

Robust national legal frameworks and their implementation: Key factors in addressing human trafficking and all forms of sexual exploitation:

In want to focus on two points:

- 1) One very important key factor to pay attention to when it comes to national legal frameworks and especially their implementation is understanding all the different forms of trafficking, the mechanisms, how they can occur and victim identification what also means understanding the individual victim-perpetrator relationship that often exists. Of course there are different forms of trafficking but when it comes to domestic trafficking, loverboy/romeo trafficking, where the trafficker is the partner, the family, what is very often the case, we do need to start to talk about **trauma bonding**. What that is and how we can help victims to break through that circle of abuse (as also OSCE in a new report called "[Applying Gender-Sensitive Approaches in Combating Trafficking in Human Beings](#)" is writing). I want to quote a few lines from the report: "*In THB cases, the relationship between the victim and the trafficker may be complex. It may involve trauma bonding, familial ties and romantic relationships, and also violence, fear and manipulation. Understanding the complexity and nature of victim–perpetrator relationships will also make it easier for law enforcement to comprehend a victim’s behavior, which is sometimes aimed at protecting their trafficker at their own expense... Such trauma bonds are used to create an environment in which the victims are somehow rewarded after their abuse, thus encouraging them to stay by establishing an impression of family and care. Being aware of these relationships and the nature of trauma bonding can facilitate both the identification of victims, as well as the prosecution of the traffickers...*"  
Quote end.

My dear fellow ISTAC colleague and survivor from Canada, Timea Nagy, showed us ISTAC members a very good awareness website built by the police in Toronto, in Canada, where they e.g. are answering questions survivors may have on a website and one of this question is: **what is trauma bonding?**

And the police answers on the website and in their answers (and in the whole website) they implemented 90 % of what survivors were telling them because they recognized that to answer these questions in a way where it can help other victims most effectively, the help of those who lived through it is very important – important to work better on solutions that can reach those who are still in the same situation:

***“What is a trauma bond?***

*Trauma bonding is a psychological response to abuse (...). It occurs when the abused person forms an unhealthy bond/(traumatic bond) with the person who abuses them...*

## **Signs of Trauma Bonding (listed by police)**

The trafficked person may:

- Show gratitude for small kindnesses shown by the trafficker.
- Feel loyal to or defend the trafficker.
- Rationalize violence by the trafficker — believe they can control the level of abuse by being complacent and pleasing the trafficker.
- Have protective feelings towards the trafficker.
- Feel that the trafficker genuinely loves them and cares about them.
- Feel that only the trafficker can help or care for them.

The police is also answering the question with the help of survivors:

### **Why do I feel that I can't leave?**

Understanding the way this bond works can help explain why people stay in violent or abusive relationships. **The common but harmful question, "Why don't you just leave?" doesn't account for the complexity of a trauma bond and the mental reprogramming it requires to break one.**

Here are a number of reasons researchers have identified as to why it is so difficult to break a trauma bond:

- Victims may not feel like they are being victimized. In some cases, they feel that being sexually exploited is **"normal"** because of an adverse childhood experience.
- The trafficker or **"pimp"** is sometimes viewed as a romantic partner.
- In many cases, the trafficker has essentially **brainwashed the victim to the point that they believe they truly care about them and are there to keep them safe, while law enforcement and authority figures cannot be trusted.**
- They may be **afraid to leave**. Even if they were assured that the trafficker will go to jail, they may still feel like they still won't be able to escape them.
- They may feel like that **their situation being trafficked for sex is better than if they were to be free. There might not be enough family or community support to make it on their own.**
- There may be cultural norms that ingrain a policy of **"don't talk about it."** They may be too ashamed to leave and accept help, when it is normal in their culture to keep abuse a secret.
- Many Survivors, **due to low self esteem from childhood abuse or by being exploited in the sex trade believe that they DESERVE to be abused. These victims of trauma feel that they are unworthy of safety, love and healthy human connection.**

- *Many Survivors feel so changed by their experience of being trafficked that they do not believe that they will ever be able to fit into the 'real' world ever again. Due to this belief they feel there is no point in trying to escape from their trafficker.* [Human Trafficking Survivors: Home \(htsurvivors.to\)](https://www.htsurvivors.to)

Why do I talk about this? I talk about this because most of the trafficking I have seen was trafficking by family and by partners where trauma bonding was all present every day and was actually the main reason why the victims were not able to come out of exploitation. And this kind of trafficking is often not seen but it's there in a huge number and we have to hold our eyes open for it.

These women want to escape this circle of abuse, they want to leave the trafficker, but they can't. They are locked in invisible chains. That they can't leave does not mean they want to stay. It means they are too weak to leave and need help. To really help it needs understanding.

So when I look back at my trafficking situation (Loveboy-Method), it would have helped me a lot if there were people/authorities/laws/police/judges/state attorneys understanding all the mechanisms and the trauma bonding with skills in their hand helping me breaking through that circle and holding my trafficker accountable. In Germany, I have not heard the word trauma bonding when it comes to trafficking but it's important to speak about it because so many trafficking victims are affected by that but it seems that this kind of trafficking is kind of neglected, sometimes not taken really seriously because these women are not somewhere locked in chains. It's not that „*love makes blind*“ how you can hear it very often when speaking about domestic trafficking. They were exploited because trafficking strategies were used intentionally: they were manipulated, brainwashed, scared by the traffickers, threatened by them, often beaten by them. They were exploited because the traffickers hold them in this trauma bond and not because they were blind. The right understanding and language using here is very important when it comes to help victims. The right language shows the victim also if you really understand what they are going through and if you can be the right partner, the right hand, to be able to manage the exit and escape and testimony against the trafficker or not.

So we do have to focus on this trauma bonding issue when we are making laws, when we are implementing those and when we are coming in contact with victims. To help them break through this often very difficult circle of abuse and to hold their traffickers accountable.

## 2) Demand/Legislation

One other key factor in addressing human trafficking is, and I was talking about that 2 days ago in another conference: next to effective laws against trafficking and exploitation we really do have to focus on demand, on the buyers (so: legislative measures to target the impunity of users of sexual services of victims of trafficking and all forms of sexual exploitation).

We do have different legislative approaches to tackle demand for trafficking and exploitation:

- a) The **first approach** we do have in Germany: Criminalizing the knowing use of trafficking victims. That is not very effective because this can hardly be proven.

Another problem: it is sometimes also difficult for users to see who is trafficked or not because the victims have to play the game, they are forced to look nice, to be nice, to make the user think that what happens is happening willingly. Like the Swedish police officer Simon Häggström said: smiling does not mean being there by free choice, looking nice and like a fotomodel does not automatically mean being there by free choice. But: most of the times the pain and the exploitation situation is visible for the users because there often will be a moment during the „session“ where they can see that the persons, mostly women, are suffering, are not doing this because they dreamed about being a prostitute. And if the users see it they will deny it in most of the cases or what I heard a lot is that they say something like: *„all people do not like to work sometimes but we all have to work.“* Here you can see the low awareness of many users and parts of society in Germany have about what it means to be trafficked and prostituted and that this is a heavy human rights violation that most of the times results in lifelong trauma. This low awareness is also a result of our very liberal handling of prostitution when all is seen just as a job. It makes the empathy smaller, even often the empathy for trafficking victims.

- b) The **second approach** is: Criminalizing the use of all trafficking victims (strict liability)

The second approach, the general criminalizing of the use of all trafficking victims, no matter if the buyer knows or not knows that the person is trafficked, is a better approach in my opinion because it makes it easier to prosecute a buyer because it must only be proven that he used a victim of trafficking but not that he knew that the victim was trafficked.

The problem with this approach is that you first have to prove that the person who was used is a trafficking victim. And this is, as I can see in Germany, in most of the cases very hard with our laws. So it means that users are almost always safe and not convicted.

- c) The **third approach** is: Criminalizing all demand (sex buying), the so called Swedish/Nordic Model, which I prefer.

The other two approaches do not work effectively and I am convinced that to fight trafficking and exploitation we need to reduce demand in general because, as I always say, demand is a breeding ground for trafficking. Where there is a high demand for prostitution it's much more lucrative for traffickers because of the big market of users there. We have an estimated number of about 1,2 million users who use sexual services each day. This is because of our liberal laws and handling of prostitution. This demand has to be met and it will be met by traffickers what means: producing/generating a lot of victims.

Germany has ratified e.g. Palermo Protocol that says in Art. 9 section 5 that States Parties shall adopt or strengthen legislative or other measures, ... to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking.

And here not only the demand for trafficking is meant by Art. 9 section 5 that should be discouraged. It's the demand that fosters all forms of exploitation of persons that is meant. And as you can see not only legislative measures are meant. There is not only legislation and criminal law where we should focus on when it comes to discouraging demand but other measures such as enlightenment, prevention campaigns, etc.

In Germany, we actually do not focus on demand in any way. Instead, what we do is promoting prostitution, in form of advertising, calling it a normal service, etc. Such a handling is totally contra productive to discourage demand that fosters trafficking because if you tell the people in society that they can do things or use this prostitution service, they will take advantage of that possibility and permission because it's allowed and not only allowed but promoted. This will not discourage demand in this often criminogenic area "prostitution" where you can find so much sexual exploitation. I was telling the estimated number of buyers we do have every day: 1,2 million. On this estimated number you can see that Germany is totally failing when it comes to tackling the demand.

That must stop, we do have to implement measures that are discouraging this high demand because this high demand fosters trafficking for sexual exploitation.