



# What are Criminalization Challenges for Survivors of Human Trafficking?



The ideas presented below are from focus groups and interviews with survivor experts

Polaris's National Survivor Study:  
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## What Survivor Experts Said:

**Criminal record expungement** should be available and accessible to survivors in every state and apply to any charge associated with a person's trafficking experience.

*"I've had my record expunged, which is great. **It's awesome, but it took a lot of years, it took having to rehash my trauma.** All of that other stuff I don't need. Criminal relief is enough. If we have to work in a current system, a federal vacatur law will be great but I just think no one should be arrested for selling sex."*

*"Some states will only expunge the individual's record if they have a prostitution charge. That's not fair because **you can be trafficked and not have a prostitution charge and you can have other charges.** If you're with a trafficker, they're into other shady business. You might be with them when something went down, and now you're charged with robbery or home invasion, or you're charged with fraud. Fraud goes hand in hand with trafficking. You have that charge. If you don't have that prostitution charge, in some states, they won't expunge your record. **We need a uniformity of these laws.**"*



**Criminal records** are a common barrier for survivors when accessing most services and resources.

*"Another need would be making sure that the survivor's criminal record is clear, because when you have that going against you, **that can stop you in your tracks from achieving anything.**"*

*"With this program I'm part of, if you're a victim and you have a record, **they don't give you the program because you have something on your record. Even if you were the victim.** I feel that it's very important that they overlook your record when it comes to you being the victim."*

*"**There's so many needs that you can't get when you have a criminal record.** It makes it more difficult to get your employment, it makes it more difficult to get housing, it makes it more difficult to get services. It affects everything."*

Some survivors fear being criminalized because of **immigration status** and report the **fear of being deported** as a barrier to accessing services.

*"A lot of times, we need to wait [for visas to be approved]. I waited almost a year and a half to know. **I didn't qualify for services. I was in limbo. You are not able to work.** I think that that's something that needs to change. If someone files for a type of visa, allow them to work because if you don't work, it's like, '**How long can I survive without breaking the law?**' I'm putting myself in more danger."*



Survivors highlight the need to **not criminalize those selling sex** while still holding buyers and traffickers accountable.

*"My firm belief is that a lot of the problem with human trafficking is that the buyers are very rarely held accountable and if they are, it's on a very limited basis and also with very, very biased views. The police when they arrest the buyers, if they ever do, are actually usually pretty polite to them but **when they arrest the people being sold, it's usually a whole another story.** I've very rarely, if ever actually, seen a buyer get anything more than a slap from the wrist."*

*"The other part is decriminalizing the people who are being exploited. **Regardless of how people identify, stop criminalizing them,** because I think that it's super big, that is still like when in jail, people who are loitering for purposes of prostitution, a lot of times, in a lot of cities, they are doing raids, and instead of holding accountable the sex buyers, they are put in jail, charging the people who are just there."*

*"Holding accountable sex buyers, I think that that's a big one, especially when we are talking about trafficking. **Laws are very, very focused on girls when they are traffickers,** but not really when the buyer is a trafficker at the same time or when there's no clear exploiter. When there's a lot of psychological coercion involved, I think that it's very hard to prosecute, like a case of human trafficking. Again, that's very important."*



# What is the National Survivor Study?

The National Survivor Study (NSS) is a scientifically rigorous project that puts the lived experiences of survivors at the forefront of the anti-trafficking movement to provide insight into Polaris's strategies, policies, and evaluation frameworks. In full partnership with survivors, the NSS also aims to inform the anti-trafficking movement more broadly by filling key evidence gaps that exist in the field.

## Completed Activities

- Held focus group discussions with people traditionally excluded from research on human trafficking
  - e.g., survivors living in rural areas, Native American / Native Alaskan survivors, Black / African American survivors, Latinx / Hispanic survivors, LGBTQ+ survivors, immigrant survivors, male survivors, gender-diverse survivors, and Asian American & Pacific Islander survivors
- Conducted interviews with other professionals and lived-experience experts from the anti-trafficking field
- Applied survivor feedback into survey questions
- Conducted an online survey with survivors across the United States

## Current Activities

- Summarize and share key findings from focus groups, interviews, and online survey data

## Contributing Survivor Experts, Advisors, and Research Team Members

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