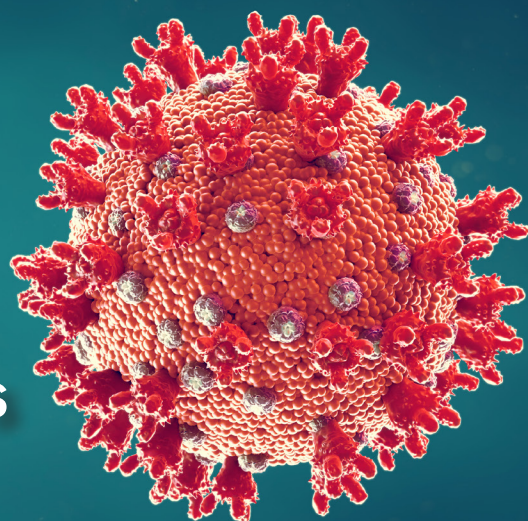
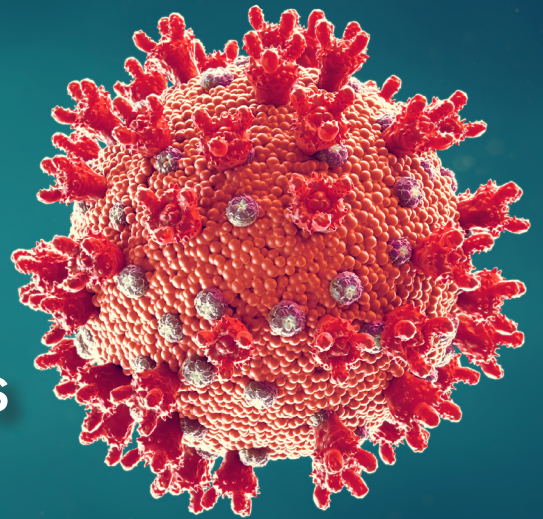




Survivors Speak: Insight into How COVID-19 is Impacting the Legal Needs of Human Trafficking Survivors



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From being treated as “**subhuman**” to being treated “**with dignity and respect,**” survivors of human trafficking have a starkly uneven, and unfair, experience with legal assistance in the U.S. The crisis of justice for survivors during COVID-19 is not being discussed in a broad, national way. Yet survivors of human trafficking are often more isolated and vulnerable as the pandemic rages on. While difficult to measure and identify, this plight requires a national conversation. With this article, The National Survivor Law Collective (NSL Collective) is starting one. In June and July 2020, 35 different Survivor Leaders and Survivors shared with the NSL Collective their insights in an informal survey at a time of much change and risk.

Because lockdowns, quarantines and social distancing have pushed the vulnerable into isolation and desperate circumstances, we must reimagine our future solutions driven by the actual and pressing needs of these individuals. Among the most vulnerable are human trafficking victims and survivors – those members of our community who are not just desperate, but being exploited for sex and labor. Yet, there is a paradox: how do we move forward when the voices and concerns of those who are in most danger are the hardest to reach?

The NSL Collective specifically reached out to survivor leaders across the country, who generously shared their insights and distributed our survey to others to help us shed light on the path forward. The NSL Collective was founded in 2020 during the height of the COVID-19 pandemic, and is composed of U.S. organizations focused on providing free legal services to victims and survivors of all forms of human trafficking, regardless of gender identity, nationality, or age. The Founding Members are in California, Oregon, Colorado, and Florida. We have discussed the specific impacts of COVID-19 on far-ranging groups at risk of human trafficking, from individuals cohabitating with abusers to kids aging out of foster care in “The Impact of COVID-19 on Human Trafficking Victims and Survivors.”

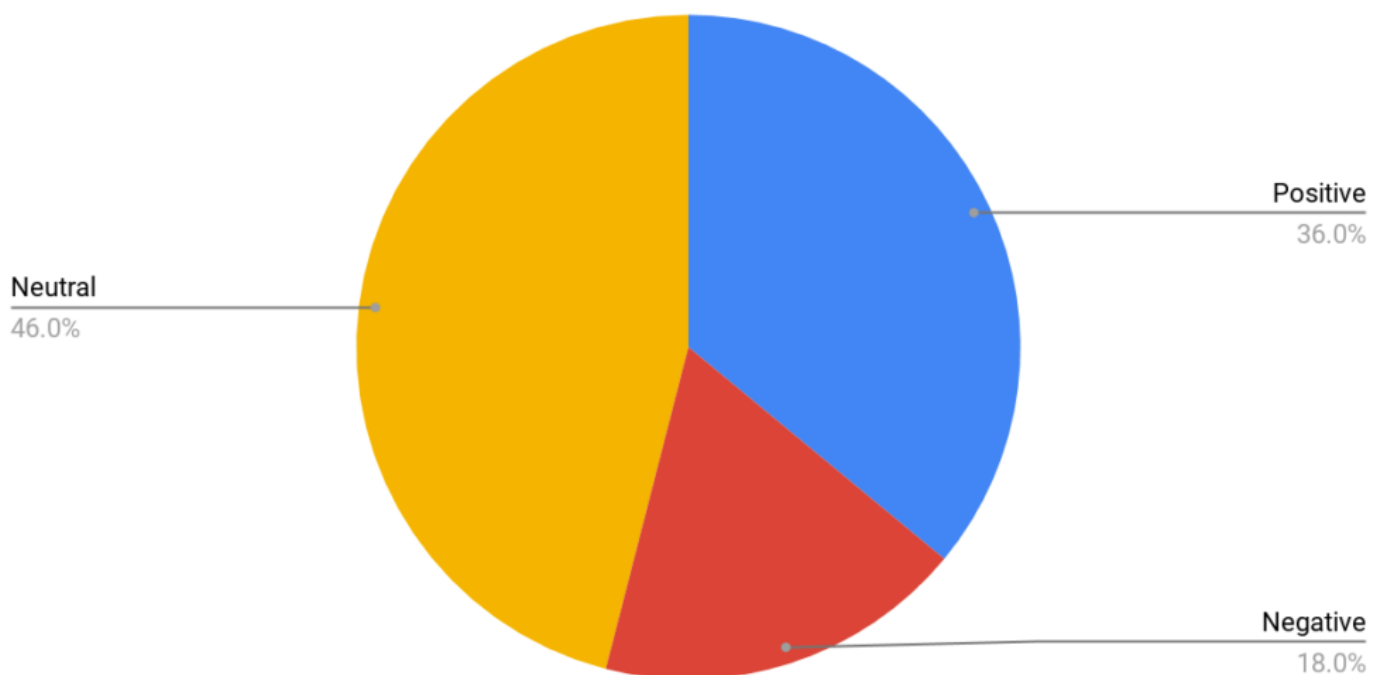
The results of this informal study are illuminating and worth sharing with the broader public. We initially targeted survivor-leaders for their broader insights into the situation. The 35 respondents ranged from survivor-leaders who have hundreds of survivors in their networks to survivors sharing their individual experience and a parent of a survivor. We share their results anonymously and for illustrative purposes with the intent to promote sensitivity to survivors’ needs and action to protect their rights.

Accessing Legal Help

Survivors shared a range of experiences when trying to access legal help, both for themselves and based on their knowledge of other survivors' efforts. Of the 35 respondents, 36% had positive, 46% had neutral experiences (or did not disclose) and 18% had negative experience when personally seeking to access legal help.

Survivor experience

when personally seeking access to legal help



One survivor noted, "It was hard to trust the legal system at first" and another pointed to how the attorneys themselves were part of the problem. Another shared that "I wanted to find an attorney in the past who could help with prosecuting my trafficker (my father) but no one would do it. Now it is too late." Over and over, survivors shared how much the cost of legal help was a barrier, and not knowing about free options. One specifically pointed to the difficulty of qualifying for free legal services and being subject to long waiting periods to receive services. Survivors also shared experiences accessing free legal services in certain states, with Texas and Indiana specifically mentioned. Finally, one survivor emphasized the increased difficulty of receiving aid on their labor trafficking case, expressing "I face feelings of hopelessness regarding achieving justice in my case."

One survivor who had a positive experience shared, "The attorneys that represented me were honest, empathetic. I want to become an attorney as a result of my experience with them."

Of the 35 respondents who shared their insights on other survivors' experience with accessing legal help, 37% indicated other survivors had challenges finding legal help.

Just as some respondents shared about their difficulties with finding lawyers for themselves, they also pointed to the difficulties of finding lawyers and, ultimately justice, for other survivors. Cost of legal representation was repeatedly identified as a barrier. One shared, "We do not know how to find attorneys willing to help or [knowledgeable] of our needs. So many of us are more sensitive, so finding compassionate help is also an issue. For a long time, we were society's throw-aways. Now people realize we were once victims and are real people." Echoing this sentiment, another respondent explained:

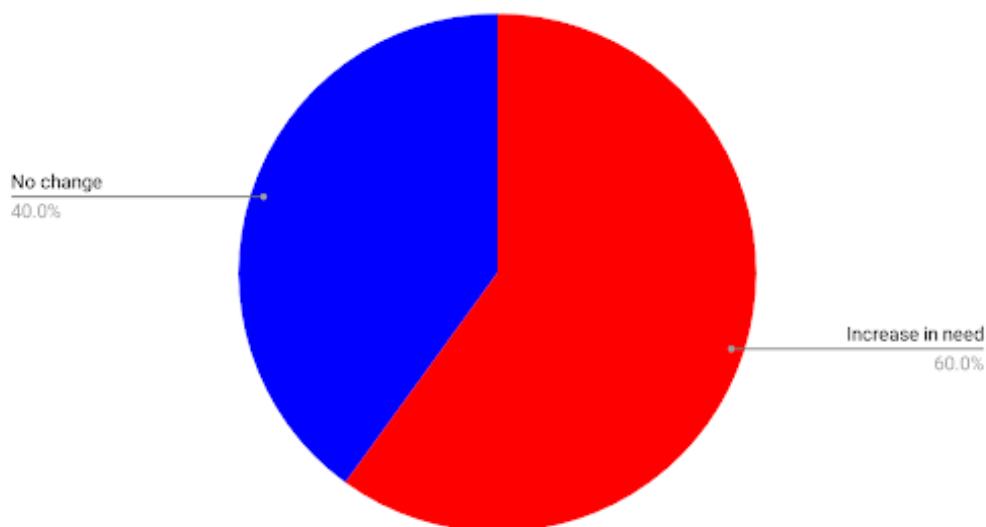
"Economic hardship after exiting the life makes it difficult to access quality legal representation. Legal representation is less frequently advertised as a relief than other social services, and not all victims know that there is potential to be represented *pro bono*. Many victims don't even know that there are attorneys that specialize in representing sex-trafficking victims."

Another survivor explained, "[other survivors'] lack of reaching out to the referred [attorney] hampered them," potentially pointing to the role of trauma in creating additional barriers. Most damningly, one survivor explained, "I know many survivors that want justice they could never find."

Impacts of COVID-19

On the question of whether they have seen an increase or decrease in the need for services, of the 35 respondents, 60% indicated an increase, 0% indicated a decrease and 40% indicated there was no change (or did not disclose).

Impact of COVID 19 and need for services



With any conversation on resources, there must be a related conversation on the ease of access to those resources. One survivor explained that “Fear of transmission of [the] virus will result in the need for using technology to communicate with survivors, or using spaces that accommodate the social distancing needs of clients.” Survivors pointed to legal needs around landlord/tenant issues, criminal record cases, and other legal services beyond the immediate “human trafficking” case. Another survivor expressed “hopelessness” due to attorneys’ unavailability.

Unsurprisingly, rent, food, and basic needs increased were the major non-legal needs due to COVID-19. The juxtaposition of survivors being trapped with their abuser and “unseen by the public or anti-trafficking agencies” was stark, especially as in-person care became scarce. There was also a great deal of insight into the consequences of the lack of connection characteristic of this time, including “isolation,” “addiction,” “mistrust,” and “confusion.” Multiple survivors pointed out that their earning income, whether from speaking engagements or form of employment, had disappeared. One shared that the fact that her work with sex trafficking youth was unpaid, she could not afford to continue this work during COVID-19 given other strains and family obligations.

Recommendations for Lawyers and Service Providers

Survivors share the qualities they most value in an attorney
Survivors generously shared their perspectives on what is needed as a systemic response to meet legal needs going forward.

One survivor underscored the urgency: “This pandemic has pushed that market online even more than the sex trade already was.”

One emergent theme was a self-reflection on the service provider system by taking a closer look at the effects of poor quality

services, if not outright abuse, by those designated to offer services to survivors. “Expungement of records and support against exploitation from other allies and [organizations] in the movement [should be a focus of a national network of legal service providers for trafficking]. Many survivors are seeing an increase of their stories being used as trauma porn to engage donors for [organizations]. Many people coming into the movement do not have trauma informed backgrounds and are causing more [harm.]”

After echoing the need for criminal record relief, another respondent pointed attention to “prosecuting traffickers, monetary [restitution] for survivors, immigration law and legislative reform by appealing to the highest courts.”

Another survivor drew attention to the need for changes on numerous fronts: “Advocating for changes in the legal system that would result in the empowerment of labour trafficking survivors to bring cases against our traffickers and win. Extensive and repeated racial sensitivity training. Learning the distinction between sex work and sex trafficking. Educational forays into psychology, sociology, and social work in order to understand how other challenges faced by survivors of all forms of trafficking impact their legal pursuits of justice.”



Finally, the topic of access in these times of social-distancing resurfaced. One respondent pointed out that survivors “don’t think they can get a lawyer without going to an actual office.” Another indicated the difficulties of “follow up” under these conditions.

On the individual attorney level, survivors helped paint a picture of the appropriate and trauma-informed attorney. They shared the qualities this attorney needs. Compassion and honesty were the most frequent responses. Survivors also pointed to the need for “empathy, kindness, patience, assertive engagement, confidence, experience working [on] similar cases, good reputation,” as well as honest, direct, and polite speech. Finally, one survivor also shared that she appreciated optimism and a human connection from her attorney.

One survivor particularly valued being treated with dignity and respect. Such a basic requirement, and yet it appears to be the exception. It is on our society’s shoulders to ensure that survivors’ access to free, quality and trauma-informed legal services is the standard.

About The Author

The National Survivor Law Collective (NSL Collective) was founded in 2020 during the height of the COVID-19 pandemic, and is composed of U.S. organizations focused on providing free legal services to victims and survivors of all forms of human trafficking. The Founding Members include Free to Thrive, Trafficking Law Center, ALIGHT (Alliance to Lead Impact in Global Human Trafficking), Justice Restoration Center, Moore & Van Allen PLLC, and Paul Hastings LLP.

Founding Members



JUSTICE RESTORATION CENTER

Moore & Van Allen

PAUL
HASTINGS

