

Bellows: Changing lives warped by human trafficking

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By LAUREL BELLOWS



"We must ensure that victims of human trafficking are not further victimized by the very system meant to help them," writes Laurel Bellows. (Credit: Janet Hamlin)

A 30-year-old woman arrested on charges of prostitution walks into a courtroom in [New York](#) City. Forty-seven times before, she has walked into courtrooms just like this one to face the blank stares of lawyers, judges and other law enforcement officials who see her as a lost cause instead of as a young woman who was forced to sell herself for 17 years.

This time is different. This time, she has a public defender at her side who is part of the only program of its kind in the country. Her public defender, Kate Mogulescu with the [New York Legal Aid Society's](#) Trafficking Victims Legal Defense and Advocacy Project, has the training and expertise to understand that while this young woman has been arrested repeatedly for prostitution, she has been a victim of human trafficking since she was 13 years old.

"What we have is a massive system failure," Mogulescu said. "All these trafficking victims hear is, 'You are bad. You are a criminal. You belong in jail.' For many of them, it just reinforces what they are hearing from their exploiters and society at large."

Human trafficking, also known as modern-day slavery, has fast become one of the largest organized criminal enterprises in the world. Gov. Andrew M. [Cuomo](#) highlighted the problem in his State of the State address on Wednesday, when he called for strengthening laws against human trafficking.

According to the U.S. [State Department](#), nearly 21 million people across the globe, predominantly women and children, are, day in and day out, denied basic needs such as sleep, food, compensation or free interaction with others, while being forced to work or engage in sexual acts under threats of violence, abuse or death. In the United States, more than 100,000 citizens are estimated to be victims of trafficking -- although, because data are scarce, many experts say the number is actually much higher.

In many cases, victims may be led to believe that they are indebted to their captors, financially or otherwise, or they may be manipulated psychologically into compliance.

Additionally, because many in law enforcement still lack the skills, awareness or resources to deal with this growing, complex issue, trafficking victims frequently find themselves confronted by a criminal justice system that fails to recognize them for who they really are: victims.

Even as human trafficking is chronicled in cities, small towns and rural areas across the country, a mere 18 percent of 3,300 local, county and state law enforcement agencies surveyed in a 2008 National Institute of Justice study had some type of training to deal with human trafficking; only 9 percent had a protocol or training on human trafficking.

The American Bar Association has dedicated itself to changing the way America's legal system deals with this horrifying crime. We are conducting training sessions across the country for police officers, lawyers, judges, medical personnel, social service workers and others -- to help them use resources wisely and punish traffickers while assisting and protecting victims. In addition, we are working to help more lawyers provide much-needed pro bono representation to trafficking victims.

For the 30-year-old woman described above and many others, Mogulescu is using an innovative law on the books in seven states -- [New York](#), [Hawaii](#), [Illinois](#), [Maryland](#), [Nevada](#), [Vermont](#) and [Washington](#) -- that allows trafficking victims to wipe their criminal records clean of prostitution charges.

Val Richey, senior deputy prosecutor for King County, Wash., agrees that the law must not treat trafficking victims like criminals. He points to recently enacted legislation in [Washington](#) state that allows trafficking victims to assert an affirmative defense that they engaged in prostitution because of force, fraud or coercion. Nine states -- Alabama, [Connecticut](#), [Massachusetts](#), [Minnesota](#), [New](#)

[Jersey](#), [Ohio](#), [Oregon](#), [Vermont](#) and [Washington](#) -- allow affirmative defenses for victims of human trafficking.

"This changes the way prosecutors approach these cases," Richey said. "They think about the reason a person has engaged in criminal activity." The ABA is working with the Uniform Law Commission, an organization that helps states draft laws that are consistent with each other, to examine the possibility of using these types of remedies as part of a uniform law applicable in every state.

As the ABA works to change the way the legal system approaches human trafficking, we also recognize that there is a dire need to increase awareness about an issue that largely remains hidden. We encourage everyone to learn more about a problem that is all around us, as this increased awareness will bring a shift in resources and policies that better reflect the realities of the crime. Cuomo has taken an important step. We must ensure that these victims of unimaginable atrocities are not further victimized by the very system meant to help them.

Laurel Bellows is president of the American Bar Association. This is from the McClatchy-Tribune News Service.