

Webinar
January 19, 2017



COLLABORATING TO ADDRESS TRAFFICKED SURVIVORS WITH DISABILITIES

*Presented by Futures Without Violence in partnership with the
U. S. Department of Justice, Office on Violence Against Women*

Elena Dineen, Futures Without Violence (Moderator)

Katie Spielman, Esq., Staff Attorney, Disability Rights California (Presenter)

Cindy C. Liou, Esq., Attorney & Consultant (Presenter)

This project is supported by Grant No. 2015-TA-AX-K029, awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.



Introduction

2

This webinar is part of a project entitled Building Collaborative Responses to Trafficked Victims of Domestic Violence and Sexual Assault, supported by the Department of Justice, Office on Violence Against Women, and developed by our presenters Katie Spielman and Cindy Liou.



Polling Question:

What best describes your organization?

3

- Sexual Assault (SA)
- Domestic Violence (DV)
- Domestic Violence/Sexual Assault
- DV/SA/Human Trafficking Direct Service Provider
- Human Trafficking Task Force Member
- Legal Service Provider
- Law Enforcement
- Community Based Organization
- Other



Polling Question: What best describes your experience with working with individuals with disabilities?

4

- No experience
- Basic – under three years
- Intermediate – more than three years
- Advanced – more than five years
- Expert – more than ten years



As a result of this webinar, you will be better able to:

5

- Recognize the risk factors for individuals with disabilities to different forms of human trafficking.
- Employ disability-related accommodations and techniques that may be required when working with survivors of human trafficking with disabilities.
- Identify strategies for collaboration between and among domestic violence and sexual assault service providers, legal service providers, and disability rights organizations to support survivors of human trafficking with disabilities.



Types of Disabilities

6

- Disabilities can be:
 - Physical
 - Mental Health
 - Sensory
 - Cognitive (Intellectual and Developmental)
- May lead to victimization, or may be triggered by victimization



Polling question 3: What type of disability is the most vulnerable to victimization of crime?

7

- Sensory
- Physical
- Cognitive
- Mental Health



Victimization of Persons with Disabilities Statistics

8

- **Sexual Assault:** Age-adjusted rate for persons with disabilities approximately 3.5 times higher than persons without disabilities
- **Violent Crime:** 2.7 times higher
- **Human trafficking:** Unknown



Criminal Justice System

9

Widespread perception among people with disabilities and their advocates that reporting crimes to authorities is useless

- Underreporting of crime
- Low rates of prosecution
- When convictions occur, sentences for crimes against people with disabilities are lighter, particularly sexual assault



***U.S. v. Kozminski*, 48 USC 931 (1988)**

10

- Two men with intellectual disabilities laboring on dairy farm
- Worked 7 days a week, often 17 hours a day
- Threatened with physical abuse, psychological threats, and reinstitutionalization
- Supreme Court interpreted involuntary servitude narrowly
- Congress enacted TVPA in response



4 “Ps” of the Trafficking Victims Protection Act (TVPA)

11

Prosecution through definition of new crimes

Protection provided to trafficked persons through immigration relief and other benefits-must show reasonable cooperation with law enforcement

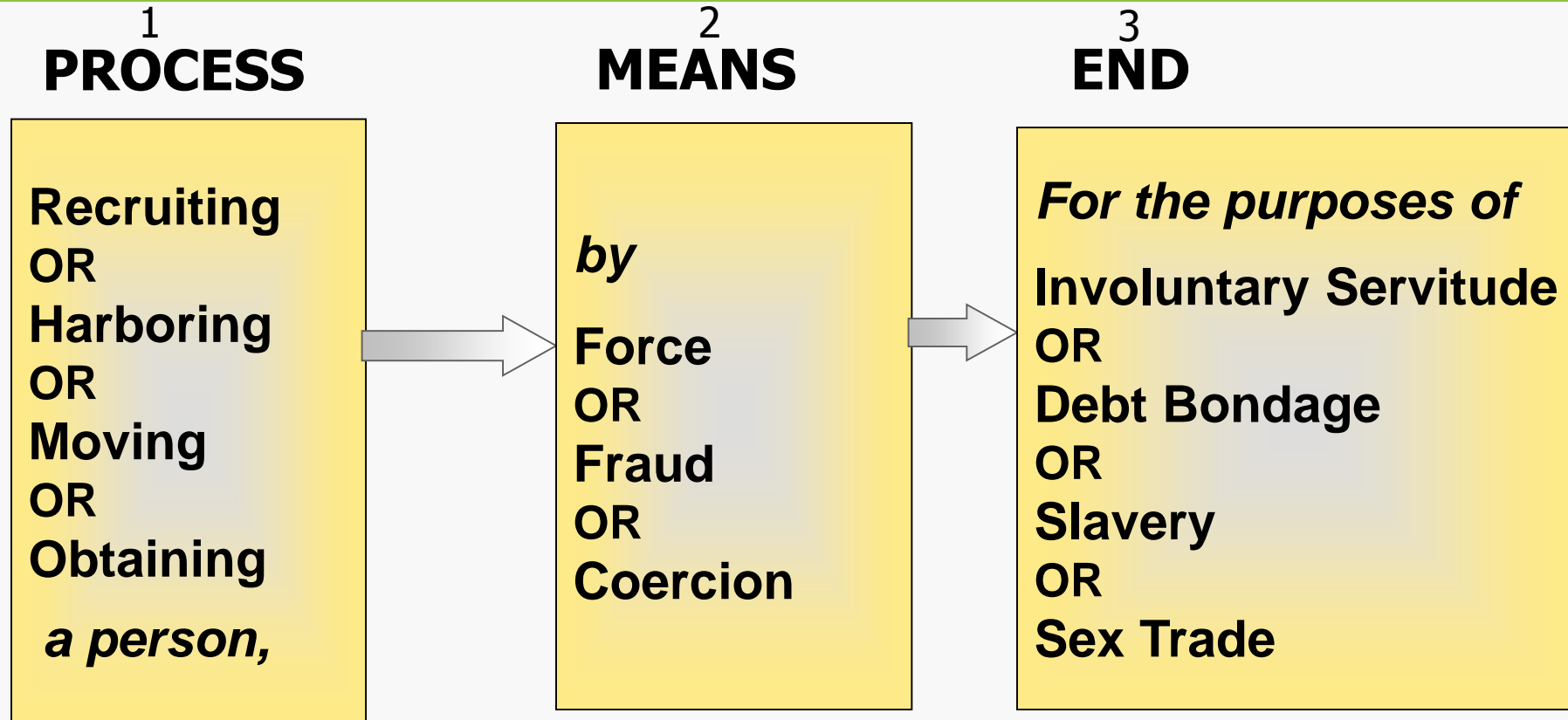
Prevention through State Department reporting and overseas funding

Partnerships with governmental, non governmental agencies, and public sector at the federal, state, and local level



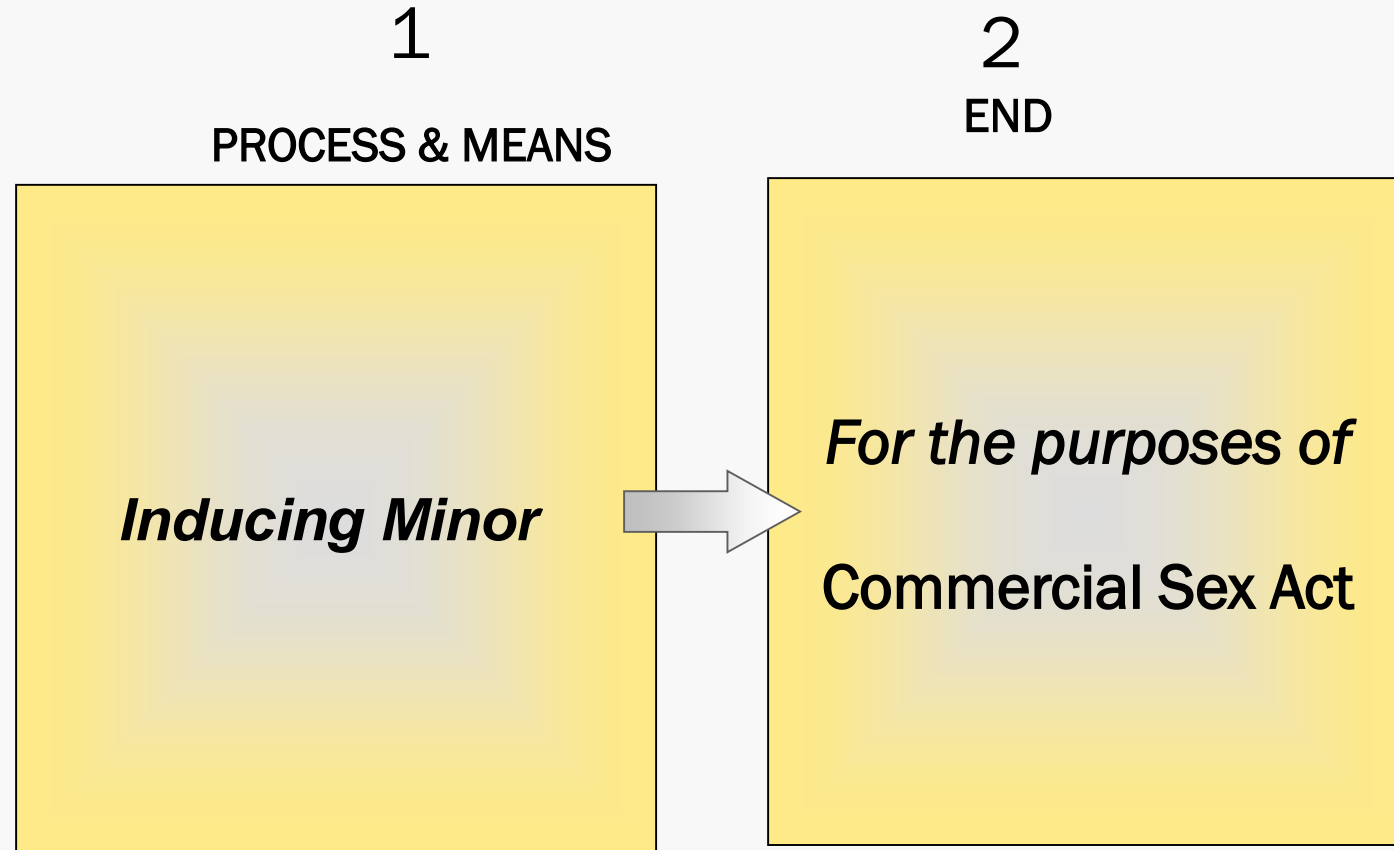
Three Elements Of Adult Sex and Labor Trafficking and Minor Labor Trafficking

12



Elements Of Minor Sex Trafficking

13



Industries People with Disabilities are Trafficked into:

14

- Sex work (commercial and non-commercial)
- Servile marriage
- Domestic work
- Janitorial work
- Selling trinkets
- Poultry farm
- Criminal activity (including drug trafficking & transport)
- Agriculture
- Manufacturing work
- Begging
- Construction



Vulnerabilities for People with Disabilities

- Bias & Stigma
- Systemic barriers
- Cultural beliefs
- Cognitive deficits
- Mental illness
- Communication impairment
- Physical disability
- Situational
- Social capacity



Similarities Between Domestic Violence, Sexual Assault and Trafficking Survivors with Disabilities

16

- Survivors face similar barriers to leaving abusive situations and reintegrating in their community
- Survivors may have similar needs for basic services and safety planning
- Survivors may experience significant economic and financial abuse and need to create economic independence



Addressing Trafficking Within Domestic Violence and Sexual Assault Programs

17

- Like domestic violence and sexual assault, trafficking is about power and control and exploitation of people, particularly women and children
- Majority of trafficking victims know their perpetrators
- Trafficking is rooted in interconnected systems of oppression and inequality
- Domestic violence and sexual assault programs have vast experiences working with survivors of violence



Labor Exploitation

18

- Fair Labor Standards Act Section 14(c)
- Sheltered Workshops
- Barriers to employment
- *EEOC v. Henry's Turkey Service*



Respecting People with Disabilities

19

- Focus on abilities, not limitations
- Avoid labels
- Don't pity, patronize, or lionize
- Let the person speak for self
- Work with all partners for appropriate language use



Language

20

Terms to Use:

- Person with a disability
- Blind or visually impaired
- Deaf or hard of hearing
- Intellectual disability
- Mental health disability
- Non-visible disability
- Someone of short stature
- Person who uses a wheelchair

Terms Not to Use:

- The disabled, suffers from (an illness or disability)
- Handicap, cripple, physically challenged
- Crazy, nuts
- Special
- Retard/Retarded
- Dwarf or midget
- Wheelchair-bound



Collaborating Across Movements

21

- Align and create common mission, philosophy, incentives, and understanding of trafficking as well as rights and needs of people with disabilities
- Identify and acknowledge differing roles and movement-specific goals
- Find complementary areas of expertise
- Highlight areas of intersectionality
- Acknowledge need for cross-training and cross-accessibility
- Identify additional civil and criminal legal options for people with disabilities



Disability Rights Stakeholders

- Protection & Advocacy
- The Arc
- Self-Advocacy Groups
- Crisis Intervention Teams
- Behaviorists
- Communication Facilitators/Linguists
- Hate Crime Training/Task Forces
- TASH
- State Departments of Health, Developmental Disability Services
- National Disability Rights Network
- United Cerebral Palsy
- Lighthouse for the Blind
- Centers for Independent Living
- Public benefits attorneys

***U.S. v. Weston*, No. 13-025-1 (E.D.Pa. Jan. 22, 2013)**

23

- People with disabilities estranged from families lured into locations in Pennsylvania, Texas, Virginia, and Florida
- 6 adults and 4 children locked in, isolated, forced to be naked, sedated with drugs, physically assaulted, had benefits taken, forced to have children to collect more benefits, forced into prostitution
- One victim died of starvation, one died of multiple drug toxicity
- Plead guilty to RICO, hate crimes, kidnapping resulting in death of the victim, forced labor, involuntary servitude, sex trafficking, theft of government funds, wire fraud, mail fraud, use of firearm in furtherance of a violence crime, false statements



Intake

24

1. Clarify who is the victim and/or client
2. Allow for intake accommodations and ask victims for their preference
3. What is the relationship of the suspect to the victim?
4. Does the victim identify as having a disability?
5. What does the victim **want**?
6. How might vulnerabilities inform force, fraud and coercion analysis for trafficking?



Intake Accommodations

- Create a safe environment
- Talk directly to the person
- Meet with person alone so they may speak freely
- Ask victims about accommodations (communication devices, presence of support person/advocate)
- Ask about preferred gender
- Use linguist, interpreter, communication facilitator, and/or behaviorist to accommodate communication barriers
- Non-verbal victims



Trafficking Key Indicators

26

Along with:

- physical/psychological/ sexual abuse/ physical threats

Look for:

- Long hours
- Little/No pay
- Withholding documents
- Threats of deportation
- Threats to family members in home country
- Isolation
- Inhumane working and living conditions
- Having to work when sick
- Minors not attending school



Key Questions To Keep in Mind

- Was the person recruited? What were they promised?
- Did the person do any form of work?
- Was the person paid? How much? How many hours a day did the person work?
- What were the working conditions?
- Was the person coerced
 - Force, Physical Threats, Legal threats, Threats to institutionalize, Plan to control
- Did the person try to leave? Could they stop working if they wanted to?
- Is the person afraid of his/her employer or caretaker? Why?



Assessing Coercive Tactics

28

- How does your trafficker react to your disability in private?
- What does your trafficker tell others about your disability?
- Does your trafficker do anything to make your disability worse?
- Does your trafficker do things to take advantage of your disability?
- Does your trafficker do anything to take away your independence?
- Does your trafficker interfere with your use of (items needed for safety)?
- If you depend on caregivers, does your caregiver use your need for assistance to keep control over you?
- Does your trafficker restrict or interfere with communication with others?

Partially adapted from Washington State Coalition Against Domestic Violence



Service Coordination

29

- Safety Planning
- Shelter
- Transportation
- Accommodations
- Caretaker issues
- Finding employment
- Financial support
- Being perceived as “too difficult to serve”



Investigations, Evidence & Expert

30

- Investigations
- Evidentiary Issues
 - Witness competence
 - Trauma symptoms can manifest as behavioral problems
- Experts



Confidentiality and Privilege

31

- Mandatory reporting
- Know confidentiality and privilege limits and roles of:
 - Victims' attorneys
 - Law enforcement
 - Government agencies
 - Social service providers
 - Medical and mental health professionals
 - Educators
 - Service coordinators



Outreach

32

- People with disabilities in marketing/outreach materials?
- Accessible outreach and marketing materials?
- Is your office accessible?
- Cross promoting with community-based disability organizations
- Ask for feedback from disability community and suggestions for improvement
- Recruit and employ people with disabilities



Checklist

33

- ☐ Create and align mission and purpose
- ☐ Disability awareness training
- ☐ Incorporate accessibility and accommodations into policies, protocols, and best practices
- ☐ Incorporate disability-specific considerations for intake and investigations
- ☐ Modify safety plan and language access plan for people with disabilities
- ☐ Develop referral list for service providers who serve people with disabilities
- ☐ Clarify confidentiality and privilege
- ☐ Create appropriate outreach plan for people with disabilities

Resources

34

How to Identify and Communicate with a Human Trafficking Victim of Intellectual and/or Developmental Disability, (webinar power point).

https://www.ovcttac.gov/downloads/Trafficking/files/TA%20Webinar%20OVC_Grantees%20April%202014_PPT%20-508c_5_20_2014.pdf

Victims with Physical, Cognitive, or Emotional Disabilities, OVC – e-guide

<https://www.ovcttac.gov/taskforceguide/eguide/4-supporting-victims/45-victim-populations/victims-with-physical-cognitive-or-emotional-disabilities/>

End Abuse of People with Disabilities (VERA Institute) <http://www.endabusepwd.org/>

Collaborating to Help Trafficking Survivors: Emerging Issues and Practice Pointers

<http://www.futureswithoutviolence.org/userfiles/file/ImmigrantWomen/Collaborating%20to%20Help%20Trafficking%20Survivors%20Final.pdf>



Questions and Answers

35



Please take a moment to take a short evaluation regarding today's webinar and future webinars: <https://www.surveymonkey.com/r/HTDisEval>

The recording of the webinar will be posted on the FUTURES website in the next few days: <https://www.futureswithoutviolence.org/resources-events/webinars/>

For questions or additional information please contact Monica Arenas:
marenas@futureswithoutviolence.org

