

Civil remedies can be a powerful tool for survivors of human trafficking seeking redress from their traffickers. While survivors may have access to victim compensation funds or restitution, often the amount authorized under these types of statutes is not enough to compensate the survivor for all the harm they suffered. Depending on the state law, survivors may be able to seek: compensatory damages, punitive damages, injunctive relief, and attorney's fees. Additionally, some statutes allow courts to award treble damages in cases where the defendant's actions were willful and malicious.

A civil case is a way for a survivor to seek justice. If a criminal case is not brought then the civil case may be the only way a trafficker is held accountable for harm caused. Additionally, a civil case allows for the survivor to drive the case forward, and this can be an effective way for the survivor to reclaim control from the trafficker.

### **Current Policy**

The Trafficking Victims Protection Reauthorization Act of 2003 created a federal right of action for survivors of trafficking. The federal law allows for survivors to recover actual damages, punitive damages, and reasonable attorney's fees. Since the federal civil cause of action was established, many survivors have brought successful cases against their traffickers.

Currently, forty states and the District of Columbia specifically allow for survivors of trafficking to sue their trafficker. States vary on the amount and types of damages that can be awarded as well as on the statute of limitations for bringing a case. In 2013, the Uniform Law Commission (ULC) released a Uniform Act on the Prevention of and Remedies for Human Trafficking (Uniform Act), which includes a section on civil remedy. This important section reinforces the need for specific civil remedy statutes for survivors of trafficking, which may inspire legislators to introduce legislation in their states. Additionally, the Uniform Act provides language that can be adopted by states that have already adopted a statute to make the relief available more consistent across the country so that victims have similar opportunities for relief.

### **Suggested Language from the Uniform Act on the Prevention of and Remedies for Human Trafficking**

#### Section 18. Civil Action.

- (a) A victim may bring a civil action against a person that commits an offense under Section 3, 4, or 5 of this [act] for [actual] [compensatory] damages, punitive damages, injunctive relief, and any other appropriate relief.
- (b) In an action under this section, the court shall award a prevailing victim reasonable attorney's fees and costs.
- (c) An action under this section must be commenced not later than [10] years after the later of the date on which the victim:
  - (1) Was freed from the human trafficking situation; or
  - (2) Attained 18 years of age.
- (d) Damages awarded to the victim under this section for an item must be offset by any restitution paid to the victim pursuant to Section 10 [Restitution] for the same item.
- (e) This section does not preclude any other remedy available to the victim under federal law or law of this state other than this [act].