

Gender Violence and Trafficking

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**MESSAGE FROM THE FOUNDER AND PRESIDENT
OF THE RICKY MARTÍN FOUNDATION**

As a modern abolitionist, I am proud to present the third investigation of human trafficking in Puerto Rico, led by Dr. César Rey-Hernández, a sociologist and leader of our research team, along with Dr. Luisa Hernández-Angueira, Dr. Sheila Pérez and an extraordinary team of students from the Río Piedras Campus of the University of Puerto Rico (UPR). I am grateful for the unconditional support of our Executive Director, Bibiana Ferraiuoli, and Brenda Cardona, Norman Morales and Khrista Trani, who gave of themselves to succeed in this historic task.

This publication was presented at the UPR Law School, where Dean Vivian Neptune and her team have been formidable allies. For the past two years, Dr. Rey has taught a comprehensive anti-trafficking course in the School's classrooms, ensuring that new generations understand the ramifications of a crime that is an assault on our freedom. At the same time, the School has a group of lawyers who work pro bono to take on trafficking cases.

Thanks to our first study (2010), the month of February is, by law, Anti-Trafficking Month. Now, this third study is characterized by an innovative and daring perspective. Along with the Office of Women's Affairs, we wanted to go inside and understand how trafficking is camouflaged by domestic violence. Unfortunately, approximately 60% of the families in Puerto Rico are single-parent households and thus the children are vulnerable to exploitation. We are convinced that the findings of this investigation, the victims' cases, the public policy recommendations and the public awareness initiatives that go along with them will allow us to continue to follow the road to social justice and take positive actions to benefit our society. Transforming vicious cycles into virtuous cycles is our guiding light.

Along with the solidarity of our allies, I want to express my gratitude for the unbreakable commitment of our Chairman of the Board, Dr. Kurt A. Schindler, and of the Administration and staff for supporting the investigations, which are the basis of our social action. Above all, thanks to the survivors of

this crime, who inspire us daily to keep fighting.

Thank you for wanting a Puerto Rico, and a world, free of human trafficking.

A handwritten signature in black ink, appearing to read 'Ricky Martin', enclosed within a large, hand-drawn oval.

Ricky Martin
February, 2017

ACKNOWLEDGMENTS

Every book requires a monumental effort in teamwork. Therefore, recognizing those who contributed to it and supported it is vitally important to us.

Fortunately, this project has benefitted mainly from the generosity and sponsorship of the Ricky Martin Foundation, its founder, who inspired this research, its Board of Directors, and its Executive Director — Bibiana Ferraiuoli — a key individual who has sponsored and supported our work over the past decade, along with her team at the Foundation.

On this occasion, equally important has been the support of Wanda Vázquez Garced, until recently the Executive Director of the Office of Women's Affairs and now the Secretary of Justice. Her endorsement was critical in being able to address the issue of human trafficking from other angles previously unexposed.

Similarly, we are grateful for the valuable intellectual work of research and academic coordination provided by Dr. Sheila Pérez, who achieved the collaboration a study like this requires. In addition to her customary commitment, Dr. Pérez had the vision and discipline to keep the project on schedule and achieve the precision required.

Also fundamental has been the support of the University of Puerto Rico (UPR), Río Piedras Campus, particularly the School of Social Sciences and its Department of Sociology and Anthropology, where Dr. Luisa Hernández-Angueira is a faculty member. The UPR deserves additional recognition, particularly its Graduate School of Public Administration, for enabling Dr. Cesar Rey-Hernández to take advantage of the time and work of students as teaching assistants, which facilitated the research process. This recognition goes to Vanessa Ordóñez and José Ángel Rivera. We would also like to recognize Dean Vivian Neptune and her team, who welcomed our research from the beginning and hosted conferences and presentations, as well as using it to anchor the first course in Human Trafficking offered by the School of Law. Outstanding work was done by students and research assistants Alejandra Colón, Aurora Otero, Irene Lafarga, Nelson De Jesús and Rebeca

J. Agosto. Their enthusiasm, performance and commitment inspired us every time we had to face difficult challenges in the investigation.

To all, our gratitude. We are indebted to all of you for your professionalism and commitment to this effort.

Luisa Hernández-Angueira
César Rey-Hernández

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Seven years ago, the Ricky Martin Foundation, with the support of the University of Puerto Rico (UPR) and the Protection Project at Johns Hopkins University — and under the direction of UPR researchers Dr. César Rey Hernández and Dr. Luisa Hernández Angueira — undertook a research project on an issue that is harsh, hard to pin down and difficult to understand for a society that presumes itself to be very civil: the trafficking of people in Puerto Rico. As a result, after much work, we could state that the phenomenon of trafficking was not a problem that only happens in the Pacific region, but was also one we had here at home. We became aware of it and created protocols and legislation for women and minors who were subject to any type of exploitation on the island. Mostly these were Puerto Rican women and minors who were exploited for sex or labor within our borders.

Many accomplishments resulted from this first research. There is one among them, however, that brings us special satisfaction: positioning the issue of human trafficking as a serious problem in our society, a problem that deserves attention. As a result, the topic has awakened a high level of interest among public policy makers and those who have traditionally fought to guarantee human rights, which all of us — as Hannah Arendt has said in a broader context — deserve.

It was within this context that the Office of Women's Affairs (OPM for its Spanish acronym), under the direction of Wanda Vázquez, reinforced the importance of research of this type. Despite scarce resources — but with the leadership of the director — we proposed exploratory research work that would allow us to examine how many women who went to the various OPM reception centers for survivors of domestic violence had also been victims of human trafficking but were not identified as such because of some difficulty at the time they were interviewed or through lack of understanding that trafficking or exploitation is a kind of mistreatment mainly directed at women. To our surprise, we found in the files that not only were there women who had been subjected to trafficking, but that **all** women who were victims of domestic violence and came to the OPM help centers are also vulnerable to trafficking and smuggling.

We found that both phenomena have similar characteristics, though trafficking is harsher.

As a result of the investigation, and with a desire to share some of its findings, this book was born. We intend it to be a working document for those who work with this population of women and for those students in the various disciplines that deal with the problem. The book provides tools and concepts that will be very useful in analyzing any situation in any of the forms of violence, whether gender violence or trafficking. At the same time, the book is not a theoretical treatise on violence, but rather an analysis based on the expressions of the women who have faced the claws of this monster.

Let's begin the review.

As shown by previous work on human trafficking in Puerto Rico (Rey Hernández and Hernández Angueira, 2010, 2014), research into human trafficking and smuggling is a challenge, due to its complexity. The empirical work done in those years showed us that there is no single typical case of trafficking, so the list of forms of mistreatment is long. The project we present in this new stage of research shows the many crimes and violations of rights that women and children in Puerto Rico are subjected to, mainly women who are survivors of gender violence and who are seen daily at the various help centers looking for some kind of relief from their problems. Again, we found that the phenomenon of trafficking is very difficult to measure, not only in Puerto Rico, but also in the other places where it happens.

In this work, we present an exploratory estimate of a problem that is not well known in Puerto Rico, despite the damage it does daily to our social fabric: the links between gender violence and the phenomenon of trafficking women. For this work, we used a new approach that allowed us to understand trafficking in this new area of investigation: by reviewing case documents, we could compile valuable information about the vulnerability of women who survived gender violence. We reviewed 203 files of women who had requested services at the centers that deal with cases of gender violence. Based on availability and cooperation with our investigation, we chose five centers located on different parts of the island, which allowed us to gain a more

complete picture of gender violence and trafficking of women. Through this work, centers in the San Juan, Arecibo, Utuado, Aibonito and Cayey regions became spaces for research and discussion.

Case files were reviewed from the years 2012 to 2015, or those years that the social workers who were employed at the centers selected, based on the objectives of our study. We also held informal individual and group conversations with key personnel in the centers we visited who provided firsthand information on some cases, which proved to be valuable information for our analysis. A form was used to collect socio-demographic data on the women, such as age, education level, town of residence, marital status, profession or occupation, number and ages of children, nationality and health conditions (See Appendix A). Information was also collected about the aggressor, including age, education, profession or occupation, and nationality.

Finally, qualitative information was compiled on the survivors' experiences of mistreatment and the types of mistreatment were examined as defined in the document used in the interviews (See Appendix B). The categories provided in the document are physical, psychological-emotional, sexual, restriction of freedom, threats and violation of an order of protection. Additionally, notes were made about narratives found in the files that provided examples of incidents of mistreatment that could be considered vulnerabilities or indicators of trafficking of people. This collection of data was recorded in notebooks and later put into a digital document. For informal conversations and meetings, comments were collected on a sheet of notations. This collection of verbalizations, both individual and by groups, was later also put into a digital document. The information collected from the demographic data form was entered into a database using the program SPSS. Categories correspond to the ones on the form used in the data collection process. Later, a statistical and qualitative analysis was done to create a profile of the victims — as well as the aggressors — and to be able to identify trends and patterns in the experiences of mistreatment. Verbalizations that could indicate vulnerability factors related to human trafficking or situations of exploitation in the context of gender violence were analyzed. Also examined was the impact of these situations on the family, mainly on minors.

The field work was done over the course of eight months by four research assistants: Irene Lafarga Prévici, Aurora Otero Negrón, Alejandra M. Colón López and Nelson De Jesús Santana. The first three are graduate students and the latter is an undergraduate student at the UPR, Río Piedras campus. At the end of the research, Rebeca Agosto, a graduate student, also joined the effort and did excellent work. All of the assistants come from different disciplines in the School of Social Sciences and Humanities. Sheila Pérez López, Ph.D. in Psychology, coordinator of the research, and Luisa Hernández Angueira, Ph.D. in Sociology, reviewed the files and traveled to various points on the island for the field work.

As we noted previously, the research team, through the Office of Women's Affairs, contacted various centers that provide services to mistreated women around Puerto Rico to invite them to collaborate with the study. Five centers agreed after they were briefed on the objectives, the collection of data, the confidentiality of handling the data and the presentation of the results. A visit with the director or social worker was arranged and, once we were at the center, we sat down in a room with the files selected for review. One part of the team was in charge of collecting the socio-demographic data while the other was responsible for making notes on the narratives of the files. Followup visits were done to some centers to obtain additional information about what was found in the files (i.e., the profiles of the aggressors, services that were offered, the impact of the situation on minors, observations of cases of human trafficking).

As a framework for our analysis, we used the definition of *trafficking* from Article 3 of the Palermo Protocols, used by the United Nations (UN) to prevent trafficking, protect victims — especially women and children — and pursue those who traffick in people as a complement to the United Nations Convention against Transnational Organized Crime of 2000. Also used as a reference was Law Number 54 of 1989 (“Law for the Prevention of and Intervention with Domestic Violence”). Both documents gave us a different lens and contributed to providing a more accurate and complete view of the links between trafficking and gender violence against women.

Trafficking and human smuggling are very difficult to measure. Their clandestine nature, the refusal of victims to tell their stories, the stigma on

victims, the scarcity of information and the lack of understanding about the problem among the authorities are factors that make it difficult — and many times impossible — to identify and measure the crime. Fortunately, our previous research has provided us with the necessary structure to begin to be able to decipher this new framework.

However, there are many methodological limitations and difficulties that remain in some of the agencies that work with women and children that make it difficult to identify survivors of trafficking. The help centers for women who are victims of gender violence that we visited are examples of this. For example, there is a lack of understanding or conceptual confusion about trafficking among those who work in these centers. Also, the category of trafficking is not included on the list of crimes on the interview form. Nor is there a consensus about the definitions used and in some centers the interview forms used are not the same. The women who come to the centers also do not know about the phenomenon of trafficking and what it includes, which makes it difficult for them to identify it accurately and express it. Finally, this recent research experience has provided us with the knowledge to be able to guide the management of the centers about the importance of using them, not only to provide protection and support for women who are victims of domestic violence, but also — in the measure possible — as a space for prevention and protection of victims of this global problem: exploitation or trafficking.

Social context

The towns of the central mountainous region, the focus of this investigation, are known for harboring the major causes of stagnation and deterioration in people's basic living conditions and present the highest levels of poverty, which mainly affects women and children, as shown in the illustrations to follow.

It is estimated that 46.2% of the people in Puerto Rico live below the poverty level and 62% of women live in conditions that are even more precarious, along with 68% of children (Parés Marga, June 19, 2016). In the towns in the region studied — the towns of the central area — these levels are alarming, with more than 50% of the people below the poverty level. As a result, the most fragile sectors are homes with women as heads of household and their children, along with immigrant women, who also come to the centers in search of aid and protection. These sectors are totally excluded from the opportunities and options of progress, and in the case of Puerto Rican families, depend mainly on government aid, such as the Nutritional Assistance Program (PAN, for its Spanish acronym), which provides just an average of \$112 per month (Parés Marga, 2016).

As can be seen, the sample being studied consists mainly of young women of working age, between 21 and 35 (See Illustration 1). The majority of them (84 women) have completed high school while 69 women have technical or university degrees (See Illustration 2). Despite these education levels, many of them report being unemployed, which deserves reflection on education and the labor market. Few women in our sample were working outside the home — or so they reported — and they were working in traditional roles such as domestic employees (12) or personal care providers (5). Most were homemakers (See Illustration 3).

It's not just Puerto Rican women who are in this precarious situation. The research team found that immigrant women from various parts of Latin America, the Caribbean and other locations (See Illustration 4) came to the centers in search of protection from the violence they experienced at home. These migrant women worked, for the most part, as domestic employees

and personal care providers, precarious jobs that also can easily make them prisoners to trafficking and exploitation. The following illustrations provide more detailed information on the social status of the subjects of the study.

Socio-demographic data

We reviewed a total of 203 cases in five centers, mostly in the central part of the island. According to the information in the files, we found that the ages of the survivors of gender violence ranged from 15 to 70 years. We found that the most common age range was 21 to 35 years, with 113 (56%) cases falling into this age range (See Illustration 1).

Illustration 1. Age of the victim

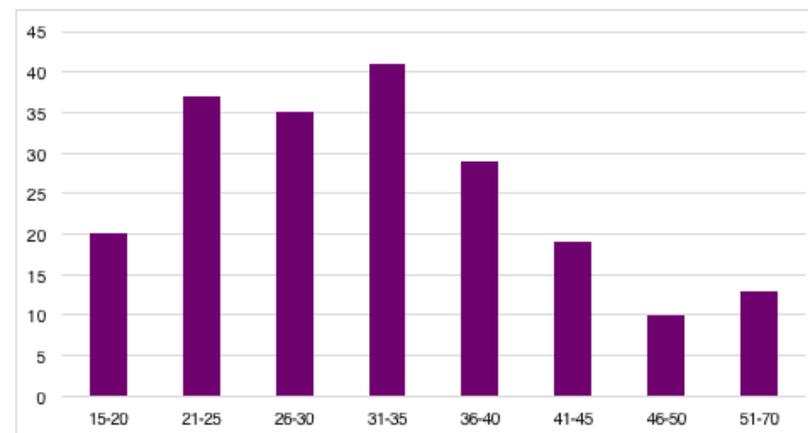
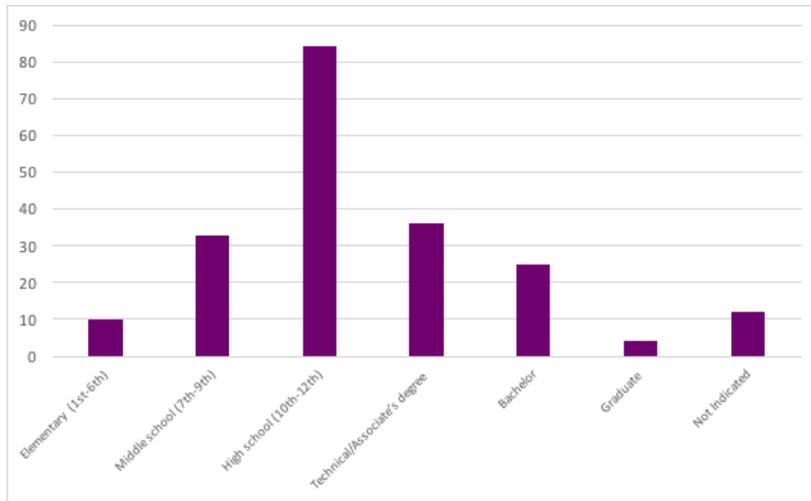
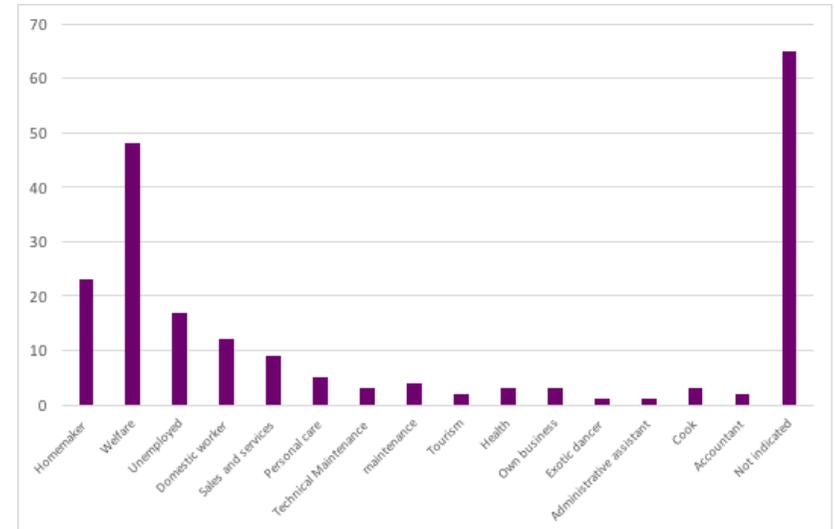


Illustration 2. Education of the victim



In terms of the education level reported by the victims, 84 (41%) of the files indicated they had studied or completed high school (See Illustration 2). However, all levels of education were encountered, from grade school up to college graduates. In 10 (5%) cases, a grade school level education was reported, while 33 (16%) indicated the women had attended middle school. Another 36 (18%) files mentioned that the victims had pursued technical school studies or had associate degrees. Finally, a total of 29 (14%) files mentioned some level of college studies, most of them bachelor degrees.

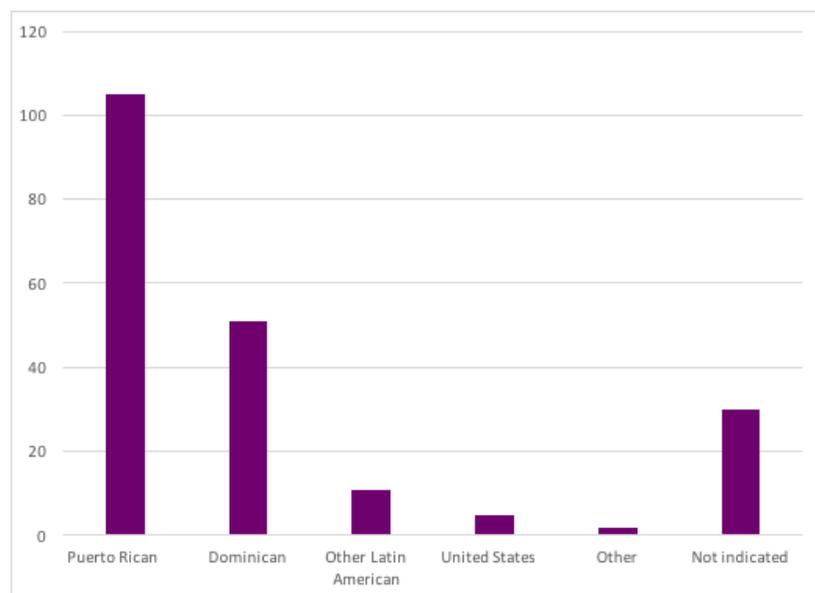
Illustration 3. Occupation of the victim



Victims' occupations were recorded inconsistently in the files. There was a large number of cases (65, to be exact, or 32%) in which this information was not reported with precision. However, we can confirm that 88 (43%) of the cases indicated that the victims were homemakers, unemployed and received public assistance (See Illustration 3). Data indicated 12 (6%) domestic employees and 5 (2%) personal care workers. There were 9 (4%) files reporting occupations related to sales and services.

In terms of nationality, most of the women were Puerto Rican, although there were also cases of women of other nationalities, from Latin American and Caribbean countries. A total of 105 (52%) women were identified as Puerto Rican while 51 were Dominican (See Illustration 4). There were 11 (5%) files for victims of Latin American origin, from the countries of Mexico, Colombia, Venezuela and Uruguay. Caribbean countries included Cuba and Trinidad and Tobago. There was one file in which the victim was Jordanian in nationality.

Illustration 4. Nationality of the victim



Information reported by the victims about health conditions was also examined. In a total of 63 cases, the women indicated they suffered from a variety of health conditions (See Illustration 5). Of those 63 (31%) women who reported suffering from health conditions, 23 (11%) reported depression, 16 (8%) with respiratory problems, 11 (5%) with nervous system problems and 11 (5%) with hypertension (See Illustration 6).

Illustration 5. Victims who indicate they suffer from some health condition

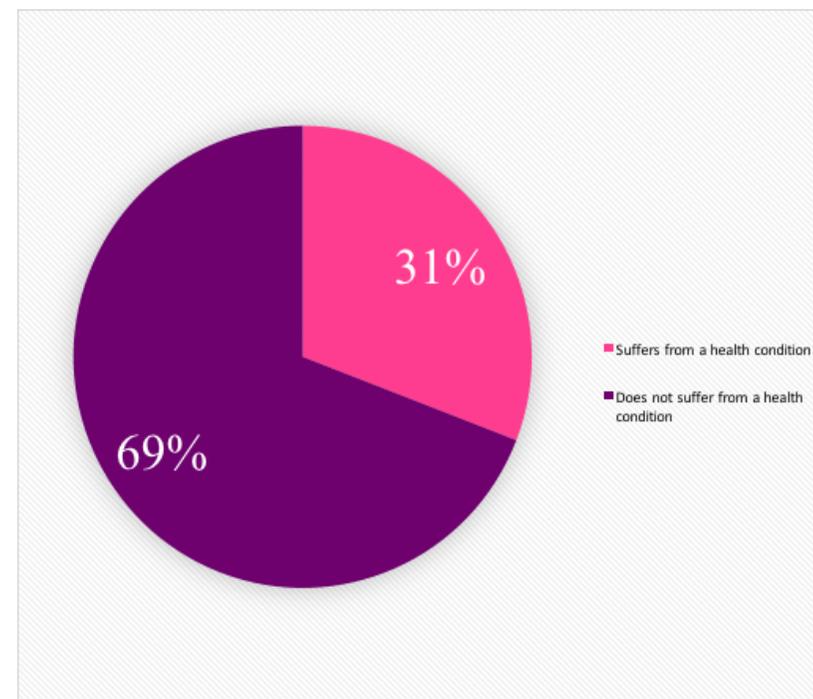
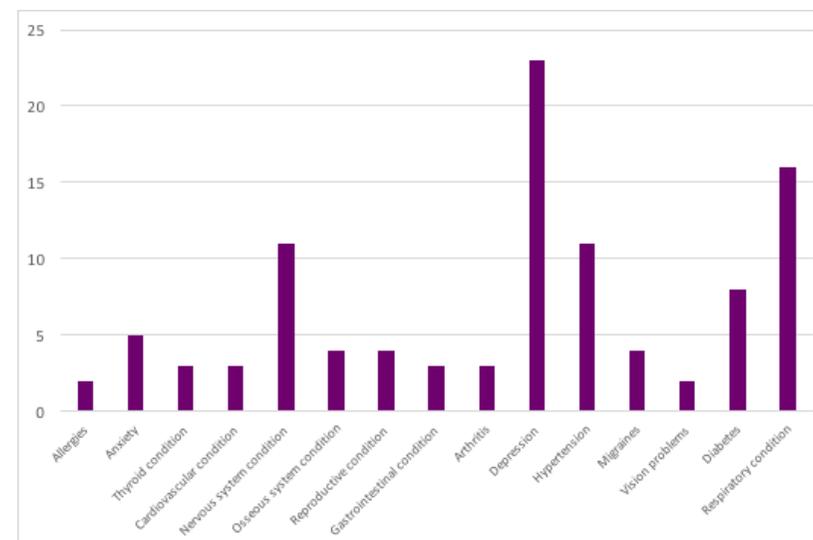
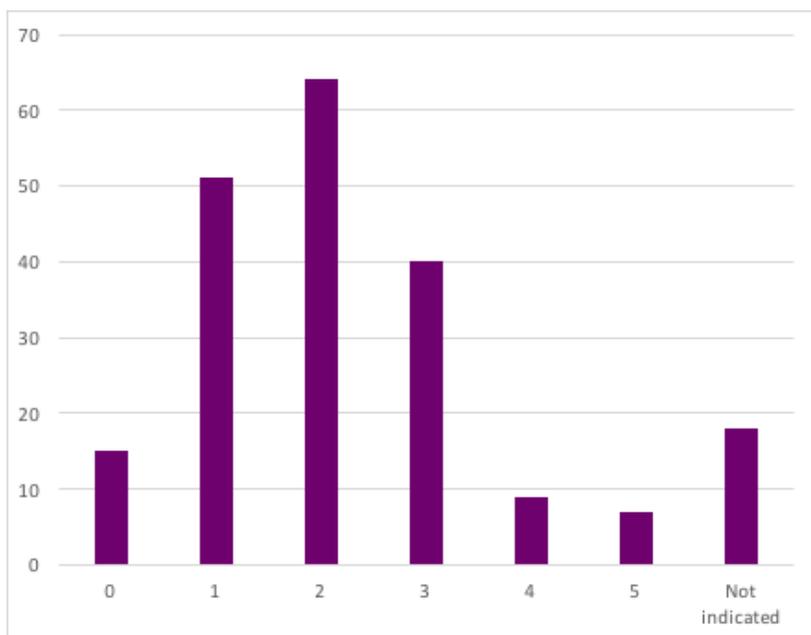


Illustration 6. Health conditions reported by the victims



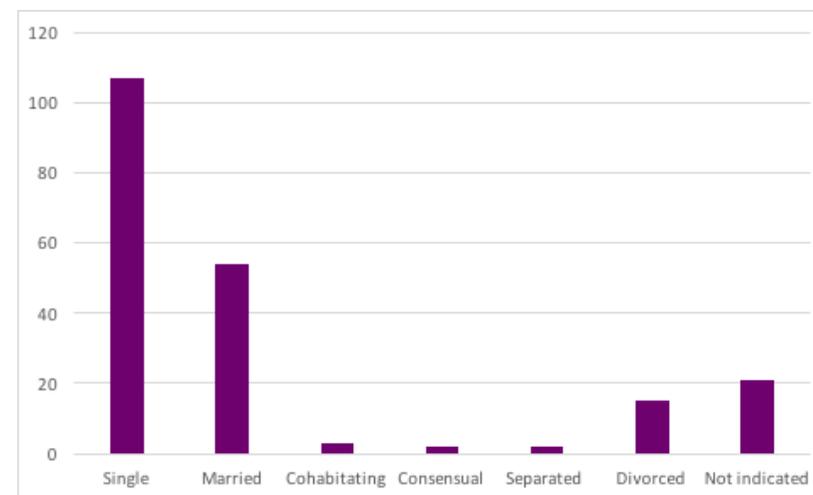
Another important piece of information is the number of children these women have. According to the files reviewed, the range is from 0 to 5 children. In 64 (31%) cases, two children were reported, 51 (25%) with one child and 40 (20%) with three children (See Illustration 7). There were 9 (4%) cases with between four and seven children and 3% in which the number of children was five.

Illustration 7. Number of children of the victim



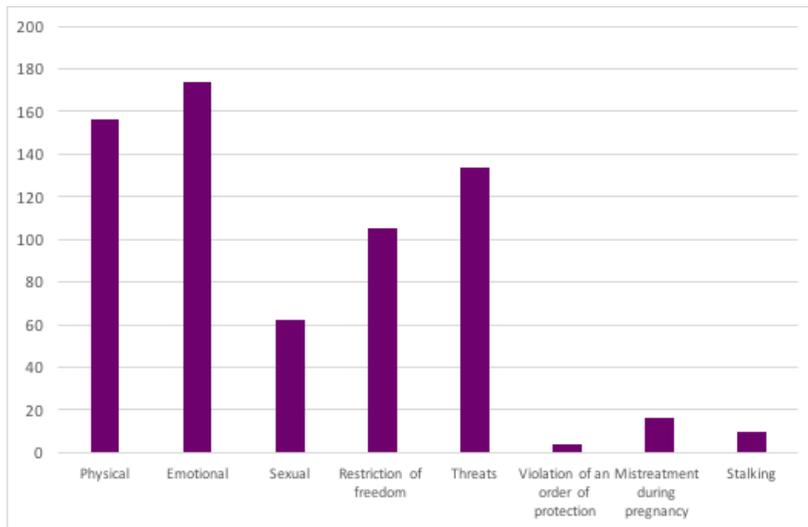
In terms of the marital status of the victims, 129 (63%) reported that they were single (this category includes those who were cohabitating, those who indicated they were in a consensual relationship, as well as those separated and divorced). Only in 54 (27%) of the cases did women report they were married to their aggressor (See Illustration 8).

Illustration 8. Marital status of the victim



The kinds of mistreatment these women were subjected to included physical, emotional, sexual, restriction of freedom, threats, violations of orders of protection, abuse during pregnancy and stalking. The most frequent kind of mistreatment was emotional or psychological, which was reported in 174 (86%) of the cases. The second most common was physical, found in 156 (77%) of the cases (See Illustration 9). Both threats and restriction of freedom were techniques of power and control (See Appendix C) used frequently and simultaneously with other kinds of mistreatment reported. Threats were reported in 134 (66%) cases and restriction of freedom in 105 (52%) cases. There were only 4 (2%) cases that reported that the aggressor violated an order of protection. At the same time, 28 (14%) cases included information that mentioned that the women were victims of mistreatment during pregnancy, especially physical and emotional. Finally, despite the fact that the large majority of the cases were gender violence, there were 10 (5%) stalking cases in which the perpetrators were not partners, but were acquaintances, neighbors or co-workers.

Illustration 9. Types of mistreatment



Before we begin to describe the socio-demographic data on the aggressors, it is important to emphasize that there was little information in the files about them, so it is impossible to generate a profile of the perpetrators of gender violence. The age of the aggressors ranged from 18 to 72 years. In 28 (14%) of the 203 files reviewed, however, this information was not recorded. Despite this omission, we can state that the most frequent age range was between 21 and 35 years, which was reported in a total of 96 cases (See Illustration 10). Information on educational level was not found in 102 (50%) of the 203 files reviewed. However, in 58 (28%) cases it was reported that the aggressor had completed high school (See Illustration 11). Other aggressors of all educational levels were identified, from elementary studies only up to graduate-level university studies.

Illustration 10. Age of the aggressor

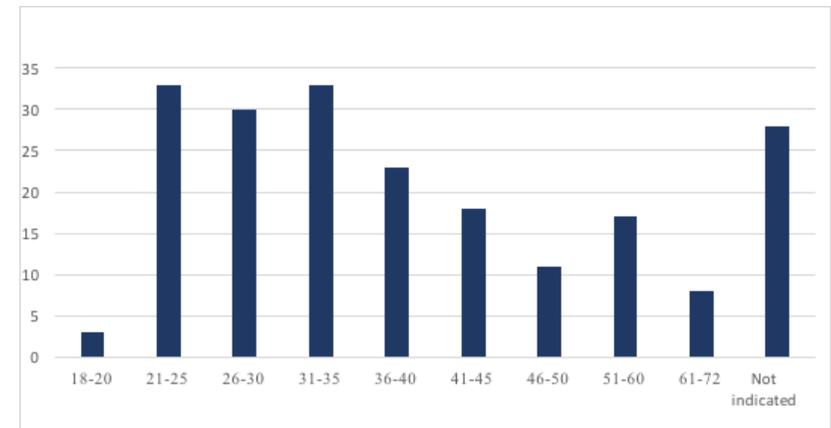
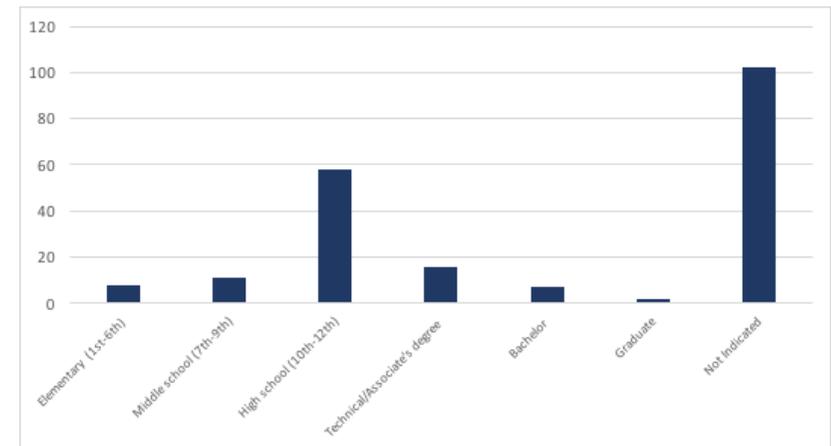
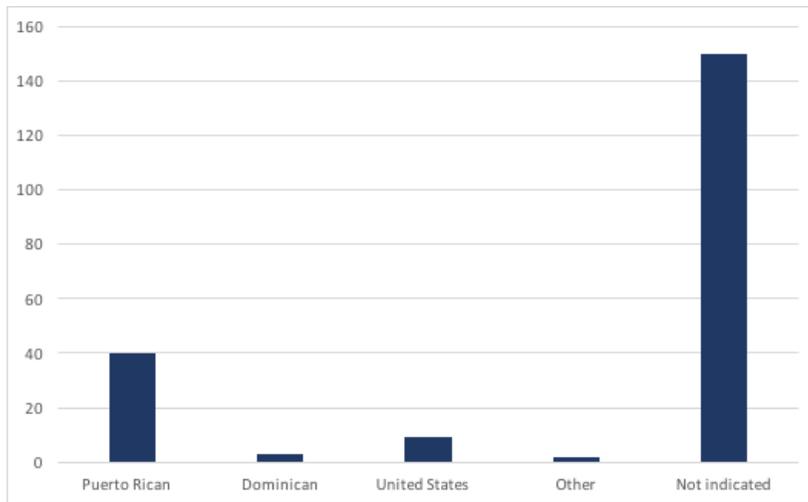


Illustration 11. Education of the aggressor



In 150 (74%) of the 203 files examined, the nationality of the aggressor was not reported. Among the others, 40 (20%) were identified as Puerto Ricans and 3 (1%) as Dominicans (See Illustration 12).

Illustration 12. Nationality of the aggressor



In terms of occupation, 58 (28%) files did not report that data. In 26 (13%), it was reported that the aggressors were unemployed, while the most common occupation was in construction, which was indicated in 22 (11%) case files (See Illustration 13). Other types of employment referred to most frequently were related to technical work or the areas of sales and services.

Finally, in 65 (32%) files, it was mentioned that the aggressors had a criminal record (See Illustration 14). Of those 65 cases, 31 (15%) were for violation of Law 54 and 16 (8%) cases were for the Controlled Substances Law. In 13 (6%) cases, it was not indicated what kind of criminal history the aggressors had (See Illustration 15). There were also 6 (3%) cases related to the Weapons Law, 6 (3%) for robbery or burglary, 2 (1%) linked to drug trafficking and 1 (0.5%) for fraud.

Illustration 13. Occupation of the aggressor

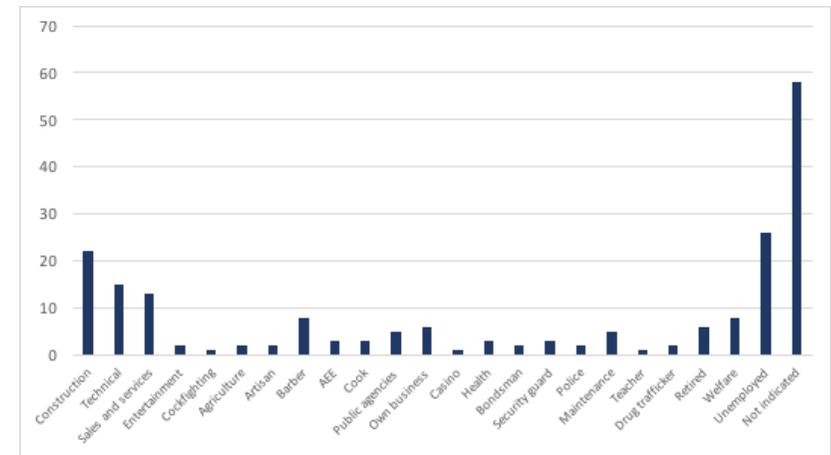


Illustration 14. Criminal histories of the aggressors registered in the files

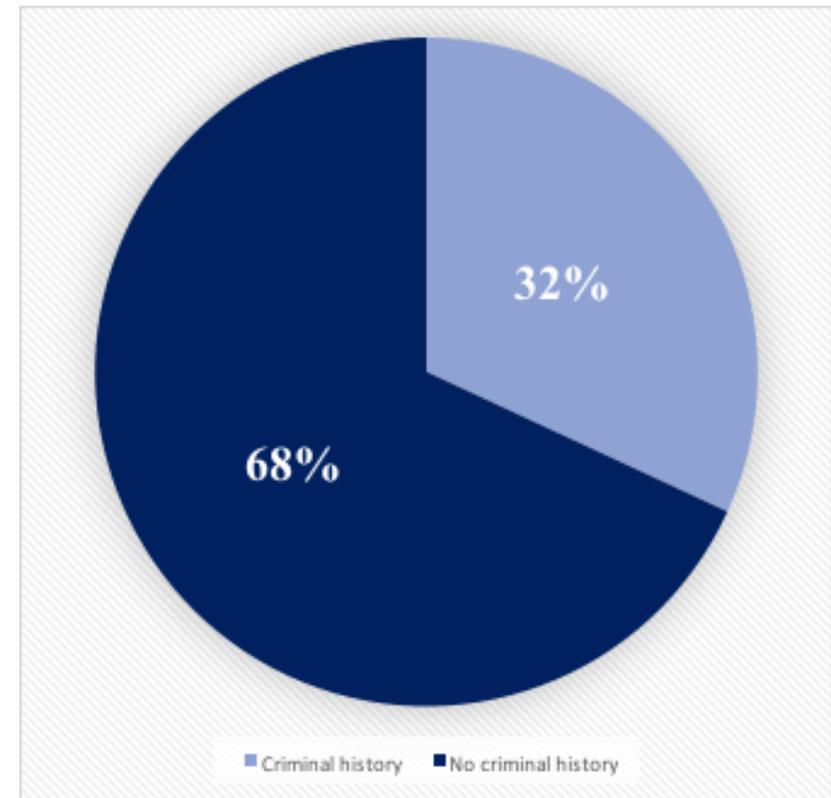
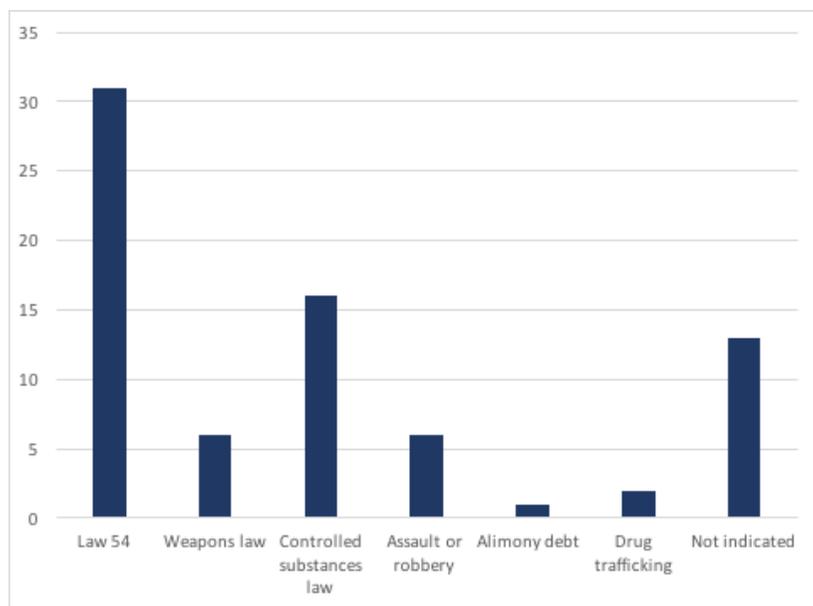


Illustration 15. Crimes committed by the aggressors



As we have seen, these illustrations present information on the relationships of the women under study. But we are talking about violence that is not limited to the women, but is also intra-family violence. As shown before, these women are heads of households with one to seven children, who also suffer the consequences of the violent intra-family situation. These minors are not only victims of violence in the home, but are also vulnerable to trafficking because, as we have analyzed in other instances, the exploitation to which they are submitted is exercised mainly by family members and people they trust who expose them to exploitation. Equally important is the number of aggressors who have been imprisoned or have criminal backgrounds for having committed some kind of crime, which aggravates the situation (See Illustration 14). All of these problems increase the vulnerability of minors and the likelihood they will become victims of any of the forms of violence or trafficking.

As a result, although it cannot be determined from the files if it is due to trafficking or gender violence, 31% of these women have health conditions (such as depression, anxiety and all forms of mental problems) that go

unattended due to lack of resources. The centers also do not have information about the origin of these afflictions, which we suspect could have some relationship to the violence or trafficking. This problem could be addressed by more extensive interviews with these victims of gender violence and, even more importantly, problems could be prevented, benefiting the well being of both the victim and her family in general.

Despite the limitations and challenges presented by an investigation of this magnitude, in addition to the results already described, the unexpected findings represent a central point in meeting the objective this investigation is focused on. What is most important is that we can show how vulnerable the victims of gender violence are to trafficking. For example, there is a high rate of cases of gender violence in the central region of the island that coincides with the high rate of cases of exploitation reported in the press (Appendix D). This fits with the fact that the center of the island is the most depressed part of Puerto Rico, so we can establish a relationship between poverty, gender violence and trafficking of people. Poverty, as we have seen in other occasions, is a structural reason for trafficking.

In some of the cases we reviewed, we could conclude that the women who were victims of gender violence were also simultaneously victims of trafficking, although this had passed by unnoticed by the authorities, so we can confirm that the two phenomena can occur simultaneously. The practices of control and power that are exercised in the trafficking of people are the same practices used in the homes of victims of gender violence. Women who are victims of violence easily become prisoners to trafficking. In this way, gender violence is a contributing factor to trafficking, making it one of the structural factors.

It was observed that a high rate of women who were victims of sexual abuse in childhood are victims of gender violence as adults. It was also found that young victims of gender violence were victims of trafficking in childhood. After examining the files, we can conclude that there is no consistency in the interview process and that trafficking is not described as a crime or mistreatment in this valuable means of gathering information. We can see that trafficking is also not described as criminal conduct or a kind of mistreatment

in Law Number 54 of 1989 on gender violence (See Appendix E). As a result, there is no protocol for identifying victims of trafficking among the survivors of gender violence. We also observe that a high rate of immigrants from the Caribbean and other locations come to the centers in search of support and protection from the abuse and mistreatment of their partners.

The lack of understanding about trafficking and the lack of training to conduct deeper interviews are factors that impede identification of victims of trafficking, as we have observed. (See Appendix F). For example, in the case of immigrant women, they are not asked how they came to Puerto Rico or why. The majority of the women who come to these centers are young and poor; they are also partners of young men and, though they have gone through cultural transformations in terms of gender relations, there still persists in the imagination of both men and women the ideology that a woman is private property of a man. In this sense, there is a lack of gender and human rights training throughout society. Similarly, we can confirm the importance of the extended family in our society and how grandmothers become the emotional support for minors. We found comments by minors — who show they have a good relationship with their grandmothers — such as “my grandmothers are the best in the world” and “they treat me very good,” among others.

Coinciding with recent studies on the topic, we observed the relationship between migration and trafficking. On one hand, some of the women who were violence survivors had been able to arrive to the island through smuggling networks (which is why it is important to ask them how they came to the island) and, on the other hand, some of these survivors wanted to escape their situation of abuse by migrating to another country, which could lead them to be exploited in their destination country. Finally, as we have already noted, we can observe that Law Number 54, used as a framework and support for the Office of Women’s Affairs, does not include trafficking as a crime, which is why we urge the authorities to amend the law. For an example of a modification of the law, see Appendix E. An analysis of the links between domestic violence and trafficking of people will help us understand both phenomena; phenomena that, without question, are suffered most by women, especially mothers who are single and poor.

Gender violence and human trafficking: A human rights issue

The World Health Organization (WHO) has established that violence against women constitutes a serious public health problem and is a violation of human rights of women. More than a third of women (35%) in the world suffer physical and/or sexual violence inflicted by their partners at some point in life (*World Health Organization Report*, 2016). Studies done in various countries show that the percentage of women between 15 and 49 years of age who have suffered physical or sexual violence from their partners during their lives is between 15 and 17%.

Although violence against women takes many forms, this book focuses on the gender violence and human trafficking experienced by numerous women in Puerto Rico. To begin with, it has to do with the vulnerability to trafficking faced by many women, who daily go to the protection and aid centers sponsored by the Office of Women’s Affairs because of the violence and aggression they experience in the privacy of their homes: **gender violence**. This represents a form of aggression against women in the framework of family, intimate and affectionate relationships, with the latter defined as the combination of love and sexuality that creates a climate appropriate for building a family. However, this supposed ideal model is broken by gender violence, which represents the *non plus ultra* of the subordination of women to masculine control (Rubin, G. 1998).

In the beginning, our investigative work was aimed at identifying, through the review of case files, those cases of trafficking that had not been identified as such by the professionals in charge of the centers (this was the *leitmotif* of the investigation). Our perspective changed, however, when we observed that the control and power exercised in gender violence represent the same tactics that are used on and that mark the victims of trafficking, as defined by the Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. The Palermo Protocols complement the United Nations Convention against Transnational Organized Crime of 2000 and are collected by jurist Dorchen Leidholdt (2003) in her article “Prostitution and Trafficking in Women: An Intimate Relationship.”

Our review of files showed how all women who are victims of gender violence are vulnerable to trafficking of people, as well as confirming that some of these women had already been victims of sexual and labor abuse, although they were not identified as such. Day after day, more trafficked women are simultaneously victims of gender violence, although they are rarely identified as victims of trafficking. Our point is that there is a connection between gender violence and trafficking of women.

According to the January 3, 2016 edition of the newspaper *The New York Times*, a Syrian woman in Berlin who joined a group of migrants to Germany **was forced to pay her spouse's debts to traffickers**, by making herself accessible to the traffickers (Bennhold Katrin, 2016). War and violence at home, exploitation and the dangers at sea are some of the risks that face thousands of migrants who continue to travel to Europe from the Middle East and beyond. The danger is even greater for women because the migration is accompanied by violence against them. We don't have to look that far, however: in the mountainous region of Puerto Rico, a victim of gender violence declared that she had been **forced to pay the drug debts of her spouse — who was in prison — to drug traffickers by making her body available to them**. There are two ways to pay the drug dealers: with money or with your body.

U.N. definition of human trafficking: the Palermo Protocols

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, complemented by the United Nations Convention against Transnational Organized Crime of 2000, defines human trafficking as “the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.” It should be noted that “the consent of a victim of

trafficking in persons to the intended exploitation ... shall be irrelevant” and “the recruitment, transportation, transfer, harbouring or receipt of a child (defined as under 18 years of age) for the purpose of exploitation shall be considered trafficking in persons even if this does not involve any of the means set forth.”

Connection between trafficking and gender violence

Although gender violence and trafficking of women are different forms of victimization, a look at the definitions of the Palermo Protocols, as we have shown, reveals the similarities between these two types of violence against people, mainly women and girls. The consent of the person to trafficking is irrelevant as nobody accepts mistreatment and exploitation. The same occurs with survivors of gender violence. It is presumed that both forms of mistreatment are against the victim's will. The trust in the aggressors and traffickers becomes a chain that holds captive their respective victims and, even more, the smallest ones. The tactics of power and control that are used in trafficking, under the definitions of the Palermo Protocols, are consistent with the cases of gender violence we have found in our empirical research and in legislation against domestic violence.

On August 15, 1989, after many battles fought by feminists in Puerto Rico, Law #54 Law for the Prevention of and Intervention with Domestic Violence was approved. The law defines “domestic violence” as a constant pattern of conduct using physical or psychological violence, intimidation or persecution against a person by a spouse, former spouse, a person with whom the victim is cohabitating or has cohabitated, has or has had a consensual relationship or with whom the victim has had a child, regardless of gender, marital status, sexual orientation, gender identity or migratory status of any of the people involved in the relationship, to cause physical damage to the person or cause grave emotional damage (Amended 2013).

Among the forms of conduct that constitute domestic violence as defined by Law 54 are several that are compatible with trafficking in people, such as: persecution, psychological violence, mistreatment through threats, mistreatment through restriction of freedom, and sexual aggression in a

partner relationship (particularly in clause d). The main difference, however, lies in the relationship between the “victim” and “aggressor,” which, in the case of domestic violence, is defined as a “relationship as a couple.” Trafficking of persons, meanwhile, does not require a prior personal relationship. Another fundamental difference is that the objective of domestic violence, according to the legal definition, is “to cause physical damage to the person, his or her belongings or to another person to cause grave emotional damage,” while the purpose of trafficking of people is exploitation (which is often interpreted as obtaining monetary or material gain, although some researchers also consider non-material benefits).

The experience in Puerto Rico and in other countries — and the research verifies it — shows that in some cases the women simultaneously experience gender violence and/or tactics of control and power exercised — as defined in the Palermo Protocols — for trafficking, which raises the question: Is it necessary and appropriate to include the concept of trafficking in people in the Law for the Prevention of and Intervention with Domestic Violence? If so, how? Examining the law, it can be seen that although it incorporates as crimes — or types of mistreatment — practices that constitute trafficking of people, the term “trafficking” is not included.

One of the concerns is avoiding confusion between the concepts of gender violence and trafficking of women, as they are not the same phenomenon. It is essential to avoid the confusion, to avoid leading people to think that trafficking is a kind of gender violence, as that would reinforce existing stereotypes and would make even more invisible the forms of trafficking other than sexual exploitation. It would also make other vulnerable groups more invisible, beyond women and minors. Nor should we fall into the mistake of saying “all sexual abuse or all violence is trafficking,” because that is not necessarily so. Incorporating the crime of trafficking does not mean erasing the distinction between other forms of violence, due to the concern about excluding or leaving unprotected other victims who are not necessarily covered by the Palermo Protocols definition. It should also be clear in the law that while trafficking or exploitation is a kind of mistreatment, not all mistreatment is exploitation, as set forth in the 2000 protocol.

Although the law against gender violence incorporates some practices that constitute trafficking of people (See Appendix E) as crimes — or types of mistreatment — it does not include forced service or labor, slavery or practices similar to slavery, servitude, or the extraction of organs, so they should be added as proposed in Appendix E when the law is amended, which we expect.

Gender violence represents one of the structural conditions that push women into exploitation, whether sexual or labor, so it is a dangerous risk factor. Warnath (2007) identifies three points of vulnerability created by gender violence that can lead to exploitation and to trafficking: 1) as a “push” factor, 2) the erosion of self-esteem and 3) the danger that it will induce minors into risk behaviors. Gender violence can create a situation of exploitation in which the person has little social or economic support. As with trafficking, it is a form of abuse against women, but within an intimate and abusive relationship that is characterized, like trafficking, by an unequal access to power. In other words: a member of the family maintains control and power over the others through physical, emotional and/or sexual abuse (Roe-Sepowitz et al, 2014), sometimes pushing minors toward risk behaviors.

A look at the tactics of control and power exercised by the aggressors in the cases of violence shows the vulnerability of some women to trafficking in Puerto Rico and allows us to group the cases for analysis.

The women survivors analyzed said they had been subjected to:

1. Denial of freedom and isolation

Some of the survivors of gender violence we investigated, especially migrants (mainly Dominican women), said that they were locked up or were prevented from having contact with family members and/or friends to prevent them from escaping and making accusations against their aggressors. In this sense, for many Dominican immigrants, gender violence remains under the cover of privacy. Their situation as undocumented women living clandestinely separates them from the possibility of protecting their rights and becomes a key element in their exploitation and defenselessness. In recent years, women from the Dominican

Republic and other nations, survivors of male violence — as we have seen — have bravely dared to accuse their aggressors in the aid and protection centers for survivors. But, what can be done to properly identify cases of human trafficking in these cases of gender violence, knowing that they can happen simultaneously? Further, what can be done to prevent these women survivors of gender violence to fall again into the hands predators who are, in some cases, their own companions? Some of these victims say their aggressors monitor their telephone calls. In the case of undocumented women, the aggressors, who are often from the same country, use their migratory status to isolate them further. They threaten to take them to the authorities and turn them in if they resist the demands. Some of these women said they did not report their aggressor to the authorities because he was licensed to carry a weapon and had contacts in the courts.

2. Threats against them and/or family members

For some women, the threats are constant. Some victims of gender violence were afraid because of threats by their aggressors to take away their children. Others threatened to kill a family member or the women themselves if they did not accede to demands. Others used the parents of the victim to win her confidence again, as in the case of a woman whose mother told her, “you can’t leave him” (abandon the man). In cases of gender violence, as in trafficking, men take pornographic photos of the victim and later threaten to publish them, some of the victims said.

An example of a threat seen in both trafficking and gender violence is a claim of a paid or fake marriage. This kind of marriage occurs because one of the parties offers money to the other in exchange for getting married, to enable getting immigration permission or residency. As we have seen, the payment is in money and not affection. For example, a Dominican woman reported that she was afraid of her aggressor’s threat to call the authorities to say that they married for money. She was afraid her residency would not be renewed. Another example is a case in which the aggressor was

deported to the Dominican Republic but stayed in contact with the woman to tell her he was going to kill her mother and daughters. Another type of threat: “I wrote you up and the conversation was recorded;” and “Pray that nothing happens to me.” The aggressor was involved in drug trafficking. It is not known if she worked. Another case in which the threat to a victim by an aggressor was more than obvious, both in gender violence and in trafficking, is when he said the following words: “I am going to kill you. If you turn me in, I’ll kill your father, I’ll take away your girl.” This threat was by someone doing something illegal. In this case, he ran a drug selling operation. It can also be trafficking, especially if she had been forced into the drug business.

Another case that had indicators of human trafficking is one in which a Dominican woman, a permanent resident in the country, was mistreated physically, emotionally and sexually. Her freedom was restricted and she was threatened by her victimizer. The husband of the victim was a municipal police officer. In addition to her husband, the uncle of her husband and the husband of the victim’s mother-in-law sexually abused her. The victim, speaking of her husband’s uncle, said: “He (her husband) knew and did nothing to get him out of the house.” The obvious question is: Why did this individual allow these acts against his wife if what he wanted was for her to stop dishonoring him, especially in a society as traditional as Puerto Rico? Her husband did not want her to leave the house or make friends with any of the neighbors, nor talk to her children in the Dominican Republic, which kept her isolated from people who could help her.

3. Emotional/psychological abuse

The most widespread tactic, both in trafficking and gender violence, is emotional abuse. The aggressors begin in a subtle and even loving way and later increase the intensity to obtain obedience. In the case of trafficking, emotional abuse is such that some victims end up suffering from Stockholm Syndrome. In gender violence cases, even the parents of the victim sometimes support the aggressors.

4. Sexual abuse

One of the most frequently used tools to implement power and control, both by the aggressor (in gender violence) and the trafficker (in trafficking), is subjecting their victims to sexual abuse. Almost all of the women who went to the Office of Women's Affairs in search of help said they had been forced to have sexual relations against their will. In cases of trafficking, sexual abuse is used as a means and an end by the traffickers. In the mountainous region of Puerto Rico, as we have outlined in earlier pages, an aggressor who was in prison for selling drugs forced his companion to pay his drug debts, through any means. Sexual exploitation is the most lucrative way for traffickers or aggressors to make money or pay off debts. In another town, according to the file we reviewed, "a 25-year-old woman reported that she prostituted herself to give money to her partner and to buy drugs for him. Since she was a child, the woman was raised by the Department of the Family because of a pattern of violence in her home. Shortly after she had a baby with the aggressor, she was killed. She had a record at the Office of Women's Affairs dating to 2009."

5. Physical abuse

All of the techniques of physical abuse used in cases of gender violence are also used in human trafficking, but in trafficking they take on different dimensions. The case of Miguel Córdova Villodas, accused on several occasions of gender violence and later accused of slavery and torture, shows how these crimes are perpetrated simultaneously against the same victim. If the victims resist their demands, they use various tactics: blows, burns, kidnapping, death threats and torture. In February of 2015, Miguel Córdova Villodas, 36 years old, was accused of subjecting his former wife to a horrible pattern of physical and psychological torture over the course of two years. The "survivor" or complainant said that she was denied her freedom, without the right to go anywhere. The victim was subjected to cruel, inhuman and degrading treatment to obtain her submission. The man kept her for the satisfaction of his own sexual desires from 2012 to 2014, according to the testimony of the accused himself. With a lighter and

a hot spatula, he burned various parts of her body, including intimate areas. He removed the hot spatula when the odor of burning flesh aroused him. He attacked her with electrical cables, broomsticks and with bars of soap inside socks to beat her on the back and he forced her to eat excrement. Additionally, according to the investigation by the authorities, he threatened to kill her and her three children from a previous relationship. He was accused of transporting the woman to other locations so her cries would not be heard by anyone when she was tortured. The woman was finally able to escape through an opening for an air conditioner and went to the police.

The woman was described as of normal intelligence and in a state of considerable depression. Córdova Villodas was accused of slavery, torture and servitude.

Gender violence goes beyond the physical; it also includes denying a person access to food and water and relationships with other persons. In Cayey, according to one file, a 29-year-old woman said that she had been locked in her house for nearly five years, a situation that affected her ability to communicate. When she arrived at the center for mistreated women, she had difficulty speaking. The level of privation that this young woman was subjected to was shown by her difficulty conjugating verbs and using prepositions, as well as having a very low tone of voice, according to the file.

6. Financial abuse

This practice is consistent with both human trafficking and gender violence. Some of the Dominican women identified as survivors of gender violence said they had been forced to "work" and to give the aggressor what they earned. For example, one immigrant reported that she was forced to bring money to her companion in exchange for not being reported to the immigration authorities. Three other women who had "paid for marriage" were forced to find money from wherever for their aggressors, who threatened to go to the immigration authorities and accuse them of the crime they had committed of paying for a marriage.

The case of Elena Ocasio Rivera “Nenita linda” (Peru)

“Nenita linda” has returned to Puerto Rico (May, 2016). She is well dressed and groomed, but her smile tries to hide a history of terror. Her eyes reflect suffering and her body, marked by black-and-blue marks and scars, shows evidence of mistreatment that, according to her story, she was submitted to by her husband, his family and Peruvian authorities.

This is the case of Elena Ocasio Rivera, a Puerto Rican who was simultaneously a victim of domestic violence and trafficking.

Elena had left her job as a teacher in Puerto Rico and, with money she had borrowed, moved to Barranca, Peru, to live with a man she met via the Internet and who she at one time considered “the love of her life,” so she married him. When she arrived in Puerto Rico, this survivor of human trafficking offered an interview to the press in which she detailed the suffering she lived through with that man in that country.

She said that when she arrived in Barranca she found “Love, beauty and a story that the entire family had created up until July 9 (of 2015), when I discovered that my husband had two lovers in Barranca. Simply, it was what I discovered through the Internet,” she said.

She continued: “The money ran out. Then the problems began. I was beaten, drugged and **forced to work.**” The man (her husband at the time), **took her documents and credit cards and locked her up with the intention of keeping her captive until she completed the steps that would allow him to get U.S. citizenship.** On one occasion she was able to escape and got a room with money she was sent from Puerto Rico. One day she did not have enough money, however, and she was kicked out. In the street, her husband’s family found her, beat her, robbed her and threatened those who helped her. “At one point I had to choose between a piece of bread and fifty cents for Internet,” she said.

The woman, who had taken studies toward a doctoral degree, had also served in Puerto Rico as director of the Municipal Affairs Committee in the House

of Representatives. “How do you go from happiness to living in disgrace?” she was asked during the interview. “Lies, traitorous acts, avarice, impunity...” she responded. She mentioned impunity because on multiple occasions she went to police, prosecutors and lawyers to seek help, but instead of receiving help, she was abused. “I was raped in the Barranca commissary. I was raped and subjected to outrages in the public hospital of Barranca, where they tied my hands and legs, where they injected me with what I consider poison, an excess of morphine... I was declared dead in that hospital...” During the interview she looked directly into the camera and spoke directly to people by name: “Yes, you sent a message. I was beaten but God did not want me to be disfigured,” she said in reference to the individuals who hurt her.

“Do you think you are a victim of human trafficking?” the press asked her.

“I don’t just think it. I am proving it in the Peruvian courts. I am asking God, my country, the State Department to help me finish these cases,” she answered. **She was not just a victim of human trafficking, but also simultaneously a victim of gender violence.** “They slashed my wrists. Three men and three women kicked me. They threw me down stairs. They pushed me down stairs that had no handrail. I was ready to die. I reached a point where I was ready to die if that was the will of God... This should never happen again to any human being,” she added.

“Who are these people?” was a question Ocasio Rivera did not want to answer. **She had been instructed not to provide too many details about her case for her own safety.** But she did say that “these people are still on the streets.” “I filed complaints but they kept asking for more forms, copies. I had to stop eating, work, work, work to defend myself and they sent youths, young enough to be my children, to rob me. They paid them with the same money they stole from me. They emptied my account,” she said.

“When did you finally feel you were out of danger?” the reporter asked her. “In the end, out of danger is not the same as safe. Out of danger, when I hugged my son,” she said, and broke into tears. One of her sons, a former police officer, traveled to Peru to look for his mother and said that his mother was wandering the streets and was covered with bruises and was emotionally

affected. “I went to Peru personally to get her. There were people who had contacts and family. They fed her and put her in a hotel until I arrived in Peru,” he said.

He said his mother had lost her teeth and had been forced to be **a sex slave** and had marks from blows with **electrical cables on her breasts**. Some Peruvian youths he called “angels” were the ones who found her injured and took her to get cleaned up and paid for her to connect to the internet to write to him. “At the time she met me, she looked in bad shape. She was broken, emotionally traumatized. On the plane, which is a long flight, I told her, ‘Mami, sleep.’ But she said, ‘I can’t, I can’t.’ Once we reached the island, she slept, but she began to scream, saying she could feel the beatings,” said Luis Joel Quintana Ocasio (*El Nuevo Día*, 2016). Homeland Security and Interpol agents took charge of the case. As García Cuesta and Hernández Corrochano (2014) show on a broader scale, forced and/or paid marriages are a mixed category that can include both sexual exploitation through sexual violence and forced prostitution, as well as labor exploitation through forced domestic work or servitude.

Another case

In another one of the cases evaluated, the aggressor told the victim: “You are the daughter of a whore, undocumented. You have to eat shit if I say so because I am an American citizen. Get me \$4,000 or I will call immigration to deport you. You’re worthless and good for nothing except cooking. You are fat and hairy.” In that case, the victim reported income of \$2,500 a year, but did not say where the money came from. She also said the money was handed over to support the drug habit of her companion. These examples show that not only are these women abused by their partners, but are also forced to prostitute themselves and fall into a situation of exploitation and abuse by the customers.

In cases of trafficking, this is the *leitmotif* of the trafficker: obtain the most money possible by exploiting the victims, for both sex and for labor. It is a known fact that trafficking has become the second most lucrative illegal activity after drug trafficking, followed by weapons sales. Trafficking “reports” \$150 billion in earnings annually through the exploitation of more than 40

million people around the world, mainly women and children, according to the 2014 TIP Report. In sex trafficking, in addition to unrelated people, the traffickers are often parents, family members, neighbors or partners, unlike domestic violence, which is always part of a couple’s relationship. But, as Roe-Sepowitz (2014) and others have shown, the experience exclusive to trafficking is exploitation accompanied by stigmatization.

However, as we have noted, women in Puerto Rico who are victims of domestic violence have been simultaneously victims of exploitation, so we can conclude that both phenomena can occur at the same time, although in Puerto Rico — prior to our investigation — the phenomenon was not detected. Similarly, we note that, in general terms, the simultaneous nature of the two “conditions” is a topic that has not been explored much in literature on the issue.

Our empirical research also found a high rate of sexual abuse — and even exploitation and trafficking — experienced by women when they were minors and before they were victims of gender violence, which shows the complexity of the phenomenon. For example, we found one case of a four-year-old girl who was sexually abused by her maternal grandmother and by her consensual partner. According to the testimony in the file, “the grandmother was always drunk and took pills for her nerves.” The grandmother had sexual relations in front of the girl and later touched the girl.

Also in the central region, a young woman of 19 years of age, a survivor of gender violence, reported that when she was 11 years old she was a victim of sexual abuse and that at the time of the interview she was a victim of gender violence. In her interview, Alicia appeared fearful, nervous and tearful. The victim said: “I came from a dysfunctional home with an absent father and a mother addicted to cocaine and alcohol.” On top of that, at 11 years of age she was raped by her stepfather, the father of her brother. Her mother, she explains, **sold her to pay a drug debt**. She said that “both she and her siblings were raised negligently, physically and emotionally mistreated until she was 16 years old, when she was removed by the Department of the Family, which took custody of her. The young woman suffers from several conditions and is very fearful of what will happen in the future. She said she

has several negative situations in her life now that she is not working. Her anguish and desperation is such that despite the violence she has experienced with her consensual partner, she says he is the only one she trusts.

Consequences of violence and trafficking of women

Various studies have shown that women who experience violence — whether gender violence or trafficking — suffer from a number of illnesses, such as hypertension, anxiety, depression, cardiac arrhythmia, fatigue, paranoia, traumatic events and other mental afflictions (See Illustration 6). In the cases of migrants, these conditions are worse, some of them say. The Dominican women, because of their undocumented status or condition as immigrants, also express sadness, melancholy, fear and insecurity and do not talk about their situations due to fear, because they are also in an illegal situation. Others have attempted suicide. Lisa, a victim of gender violence when she was young and of sexual abuse as a child — she was sold into prostitution by her mother at five years of age — declared: “I stick with people who have AIDS or a terminal disease so they will contaminate me. I don’t want to live any more. I don’t want to keep on suffering any more.” The experiences of abuse and exploitation experienced by Lisa reflect the articulation and connection between sexual abuse in childhood, exploitation and domestic violence.

But how can the women who have gone through these experiences be protected? What can be done?

These survivors were definitely left traumatized by these episodes of control and power that they were subjected to, so help, psychological intervention and legal counseling are essential to protect them, with interventions in times of crisis, coordination of various services from other agencies, providing help through various institutions or NGOs that work with these issues, education for social awareness, counseling and explanation of the problem.

To identify cases of human trafficking, in addition to examining all of the tactics and practices (already shown) that are used against women, it is important that psychologists and professionals who work with these populations go deeper at the time that interviews are conducted into the victims’ stories and consider

trafficking crimes. That’s why the creation of a protocol for this purpose is essential (See Appendix H). Above all, agencies should provide the confidence that is essential for these women to be able to speak without fear of reprisals and, above all, without fear of deportation, in the case of immigrants. There are laws and protocols that ensure the safety and even the permanence of migrants in the place they choose. At the same time, educational institutions and society in general must be aware of these social realities and act in a way consistent with the responsibility expected in this era.

Conclusion

After completing this study, we can conclude that it has allowed us to clarify concepts and phenomena that should not be confused and that are experienced simultaneously in Puerto Rico: gender violence and human trafficking. At the same time, the investigation allowed us to observe that the interview for for victims of violence who come to the protection centers incorporates types of mistreatment that constitute gender violence. A deeper analysis allowed us to see that these practices and techniques are the same ones observed with survivors of trafficking, so the term “trafficking” should be included as a crime. We also see the Office of Women’s Affairs as the ideal place for identifying victims of trafficking. We were able to identify in this investigation women who had been sexually abused in childhood, but that abuse did not constitute human trafficking. So it is important to point out that not all sexual abuse or violence committed is “trafficking.”

In the end, this work constitutes another effort in the search for the different forms that human trafficking has taken in Puerto Rico. Once more, it has been confirmed that the invisibility of human trafficking in Puerto Rico, which has been shown in our past investigations, is also a part of gender violence.

We should make clear that this work is just one step forward in gender issues that are taking on new forms in an ever more violent country. Without doubt, it is possible that due to the effects of the economic and social crisis, in the coming years we as a people will face more violence, an expansion of the informal or illegal economy, more drug trafficking and, as a result, more hidden human trafficking in Puerto Rican society.

Finally, the recommendations we present below also form part of the conclusions of our investigation.

Findings and recommendations

The investigation helped us identify the Office of Women’s Affairs and its service centers as one of the best resources for aiding victims of human trafficking. Given this finding, the personnel in these centers who work with the population we studied should be prepared and trained about the phenomenon of trafficking, especially the professionals who conduct the interviews (Appendix H).

Based on the investigation and the findings, here are some recommendations for the well being of the subject population.

- Include trafficking as a type of crime or mistreatment on the interview form so that it is made more visible.
- Modify Law #54 on gender violence to include trafficking as a kind of mistreatment or crime.
- In the measure possible, the centers for the protection of victims of gender violence should become centers for the protection and prevention of victims of trafficking.
- It is recommended that the Office of Women’s Affairs establish alliances with the various public and private organizations for improved performance and the well being of the subject population.
- Given that the people who come to these centers (the victims) do not have an understanding of gender perspectives, the Department of Education is urged to begin this education from an early age for our children. That is the only way to promote the respect that women and other groups deserve. This is the beginning to ensure that everyone understands human rights and enjoys them.

- It is recommended that the professionals who conduct the interviews with the women who come to the centers ask deeper questions of the victims to learn firsthand about the experiences of the women.
- Survivors of this violence should be protected and helped so that they can become human beings capable of rebuilding their lives.
- The Office of Women’s Affairs, civil society, the government, unions, religious organizations and the private sector are called upon to form a grand coalition to eliminate human trafficking and return to thousands of human beings their rights and their dignity.
- More attention should be given to women who work as domestic employees, especially Dominican immigrants, as they are most vulnerable to labor exploitation due to the type of work they do (Appendix H).
- Finally, it is suggested that the Office of Women’s Affairs begin to use a more specific, clear and less subtle conception of this kind of violence toward women. That’s why we propose the use of “gender violence” instead of “domestic violence.”

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**Appendix A
Data Recording Form**

General Information:

Date of review:	Name of reviewer:	Code Number:
Type of document:		Town:

Demographic Information:

Age:	Age of the aggressor:
Marital status:	Relationship with the aggressor:
Education level:	Education level of the aggressor:
Town of residence:	
Profession or occupation:	Profession or occupation of the aggressor:
Number of children:	Type of mistreatment: Physical Psychological-emotional Sexual Restriction of freedom Threats Violation of an order of protection
Age of children:	
Nationality of the victim:	Nationality of the aggressor:

Comments:

**APPENDIX B
INITIAL INTERVIEW
OFFICE OF WOMEN'S AFFAIRS**

(NAME OF THE ENTITY)

INSTRUCTIONS

1. USE THIS FORM IN ALL CASES.
2. MAKE A DETAILED NARRATIVE OF THE SITUATION THAT LED THE PARTICIPANT TO REQUEST GUIDANCE AND/OR HELP
3. INCLUDE THE ELEMENTS OF THE NARRATION THAT SHOW THAT THE PARTICIPANT IS A VICTIM OF DOMESTIC VIOLENCE, STALKING OR SEXUAL AGGRESSION, AS DESCRIBED BY THE PARTICIPANT.
4. USE THIRD PERSON SINGULAR FORM FOR THIS NARRATIVE. (i.e., "The participant says that.....")
5. DO NOT MAKE DIAGNOSES OR USE MEDICAL, PSYCHOLOGICAL OR PSYCHIATRIC TERMS IF YOU ARE NOT AN AUTHORIZED PROFESSIONAL WITH A LICENSE TO PRACTICE SAID PROFESSION.
6. DESCRIBE THE EMOTIONAL STATE OF THE PARTICIPANT DURING THE INTERVIEW. (i.e. "The participant cried... does not remember what she was saying... constantly wrings her hands... does not tell events in chronological order... etc.")
7. DO NOT MAKE RECOMMENDATIONS, COMMENTS OR OPINIONS THAT COULD BE INTERPRETED AS LEGAL ADVICE UNLESS YOU ARE AN AUTHORIZED LAWYER FOR HER.

8. REMEMBER THAT THIS FILE MAY BE USED IN A LEGAL PROCEEDING.
9. INCLUDE THE RECOMMENDATIONS MADE FOR HER AND THE AGREEMENTS YOU HAVE REACHED WITH THE PARTICIPANT.
10. IF THE PARTICIPANT REJECTS SHELTER SERVICES, SHE MUST SIGN THE **WAIVER OF RESPONSIBILITY**. EXPLAIN THE DOCUMENT AND HAVE HER SIGN IT AT THE END OF THE INTERVIEW.
11. KEEP THIS AND ALL FORMS IN EACH OF THE FILES.
12. ALL FORMS SHOULD CONTAIN BOTH THE LOGO OF THE ENTITY AND THE OPM.

**INITIAL INTERVIEW
DOMESTIC VIOLENCE**

Date: _____ # File: _____
 Time: _____ Interview: Personnel Telephone

INFORMATION ON THE APPLICANT

Name: _____			
Postal Address: _____		Residential Address: _____	
Telephone: _____	Cellular: _____	E-mail: _____	
Age: _____	Date of Birth: _____		
Physical or mental health conditions that require services or special treatment: _____			
Ethnicity/Nationality:			
Puerto Rican	Dominican	Central American/Caribbean	South American
North American	Virgin Islands	Other _____	
Immigrant: _____		Country of origin: _____	
Migratory status: _____			
Marital status: Single	Housing: Rural	Urban	
Married	Owned	Homeless	
Divorced	Rented	Other _____	
Widow	Subsidy program _____		
Unknown	Who does she live with currently? _____		
Sources and amounts of income:		Alimony _____ Other (Specify) _____	
No income _____	Social Security or other pension _____		
Salary _____	Public benefits _____		
Partner's salary _____	Own business _____		Annual income: _____
Unemployment _____			
Head of Household:		Transportation:	
Head	Spouse of head	Public transportation	Other _____
Other _____		Own auto _____	
Last grade Completed:		Certificate	
None	Preschool	Unknown	
Elementary school	Middle school	Associate degree	
High school		Other: _____	
		Bachelor	
		Masters	
		Doctorate	
FAMILY COMPOSITION			
(List the persons who live in the home)			
Relationship to		Sex	Age
Interviewee	Aggressor		
Health insurance: Yes No		Public	Private
Health Conditions: (You or a member of your family you live with).			HIV
			AIDS
			STD
Receiving medical treatment or attention: Yes No		Explain: _____	

Medications being used (names and dosages):	Yes	No
Pending appointments:		

MISTREATMENT

Relationship with the aggressor: Spouse Former spouse Cohabitant Former cohabitant In a consensual relationship Had a consensual relationship Had children together	Have you previously separated from the aggressor? Yes No How often: Causes of the separation:
Types of mistreatment she was subjected to: (describe and/or mention examples) Physical Emotional Sexual Restriction of freedom Threats Mistreatment during pregnancy Threats or intimidation with weapons: (firearms, knives, machetes, bats, tools, others): Death threats or other threats (verbally, by telephone, personally, in writing, via Internet, other): Describe the latest incident: Have incidents occurred in front of the children?: Yes No Explain: What is the relationship between your children and the aggressor? Are the minors at risk?: Yes No Describe: Why do you continue or return to the relationship?: Do you have a current order of protection?: Yes No Orders of protection under Law 54: Issued by the Court: _____ Against: _____ Time in effect: _____ Date of hearing: _____ Court: _____ Have you requested an OP previously? Yes No How many times and against who? Did the order expire? Yes No Have you received support services? Yes No Services: _____ Place: _____ Duration: _____ Do you have legal representation? Yes No Private NGO	

INFORMATION ABOUT THE AGGRESSOR

Sex: Female Male	Age:	
Name:	Town of residence:	
Marital status:	Education:	Profession or office:
Characteristics of the aggressor: Alcoholism Drug addiction Under methadone treatment Homeless Mental Health diagnosis (Specify)	Police State- Municipal _____ Employee of the Dept. of Justice _____ Employee of the Courts _____ Public figure (Legislator, Senator, media, etc.) Military Veteran	

Criminal history:	With the participant	With previous partners
Criminal charged have been filed under Law 54 The aggressor was convicted of charges under Law 54 Art. 3.1 Art. 3.2 Art. 3.3 Art. 3.4 Art. 3.5 The aggressor is participating in or has participated in a Diversion Program Art. 3.1 Art. 3.2 Art. 3.3 Art. 3.4 Art. 3.5 Convicted under firearms, drugs or other laws _____ Have provisional measures been filed against the participant?: (Explain)		

OTHER SITUATIONS THAT AFFECT THE VICTIM/SURVIVOR

Family/civil cases in the Courts Divorce Custody Paternity Paternal/maternal relationships Alimony Child custody Pension of former spouse Adoption Emancipation Separation Inheritance Housing Authorization to minors to leave the country Child abuse (Law 177) Other:	Employment situation Sexual <u>Harrassment</u> (Law 17) Sexual <u>Harrassment</u> in schools (Law 3) <u>Discrimination</u> for pregnancy Gender discrimination Maternity (<u>licence</u> -Law 184) Lactation leave (Law 427) Lactation space (Law 155) Child care center (Law 84) Protocol for Handling cases of Domestic Violence on the Job (Law 217) Unemployment Reasonable accommodation Hostile environment Other:
Lack of basic resources Housing Health insurance Food Medical services Transportation Child care Electricity Water and sewer Legal representation Translation/interpreter services Violation of confidentiality ASUME Other:	Management of Law 54 proceedings Followup on OP (Law 54) Management of violations of OP (2.8 of Law 54) Issuance of arrest warrants Noncompliance with terms of OSAJ Protocol – Electronic monitoring (Law 99) Other: Other difficulties: Nursing Mental health Age discrimination Alcoholism Immigration Addiction <u>Partient's</u> rights Discrimination due to handicaps Intra-family violence Stalking (Law 284) Studies Homelessness Other:

ADDITIONAL INFORMATION ABOUT THE SITUATION: (Include other needs or situations that have not been mentioned previously and that should be taken into consideration in designing and implementing a Security Plan and/or the services to be offered.)

--

ACTONS TAKEN, RECOMMENDATIONS, AGREEMENTS AND WORK PLAN DESIGNED:

--

Appendix C Model of Control and Power

Referred to:
 Legal intervention Legal guidance/representation Psychological services
 Clinical services Support group Dept. of the Family
 Victims and Witnesses Program OPM (complaint, other) Other (Specify)

OTHER NEEDS OF THE VICTIM/SURVIVOR:

NON-COMPLIANCE:

OBSERVATIONS:
 Confidentiality issues were discussed. Descriptions of available services were supplied.
 The Informed Consent form was signed. A security plan was created with the participant.

Name of the professional: _____ Signature: _____

Position: _____ Date: _____

Professional license number: _____

Closing date: _____

Revised: May 2015



Intervention Against Domestic Violence Project
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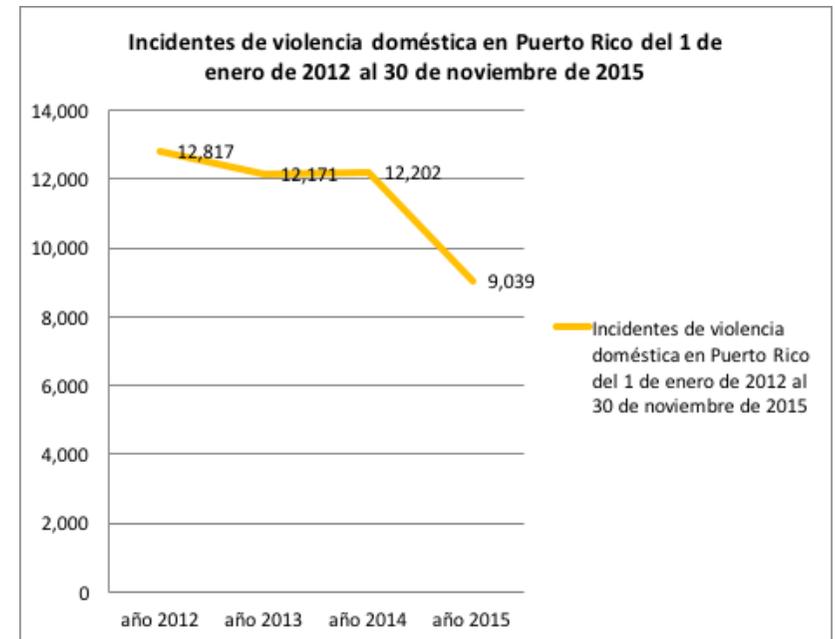
Appendix D

Report on geographic data on rates of domestic violence

The maps that make up this appendix were created using data compiled by the Puerto Rico Police. The data was obtained through the Office of Women’s Affairs and the Puerto Rico Institute of Statistics. The data come from reports that include reported incidents of gender violence in the period between January of 2012 and November of 2015. At the time this investigation was conducted, the Statistics Division of the General Headquarters of the Puerto Rico Police did not have statistics available on incidents of gender violence for the month of December, 2015.

In the time period represented on the maps, a total of 46,229 incidents of gender violence were reported. According to the statistical reports, the rate of gender violence in Puerto Rico has declined over the past four years. We have seen that fewer cases are reported each year. In 2012, 12,817 incidents were reported, 12,171 in 2013, 12,202 in 2014 and 9,093 by the end of November of 2015 (See Illustration 15). Among all the police regions, the highest number of incidents of gender violence occurred in the Bayamón police region with 8,641 incidents reported. Looking at the same region over time, however, we see a decline.

Illustration 15.



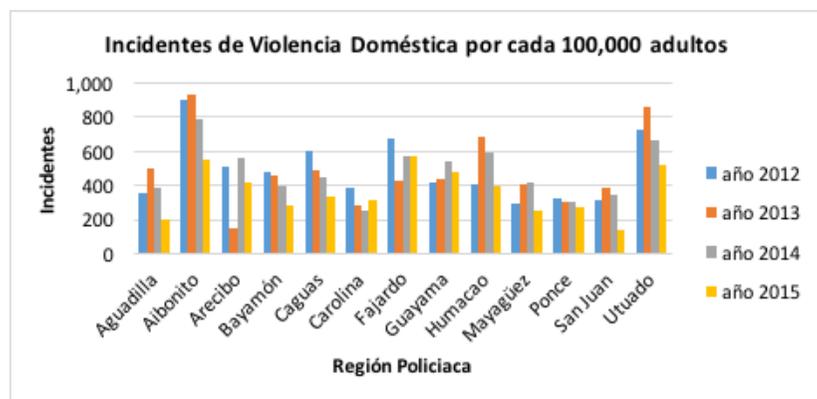
To analyze the magnitude of the incidents of gender violence by region we used data compiled in the official Census of 2010. For example, it is important to note that among all the regions, there are 532,981 people in the Bayamón region (U.S. Census Bureau, 2016), making it the geographic region in Puerto Rico with the highest number of people exposed to gender violence situation. Therefore, we calculated the rates of domestic violence per police region by determining the number of incidents per 100,000 population. This allowed us to identify the number of incidents in relation to the population density of each police region. The same method was applied to all the police regions, such as Utuado, for example, where there are 74,932 adults (U.S. Census Bureau, 2016). This analysis allowed us to analyze the number of incidents in police regions with high population density in comparison to the number of incidents in regions with low population density.

Analyzing these rates, we see that there were police regions in which the rate of incidents declined (See Illustration 16). Among these were the regions of Ponce and Bayamón. Meanwhile, from 2012 to 2013 we saw a decline in incidents in the regions of Arecibo, Bayamón, Caguas, Carolina, Fajardo and

Ponce. Among those regions, the most significant decrease was identified in the Arecibo region, from a rate of 513 incidents per 100,000 inhabitants in 2012 to 152. The following year, 2014, the rate rose to 421. In the other regions, only in two did we see declines (without fluctuations) of incidents during the period covered by the data we analyzed: the regions of Caguas and Bayamón.

Through the analysis explained above, the data show a situation of greater concern in the police regions located in the central mountainous zone of the island. The Aibonito police region consistently had one of the highest rates of domestic violence in relation to its population and in comparison to other regions. This result is consistent with what we described in the **Social context** section of this document, where we noted that the central mountainous area is the geographic region with the highest poverty in Puerto Rico and the one where we also identified a number of women who were victims of domestic violence and whose social setting made them easy prey to human trafficking (See Illustration 16).

Illustration 16.



In addition to the Aibonito region, the Utuaado region stood out as having the second-highest rate of incidents of gender violence. These two adjacent regions share characteristics previously described in the **Findings** section under **Social context**.

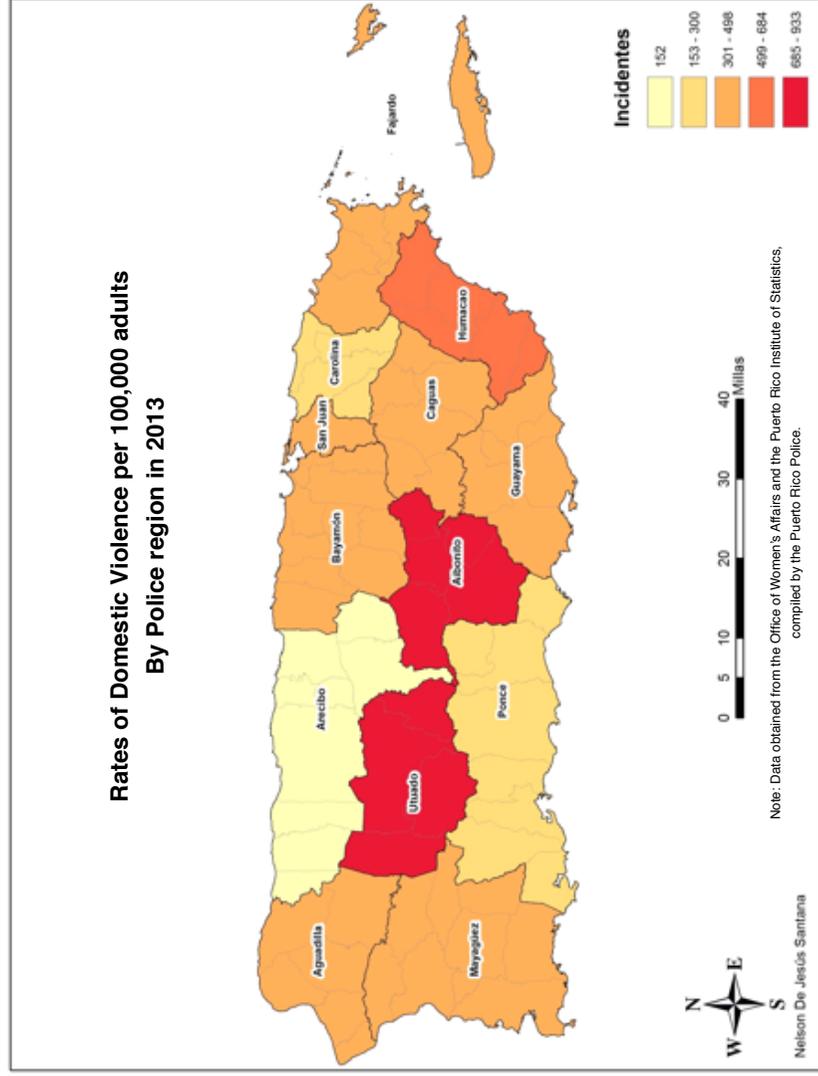
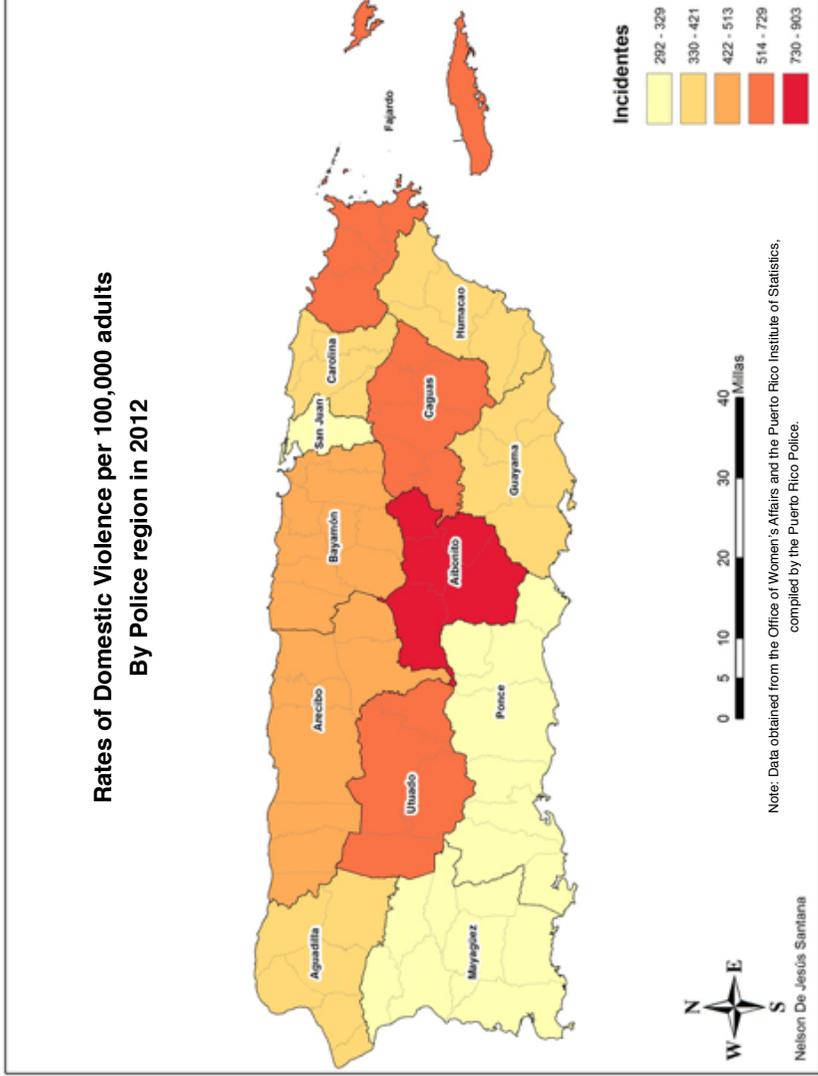
On the other hand, the regions with the lowest rates of incidents were San Juan, Ponce and Carolina. For those rates of gender violence, see Illustration 17.

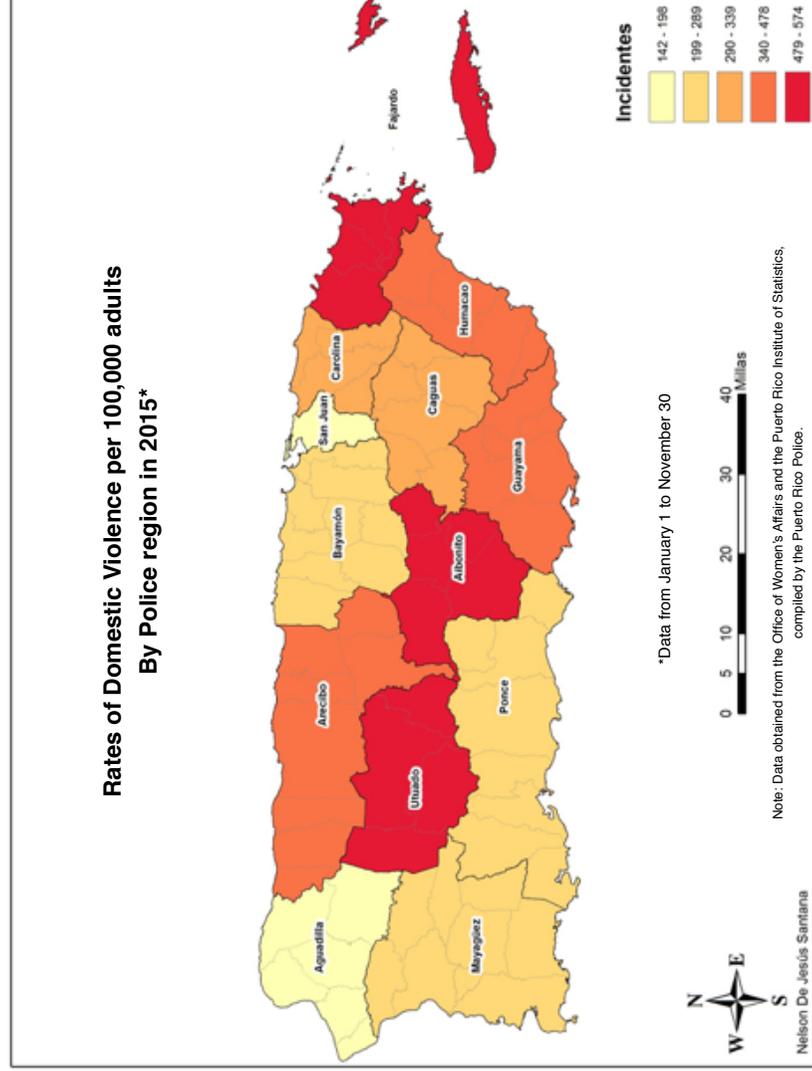
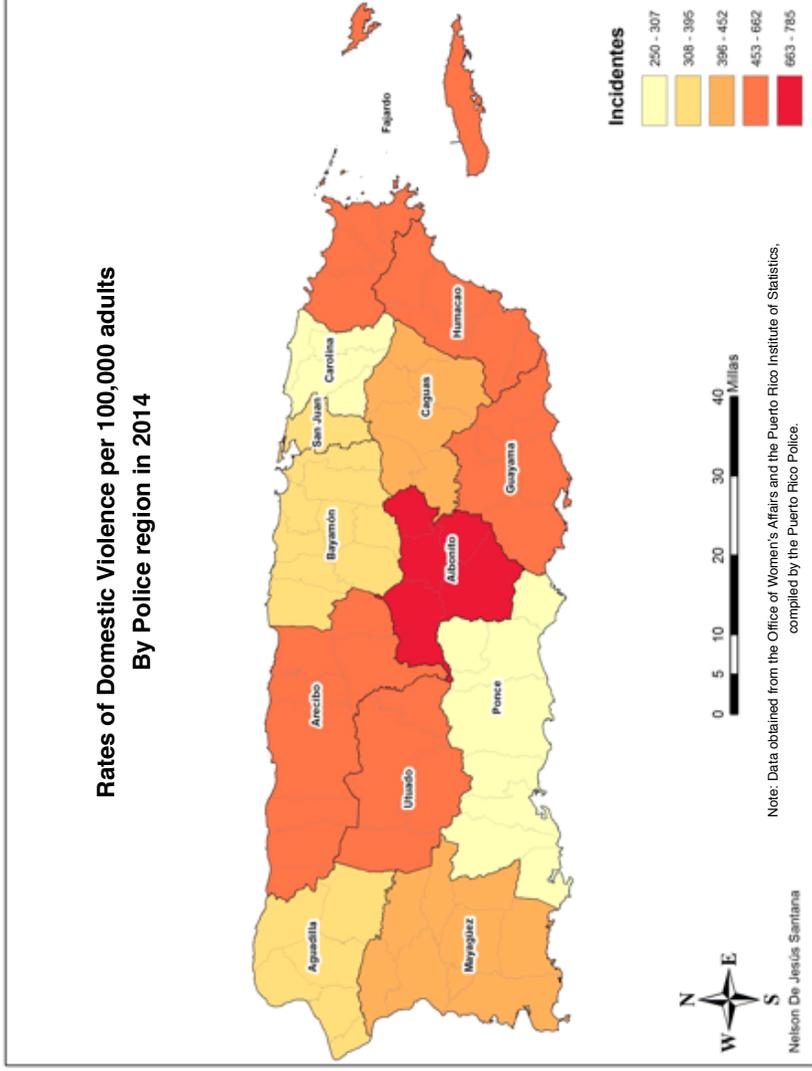
Illustration 17. Rates of Gender Violence Incidents by Police Region

Police Region	year 2012	year 2013	year 2014	year 2015
Aguadilla	354	498	392	198
Aibonito	903	933	785	550
Arecibo	513	152	560	415
Bayamón	482	455	395	289
Caguas	609	494	452	339
Carolina	386	289	250	313
Fajardo	677	430	575	574
Guayama	421	435	538	478
Humacao	411	684	597	399
Mayagüez	292	409	413	253
Ponce	329	300	307	279
San Juan	316	390	342	142
Utuaado	729	866	662	522

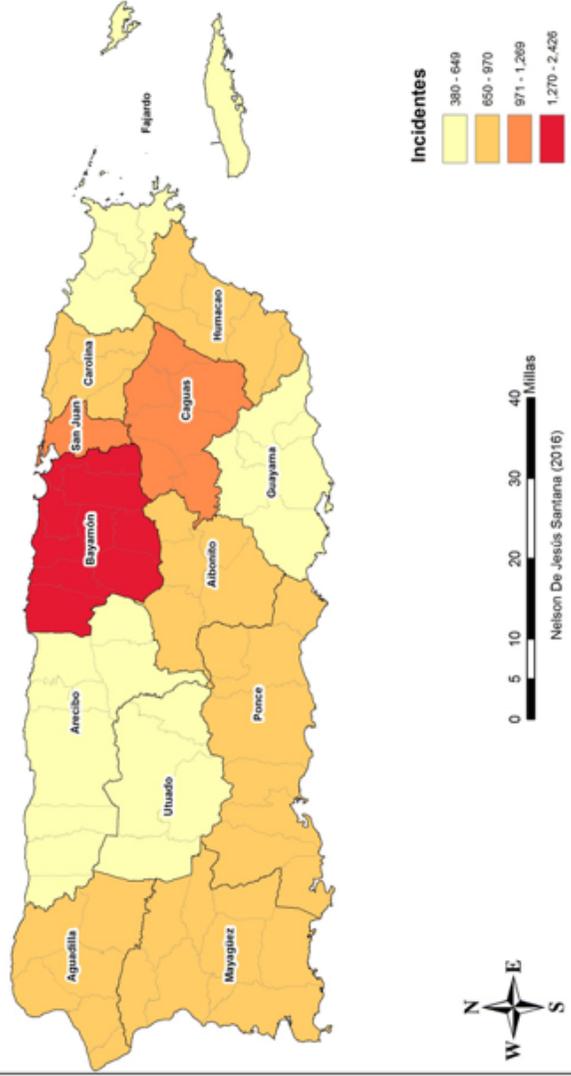
Possible limitations:

A myriad of reasons exist for why the data indicate that incidents of gender violence have declined. One of the possible reasons the incidents are declining can be attributed to the migration of Puerto Ricans off the island of Puerto Rico (remember that Puerto Rico is an archipelago). For this investigation, we calculated the rates based on the 2010 Census. Although there are Census estimates for the 2015, they are not done as rigorously as the Census every 10 years. Another possible cause for a reduction in the reported cases of gender violence is the deterioration of the Puerto Rican economy in recent years, which may have caused some victims, due to their possible financial neediness, to decide not to report their cases to keep from losing financial support from their victimizers.

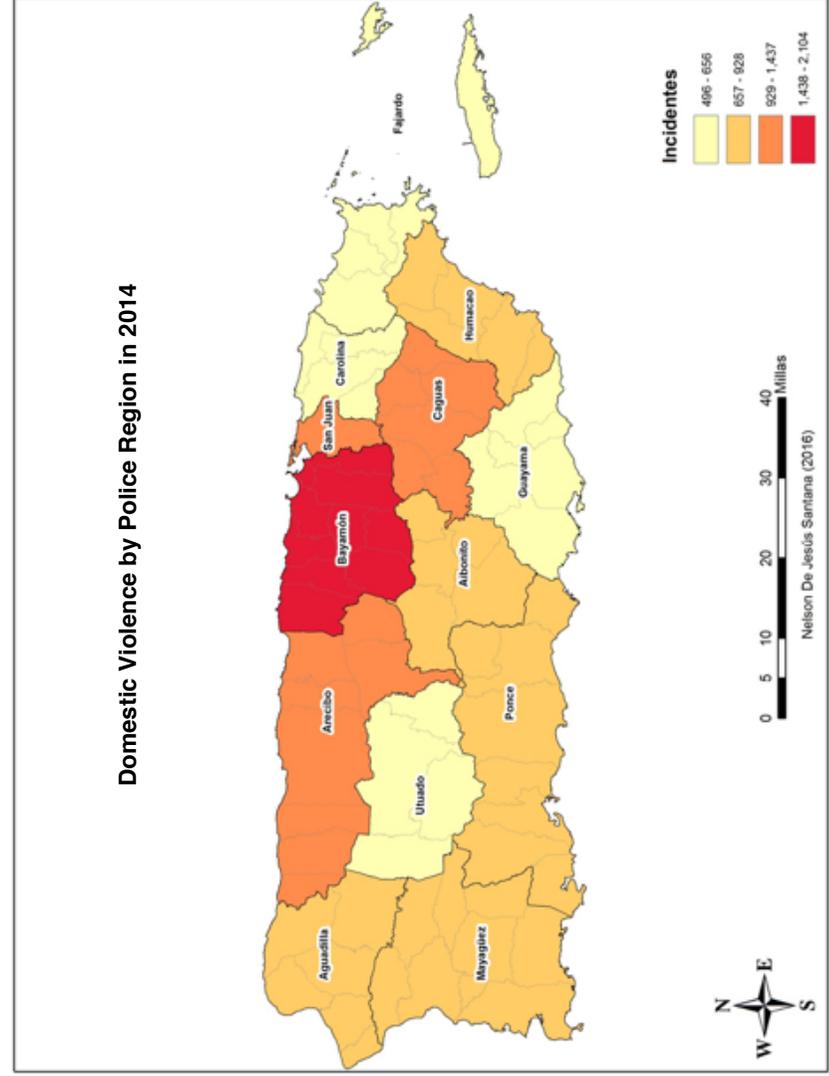




Domestic Violence by Police Region in 2013



Domestic Violence by Police Region in 2014



Appendix E

Alternatives for integrating the concept of human trafficking and other modifications in Law 54 of Puerto Rico

Introduction: Law 54 and human trafficking

Among the acts that constitute domestic violence as defined by Law 54 are several that are compatible with trafficking of people: persecution, psychological violence, mistreatment through threats, mistreatment through restriction of freedom and sexual aggression in a couple (particularly in clause d). The main difference lies in the relationship between the “victim” and the “aggressor,” which in the case of gender violence is defined as a “couples relationship.” Trafficking of people, on the other hand, does not require a prior personal relationship. Another fundamental difference is that the purpose of domestic violence, according to its legal definition, is “to cause physical damage to the person, to his or her property or to another person to cause grave emotional damage,” while the goal of trafficking of people is exploitation (often interpreted as monetary or material gain, although some researchers also consider non-material benefits).

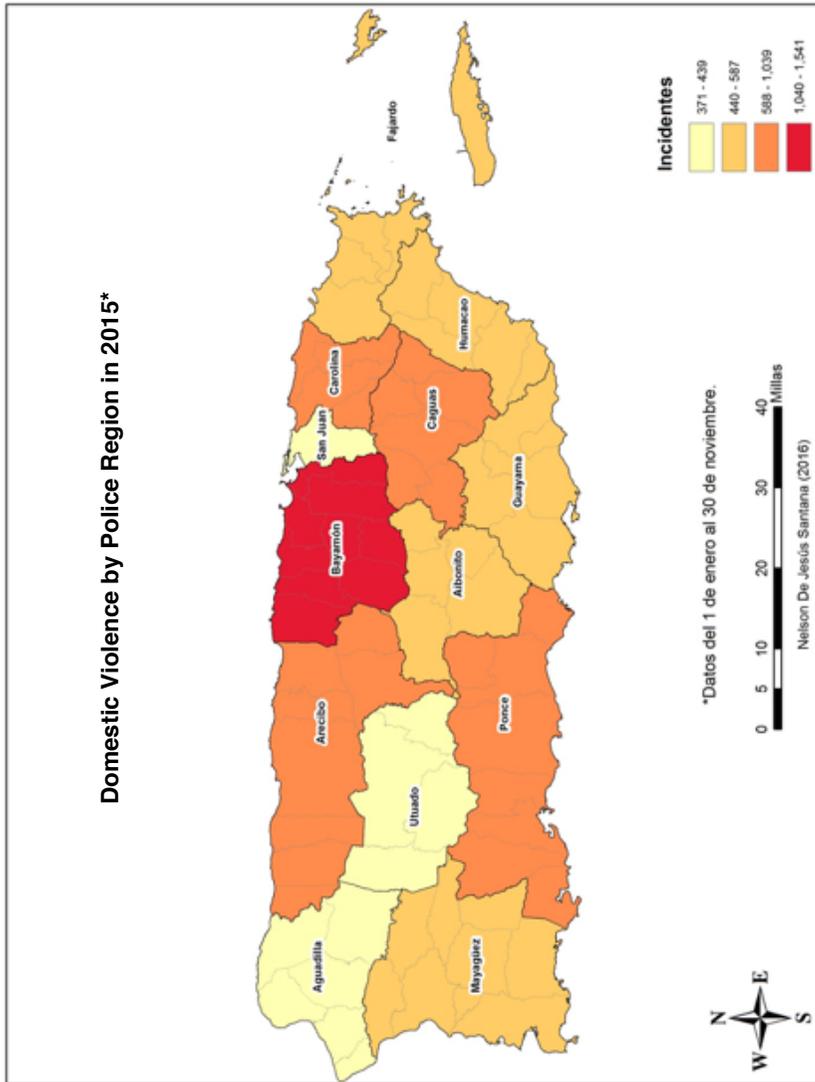
The experience in Puerto Rico and other countries shows that in some cases the conditions of domestic violence and trafficking are experienced simultaneously; the Law for the Prevention of and Intervention with Domestic Violence does not incorporate “trafficking” as a type of exploitation and mistreatment toward women, so it is suggested that it be incorporated or and/or the law be amended to that end.

The following are several alternatives to amend the legislation.

Alternatives

A. Incorporate an article to designate forced labor, servitude and slavery as forms of domestic mistreatment

1. Crimes under Law 54 are listed in article 3.0 – Criminal conduct; penalties and other measures.



2. The “exploitation of prostitution of another or other forms of sexual exploitation” of the Palermo Protocols is already covered in article 3.5 – sexual aggression in a couple, under Law 54.
3. “Forced services or labor, slavery, or practices similar to slavery, servitude or the extraction of organs” is not covered by Law 54. All of these, except the extraction of organs, could be added as a new form of mistreatment.

“Mistreatment through labor exploitation”

Any person who uses violence or intimidation toward a spouse, former spouse, a person with whom he or she has cohabitated or is cohabitating, or with whom he or she has sustained a consensual relationship, or the person with which he or she has procreated a child, regardless of the gender, marital status, sexual orientation, gender identity, or immigration status of any of the people involved in the relationship, or who uses the pretext that he or she suffers or one of the aforementioned people suffers from a mental illness or defect **to exploit the labor of the victim or subject the victim to servitude, slavery, or practices similar to slavery,** is committing a felony...

Article 3.4 refers to “Mistreatment through restriction of freedom,” but does not define restriction of freedom. “Restriction of freedom” can be interpreted in various ways (it may or may not imply trafficking), so it appears best to us to leave it as it is, without limiting its breadth or meaning, as long as a new article is added for servitude and forced labor (as proposed in the previous point).

B. Integrate the concept of exploitation in article 3.10 – Aid to victims of mistreatment and exploitation or trafficking

- This point can include the word exploitation to refer to a new form of mistreatment proposed. Although technically it would already be covered by the word “mistreatment,” it should be spelled out.

Art. 3.10 Aid to victims of mistreatment or exploitation (8 L.P.R.A. sec. 640)

Whenever a public law officer intervenes with a person who is alleged to be a victim of mistreatment or exploitation, all measures believed necessary should be taken to avoid that person returning to the mistreatment. Among others, the following steps should be taken:

C. Art. 3.11 Preparation of police reports

- One possibility is to educate officials about how to identify possible signs of trafficking, as well as gender violence, and instruct them on how to collect this information in their reports (i.e., restrictions on freedom, conditions of servitude or slavery, prostitution). This requirement could be set forth in article 3.11 – Preparation of reports (8 L.P.R.A. sec. 641), which already establishes that “whenever a public order official intervenes in an incident of gender violence, a written report of the incident should be prepared [even if no criminal charges are filed against the alleged aggressor]. **Said report will contain the allegations by the persons involved and by witnesses,** the type of investigation conducted and the setting where the incident occurred.” Later, “the public order official **will include any statement by the victim about the frequency and severity of previous gender violence incidents...**”

D. Petition for order of protection

- It may also be pertinent to modify the request for an order of protection to include the following options as justification:
I am a victim of mistreatment caused by the petitioned party in that through the use of force, violence, intimidation or threats, the person has...
 - Caused physical damage
 - Attempted to cause physical damage
 - Caused grave emotional damage
 - Provoked fear of suffering physical damage
 - Provoked fear of damage to my belongings
 - Provoked fear of causing damage to other persons
 - Deprived me of freedom of movement
 - Deprived me of adequate rest

- Required me to have sexual relations through the use of force, violence, threats, intimidation
- **Forced me to work or provide sexual services in exchange for money to support his vice or others**

E. Improve the registration form, even if the law is not amended

- If an article such as the proposed “Mistreatment through labor exploitation” is added, this will become part of the registration form used by the centers that attend to victims of gender violence. If that does not occur, it is recommended to include forced labor, servitude and slavery on the form as subcategories under “restriction of freedom of movement,” for example, so that people can clarify in what ways and how frequently they were deprived of freedom. Deprivation of freedom that does not imply trafficking should also be included, such as, for example, not being allowed to visit family members, cell phones taken away, taking away keys and others.
- Similarly, under sexual mistreatment it is necessary to specify how the victim was mistreated based on the four clauses currently found in the law. All of the categories (psychological-emotional mistreatment, physical mistreatment and threats) on the registration form should detail the different elements that define them to justify why they were chosen. For example, I was forced to have sexual relations with someone else, **I was forced to pay drug or other debts with sex...**

Appendix: Relevant sections of Law 54 that allow us to distinguish trafficking of people from domestic violence

Artículo 1.3 - Definitions (8 L.P.R.A. sec. 602)

(j) “**Persecution**” means keeping a person under constant or frequent surveillance within or nearby the home, residence, school, work or vehicle where the person is located in order to cause a prudent or reasonable person to be afraid.

(m) “**Couples relationship**” means the relationship between spouses, former spouses, people who are cohabiting or have cohabitated, those who have or have had a consensual relationship and those who have had a child between them, regardless of gender, marital status, sexual orientation, gender identity or immigration status of any of the people involved in the relationship (Amended 2013).

(p) “**Domestic violence**” means a constant pattern of conduct using physical force or psychological violence, intimidation or persecution against a person by the person’s spouse, former spouse, people who are cohabiting or have cohabitated, those who have or have had a consensual relationship and those who have had a child between them, regardless of gender, marital status, sexual orientation, gender identity or immigration status of any of the people involved in the relationship to cause physical damage to the person, his or her belongings or to another person or to cause grave emotional damage (Amended 2013).

(q) “**Psychological violence**” means a constant pattern of conduct aimed at dishonoring, discrediting or devaluing the personal esteem, unreasonable limitations on access to and management of common assets, blackmail, constant surveillance, isolation, depriving access to food or adequate rest, threats of taking custody of children, destruction of objects valued by the person, except for those that are private property of the offender.

Article 3.1. - Mistreatment

Any person who **uses physical force or psychological violence, intimidation or persecution** against a spouse, former spouse, person with whom he or she is cohabiting or has cohabitated, those who have or have had a consensual relationship and those who have had a child between them, regardless of gender, marital status, sexual orientation, gender identity or immigration status of any of the people involved in the relationship **to cause physical damage to the person or to belongings the person values, except for those that are private property of the offender, or to other persons to cause grave emotional damage** will be guilty of a fourth-degree felony in the upper half of the penalty range (Amended 2013).

Art. 3.3 – Mistreatment by threats (8 L.P.R.A. sec. 633)

Any person who **threatens to cause damage to a spouse**, former spouse, person with whom he or she is cohabiting or has cohabitated, who has or has had a consensual relationship and those who have had a child between them, regardless of gender, marital status, sexual orientation, gender identity or immigration status of any of the people involved in the relationship, or **to goods valued by the person**, except for those that are private property of the offender, or **to another person**, will be guilty of a fourth-degree felony in the upper half of the penalty range (Amended 2013).

Art. 3.4. – Mistreatment by restriction of freedom (8 L.P.R.A. sec. 634)

Any person who **uses violence or intimidation against a spouse**, former spouse, person with whom he or she is cohabiting or has cohabitated, who has or has had a consensual relationship and those who have had a child between them, regardless of gender, marital status, sexual orientation, gender identity or immigration status of any of the people involved in the relationship, or uses the pretext of suffering or that one of the aforementioned people suffer from a mental illness or defect **to restrict the person’s liberty with the knowledge of the victim** will be guilty of a third-degree felony in the lower half of the penalty range (Amended 2013).

Art. 3.5 – Sexual aggression in a couples relationship

The penalty of imprisonment, as set forth above, will be imposed on **any person who incurs in non-consensual sexual relations with a spouse or former spouse**, or with a person with whom he or she is cohabiting or has cohabitated, who has or has had a consensual relationship and those who have had a child between them, regardless of gender, marital status, sexual orientation, gender identity or immigration status of any of the people involved in the relationship, in any of the following circumstances (Amended 2013):

(a) If the person is compelled to incur in sexual relations through the use of force, violence, intimidation or threat of grave and immediate bodily damage; or

(b) If the person’s capacity to consent, with or without his or her knowledge, has been eliminated or substantially reduced, through means of hypnotism, narcotics, depressants or stimulants or through similar substances; or

(c) If the victim is incapable of understanding the nature of the act at the time it occurs, due to temporary or permanent mental disability;

(d) **If the person is forced or induced through mistreatment, physical or psychological violence to participate or be involved in unwanted sexual relations with third parties.**

The penalty to be imposed for this crime, except in the form referred to in clause (a) of this Section, will be a second-degree felony.

The penalty to be imposed for the form of this crime referred to in clause (a) of this Section will be a second-degree felony in the upper half of the penalty range.

The penalty to be imposed for this crime, in all its forms, will be a severe second-degree felony.

The Court may impose a penalty of restitution, in addition to the penalty of imprisonment established for any of the forms mentioned above (August 15, 1989, No. 54, art. 3.5; amended on September 23, 2004, No. 480, art. 6, effective May 1, 2005, when the new Penal Code of P.R. 2004 took effect; December 28, 2005, No. 165, art. 7.).

Art. 3.11- Preparation of reports (8 L.P.R.A. sec. 641)

Whenever a public law officer intervenes in an incident of gender violence, a written report must be prepared about the incident. This report will contain the allegations of the person involved and the witnesses, the kind of investigation conducted and the setting

In this report, **the public law officer will include any statement by the victim about the frequency and severity of previous gender violence incidents** and about the number of times the Police or any other public or private entity or person has been asked for help.

This report must be prepared for every intervention even when no criminal charges are filed against the alleged aggressor. These reports will be kept separate from reports on incidents of another nature.

The Superintendent of Police should establish a system for collecting information that allows a copy of each intervention report to be kept in the station where it is generated and that facilitates centralized collection of these reports by the Statistics Division of the Puerto Rico Police. The Statistics Division of the Puerto Rico Police will receive copies each month of all intervention reports prepared under this Section, will compile the information in those reports and will prepare an annual public statistical report on incidents of gender violence in Puerto Rico. A copy of this report will be sent to the Office of Women's Affairs, as well as the Legislative Assembly, which will distribute it to the various legislative committees.

The Courts Administration will provide the Statistics Division of the Puerto Rico Police the information on orders of protection requested and issued, as well as any other useful information the report may contain, including the following:

- population groups mainly affected by domestic violence; ages of those groups, divided by number of incidents; number of people who requested orders of protection; number of people who obtained orders of protection;

- number of people who did not obtain orders of protection; number of situations in which dual or reciprocal orders of protection were issued; number of situations in which minors were involved and support orders were issued.

The Superintendent of Police will establish standards to guarantee the confidentiality of the identity of persons involved in incidents of domestic violence.

(August 15, 1989, No. 54, art. 3.11; Amended on April 23, 2004, law 96, art. 1, amended in general terms; September 29, 2004, No. 490, art. 1, fifth paragraph amended.)

Appendix F

HUMAN TRAFFICKING ASSESSMENT FOR DOMESTIC VIOLENCE & SEXUAL ASSAULT PROGRAMS

The following document contains questions that can be used to assess a client for potential signs that she/he has been a victim of human trafficking. The suggestions and indicators below are not exhaustive or cumulative in nature and each question taken alone may not indicate a potential trafficking situation. Assessment questions should be tailored to your program and client's specific needs.

HUMAN TRAFFICKING ASSESSMENT OVERVIEW

Victims of both labor and sex trafficking may reach out to Domestic Violence and Sexual Assault programs for services while in a trafficking situation or after exiting a situation. In order to assess whether a client is a potential victim of trafficking, it is important to understand the definition of human trafficking, as well as red flags and potential indicators of a human trafficking situation.

Definition of Human Trafficking from the Trafficking Victims Protection Act (TVPA):

- **Sex Trafficking:** the recruitment, harboring, transportation, providing, or obtaining of a person for a commercial sex act, in which a commercial sex act is induced by force, fraud, or coercion, OR in which the person induced to perform such an act has not yet attained 18 years of age.
- **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.

RED FLAGS & INDICATORS FOR HUMAN TRAFFICKING

Many of these signs may be common for victims of domestic violence and/or sexual assault, but may also indicate human trafficking.

General Trafficking Indicators

- Inconsistencies in their story regarding where they live, when they came to their current location and lack of knowledge about the city or state they are in.
- No access to personal documents or identification (ID, Visa, Passport, Birth Certificate, etc.).
- No access to a bank account or any other money.
- Not allowed to contact friends or family.
- Not allowed to leave their living or working situation unless monitored.
- Signs of physical and/or sexual abuse, physical restraint, confinement, malnourishment, or torture.
- Not allowed to speak for themselves – a 3rd party speaks or translates for the individual.

Sex Trafficking Indicators in Domestic Violence and Sexual Assault Clients

Domestic and Sexual Violence programs may encounter clients who exhibit signs of forced commercial sex by an intimate partner, family member, employer and/or other controller. A victim may be an individual who:

- Has been forced by an intimate partner/family member/employer/other controller to provide sexual favors or commercial sex through online websites, escort services, street prostitution, informal arrangements, in home or external brothels, massage parlors or strip clubs.

- Indicates that they are involved in the commercial sex industry and have a controller (boyfriend, pimp, manager, or “daddy”) or mentions having to meet a nightly quota.
- Is under 18 years of age and engaging in commercial sex acts.
- Exhibits poor health and/or has multiple untreated sexually transmitted diseases/infections or related injuries.
- Has had to terminate one or more pregnancies over a short period of time. If pregnant, hesitates to answer who the father may be or seems unsure of who the father is.
- Exhibits signs of branding such as tattoos with the controller’s name and/or burn marks.

Labor Trafficking Indicators in Domestic Violence and Sexual Assault Clients

Domestic and Sexual Violence programs may encounter clients who exhibit signs of forced labor by an employer, intimate partner, family member and/or other controller. A victim may be an individual who:

- Has been forced by an intimate partner/family member to work inside the home in a situation of domestic servitude or outside of the home without access to his/her earnings.
- Is not able to access earnings and is not allowed access to any family finances.
- Works excessively long hours outside of the home or within the home for little or no compensation.
- Works excessively long and/or unusual hours and is unpaid, paid very little or paid only through tips.

- Is not allowed to take breaks from domestic work and is not allowed to eat unless permitted by the controller.
- Owes a large and increasing debt to an employer/intimate partner/family member and is unable to pay it off.
- Has unexplained work injuries or signs of untreated illness or disease.
- Is monitored or confined by the employer/intimate partner/family member in the living and/or working location (boarded up or tinted windows, bars on windows, barbed wire, security cameras, etc.).

ASSESSMENT QUESTIONS

General Trafficking Assessment Tips

As with any assessment of a victim of crime, there are some general points to be aware of when evaluating a client's needs. Listed below are general tips for conducting an assessment with a potential victim of trafficking.

- Keep in mind that many victims do not self-identify as “human trafficking victims” due to lack of knowledge about the crime itself and also power and control dynamics involved in trafficking situations.
- Be conscious of the language that you use when speaking with a potential victim of trafficking. Mirroring the language that the potential victim uses can be a helpful first step.
 - Example: If the potential victim refers to her controller as her boyfriend, referring to that person as a “pimp” or a “sex trafficker” may have a negative impact. Although these are terms that can be used for controllers in the commercial sex industry, the potential victim may not identify this person in this way.
- Be aware of power dynamics when a third party is accompanying or interpreting for the potential victim. Try to speak to the potential victim alone or secure an outside interpreter.

- Be aware that canned stories are common and that the true story may not emerge until trust has been built with the potential victim after multiple meetings.

General Trafficking Assessment Questions

The following questions could be applicable to both situations of sex and labor trafficking.

1. Does someone control, supervise or monitor what you do?
2. How did you meet this person? How did you find out about this job?
3. Is your communication (calls, emails, conversations) ever restricted or monitored?
4. Do you have access to all your identification/personal documents?
5. Do you have access to any money/the money you earn? Does anyone take your money or a portion of your money?
6. What were your expectations of the situation? Has your experience matched your expectations or what you were promised?
7. What are your expectations of what would happen if you didn't do what this person asked of you?
8. What are your expectations of what would happen if you left this person/situation?

Sex Trafficking Assessment Questions for Domestic Violence and Sexual Assault Clients

Some victims of domestic violence and/or sexual assault may have also been forced to engage in commercial sex by an intimate partner, family member, employer or other controller. Below are sample questions to detect signs of sex trafficking:

1. Has your [intimate partner/ family member/employer or someone else] ever pressured you to do something you weren't comfortable doing?
2. Has this person ever pressured you to engage in any sexual acts against your will?
3. Has this person ever taken photos of you and what did they use them for? Were these photos ever texted to other people or posted on an online forum (Craigslist, Backpage, Myspace)?
4. Has this person ever asked you to engage in commercial sexual acts in order to "help the family/relationship"?
5. Has this person ever forced you to engage in sexual acts with friends or business associates for favors or money?
6. Has this person ever forced you to engage in commercial sex through online sites, escort services, street prostitution, strip clubs, truck stops, massage parlors or residential brothels?
7. Are you required to earn a certain amount of money/meet a quota for this person? What would happen if you do not meet this quota?
8. Have you ever been threatened or abused (physically, sexually, emotionally, etc.) by this person?
9. Have you ever witnessed anyone else being threatened or abused by this person?

3. How many hours do you have to work for this person?
4. If an intimate partner or family member, how many hours do you have to work inside or outside of the home?
5. What happens if you work fewer hours or take breaks?
6. How much are you paid? How much are you able to keep for yourself?
7. Do you owe a debt to your employer/intimate partner/family member who forces you to work?
8. Do you have to meet a daily quota (especially for individuals forced to dance/strip or forced to engage in street peddling/begging)? What happens if you don't meet that quota?
9. Have you ever been punished for not working or not completing domestic work? For example, have your meals been restricted?
10. Have you ever been threatened or abused if you indicated that you did not want to work?
11. Has your employer/intimate partner/family member ever forced you to engage in sexual acts against your will at any time they requested it? What did you think would happen if you refused to do this?

Labor Trafficking Assessment Questions for Domestic Violence and Sexual Assault Clients

Some victims of domestic violence and/or sexual assault may have also been forced to work by an employer, intimate partner or family member. Below are sample questions to detect signs of labor trafficking.

1. Has your [employer/intimate partner/family member/or someone else] ever forced you to work for excessive amounts of time?
2. Has this person ever sexually assaulted you and/or abused you in any way?

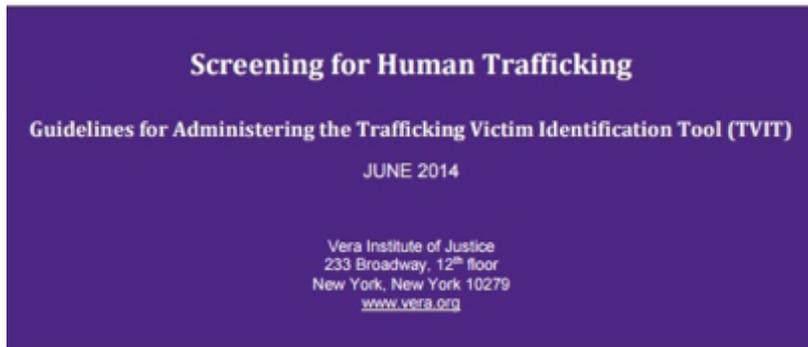
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Appendix G

Guide for identifying victims of human trafficking



NCJ #246713

The Vera Institute is an independent nonprofit that combines expertise in research, demonstration projects, and technical assistance to help leaders in government and civil society improve the systems people rely on for justice and safety.

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Appendix H

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HUMAN TRAFFICKING ASSESSMENT FOR DOMESTIC WORKERS

The following document contains questions that can be used to assess a client for potential signs that she/he has been a victim of labor trafficking for the purpose of domestic work.

HUMAN TRAFFICKING ASSESSMENT OVERVIEW

Victims of human trafficking who are domestic workers may reach out to social service providers or law enforcement to access help while in a trafficking situation or after exiting a situation. In order to assess whether an individual is a potential victim of trafficking, it is important to understand the definition of human trafficking, as well as red flags and potential indicators of a human trafficking situation.

Please note that throughout this assessment the term “controller” is used generally to describe the potential trafficker or the person(s) who maintain(s) control over the potential victim(s).

Definition of Human Trafficking from the Trafficking Victims Protection Act (TVPA)

- Sex Trafficking: the recruitment, harboring, transportation, providing, or obtaining of a person for a commercial sex act, in which a commercial sex act is induced by force, fraud, or coercion, OR in which the person induced to perform such an act has not yet attained 18 years of age.¹
- 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.²

Labor Trafficking of Domestic Workers

Domestic workers perform work within their employers' households, such as cooking, cleaning, childcare, eldercare, gardening and other household work. Domestic workers may or may not live in their employer's homes; they may work for a single employer or family, or several employers or families. Employers may include relatives, diplomatic officials or employees of international organizations such as the World Bank or the United Nations and may or may not be from the same national, cultural, ethnic, or linguistic backgrounds as the domestic worker.

Domestic workers may be U.S. citizens, or foreign nationals – with or without legal documentation. Specific work visas that a domestic worker may have can include: A-3, G-5, NATO-7 or B-1. Females make up the large majority of this population, however males may also be employed as domestic workers. Victims may be adults or minors.

A situation becomes labor trafficking for the purpose of domestic work when the employer uses force, fraud and/ or coercion to maintain control over the worker and to cause the worker to believe that he/she has no other choice but to continue working for the employer. For more information, consult Polaris Project's Labor Trafficking of Domestic Workers At-A-Glance.



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RED FLAGS & INDICATORS FOR HUMAN TRAFFICKING

The suggestions and indicators below are not exhaustive or cumulative in nature and each question taken alone may not indicate a potential trafficking situation. Assessment questions should be tailored to your program and victim's specific needs.

General Trafficking Indicators

- Inconsistencies in a victim's story regarding where he/she lives or when he/she arrived at the current location; may not know his/her actual address or even the city and state where he/she is located.
- No access to personal documents or identification (ID, Visa, Passport, Birth Certificate, etc.).
- No access to a bank account or money; no control over personal finances.
- Not allowed to contact friends or family; conversations are monitored.
- Not allowed to leave living or working situation except under supervision, or allowed to leave only for limited, specific purposes (e.g. to attend religious services or ESL courses, to take children to park or school).
- Signs of physical and/or sexual abuse, physical restraint, confinement, malnourishment, or torture.
- A third party speaks or interprets for the victim; victim's responses seem canned, or victim looks to a third party for a response.

Specific Labor Trafficking Indicators for Domestic Workers

- Works excessively long hours, usually inside the home, for little or no compensation.

- Does not have any days off, is required to complete work on her/his days off (e.g. provide childcare, complete household chores before leaving, etc.), or is unable to leave the house on her/his days off. May be required to care for children around the clock, even if they wake during the night or when the employer is present.
- Is not allowed to leave the home to run errands, especially those which are personal in nature, or is only allowed to leave the home to transport children to school or to attend ESL courses, religious services, or school.
- Is often monitored or timed when she/he leaves the home.
- Does not have consistent access to food, medical care, and/or other basic necessities.
- Does not have a private room in the home, or does not have bed. Is forced to sleep in a garage, basement, or other
- Is not allowed to communicate with family or friends, or is monitored while communicating with family or friends. Is forbidden to or restricted from communicating with others in the community.
- Is monitored by the controller, even when the controller is not present, possibly by a neighbor, a friend or the children under the victim's care, or by electronic surveillance.
- Does not have access to personal identification documents, often because the controller confiscated them or is holding them under the pretense of keeping them safe.
- Does not have valid documentation to work in the U.S., or does not know if he/she has a valid work visa. The controller may have made false promises to acquire a work visa for the victim or to renew the visa but has allowed it to expire.

- Is not paid, is not paid consistently or in full, or is promised future payment. Does not have access to his/her pay.
- Is forced to engage in sexual acts against his/her will at the controller's request. Is sexually assaulted by the controller or someone within the household.
- Is physically assaulted or verbally or emotionally abused by the controller or someone within the household.
- Is threatened with deportation, arrest, breach of contract, or other legal action.
- Is threatened with harm or loss of life. Is threatened with harm to loved ones or family members.

TRAFFICKING ASSESSMENT PREPARATION

General Trafficking Assessment Tips

Listed below are general tips for conducting an assessment with a potential victim of trafficking. For a comprehensive list of trafficking assessment tips, consult Polaris Project's Comprehensive Trafficking Assessment.

- Conduct the assessment in a comfortable and safe environment.
- Keep in mind that many victims do not self-identify as "victims of human trafficking" due to a lack of knowledge about the crime itself, power and control dynamics involved in trafficking situations, and normalization of abusive situations.
- The phrasing of all questions included in this assessment should be changed, amended or revised to fit the client and context you are in, and the assessment should be conducted in the victim's native language whenever possible. Be cognizant of the language that you use when speaking with a potential victim of trafficking. Mirroring the language that the potential victim uses can be a helpful first step.

- Example: Victims may or may not refer to the controller as their “employer.” In some cases victims may refer to their controller as a family member or family friend.
- Example: A victim may not refer to childcare or housework as a form of labor, particularly if the controller is a family member or someone towards whom the victim feels indebted.

- Be aware of power dynamics when a third party is accompanying or interpreting for the victim. Try to speak to the victim alone or secure an outside interpreter.
- Be aware that canned stories are common and that the true story may not emerge until trust has been built with the victim after multiple meetings.

Safety Check

It is important to conduct a safety check with the victim before proceeding with the assessment, particularly if he/she has recently exited the situation or is still in the situation. Below are a few considerations to keep in mind and you can access the NHTRC’s full Safety Planning tool here.

In-Person:

- Is it safe for you to talk with me right now?
- Is there anything that would help you to feel safer while we talk?

Over the Phone:

- Are you in a safe place? Can you tell me where you are?
- Are you injured? Would you like for me to call 911/an ambulance?
- If calling from the residence* - Is your [employer] likely to return soon? How much time do we have to talk?
- If someone comes on the line, what would you like for me to do?

Hang up? Identify myself as someone else, a certain company/person/friend?

- Hang up at any point during our conversation if you believe that someone may be listening in. Feel free to call us back later.
- How can we communicate if we get disconnected? Would I be able to call you back/leave a message?
- Would you prefer to call me back when you are in a safe place/at a safer time?

TRAFFICKING ASSESSMENT QUESTIONS FOR DOMESTIC WORKERS

Note: Terms in brackets should be substituted with language that is tailored to the victim’s specific situation. For a comprehensive list of trafficking assessment questions, consult Polaris Project’s Comprehensive Trafficking Assessment.

Working Conditions

- What are your tasks in the home (childcare, cleaning, cooking, yard work, eldercare, etc.)?
- How many hours do you work during the day or night? Do you get regular breaks? Are you required to be on call 24 hours a day?
- Do you have any days off? Are you able to leave the house on your days off? Are you ever expected to complete work on your days off (provide childcare, complete household chores before leaving, etc.)?
- How did you meet your [employer]? How did you find out about this job?
- What were your expectations of the [job/working hours/living situation]? Has your experience matched your expectations or what you were promised?

If you wanted to leave the job, would your [employer] let you? What would happen if you left your [controller/job/situation]?

What would happen if you didn't do what your [controller] asked of you?

Living Conditions

Do you live with your [employer]?

Where do you sleep? Do you have your own room in the home? What is the condition of the room? Do you have your own bed?

Do you have consistent access to food? Are you ever made to go without food? Do you have to get permission to eat?

Do you have access to medical care? Do you have access to your own hygiene products? Do you have to get permission in order to see a medical professional or obtain hygiene products? Have you ever been to a doctor or needed medical help? If yes, how were the medical bills paid?

Payment

Are you paid? How much are you paid (per hour, day, week, etc.)? Does your [employer] pay you the full amount you agreed upon? How were you paid? By check, cash, direct deposit into a bank account? Do you have your own bank account?

Do you have access to your pay/money? If not, does your [employer] promise to pay you in the future for what you are owed now? Does your [employer] say that he/she is sending your pay to someone else, such as family in your home country?

Are deductions made from your pay? If so, for what (housing, taxes, repaying costs to come to the US, etc.)?

Does your [employer] pay you through in-kind gifts, rather than with money? Has your [employer] promised to pay you in the future with an in-kind gift for what you are owed now?

Movement & Communications

Are you allowed to communicate with your family or friends? Are your conversations with your family or friends monitored or restricted?

Does your [employer] forbid you or restrict you from communicating with others in the community?

Are you able to leave the [house/place of employment]? How often? For what purpose (to run errands, transport children to school or go to church)? Are there restrictions on where you can go? If so, what would happen if you went someplace else?

Are you monitored while you are [in the home/working]? Are you monitored or timed when you leave the home for work purposes? For personal activities?

Do the neighbors, friends, or the children of your [employer] monitor you? Does your [employer] monitor you through other means, for example, with cameras or other technology? Does your [employer] ever threaten that you are being watched by any of these means?

Immigration Status

Do you have control over your documents (visa, passport, etc.)? Has your [employer] ever taken your documents for any reason? If you do not have control over your documents, do you have access to your documents? What would happen if you asked for your documents?

Do you have a valid visa to work in the U.S.? If yes, what type of visa? If not, has your visa expired while you were working for your [employer]? Has your [employer] ever promised to acquire a visa for you or renew your current visa? Has your [employer] ever threatened

to take away/invalidate your visa or report you to immigration for any reason?

Contract

- Did you sign a contract or make a verbal agreement with your [employer] before coming into the U.S.? If it was a written contract, was it written in your native language? If not, was it written in a language you are able to read and understand? Were you provided with a copy of the contract? Do you have a copy of it?

- What are the basic terms of the contract? What type of work did it say you would be doing? How many hours a day or week did you agree to work? Were you promised days/time off? What wages did you expect to earn?

- Did your contract or any verbal agreements with your [employer] change at any point?

Threats, Physical & Sexual Abuse

- Have you been threatened in any way? Either with threats of violence, deportation, or arrest? Has anyone in your family been threatened? If yes, what was the nature of the threat?

- Have you ever been physically assaulted, verbally abused or emotionally abused by your [employer/member of the household]?

- Did your [employer/member of the household] ever force you to engage in sexual acts against your will?

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