

Human Trafficking and Domestic Violence: A Primer for Judges

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When Kika stood in family court and asked the judge for an order of protection against her husband Arnie, she seemed like any victim of domestic violence. Her husband's attorney raised an issue, however, not usually raised in domestic violence cases. "Your Honor," he said, pointing to Kika, "this woman was a prostitute." When the judge inquired if this was true, Kika acknowledged that she had three convictions for prostitution. The court immediately turned over to Arnie, later revealed to be her batterer and a regular prostitution buyer, custody of their two little girls. It took many months—and the work of an astute forensic psychologist—before custody of the girls was returned to Kika.

The criminal court judge chastised Kenya as she stood beside her defense attorney at arraignment. "You have 24 prostitution convictions. You're a beautiful young woman. Can't you see that your bad choices are ruining your life!" Little did the judge know that the attorney representing Kenya was hired by the pimp who had brutally enslaved her. Kenya did what the attorney directed, pled guilty, and walked out of the courtroom, back into the clutches of her trafficker.

When Chantal took the stand in the disposition phase of the neglect case against her, the judge could barely conceal her contempt. "You left your little boy with a neighbor while you walked the streets," she opined witheringly. "That's inexcusable." She barely glanced at the little boy's father, John Sr., who stood in the courtroom across from Chantal, glaring menacingly at her. The judge never learned that John Sr. was a brutal pimp who went by the name "Obsession" and that he had battered Chantal and trafficked her into prostitution.

Every day trafficking victims, many of whom are simultaneously victims of domestic violence, appear in courtrooms throughout the United States. Rarely are they identified as victims of domestic violence and even less frequently are they recognized by judges and court personnel as the victims of sex or labor trafficking that they are.

What is the connection between human trafficking and domestic violence? Are there telltale signs that the litigant in your courtroom is a victim or perpetrator of human trafficking and domestic violence? What can be done to accurately identify cases of human trafficking, especially when they dovetail with cases of domestic violence? How can you help protect victims and hold their abusers accountable? This article will explore these questions.

Traffickers or Batterers?

The simplest and one of the most prevalent connections between domestic violence and human trafficking is when they completely overlap, as they did in Kika's and Chantal's cases. Especially in cases of sex trafficking, traffickers and intimate-partner abusers are often one and the same. In fact, sex trafficking is often an extreme form of intimate-partner violence in which traffickers are pimps and batterers rolled into one. Kika's and Chantal's cases are prototypes of this kind of trafficking.

Kika was a young mother living in Venezuela and working as an accountant when she met Daniel, a fellow employee at a Caracas hotel. He began to ask her out on dates, romanced her, and always

seemed to place her needs above his own. He even offered to give her daughter, born out of wedlock, his last name, a gift beyond measure in Venezuela's conservative society. Deeply in love, Kika agreed to follow him to the United States, only to encounter a very different Daniel once she arrived. Here, Daniel, together with his cousin Sandra, monitored her every move, confiscated her savings and passport, and demanded that she pay off an ever-growing debt. Finally Kika, succumbing to Daniel's pleas and Sandra's threats, went to the brothel managed by Sandra. The first night she provided sexual services to 19 buyers. Daniel was simultaneously Kika's abusive intimate partner and the agent of a family-based sex-trafficking ring preying on young women in Venezuela. Kika was not his first victim, nor would she be his last.

Chantal fell in love with John, a young man living in her inner-city neighborhood, after he told her how much he wanted a family too. Once she became pregnant by him, John turned abusive. Shortly after the birth of John Jr., Chantal fled into a domestic violence shelter. Two years later, a struggling single mother, she ran into John on the street. He begged Chantal's forgiveness for mistreating her and promised never to lay a hand on her again. He vowed that he was now ready to be a father to their son, a statement that meant the world to Chantal, who had been raised without a father and always longed for one.

Soon John moved into Chantal's apartment and began to shower expensive presents on her and John Jr. Although John did not physically abuse Chantal, he was controlling and critical of her. He was especially critical of her job as a supermarket cashier. "You're only making minimum wage," he kept telling her. "You could make so much more if you used your best assets." He finally explained why he had so much cash. He was working as a pimp. He began to pressure Chantal to enter "the life." He promised her that it would be "just for a little while," to earn money to buy the house she had always dreamed of. Little by little John broke down Chantal's resistance. Soon she was walking the track. When she refused to go out at night after the murder of another prostituted woman, John beat her.

Daniel and John, like so many other traffickers, initially held themselves out as devoted boyfriends. All over the world pimps, a subset of traffickers, have learned that the best way to recruit vulnerable women and girls into prostitution is through love and romance. Often these traffickers are part of organized rings that train young men in the time-honored tactics of successful pimping. Their techniques of manipulation and control are especially effective with girls and young women who have grown up in conditions of poverty, who have lacked supportive fathers in their lives, and/or who have survived abuse at the hands of a family or community member. Already traumatized, these girls and women are often susceptible to revictimization.

The modus operandi of intimate-partner traffickers is usually a mixture of rewards and punishments—gifts and protestations of love followed by verbal slurs and beatings. These traffickers convince their victims that they are outside the law and can never seek protection from the police. They reinforce their victims' sense of exclusion from society by remaking their identities, often giving them new names and provocative attire and sometimes branding them with tattoos to demonstrate their status as chattel. Isolated from their families and communities, subjected to psychological and physical coercion by men they love and depend on, victims are gradually stripped of their sense of self and seasoned into new identities. Frequently the trauma they sustain as a result of this brutal, dehumanizing treatment—psychological torture as defined by Amnesty International—leads them to view their tormentors as their protectors. Once called Stockholm Syndrome, "traumatic bonding" is the name mental health professionals use to describe the condition of psychological enslavement not uncommon in cases of victims of intimate-partner sex trafficking.

Domestic Violence As Entry into or Exit from Trafficking

Human-trafficking experts often talk about push and pull forces: conditions that propel or lure vulnerable people into situations of prostitution or forced labor. Domestic violence often serves as a push or pull force. People at risk, usually women and girls, often fall under the control of traffickers while attempting to escape intimate-partner abuse. Conversely, they frequently inadvertently become ensnared in abusive intimate-partner relationships trying to escape sex or labor trafficking. Usually lacking economic resources and family support, victims are easy marks for intimate-partner predators. Desperate to leave intolerable conditions, they fail to see that the person offering refuge and protection is himself an abuser. The narratives of two Sanctuary for Families clients—Olga, a victim of labor trafficking, and Kika—illustrate this pattern.

Olga, a young mother living in Ukraine, was regularly beaten by her husband. She had no hope of extricating herself and her two little girls from his abuse: There were no domestic violence shelters in her village and no services for victims, and police were notorious for sending battered women back to their abusive spouses. Then she learned of an opportunity far away. A wealthy woman, originally from her village but now living most of the time in Brighton Beach, Brooklyn, told her about an opportunity there to make a lot of money. The woman helped Olga get a passport by bribing customs officials in Kiev. She presented Olga with tickets to Chicago. The plan was that once she arrived there, Olga would be taken by bus to New York City.

Olga did as she was instructed and all went according to plan, except that once she arrived in Brooklyn, the script had changed. Olga was expected to work around the clock in a small grocery store. Every two weeks, friends of the woman showed up and demanded Olga's paycheck. Olga had no money to send back to her family in Ukraine. She barely had enough to cover her own needs. Olga left the store and found another job, this time in a restaurant, but the friends of the woman showed up, took her by car to a secluded area, beat her, and told her that if she didn't do exactly what they ordered, they would kill her daughters and sell their organs. After that, Olga did exactly as she was told. Olga realized, to her horror, that she had exchanged one abusive situation for one that was even worse. She had escaped a battering husband only to become another kind of slave.

As detailed above, Kika was pulled into trafficking by an intimate partner who unbeknownst to her was working for an international trafficking ring as a recruiter. Just as intimate-partner abuse was her path into trafficking so it was her exit route, leading her from one form of violence and exploitation to another. The only way that Kika could find out of the brothel, where she was forced to provide sexual services to a dozen or more men a night, was by marrying one of those customers, Arnie. Kika had few illusions about Arnie, who carried a gun and once had put it to her head, but could see no other way to escape her traffickers. The two little girls she had with Arnie gave her life meaning but also intensified her fear; the more they matured, the more Arnie treated them the same way he treated her, as possessions to be guarded and controlled. When one of the girls reported to her teacher that her father had thrown her mother to the ground, the teacher told Kika that if she didn't leave him, she would have to call the child welfare authorities. A chain of events was set in motion that led to Kika's appearance in family court and her temporary loss of her daughters.

Dynamics of Power and Control

The hallmark of intimate-partner violence and of human trafficking is the perpetrators' deliberate and concerted deployment of tactics of power and control against their victims. This fact is underscored by the universally accepted definition of human trafficking, enshrined in the UN Trafficking, or Palermo, Protocol, adopted by the United Nations General Assembly in 2000 and ratified by the United States in 2005. The protocol defines trafficking, at a minimum, as the "abuse of power or of a position of vulnerability" in order to induce an individual into sexual exploitation or forced labor. These tactics are remarkably consistent, whether used in cases of domestic violence or human trafficking. Dynamics of power and control are pervasive even in those cases of human trafficking that do not appear to be about gender—cases in which the victims and perpetrators are men and trafficking is into male-dominated occupations like construction work and farm labor. It is important to note that the tactics are often less about overt violence and more about psychological abuse and methods of control. Anti-trafficking experts have taken the power and control wheel, a tool developed by domestic violence victim advocates, and adapted it to reflect the specific forms of abuse used by human traffickers against their victims.

Emotional Abuse

The first of these tactics is emotional abuse, which often starts slowly and sporadically and escalates over time. Often this starts out, as it did in the cases of Kika, Kenya, and Chantal, with the trafficker/pimp making protestations of love and devotion, followed by demands that the victim reciprocate through blind obedience. First, she is expected to surrender her identity and make herself over in the guise he foists upon her, usually one the trafficker determines will make her a more marketable commodity. For example, Obsession gave Chantal the moniker "Foxy" and insisted that she dress in tight, skimpy outfits and wear stiletto heels all the time. Then he insisted that she prove her love by walking the street. Kenya's trafficker told her that he was the only one who cared about her and told her to call him "Daddy." He gave her the new name "Naomi" and told her that the test of her love for him was whether she would prostitute herself

as an “escort.” Kika’s traffickers marketed her as the girl from the Philippines and convinced her that they were helping her by enabling her to discharge her debt to them.

Isolation

The traffickers’ control over their victims is intensified by isolating them, just as batterers isolate victims of domestic violence. Kenya, Chantal, and Kika were monitored at all times by their traffickers or other women working as their traffickers’ agents. All three women were forbidden to contact friends and family and were frequently moved to keep them from developing relationships with people who might help them escape. Kika’s traffickers used her status as an undocumented immigrant to further isolate her, confiscating her passport and telling her that the police would hand her over to immigration authorities if she sought their help. Roberto, a young labor-trafficking victim from Mexico, was subjected to tactics similar to those used by Kika’s exploiters. He fell under the control of a construction boss who forced him to work without pay by confiscating his identity documents, threatening him with deportation, and imprisoning him in a trailer on a construction site.

Sexual Abuse

It is well known that intimate-partner abusers often subject their victims to sexual abuse as a tactic of power and control. Traffickers often initially secure their victims’ compliance by raping them or having others do so as a deliberate strategy to break them down psychologically. Sexual abuse is used by traffickers as both an end and a means: as an end to reap the maximum amount of money possible from the commercial sexual exploitation of their victims and as a means to keep them in such an acute condition of trauma that they cannot mobilize themselves to escape. Victims experience the act of prostitution not as sex but as rape. They often adapt to their circumstances of being raped multiple times each day by using the psychological defense of dissociation, mentally projecting themselves out of their bodies, and often becoming seemingly detached spectators to their own violation. While dissociation can serve as a coping mechanism for victims during their captivity, it can make it impossible for them to enjoy a healthy sexuality once they have escaped their traffickers.

Using Family Members

In cases of domestic violence, batterers often use victims’ own family members, most often their children, as a tool of power and control. Threats to take victims’ children from them are ubiquitous, as are filing custody actions to make good on that threat after victims have fled. Traffickers also exploit their victims’ love for their family members as a tool of control but typically it takes the form of threats to harm them, as we saw in Olga’s case, where her traffickers threatened to kill her daughters. Because traffickers often are members of their victims’ communities, they have access to their victims’ loved ones and can make good on their threats. Frequently trafficking victims want to cooperate with law enforcement but are unable to do so until their family members are no longer at risk of retaliation.

Victims of trafficking are often dutiful daughters and sons from socially conservative communities in which prostitution is deeply stigmatized. Traffickers exploit these circumstances, first by inducing their victims into prostitution, causing them to experience deeply disturbing feelings of shame and self-hatred, and then intensifying their control by threatening to expose their victims’ exploitation in prostitution to their family and community members. Not infrequently traffickers take pornographic photographs of their victims and threaten to send them to their families or post them on the Internet. Just like batterers, traffickers humiliate their victims while simultaneously shifting responsibility for their humiliation onto them. As a consequence, rather than blaming their abusers and exploiters, victims often blame themselves.

Physical Abuse

Like physical abuse in domestic violence, physical abuse in human trafficking takes myriad forms. Slapping, hitting, punching, kicking, choking, dragging by the hair, throwing against furniture—all the different kinds of physical abuse that batterers inflict on their victims are inflicted by traffickers on theirs. But often the techniques of physical abuse employed in trafficking are more frequently seen in the context of political torture, such as beatings with wire coat hangers, deliberately breaking a victim’s bones, or pulling out her fingernails. One of Kenya’s traffickers was known as a gorilla pimp, which meant that he specialized in such extreme forms of physical torture.

Some traffickers, however, pride themselves on not having to resort to such extreme forms of violence, which in their minds not only show a lack of finesse but can damage the value of the merchandise. Keeping a victim in a state of exhaustion and debility from having to “work” throughout the night and plying her with drugs and alcohol to induce addiction and numb her to the horror of her reality also are common methods of physical abuse, although they may not be recognized as such.

Economic Abuse

While economic abuse—prohibiting a victim to work or forcing her to do so and confiscating her wages, for example—is a common tactic of perpetrators of domestic violence, economic abuse is a core element, indeed the *raison d'être*, of the crime of human trafficking. The purpose of trafficking is the economic gain of the trafficker; the psychological gratification obtained from exerting power and control over the victim is a side benefit. In addition to confiscating all or almost all the money earned by the victim from prostitution or forced labor, the trafficker often finds other ways to cash in, such as charging the victim for expenses he incurs but she is responsible for—transportation to and from “dates,” lodging, and the cost of food and clothing. Typically these expenses are inflated and the cost is added to her constantly escalating debt burden, which furthers the trafficker’s control. In Kika’s, Kenya’s, and Chantal’s cases, even the fees of the lawyers hired by the pimps to feign representation in court after the women were arrested for prostitution (in reality, these lawyers were acting in the interests of the traffickers) were added to their debt.

Coercion and Threats

All the tactics described above are forms of coercion regularly employed by traffickers against their victims. Indeed traffickers demonstrate the infinite variety that forms of coercion can take. Confiscating an immigrant victim’s travel documents, often ostensibly as security for an invented or inflated debt, is one example. For native-born victims, traffickers often confiscate their Social Security cards, driver’s licenses, and other forms of identification, making it impossible for them to engage in ordinary daily transactions necessary for survival.

Like the batterers of undocumented immigrant victims, traffickers often threaten to turn undocumented victims into the police or immigration authorities for detention and deportation. Even girls and women with immigration status aren’t immune from threats involving law enforcement. Traffickers remind these victims that they’re engaged in activity that is illegal and are at risk of arrest and prosecution. The frequent arrest of trafficking victims for prostitution reinforces traffickers’ threats and intensifies victims’ dependence on their exploiters.

Intimidation

Like victims of domestic violence, trafficking victims are often hypervigilant and anxiously watch their abusers for signs of anger and aggression. Once traffickers have obtained physical and psychological dominance over their victims, they rarely need to resort to force; an expression of annoyance or gesture of disapproval will often suffice. Nonetheless, traffickers frequently use force as a tool of intimidation; often it has an even greater effect on the victim if it is not directed at her but at another woman or girl. From time to time, Kenya’s pimp would beat another young trafficking victim in his “stable” in the presence of Kenya, who was forced to watch helplessly. The purpose of the public beating was not only to punish the victim for her supposed disobedience but also to terrorize Kenya and display his power over her. Kenya knew that she easily could have been the target of the pimp’s wrath; the random, arbitrary nature of the punishment made it even more frightening. Unable to intervene to protect the young woman being beaten, Kenya experienced the abuse vicariously while feeling complicit because she could not stop it.

Traffickers’ Family Values

Traffickers replicate the hierarchical structure and dynamics of an abusive family as a tool of control. The trafficker positions himself as the head of the household, the *paterfamilias* who is in charge of the other family members, who take the roles of subordinate wife and children. These roles are reinforced by the traffickers’ terminology: Victims are instructed to call their pimps “Daddy” and their fellow victims “wife-in-laws.” Asian trafficking victims are often instructed to refer to their traffickers respectfully as “older brother” or “older sister.” Violence and verbal abuse are justified as the patriarch’s prerogative, indeed his duty, to discipline a disobedient spouse and unruly children. Not only do traffickers frequently make their victims

their lovers, showering on them all of the trappings of romantic seduction, in a number of instances they have been known to marry their victims in order to cement their control. When arrested for running a sex-trafficking ring out of Mexico, the Carreto brothers insisted that they couldn't be their victims' pimps because they were their husbands.

Just as batterers woo their victims by appealing to their longing for a family of their own, traffickers seduce their victims into prostitution by urging them to sacrifice themselves for the good of "the family." Sometimes that family is the unit established by the trafficker: the pimp and the women in his stable. Kenya's pimp drummed it into her head that she had to prostitute herself in order to help support "Daddy" and her "wife-in-laws." Like so many inner-city young women, Chantal was desperate to have a family with a father for her children and entered prostitution, at Obsession's urging, in the hope of fulfilling that dream.

In other instances, the family the traffickers evoke is the victim's own natal family. Asian trafficking victims are told that earning money in prostitution, money they never will see, will help them send their younger brothers and sisters to school. Latin American victims are promised that their exploitation in prostitution is just temporary, just long enough to raise funds to build a home for their family. Kika was kept in prostitution for three long years after being coerced into it by Daniel and Sandra not only by the debt bondage they placed her in and her severe trauma but also by her fear of bringing shame on her natal family and her hope of eventually being able to send money back home to support her left-behind daughter. Traffickers are notorious for cynically exploiting the concept of family values, and few demonstrate as much genuine devotion to family values as their victims.

Services for Victims

Understanding the domestic violence–trafficking connection is not only useful to judges and court personnel in identifying victims and understanding the nature and effects of their ordeal. It can also be valuable in understanding the kind of assistance victims need and where help is available. Courts increasingly are taking steps to ensure that victims obtain assistance and are referring them to service providers. Questions they frequently ask are, what kinds of services are needed and where are they available?

Human-trafficking victims, who often are simultaneously victims of intimate-partner violence, need the same multidisciplinary and holistic services as victims of domestic violence: a safe place to live; counseling and psychological services for treatment of trauma; health care; legal representation in family law, criminal, immigration, and public-benefits cases; and economic empowerment assistance. Increasingly, domestic violence service providers are realizing that they are uniquely equipped to assist this high-needs population and are opening their doors to trafficking victims. Other legal and social service providers with a holistic approach and expertise in trauma may also be well suited to addressing victims' needs.

This does not mean that trafficking victims' needs precisely dovetail with those of other victims of intimate-partner violence and that domestic violence service providers do not need to take their special circumstances and challenges into consideration. Without training and sensitization, staff at domestic violence programs may not be equipped to address the high level of traumatic symptoms trafficking victims present and may display insensitive, victim-blaming attitudes, especially toward trafficking victims who have been subjected to prostitution. Without education and awareness raising, clients at domestic violence organizations may also exhibit bias toward trafficking victims who have been prostituted. Before making referrals, courts and court personnel would do well to inquire about an organization's experience with and awareness of the special needs of trafficking victims.

http://www.americanbar.org/publications/judges_journal/2013/winter/human_trafficking_and_domestic_violence_a_primer_for_judges.html