

Kris Nelson Community-Based Research Program

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Working in the Intersections of Domestic Violence and Human Trafficking: Lessons Learned

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Working in the Intersections of Domestic Violence and Human Trafficking: Lessons Learned

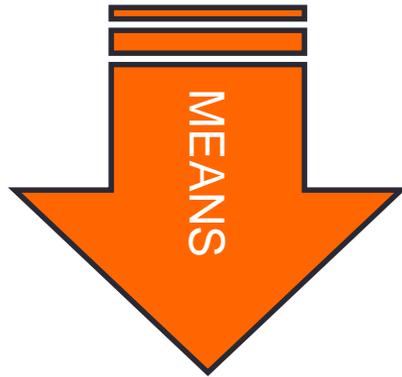
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Executive Summary

- This project included a broad sweep of understanding all facets of human trafficking, including both labor and sex trafficking, with particular focus to the intersections of domestic violence and human trafficking
- Research shows that there is much more advocacy, public policy momentum, and awareness on the issue of sex trafficking than labor trafficking, although research also indicates that these issues may have similar prevalence
- Trafficking often mirrors interactional patterns of domestic violence and can co-occur, although further research is needed
- More research is needed about the impact of trafficking on the Latin@ community

Introduction to Human Trafficking

ACTION



USE for EXPLOITATION

Human trafficking requires the following three elements, as defined in the 2000 United Nations “Protocol to Suppress, Prevent and Punish the Trafficking in Persons, Especially Women and Children:”

- **Action:** Recruitment, transportation, transfer, harboring or receipt of persons
- **Means:** threat, use of force, coercion, abduction, fraud, deception, abuse of power or of a position of vulnerability, giving/receiving payments to obtain consent
- **Use for Exploitation** includes: prostitution, sexual exploitation, forced labor or services, slavery, removal of organs, practices similar to slavery

Introduction to Human Trafficking

- This definition puts the experience of exploitation as the primary aspect of trafficking, as opposed to movement across borders
- Exploitative experiences are described, but not limited to those provided in the definition
- Consent of the victim to the exploitation is excluded from this definition, based on an assumption that one cannot truly consent to being exploited
- Minors do not need to prove the “means” within this definition; any exploitation with the given “actions” is considered trafficking

Human Trafficking Myths

- Human trafficking does NOT require movements across borders
 - Persons can be trafficked domestically (the UN Protocol only requires “recruitment, transfer, harboring, etc” for trafficking)
- Human trafficking is NOT smuggling
 - For foreign survivors of trafficking, smuggling may or may not be a component of their trafficking circumstance. An Urban Institute study showed that the majority of foreign trafficking survivors arrived with legal documentation (Urban Institute, 2014).
 - Some may pay smugglers to enter the US and become trafficked later, and others may be coercively smuggled by traffickers. This study found 13.8% of labor trafficking cases contained smuggling components as well (Urban Institute, 2014).

Trafficking versus Smuggling

Trafficking	Smuggling
Must Contain an Element of Force, Fraud, or Coercion (actual, perceived or implied), unless under 18 years of age involved in commercial sex acts	The person being smuggled is generally cooperating.
Forced Labor and/or Exploitation	There is no actual or implied coercion
Persons trafficked are victims.	Persons smuggled are complicit in the smuggling crime; they are not necessarily victims of the crime of smuggling (though they may become victims depending on the circumstances in which they were smuggled)
Enslaved, subjected to limited movement or isolation, or had documents confiscated	Persons are free to leave, change jobs, etc.
Need not involve the actual movement of the victim.	Facilitates the illegal entry of person(s) from one country into another
No requirement to cross an international border	Smuggling always crosses an international border
Person must be involved in labor/services or commercial sex acts, i.e., must be "working"	Person must only be in country or attempting entry illegally

U.S. Definitions of Trafficking

- Trafficking is defined in the Trafficking Victims Protection Act (TVPA) of 2000, reauthorized multiple times since then:
 - “the act of recruiting, harboring, transporting, providing, or obtaining a person for compelled labor or commercial sex acts through the use of force, fraud, or coercion” (US Department of State, n.d.)

Human Trafficking Facts and Findings

- Statistics on the prevalence of human trafficking vary greatly. Trafficking is illegal, hidden, and stigmatized, and so it is very difficult to get quantifiable data
 - US Department of State estimates 14,500 to 17,500 persons are trafficked into the US each year (Clawson, Layne, & Small, 2006)
 - International Labor Organization (ILO) has estimated 21 million people are trafficked globally each year (ILO, 2012)
- Human trafficking affects all communities and all genders
 - Evidence that historically marginalized communities and immigrants are more at risk to become trafficked; other life areas may create unique vulnerabilities (Martin & Pierce, 2014; Minnesota Indian Women's Resource Center, 2009)
- The majority (>70%) of labor trafficking survivors enter the U.S. with legal documentation (Urban Institute, 2014).

Labor Trafficking: Structures, Patterns, Functions

- Labor trafficking is any case where force, fraud or coercion are involved for labor or services. Any sector can have labor trafficking, although the most common are manual labor, agriculture, construction, retail, restaurants, and domestic labor
- Labor trafficking may be a case of debt bondage, forced labor, involuntary domestic servitude
- Also includes forced child labor, and the recruitment and use of child soldiers
- Studies show different representation by gender of labor trafficking cases. One study (n=122) found a near 50/50 split between men and women. There existed a gendered division of labor, where men were trafficked predominately into agriculture and women into domestic servitude (Urban Institute, 2014).

Labor Trafficking: Structures, Patterns, Functions

- Labor trafficking mostly affects immigrants. Many who are trafficked are foreign-born, but many enter the country with legal documentation first, and lose their documentation after becoming trafficked (Urban Institute, 2014).
- Smuggling is a component in a minority of cases of labor trafficking (13.8%) (Urban Institute, 2014).
- Persons may become indebted to their smuggler or *coyote*, who in turn may collaborate with traffickers for payment in a debt bondage deal (Urban Institute, 2014).
- Labor trafficking survivors paid an average of \$6,000 in recruitment fees (Urban Institute, 2014).

Labor Trafficking: Structures, Patterns, Functions

- People of various socio-economic statuses, education levels can be trafficked (Urban Institute, 2014). Poverty creates vulnerabilities through desperation for new opportunities and employment (Logan, Walker, Hunt, & 2009).
- People can be recruited into labor trafficking through peer networks, family, acquaintances, and job agencies. Traffickers may be removed by several degrees, so the person recruiting may not know that they are recruiting for a situation that will become trafficking (Urban Institute, 2014).
- Traffickers/recruiters usually offer promising work rewards and benefits. Traffickers may assist their victims in getting visas (Urban Institute, 2014).

Labor Trafficking: Structures, Patterns, Functions

- Force, fraud and coercion occur through the confiscation of legal documents, document fraud, extortion, torture, sexual abuse or rape, discrimination, threats or violence to family or self, and psychological manipulation or coercion (Urban Institute, 2014).
- In a case study of men and women (n=32) seeking post-trafficking services, it was found that 40 percent of victims had experienced physical violence (Turner-Moss, Zimmerman, Howard, & Oram, 2013).
- More common than physical violence is psychological fear, coming from threats of harm to the victim or victim's family, fear of deportation, or fear of law enforcement.
- Traffickers may create physical barriers to escaping, such as moving victims frequently, constant monitoring of work, and confiscating legal documents and passports.

Labor Trafficking: Structures, Patterns, Functions

- Isolation is also a key barrier to escape, as victims may be cut off from their social networks, they may be linguistically isolated, or have limited contact with the public, all methods to keep the victim dependent upon the trafficker (Logan et al., 2014).
- Some traffickers make victims partake in criminal activity, such as selling drugs or sex, or theft, which creates an additional layer of fear among victims.
- Victims may not be aware of available services or protections, or even knowledgeable that what they are experiencing is a crime.

Labor Trafficking: Structures, Patterns, Functions

- Little is known about traffickers and labor trafficking operations.
- There is little evidence that large criminal operations are a major source of trafficking, although there were some reports of Mexican drug cartels and Chinese gangs who ran some trafficking operations (Urban Institute, 2014).
- In domestic servitude, traffickers are typically one or two people in a family unit who operate independently (Urban Institute, 2014).
- Labor trafficking is driven by cheap consumer products, unregulated markets, and the prevalence of workplace exploitation (Brennan, 2014; Southern Poverty Law Center, 2010)
- Nearly all victims of labor trafficking also experienced civil labor exploitation such as wage theft, unsanitary work conditions, and few workplace safety protections (Turner-Moss et al., 2013).

Sex Trafficking: Structures, Patterns, Functions

- Sex trafficking is considered any commercial sexual act where force, fraud or coercion are involved.
- Commercial sexual acts that may be sex trafficking include prostitution, escort services, strip clubs, peep shows, erotic massage.
- Sex trafficking mostly affects women and children, although this population is over-studied; the prevalence of men, boys, and transgender individuals in sex trafficking is unknown.
- Some studies indicate that people become trafficked beginning at a young age: 12-15 years was the majority of respondents' age of entry of a study of trafficked American Indian women (MIWRC, 2009).

Sex Trafficking: Structures, Patterns, Functions

- Studies have highlighted that marginalized racial and ethnic groups are disproportionately affected by sex trafficking (Martin & Pierce 2014; MIWRC, 2009).
- People with developmental disabilities or lower cognitive functioning may be targeted for sex trafficking (Martin & Pierce, 2014)
- Other risk factors for involvement and recruitment into sex trafficking include being a runaway, being homeless, poverty, childhood sexual abuse, victim of domestic violence (Kotrla, 2010; Marcus, Horning, Curtis, Sanson, & Thompson, 2014; Nadon, 1998).

Sex Trafficking: Structures, Patterns, Functions

- People can be recruited into sex trafficking in multiple ways. Many studies report that meeting basic needs of housing, security, food are involved; traffickers will provide these things in exchange for sex. Drugs and alcohol are also factors in recruitment, as traffickers may provide these directly to those seeking them (MIWRC, 2009).
- Traffickers may be affectionate and romantic with a potential victim to gain their trust, loyalty and build intimacy. These relationships can be complex at times: pimps can be boyfriends (Marcus et al., 2014)
- Peer recruitment, rape, gang rape, and “lover-boy” pimping are other recruitment and control tactics (Martin & Pierce, 2014)
- Force, fraud and coercion can have many different forms: rape, physical abuse, emotional manipulation, torture, denying food or water (Banovic & Bjelajac, 2012).

Sex Trafficking: Structures, Patterns, Functions

- There is significant evidence that sex trafficking can mirror the interactional patterns found in domestic violence.
- Trafficking operations can occur in “single-pimp, pimp networks, and corporate model;” gangs are known to traffic women (Martin & Pierce, 2014).
- Little is known about the demand for sexual services.
- The crime of sex trafficking is driven by the demand for sexual services in a supply-demand marketplace model. The demand for sex creates an economic opportunity for traffickers to profit off of individual’s vulnerabilities (Martin & Pierce, 2014).

Needs of Trafficking Survivors

- Survivors often need basic needs first: housing, food, clothing
- Survivors' fear of deportation and distrust of law enforcement may become barriers to service
- Law enforcement may create barriers through. Need for collaboration and partnerships.
- Language ability may be a barrier. Services should be made available in the survivors' primary language
- Cultural responsiveness is crucial to
- Standardized protocols among law enforcement and social services is necessary
- (Busch-Armendariz, Nsonwu, Heffron, Hernandez, & Garza, 2009)

Legal Protections for Foreign Survivors of Trafficking

- U-Visas and T-Visas were created for undocumented victims of crime through the TVPA in 2000.
- U-Visa is for victims of crime that occurred while in the U.S. (includes domestic violence)
- T-Visa is for victims of trafficking, in instances when they were trafficked *into* the U.S.
- The first goal is to aid in the investigation and prosecution of criminal acts. This goal is accomplished through an eligibility requirement that applicants for the U- and T-Visas must document cooperation with law enforcement about the crime.
- The second goal has a humanitarian aim, which is to provide victims of crime the same restitution rights due to U.S. citizens. The humanitarian aim of providing victims with rights is accomplished through the granting of a legal status in the United States, thereby removing the fear of deportation.

Legal Protections for Foreign Survivors of Trafficking

- The primary benefit to receiving a U- or T-Visa is the right to legally remain and be employed in the United States. The U- and T- Visas open doors for the applicant to receive other public services available to those with non-immigrant legal statuses, such as public welfare or Medicare.
- The U-Visa lasts for four years, which may be extended. After a period of three years with a U-Visa, the individual may apply for a green card for permanent residency. The T-Visa lasts for three years. If the applicant is under 21 years, then their parents, siblings and any dependents are eligible for most U- and T-Visa benefits as well. If the applicant is over 21 years of age, then only their spouse and children may apply for derivative status.
- Finally, the applicant is permitted travel outside the United States, although there are many cautions and no guarantees with this. In fact, leaving the U.S. with a U- or T-Visa may cause that applicant to fail eligibility requirements for permanent residency.

Additional Policy Implications

- Policy for domestic labor and sex trafficking survivors has mixed implementation results.
- There is ongoing tensions for adults who trade sex. Prostitution is criminalized in many communities. Victims who have pimps or traffickers may choose to not identify who this person is to law enforcement, and much is left to prosecutors' discretion. This means that many adults who are victims of sex trafficking are given criminal prostitution charges.

Additional Policy Implications

- Decriminalization of sex trading for youth and protections for sexually exploited youth are gaining momentum: Safe Harbor Laws in Connecticut, Florida, Illinois, Massachusetts, Minnesota, New Jersey, New York, Vermont, and Washington (ECPAT-USA, 2015).

Critiques

- Labor trafficking is under-reported, under-assessed, and under-identified
- In a national survey of law enforcement agencies, it was found that no units or positions existed in local law enforcement to investigate labor trafficking (Urban Institute, 2014)
- Another study reported that, “when law enforcement officials were asked to define human trafficking, they defined it primarily as sex trafficking and had difficulty distinguishing labor trafficking from smuggling” (Urban, Institute, 2014).
- The issue of sex trafficking dominates media and public policy in ways that may detract from the issue of labor trafficking. Popularity of sex trafficking as a “moral issue” and a “women’s issue” may overshadow issues pertinent to immigrants and the demand for cheap labor (Brennan, 2008; Bernstein, 2010).

Discussion

- There is still much to learn about labor trafficking. Some reports indicate that labor trafficking is just as prevalent as sex trafficking –or more (Feingold, 2005), yet there is significantly more media attention and non-profit advocacy work around sex trafficking
- There is significant anecdotal information about the intersections of domestic violence and human trafficking, although no study to date has focused exclusively on this intersection (Marcus et al., 2014; MIWRC, 2009).
- How often are traffickers family members or intimate partners? What are facilitating factors for DV and trafficking?

Discussion

- Most studies of human trafficking do not examine socio-cultural dynamics that may influence the ways that trafficking looks for different ethnic communities.
- There is little information about the impact of trafficking on the Latin@ community.
- Of a sample of labor trafficking victims, 43% were Latin@ (Urban Institute, 2014). This community is disproportionately affected.
- We know that sex trafficking affects disadvantaged social groups more than privileged social groups, but nuanced knowledge about the Latin@ community is missing.

Implications and Next Steps

- Future research should examine the intersections of domestic violence (DV) and human trafficking (HT). Better identification of HT survivors within the field of DV may lead to the provision of better services.
- Conversely, it is important to understand when a HT survivor is also a DV survivor. Questions include: How often is a survivor of trafficking also a victim of domestic violence? What do these relationships typically look like, and how do they operate? (i.e. trafficker is a family member or an intimate partner)
- What are the implications of this knowledge for DV organizations?
- What best practices can we recommend to others who want to serve survivors of trafficking?

Implications and Next Steps

- Additional research should examine the impact of trafficking on the Latin@ community.
- What are the socio-cultural dynamics of the Latin@ community that impact factors of recruitment into trafficking, as well as culturally-responsive strategies for support.

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