

## Sex Trafficking: Beyond the Raid

Over the past decade, national and local anti-trafficking laws, media reporting and NGO awareness efforts have increased public knowledge about the existence of sex trafficking. Whether women, men, or abducted and runaway boys and girls, sex trafficking is pervasive in communities across the globe. Law enforcement performs the critical function of identifying sex trafficked victims and bringing them to safety. How victims are identified, how a raid is handled, and how the victims are treated can all influence how successful an investigation and prosecution may be and how well the victims rebuild their lives.

### Arrests only do harm

Sex trafficking victims should not be arrested. They are not perpetrators, they are victims. Sex trafficked persons have been instructed by traffickers to distrust law enforcement officials. For a sex trafficked person, being involved in a raid, placed in restraints, or confined in a secure vehicle or room only reaffirms traffickers' warnings that law enforcement officials are not to be trusted. Such actions may prevent a sex trafficked person from revealing details of the trafficking, leading them to go unidentified and unprotected. For sex trafficked persons who have not entered a country with legal documentation, these actions may also lead to the person's return to their home country and potential re-trafficking. Even if criminal charges are dropped, sex trafficked persons may lack the protection and resources to avoid re-trafficking or exploitation.

To reduce the arrests of trafficking victims, it is important for law enforcement and the criminal justice system to view victims as trafficked persons, independent of a crime.

### Many sex trafficked persons view the commercial sex world as their community

Most sex trafficked persons chose to or were forced to cut ties with their family and friends. Even after the sex trafficking experience, many feel reluctant to reach out to their former support network out of a sense of shame. Whether it is other trafficked persons with whom they shared a sense of camaraderie, managers who were nicer than others, or customers, they all comprise trafficked persons' community and are thought of as friends and family because of the shared experience. Some trafficked persons, particularly young

women and girls, are recruited by men who profess love for them and promise to marry them, and instead force them to participate in commercial sex. In other cases, sex trafficked women become recruiters of their own friends and acquaintances, not understanding the criminal implications and still sometimes under the influence of their traffickers. Other sex trafficked persons continue to rely on their community for transportation, remittances, and other services they became accustomed to, not perceiving the providers of such services as traffickers. Post-trafficking, others have even pursued relationships and married former customers.

### Their community impacts the investigation and prosecution

These relationships cause multiple complications for an investigation and prosecution. For example, a trafficked person may not want to cut off contact with these people despite the fact that some may be defendants and witnesses with interests contrary to the prosecution. Particularly when there is an investigation underway, victims are expected to stay out of contact with the traffickers but they often patronize the same stores and live in the same communities. Furthermore, some victims lack viable, alternative employment options and choose to remain in the commercial sex industry. This puts them at odds with cooperating victims with whom they may have a close relationship.



### **Questions for consideration:**

- *What trainings are available to help identify victims?*
- *After a raid, what alternatives to the arrest and detention of potential victims exist, such as shelter facilities?*
- *How much time are trafficked persons given to decide whether or not to pursue criminal charges?*
- *What protections are available to victims who chose not to cooperate with an investigation or prosecution?*
- *How can law enforcement minimize the conflict between requiring victims to cut ties with their communities and the victims' need to continue those relationships?*
- *Are law enforcement officials and local NGOs that provide comprehensive services working together?*
- *What support network can you help to build or renew for the sex trafficked person?*
- *How can you help trafficked persons identify harmful versus positive*

### **Some victims continue close relationships with traffickers**

While sex trafficking is horribly exploitative, not all victims see it as such. Some victims assert that the traffickers gave them opportunities to pay off debts. Because many victims do not have a true sense of how much money traffickers are making by compelling their service, if they do not experience threats or physical abuse, they do not always see traffickers as criminals. Furthermore, many of the traffickers are co-conspirators who operate behind the scenes. Their interactions with victims are minimal and can in many cases be very cordial. These feelings make it difficult for victims to keep their distance from traffickers or prevent being re-trafficked.

### **Victims can often be competitive with each other**

Not all of trafficked persons from the same case have a good relationship with each other. Traffickers sometimes create competitiveness among their victims and pit them against each other, and consequently victims all vie for the trafficker's approval. While this is not always the case, this can impact how a group is sheltered or offered combined services.

### **Not all victims want to seek justice immediately**

For a multitude of reasons, some trafficking victims do not want to report their trafficker to law enforcement and pursue criminal charges, especially immediately after a raid. However, they may eventually want to cooperate after they learn about legal protections, social services, and their associated rights. They may need time to develop the trust of law enforcement. Still others will never want their traffickers prosecuted, particularly when mental health conditions resulting from the trafficking impede their ability to do so. However, some laws are structured so that if a trafficked person does not cooperate with law enforcement, that person is not deemed a victim and is therefore ineligible for assistance. Such laws only serve to penalize victims who do not want to participate in the criminal justice process.

### **Sex trafficked persons require skills building and employment**

Many trafficked persons were initially looking for jobs and opportunities to earn money. Their financial needs remain and may even be more acute after the trafficking experience, whether for their own subsistence or to send remittances home to family members. Securing employment therefore becomes a priority. Yet for many sex trafficked persons, this can be a difficult process. They may lack educational, vocational and language skills. Prior to the trafficking, they may have been homeless, in debt, or lacking educational and employment opportunities. Teenagers and young adults may not have any viable work experience that would lead them to an alternative to commercial sex. Government subsidies and social services are insufficient while they build new skills. Additionally, they may have arrest records that limit employment options. Given these difficult circumstances, job training and educational programs are therefore critical to assist sex trafficked persons to build skills to become economically self-sufficient.