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## If We Were in OUR Home Country: Remedies for Victims

Victims of crimes such as domestic violence and human trafficking are either protected or made more vulnerable depending on their country's laws.

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Victims of crimes such as domestic violence and human trafficking are either protected or made more vulnerable owing to the laws of their locations. Based on expert interactions with victims, whose identities are protected, this article will expose readers to a worldview to compare and contrast victims' journeys that have led to their legal disenfranchisement.

### Rationale

The topics of domestic violence and human trafficking were selected because of their connectedness as intimate crimes that are facilitated through similar dynamics of power and control by aggressors. Working with immigrant survivors of domestic violence and human trafficking provides attorneys and advocates opportunities to have a glimpse into many different cultures, languages, beliefs, and religions to compare experiences through the same baseline understanding of the selected crimes. There are many differences among victims but each victim can relate to others as survivors. The concept of victim helps frame the need for intervention on a serious topic, but the term survivor truly reflects the paths to empowerment that victims find as they heal from abuse. Thus, victim and survivor may be used interchangeably in the following.

Despite differences, many times survivors have one significant thing in common, which is that many abusers understand that crimes, particularly against women, are treated differently in the United States. This understanding is apparent in threats to victims such as, "If we were in OUR home country, you would be dead. If we were in OUR home country,

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no one would help you. If we were in OUR home country, nothing would happen to me.” The article will focus on foreign-born victims to emphasize a global contrast in laws and protections regarding victims and their experiences.

The continuation of this discussion focuses on available protections in the United States specifically in Maryland, and challenges facing women and girls in specific areas of the world such as El Salvador, Honduras, Jordan, North Africa, Peru, and South Asia. These locations were selected because victims from these countries shared their accounts with the writers and because the contrasting perceptions support the opening thesis that reflects the reality of a worldwide epidemic of abuse. Accounts throughout are offered as reference only and were shared with attorneys and advocates with a mutual understanding that direct identities would be protected for privacy. Though victims may be male or female, this article will focus on the plight of women, as many of the related laws and legislative changes were sparked by arguments for equal rights for women. Additionally, outside of agriculture, the [majority](#) of victims of domestic violence and human trafficking [are statistically female](#).

## Background

### Location-Specific Accounts

Understanding why crimes thrive requires an evaluation of laws and priorities existing by culture. To expand the discussion globally, the following section will tour experiences from Honduras, Peru, and Jordan.

**Honduras.** Travel warnings our own clients’ accounts illustrate that Honduras is [considered by many to be a dangerous place](#), especially to be a woman; the United Nations special rapporteur on violence against women reported on March 31, 2015 that the number of femicides, mostly at the hands of intimate partners, increased 234 percent from 2005 to 2013 with a 95 percent impunity rate for femicides and sexual violence. According to the same report, 636 women were murdered in 2013, meaning that a woman was murdered every 13.8 hours, with 70 percent being murdered by a firearm, again many in domestic disputes. These statistics are not surprising considering that a person in Honduras can register up to five firearms.

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Honduras [does have](#) laws against domestic violence. The U.N. special rapporteur reported that domestic violence is the leading reported crime, with 82,547 complaints filed between 2009 and 2012. However, many women and girls [still do not report violence](#) because of fear of retaliation from their abusers, stigma, and shame, which are cyclically reinforced with the country's a high firearm and female-mortality rates. The U.N. special rapporteur found that in some instances when women reported crimes of violence, the police would laugh or just refuse to file the complaint for the victim.

These realities shed light on how crimes grow rampant. Honduras sends a clear message to many women and girls, with the high rate of femicide and the impunity for crimes against them, that their lives are unimportant. Even though the journey could expose them to sexual violence, women and girls will continue to flee to the United States to be safer.

A victim of domestic violence from Honduras who is now living in Maryland reports that she believes she would be dead if she and her ex-husband were still in their home country. She believes this because women in Honduras do not have a voice in the corrupt judicial system and because of the machismo culture that values men over women. In the United States, she was able to have her abuser arrested, get a protective order, and eventually get immigration status as a victim of domestic violence.

**Peru.** The U.S. Department of State's *Country Report on Human Rights Practices* (2012 and 2013) stated that violence against Peruvian women and girls including physical abuse, sexual abuse, rape, and domestic violence, was a serious national problem. *US 19 April 2013, 19; ibid 27 February 2014.* [According to](#) a representative of the Flora Tristan Centre for Peruvian Women, an organization that has been fighting for women in Peru since 1979, if a woman desires to file a complaint as a victim of domestic violence, she must have physical evidence of abuse. If she has physical evidence of abuse, law enforcement will then send her to see a forensic doctor where the wait can be three to four hours. Once the forensic examination is complete, the victim then has to return to the police station to get a subpoena that she herself has to serve on the abuser asking him to appear at the police station. If the abuser does not appear, then the investigation is completed and the police send a report to the prosecutor's office to determine if a crime occurred. The incident would only qualify as domestic violence if the injury were so severe

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that the victim was unable to perform any work for more than 10 days. During this entire process, the abuser still lives at home with the victim because the law does not require him to leave. If the prosecutor determines that the victim suffered domestic violence, then the perpetrator can be removed from the home, but this happens in only 5 percent of cases.

The Peruvian system is considerably prohibitive for women to report domestic violence. The law does not protect women but actually puts them in more danger. A Peruvian victim currently residing in Maryland described challenges in Peru when she reported being a victim of domestic violence. The officer told her that her injuries were no “big deal.” Her experience was that the police did not care unless she was badly beaten or mutilated. She found Peru very challenging compared to the protections and services she has received in the United States including her protective order, which provided financial support and the option for housing. Her husband was arrested and found guilty of assaulting her. She is now receiving counseling and is living apart from her abusive husband, which she believes were not options in Peru.

These types of practices in Peru make violence against women and girls more acceptable there. From the victim’s first experience with law enforcement through the judicial process, she is made to feel less important than the perpetrator. Unless these actions and practices change, violence against Peruvian women will continue to be a serious international problem.

**Jordan.** Jordanian has a patriarchal society where men have authority and power over women, and the law and the social structure [require](#) a woman to obey her husband. If a woman is abused, it is difficult for her to get a divorce, because instead of the abusive husband bringing shame on the family and its reputation, it is the reporting victim who would be thought to bring shame on the family and to not be loyal to her husband.

Jordan passed the Family Protection Act in 2008 and the number of reported cases [had increased](#) from 39 cases in 1998 to 33,963 cases in 2013. Even though the law was passed, the [Population and Family Health Survey](#) found that only 47 percent of the women who reported that they were victims of violence and less than 5 percent who experienced sexual violence sought help from law enforcement, attorneys, medical providers, or service providers.

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A domestic-violence survivor from Jordan who lives in Maryland now believes that she is much safer in the United States because of the assistance that is available to her. She states that Jordan is an extremely male-dominated culture that may have rights in the written laws for women, but they are not really practiced unless men give women those rights.

## Trauma and Challenges in Forming Legal Protection

Legal success depends on convincing survivors to become witnesses. To do this, it is important to understand the trauma inherent in the victim experience and the resulting challenges.

Trafficking survivors are not likely taken overnight, and made into sex slaves and domestic property. Instead, they are groomed many times by individuals from their home country who are familiar with their histories and personal situations. Trafficked victims often have a history of poverty, lack of education, low job prospects, family distress, or other general hardships such as domestic violence, sex and gender-based crimes, and disregard for age and developmental disposition.

Reporting and our own experience reflect that countries that do not provide equality in gender, that disregard the rights of youth, and which fail to enforce statutory protection for at-risk populations, feed trafficking. Many individuals cannot see themselves as susceptible to trafficking and thus may not relate to victims. In the 2015 [public trial](#) of Eric Araujo Flores, one of his most shocking comments from the defendant was when he explained how his crime would not have been of any consequence in his home country of El Salvador. Flores was ultimately convicted on multiple counts related to the sex trafficking of a minor after he continued his sexual exploitation of a female youth starting in El Salvador and crossing into the United States.

For international victims in particular, protections are often less available as resources are scarce because of language and access barriers that prohibit understanding. Areas in Southeast Asia are rife with recruiters. Africa and Caribbean orphans or Indonesian and Indian divorced women desperately needing to earn money after leaving domestic violence situations are highly susceptible. These workers may encounter law enforcement, facing charges related to prostitution or visa violations though they are in situations beyond their control.

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According to Polaris, a known entity for reliable statistics and victim support, [states with high populations of South Asians are also known](#) for high concentrations of human trafficking. South Asians may be considered particularly vulnerable given the widespread cultural acceptance of house servants and expectations for low-wage labor. A person in Gujarat [can expect](#) to make less than \$100 U.S. dollars per month at home in India, so extremely low salaries by U.S. standards would be considered desirable.

## Unspoken Rules of Trafficking

A key phenomenon in trafficking is the shame victims can feel in identifying a role they assume contributed to being trafficked. Low- to no-skilled victims may either find ways to use themselves to sacrifice as payments or turn to victimization of others to obtain funds to pay off a debt to traffickers. Often, conflict and disenfranchisement displace victims. Powerlessness, fear, and poverty may easily lead to exploitation. Victims may be trying to secure education for their children, buy property in their homelands, or care for sick relatives. The psychological control that traffickers have may not be exercised by force or direct threat, but through indirect and vivid implications of being outcast or having loved ones harmed. Insular communities may be unwilling to acknowledge victimization even if the result could mean beneficial assistance and an end to torture. The absence of identifiable elements of force, fraud, or coercion translates to an inadequate basis for prosecution under established U.S. laws. Legal evasion by abusers breeds victim trauma by reinforcing invincibility.

Victims may also have a level of adoration for their traffickers, as do those who are exploited by individuals they consider lovers and familial figures as seen in those with Stockholm syndrome. Labor facilitators can be seen as community saviors by bringing job opportunities to those in areas that would otherwise have no access to come to the U.S. and other lands on H1B, H2A, B1, G5, A3, or J1 worker visas. Victims often have no idea that they should not pay fees to work for traffickers. Abusers make victims feel inadequate in obtaining visas on their own or later can accuse victims of lying to officials to get travel documents after coaching them. Pinching, slapping, shaming, and other forces of domestic and sexual abuse are sometimes victims' experiences behind closed doors of diplomatic homes, on plant farms, in seasonal work facilities, or at community businesses. Victims who find themselves in domestic violence and trafficking situations may have knowingly paid kickbacks or agreed to receive less than what their contracts dictate just to take advantage of a work opportunity. They are less likely to cooperate against traffickers who are known

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acquaintances and local heroes in their mutual communities. Lead workers who are elevated to overseers and enforcers who threaten families back in countries of foreign nationals may display admiring sentiments toward traffickers.

## Social Justice Models

The *risk model* of intimate violence gives a framework for why trafficking is a disturbing trend. There is a clear risk of harm to individuals as the definitive result of victimization. Risks are the factors that create vulnerabilities and under this model, the outcome of not avoiding risks could be domestic violence, trafficking, and sexual assault. Victims are more at risk when they become displaced and have no sense of belonging. Drugs are becoming easier to trace and less lucrative to traffic, so an alternative trafficked item is human beings. Even when found, trafficked victims may have undergone trauma that keeps them from revealing their abusers and shields them from understanding that they do not deserve the fate they have endured.

The *microsystems model* personalizes experiences of victims. Narratives aid in understanding the victim experience. Oral testimonies become research material, witness statements, evidence, and therapeutic bases that allow displaced victims the chance to express their journeys and pain in affirming environments.

South Asia is a particular example of the diaspora of people from one area of the world relocating from East to West where different laws apply. This article focuses on women since about 75 percent of trafficking victims [are female](#); 1 percent [are transgendered](#); and 25 percent are [minors](#). To [understand](#) the long-term expectations for human-trafficking victims, it is important to realize that most foreign victims do not naturalize to become U.S. citizens or receive any type of status as they become illegally present in the United States. Many endure hard life conditions with no eligibility for state or federal benefits. Foreign-born immigrants who do not naturalize [have](#) more later life health problems and tend to be female, whereas those who enter at younger ages have more healthy longevity outcomes. Demographics produce insight into the victim experience and expand the results that require civil remedies. The author of [Sex Trafficking in South Asia](#) notes that economic and social inequalities are sources of vulnerability that make South Asians more susceptible to human trafficking. Global efforts are underway to affirm trafficked persons as victims of human-rights violations.

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## Analysis

The concept of transnational activism in response to disenfranchisement can easily be applied to human trafficking in the United States. Trafficking victims are often silenced by their abusers who strip their dignity, take their travel and identify documents, and deny their culture. Some trafficked persons are even made to speak other languages that are unfamiliar. Feminist theories can empower the disenfranchised and narrative opportunities give a voice and identity to the victims who would otherwise go unheard.

The U.S. victims' rights movement has resulted in the Crime Victims' Rights Act and is largely the result of victims themselves identifying what they felt was missing in supporting them through the criminal process. Learning how to incorporate victim-centric practices into combatting human trafficking can be shared with policy makers who are committed to anti-trafficking support. Without a dialogue with trafficked persons, the victim narrative could be told through an erroneous lens. Victim narratives are incomplete if they do not include clarity on how individuals became vulnerable to trafficking. Investigators can piece together how victims are trafficked, but only the victim can fully explain the precursors and psychological impact, the abuse, and the family effects.

Laws and protections are only as powerful as their outcomes. The use of narratives can support victims in identifying positive and problematic aspects for policy makers who attempt to stabilize and resettle trafficked immigrants. Narratives will shed light on how returning trafficking victims to their country of origin is not a simple solution. Narratives may be used, as in this article, to create an opportunity for displaced populations to unite and tell their stories together with a voice of solidarity as witnesses and those providing victim impact statements.

Victims are essential gatekeepers to evidence for law enforcement and prosecution. By noting that almost every federal cabinet agency has a program to combat trafficking, it is evident that human trafficking is currently a high-priority topic in U.S. society. Prosecutorial efforts against human trafficking are bolstered by anti-trafficking legislation and civil recourses for victims. Human trafficking starts with exploitation and often visa fraud before a victim reaches U.S. borders. Human trafficking appears to be a bipartisan issue that is agreeably problematic for the United States and some of the international countries that have joined anti-trafficking protocols; the solution must be global.

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## Recommendations

If victims can avoid or overcome trafficking, they are often eligible to seek asylum, T or U visas, and social services. Restitution and continued-presence requests are options that advance prosecutions and support victims who cooperate with law enforcement. Because money and a need for resources generally are motivating concerns for victims, individuals need to find support through legislation and potentially civil judicial proceedings. The Office for Refugee Resettlement within the U.S. Department of Health and Human Services offers a reconstructive opportunity to assist victims who seek federal and state protection or dignifying returns home.

Familiar abuse becomes more comfortable than unknown safety. Many trafficked persons are so displaced that they feel that they cannot return home because of the power of their abusers, yet they do not belong in the land where they end up. Trafficked victims often have financial strains that leave them feeling helpless. Foreign victims may also have difficulty finding advocates who speak their language. Each challenge is an opportunity to provide resource options and choices for victims. Another significant challenge is getting society to see many sex workers and domestic laborers who are exploited as being victims versus just prostitutes and housekeepers.

## Closing

Those who experience domestic violence, human trafficking, and sexual assault can be shielded by laws and made less malleable to exploitation by addressing their individual trauma. Ample opportunities exist to get involved legally and socially to improve the outcomes for victims. Crimes such as trafficking have a global impact, but the universal awareness attacks criminal behavior. The victim paradigm is vital to legal responses because it fosters compassionate client interventions to affirm abused individuals.

***The views expressed are solely those of the writers and are not necessarily those of the U.S. government.***

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