

UNDERSTANDING THE NEXUS BETWEEN HUMAN TRAFFICKING AND DOMESTIC VIOLENCE

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I. Introduction

Human trafficking and domestic violence are pervasive issues that impact millions of individuals worldwide. These phenomena often intersect, creating complex scenarios that challenge victims' support systems and the legal frameworks designed to protect them. This essay explores the intricate relationship between human trafficking and domestic violence, emphasizing the overlapping dynamics, challenges in identifying and addressing these cases, and strategies to improve outcomes for victims. It delves into the multifaceted nature of these abuses and proposes comprehensive approaches to tackle them effectively.

II. Defining Domestic Violence and Human Trafficking

The Department of Justice's Human Trafficking Task Force eGuide¹ expressly lists domestic violence as a crime that may overlap with human trafficking. A recent Government Accountability Office (GAO) publication revealed that 12 of 27 tribal law enforcement agencies reported identifying domestic violence in their human trafficking investigations.² Decisions by the Administrative Appeals Office (AAO) of the Department of Homeland Security on T-visas similarly reflect this linkage.³ In a 2011 AAO decision, an applicant for a T-visa alleged that her husband forced her into prostitution in the United States, threatening to tell her children if she did not engage in forced commercial sex.⁴ And a recent AAO decision stated, "[t]he Applicant correctly notes on appeal that a personal relationship involving domestic violence may qualify as human trafficking in some cases, and that forced sex may qualify as a type of involuntary servitude.

Domestic violence is defined by the Department of Justice as a pattern of abusive behavior in any relationship used by one partner to gain or maintain power and control over another intimate partner. This abuse can be physical, sexual, emotional, economic, or psychological, encompassing actions that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.⁵ Human trafficking,

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¹ Dep't of Justice, *Human Trafficking Task Force eGuide*, <https://www.ovcttac.gov/taskforceguide/eguide/1-understanding-human-trafficking/12-recognizing-the-crime/>.

² Of the 27 tribal law enforcement agencies (LEAs) that reported initiating human trafficking investigations, 12 reported identifying domestic violence as an additional crime when investigating human trafficking. U.S. Gov't Accountability Office, GAO-17-624, Survey Results for Selected Tribal and Major City Law Enforcement Agencies and Victim Service Providers on Human Trafficking 15 n.28 (2017), <https://www.gao.gov/assets/690/686051.pdf>.

³ T-visas, a form of immigration relief created specifically for victims of sex and labor trafficking, require an extensive written application. T-visa applications denied by the Vermont Service Center, the office that adjudicates the applications, may be appealed to the Administrative Appeals Office. 8 C.F.R. § 214.11(10).

⁴ The applicant's visa application was initially denied for failure to establish that the applicant had complied with law enforcement requests for assistance. On appeal the decision was withdrawn and the application was remanded for further consideration and action. See Administrative Appeals Office Decision, ID#01D12101 (AAO Apr. 5, 2011).

⁵ See Freedom Network USA, *Human Trafficking and Domestic Violence* (Apr. 2015), <https://freedomnetworkusa.org/app/uploads/2016/12/HT-and-Domestic-Violence.pdf>.

particularly sex trafficking, involves similar dynamics of power and control, where victims are often coerced into prostitution or forced labor through threats, physical abuse, and psychological manipulation.⁶ Human trafficking is defined by the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons as the recruitment, transportation, transfer, harboring, or receipt of persons by means of threat, use of force, coercion, abduction, fraud, deception, abuse of power, or giving payments to achieve consent for the purpose of exploitation. This exploitation includes prostitution, forced labor, slavery, and the removal of organs.⁷

Domestic violence and human trafficking are both about power and control but manifest differently based on the context. Domestic violence typically occurs within intimate relationships, while human trafficking involves exploitation, often by strangers or acquaintances. However, the two can overlap when traffickers are intimate partners or use domestic violence tactics to control their victims. For instance, in federal trafficking cases, it is often found that the trafficker is the victim's husband, boyfriend, or romantic partner.⁸ Being married to or in a relationship with the victim does not lessen the severity of the trafficking offense. Although the common scenario involves perpetrators forcing their partners into prostitution,⁹ advocates should also consider the possibility of forced labor in these relationships. Forced non-commercial sex can be classified as involuntary servitude,¹⁰ even within intimate relationships. Additionally, intimate partners may also coerce their wives and girlfriends into forced labor.

III. Overlap and Dynamics of Abuse

The overlap between domestic violence and human trafficking is evident in the shared tactics of coercion and control. Traffickers frequently exploit victims' vulnerabilities, including those resulting from previous domestic abuse. For instance, traffickers might use a victim's history of domestic violence to further manipulate and control them, perpetuating a cycle of abuse that is difficult to escape.¹¹ This overlap can manifest in various forms, such as traffickers

⁶ Dorchon A. Leidholdt, Human Trafficking and Domestic Violence: A Primer for Judges, 52 JUDGES' J. 16 (2013), https://www.americanbar.org/groups/judicial/publications/judges_journal/2013/winter/human_trafficking_and_domestic_violence_a_primer_for_judges/; see also Center for Court Innovation, *Understanding Human Trafficking*, https://www.innovatingjustice.org/sites/default/files/documents/UnderstandingHumanTrafficking_2.pdf.

⁷ See Center for Court Innovation, *Understanding Human Trafficking*.

⁸ Federal trafficking prosecutions with a domestic violence nexus include: *United States v. Knight*, No. 1:17-cr-00166 (D.N.D.); *United States v. Washington*, No. 1:17-cr-00071 (S.D. Oh.); *United States v. Hamidullah et al.*, No. 6:16-cr-00027 (M.D. Fla.); *United States v. Saddler*, No. 5:16-cr-00251 (E.D.N.C.); *United States v. Pruitt*, No. 2:16-cr-00285 (D. Nev.); *United States v. Foster et al.*, No. 2:16-cr-00241 (E.D. Cal.); *United States v. Glenn*, No. 1:15-cr-020632 (S.D. Fla.); *United States v. Williams et al.*, No. 8:15-cr-00073 (M.D. Fla.); *United States v. Primus*, No. 4:15-cr-00373 (E.D. Mo.); *United States v. Shelton*, No. 5:14-cr-20033 (E.D. Mich.).

⁹ Lori L. Cohen, Sex Trafficking and Labor Trafficking: Overlap and Convergence, in *Lawyer's Manual on Human Trafficking: Pursuing Justice for Victims* 95 (Jan. 2011).

¹⁰ See *Opinion, Ricchio v. McLean*, 853 F.3d 553, 556 (1st Cir. 2017); *Opinion, Doe v. Howard*, No. 1:11-cv-01105 (E.D. Va. Sept. 4, 2012); *Opinion, United States v. Udeozor*, No. 06-4467 (4th Cir. Feb. 1, 2008); *United States v. Kaufman*, 546 F.3d 1242, 1261 (10th Cir. 2008).

¹¹ Freedom Network USA, *supra* note 5; see also Human Trafficking Legal Center, *Human Trafficking and Domestic Violence Fact Sheet* (2018), <https://www.htlegalcenter.org/wp-content/uploads/Human-Trafficking-and-Domestic-Violence-Fact-Sheet.pdf>.

who are also domestic violence abusers, or domestic violence victims who are subsequently trafficked.¹²

Traffickers often employ emotional and psychological abuse, similar to intimate partner violence. They might isolate victims from their support networks, control their movements, and use threats to maintain dominance. For example, a trafficker might threaten to harm a victim's family members or disclose the victim's involvement in prostitution to their community, thereby exacerbating the victim's fear and compliance.¹³

The dynamics of coercion and control in human trafficking and domestic violence are strikingly similar. Both involve the use of physical violence, threats, emotional manipulation, isolation, and economic abuse to dominate the victim. Traffickers and abusers often employ tactics such as:

1. Physical Abuse: This includes hitting, beating, choking, and other forms of physical harm. In trafficking, physical abuse is often used to break the victim's will and force them into compliance. In domestic violence, it serves to instill fear and maintain control.¹⁴
2. Sexual Abuse: Victims of human trafficking, particularly sex trafficking, are frequently subjected to rape and other forms of sexual violence. Similarly, domestic violence victims often experience sexual abuse as a means of exerting control and domination.¹⁵
3. Emotional and Psychological Abuse: Both traffickers and domestic violence abusers use emotional abuse to undermine the victim's self-esteem and sense of worth. This can include verbal insults, humiliation, and psychological manipulation. Traffickers may convince victims that they are worthless without the trafficker or that no one else will help them.¹⁶
4. Isolation: Isolation is a key tactic used by both traffickers and domestic violence abusers to control their victims. By cutting off access to friends, family, and other support networks, the abuser or trafficker ensures that the victim remains dependent on them. This isolation can be physical, such as keeping the victim confined, or emotional, such as controlling communication with others.¹⁷
5. Economic Abuse: Economic control is a powerful tool used by both traffickers and domestic violence abusers. Traffickers often take control of the victim's earnings, while domestic violence abusers may prevent their partner from working or accessing financial resources. This economic dependence makes it difficult for victims to leave their abuser or trafficker.¹⁸

¹² Freedom Network USA, *supra* note 5.

¹³ See Leidholdt, Human Trafficking and Domestic Violence: A Primer for Judges.

¹⁴ *Id*; see also Center for Court Innovation, *Understanding Human Trafficking*.

¹⁵ Center for Human Trafficking Court Solutions, *A Guide to Human Trafficking for State Courts* (Sept. 2014), https://htcourts.org/wp-content/uploads/2023/01/Full_HTGuide_desktopVer_140902.pdf; see also Human Trafficking Legal Center, *Fact Sheet*.

¹⁶ Leidholdt, *supra* note 6; see also Center for Court Innovation, *Understanding Human Trafficking*.

¹⁷ See Center for Court Innovation, *Understanding Human Trafficking*; see also Human Trafficking Legal Center, *Fact Sheet*.

¹⁸ Leidholdt, *supra* note 6.

IV. Challenges in Identifying and Addressing Overlapping Cases

Identifying cases that involve both human trafficking and domestic violence is challenging due to the nuanced and often hidden nature of these abuses. Victims may not self-identify as trafficked or abused, particularly if they fear retaliation or lack awareness of their rights.¹⁹ Additionally, the legal definitions of domestic violence and human trafficking necessitate different responses, complicating efforts to provide appropriate support and legal remedies.²⁰

The legal system often struggles to recognize the overlapping dynamics of domestic violence and human trafficking. For example, a victim might be charged with crimes related to prostitution or illegal immigration, without recognition of the coercion and abuse they endured. In many cases, victims are hesitant to come forward due to fear of arrest, deportation, or retribution from their trafficker or abuser.²¹

Furthermore, service providers and law enforcement may lack the training to identify and address these complex cases. The indicators of trafficking can be subtle and easily missed, especially if the focus is solely on domestic violence. For example, a victim might present with signs of physical abuse common in domestic violence cases, but underlying those injuries might be a history of trafficking and exploitation.²²

V. Strategies for Improved Outcomes

To address the complex needs of victims experiencing both domestic violence and human trafficking, a multifaceted approach is necessary. This includes assembling multidisciplinary teams that bring together judges, court administrators, prosecutors, defense attorneys, child welfare agencies, victim advocates, and service providers. Such teams can develop protocols to enhance victim safety, improve access to services, and ensure a coordinated response.²³

A. Multidisciplinary Teams

Bringing together professionals from various fields can enhance the response to victims of human trafficking and domestic violence. Multidisciplinary teams might include judges, court administrators, prosecutors, defense attorneys, child welfare agencies, victim advocates, and service providers. These teams can develop protocols to improve victim safety, access to services, and coordination between different sectors.²⁴ By working together, these teams can map existing community resources, identify service gaps, and develop practices to identify and engage victims and link them to services.²⁵

¹⁹ Freedom Network USA, *supra* note 5; *see also* Human Trafficking Legal Center, *Fact Sheet*.

²⁰ Freedom Network USA, *supra* note 5.

²¹ Leidholdt, *Human Trafficking and Domestic Violence: A Primer for Judges*.

²² Human Trafficking and Domestic Violence Fact Sheet. The Human Trafficking Legal Center

²³ Center for Court Innovation, *Domestic Violence: Exploring Risk and Need*, https://www.innovatingjustice.org/sites/default/files/documents/DV_SJI_Risk%20Need.pdf.

²⁴ *Id.*

²⁵ *See* Center for Court Innovation, *Understanding Human Trafficking*.

B. Cross-Sector Partnerships

Building cross-sector partnerships is crucial for developing capacity and resources to support victims. This can involve training justice system stakeholders on trauma, victim needs, and engagement strategies, as well as developing formal agreements to connect justice-involved victims to necessary services.²⁶ For example, inviting service providers to train justice system stakeholders on trauma, victim needs, and engagement strategies can enhance the ability to identify and serve victims.²⁷ Additionally, co-locating victim service providers in the courts can help identify and assess victims, ensuring they receive appropriate support and services.²⁸

C. Comprehensive Assessment Tools

Designing assessment tools that explore complex victimization and gender-specific needs can help identify and address the unique challenges faced by victims of both domestic violence and human trafficking.²⁹ Effective assessment is a critical component of any response to human trafficking. It provides an opportunity for victims to reveal their needs and begin building trust and rapport with justice system stakeholders and service providers.³⁰ Assessments should be trauma-informed, gender-responsive, and language-accessible. For example, the University of Cincinnati's Women's Risk Needs Assessment explores the unique needs of women, including trauma and abuse, unhealthy relationships, and other gender-responsive factors.³¹

D. Trauma Informed Response

Integrating a trauma-informed response throughout the criminal justice continuum is essential. This approach recognizes the widespread impact of trauma, integrates knowledge about trauma into policies and practices, and actively seeks to resist re-traumatization.³² A trauma-informed approach emphasizes concern and safety over fear and punishment, creating an environment where victims feel supported and empowered to seek help.³³

E. Enhanced Legal Protections

Legal protections for trafficking victims should be enhanced to ensure they are not penalized for crimes committed under coercion. This includes recognizing the intersection of domestic violence and human trafficking in legal proceedings and ensuring that victims receive

²⁶ See Center for Court Innovation, *Community Courts, Specialized Dockets, and Other Approaches to Address Sex Trafficking*, https://www.innovatingjustice.org/sites/default/files/documents/Community_Courts_Trafficking_0.pdf.

²⁷ *Id.*

²⁸ *Id.*

²⁹ Substance Abuse and Mental Health Services Administration, *Trauma-Informed Approach and Trauma-Specific Interventions*, https://www.tribalyouth.org/wp-content/uploads/2021/08/samhsa_gov-Trauma-Informed_Approach_and_Trauma-Specific_Interventions.pdf.

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

³³ *Id.*

appropriate protection and support. For example, legal remedies such as T-visas, which provide immigration relief for trafficking victims, should be made more accessible and comprehensive.³⁴

VI. Case Studies and Legal Precedents

Numerous case studies highlight the intersection of domestic violence and human trafficking and the challenges in addressing these issues. For instance, the Tenancingo trafficking enterprises in Mexico involved traffickers recruiting women and girls into forced prostitution through fraudulent romantic relationships. These victims were often subjected to physical and sexual violence, isolated from their families, and manipulated through threats to their children.³⁵

In the United States, cases such as *United States v. Martinez* and *United States v. Yarbrough* demonstrate the use of intimate relationships to coerce victims into commercial sex. In *United States v. Martinez*, the defendant forced his girlfriend, a young woman from the State of Puebla, Mexico, into prostitution in the United States.³⁶ The victim's children remained under the care of the defendant's relatives in Mexico.³⁷ The defendant used physical force to coerce the victim into prostitution.³⁸ He also instructed his relatives to hold her children hostage.³⁹ After a violent physical assault, law enforcement authorities arrested the defendant, who was convicted of assault and harassment.⁴⁰ Although prosecutors initially viewed this as a domestic violence case, subsequent law enforcement interviews revealed that the defendant had forced the victim into commercial sex.⁴¹ The defendant pled guilty to sex trafficking charges and was sentenced to time served.⁴² Similarly, in *United States v. Yarbrough*, Yarbrough repeatedly used false promises of romantic relationships and family to target and lure vulnerable victims into forced prostitution.⁴³ He targeted victims as young as 15 years old.⁴⁴ One victim testified that she and other victims were "in love" with Yarbrough.⁴⁵ If victims refused to engage in commercial sex, Yarbrough used extreme physical violence to coerce them.⁴⁶ Yarbrough was convicted of 10 counts of sex trafficking and sentenced to serve 536 months in prison.⁴⁷ In both *Martinez* and *Yarbrough*, traffickers employed physical abuse, emotional manipulation, and

³⁴ See Human Trafficking Legal Center, *Human Trafficking and Domestic Violence Fact Sheet* (2018), <https://www.htlegalcenter.org/wp-content/uploads/Human-Trafficking-and-Domestic-Violence-Fact-Sheet.pdf>.

³⁵ *Id.*

³⁶ See *United States v. Martinez*, No. 1:09-cr-00535 (E.D.N.Y.). Other criminal cases involving wives and girlfriends lured from Mexico to the United States include: *United States v. Velasquez et al.*, No. 1:11-cr-20005 (S.D. Fla.); *United States v. Valdez*, No. 1:09-cr-20213 (S.D. Fla.).

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*

⁴³ *United States v. Yarbrough et al.*, No. 2:10-cr-20283 (W.D. Tenn.); see also 6 Press Release, Dep't of Justice, Sex Trafficker Terrence "T-Rex" Yarbrough Sentenced to Serve 536 Months in Prison (Oct. 29, 2013), <https://www.justice.gov/opa/pr/sex-trafficker-terrence-t-rex-yarbrough-sentenced-serve536-months-prison>.

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*

threats to maintain control over their victims, who were often left without legal protection or support.⁴⁸

VII. Conclusion

The intersection of human trafficking and domestic violence presents significant challenges for victims, service providers, and the legal system. Recognizing the overlapping dynamics of coercion and control is crucial for developing effective interventions and support mechanisms. By adopting a multidisciplinary, trauma-informed approach, stakeholders can better address the complex needs of victims and improve outcomes. Legal and social service systems must continue to evolve, ensuring that all victims receive the protection and support they need to break free from cycles of abuse and exploitation.

⁴⁸ See Center for Court Innovation, *Understanding Human Trafficking*.