

DISPOSABLE PEOPLE: Issues in Human Trafficking

Encuentro Latino:

A National Conference on Latinos and Domestic
Violence

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Presentation Overview

- Human Smuggling
- Transnational/National/State Issues
- Victims' Issues/Needs
- Trauma Indicators
- Intervention
 - Clinical
 - Legal
- Questions

- Every 30 minutes a person is trafficked into the United States
- 80% of those trafficked are women and children
- The human trafficking industry has exceeded \$32 billion annually

What is Human Trafficking?

Human Trafficking is the obtaining or maintaining of another person in a condition of compelled labor or service

Labor Trafficking

- The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to **involuntary servitude**, peonage, **debt bondage** or slavery

Labor Exploitation

- Agricultural/Farm Work
- Cleaning Services
- Construction
- Domestic Servitude
- Exotic Dancing
- Factory/Manufacturing
- Restaurant Work

Sex Trafficking

- The recruiting, harboring, transportation, provision, or obtaining of a person for the purpose of a **commercial sex act** in which a commercial sex act is induced by force, fraud, or coercion, or in which the person forced to perform such an act is under the age of 18 years

Sexual Exploitation

- Brothels
- Massage Parlors
- Pornography Production
- Street Prostitution

Difference Between Smuggling and Trafficking

Smuggling

- 1.) Crime is against sovereignty/border of country
- 2.) Person moved is complicit
- 3.) Generally a one time interaction
- 4.) Focus is on transportation

Trafficking

- 1.) Crime is against human rights of the victim
- 2.) Initial consent of victim to migrate is not determinative
- 3.) Person is held for service by coercion, usually over time
- 4.) Focus is on denial of liberty

Who is Being Trafficked?

- No reliable estimates
- Over 27 million victims worldwide¹
- 80% are women & children¹
- 70% of those for pornography, commercial sex, & sex slaves¹
- Over 2.4 million victims into the U.S.²
- Estimated 40%-50% are children²
- 43% for sexual exploitation²
- 98% women & children for sexual exploitation²

Source: 1=United Nations Trafficking Report

2=NM Dept. of Homeland Security Albuquerque Intelligence

Why is Trafficking Popular?

- Low Risk-High Profit
- Victims easy to secure
- Victims can be criminally utilized

How are Victims Recruited?

- Family members or acquaintances
- Newspaper advertisements, radio, and/or the internet
- Fake employment/model agencies
- Fronted businesses
- Word of mouth
- Abduction
- Most recruiters come from the victim's home country

Who is Involved?

- Major Criminal Syndicates
- Gangs
- Militant Organizations
- Independently-owned businesses
- Individuals

“Malaysian Sindiket”

- Level I - Well-known powerful people
- Level II - Recieve → Pass → Give directives
- Level III - Pimps/Madams/Brothel owners
- Level IV -Errand Boys

How are Victims Trafficked

- Force
 - Rape/Beatings/Confinement
- Fraud
 - False & deceptive offers of employment, marriage, and/or better life
- Coercion
 - Threats of serious harm/physical restraint to any person
 - Any scheme, plan, or pattern to cause victim to believe non-cooperation could cause restraint
 - Abuse or threatened abuse of the legal process against them.

Methods of Control

- Confiscate papers & legal documents
- Misrepresent U.S. laws & consequences
- Threaten with arrest & deportation
- Threaten to harm or kill family members
- Dictate or restrict movement
- Use debt & other fines to create “peonage”
- Constantly move victims
- Create dependency with psychological & emotional abuse
- Isolate victims who do not speak English

International Issues

- Believed to impact every country of the world
- Major origin areas:
 1. South & SE Asia
 2. Eastern Europe
 3. Former Soviet Union
 4. Latin America
 5. Africa
- Major destination areas:
 1. Asia
 2. Middle East
 3. Western Europe
 4. North America

Most Active Origin Countries

- Albania
- Belarus
- Bulgaria
- China
- Lithuania
- Nigeria
- Republic of Moldova
- Romania
- Russian Federation
- Thailand
- Ukraine

Most Active Transit Countries

- Albania
- Bulgaria
- Hungary
- Italy
- Poland
- Thailand

Most Active Destination Countries

- Belgium
- Germany
- Greece
- Israel
- Italy
- Japan
- Netherlands
- Thailand
- Turkey
- United States of America

Mexico Issues

- Both origin and transit country
- Key international smuggling route
- Drug Trafficking Organization
- Northern Mexican cities destination increasing
- Socio-economic divide contributions

United States Issues

- Estimated 14,500-17,500 victims trafficking into the U.S. annually
- 80% women and children
- Majority for sexual exploitation & labor servitude
- Most from:
 - Mexico
 - El Salvador
 - Guatemala
 - Bolivia
 - Brazil
 - Peru
 - Columbia

American Contributions to the Problem

- High profit for businesses
- “Corporate Blindeye”
- Demand for sex
- “Sex Tourism”

New Mexico Issues

- More a transit state than a destination state
- Mostly on transportation routes and urban areas
- Greater attention in rural areas
- Majority of victims are Latin America, some may be Asian and U.S. Nationals

New Mexico & Chihuahua, Mexico Bilateral Agreement

- Recognition of transnational criminal enterprise
- Cross-border collaboration
- Develop compatible strategies
- Develop best practices

New Mexico Senate Bill 71 (July 1, 2008)

- 1st, 2nd, or 3rd degree felony
- Victim not charged as accessory
- Ordered restitution
- Benefits/Services eligibility
- Creation of New Mexico Human Trafficking Task Force

Human Trafficking Definition in New Mexico

Recruiting, soliciting, enticing, transporting, or other means by utilizing FORCE, FRAUD, or COERCION for commercial sexual activity or labor exploitation

New Mexico Human Trafficking Law

Force, Fraud, or Coercion **is not required** for minors involved in commercial sexual activity

New Mexico Human Trafficking Law

Commercial Sexual Activity

“Any sexual act or sexually explicit act or exhibition for which anything of value is given, promised to or received by any person”

New Mexico Human Trafficking Law

Penalties

- Third Degree Felony
 - Age 16 or older
- Increased Penalties for Trafficking Children
 - Under 16 years old—Second degree felony
 - Under 13 years old—First degree felony
- Will not preclude charging for other crimes
- A victim shall not be charged as “an accessory”

Identifying Victims

- Health/social service providers, faith-based community & law enforcement
- Most victims are in plain site
- Not much opportunity to interact with the victim

Identifying Crime of Human Trafficking

- Living Conditions
- Working Conditions
- Bruises or physical abuse signs
- Movement restrictions
- Non-possession of legal or non-legal documentation
- Non-English speaking

Understanding Victims

- Non-English speaking and unfamiliar with American culture
- Confined to small space/room
- Fear/Mistrust of system
- Unaware that a crime is being committed
- Don't know where they are

Understanding Victims

- May develop loyalties as coping mechanism
- May protect trafficker
- Fear for safety of their family
- May not consider themselves victims
- May blame themselves

Providing for Victims Needs

Immediate Assistance

- ✓ Housing
- ✓ Food
- ✓ Medical
- ✓ Safety
- ✓ Language Interpretation
- ✓ Legal Services

1. Mental Health Assistance

- Crisis Intervention
- Clinical Intervention

2. Income Assistance

- Cash
- Living Assistance

3. Legal Status

- Visa
- Immigration Information
- Certification

Case Management Needs

- Basic
 - Food
 - Clothing
 - Personal care
 - Immediate, transitional, long-term housing
 - Transportation
- Safety
 - Safety plan
 - Safe environments
- Health
 - Medical, dental, & vision
 - Mental
 - Spiritual

Case Management Needs

- Legal
 - Intake/screening
 - T-visa application
 - Derivative T-visas
 - Legal rights
 - Involvement in prosecution case
 - Other immigration relief
- Law Enforcement
 - Continued presence
 - Interviews
 - investigation
- Employment
 - Job skills
 - Job placement

Case Management

- Social/Community
 - Life skills education
 - Formal education
 - Cultural/Community orientation
 - English as a second language
 - Translation & interpretation
- Dependant Child Needs
 - Personal care
 - Basic needs
 - School enrollment
 - Immunizations
 - Afterschool care

Case Management Needs

- Benefits/Documents
 - Certification
 - Orientation to & enrollment in available public benefits
 - State ID
 - Social Security Card
- Reunification
Repatriation
 - Family arrival
 - Post-arrival support
 - Repatriation

Anti-Trafficking Services Program

HHS/ORR funds case management services to eligible survivors of human trafficking through subcontracts with local social service agencies

National Association of Social Workers

“Case management is a method of providing services whereby a case manager arranges, coordinates, monitors, evaluates, and advocates for package of multiple services to meet the specific clients complex needs”

Emotional Trauma

- Fear
- Threats to family members
- Sense of shame
- Sense of obligation
- Sense of loyalty to abuser
- Language & social barriers
- Fear of police & immigration officials

Trafficking & Domestic Violence

- Emotional dependence on the trafficker
- Blaming own behavior for trafficker's violence against them
- Coping mechanism: prefer to stay with the known
- Lack of survival resources
- Potential drug dependence
- Psychological trauma & depression

Symptoms of Sexual Slavery

- Fear of authorities
- Loss of meaning for life
- Nightmares
- Clinical depression
- Suicidal behavior
- Shame
- Embarrassment
- Inappropriate guilt
- Feelings of powerlessness
- Paranoia
- Anger
- Disbelief
- Denial
- Explosive outbursts
- Sleep disturbance
- Emotional numbness
- Loss of trust
- Hyper-sexuality
- Self-injurious behavior
- Suicidal ideation
- “Stockholm Syndrome”

“Stockholm Syndrome”

Four Conditions → Foundation

1. Perceived threat & follow-through
2. Perceived kindness from abuser
3. Isolation from other than abuse perspectives
4. Perceived inability to escape

Stockholm Syndrome Indicators

- Positive feelings toward the trafficker
- Negative feelings towards family, friends, authorities trying to help or rescue them
- Support of the traffickers reasons and behaviors
- Perceived positive feelings from the trafficker
- Supportive behaviors to help the trafficker
- Unwillingness to engage in behaviors that may assist in their release or detachment

INTERVENTION

“The core experiences of trauma are disempowerment and disconnection from others. Recovery, therefore, is based on the empowerment of the survivor (regaining control) and the creation of new connections.”

Judith Herman

Guidelines for Interviewing

- Understanding of their horrible plight
- Understanding that they may not talk about the ordeal
- Reprisal sensitivity
- Initial interview of social worker
- Use of skilled translator
- Understanding the fear of authorities
- Sensitivity without accusatory or negatively worded questions
- Awareness of not “reinforcing the guilt”

Developmental Phases of Human Trafficking Victims

Acute Phase

(right after rescue)

- Don't know who to trust
- Afraid of disclosing information
- Afraid of retaliation
- Afraid of immigration officers regarding documentation
- Confused and anxious
- Able to provide testimony to others but not themselves

Intermediate Phase

(first weeks or months)

- Apprehensive & cautious
- Safety understood, but still afraid
- Experiencing sleeping disorders
- Somatic symptoms:
 - Physical trauma
 - Autonomic hyperactivity
 - Skeletal muscle tension
 - Gastrointestinal irritability
 - Genitourinary disturbance
 - Other psychosomatic reactions

Reorganization Phase

(up to 6 months)

- Anxiety and fear continue
- Eating & sleeping disturbances still present
- Impaired social functioning
- Intimacy difficulties
- Victimization guilt
- Guilt for contributing to trafficker's life
- Shame for sexual behavior

Intermediate Phase

(up to 1 year)

- Anxiety and fear decreasing but still present
- Hyper-awareness
- PTSD symptoms active
- Difficulty in relationships expressed in isolation, mistrust, codependence, and/or acting out
- “Damaged Goods Syndrome”

Long-Term Effects

(1 year and beyond)

- Anger and fear towards traffickers
- Diminished capacity to enjoy life
- Hyper-vigilance to danger
- Fear of risks
- Interpersonal skill deficits
- Continued sexual dysfunction
- Prolonged PTSD symptoms

Goals That Can Be Realized

- Change in new lifestyle
- Re-establish social connections
- Increased self-reliability
- Increased self-esteem
- Improved body image

Therapeutic Re-entry Considerations

- Perception of not being able to reintegrate into society
- Shame & embarrassment powerful
- Need for non-judgmental acceptance
- Lack of social skills
- Structure difficulties
- Program/Treatment plan sabotage

Effective Therapeutic Interventions

- Cognitive-Behavioral Therapy
- Humanistic (Rogerian) Therapy
- Logotherapy
- Psychiatric Intervention
- Group Therapy
- Art/Play Therapy
- Narrative Therapy
- Psycho-education
- Journaling

Primary DSM Diagnosis

- 300.4 Dysthymic Disorder
- 300.13 Dissociative Fugue
- 300.6 Depersonalization Disorder
- 309.81 Post-Traumatic Stress Disorder
- 300.23 Social Phobia

Legal Intervention

- T-Visa
 - Victim of severe form of trafficking
 - Cooperation to assist investigation and/or prosecution of case
 - Physically present in U.S. due to trafficking
 - Would suffer severe hardship if repatriated
- U-Visa
 - Victims of major crimes
 - Suffered severe physical or mental abuse as a result
 - Helpful in the investigation and/or prosecution of the criminal activity

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