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The Nexus Between Domestic Violence and Trafficking for Commercial Sexual Exploitation

by Amy Barasch and Barbara C. Kryszko[1]

Human trafficking, like domestic violence, is not a new form of abuse. In fact, five international conventions addressing trafficking for the purpose of sexual exploitation were signed in the first half of the twentieth century alone.[2] In recent years human trafficking has been increasingly recognized and addressed as a form of gender-based violence, particularly by advocates assisting victims of similar forms of abuse such as domestic violence.

Victims of domestic violence and victims trafficked for commercial sexual exploitation both experience physical and sexual violence as well as psychological harm and trauma, and they need similar services to escape and build new lives.[3] Indeed, there is an overlap in the population of domestic violence and sex trafficking victims in cases in which the batterer and the trafficker are one and the same person. Given the common elements of domestic violence and trafficking for purposes of sexual exploitation, domestic violence service providers are well-situated to help identify and assist victims of human trafficking. Moreover, professionals and advocates from both fields would benefit from strengthening their collaborations, so that they can provide the most responsive and holistic approach to serving these victims and eradicating both domestic violence and human trafficking.

Victims of Sex Trafficking and Domestic Violence Suffer Similar Abuse and Harm

Like victims of domestic violence, victims of trafficking for commercial sexual exploitation suffer tremendous physical and emotional harm. Research on prostitution, the most common form of commercial sexual exploitation experienced by both international and domestic trafficking victims, reveals extensive violence

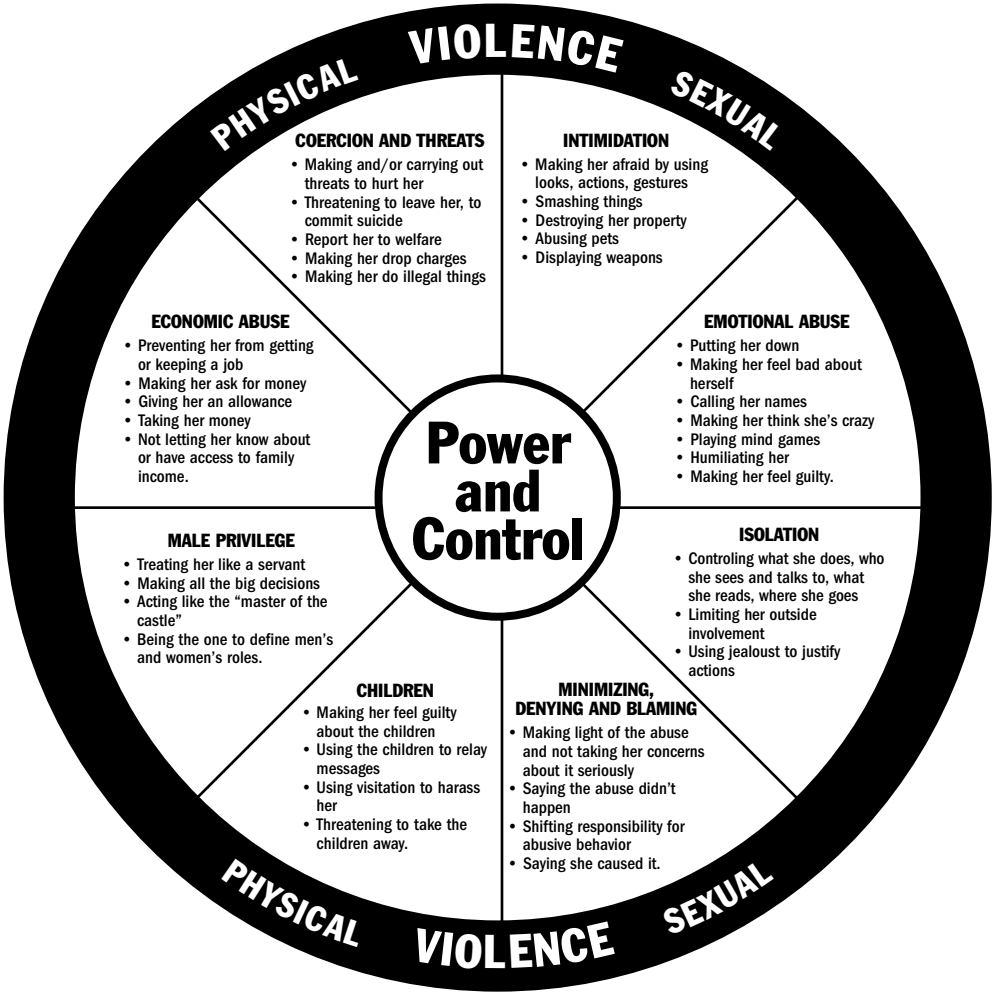
that results in both physical and psychological harm. A nine-country assessment of prostitution concluded that 73% of persons engaged in prostitution were physically assaulted, 89% wanted to escape, 63% were raped, and 68% met the criteria for post-traumatic stress disorder.[4] In a study of domestic sex trafficking victims in Chicago, women and girls reported increasing violence by their pimps over time.[5] For instance, 71% experienced slapping, and almost half were subjected to punching or forced sex.[6] A study of women trafficked for prostitution into Europe found that 95% of victims had been violently assaulted or coerced into a sexual act, and over 60% of victims reported gastrointestinal problems, back pain, and gynecological infections.[7] A United States study revealed that 85% of international trafficking victims and 86% of domestic trafficking victims suffered from depression.[8] Additional psychological consequences found to be common among prostituted women include dissociative and personality disorders and anxiety.[9] Not infrequently, trafficking victims experience traumatic bonding with their exploiters, a reaction also experienced by hostage victims, that leads victims to view their exploiters as protectors when the perpetrator instills fear of death in the victim but also feels gratitude for being allowed to live. In short, studies reveal that the "Pretty Woman" image of an independent and healthy woman in prostitution is a rarity.[10]

Professionals in the field of domestic violence will find these descriptions of the harm suffered by sex trafficking victims all too familiar. Domestic violence victims suffer from a similar litany of harms. Domestic violence, in addition to causing physical injuries, also results in emotional damage, including destruction of victims' ability to trust others, high levels of post-traumatic stress, increased depression, and suicidal ideations.[11]

Traffickers and Perpetrators of Domestic Violence Use Similar Tactics of Power and Control Over Their Victims

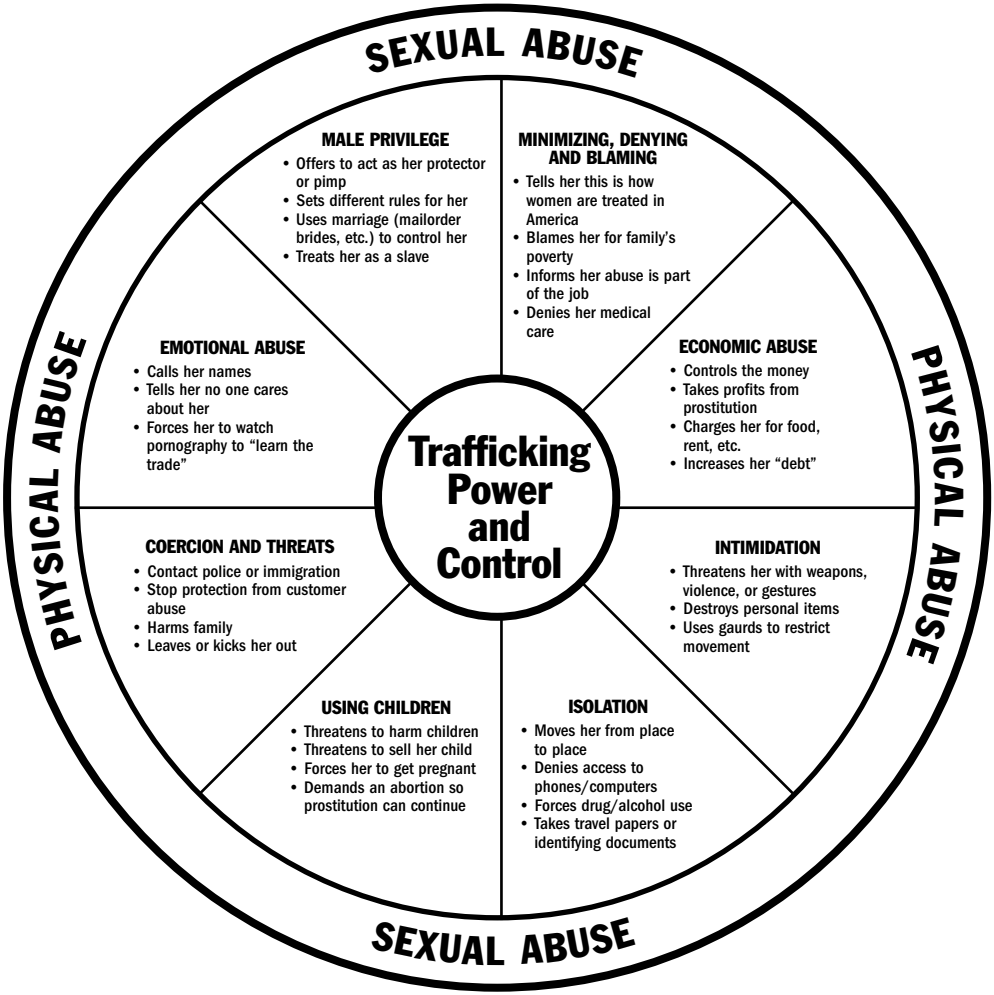
While abusive relationships, whether part of domestic abuse or trafficking, are often punctuated by physical and sexual violence, effective tactics of domination go beyond overt abuse to a variety of other subtle but devastating methods. Abusive relationships are characterized by the perpetrators exercising patterns of extensive and comprehensive power and control over victims.

In the field of domestic violence, the Power and Control Wheel has been used by advocates worldwide to describe the most frequently used tactics of batterers.[12] The original Power and Control Wheel identifies eight areas used by



batterers to maintain control over their partners: male privilege; coercion and threats; intimidation; emotional abuse; isolation; minimizing, denying, and blaming; using children; and economic abuse. The Power and Control Wheel has been adapted to describe the tactics used by traffickers,[13] and all eight categories are included in the Trafficking Power and Control Wheel as well.

While the tactics of batterers and traffickers are similar, the power and control used over trafficking victims are often more extreme. Traffickers aim to break victims' identities so that they will not only submit to all their demands



but also to the demands of the countless men who will buy the victims for sex and turn this continuous abuse into a lucrative profit.[14] While batterers may isolate victims by limiting or prohibiting victims from contact with friends or family, traffickers often go further by moving victims from one location to another, ensuring that their surroundings are unfamiliar and that they have no connections in a community where they might seek help. Since prostituted women are routinely viewed and treated as criminals, traffickers can capitalize on victims' fears of arrest or deportation to keep them from finding any assistance. Cultural

hostility toward prostituted and trafficked women reinforces their marginalization in society, rendering them even more vulnerable to exploitation, a fact traffickers know and use to their advantage.

Victims of Sex Trafficking Often Are Also Victims of Domestic Violence

In many cases, perpetrators of trafficking are also boyfriends or husbands of their victims, exacerbating the power dynamics and making disclosure of the trafficking and escape from the trafficker that much more difficult. In these cases, women are simultaneously victims of domestic violence and trafficking. One study found that 44% of victims of domestic sex trafficking indicated that their pimp was their boyfriend, while another 20% said the pimp was "my man."[15] Pimps, one common type of trafficker, prey on vulnerable girls, often from dysfunctional families, offering them — or so it seems at first — a safe place to stay and romance. Pimps waste no time making their victims reliant on them for shelter and economic support as well as for emotional connection, which enables them to turn their victims out into prostitution.

International sex trafficking cases frequently feature traffickers who are also boyfriends or husbands from the victim's home country. Again, perpetrators often initially establish the victim's trust and then either pressure or coerce them into prostitution or deliver them to their next exploiter, who will turn them out into prostitution.

Victims of Sex Trafficking and Domestic Violence Are Victims of Similar Crimes

To control their partners, domestic violence perpetrators and traffickers alike may commit assault,[16] menacing,[17] kidnapping,[18] coercion,[19] stalking,[20] rape and sexual abuse,[21] and harassment.[22] Both batterers and traffickers have been known to facilitate their victims' dependence on alcohol and drugs as a tactic of control.

Survivors of Sex Trafficking, like Domestic Violence Survivors, Need Comprehensive Social and Legal Services

The need for services, both social and legal, are similar for survivors of domestic violence and sex trafficking. Much like victims of domestic violence, trafficking victims often face misinformation about their status as crime victims. Often they blame themselves for not escaping the abuse sooner, and they too have urgent safety concerns. Thus, the skills offered by domestic violence advocates are particularly appropriate in addressing the needs of trafficking victims. Rape crisis centers also often have much to offer both sets of victims.

Trafficking victims, however, may need more intensive services than victims of intimate partner violence alone. Sex trafficking victims have been abused not only by their traffickers but also by buyers of prostitution. Trafficking victims frequently experience the acts of prostitution they were compelled to perform as violations or rapes.[23] The mental health needs of trafficking victims are frequently akin to those necessary for victims of torture. Further, trafficking victims frequently have been extremely isolated, far more so even than most victims of domestic violence. Sex trafficking victims are stigmatized by participation in the sex industry and in criminal activities, severely limiting their contact within their community. While victims of intimate partner violence frequently suffer from feelings of humiliation and shame, these emotions can be even more intense for victims subjected to prostitution and stigmatized as "whores." International sex trafficking victims not only face the language and cultural barriers foreign-born domestic violence victims encounter, but they are unlikely to have any family or community support in the United States.

Often trafficking victims, like domestic violence victims, have urgent needs that must be addressed, and confidentiality must be ensured in all service provision. The list of needs is familiar to those who have provided services for domestic violence survivors. Safe housing is essential, from safe emergency housing to transitional housing with supportive services to permanent affordable housing. Medical care, including HIV testing, as well as appropriate mental health services are also of critical importance. Some victims may also need programs to address dependence on alcohol or drugs. Safety planning is another necessity and may be particularly complex if the victim's trafficker is part of an organized crime network or otherwise well-connected in the community, or if the victim is traumatically bonded with her abuser. Safety planning may also be complex because the victim's family members — including those abroad — may face danger from the trafficker.

Trafficking victims, like domestic violence victims, may need help navigating the legal system. When traffickers are prosecuted, victims may require assistance interacting with the criminal justice system, which could include local or state police officers, FBI agents, representatives from immigration services, or local, state, or federal prosecutors. Some victims may be defendants themselves, and coordination and advocacy with their criminal defense attorney are essential. Sex trafficking victims who are undocumented in the United States will need referrals to immigration lawyers with experience in the specific remedies available to victims of trafficking and gender-based violence. Also, if the victim's trafficker was a family member, spouse, or intimate partner, consideration of a civil order of protection designed to protect victims of domestic violence may be appropriate; in these cases, the victim should be referred to an experienced and sensitive family law attorney.

Indeed, trafficking victims are seeking and receiving services in New York's domestic violence programs every day, whether providers know it or not. A sex trafficking victim may enter a domestic violence shelter and relate her story of physical violence at the hands of her boyfriend and only later tell counselors or lawyers that her boyfriend was her pimp or that she met her husband in a strip club or a brothel, where he was a buyer. Some victims of sex trafficking turn to domestic violence shelters because they are the only emergency shelters available or because they can provide the best services.

Domestic Violence Professionals Can Help Reach and Advocate for Sex Trafficking Victims

Domestic violence advocates have a head start in helping victims of sex trafficking. For over four decades, they have worked to create an environment in which abusive behavior by an intimate partner is not accepted or tolerated. Although anti-domestic violence proponents have been active since the late 1880s, it was not until the early 1970s that the movement gathered speed. Beginning with the first domestic violence shelter in Pasadena, California,[24] advocates have spent the last forty years developing methods for reaching victims of domestic violence, providing them with social and residential services, advocating for them in court, and gaining access to community resources. The movement has also changed the way society views domestic violence — and victims of domestic violence — by tackling head-on the related stereotypes and stigma. Due to the fortitude of survivors and advocates in the field, in the years

since the first shelter was founded, states have passed strong anti-domestic violence laws and the federal government has enacted comprehensive legislation prohibiting interstate travel to commit certain acts of domestic violence, establishing full faith and credit for the enforcement of protective orders,[25] and providing federal funding for domestic violence programs and services.[26]

Domestic violence providers and allies in other criminal justice and social service agencies are uniquely positioned to extend their missions to include assisting trafficking victims. Providers who currently screen for domestic violence in the course of their practice can update their intake protocols to identify for trafficking as well. They can apply the same sensitivity to interviewing, developing trust relationships, and selecting appropriate language to their work with possible trafficking victims. Much of the trauma, experience, and service needs observed in this population will be familiar to domestic violence and sexual assault providers.

Further, domestic violence advocates have experience in educating communities about the importance of holding perpetrators accountable. The number of investigations, arrests, and prosecutions is small, and effort should be expended on criminal cases against traffickers. It is vital that the role of the demand be understood by all of the significant players involved and that buyers of sex also be held accountable.

Conclusion

Advocates in the domestic violence field are in a prime position to assist victims of sex trafficking, in large part, due to trafficking's close relationship with domestic violence and the parallels in both the harm suffered by its victims and the tactics used by its perpetrators. Domestic violence victim advocates and all of the professionals who assist domestic violence victims in the legal, health care, public assistance, and related fields are trained to identify victims who are hesitant to name their abusers and discuss their abuse, who fear deportation, and who face a wide array of obstacles to leaving abusive relationships. Thus, it is critical that domestic violence victim service providers be educated about the dynamics of trafficking, the resources available to trafficking victims, and the critical role domestic violence victim advocates can play in providing safety and assistance to this closely related group of victims of gender-based violence.

Notes

1. The authors would like to thank Rose Garrity, Executive Director of New Hope Center, Renan Salgado, outreach paralegal at Farmworker Legal Services, and Amy Fleishchauer at the International Institute in Buffalo, N.Y. for their insights and their anecdotes about N.Y.S trafficking cases. The authors would also like to thank Samantha Howell, Albany Law School student of the Class of 2010, for her assistance.
2. International Agreement for the Suppression of the "White Slave Traffic" (1904), International Convention for the Suppression of the White Slave Traffic (1910), International Convention for the Suppression of the Traffic in Women and Children (1921), International Convention for the Suppression of the Traffic in Women of Full Age (1933), and Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1950).
3. Although this article does not explicitly address labor trafficking, it should be noted that it is extremely common as well. Victims of labor trafficking experience many of the same challenges of overcoming fear and trauma, and they too require access to comprehensive services. Moreover, given the numerous victims of labor trafficking have been sexually abused by their traffickers, screening for such abuse is essential to address all of a victim's needs.
4. Melissa Farley, *et al*., "Prostitution and Trafficking in Nine Countries," Journal of Trauma Practice, Vol. 2, No. 4, at 33-74 (Jan. 2004).
5. Jody Raphael and Jessica Ashley, *Domestic Sex Trafficking of Chicago Women and Girls*, DePaul University School of Law and Illinois Criminal Justice Information Authority, at 34 (May 2008), http://www.depaul.edu/newsroom/sextraffickingstudy0508.pdf, last viewed Dec. 1, 2009 (*hereinafter* Raphael, *Domestic Sex Trafficking of Chicago Women and Girls*).
6. *Id.*
7. Cathy Zimmerman, *et al*., *Stolen Smiles: A Summary Report on the Physical and Psychological Consequences of Women and Adolescents Trafficked in Europe*, London School of Hygiene and Tropical Medicine (2006).

8. Janice G. Raymond and Donna M. Hughes, *Sex Trafficking of Women in the United States: International and Domestic Trends*, Coalition Against Trafficking in Women, at 83 (Mar. 2001), http://action.web.ca/home/catw/attach/sex_traff_us.pdf, *last viewed* Dec. 11, 2009.
9. Janice G. Raymond, "Health Effects of Prostitution," in *Making the Harm Visible* (Feb. 2009), http://www.uri.edu/artsci/wms/hughes/mhvhealt.htm, *last viewed* July 10, 2009.
10. Rochelle L. Dalla, "Exposing the 'Pretty Woman' Myth: A Qualitative Examination of the Lives of Female Streetwalking Prostitutes," Journal of Sex Research (Nov. 2000).
11. *Understanding Intimate Partner Violence*, Centers for Disease Control, http://www.cdc.gov/ViolencePrevention/pdf/IPV-FactSheet.pdf, *last viewed* July 10, 2009.
12. The Power and Control Wheel was created over 25 years ago by the Domestic Abuse Intervention Project in Duluth, Minnesota after an analysis of the most common tactics employed by batterers. Domestic Abuse Intervention Programs, "Wheel Gallery," http://www.theduluthmodel.org/wheelgallery.php, *last viewed* Dec. 1, 2009.
13. This wheel has been adapted from the Trafficking Power and Control Wheel produced by the Wisconsin Coalition Against Domestic Violence.
14. While this article focuses on the violence perpetrated by traffickers, it is important to note that violence by prostitution-buyers, the so-called customers or johns, is also very common. One study of prostituted women in Chicago, for instance, found that "Customers/tricks were the most frequently identified perpetrators of violence across all types of prostitution (including street-level and exotic dancing)." Jody Raphael and Deborah L. Shapiro, *Sisters Speak Out: The Lives and Needs of Prostituted Women in Chicago*, Center for Impact Research, at 19 (Aug. 2002). For further insight on buyers and their views on prostituted women, *see* Rachel Durchslag and Samir Goswami, *Deconstructing The Demand for Prostitution: Preliminary Insights From Interviews With Chicago Men Who Purchase Sex*, Chicago Alliance Against Sexual Exploitation (May 2008), *available at* http://www.caase.org/pdf/resources-research/1.pdf.
15. Raphael, *Domestic Sex Ttrafficking of Chicago Women and Girls*, *supra* note 5, at 25.

16. N.Y. Penal Law, §§ 120.00-120.12 refer to types of assault. However, only a few sections are commonly associated with domestic violence: §§ 120.00, 120.02, 120.03, 120.04, 120.05, and 120.10.
17. N.Y. Penal Law §§ 120.13-120.15.
18. N.Y. Penal Law §§ 135.00, 135.05, and 135.10 refer to unlawful imprisonment and §§ 135.20 and 135.25 refer to kidnapping.
19. N.Y. Penal Law §§ 135.60 and 135.65.
20. N.Y. Penal Law §§ 120.45, 120.50, 120.55, and 120.60.
21. N.Y. Penal Law Article 130.
22. N.Y. Penal Law §§ 240.25, 240.26, 240.30, and 240.31.
23. Melissa Farley *et al*, "Prostitution and Trafficking in Nine Countries: An Update on Violence and Posttraumatic Stress Disorder," in *Prostitution, Trafficking and Traumatic Stress,* Melissa Farley, Ed. (2003).
24. Evan Stark, *Coercive Control*, at 25 (2007). The first recognized domestic violence shelter was founded in 1968 by an Alcoholics Anonymous chapter, and was used for the abused wives of recovering alcoholics. *Id.*
25. Violence Against Women Act, 18 U.S.C. §§ 2261-66.
26. Violence Against Women Act, enacted in 1994 as Title IV of the Violent Crime Control and Law Enforcement Act (P.L. 103-322), included grant programs and has been reauthorized in subsequent legislation.