



# Alternative Forms of Justice for Human Trafficking Survivors

## Considering Procedural, Restorative, and Transitional Justice

*Lilly Yu, Jeanette Hussemann, Hanna Love, Evelyn McCoy, and Colleen Owens*

*March 2018*

**Alternative forms of justice show promise for human trafficking survivors, who often do not find resolution (such as conviction and incarceration for their traffickers) through the traditional criminal justice system. The Bending Towards Justice: Perceptions of Justice among Human Trafficking Survivors study is the first to ask survivors of human trafficking whether nonpunitive forms of justice would complement or compensate existing remedies. Drawing from qualitative interviews with 80 survivors of sex and labor trafficking, this brief documents survivors' experiences with and perceptions of alternative practices, including procedural, restorative, and transitional justice. While all survivors have extensive experience with procedural justice practices, only some survivors have experienced restorative and transitional justice practices. Those who had not experienced restorative and transitional justice found them desirable and promising. Service provider and criminal justice stakeholders may help survivors achieve justice for their victimization experiences by incorporating these alternative forms of justice in their practices.**

A key finding from the Bending Towards Justice study is human trafficking survivors' difficulty in achieving justice through the traditional criminal justice process. Various factors, including challenges survivors face participating in criminal cases against their traffickers and the inability of retributive justice outcomes, primarily the conviction and incarceration of a trafficker, impede justice for all survivors (Love et al. 2018b). As a result, practitioners, policymakers, and survivor advocates are rethinking how survivors of human trafficking can achieve justice for their experiences. Several

alternative forms of justice have been shown to be viable additions or alternatives to traditional criminal justice. Three models show promise when applied to human trafficking cases: (1) procedural justice, (2) restorative justice, and (3) transitional justice.

- **Procedural justice** models argue that the *process* by which justice is achieved is more important than the *outcome* of a case. More specifically, theories of procedural justice maintain that survivors' perceptions of justice are influenced by opportunities to be involved in the decisions made in service provision and criminal justice processes and the opportunities to participate in both by having a voice and expressing their side of the story (Thibaut and Walker 1975; Tyler 1988, 1990). An overarching element of procedural justice, therefore, is the respectful treatment of survivors as they pursue services for themselves and/or criminal justice outcomes for their traffickers.
- **Restorative justice** models argue that criminal justice outcomes, including convictions and imprisonment, are not always the best response to crimes against a person (Bolivar 2013; Mika et al. 2004). In the case of human trafficking, nonpunitive, survivor-defined responses, including an acknowledgment of wrongdoing or an apology from traffickers, survivor confrontation of their traffickers, and the payment of reparations might significantly affect perceptions of justice.
- **Transitional justice** models argue that larger community efforts to respond to crimes by acknowledging the harms that have occurred and preventing them from occurring again are most likely to promote peace, provide a sense of justice, and result in longer-term impacts (David and Yuk-Ping 2005; Teitel 2003; van Zyl 1999; Waldorf 2006). Transitional justice for human trafficking survivors primarily focuses on reforms to institutions and policies and educational and memorial initiatives, such as human trafficking awareness campaigns and speaking with policymakers regarding human trafficking-related legislation.

While research on the effects of alternative forms of justice has largely been limited to people who are accused of crimes, these models could improve survivor perceptions of justice and reform traditional responses to human trafficking. In response, this brief explores how procedural, restorative, and transitional justice can lead to justice for survivors of human trafficking and complement or compensate for traditional justice system remedies.

---

## BOX 1

### Bending Towards Justice: Perceptions of Justice among Human Trafficking Survivors

This brief is one of four products from the Urban Institute’s Bending Towards Justice: Perceptions of Justice among Human Trafficking Survivors study. Recognizing the underrepresentation in the field of survivors’ perceptions of justice, this study asks the following questions:

- What are human trafficking survivors’ perceptions of justice in their cases?
- What are human trafficking stakeholders’ perceptions of justice?
- What are survivors’ experiences with the criminal justice process?
- What alternative forms of justice may desire?

This brief presents the study’s findings on survivors’ experiences with **alternative forms of justice**. Findings related to survivors’ their perceptions of justice, stakeholder responses, and survivors’ experiences with the criminal justice process can be found on the study’s project page, [urban.org/perceptionsjustice](http://urban.org/perceptionsjustice).

---

## Methodology

This brief relies on data from in-depth, semistructured interviews conducted between July 2016 and May 2017 with 80 human trafficking survivors in eight diverse metropolitan sites in the US (two in the Northeast, three in the West, two in the South, and one in the Midwest). To recruit survivor respondents, the research team worked closely with a human trafficking service provider in each site, who screened past and current clients for eligibility (clients needed to be at least 18 years old and willing to share their story).

Confidential interviews ranged from 30 minutes to over two hours long, with most lasting approximately one hour. The majority were conducted in person and audio recorded. All recordings were professionally transcribed, and the research team coded and analyzed the data using NVivo, a qualitative analysis software.

Table 1 displays the sociodemographic characteristics of the survivors we interviewed. Our sample included more women (n=55) than men (n=24), and most respondents (n=44) were between the ages of 25 and 44. The largest share of respondents identified as Latinx (n=32), and most survivors were born outside the United States (n=58). The vast majority of respondents (n=76) had legal authorization to live in the United States (e.g., through citizenship, permanent residence status, continued presence, or immigration relief such as T and U visas). The sample included more survivors of labor trafficking (n=45) than sex trafficking (n=29). Fifty-five percent of the sample (n=44) had participated in a criminal case during the investigation or prosecution phase. Notably, more than a third of our sample (n=28) had prior criminal justice involvement as a defendant in their own case. Of our sample, 72 percent of sex trafficking survivors and 16 percent of labor trafficking survivors had prior involvement as a defendant.

TABLE 1

## Survivor Respondent Characteristics

	n	%		n	%
<b>Gender</b>			<b>Status</b>		
Woman	55	69%	T visa	29	36%
Man	24	30%	US citizen	26	33%
Unknown	1	1%	Permanent resident	10	13%
<b>Race</b>			<b>Pending status</b>		
Latinx <sup>a</sup>	32	40%	No documentation status	4	5%
White	18	23%	U visa	3	4%
Asian	16	20%	Continued presence	3	4%
Black	8	10%	Unknown	1	1%
Mixed	4	5%	<b>Trafficking type</b>		
American Indian or Alaska Native	1	1%	Labor	45	56%
Unknown	1	1%	Sex	29	36%
<b>Birthplace</b>			<b>Both</b>		
United States	22	28%	Unknown	4	5%
Mexico	20	25%	<b>Case type<sup>b</sup></b>		
Asia	16	20%	Criminal	44	55%
Central America	11	14%	Civil	8	10%
Africa	7	9%	None	24	30%
South America	1	1%	Unknown	7	9%
Caribbean	1	1%	<b>Criminal involvement as a defendant<sup>c</sup></b>		
Europe	2	3%	Yes	28	35%
<b>Age</b>			<b>No</b>		
18–24	12	15%		52	65%
25–44	44	55%			
45–64	14	18%			
65+	1	1%			
Unknown	9	11%			

<sup>a</sup> Latinx is a gender-neutral term for people of Latin American descent.

<sup>b</sup> Case type includes instances when an investigation occurred (with or without charges or prosecution), an arrest occurred (with or without prosecution), or a prosecution occurred. The number of survivors categorized under case type does not sum to 80 because some survivors had both a criminal investigation and a civil case. Among the criminal cases, 18 survivors had sex trafficking cases, 22 had labor trafficking cases, 3 had both, and 1 had unknown case data. Among the civil cases, all survivors had labor trafficking cases.

<sup>c</sup> Of the survivors involved in criminal cases as defendants, 20 were sex trafficking survivors, 7 were labor trafficking survivors, and 1 was a survivor of both.

---

## BOX 2

### Key Findings from Survivor Respondent Interviews

This brief focuses on survivors' perceptions of justice. More detailed findings from survivor interviews can be found in "Justice in Their Own Words" (Love et al. 2018b), but key takeaways include the following:

- Survivors' perceptions of justice are shaped by their trust in the American criminal justice system. Domestic sex trafficking survivors reported high distrust in and negative perceptions of system actors, whereas foreign-born survivors had more trust in the US justice system.
- Survivors of both sex and labor trafficking did not endorse traditional forms of retributive justice (such as incarceration) for their traffickers and instead felt justice could be better achieved through prevention. Ultimately, they defined justice as preventing others from harm but did not think the criminal justice system could accomplish this.
- Survivors' perceptions of justice for themselves differed from their desired outcomes for traffickers and most commonly centered on their ability to "move on" from their trafficking experiences and achieve autonomy and empowerment through accomplishing self-defined goals.
- Survivors offered recommendations for how criminal justice actors can improve their handling of human trafficking cases: adopting more compassionate approaches, ending the criminalization of survivors, hiring more diverse law enforcement agents, and improving training for system actors.

---

## Procedural Justice

To understand survivor views on procedural justice, we asked about (1) *survivor voice and participation* (Did you feel like you had control over your service provision/investigation/prosecution? Did you have an opportunity to tell your story and feel listened to by service providers/investigators/prosecutors?); (2) *communication* (How did service providers/investigators/prosecutors communicate with you during your case? Did anyone talk to you about your rights as a victim of crime or a victim of human trafficking? If you needed an interpreter, were you provided with one?); and (3) *respectful treatment* (Did service providers/investigators/prosecutors treat you with respect? Did you feel discriminated against or treated differently than other survivors?).

### Participation

#### STORYTELLING

Overall, survivors felt that they had opportunities to tell their story by describing their victimization experience and personal histories to service providers. Survivors spoke positively of situations where they did not feel pressure from service providers to tell their stories in exact detail and could tell their story at their own pace:

[Service provider] wasn't a lot of pressuring about talking about a lot of stuff that happened. I did tell her my story, which helped her really help me start a foundation, but I liked how they weren't so pressuring on certain details and going into certain things. Their main focus at first was just making sure I was okay and I was stable. I think that that helped because I think if I was come at in a different way, that maybe I would have run from the situation than to try to figure out what was really going on. (Site 2, survivor 9, survivor of sex trafficking).

While survivors had varied experiences with telling their stories to criminal justice stakeholders and feeling believed, survivors did share several examples of positive experiences:

I had an interview with [law enforcement], and I told them all the situation I was going through. I think it went really well... I felt I had credibility. I felt that they believed in me. (Site 5, survivor 10, survivor of labor trafficking)

Survivors also reported challenges about having to tell their story *too many* times during a criminal case. Regardless of whether a survivor's case was investigated and prosecuted or involved only an initial interview with law enforcement, survivors had to tell their story more than once. For foreign-born survivors, repeating their story to law enforcement was in addition to documenting their story to a service provider for a T visa application.

## DECISIONMAKING

Survivors also felt like they played a key role in making decisions around their services with most providers, including what types of programs in which to participate or benefits to receive, as well as their timing. Survivors said they could ask for specific services and receive them, ask for assistance regarding personal and professional goals and receive help, and provide feedback to service providers over which services or processes worked well and which ones did not. Many survivors who had lost the ability to make decisions while being trafficked indicated that having control over service provision provided a sense of empowerment and agency, which served as a form of healing.

While survivors in our study generally reported positive experiences in their ability to make decisions in service provision settings, sex trafficking survivors who had participated in more structured and rule-based service programs, such as residential programs, reported a lack of decisionmaking ability and control over their service participation.<sup>1</sup> These programs included rules such as curfews, cell phone privileges, wake-up times, and mandatory mental health and/or substance use counseling. One survivor appreciated the structure in the beginning of her program because it helped address her substance use challenges but felt it was a barrier by the end:

It was good structure, I guess I would say. It took a while to get used to, but it was routine and I do like routine... [But] I was going through a lot of stuff, and I was just at my point where, okay, I'm getting tired of all these rules. It was getting too much routine, too strict at times. I was working a good 30 hours a week plus doing all these classes and stuff for them and having to take the bus, which isn't a long bus ride or anything like that, but I was getting in really late from work and then having to get up early. (Site 4, survivor 1, survivor of sex trafficking)

Another survivor felt that the abundance of rules not only mimicked her past experiences of trafficking, but created an unrealistic living environment that would not enable her to take care of herself once she finished the program:

I was like, “You’re acting like a pimp right now. You’re threatening me if I leave, you’re threatening [me with legal action] with my kid. I’m like, that’s sick.... [The service provider is] too sheltered. You’re too sheltered. You can’t do this. You can’t do that. Can’t be around boys. Then you want to give [me] two hours [notice to leave the program] and throw me right back out in the world and like, oh, good luck. You can’t shelter somebody like that. When we’re getting ready to transition, let us go into the world or go to the store, go hang out at a friend’s house because we’re going back to those streets. We’re not going back to your nice home you have or back to [service provider]. We have to go back to where we came from, and that’s tough. (Site 2, survivor 8, survivor of sex trafficking)

Survivors were less likely to indicate that they felt involved in the decisions made throughout the criminal justice process than the decisions made with service providers. Specifically, survivors felt less involved in participating in an investigation and any decisions around whether their traffickers should be prosecuted, go to trial, or take a plea bargain. In sex trafficking cases, survivors described situations where prosecutors leveraged prostitution charges against them to pressure them into participating in criminal cases against traffickers:

They took me into jail because they were protecting me, and I was told that I would be released pretty much immediately afterwards, which I was not. I spent ten days in there on a curfew violation. There was also a lot of pressure for me to talk. The D.A. was there and they were asking me questions and telling me if you give us information, then the D.A. is more likely to give you a good deal and you’ll get out of these situations. (Site 2, survivor 14, survivor of sex trafficking)

Both labor and sex trafficking survivors experienced mismatches between wanting to participate in an investigation or prosecution but not getting the chance to, or not wanting to participate but feeling pressured to do so. When a mismatch existed, survivors felt frustrated about their inability to make decisions and often lacked knowledge as to *why* those decisions were made.

## Communication

To examine communication practices, we analyzed the types and frequency of survivors’ interactions with service providers and criminal justice stakeholders, the length of survivors’ participation in service provision and criminal justice processes, and access to interpreters and other language assistance for survivors who were not fluent in English.

Survivors reported challenges understanding complicated legal processes on both service provision and criminal justice fronts: they were unaware of how to apply for public benefits, what the steps were in a criminal investigation or prosecution of their trafficker, and how to stay in touch with service providers and criminal justice stakeholders. To help mitigate these challenges, survivors had positive experiences with case managers at service providers and victim witness advocates in law enforcement and prosecution agencies, who maintained constant, low-barrier communication and explained

confusing processes. For example, this survivor's service provider gave thorough guidance on how to apply for public benefits:

All of them, they made us like hundred percent clear about how to apply for, what benefits we are entitled to, how to apply for them, and what happens if the benefits are just rejected by no reason, how to appeal, and everything, like, even I became like an attorney. You know? I knew, like, I got informed a lot by them about everything. (Site 1, survivor 8, survivor of labor trafficking)

One survivor had a positive experience with a law enforcement agency that gave her a cell phone and provided updates on the criminal investigation of her trafficker:

[Law enforcement] helped me with my phone so that I can always have a way to contact somebody, especially where I'm living back in the area where I was first taken from. It's been pretty hard, living there, and a lot of old people. Being able to have my phone constantly with me and feeling like—I know that they don't lurk and watch me, but knowing that they're aware helps the situation. They check in with me to see how I'm doing, see if I need anything. They're pretty good about calling me to let me know when [my trafficker] was arrested. They called and let me know he was arrested and what was going on. They keep me informed as much as they can, and I really like that, that they keep me in the loop so that way, you're not just wondering. (Site 2, survivor 9, survivor of sex trafficking)

For respondents who did not speak English as their first language, having an interpreter or access to staff who spoke their language of choice was extremely important toward fostering inclusion and enabling survivors to understand the processes in which they were involved. When interacting with criminal justice stakeholders, a lack of interpreters or law enforcement officers who spoke a survivors' preferred language often meant barriers in understanding their rights or identification as a victim. For this survivor, it almost resulted in serious consequences:

**Respondent:** When they came, because I was in a room, I was locked in there. I was asleep because it was early, so I just heard when the police arrived. The police came and they took me to the police station. But I didn't know what was going on, right? So I was very scared because I didn't know, because there was always a man outside keeping watch, always. So they took me to the police and there they made me sign papers for deportation or something like that. After that, they just took me to the shelter.

**Interviewer:** So you don't know what the papers were that you signed?

**Respondent:** They're some papers that say—all I know is that they might deport me.

**Interviewer:** So nobody at the police station explained to you what the papers meant?

**Respondent:** No, they didn't speak Spanish.

**Interviewer:** And they didn't offer you an interpreter?

**Respondent:** No. (Site 6, survivor 10, survivor of labor trafficking)

The ability to communicate with service providers and justice system stakeholders was emphasized across interviews. As survivors left their trafficking situations and started to interact with stakeholders



to recover and work toward personal goals, the challenges of navigating complicated legal processes were addressed through quality communication practices.

## Respectful Treatment

Survivors in our study came into contact with various service providers and criminal justice stakeholders during their lives and as they left their trafficking situations. Survivors felt that the level of respect they received varied across stakeholders. However, survivors also had positive experiences, often with the stakeholders involved after people were identified as trafficking survivors; survivors described these individuals as kind, compassionate, understanding, patient, and nonjudgmental. Most survivors had very positive feelings toward at least one stakeholder with whom they had interacted:

When [law enforcement officers] gave me my interview, first off, they took me in a car to the police station and gave me a ride back. They made me feel comfortable. They weren't judging me. All you could tell is that he wanted—there was something about him that just said—and as a whole demeanor it said he wanted to help me. I wasn't scared to talk to him. (Site 8, survivor 4, survivor of sex trafficking)

One notable exception was survivors who had unauthorized immigration status and survivors with prior criminal backgrounds (28), particularly sex trafficking survivors who had been arrested and/or convicted of prostitution-related charges. These survivors were more likely to report being treated as a criminal instead of a victim; such treatment influenced their later desire to participate in a criminal investigation against their traffickers.<sup>2</sup> Survivors reported this type of treatment occurring mostly at their initial point of contact with law enforcement or immigration authorities after they escaped their trafficking situations. Sex trafficking survivors who had been arrested or convicted of prostitution-related offenses reported continuing to feel criminalized, especially because many survivors had pending criminal cases against them at the time of data collection. One survivor explained the discrimination she felt:

[Law enforcement] just think, I feel like they just think we're a bunch of druggies and we get what we deserve. It is what it is. Like I said, they don't—they just wanna catch the big people, but when it comes down to it, I feel like they just look down. Like, "Oh, you put yourself in that position. Oh, well. You know. Shouldn't do drugs." (Site 2, survivor 7, survivor of sex trafficking)

Other survivors expressed similar frustrations: they were discouraged that law enforcement and immigration authorities seemed to negate their experiences as victims and therefore wouldn't take their stories seriously.

## Restorative Justice

Unlike procedural justice practices, which are typically implemented and controlled by criminal justice organizations and actors, restorative justice practices are guided by the individually defined needs of survivors. To understand survivor perceptions of restorative justice, we asked respondents to reflect on whether certain practices would help them feel like they had achieved justice. These practices were

opportunities to confront their trafficker about the harms they caused, reparations or payment, an apology from their trafficker, and an opportunity to meet with other survivors of human trafficking to share common experiences and support one another.

Survivor preferences for restorative justice practices differed by the type of practice and the type of trafficking experienced. More labor trafficking survivors in our study would have liked the opportunity to confront their trafficker; sex trafficking survivors were split roughly half and half. Survivors who wanted to confront their traffickers wanted to show that they had persevered despite their victimization, and they wanted their trafficker to understand the negative impact they'd had. As one survivor indicated, "I want [my trafficker] to know that even if you treated me bad, I'm still alive. I'm like, you wanted to break me, but I didn't" (site 4, survivor 7, survivor of labor trafficking). Survivors indicated wanting to confront their traffickers in person or in writing and in locations such as a criminal court or during their everyday lives. Those who did not want to confront their traffickers reasoned that it would be more harmful if they did so and their trafficker showed no remorse.

Labor and sex trafficking survivors also differed in their desires for reparations from their traffickers. Most sex trafficking survivors indicated that they did want reparations. One survivor said that she would like reparations to be in the form of resources for therapy and services to address the psychological harm she faced:

I think that restitution shouldn't just be financially. I think that restitution the perpetrator has to pay should also be paying for therapy. Because part of human sex trafficking is a lot of brainwashing. It's a lot of verbal, mental, and physical abuse. We need help with that. (Site 8, survivor 4, survivor of sex trafficking)

Labor trafficking survivors were more divided on whether they wanted reparations from their traffickers. Those who wanted reparations wanted them in the form of payment for the work they had performed without pay: "As long like she pays me on—based on labor law, minimum wage, like for all those years. Yeah, I wouldn't be asking for a million dollars, but I wish. I know she have money" (site 7, survivor 4).

Labor and sex trafficking survivors who did not want reparations of any sort explained either that they did not want or need their traffickers' money, that any money received from their trafficker would come from the exploitation and victimization of others, or that money could not address or make up for the harms they had faced. As one sex trafficking survivor explained: "I know that money is from—any money they got from them or that they might have had was money from all those women who were forced to work there. So no, I don't want anything from those people" (site 2, survivor 4).

Labor and sex trafficking survivors were similarly divided almost equally on whether they desired an apology from their trafficker. Among those who did not want an apology, labor trafficking survivors were more likely to say that they had already moved on or forgiven their trafficker, while both labor trafficking survivors and sex trafficking survivors felt that the apology would not be sincere. As one survivor specified, "I think an apology would be—I would really think that would be pretty amazing. It's not gonna happen in my situation. My trafficker does not think that she did anything wrong" (site 2,

survivor 2, survivor of sex trafficking). Survivors who did want an apology emphasized that they wanted one only if the apology was sincere and truthful.

Three of our study sites featured extensive opportunities for survivor peer mentorship through formal networking and mentorship groups. Survivors who participated in these opportunities discussed them as additional restorative justice practices. Survivors viewed these groups as opportunities for their own healing and for showing other survivors what recovery can look like: “You know what helps me heal? [Survivor group name]. Doing stuff like this. It’s healing when I help other people, help other girls. When I talk about it. That’s for me personally” (site 2, survivor 9, survivor of sex trafficking). Survivors who had not had these opportunities, either because their site did not offer them or because they had not chosen to engage, viewed them positively and largely indicated wanting to participate in such activities in the future.

## Transitional Justice

Transitional justice offers community- and systems-based opportunities to prevent future victimization and acknowledges victimization that has already occurred. To understand survivor perceptions of transitional justice, we asked respondents to reflect on whether certain practices (reforms to institutions and policies to prevent other people from experiencing trafficking, education and public awareness efforts, and participating in survivor-led efforts to create policy and practice change) would help them feel like they had achieved justice.

When asked if they’d like to participate in education or institutional reform efforts, survivors in our study overwhelmingly answered yes. Based on their own experiences, many survivors spoke about changes they’d like to see to immigration, criminal justice, and service provision policies; funding and resources for services; and specific laws and statutes. These changes addressed various causes and harms of human trafficking, including root causes such as poverty and economic climates in their home countries or communities, and harms perpetrated by current immigration, criminal justice, and service provision policies and laws.<sup>3</sup>

Survivors reported rewarding and empowering experiences advocating for law and policy changes, speaking with expertise as a survivor-leader, and influencing people and institutions to prevent future trafficking victimization. One survivor spoke about meeting with policymakers in Washington, DC:

I think, what I got out of this situation, that now I am speaking up against the issue. Being able to advocate for better services, for a better law, that’s justice for me. When I first started going lobbying, for meetings on the Hill—and it is so cool, especially for someone that is coming from different countries. Knowing that my own government, in Indonesia, wouldn’t do that, wouldn’t listen to someone like me, it’s incredible. It’s incredible that the government here are listening, and changing things. (Site 7, survivor 4, survivor of labor trafficking)

Survivors also saw educational and awareness initiatives as important in preventing future victimization and memorializing the victimization experiences of themselves and others. Some survivors had raised awareness by participating in campaigns and sharing their own stories and the stories of

friends and loved ones who also had experienced trafficking but with different outcomes. Survivors with and without past experiences participating in educational initiatives offered ideas for several different audiences: the public, to create awareness of trafficking; other survivors or people of similar backgrounds, such as other migrant workers from foreign-born survivors' countries of origin, to educate workers on how to protect themselves from and report future trafficking; and traffickers, to show them the damage they caused and prevent future victimization. This survivor had an idea for educational intervention wherever people enter the US:

When a kid come to the country, I was thinking maybe they should have a program for that where they would just educate them about human trafficking. Tell them about human trafficking, cuz for me, if when I did come to the country, somebody told me and say, "Hey, we just wanna make sure that you're aware that there's something called human trafficking. Be aware of that. We're not saying that you goin' through it, but we just want you to be exposed to this issue." "If you know somebody who's a victim, let us know," or, "This is the way we can help." (Site 8, survivor 6, survivor of labor trafficking)

Study sites that featured survivor peer mentorship opportunities also included opportunities for survivor-involved advocacy and educational initiatives—resulting in promising practices that incorporate both restorative and transitional justice concepts.

---

### BOX 3

#### Alternative Forms of Justice

Some concrete examples of alternative forms of justice that service providers and criminal justice stakeholders described across the study's eight sites are the following:

- **Procedural justice:** an agreement a service provider or justice system stakeholder signs with each survivor client that specifies the role and rights of the survivor and stakeholder
- **Restorative justice:** opportunities for survivor mentorship and networking, including survivor support and social groups
- **Transitional justice:** soliciting survivor feedback and opinions for advocacy initiatives and awareness campaigns

**Source:** Interviews with 100 stakeholders.

**Note:** For more in-depth recommendations for service providers and criminal justice stakeholders, please see Love and colleagues (2018a, 2018b) and McCoy and colleagues (2018).

---

## Limitations

Our findings should be interpreted with several limitations in mind. First, this study draws from a convenience sample of human trafficking survivors. Recruitment was made possible through partnership with service providers, meaning data were collected only from survivors who had received some form of legal or social services and remained in contact with their service provider. This might

exclude survivors who needed services but did not engage with formal systems. Second, this study relies on data collected only in urban metropolitan areas. Although the primary service provider in each site served a large geographic area, survivors who lived in more remote, rural locations at the time of our interviews are not represented. Our sample does include survivors who experienced trafficking in rural, nonurban areas but lived in or near each site's metropolitan core at the time of data collection. Third, despite attempts to balance our sample between survivors of labor and sex trafficking, our sample remains skewed toward labor trafficking. Fourth, we had too few respondents with civil justice case experiences to draw definitive conclusions about survivors' perceptions of the civil justice system.<sup>4</sup>

Finally, because our interview protocols did not include specific questions about the details of survivors' trafficking experiences, it was difficult for us to gauge when the victimization occurred. We are therefore unable to measure survivors' perceptions of justice over time, which would be a valuable focus for future research.

## Conclusion

Both survivors who had past experiences with alternative forms of justice and those who did not found these practices promising as either complements to or compensations for remedies they had already experienced. Additionally, the emphasis on survivor-led alternatives, such as opportunities for peer mentorship or advocacy for laws and policies that would address future victimization, emerged from survivors' own recommendations.

Though survivors had extensive experience with procedural justice concepts, only a portion of our sample had experienced restorative or transitional justice practices. But those who had not experienced these concepts found them desirable, meaning alternative forms of justice are ripe for inclusion by stakeholders who work directly with survivors or influence policy and practice that impact survivors. Service providers and justice agencies can begin incorporating these elements in their engagement with survivors or start asking survivors what elements of these alternatives would be desirable.

Beyond stakeholder inclusion, survivors should play a lead role in determining the direction, format, and engagement of alternative justice practice. Survivors had individualized preferences for certain alternative forms of justice; not all survivors we spoke to wanted an apology from their trafficker, and not all survivors are prepared to lobby Congress for anti-trafficking policies. And, because some of the most descriptive and encouraging alternatives came from survivors themselves, it is important to provide space for survivors to create their own avenues for healing, moving on, and making societal and structural changes that can prevent future victimization.

## Notes

- <sup>1</sup> This finding does not include the experiences of survivors who participated in mandated services as part of a court-based human trafficking intervention program. The survivors who participated in the types of restrictive service provision settings described here did so without being mandated.
- <sup>2</sup> For more detailed findings around survivors' desires to participate in the criminal justice process, please see Love and colleagues (2018b).
- <sup>3</sup> For survivors' specific recommendations for systems and policy changes, please see McCoy and colleagues (2018).
- <sup>4</sup> For a discussion of civil litigation in cases of human trafficking see Vandenberg (2015, 2016) and Werner and Kim (2008).

## References

- Bolivar, Daniela. 2013. "For whom Is Restorative Justice? A Mixed-Methods Study on Victims and (Non-) Participation." *Restorative Justice* 1 (2): 190–214.
- David, Roman, and Susanne Choi Yuk-Ping. 2005. "Victims on Transitional Justice: Lessons from the Reparation of Human Rights Abuses in the Czech Republic." *Human Rights Quarterly* 27 (2): 392–435.
- Love, Hanna, Jeanette Hussemann, Lilly Yu, Evelyn McCoy, and Colleen Owens. 2018a. "Comparing Narratives of Justice: How Survivors, Criminal Justice Stakeholders, and Service Providers Perceive Justice in Human Trafficking Cases." Washington, DC: Urban Institute.
- . 2018b. "Justice in Their Own Words: Perceptions and Experiences of (In)Justice among Human Trafficking Survivors." Washington, DC: Urban Institute.
- McCoy, Evelyn, Colleen Owens, Lilly Yu, Hanna Love, and Jeanette Hussemann. 2018. "Delivering Justice for Human Trafficking Survivors: Implications for Practice." Washington, DC: Urban Institute.
- Mika, Harry, Mary Achilles, Ellen Halbert, and Lorraine Stutzman Amstutz. 2004. "Listening to Victims—A Critique of Restorative Justice Policy and Practice in the United States." *Federal Probation* 68 (1): 32–38.
- Teitel, R. G. 2003. "Transitional Justice Genealogy." *Harvard Human Rights Journal* 16:69–94.
- Thibaut, John W., and Laurens Walker. 1975. *Procedural Justice: A Psychological Analysis*. Hillsdale, NJ: Lawrence Erlbaum.
- Tyler, Tom R. 1988. "What Is Procedural Justice? Criteria Used by Citizens to Assess the Fairness of Legal Procedures." *Law & Society Review* 22 (1): 103–36.
- . 1990. *Why People Obey the Law*. New Haven, CT: Yale University Press.
- Vandenberg, Martina. 2015. *Ending Impunity, Securing Justice: Using Strategic Litigation to Combat Modern-Day Slavery and Human Trafficking*. New York: The Freedom Fund; and Washington, DC: The Human Trafficking Pro Bono Legal Center.
- . 2016. "Palermo's Promise: Victims' Rights and Human Trafficking." *Anti-Trafficking Review* 6:138–41.
- Werner, Daniel, and Kathleen Kim. 2008. *Civil Litigation on Behalf of Victims of Human Trafficking*. Montgomery, AL: Southern Poverty Law Center.
- van Zyl, Paul. 1999. "Dilemmas of Transitional Justice: The Case of South Africa's Truth and Reconciliation Commission." *Journal of International Affairs* 52(2)
- Waldorf, Lars. 2006. "Mass Justice for Mass Atrocity: Rethinking Local Justice as Transitional Justice." *Temple Law Review* 79 (1).

## About the Authors



**Lilly Yu** is a research analyst in the Urban Institute's Justice Policy Center. Her research focuses on the victimization experiences and justice involvement of young people in various environments, including child welfare settings, runaway and homeless youth providers, community-based service providers, housing communities, and schools, and human trafficking issues.



**Jeannette Hussemann** is a senior research associate in the Justice Policy Center. Her research focuses on victimization, indigent defense, and juvenile justice. Hussemann directs projects that employ both quantitative and qualitative research methodologies, and she has extensive experience conducting fieldwork in diverse settings.



**Hanna Love** is a research analyst in the Justice Policy Center. Her research focuses on criminal justice reform and improving criminal justice system responses to survivors of violence. She has experience working on various justice policy issues, including survivors' perceptions of the justice system, decarceration, and state and local policy reform.



**Evelyn McCoy** is a research associate in the Justice Policy Center. Her research focuses on conducting and translating research into practitioner-friendly materials on correctional programming and practice, jail reentry, alternatives to incarceration, and human trafficking issues. She also provides direct technical assistance to jurisdictions improving justice system functioning across the nation.



**Colleen Owens** is a former senior research associate in the Justice Policy Center, where she codirected a diverse portfolio of research on human trafficking in the United States and abroad.

# Acknowledgments

This brief was funded by the National Institute of Justice, Grant Award number 2015-VF-GX-0108. We are grateful to them and to all our funders, who make it possible for Urban to advance its mission.

The views expressed are those of the authors and should not be attributed to the Urban Institute, its trustees, or its funders. Funders do not determine research findings or the insights and recommendations of Urban experts. Further information on the Urban Institute’s funding principles is available at [urban.org/fundingprinciples](http://urban.org/fundingprinciples).

We would like to thank the following former and current Urban Institute staff for their assistance with this study: Abigail Flynn, Kyla Woods, Emily Reimal, and Janine Zweig. We would also like to thank all our project partners for their invaluable contributions to this study, without which this study would not have been possible: Amy Leffler, John Picarelli, and Jessica Highland from the National Institute of Justice; our consultants Lisa Palumbo, Hanni Stoklosa, and Cathy Zimmerman; our 12-member advisory board, made up of labor and sex trafficking survivors, service providers, researchers, and local, state, and federal criminal and civil justice stakeholders; and our primary service providers in each of the eight study sites. Lastly, we thank all our respondents, especially the 80 survivors of human trafficking who shared their deeply personal stories and important perspectives for this study.



2100 M Street NW  
Washington, DC 20037

[www.urban.org](http://www.urban.org)

## ABOUT THE URBAN INSTITUTE

The nonprofit Urban Institute is a leading research organization dedicated to developing evidence-based insights that improve people’s lives and strengthen communities. For 50 years, Urban has been the trusted source for rigorous analysis of complex social and economic issues; strategic advice to policymakers, philanthropists, and practitioners; and new, promising ideas that expand opportunities for all. Our work inspires effective decisions that advance fairness and enhance the well-being of people and places.

Copyright © March 2018. Urban Institute. Permission is granted for reproduction of this file, with attribution to the Urban Institute.