on domestic violence and its willingness to be part of a systematic response team.

Congregation A has a limited scope but deeply embraces the domestic violence mission and may choose to handle an issue of domestic violence independently as a sole agent, without the assistance of any other agency or organization. Though it might seem to this church that it is being discreet and serving the victim and/or perpetrator, the church could better serve the individuals by connecting them with other services that can meet their immediate and future needs.

Congregation B has a clear understanding of the gospel and is open to allies but does not deeply embrace the domestic violence mission. The church is more apt to provide referrals for individuals engaged in domestic violence but is less likely to ever speak out against domestic violence from the pulpit or create any other platform for domestic violence, thereby failing to create an atmosphere that fosters safety and accountability. The failure to create a platform within the

church may send the wrong message to victims and perpetrators of domestic violence.

Congregation C has a progressive scope, deeply embraces the domestic violence mission, and is open to allies and working to establish healthy/safe alternative communities. Participating in trainings and giving trainings are part of educating the church's ministry staff and other partners. This congregation does speak openly from the pulpit and fosters an atmosphere of safety.

Congregation D has a progressive scope, deeply embraces the domestic violence mission, and is open to allies and working to establish healthy/safe alternative communities. The church also develops programming within the church by fostering relationships with its allies and creating opportunities and platforms to educate and serve its membership.

What Ministers Need to Know

The objective of this section is to identify vital areas in which ministers need to be knowledgeable as it relates to domestic violence, sexual assault, stalking, and human trafficking. Raising ministers' awareness of the prevalence of violence and its occurrence within the faith community is critical in equipping and empowering them to become agents of healing and peace, rather than perpetrators of abuse and revictimization. A well-informed minister can serve as a bridge, rather than a barrier, to healing and wholeness and can be of great assistance to the victim and a broker of accountability and transformation for the perpetrator. Ministers should develop the knowledge and skill sets that would allow them to collaborate effectively with other service providers in the community who address domestic violence and can become a vital part of the systematic response to domestic violence and human trafficking.

What Faith and Spiritual Leaders Can Do:

- Do not remain silent.
- Raise awareness by displaying family violence brochures and human trafficking information, pamphlets, and referral cards in the foyer of the church and in both men's and women's restrooms.
- Educate the congregation through monthly newsletters, weekly bulletins, and through all pre-marital counseling classes.
- Speak out against domestic violence and human trafficking from the pulpit. People's attitudes, perspectives, and beliefs can be greatly impacted by church leaders.
- Preach; teach; and, ultimately, create the platforms that acknowledge and address domestic violence and human trafficking as a serious spiritual issue.
- Lead by example. Have a code of ethics that addresses domestic violence and healthy relationships for those in leadership roles.

- Offer or have a meeting place for support groups. Also, have a place for supervised visitation when parents need a safe place to visit their children.
- Implement and establish fathering and men's wholeness programs.
- Sponsor activities and events that help raise awareness.
- Establish accountability programs for batterers (Brother's Keepers).
- Offer spiritual support; reaffirm the worth of the victim/survivor.
- Collaborate with community service providers and domestic violence agencies.
- Commit to making the problem of violence against women and girls a critical concern.
- Emphasize the teachings, practices, and organizational structures that promote a woman's right to be free from violence, such as teachings that support equality and respect for women and girls.
- Develop theologically based materials that emphasize a woman's right to safety and support and a perpetrator's personal responsibility for ending the violence.
- Adopt policies developed by religious leaders that outline appropriate responses to victims and perpetrators of violence and educate leaders about child abuse reporting requirements, the importance of confidentiality, misconduct by clergy or spiritual leaders, and other safety issues.
- Support local advocacy programs that provide services to victims and survivors by encouraging congregants to donate time, money, and other material resources.
- Encourage victims to seek spiritual guidance and additional professional help.
- Know the law as it pertains to domestic violence, human trafficking, and protection orders.
- Implement healthy relationship programs as part of youth programs.
- Introduce domestic violence information in pre-marital counseling.

Conclusion

In conclusion, domestic violence and human trafficking are crimes of global proportion against humanity and against our communities. Faith institutions have historically had challenges with addressing Christianity and family violence particularly because of the engrained patriarchy and the historical silencing of women. Additionally, the admission that violence takes place within the church is not readily acknowledged. This current dispensation of the church and of progressive resources and outreach must include (but not be limited to) the following: faith-based trauma informed violence prevention that includes human trafficking; being able to assist victims in their crisis of faith; culturally specific training in ministry; women and girls being able to feel safe asking for resources after disclosing being victims of human trafficking and/or violence; and finally, being able to walk alongside victims as they seek justice and safety from abusers.

XVIII. Appendix C: Historical Trauma and Indigenous Peoples

To be truly survivor-centered, service delivery must be informed by the underlying reasoning that influences a survivor's choices and circumstances. Often for Native populations, historical trauma is a major component of survivor perspective. Historical trauma is the concept that "populations historically subjected to long-term, mass trauma" display signs of the trauma in successive generations from the initial trauma (Sotero 2006). The past trauma impacts the survivor's biology, psychology, and social practices creating an intergenerational transfer with lasting effects. In Indian Country, continued discrimination and systemic failures amplify the intergenerational effects of genocide, forced removal, and systematic rape.

The first phase of historical trauma entails the dominant culture perpetrating mass traumas on a population (Sotero 2006). Often, this mass trauma took the form of devastation of culture, familial structures, resource access networks, and societal frameworks. To begin understanding the trauma response in Indian Country, it is essential to understand the underlying colonial faced by indigenous nations and their citizens since the arrival of European powers. The arrival of colonizers came with theft of territory, including agricultural fields and hunting grounds, through violent action (Dunbar-Ortiz 2014). Colonial greed for land holdings and "valuable" resources such as gold necessitated the framing of indigenous populations as obstacles to modernization. The systematic dehumanization began with Columbus's first voyage. Upon discovery of traces of valuable resources, Columbus and his men quickly began instituting human trafficking systems exploiting the Taíno people for labor and sex (Thatcher 1967). The letters of sailors on the initial voyages, which detail the practices. show the beginning of the pervasive, fetishized image of native women (Loewen 2007). This simultaneously hypersexualized and dehumanized imagery of Native women persists into modern times and often serves as justification for sexual violence (Finley 2012).

Colonization created massive population decreases through targeted violence, through both direct state sponsorship and indirect state complacency. When Indigenous Nations resisted the force of colonization, the dominate colonial government at the time mobilized armed forces to engage in "irregular" combat, which included notably indiscriminate violence and destruction of food sources (Callwell 1906, Dunbar-Ortiz.) From earliest days of the colonies through the years following the addition of California to the United States, settlor governments provided bounties for the death of an indigenous person (Dunbar-Ortiz). Even without direct sponsorship, governments often lacked the resources and wherewithal to police citizens' attacks on indigenous communities. Manifest Destiny, which necessitates theft of land and resources, emboldened the average squatter to commit violence with a "divine assignment" to rid the land of the non-Christian peoples (Dunbar-Ortiz). The genocidal actions were compounded by the introduction of disease which spread both incidentally and purposefully (Appel 2009).

The rapid loss of life came with reduction of cultural knowledge and land holding. Traditional practices were often forsaken for survival through assimilation, a goal for colonists from the earliest days of the United States (Perdue 2003). Official government policies, such as Dawes

Act funded Boarding School, extrapolated the abandonment of traditional values and practices (Lomawaima 2000). Children, forcibly removed from their families and culture, faced harsh punishments for speaking their languages or practicing their religions. The abhorrence for traditional practices extended to the criminalization of Native religious practices until American Indian Religious Freedom Act of 1978. Until Native American Graves Protection and Repatriation Act of 1990, institutions within the United States could disregard traditional religious beliefs to rob the graves of Natives people for the bodies and cultural items (Friends Committee 2008). There was a complete disregard by the “scientific” community for the humanity of the subjects or their descendants. The extraction was framed as exploration of ancient practices and peoples rather than robbing the graveyards of still existent peoples. Whether the reasoning is the dehumanization of the savage or erasure of natives, the result is museums and universities with sometimes literal silos of human remains for little to no purpose. The exploitation of ancestral remains leaves a guttural pain amongst the living descendants, especially in communities where ancestors are held in the highest esteem. The ongoing effort to return ancestors to the nations indicates the continued ideas that embolden perpetrators and cause negligence from authorities. With destruction of traditional practices, came the assimilation and adoption of patriarchal ideals modeled after the Eurocentric societies. Along with the ideals came the violence against women and children which has plagued the colonizers’ societies.

The second phase of historical trauma occurs when the original generation of the population responds to the trauma showing biological, societal, and psychological symptoms. The final phase is the conveyance of trauma response to successive generations through environmental, psychological, and genetic factors. These phases are closely related and often unique to the trauma faced by the community. The many of the trauma responses began with the early acts of colonization and continue into present circumstances. Even with great trauma, the trauma response traits normally reduce within a few generations, but the continued re-traumatization of Native populations by societal systems has prolonged the effects for hundreds of years.

Chartier & Caetano found that Native populations have the highest weekly alcohol consumption of any ethnic group. Additionally, 11% of Native adults report having used an illicit drug within the past 30 days (National Survey on Drug Use and Health, 2010). With the substance abuse, high level of mood disorders and posttraumatic stress disorder can be found in Native communities (PTSD; CDC, 2007; Dickerson & Johnson, 2012). Suicide rates among Native Americans are 3.2 times higher than the national average (CDC, 2007). It has been found that an increase in the number of suicides corresponds to a lack of linkage between the adolescents and their cultural past and their ability to relate their past to their current situation and the future (Chandler, Lalonde, Sokol, & Hallet, 2003).

Despite the increased mental and physical health concerns, the health system has continually underserved Native peoples. To uphold treaty obligations, the Indian Health Service was established in 1955 to provide healthcare services to members of federally recognized tribes

(Jones, 2006). Most Natives receive mental and physical health services from IHS (IHS, 2013a). IHS is comprised of three sections of service: (1) federally operated direct care system, (2) tribal health care services, and (3) urban health services (Sequist, Cullen, & Acton, 2011). The IHS, which is funded by the Federal government, reports that \$2,741 is spent per IHS recipient, substantially less than the \$7,239 for the general population, with less than 10% of these funds utilized for mental health and substance abuse treatment in 2010 (IHS Report 2013a). Barnes and colleagues (2010) reported that the inequality in health may not be related solely to disproportionate poverty and discrimination in the delivery of health services, but epigenetic and behavioral influences.

Further, fewer Native have a high school education than the total U.S. population; an even smaller percentage has obtained a bachelor's degree: 15% compared with 31% of the total population (National Center for Education Statistics, 2019). While college attainment may not be an indicator of education, it highlights the lack of systemic economic opportunity as post-secondary degrees have grown to be a requirement for many occupations. The impact is shown in the Native unemployment rate, which is the highest among all races/ethnicities (Bureau of Labor Statistics, 2017).

In the continued legacy of boarding school era, Indigenous children are one of the most overrepresented groups in the care of child protective services (Hill, 2008). The practice of removing children and adoption to non-natives was so prevalent that Congress was forced to pass the Indian Child Welfare Act to protect the cultural identity of these populations. The bias in child welfare systems against non-European style families and the poverty caused by genocidal actions lead to mass child separation. The separation leads to a lack of cultural connection, which has been tied to a higher prevalence of suicidal ideation as previously stated.

Regarding human trafficking, the pervasive ideals that made genocide palatable to the average citizen of the United States for hundreds of years have created a crisis in Indian Country. The systemic disregard for Native lives has created gaps in the delivery of health and safety services. The notoriously under-supported medical services have often downplayed claims by Native patients, and this created a gap in a potentially valuable defense against human trafficking. Additionally, the beliefs that tribes are too primitive to properly dispense justice or that the traditional justice is not to the minimum standard of Eurocentric society resulted in the Major Crimes Act, the Oliphant Decision, the Indian Reorganization Act, and Indian Civil Rights Act. These moments limited tribal sovereignty and ability to ensure the safety of tribal citizens. (Deer, 2018) What is left for tribes is a limited jurisdiction and limited methodologies to carry out justice.

With the limited ability to enforce laws against non-natives, the Nations must rely on the United States law enforcement, which has long viewed the plight of Natives as less than worthwhile. (Law Enforcement in Indian Country, 2007) The current apathy and the historic malfeasance from social programs has created a trauma response of distrust and avoidance, which can leave survivors with little to no resources for support.

Predators are aware of the “market” created by the isolation and the vulnerability and opportunity created by trauma response and systemic failures. Coupled with the deep-seated fetishization and exploitation, the predators use the systemic failures to create the emergency of Missing and Murdered Indigenous Women and Girls. To mitigate systemic damage and deliver effective response and prevention services, any provider must create a trauma-informed approach.

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XIX. Appendix D: Supporting Survivors and the SASHA Center Model: Black Women's Triangulation of Rape

This toolkit was created at one moment in time and the writers recognize that there may be some issues in the intentionality and messaging when provided to various audiences. This living document may change as further insights, research, and evidence as discovered. The point of the toolkit is to support human trafficking survivors through a trauma-informed, survivor-centered, and intersectional way. It is most important that we understand what individuals who have been trafficked would like advocates, community members, and policy makers to know and discuss prior to meeting them and supporting their needs. This addendum provides insight on the oppressions faced by a specific community and provides a historical lens to allow all readers to have a shared understanding of the context and perspectives provided by those involved in its creation.

Supporting Survivors through the SASHA Center

Sexual Assault Services for Holistic Healing and Awareness (SASHA Center) is a non-profit in Detroit, Michigan that provides to self-identified survivors (or experiencers of rape) culturally specific services for the integration of these traumatic experiences and healing. The SASHA Center focuses on the African American community.

The focus of the SASHA Center is to provide support group services across all intersections (race, religion, sexual orientation, economic status, gender or gender expression, education, age, ability, work status, and any other marker of difference). SASHA Center provides support group services to victims/survivors of sexual assault (occurring in all contexts such as date/acquaintance, stranger, familial and/or marital rape). These services are also open to individuals in the Detroit area who are or who have been influenced, reared or raised in communities or households by those who are currently living in the Midwest region of the United States and who are descendants of people who were enslaved in America (primarily from the Southern Region of the country).

The intentional service provision for this population was deliberately created and identified because over the years, this population has been invisible, ignored, treated inadequately, inappropriately, misdiagnosed, and discriminated against as it relates to race and sexual assault services. Specifically, 81% of the 11,000 untested and "shelved" rape kits in Detroit belonged to African American women (Campbell et al., 2015). As a result, justice for African American women was usurped and their visibility was denied. Barriers that exist within the African American community can impede in service provision for sexual assault supportive interventions. These include, but are not limited to economics, the criminal justice system, limited access to resources, service providers not understanding cultural nuances and negative images and stereotypes held by sexual assault and domestic violence agency leadership and in some cases internalized by survivors that are seeking help (Robinson, 2003).

Sexual Assault in the African American Community

“The SASHA Center Model: Black Women’s Triangulation of Rape,” identifies how the oppression of African Americans, especially black women, is rooted in racism, sexism, and bigotry. The model explains how slavery influenced our institutions that intentionally instill the demoralization of black people. After emancipation, stereotypes of African Americans created by white society during slavery carried on through foundational institutions of religion, healthcare, and education. These systems of oppression lead to the exploitation and demoralization that tells black women they are unworthy and increases the prevalence of rape in the black community. Victim blaming entangled in rape culture creates societal barriers that uphold beliefs and value systems that validate the discrimination against black women. Black people’s right to exist has been, and continues to be, questioned in society. These intertwined systems create a complex and compounded triangulation effect that works against black women, leading to their increased vulnerability to human trafficking and sexual assault.

Slavery and its Generational Effects

America has a long history of slavery starting in August of 1619, when the first twenty people were stolen from Africa and brought to Point Comfort, Virginia (Davis, 2006; Jordan & Walsh, 2007). The labor of people in slavery built foundational American industries, personal wealth, and the American economy. The cotton and sugar industry built the American economy and even those who did not own enslaved people profited from slavery by investing in banks and institutions that backed slavery. The African man and woman were very profitable to slave owners. By 1860, the total value of the mortgaged and insured 4 million enslaved people in America was \$3.5 billion dollars; more than all railroads and the manufacturing industry combined in United States (Coates, 2014). Slave ownership within the cotton and sugar industry was so profitable due to the blood, sweat and tears of African people who endured labor that white Americans did not want to do. This form of slavery, chattel slavery, is when another person monetarily owns someone and his or her children are born into that system of ownership. It affected all involved and infected society to believe that certain people were unworthy of humanity. This belief spread throughout society through literature and scientific discriminatory findings, to perpetuate the violent and unfair treatment of African Americans.

One component mentioned in the model is post-traumatic slave syndrome, the oppression faced by multiple generations of people due to chattel slavery. This syndrome results from 246 years of chattel slavery, where those stolen from Africa were perceived as inherently and genetically inferior to white people (DeGruy, 2005). The reinforcement of these beliefs in historical documentation shifted society’s behavior from cognitive dissonance, or incongruence between their beliefs system and their attitudes and behavior, to a space where their belief system and actions demonstrated that black people were animalistic, savage, inferior, and harmful for the continuation of a majority white society.

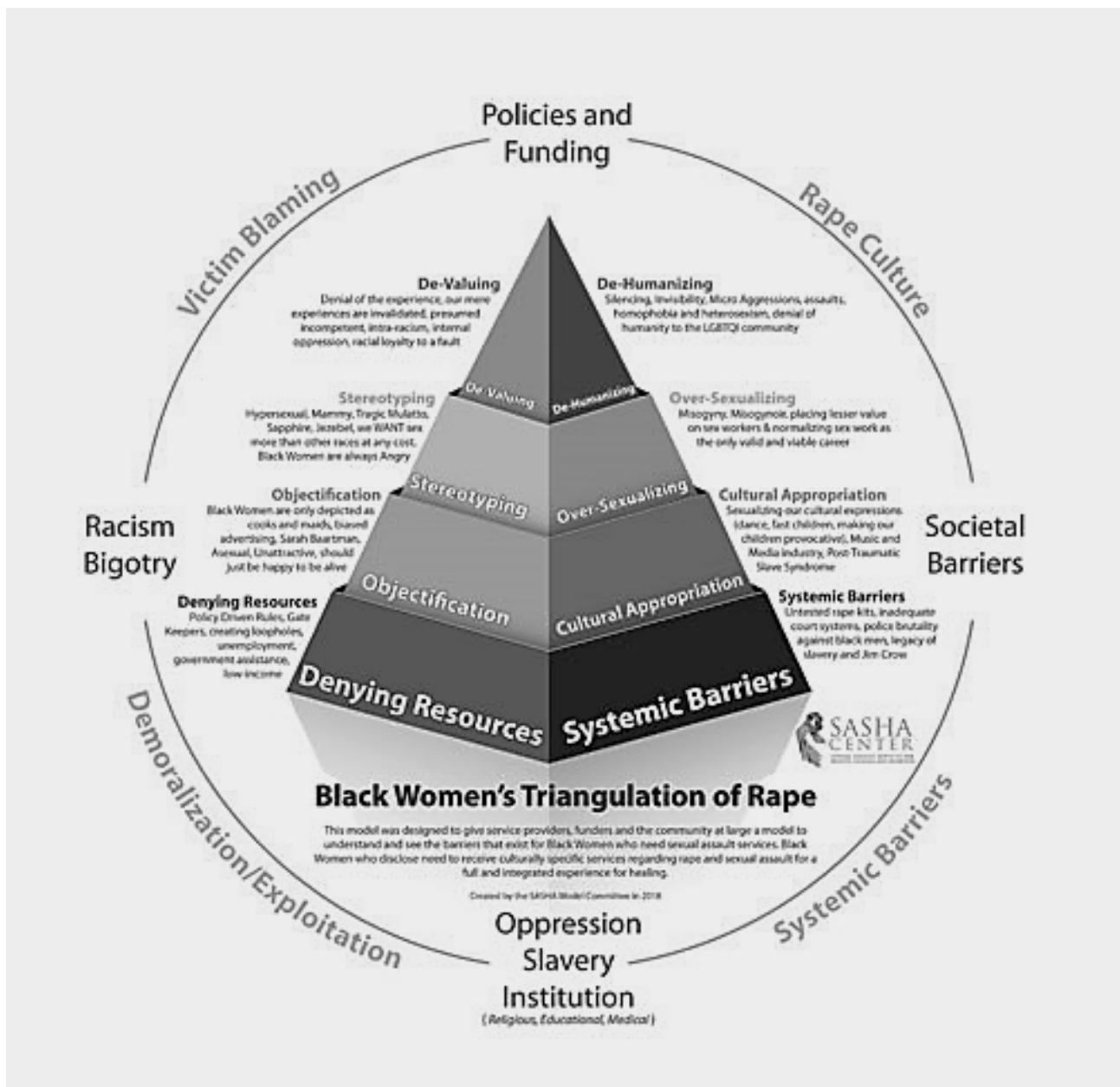
The New York Times 1619 Project (2019) discusses how plantation owners and scientists, like Dr. Thomas Hamilton, wanted to create the narrative that there were biological differences, rather than cultural differences between white and black people. Their belief system and attitudes towards African Americans influenced their work to prove that black and white bodies functioned differently. They believed black people had larger sex organs and smaller skulls than white people, concluding that black people were more promiscuous and less intelligent than white people (Villarosa, 2019). Identifying scientific reasoning behind the inferiority of black people maintained and uplifted white supremacy; the notion that was brought with English settlers that Anglo-Saxons were made by God and it was their manifest destiny to possess high morality and intelligence, which made them worthy or superior to other races (Horsman, 1981). These thoughts were coupled with the notion that black bodies were immune to sickness and had a higher heat and pain tolerance. This scientifically reinforced the conditions of chattel slavery and the treatment of black people. These theories made it acceptable for black bodies to endure harsh working conditions such as manual labor. Nonetheless, enslaved people were very skilled craftsmen, seamstresses, and caretakers. They ensured plantations were running properly. The fear of the enslaved people's power ignited the fire of ignorance that created a concentration of hate for African American people once freed from slavery.

The notion of the sacred right to racial superiority grew overtime throughout the eighteenth and nineteenth century. This idea lasted after the Emancipation Proclamation into the twentieth century with segregation and the creation of Jim Crow Laws, and through the Civil Rights Movement that outlawed discrimination based on race, color, religion, sex, or national origin. These deeply engrained beliefs of the worth of black people, especially black women, still affects their livelihood to this day (Douglas, 2017). Six million black people had to flee the South due to the racial terrors of lynching. After the end of slavery, slave catchers transitioned into roles and responsibilities of community policing. The violence against African Americans was sanctioned and included police brutality during segregation and Jim Crow. Over 4,400 black man, women, and children were lynched from 1877 to 1950. The National Memorial of Peace and Justice, in Alabama, acknowledges the victims of racial terror and the lynching that resulted from it, a space to reflect on the history of America in a truthful and accountable way (Equal Justice Initiative, 2019). Douglas Blackmon (2008) documented how decades after the abolition of slavery African Americans were sold or forced into labor to pay off debts, based on inflated charges through the criminal justice system. These stories mimic the situations faced by those victimized in labor and sex trafficking today.

Through these experiences, African Americans face complex multi-generational trauma without intervention. The belief of a short-lived future due to the violence experienced by their community, exaggerated startle response, difficulty sleeping, and hypervigilance affect are some symptoms of those who experience trauma (DeGruy, 2005). Trauma can leave a chemical mark on a person's genes, which is then passed down to the next generations. Current interventions focus on a single traumatic experience and do not consider the accumulation of trauma experienced by those of a collective identity or the culturally specific traumas, like black

people, especially in America (Kira, 2010). Additionally, through social learning theory, the following generation learns these coping strategies and unable to heal from the trauma their ancestors faced and the experiences they face throughout life. This trauma is also experienced in an environment that does not create appropriate resources for healing through restrictions in accessible healthcare and appropriate benefits to support their well-being. This combination leads to the posttraumatic slave syndrome (Degrugy, 2005).

Human trafficking is the continuation of this systemic oppression and often defined as modern day slavery. Historically, enslaved people were property and valuable to slave owners. This notion remains true today as the minimal cost of obtaining victims through force, fraud, or coercion. Then the profitability of continual use of their labor or bodies creates and continual sources of income until they are no longer producing value, they are disposable people. “The SASHA Center Model: Black Women’s Triangulation of Rape,” discusses the devaluation, objectification, and denial of resources that reduce black women’s credibility, creating a sense of invisibility, and lack of humanity that are all contributing factors of human trafficking. They become targets for traffickers, as they are systematically vulnerable due to the lack of institutionalized support for their needs and the devaluing of their humanity. To support black women who have been trafficked and sexually violated, organizations must focus on culturally specific programming that incorporates and names the historical trauma faced by black women and their communities for over 400 years.



The SASHA Center Model: Black Women's Triangulation of Rape

The beliefs shaped and upheld in slavery that black people were innately inferior, therefore unworthy of occupying spaces with white Americans, created an opening for black people to be devalued and dehumanized. In the African-American community secret keeping throughout generations within the context of surviving slavery, sexual assault, mutilation, bondage, and hate has been identified as a “coping mechanism used by our people to survive,” (Johnson, Davis, L., Davis, Z., & Ventour, 2018). However, this strategy of secret keeping does not work. Culturally specific services for this population must first and foremost challenge the notion and

functionality (or the lack thereof) of the “no-snitching” phenomenon, which has impeded on this community’s capacity to integrate healing as a human right for sexual assault survivors. This notion and idea of “no-snitching” started during slavery and continues to present day. As scientists “discovered” black genitalia being larger, implying promiscuousness, black female bodies were raped and overworked in slavery. Dr. Joy DeGruy talks about the transatlantic slave trade and the rape of Black women in her critically acclaimed book, *Post Traumatic Slave Syndrome* (2005). In it she states,

Because she is a slave, her children are also slaves and she must come to grips with the fact that she is incapable of defending them against assaults from masters and overseers...there will be a day when white men will demand to have access to her daughter...the mother anguishes over this fact...she attempts to tell her how best to prepare and survive, tells her to lie...not resist, bear the pain....

Besides the notion of “no-snitching,” three additional key issues are present when it comes to properly serving Black women who experienced rape. White America denied or invalidated their experiences of oppression and violence during slavery and the experience and affects carried on long after their supposed freedom. The oppression of the community became internalized through everyday micro-aggressions experienced and systems working against their best interest, as they were invisible to those systems based on their perceived inferiority (Johnson et al., 2018).

Due to the experiences in slavery, stereotyping and over-sexualization of black bodies, black women were commodified and objectified. A historical example of this is Sarah Baartman, named the Hottentot Venus,” a South African woman enslaved by a Dutch farmer who was on display in a cage, like an animal, as a spectacle at British elite “freak-shows” due to their fascination with her physical features. She endured an estimation of 200 exhibitions (Chostner, 2019). This was one of the initial depictions of black female bodies, and illustrates the pain experienced by black women’s ancestors. Her body was a commodity and sold off to every patron to view at the “freak-shows.” This coupled with the adultification of black children reinforced the overt sexualization of black women. If they experience a sexual assault, they are blamed for their experiences due to the social perceptions of their sexualized nature. Additionally, the sexualization of our cultural expressions, music, and media depictions continued the narrative that black women were only valued for their bodies, their shape, and sexual capabilities. Instances like this led to the hyper-sexualization of the black female body. Images in hip-hop, like “video vixens” and the objectification of female rappers, Like Nicki Minaj reinforce these stereotypes today.

The concept of misogynoir, coined by Moya Bailey in 2010, address the fact that media depiction of black women is misogynistic and anti-black. While dissecting the term, one can identify two parts of the word being misogyny and noir. Misogyny discusses the hatred of women combined with noir, which has significance in the film and media industry, is a genre of crime films or fiction characterized by cynicism, fatalism, and moral ambiguity (Bailey, 2016).

Negative depictions of black women in film and media influence societal perceptions of them and burden them with inappropriate and incorrect ideas of their being. Black women are seen in two extremes, either hypersexualized and a temptation to all men, or lacking sexuality at all. There is no in between. These characters are depicted throughout media with the characters like the “Mammy,” “Jezebel,” and “Sapphire”.

The Mammy’s only acceptable role was to be a nanny or caretaker for worthy white children. The value of black women was placed on their hypersexualized nature, which was reinforced by the character Jezebel. The media depicted black women as only having one emotion of anger, and due to our hypersexualized nature; sex was our focus at all costs, denoted by the Sapphire character. With this line of reasoning, black women are never raped as they always accept the invitation.

The creation of black caricatures in media reinforced the political, social, and economic interest of mainstream white America. This stereotyping started in Reconstruction Era and the beginning of the segregated Jim Crow era where cartoons exaggerated the physical features and skin-tone of Africans. These cartoons depicted black people as lazy, mentally inferior, promiscuous, and often implied them as sexual predators of white women (Gates Jr., 2019). These images romanticized the old South, which poisoned American’s notion of black Americans and reinforced white supremacy and anti-blackness. White supremacy that once held up the slave economy was now demonizing and degrading black people, which legitimized the violence these individuals continued to experience daily (Gates Jr., 2019). The characters of Mammy and Jezebel reinforced black women’s worth in society; limiting employment opportunities and making the only acceptable positions for black women to hold maids, food preparers, prostitutes, or sex workers. Today, black women are either over-celebrated or vehemently bonded by the “strong black woman” image/stereotype which poses a challenge for care-givers, family, and herself and can get in the way of her asking for help or receiving help from those who assume that she is strong and can handle all things that “God places on her” (DeGruy, 2005).

The combination of devaluing, dehumanization, stereotyping, over-sexualizing, objectification, and cultural appropriation led to the systematic barriers put in place to maintain the inferiority of black people and women. The institutions of religion, education, and the medical field created barriers for black women to hold an equal position in society.

In relationship to the medical field, race, science, and ethics come into play when discussing the use of black bodies for science and the life-long harm that caused. Black bodies were used in scientific research and the production of knowledge, without their consent and allowing them ownership of biomaterials before, during, and after the research was concluded (Mamo & Fishman, 2013). Black bodies were free “bio-labor” (Palsson, 2009) where biological materials were exploited and taken from patients without their understanding or consent. For instance, Dr. Marion Sims, a leading doctor of modern gynecology discussed in his book, “The Story of My Life,” how he used black women as subjects in painful gynecological surgical procedures. He

would cut their genitals repeatedly, even noticing their agony, but continued to master surgeries to support white women in birthing complications. Black bodies were disposable, especially their reproductive organs and fertility.

The generational inheritance of trauma through slavery and thereafter influence the behaviors and treatment of survivors of sexual violence and trafficking. The survivor stories that show up in clinical settings and advocacy centers for rape victims has been challenging to some service providers. Showing empathy, accepting that Black women experience rape, their lives are valuable, and that healing is certainly possible are harder to grasp when the history of slavery is ignored. There has been a lack of exploration regarding how the environment as well as the legacy of slavery has negatively affected Black women in present day.

Supporting and Serving Black Survivors

When supporting black women who have experienced sexual assault and human trafficking, mainstream agencies lack specific funding for culturally appropriate services. Even with the money that is earmarked for marginalized communities, funders and their reports lack the language, descriptions, and markers for describing how resources are allocated and spent regarding collaborations, spaces, and support group topics. For instance, a funder might ask the relevance of discussing skin tone and hair texture within sexual assault support services and group healing sessions. While underfunded, but appropriately trained, culturally specific service- providers understand the relationship between these subjects and how they influence service provision. This can influence how survivors may experience discrimination and the factors that come into play when addressing justice for survivors. Hair and skin tone often determine the extent to which the systems in place are helpful and responsive to clients because of discrimination, assumptions, acceptance of negative stereotypes and racism (internalized or otherwise). In fact, according to the Social Science Journal, “for over 12,000 black women imprisoned in North Carolina between 1995 and 2009 black women deemed to have a lighter skin tone received more lenient prison sentences and served less time behind bars” (Viglione et al., 2011).

The above example shows the implications for service provision in mainstream organizations. It affects their ability to support black women survivors of sexual violence and trafficking in shelter, advocacy, and understanding the dynamics of trafficking within the African American community. It affects the accessibility and creditability of services and indicates if black women will use the services of mainstream domestic and sexual violence services. Programming, such as support groups, should be culturally specific and incorporate the historical trauma and contextualization of the African American community. For example, using storytelling as a cathartic activity to engage mind, body, and spirit in engaged discussions from hair texture/skin tone, food, music, art, dance, ancestors, prayer/meditation, humor, irony and satire.

Conclusion

Culturally specific programming that takes into account the historical context of the transatlantic slave trade and the current negative impact it has on present day survivors of sexual violence is imperative when work with people, specifically African American women, who have been trafficked. Mainstream organizations need to collaborate more with smaller agencies to support culturally specific and holistic healing practices. Topics that may appear to be unrelated to sexual assault are necessary to explore for culturally specific programming. Safer spaces need to be created that resonate with the clients' language, expression, experience, and history. There is a need for more organizations that focus on providing culturally specific services and current funding sources should be cognizant of inclusivity and become their grant practices more "user-friendly" for agencies and programs. Black women, families and communities deserve healing and appropriate services for integrating the traumatic experience of rape and sexual assault.

Those exposed to sex trafficking are survivors of sexual assault. It is also prevalent in labor trafficking as a means of power and control over victims through threats of force, physical, and sexual violence (Bessel, S. 2018). Black Women's Triangulation of Rape Model incorporates the key components that perpetuate and reinforce rape and violence against black women. The concepts tell a story of the barriers black women face when they need sexual assault services and identify why culturally specific healing services are paramount in holistic healing for black women. An intersectional approach that considers the whole person's identity is necessary to support the multi-faceted nature of black women who are vulnerable to being trafficked in America, where they are systemically disenfranchised and devalued. One must understand the historical trauma experienced by black women within America to recognize the vulnerabilities, exposure, and targeting of black women by human traffickers.

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Horsford, S., & Feeney, H. The Detroit Sexual Assault Kit (SAK) Action Research Project (ARP), Final Report. Washington, DC: U.S. Department of Justice, 2015.

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<https://www.nytimes.com/interactive/2019/08/14/magazine/racial-differences-doctors.html>

XX. Brief annotated bibliography: Quick view of primary resources on human trafficking

Austin, R. & Farrell, A. (2017, April). *Human trafficking and the media in the United States*.

Retrieved from Oxford Research Encyclopedias:

<http://criminology.oxfordre.com/view/10.1093/acrefore/9780190264079.001.0001/acrefore-9780190264079-e-290>

Austin and Farrell, Professors in the Department of Criminology at Northeastern University in Boston, analyze the relationship between how the media chooses to portray human trafficking and the potential harm that portrayal may cause to survivors. This article provides background into anti-trafficking efforts in the United States, media coverage of human trafficking, and a lengthy discussion around how the media frames human trafficking.

Crenshaw, K. (1989). *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory, & Antiracist Politics*. *University of Chicago Legal Forum*, 138-67.

<https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=1052&context=uclf>

This is the canonical text on Intersectionality. Crenshaw not only coins the word that we use as a cornerstone of our work, but she lays the groundwork for the deeper questioning of how antidiscrimination law is reflected in feminist theory and antiracist politics. She urges us to abandon single-axis frameworks for approaching social justice issues.

Hankivsky, O. (2014, April). *Intersectionality 101*. Retrieved from VAWA Forum:

http://vawforum-cwr.ca/sites/default/files/attachments/intersectionality_101.pdf

This document, a primer on intersectionality, provides a clearly written guide to examining the key elements and characteristics of this term. The primer makes distinctions between intersectionality and other approaches to equity. It alerts the reader to how intersectionality can be applied in research, policy, practice, and teaching. Additionally, the primer indicates how intersectionality can “fundamentally alter how social problems are experienced, identified and grasped to include the breadth of lived experiences.”

Human Trafficking Legal Center

<http://www.htlegalcenter.org/resources/library/>

Primarily a repository of resources for legal professionals, these articles and materials help the advocate track the legal developments in the field of anti-human-trafficking work. The library has resources on child survivors, criminal restitution, civil litigation, damages assessment, diplomatic immunity, working with marginalized communities, and many others.

Human Trafficking Search

<http://humantraffickingsearch.org/film-database/>

This website seeks to raise awareness and help prevent and eliminate human trafficking worldwide. It is a global database that manages thousands of multilingual resources from around the world. This link is for the film database, which offers many high-quality informative films on human trafficking.

Human Trafficking Victims Compensation Act, MCL 750.983 (2014).

<https://www.nachtlaw.com/blog/2014/11/michigan-enacts-the-human-trafficking-victims-compensation-act/>

This act is part of a package of anti-trafficking bills empowering survivors to seek damages. For a brief article on this bill please refer to the link above, which will take you to a blog post from NachtLaw's website (2014).

Michigan Coalition to End Domestic & Sexual Violence. (2017). *Human Trafficking: A Working Philosophical Framework for Domestic & Sexual Violence Advocates & Agencies.*

Okemos MI: MCESV.

<http://www.mcedsv.org/images/Document/Training/Human%20Trafficking%20Philosophy%2004262017.pdf>

This document is the philosophical framework by which the Michigan Coalition to End Domestic and Sexual Violence approaches the issue of human trafficking, especially as it relates to domestic violence and sexual assault. In it you will find definitions for essential terms, a critical analysis of key concepts, and the development of MCEDVS's position on human trafficking.

Michigan Coalition to End Domestic & Sexual Violence. (2018). ***Confidentiality Policy***

Considerations and Recommendations. Okemos MI: MCESV.

<https://www.mcedsv.org/images/Document/Resources/Confidentiality%20Manual%20Update%202018.pdf>

This document is a tool that advocates, and agencies can use to understand the role of confidentiality in matters of domestic violence and sexual assault, which can also be used in certain issues around human trafficking. This document is designed to be used in the writing of confidentiality policies and procedures for domestic violence agencies and sexual assault agencies but may be used to inform writing policies and procedures for agencies working to support human trafficking survivors.

National Human Trafficking Hotline/Resource Center: <https://humantraffickinghotline.org>

The National Human Trafficking Hotline's website is a wealth of information on statistics, resources, and safety planning for survivors of human trafficking. The hotline (1-888-373-7888) connects victims and survivors of sex and labor trafficking with services and supports to get help and stay safe. The website has a research library, referral directory, federal anti-trafficking efforts, downloadable materials, and other helpful information.

Polaris Project: <https://polarisproject.org>

The Polaris Project supports the National Human Trafficking Hotline and coordinates referral partners nationwide as an access point for trauma-informed support. It continues to build one of the largest public data sets on human trafficking in the United States. It promotes turning this knowledge into action by designing targeted strategies that attempt to destroy systems that have been tailored to trafficking and specific industries working under this system. Polaris Project enlists law enforcement and other public and private sector partners to move these strategies into real world support for survivors and to disrupt and prevent wide-scale human trafficking.

Southern Poverty Law Center. (2008). *Civil Remedies for Victims of Human Trafficking.*

<https://www.splcenter.org/20081130/civil-litigation-behalf-victims-human-trafficking>

The Southern Poverty Law Center's mission is to monitor the activities of domestic hate groups and other extremist movements and their adherents. The Center's website provides files kept on extremist groups, a visual mapping of hate groups, intelligence reports, and resources for attorneys who work in hate crimes and human trafficking. This document is a resource for

attorneys but may be used by advocates to have a better understanding of some of the issues around this particular type of civil litigation.

Trafficking Victims Protection Act, 18 U.S.C. 1593 (2000).

<https://uscode.house.gov/view.xhtml?req=granuleid%3AUSC-prelim-title18-chapter77&edition=prelim>

Trafficking Victims Protection Act, 18 USC 1581-96 (2000).

<https://uscode.house.gov/view.xhtml?path=/prelim@title22/chapter78&edition=prelim>

For readers who would like to look at the actual laws creating the Trafficking Victims Protection Act (2000), these links will take you to the Office of the Law Revision Counsel: United States Code. This U.S. House of Representatives' website is a consolidation and codification by subject matter of the general and permanent laws of the United States.

U.S. Department of State. (2017, June). ***Trafficking in Persons Report***. Retrieved from U.S.

Department of State: <https://www.state.gov/j/tip/rls/tiprpt/2017/>

This report, prepared by the United States Department of State, is the product of the continuing outreach by the State Department to governments and law enforcement agencies around the world in the fight against human trafficking. The Report is intended to assist governments in identifying threats. While not exclusively focused on trafficking in the United States, this report will help the reader begin to understand the global scale and international connections of human trafficking

United Nations. (2016). ***Providing Effective Remedies for Victims of Trafficking in Persons***. New York: Inter-Agency Coordination Group against Trafficking in Persons.

https://www.unodc.org/documents/human-trafficking/ICAT/ICAT_Policy_Paper_3_Providing_Effective_Remedies_for_Victims_of_Trafficking_in_Persons_2016.pdf

This Issue Paper, authored by the Inter-Agency Coordination Group against Trafficking in Persons (ICAT), examines the right to effective remedies for victims of human trafficking under international law, the scope of its application, and the challenges that arise. It concludes by

providing practical recommendations for improving access to remedies for survivors of human trafficking.

Victims of Trafficking and Violence Protection Act of 2000 (TVPA)

<https://www.govinfo.gov/content/pkg/PLAW-106publ386/pdf/PLAW-106publ386.pdf>

This link provides quick access to the full text of this Act. This Act has an interesting history and was reauthorized as part of the Trafficking Victims Protection Act of 2017 (reauthorization of TVPA 2000).

***Washington Inter-Religious Working Group on Human Trafficking Toolkit.* (2016, January).**

United Church of Christ. Retrieved from Interfaith Toolkit on Human Trafficking:

<http://www.uccfiles.com/Interfaith-Toolkit-on-Human-Trafficking-2016.pdf>

This resource is an interesting inter-faith document that provides religious backgrounds to anti-trafficking stances. It offers faith-specific remedies that focus on prayer and community activism, rather than “rescue and restore” and may serve as a tool by which agencies can create partnerships with local religious organizations in support of trafficking survivors.

XXI. Selected human trafficking resources

In addition to the topic-specific resources listed in each chapter, this is a list of resources that advocates may want to have readily available for serving human trafficking survivors.

National Human Trafficking Hotline (24/7/365)

Call: 1.888.3737.88

Text: 233733 (Be Free)

Anonymous/Confidential

State of Michigan Sexual Assault Hotline (24/7/365)

Call: 1-855-VOICES-4

Anonymous/Confidential

University of Michigan Law School - Human Trafficking Clinic

Call: 734-615-3600

Email: humantrafficking@umich.edu

Michigan Immigrant Rights Center

Call: 734-239-6863

Michigan Human Trafficking Task Force

Website: <https://mhttf.org/>

Michigan Migrant Resource Councils: Office of Migrant Affairs/MDHHS

Call: 269-615-6308

YWCA Kalamazoo Human Trafficking Program: Offering comprehensive services for survivors of both labor and sex trafficking: Emergency Shelter, Advocacy, Legal Services, Case Management, dedicated therapy, and rapid rehousing.

Call: 24-Hour Crisis Hotline - 269-385-3587