

IAW/AIF – International Meeting at Bulgaria, 7 September 2024

Seminar WOMEN NETWORKING

Speech by Hon. Judge Susan Breall, USA

Good morning. It is such a privilege to be here today and I want to begin by thanking the entire international alliance of women, each and every one of you, for this invitation and this amazing opportunity to speak. I also want to take a moment to acknowledge Antonia Lavine for her extraordinary work in organizing and facilitating this exceptional conference.

My name is Susan Breall and I have been a Superior Court judge in the Untitled States for over twenty-three years.

I would like to speak today about two issues—the first issue is family violence, and the second issue is sex trafficking –I want to talk about the ways in which these two issues are interconnected and inextricably linked to the backgrounds and experiences of ninety-five percent of all young female survivors I work with and see in my courtroom.

I believe that the right to be free of both family violence and sex trafficking is a human rights issue, that these issues are deeply intertwined and that they must be addressed together and eradicated together as part of our global gender rights movement.

I begin with two examples: a 16-year-old Honduran girl flees her home after extreme physical abuse from her stepfather. He beats her severely with a belt and she has raised welts all over her body. She meets a man who promises her protection from the stepfather and a pathway to the United States and us citizenship. She leaves her home with him, and he rapes her along the harrowing journey through Mexico to the U.S. boarder. There he sells her to gang members who help her across the us border. These men also rape her. She runs away from her exploiters and ends up temporarily safe but vulnerable in a San Francisco homeless shelter where she comes to the attention of the child protective services unit.

My second example involves a fourteen-year-old girl who constantly falls asleep at school. She falls asleep because she is up all night selling her body to older men for money. One night she is arrested for soliciting an undercover police officer to engage in sex. She discloses to a peer advocate at the juvenile justice center where she is taken that she has been forced to offer men sex for money or she cannot come home to her grandmother's house. Her pimp exploiter is in fact her own grandmother. Her grandmother puts her out on the street every night and she is not allowed to return until she makes the amount of money her grandmother requires of her. Trauma has always defined her life. Even before she engaged in forced prostitution, she suffered rape at the hands of her grandmother's boyfriend when she was seven years old.

I see cases such as these, every day in my courtroom. From international sex trafficking to domestic child sex abuse, these youth are often fleeing their childhood homes, sometimes the unspeakable violence of their countries of origin such as the young girl from Honduras. Often these young girls are looking for reprieve or relief from familial abuse. Many of them fall back into exploitive situations without other choices. All have been exposed to family violence at a very young age.

Family violence is a pattern of abusive behavior in any relationship used by one partner or family member to gain or maintain control over the other. It can be physical, sexual, emotional, economic, or psychological. It involves actions that intimidate, manipulate, humiliate, isolate, or terrorize another human being. It is often these diverse methods of control employed by intimate partners or family members that also appear as the same methods of control and abuse by sex traffickers outside the familial relationship.

Violence is the thread that ties together these victims' experiences. The violence these girls experience in their homes makes them more susceptible to sex trafficking and violence outside their homes, compounding their enormous trauma, and unravelling their lives.

I have spent much of my career supporting gender-based violence survivors and solutions, and I have found that more often than not the court processes themselves that are used to support these youth are ineffective and traumatic. The courts do not address the history of family violence these young people have suffered or witnessed and courts are often ineffective in addressing the later sex trafficking that many of these youth engage in.

Several years ago I also realized that seeing these young survivors only once every six months, as required by California law, was simply not enough, especially when many of these youth were running from foster placement to foster placement, battling mental health and physical health problems, sometimes pregnant without access to health care or emotional support. Often these youth were not being reported to the national center for missing and exploited children. For me this was unacceptable.

To try to remedy the situation of these underserved and misunderstood youth I developed a court methodology and caseload to address these case types— we call the court model the enhanced calendar. The name of the court model is the 'enhanced' court, as opposed to the trafficking court, so that we can be sure that we do not specifically label any of these children as victims, as commercially sexually exploited youth or even as youth vulnerable to exploitation. Labelling these youth would create an identity that should not exist.

I see these youth every month now, and sometimes I see them much more often depending on their needs. We now have a team approach for each of these cases in order to support all of the

young people, women, trans identified youth, and others who are vulnerable to sexual exploitation and abuse. The team members consist of child protective service social workers, advocates at school, special education lawyers, dependency lawyers, immigration lawyers, mental health providers and court appointed special advocates or casars.

Every fourth Tuesday of the month on the enhanced calendar, time is set aside for these youth who have been abused, abandoned, or neglected by a parent and subjected to chronic abuse. It is not tenable to treat them in a mechanistic fashion when they come to court, or even insist they come back into placement. Our new system prioritizes a humanistic approach to each case, rather than a solely legal analysis that considers each youth to be missing and without any further recourse for services until they are found.

We have also created new courtroom protocols that are designed to avoid replicating the trauma each young survivor has experienced. In our courtroom protocol we insist on having no loud noises, no handcuffs jingling, no long period of waiting outside the courtroom by the youth until their case is called.

Despite the success we have had with many of these youth coming back and accessing services, these cases do not come without challenges in locating the youth who have run, and challenges in trying to bring them back into a shelter or a permanent placement. The best success we have with each youth is when positive relationships have been created with each of them, when a connection has been established. Creating a personal relationship, having each youth realize they are remembered and cared about, that they are supported in all of their hopes, and needs, be it their housing or educational journeys or even reunification with a relative they thought would no longer ever want to see them again, is key. It is vital to give each young person hope by creating a positive court experience. Having a specialized team advocating for each young person is essential.

Measuring success is certainly a challenge for this court model. We look at whether there has been a reduction in commercial sexual exploitation and intimate partner violence, whether there has been adequate safety planning for the youth and whether or not their placement has been stabilized. My ultimate goal with the enhanced calendar is to eliminate successful recruitment by traffickers. My ultimate goal is also to bring positive change to the lives of each young person under my jurisdiction, and for all judges doing this work to become mentors, educators and advocates for each youth.

As examples of success, many of the young women return to court when they are not ordered or mandated to do so. The fact that they know where they can come to problem solve some of

their health or homeless issues, where they can get a candy bar or a warm hug, is success to me. One young woman who ran away from placement thirteen times, came back to court recently to ask about sexual health care, contraception, and a place to live. I have several young women coming back because they are tired of being out on the street at night. Another young woman who I have known for seven years, is now in a stable placement away from her exploiter as well as from her abusive mother. She comes every month and tells me about her school grades, her support dog and her new job. I always tell her that I am not ordering her back to court, that I am inviting her back to court. And she always responds the same way—you know I will be there, Judge Breall. you know I love coming to see you.

In order to combat human trafficking, we as a society have to eliminate all forms of gender-based violence. This starts with attempting to understand root causes of the violence and abuse that every young trafficking survivor has experienced even before they were trafficked. What the examples at the beginning of my talk have in common is that these youth been exposed to multiple forms of violence and exploitation in their lives before, during and after being trafficked. Understanding the connection between these issues will allow us to finally eliminate this horrific scourge globally. I firmly believe we as civil society—as a world organization dedicated to human rights and the empowerment of all women—still have some work to do. We must work hard to give survivors positive solutions and hope, and we must do a better job recognizing and eliminating all forms of gender-based violence. I thank you so much for listening and I thank you for your support on all of these vital issues.