

FREEDOM NETWORK USA

TO EMPOWER TRAFFICKED AND ENSLAVED PERSONS

FREEDOM NETWORK USA: A RIGHTS-BASED APPROACH TO COMBATING HUMAN TRAFFICKING *Updated April 2015*

The Freedom Network was established in 2001 by a group of organizations and individuals who bring decades of experience from a diverse set of backgrounds, such as immigrant women and children's rights, victim and social services, migrant farm worker advocacy, and human rights activism. The Freedom Network recognizes that human trafficking is fueled by complex and interconnected factors, including poverty and economic injustice, racism, gender-based discrimination, and political strife. At its core, the crime of trafficking is a violation of an individual's basic rights and personal freedom. Thus, we believe that a rights-based approach is fundamental to combating human trafficking and ensuring justice for trafficked persons.

In practice, a true rights-based approach places a trafficked person's priorities and narrative at the center of anti-trafficking work. The model relies on voluntary, non-judgmental assistance with an emphasis on self-determination to best meet an individual's short- and long-term needs. This approach means allowing the trafficking survivor to accept or decline assistance, to receive culturally-competent services in a language he or she can understand, to have access to necessary reproductive health care, to decide whether or not to report the crime to law enforcement, to exercise victim witness rights, to sue the trafficker, and to participate in anti-trafficking leadership efforts if he or she chooses.

Our years of work with trafficked persons have shown that those served using a rights-based approach tend to regain trust, safety and self-sufficiency, and to more fully recover from their crime than those who do not. In contrast, those who are treated like criminals instead of victims, who feel that their needs are not being considered, that their stories are not believed, or that their decisions and actions are being judged, are more likely to abandon services and the criminal justice process altogether. This leads to poorer justice outcomes and increases the risk that the individual will return to the trafficker or will face other challenges to safety and well-being.

Given our understanding of these realities, the Freedom Network's rights-based approach takes many forms: client-centered service provision; dedicated criminal justice advocacy; representation of trafficked persons in civil litigation; evidence-based research and legislative advocacy; and survivor-led campaigns to end worker exploitation and economic injustice.

Client-Centered Service Provision

When Freedom Network Members begin working with a trafficking survivor, a detailed needs assessment is carried out with the client to develop an individualized service plan to meet his or her unique goals and needs. The Freedom Network's rights-based approach to anti-trafficking service provision is characterized by:

- A safe environment staffed by professionals who emphasize self-determination;
- Case confidentiality and client privacy given the highly publicized nature of trafficking cases and the complex safety concerns often present;
- Long-term case management services that are culturally-competent, linguistically-appropriate and take into account realistic timeframes of criminal and civil proceedings, immigration adjudication, and the family reunification or repatriation process;
- Referrals for medical, mental health, educational, employment, language training and rehabilitation services;
- Comprehensive legal assistance, such as applying for appropriate immigration relief, providing criminal justice advocacy, filing civil claims on behalf of trafficked persons, and advocating to dismiss or expunge convictions for acts committed while under the control of the trafficker;
- Opportunities for client leadership in anti-trafficking efforts.

Criminal Justice Advocacy

Benefits and immigration relief options of trafficking victims are largely conditioned on victims' willingness to cooperate with law enforcement in the investigation and prosecution of their trafficker. We believe that a survivor's participation in criminal justice process can play a positive role in his or her recovery, but we also know how difficult cooperation can be. Freedom Network members have earned a reputation for being zealous advocates on behalf of their clients during the criminal justice process, by ensuring that witnesses are educated on their role, are kept informed of case developments, are treated with fairness and respect, and that their fears and concerns are addressed. Likewise, law enforcement officials involved in some of the highest profile criminal cases have praised Freedom Network advocates for their steadfast commitment to trafficking survivors in the face of long cases, for their sensitivity to the strict confidentiality required of advocates, and for their spirit of cooperation in pursuit of justice.

Freedom Network members have actively assisted in over 30 federal criminal cases of human trafficking by providing rights-based services and on-going criminal justice advocacy to the victim-witnesses involved or by supplying information and leads to law enforcement on trafficking schemes that led to successful human trafficking prosecutions.

U.S. v. Afolabi, et. al., U.S. v. Askarkhodjaev et. al, U.S. v. Brockett, U.S. v. Cadena-Sosa, et. al, U.S. v. Calimlim, U.S. v. Caretto, et. al, U.S. v. Chang, U.S. v. Cox and Myers, U.S. v. Cortes-Mestas, et. al, U.S. v. Cuello, U.S. v. Dann, U.S. v. Fang Ping Ding, U.S. v. Farrell, U.S. v. Flores, U.S. v. Gomez, U.S. v. Jimenez-Calderon, et. al., U.S. v. Kil Soo Lee, U.S. v. Mahtani Gobidram, U.S. v. Mammedov, et. al., U.S. v. Maksimenko et. al., U.S. v. Malcolm, U.S. v. Medrano, U.S. v. Molina, U.S. v. Mondragon, U.S. v. Mubang, U.S. v. Navarrete, et. al, U.S. v. Paoletti, U.S. v. Pauline, U.S. v. Pelayo, U.S. v. Perez, U.S. v. Ramos, U.S. v. Soto-Huarta, et. al., U.S. v. Tecum, U.S. v. Valle-Maldono, U.S. v. Vazquez-Valenzuela, and U.S. v. Zavala.

Civil Litigation

In a number of important cases, ranging from domestic servitude at the hands of diplomats to debt bondage in the agricultural industry, Freedom Network providers have represented survivors in civil litigation against their traffickers. Civil representation offers justice to survivors whose trafficker otherwise might not face criminal charges or be held accountable for the egregious theft of wages and deprivation of liberty. Freedom Network members have pioneered civil litigation on behalf of trafficking survivors, such as authoring manuals and continually setting new records in obtaining the largest U.S. judgment to date awarded to a group of trafficked persons. Most recently in 2015, a Freedom Network member's representation of 600 survivors of labor trafficking led to a jury verdict of \$14.1 million dollars in damages, the largest U.S. judgment to date awarded to a group of trafficked persons.¹

Social Justice Advocacy

The Freedom Network likewise promotes policies that address the root causes of trafficking, guarantee the protections and rights of trafficked persons, and encourage the leadership of trafficking survivors in efforts to combat modern day slavery. Examples of the Freedom Network's advocacy work are:

- Filing a brief as *amicus curiae* in challenges to multiple state anti-immigrant laws before the U.S. Court of Appeals for the Eleventh Circuit;
- Continuing expansion of T-visa and U-visa protections;
- Participating in collaborative advocacy around domestic workers, temporary workers, and students (A-3/G-5/B-1, H-2A/H-1B/H-2B and J-1 visa holders), such as the drafting and release of the State Department's Nonimmigrant Temporary Worker's Rights, Protections and Resources Pamphlet;
- Forging worker-led campaigns to improve working conditions and wages for agricultural workers, resulting in crucial victories for workers in the food production industry;²
- Establishing a Leadership Development Training and a Survivor Advisory Caucus, two programs that empower trafficked persons to set their own advocacy priorities and to lend their voices to the realities of trafficking;³

By employing a variety of strategies to achieve a rights-based approach, the Freedom Network empowers human trafficking survivors and promotes policies that are consistent with their human rights.

¹ This distinction was first given to a Freedom Network member's representation of five survivors of labor trafficking in the case *John Does I-V v. Moises Rodriguez, et al.*, 06-cv-805 (D. Colo, 2009).

² See the Coalition of Immokalee Workers' website (<http://www.ciw-online.org>) for an overview of its worker-led campaigns.

³ See the Coalition to Abolish Slavery and Trafficking website for more information on its Survivor Advisory Caucus and Leadership Development Training for trafficked persons (castla.org/caucus-of-survivors).