

STRENGTHENING LAWYERS LEGAL KNOWLEDGE AND
COOPERATION WITH PROSECUTORS AND JUDGES, TO
PROTECT VICTIMS OF HUMAN TRAFFICKING RIGHTS IN THE
JUDICIAL PROCEEDINGS



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The Psychological Framework of Trauma Victims
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Impact on the Ability of Victims to
Communicate Properly with the Lawyer/
Prosecutor/ Magistrate

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The Psychological Framework of Trauma Victims

About me

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Trauma (*def.*):

- *A response** to any adverse event that meets certain criteria
- **Criterion A (one required):** The person was exposed to: death, threatened death, actual or threatened serious injury, or actual or threatened sexual violence, in the following way(s):
 - *Direct* exposure
 - *Witnessing* the trauma
 - *Learning* that a relative or close friend was exposed to a trauma
 - *Indirect* exposure to aversive details of the trauma, usually in the course of professional duties (e.g., first responders, medics)

Trauma (*def.*):

- The response is present at *any*, or *all*, levels of one's consciousness:
 - **Cognitive:** intrusive thoughts, recurring memories/ amnesia, recollections of the event (intrusive, flashbacks), negative perceptions of self, others, future
 - **Emotional:** detachment, depression, anxiety, numbing, irritability, anger,
 - **Behavioral:** avoidance, isolation, being "on edge", violence/ self-harm
 - **Instinctual:** insomnia, nightmares, persistent arousal, panic/ dissociation
 - **Social:** difficulties maintaining social function/ relations,

Trauma (*def.*):

- This response creates a *framework of functioning*:
 - Impaired across domains of daily living
 - Fluctuating
 - Centripetal to trauma
 - **Persistent**, salient, **vicariant**

Trauma characteristics in victims of HR

- Atypical
- Frequently chronic
- Perpetrated not only by means of violence but **coercion**
- **Coerciveness**, also, is norm, i.e. a state of impending force, threat of violence that is *perceived* by the individual and, thus, used as argument to subdue

Biderman's Framework

Methods of Coercion	Purpose of Tactic
Isolation	Deprives person of all social support Person becomes dependent on trafficker
Monopolization of perception	Fixes person's attention on immediate predicament Frustrates action not consistent with compliance
Induced debility and exhaustion	Weakens mental and physical ability to resist
Occasional indulgences	Provides positive* motivation for compliance
Demonstration of omnipotence	Suggests futility of resistance
Threats	Cultivates anxiety and despair
Degradation	Makes cost of resistance more damaging to self-esteem than capitulation. Reduces person to "animal – level" concerns
Enforcement of trivial demands	Develops habit of compliance

Adapted from: Baldwin *et al* (2014): Psychological Coercion in Human Trafficking
<http://journals.sagepub.com/doi/abs/10.1177/1049732314557087>

The Istanbul Protocol

- International gold-standard for interviewing victims and medical documentation of trauma and abuse
- Purpose: elicit information in a **humane** and **effective** manner
- Based on **informed consent** and **confidentiality**
- Rooted in **trust**

The Istanbul protocol

- Initial **open** narrative; emphasis on survival (first question: how did you survive?)
- Prior preparation for the interview; emphasis on potential for secondary traumatization
- **Thorough documentation** – use proper registration technique, with an insight in possible previous abuse/ torture applied to victim

Trauma documentation

- **Avoid** leading questions
- **Elicit** chronological accounts. If trauma is chronic, vicarious, long-standing, emphasize **first, most severe, most recent** traumatic events
- **Be prepared to stop**, at any time.
- **Pursue inconsistencies/** factors may interfere with account:
 - **Blindfolding, disorientation**
 - **Lapses in consciousness**
 - **Organic brain damage**
 - **Psychological sequelae of abuse**
 - **Fear of personal risk to self or others**
 - **Lack of trust in the interviewer**

Transference/ Countertransference

- Victims have their own set of emotional reactions to what happened to them: rage, fear, shame, guilt, *directed* at person(s) who abused them
- The interviewer may be perceived as **coercer** (lack of trust), torturer (transference) or person of power (lack of trust/ transference)
- The interviewer perceives the victim through their own emotional lens (horror, disbelief, depression, anger, over-identification, denial, numbing, rationalization)

Comments

- Repeated interviewing of victim is a frequent cause of secondary trauma, and should be used with **parsimony**
- Secondary trauma may be even more damaging, as "the crust of trust" is broken, again, by those seen as helpers and rescuers
- Respect right to dignity, private life for the individual!
- State and counsel should not coerce victims into a legal bind

