

INVISIBLE CHAINS: PSYCHOLOGICAL COERCION OF HUMAN TRAFFICKING VICTIMS

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I. Introduction

The terror that grips a victim of abuse can be the same whether physical violence or psychological force is used. Rashi¹ was a victim of modern-day slavery for over ten years. She was brought to the United States as a domestic servant and was forced to work from morning to night, was not paid, and was made to sleep on a mat on the floor. She was forced to beg for her meager portions of food and suffered from untreated tuberculosis because she was not allowed to seek medical care. Rashi had no contact with the outside world because her employer forbade her to leave the home, to use the telephone, or even to watch television. She was denigrated and verbally abused on a daily basis. Her employer frequently flew into rages, threatening to have her family killed if she tried to escape. After years of this treatment, a hard stare from her employer was enough to send her cowering into the corner. When Rashi was finally rescued, she was asked why she had not left.

It is easy to comprehend slavery created with chains. Physical forms of violence and control are understandable because of their visibility. If slaves are locked inside a room, it is obvious why they do not leave. If they have bruises, the harm that has come to them is apparent. On the other hand, psychological abuse and coercion are easier to conceal and may be overlooked. Many people have difficulty understanding how psychological means can be used to manipulate other people. This paper will attempt to show how psycho-

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¹ "Rashi" is an amalgamation of several cases of human trafficking.

logical coercion can be as effective as physical violence in exerting control over a person. It will describe research on psychological control and manipulation, provide examples of psychological coercion used in conditions of modern-day slavery, and provide a biologically-based framework for understanding psychological coercion. The goals of this paper are to provide a means to improve recognition of victims by identifying additional means of enslavement beyond physical force, and to increase empathy toward victims who are held in captivity through psychological means.

II. Psychological Coercion in the Law

Slavery has been illegal in the United States since 1865.² Traditionally, the use of physical force has been required to prove conditions of slavery. On the other hand, involuntary servitude statutes recognize that individuals may be held in servitude through nonviolent coercion. Until recently, however, these statutes limited the definition of coercion for this purpose to the use or threats of physical or legal coercion.³ In 2000, the Trafficking Victims Protection Act ("TVPA")⁴ was passed in the United States, creating a new "forced labor" felony that criminalizes a wider range of non-physical forms of coercion. The act defines the problem of human trafficking as a modern form of slavery.⁵ According to the U.S. Department of State, "trafficking in persons" refers to

the recruitment, transportation, transfer, harboring or receipt of a person by means of the threat or use of force or other means of coercion, or by abduction, fraud, deception, abuse of power or of a position of

² See generally U.S. CONST. amend. XIII, § 1.

³ See *United States v. Kozminski*, 487 U.S. 931, 932 (1988).

⁴ Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No. 106-386, 114 Stat. 1464 (codified as amended at scattered sections of 8, 20, 22, 27, 28, and 42 U.S.C.) [hereinafter VTPA]. Division A of the VTPA is further identified as the Trafficking Victims Protection Act of 2000 (codified as amended at 22 U.S.C. §§ 7101-7110 (2000)), which incorporates 18 U.S.C. §§ 1589-1594 (2000) [hereinafter TVPA]. President Clinton signed the TVPA into law on October 28, 2000.

⁵ See TVPA, *supra* note 4, 22 U.S.C. § 7101(b)(1).

vulnerability, or by 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.⁶

Within the TVPA, coercion includes violent as well as non-violent or psychological force.⁷ The Act describes how traffickers abuse their power or take advantage of others' vulnerability in order to coerce or control them. In this case, abuse of power or the vulnerability of others means the victim "believes he or she has no reasonable alternative but to submit to the labor or service demanded"⁸ Such coercion

includes but is not limited to taking advantage of the vulnerabilities resulting from the person having entered the country illegally or without proper documentation, pregnancy, any physical or mental disease or disability *of the person*, including addiction to the use of any substance, or reduced capacity to form judgments by virtue of being a child (emphasis added).⁹

The TVPA acknowledges that traffickers utilize psychological manipulation and fear to maintain control, making "representations to their victims that physical harm may occur to them or others should the victim escape or attempt to escape."¹⁰ It indicates that these representations "can have the same coercive effects on victims as direct threats to inflict such harm,"¹¹ clearly recognizing that the establishment of an environment of fear can have the same consequences as direct threats or physical violence. Although physical violence is a universal means of creating fear, perpetrators

⁶ OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS, UNITED STATES DEPARTMENT OF STATE, MODEL LAW TO COMBAT TRAFFICKING IN PERSONS, art. I, sec. 100 (2003) [hereinafter Model Law to Combat Trafficking in Persons].

⁷ See TVPA, *supra* note 4, 22 U.S.C. § 7101(b)(13).

⁸ Model Law to Combat Trafficking in Persons, *supra* note 6, art. I, sec. 108.

⁹ *Id.*

¹⁰ See TVPA, *supra* note 4, 22 U.S.C. § 7101(b)(7).

¹¹ *Id.*

may use violence infrequently, as a last resort. It is not necessary to use violence often to keep the victim in a constant state of fear. The threat of death or serious harm [either to the victim or to others close to him or her] is much more frequent than the actual resort to violence.¹²

Therefore, it is essential to look beyond physical violence to examine more closely the methods of psychological coercion and victimization.

III. Psychological Coercion in Various Conditions of Abuse

There has been little research to date on psychological coercion of trafficking victims. However, we can begin to understand psychological means of control by examining the literature regarding psychological coercion of other victims of abuse. Literature on prisoners of war, torture survivors, cult members, and victims of domestic violence can clarify how psychological manipulation is used in various conditions of control.

A. Psychological Coercion of Prisoners of War and Torture Survivors

International human rights policies recognize the impact of psychological, as well as physical coercion. For instance, the Geneva Convention on Prisoners of War and Detainees specifically prohibits the use of coercion, including "physical or mental torture" and "any other form of coercion."¹³ A variety of non-violent, non-physical forms of coercion have been used to manipulate prisoners of war and detainees, including: (1) various conditions of detention such as denial of privacy, cramped or overcrowded confined spaces, solitary confinement, and sensory deprivation; (2) deprivation of physiological needs including restriction of food, water, sleep, toilet

¹² JUDITH LEWIS HERMAN, M.D., *TRAUMA AND RECOVERY* 77 (Basic Books 1992).

¹³ Geneva Conventions, *Convention III, Relative to the Treatment of Prisoners of War* (August 1949), art. 17 (Aug. 12, 1949), <http://genevaconventions.org> (follow "convention text" hyperlink; then follow "Convention III" hyperlink.).

facilities, bathing, motor activities, and medical care; (3) deprivation of social contacts including isolation and loss of contact with the outside world; (4) humiliation and verbal abuse; (5) threats of violence; (6) exposure to ambiguous situations or contradictory messages; (7) compulsory violation of taboos or religious beliefs; (8) being forced to betray or harm others; and (9) being forced to witness atrocities performed on others.¹⁴

Physicians specify how such non-violent forms of ill treatment often lead to long-term psychological effects. Deprivation of basic physiological needs may "serve to disorient victims, to induce exhaustion and debility, difficulty concentrating, impair memory and instill fear, helplessness, despair, and, in some cases, can result in severe anxiety and hallucinations and other psychotic reactions."¹⁵ Verbal abuse, humiliation, threats, and other forms of psychological abuse "represent deliberate attempts to break down the will of individuals . . . [and] are often used to induce the sense of 'learned helplessness,' that the abuse continues whether or not the victim cooperates."¹⁶

Analogous psychological techniques are used to break down the will to resist in torture survivors. The principal objective of torture is to create a specific psychological effect in another person, often involving a subjugation of the will and a sense of helplessness to escape or resist.¹⁷ Coercive interrogation techniques are used to induce "suggestibility, compliance with external instructions, malleability, and plasticity, and thus, an impaired capacity to freely exercise a voluntary and informed choice of decision and action. If sufficiently severe, such factors will produce stress disorders."¹⁸

¹⁴ PHYSICIANS FOR HUMAN RIGHTS, INTERROGATIONS, TORTURE AND ILL TREATMENT: LEGAL REQUIREMENTS AND HEALTH CONSEQUENCES 9-10 (2004), available at http://phrusa.org/research/pdf/iraq_medical_consequences.pdf [hereinafter PHYSICIANS FOR HUMAN RIGHTS].

¹⁵ *Id.* at 7-8.

¹⁶ *Id.* at 8.

¹⁷ Stuart W. Turner & Caroline Gorst-Unsworth, *Psychological Sequelae of Torture*, in INTERNATIONAL HANDBOOK OF TRAUMATIC STRESS SYNDROMES 703-04 (John P. Wilson & Beverly Raphael eds., 1993).

¹⁸ Michael A. Simpson, *Traumatic Stress and the Bruising of the Soul: The Effects of Torture and Coercive Interrogation*, in INTERNATIONAL HANDBOOK OF

Maltreatment of victims of torture that results in a profound sense of helplessness is associated with the greatest degree of psychological distress.¹⁹

B. Cult Leaders' Use of Psychological Coercion as a Form of Control

Social psychological research into cults has described similar psychological means utilized by cult leaders to coerce and control behavior. Within a cultic system there is generally a powerful leader who exercises control over the individual freedom of members.²⁰ Some of the means of psychological control utilized within cults include: separation from familiar surroundings, deception, creation of confusion, social isolation, prohibitions against dissent or free will, induction of guilt, the offer of affection that is dependent on compliance, threats of harm, and creation of fear.²¹

C. Psychological Coercion in Domestic Violence

Batterers also utilize a range of psychological techniques to maintain control over their partners, creating conditions of psychological captivity.²² In domestic violence:

[P]hysical barriers to escape are rare. In most homes, even the most oppressive, there are no bars on the windows, no barbed wire fences. Women and children are not ordinarily chained The barriers to escape are generally invisible. They are nonetheless extremely powerful. Children are rendered captive by

TRAUMATIC STRESS SYNDROMES 667, 670-71 (John P. Wilson & Beverly Raphael eds., 1993).

¹⁹ See Metin Basoglu et al., *Psychological Preparedness for Trauma as a Protective Factor in Survivors of Torture*, 27 *PSYCHOLOGICAL MEDICINE* 1421 (1997).

²⁰ Susan Anderson, *Identifying Coercion and Deception in Social Systems*, in *SCIENTIFIC RESEARCH AND NEW RELIGIONS. DIVERGENT PERSPECTIVES*, Oct. 1985, at 12. (Brock K. Kilbourne ed., 1985).

²¹ Susan Anderson & Phillip Zimbardo, *Resisting Mind Control*, *USA TODAY*, Nov. 1980, at 44-47.

²² LENORE E. WALKER, ED.D, *THE BATTERED WOMAN SYNDROME* 27 (1984).

their condition of dependency. Women are rendered captive by economic, social, psychological, and legal subordination, as well as by physical force.²³

In fact, many victims of domestic violence report that the psychological abuse is as harmful, or worse, than the physical abuse that they have suffered.²⁴ Some common forms of psychological control used by perpetrators of domestic violence include: isolation, provoking fear, alternating kindness and threats to produce disequilibrium, encouraging feelings of guilt and self-blame, creating dependency, and establishing conditions that lead to learned helplessness.²⁵

IV. Psychological Coercion in Human Trafficking

Significant similarities have been noted between hostages, political prisoners, prisoners of concentration camps, battered women, and other victims of captivity.²⁶ All of these coercive systems utilize high levels of control, exposure to chronic stress and threat, isolation, provocation of fear, and the creation of a sense of helplessness in victims. It is apparent that "the methods that enable one human being to enslave another are remarkably consistent . . . [they] are based upon the systematic, repetitive infliction of psychological trauma."²⁷

Human trafficking cases have many elements in common with the forms of abuse described above. As with prisoners of war, trafficking victims may be forced to live in overcrowded conditions with poor sanitation.²⁸ Basic physiological needs, such as food and

²³ HERMAN, *supra* note 12, at 74.

²⁴ WALKER, *supra* note 22, at 27.

²⁵ Teresa Boulette & Susan Anderson, *Mind Control and the Battering of Women*, 3 CULTIC STUDIES J. 25 (1986), available at http://csj.org/studyindex/studywomen/study%20_womenbatter.htm.

²⁶ HERMAN, *supra* note 12, at 76.

²⁷ *Id.* at 76-77.

²⁸ FREE THE SLAVES & THE HUMAN RIGHTS CENTER AT THE UNIVERSITY OF CALIFORNIA AT BERKELEY, HIDDEN SLAVES: FORCED LABOR IN THE UNITED STATES 36 (2004) available at http://www.hrcberkeley.org/download/hiddenslaves_report.pdf [hereinafter HIDDEN SLAVES].

sleep may be withheld in order to break, control, or punish victims.²⁹ For victims, the basic freedom of movement is often restricted.³⁰ As with members of cults, trafficking victims are often isolated from external social support networks, creating a sense of disconnection.³¹ Similar to victims of domestic violence, many victims of trafficking experience repeated verbal abuse, threats, and sexual abuse.³²

A study examining the experiences of women trafficked in four countries reported high levels of psychological abuse, in addition to physical and sexual violence.³³ Over seventy percent of these women reported that they had suffered emotional abuse, verbal threats, and control through use of alcohol and drugs.³⁴ Other means of psychological coercion used included: threats to report the women to police, immigration-related threats, death threats to the women or their families, control through the use of weapons, and control by withholding money.³⁵

Because of the similarities of human trafficking to other situations of traumatic stress, the psychological consequences of trafficking may be assumed to be similar. High rates of emotional, behavioral, and psychological problems have been reported by trafficked and sexually exploited women, with the majority of women reporting symptoms such as depression or sadness, guilt and self-blame, anger and rage, and sleep disturbances.³⁶

²⁹ *Id.* at 2.

³⁰ AMY O'NEILL RICHARD, INTERNATIONAL TRAFFICKING IN WOMEN TO THE UNITED STATES: A CONTEMPORARY MANIFESTATION OF SLAVERY AND ORGANIZED CRIME 15 (1999), available at <http://www.cia.gov/csi/monograph/women/trafficking.pdf>.

³¹ *Id.* at 3.

³² HIDDEN SLAVES, *supra* note 28, at 37.

³³ See JANICE G. RAYMOND ET AL., A COMPARATIVE STUDY OF WOMEN TRAFFICKED IN THE MIGRATION PROCESS: PATTERNS, PROFILES, AND HEALTH CONSEQUENCES OF SEXUAL EXPLOITATION IN FIVE COUNTRIES (INDONESIA, THE PHILIPPINES, THAILAND, VENEZUELA, AND THE UNITED STATES) 61 (2002), available at [http://www.reliefweb.int/rw/lib.nsf/db900SID/LHON-672EPJ/\\$FILE/Gender_Migration_CATW_2002.pdf?OpenElement](http://www.reliefweb.int/rw/lib.nsf/db900SID/LHON-672EPJ/$FILE/Gender_Migration_CATW_2002.pdf?OpenElement).

³⁴ *Id.* at 61.

³⁵ *Id.*

³⁶ *Id.* at 71-73.

In their work on victims of forced labor, Kevin Bales³⁷ and his colleagues describe methods of psychological manipulation used by traffickers. They portray how "victims of forced labor often suffer psychological assaults designed to keep them submissive. Cut off from contact with the outside world, they can lose their sense of personal efficacy and control, attributes that mental health professionals have long considered essential to good mental and physical health."³⁸

Captivity creates a unique relationship of coercive control between the perpetrator and victim. Perpetrators utilize "the organized techniques of disempowerment and disconnection . . . to instill terror and helplessness and to destroy the victim's sense of self in relation to others."³⁹ As victims become more isolated they grow "increasingly dependent on the perpetrator, not only for survival and basic bodily needs, but also for information and even for emotional sustenance."⁴⁰ The purpose of such psychological coercion is to increase control over other persons. Traffickers provoke feelings of fear, disconnection, dependency, and helplessness in their victims. This supports their ability to exploit others for personal and financial gain.

V. Phases of Coercive Control in Human Trafficking

Trafficking involves a process of psychological manipulation and control that can be seen as having three phases: recruitment; initiation; and indoctrination. In many cases of trafficking, the escalating control of traffickers follows a similar pattern.

A. Recruitment

In the recruitment phase, traffickers identify potential victims. The TVPA describes how traffickers specifically target vulnerable populations, using this vulnerability as a means of coercive control. The TVPA notes that "[t]raffickers primarily target women and

³⁷ HIDDEN SLAVES, *supra* note 28, at 3.

³⁸ *Id.*

³⁹ HERMAN, *supra* note 12, at 77.

⁴⁰ *Id.* at 81.

girls, who are disproportionately affected by poverty, the lack of access to education, chronic unemployment, discrimination, and the lack of economic opportunities in countries of origin."⁴¹ Victims may be vulnerable due to political and economic instability in their countries of origin, membership in single-parent households, unemployment, homelessness, low social status, physical impairment, mental impairment, or substance dependence.⁴² Traffickers take immediate advantage of the power differential as a persuasive or coercive technique to entice victims.

Traffickers often use fraud as a method of persuasion during the recruitment phase. They typically offer misleading information and paint a picture of an ideal world.⁴³ The TVPA notes that victims are lured with false promises "of decent working conditions at relatively good pay as nannies, maids, dancers, factory workers, restaurant workers, sales clerks, or models."⁴⁴ Trafficking victims may be vulnerable to such deceit because of a lack of knowledge; they may not have a grasp of whether the traffickers' promises are realistic and often do not understand their basic human rights.

Traffickers systematically transport victims from their home communities to places where they are unfamiliar with the language, culture, or laws.⁴⁵ Separated from family and friends, religious institutions, and other sources of protection and support, victims are even more vulnerable to harm.⁴⁶

B. Initiation

Once victims are obtained, they are initiated into the culture of trafficking.⁴⁷ Victims are forced to accept a distorted sense of re-

⁴¹ TVPA, *supra* note 4, 22 U.S.C. § 7101(b)(4).

⁴² *See generally*, HIDDEN SLAVES, *supra* note 28.

⁴³ RICHARD, *supra* note 30, at 5.

⁴⁴ TVPA, *supra* note 4, 22 U.S.C. § 7101(b)(4).

⁴⁵ TVPA, *supra* note 4, 22 U.S.C. § 7101(b)(5).

⁴⁶ *Id.*

⁴⁷ JENNA SHEARER DEMIR, TRAFFICKING OF WOMEN FOR SEXUAL EXPLOITATION: A GENDER-BASED WELL-FOUNDED FEAR? AN EXAMINATION OF REFUGEE STATUS DETERMINATION FOR TRAFFICKED PROSTITUTED WOMEN FROM

ality where exploitation is expected and accepted. In this new environment, the traffickers are the ultimate authority. They use paternalistic behavior to assert control. If victims request information or question what is happening, traffickers may dismiss them with platitudes, telling victims to be patient and not to worry. Victims' disorientation and lack of familiarity with their surroundings are also used to increase their dependence on traffickers. They may be moved from location to location to break any social ties that they may make, to increase their debt burden, or to further their sense of disorientation.⁴⁸

Victims are typically isolated from the outside world. They may be prevented from leaving their work environment, prevented from having friends, and prevented from talking to others.⁴⁹ Cultural and language barriers can further isolate victims from their surroundings. Traffickers may use this language barrier to control victims' ability to access help. Victims' contact with their families are also often curtailed or cut off. This process effectively isolates victims from any sources of information, material aid, or emotional support. It also creates a psychological sense of disconnection from others.⁵⁰

During the initiation phase, some victims are slowly introduced into the new culture. For instance, traffickers may bring a new victim into a prostitution ring and arrange for her to schedule appointments for the other girls before introducing her to prostitution.⁵¹ In this *foot in the door* technique of persuasion, victims who comply with small requests are more likely to continue to comply with larger demands. In other cases, the initiation phase is more brutal. In some

CEE/CIS COUNTRIES TO WESTERN EUROPE (2003), available at <http://www.jha.ac/articles/a115.pdf>.

⁴⁸ See generally *id.*

⁴⁹ HIDDEN SLAVES, *supra* note 28, at 5.

⁵⁰ HERMAN, *supra* note 12, at 77-80.

⁵¹ INTERNATIONAL ORGANIZATION FOR MIGRATION, THE TRAFFICKING OF WOMEN AND CHILDREN IN THE SOUTHERN AFRICAN REGION (2003), available at <http://www.iom.int/documents/publication/en/southernafrica%5Ftrafficking.pdf> [hereinafter IOM].

situations of sex trafficking, traffickers gang rape their victims,⁵² a form of initiation that involves breaking down the will to resist.⁵³

C. Indoctrination

Once victims have been initiated into the culture of trafficking, there is an indoctrination phase where traffickers deepen their control over victims. Traffickers utilize their authoritarian status to retain control over their victims. Social psychological studies have demonstrated that people will behave in ways that are morally offensive to them under the presence of strong enough authority.⁵⁴ For example, classic studies on obedience have found that, when instructed by an authority, a majority of people will comply with requests to administer painful electric shocks to another person.⁵⁵ Similarly, traffickers utilize their status and authority to influence their victims' behavior, including inducing behavior that may be against a victim's morals or beliefs.⁵⁶

Traffickers work to create an isolated community with its own rules and pressures to conform. This helps them utilize group dynamics to ensure that victims remain destabilized. Traffickers may show favoritism, pitting victims against each other and creating infighting. This ensures that there will not be power in the group for resistance. In one case of sex trafficking, gang members "fell in love" with certain victims and offered them special treatment, giving them additional food, money, and "privileges" such as sitting outside in the sun.⁵⁷ The victim group may also create pressures to conform. For instance, in some large trafficking rings, traffickers create a hierarchy within the group so that victims can *rise in the ranks* through compliance. In this case, some victims assert control over others

⁵² IOM, *supra* note 51, at 13.

⁵³ HERMAN, *supra* note 12, at 76.

⁵⁴ STANLEY MILGRAM, OBEDIENCE TO AUTHORITY: AN EXPERIMENTAL VIEW 41 (1974).

⁵⁵ *Id.*

⁵⁶ See generally HIDDEN SLAVES, *supra* note 28.

⁵⁷ FLORIDA STATE UNIVERSITY, CENTER FOR THE ADVANCEMENT OF HUMAN RIGHTS, FLORIDA RESPONDS TO HUMAN TRAFFICKING 37, 42 (2003), available at <http://www.cahr.fsu.edu/the%20report.pdf>.

who are lower in the hierarchy, acting as enforcers for the traffickers.⁵⁸

The creation of physical impairment and exhaustion is another form of control used by traffickers. Victims are frequently forced to work unreasonable hours, which leaves them physically exhausted.⁵⁹ Basic necessities, such as adequate food, water, clothing, shelter, and sleep may be withheld, leaving some victims resembling "walking skeletons."⁶⁰ Lack of medical care may lead to additional physical impairment. For instance, "sexually transmitted infections, pelvic inflammatory disease, and HIV/AIDS are often the result of forced prostitution Unsanitary and crowded living conditions, coupled with poor nutrition, foster a host of adverse health conditions such as scabies, tuberculosis, and other communicable diseases."⁶¹ Injuries sustained during work may further decrease viable alternatives for victims. In all of these situations, physical impairment decreases resistance and increases the vulnerability of victims to further exploitation.

In addition to creating physical impairment, deprivation of basic physiological needs is a form of victimization with psychological effects. Trauma experts recognize that, "in addition to inducing terror, the perpetrator seeks to destroy the victim's sense of autonomy. This is achieved by scrutiny and control of the victim's body and bodily functions."⁶² Deprivation of food, sleep, shelter, exercise, personal hygiene, and privacy are common practices.⁶³ Deprivation of basic needs also creates a unique relationship between victim and perpetrator. Once the perpetrator has established this degree of control, he becomes a potential source of solace as well as humiliation. "The capricious granting of small indulgences may undermine the psychological resistance of the victim far more effectively than unremitting deprivation and fear."⁶⁴

⁵⁸ HIDDEN SLAVES, *supra* note 28, at 12.

⁵⁹ TVPA, *supra* note 4, 22 U.S.C. § 7101(b)(11).

⁶⁰ HIDDEN SLAVES, *supra* note 28, at 39.

⁶¹ DEP'T OF STATE, TRAFFICKING IN PERSONS REPORT (June 2004), available at <http://www.state.gov/documents/organization/34158.pdf>.

⁶² HERMAN, *supra* note 12, at 77.

⁶³ *Id.*

⁶⁴ *Id.* at 78.

Instillation of fear is a major method of control utilized by traffickers. Abuse of the legal process is one means used to invoke fear. Traffickers take advantage of victims' lack of knowledge of laws and the legal process as a means of control. Many traffickers hold victims' legal documents such as their passports and they may also "hold" victims' money.⁶⁵ In many cases, victims are held in what is referred to as "debt bondage," in which a financial obligation to the trafficker prohibits freedom.⁶⁶ Economic deprivation creates dependence on the trafficker for food and shelter, with victims unable to find other viable options. Traffickers frequently threaten to report victims to the authorities and threaten them with deportation.⁶⁷ In many cases, victims come from communities where the authorities themselves commit acts of violence, are corrupt, or are actually linked with the traffickers.⁶⁸ This leads to a natural distrust of law enforcement, increasing the fear aroused by legal threats.⁶⁹

Trafficking may involve a cycle of power and control similar to that described in domestic violence literature. As with domestic violence, unpredictable behavior from the perpetrator increases the likelihood that the victim will attempt to manage the perpetrator's reactions through solicitation and compliance. Traffickers may create fear in victims through "inconsistent and unpredictable outbursts of violence and by capricious enforcement of petty rules. The ultimate effect of these techniques is to convince the victim that the perpetrator is omnipotent, that resistance is futile, and that her life depends upon winning his indulgence through absolute compliance."⁷⁰ In this situation, an *anxious attachment* is formed between the victim and perpetrator; because the victim is vulnerable and dependent on the trafficker, he or she may attempt to comply or to please the perpetrator to avoid outbursts of anger or sudden unexpected acts of violence.

Because of the intense attunement needed for survival, a connection is often made with the perpetrator. Captives begin to identify

⁶⁵ HIDDEN SLAVES, *supra* note 28, at 17.

⁶⁶ DEMIR, *supra* note 47, at 1, 17-18.

⁶⁷ RICHARD, *supra* note 30, at 32.

⁶⁸ HIDDEN SLAVES, *supra* note 28, at 2, 25, 32.

⁶⁹ *Id.*

⁷⁰ HERMAN, *supra* note 12, at 77.

with their captors initially as a defense mechanism, but over time a traumatic bonding occurs. This connection is sometimes referred to as "identification with the perpetrator" or "Stockholm syndrome."⁷¹ Victims tend to magnify small acts of kindness of their captors and may be sympathetic to them. Traffickers often reinforce this attachment by establishing a sense of obligation. For instance, they may emphasize that "if it weren't for me, you would be starving in the streets."

Implicit or explicit threats are often used to provoke fear in victims. Some statements or actions of the trafficker may imply a threat. In one case of domestic servitude, associates of the trafficker took photographs of the victim's family's home after she escaped. The victim interpreted these actions as a threat to her family members. In another case, two sisters were trafficked together but were always kept in separate locations; each woman knew that if she attempted to escape, her sister would suffer severe consequences.⁷² In other cases, traffickers have emphasized their connection to organized crime. The implication is that they would use these connections if the victim failed to comply. Experts have noted that "the threats of perpetrators-- often powerful members of the communities in which they live and recruit--are quite credible."⁷³ In some cases, victims and their loved ones have been injured or killed after pressing charges against human traffickers.⁷⁴

During the course of trafficking, the identity of victims and their sense of self are often impacted. In some situations, traffickers have changed victims' names, altering their identity on the most basic level.⁷⁵ Victims are treated as commodities and may come to view themselves as dispensable property. Verbal abuse contributes to depressive symptoms, particularly a negative self-concept, as they may be constantly told that they are stupid or worthless. This proc-

⁷¹ FRANK OCHBERG & DAVID SOSKIS, VICTIMS OF TERRORISM 121, 123-24 (1982).

⁷² FLORIDA STATE UNIVERSITY CENTER FOR THE ADVANCEMENT OF HUMAN RIGHTS, *supra* note 55, at 42.

⁷³ HIDDEN SLAVES, *supra* note 28, at 32.

⁷⁴ *Id.* at 31.

⁷⁵ *Id.* at 37.

ess of removing the "personhood" of an individual contributes to feelings of hopelessness, helplessness, and a loss of will.⁷⁶

Finally, traffickers often force their victims to violate their basic moral values and betray their connection to other human beings. Many women who have been coerced into sexual practices that they see as immoral come to view themselves as *dirty* or *spoiled*. When women exploited in the sex industry were asked about the worst part of their experiences, they "consistently described hating that they had been broken spiritually and physically by degrading sexual acts and abusive conditions."⁷⁷ Some victims of trafficking are forced to witness others being hurt, or even to participate in hurting others. In a well-known case of sex trafficking, one young victim who had been enslaved for most of her life helped to hold down other girls while her trafficker raped them.⁷⁸ Psychologically, this violation of principles is "the most destructive of all coercive techniques, for the victim who has succumbed loathes herself. It is at this point, when the victim under duress participates in the sacrifice of others, that she is truly 'broken.'"⁷⁹

Through these forms of psychological coercion and manipulation, trafficking victims lose their individual freedom. Their frame of reference for understanding the world is deeply altered.⁸⁰ Victims lose sense of themselves as people and their ability to trust others, as their natural survival responses slowly break down, leaving them physically, emotionally, and spiritually shattered.⁸¹

VI. Biological Framework for Understanding Psychological Coercion

A clear understanding of physiological responses to trauma may clarify how traffickers are able to break down victims' survival

⁷⁶ *Id.*

⁷⁷ RAYMOND, *supra* note 32, at 200.

⁷⁸ HIDDEN SLAVES, *supra* note 28, at 37.

⁷⁹ HERMAN, *supra* note 12, at 83.

⁸⁰ RONNIE JANOFF-BULMAN, SHATTERED ASSUMPTIONS: TOWARDS A NEW PSYCHOLOGY OF TRAUMA 70-73 (1992).¹

⁸¹ *Id.*

responses in order to control them without the use of physical force. Neuroscientists have begun to establish neurobiological and neuro-anatomical changes that are associated with exposure to traumatic stress. The perception of threat leads to a biologically-based fear response, causing the body to enter an instinctive survival mode with specific neurobiological changes.⁸² These physiological changes help explain how victims' behavior may be controlled without physical constraints or violence.

A. Threat of Harm as a Traumatic Stressor

Research has shown that it is not only physical harm to the victim that can be a traumatic event. Traumatic stressors can have a major impact when there is the threat or fear of harm, when a person sees others being harmed, or even when a person hears about a traumatic incident. In fact, the American Psychiatric Association's *Diagnostic and Statistical Manual of Mental Disorders IV* includes the following in its diagnostic criteria for Acute Stress Disorder and for Posttraumatic Stress Disorder:⁸³

A. The person has been exposed to a traumatic event in which both of the following were present:

- (1) the person experienced, witnessed, or was confronted with an event or events that involved actual or threatened death or serious injury, or a threat to the physical integrity of self or others;
- (2) the person's response involved intense fear, helplessness, or horror.⁸⁴

⁸² See generally, Bessel van der Kolk, *The Body Keeps the Score: Approaches to the Psychobiology of Posttraumatic Stress Disorders*, in *TRAUMATIC STRESS: THE EFFECTS OF OVERWHELMING EXPERIENCE ON MIND, BODY, AND SOCIETY* 214-241 (Bessel A. van der Kolk, Alexander C. McFarlane & Lars Weisaeth eds., 1996).

⁸³ AMERICAN PSYCHIATRIC ASSOCIATION, *DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS: DSM-IV TEXT REVISION* 471 (4th ed. 2000).

⁸⁴ *Id.*

Therefore, the essential components of a traumatic stress response extend beyond physical harm to include the perceived threat of harm to the self or to someone else. Another important aspect of these criteria is an emotional reaction of fear and helplessness. It is this interpretation of threat that creates an imbalance in the body's normal homeostasis, leading to a natural survival response.

B. Fear and the Body's Survival Response

Humans have evolved to survive danger both physically and psychologically. Similar to animals in the wild, the human body reacts instinctively when faced with potential threats, eliciting fight, flight, or freeze responses. In dangerous conditions, all of the body's energy is focused on the threat, while functions that are less important for survival are temporarily shut down.⁸⁵

Neurologists have described the brain as being made up of three parts: the brain stem or "reptilian brain," the limbic system or "emotional brain," and the cortex or "rational brain."⁸⁶ The brain stem is responsible for basic biorhythms and is concerned with sustenance, shelter, safety, and sexual reproduction. This portion of the brain acts rather than thinks. The limbic system is involved in emotional responses and emotional components of memory. The cortex is responsible for taking in and integrating information, for modulating emotional responses, and for thinking and learning. Under conditions of threat, the lower areas of the brain, including the brain stem and limbic system, are activated to create an automatic survival response.⁸⁷

During the fear response, the sympathetic nervous system is activated. The adrenal glands cause stress hormones such as epinephrine (adrenalin) to be released into the bloodstream.⁸⁸ This neu-

⁸⁵ Jaak Panksepp, *The Sources of Fear and Anxiety in the Brain*, in AFFECTIVE NEUROSCIENCE, THE FOUNDATIONS OF HUMAN AND ANIMAL EMOTIONS 206, 215 (1998).

⁸⁶ PAUL MACLEAN, THE TRIUNE BRAIN IN EVOLUTION (1990).

⁸⁷ *Id.*

⁸⁸ See Bessel van der Kolk & Jose Saporta, *Biological Response to Psychic Trauma*, in INTERNATIONAL HANDBOOK OF TRAUMATIC STRESS SYNDROMES 25 (John P. Wilson & Beverley Raphael eds., 1993).

rohormonal response causes a number of physiological changes, including increased heart rate, increased blood pressure, slowed digestion, pupil dilation, stimulation of the sweat glands, and opening of the bronchial tubes of the lungs. These changes help focus attention on the threat and mobilize the body to respond in a "fight or flight" reaction. The victim is then prepared to resist the aggressor or to flee.⁸⁹

The limbic system is also highly activated, creating an emotional response of fear or anger. With increased activation of the limbic system, there is decreased activity in the cortical system, particularly within the frontal cortex. With this decrease in frontal lobe activity, cognitive functions such as abstract thinking, problem-solving, planning, and impulse control are temporarily inhibited. Therefore, although the body is primed to respond, people may experience impaired ability in effective planning and problem-solving.⁹⁰

In some cases, attempts to flee or to resist trigger more violence on the part of the aggressor. The sole option for coping with the inescapable threat is to become immobilized, to avoid detection, or to avoid further harm. When "fight or flight" reactions are not possible, the body may exhibit a physical and emotional "freeze" response.⁹¹ In the animal kingdom, this response is often described as "playing dead."⁹² In humans, it may be referred to as "shock," "numbing," or "dissociation."⁹³ These responses are mediated by the parasympathetic branch of the autonomic nervous system and lead to a slowing of physiological responses such as heart rate and breathing.⁹⁴ In response to uncontrollable stress, there is a release of en-

⁸⁹ *Id.*

⁹⁰ *Id.*

⁹¹ Robert C. Scaer, *The Neurophysiology of Dissociation and Chronic Disease*, in APPLIED PHYSIOLOGY AND BIOFEEDBACK 73-91 (2001), available at <http://www.trauma-pages.com/scaer-2001.htm>.

⁹² *Id.*

⁹³ *Id.*

⁹⁴ *Id.*

dogenous opioids, or endorphins, which has an analgesic effect.⁹⁵ This response protects the victim physically by numbing physical pain and psychically creating a diminished awareness of surroundings and emotional numbness.⁹⁶

C. Chronic Exposure to Threat

Fight, flight, and freeze reactions are designed to be short-term responses to immediate danger. In such situations, these physiological reactions are adaptive and associated with self-preservation. However, in conditions of chronic threat such as enslavement, these physiological responses are less effective.

Experts on traumatic stress emphasize, "[c]hronic and persistent stress inhibits the effectiveness of the stress response."⁹⁷ With ongoing exposure to trauma, victims may develop a range of psychobiological abnormalities, including psychophysiological, neurohormonal, neuroanatomical, and immunological effects.⁹⁸ These abnormalities are associated with posttraumatic stress symptoms that often interfere with day-to-day functioning.

Constant triggering of survival responses can lead to chronic states of fear, anxiety, or agitation—even in situations where there is no threat. Victims often become less able to discriminate between threatening and non-threatening stimuli.⁹⁹ In this case, they view much of their environment as a potential threat, experiencing chronically high levels of fear often described as "hyperarousal."¹⁰⁰ The body's homeostasis is "re-set" at a higher level, so that fearfulness, anxiety, concentration problems, disorientation, and insomnia may become "the norm" for that person.¹⁰¹

⁹⁵ Bessel van der Kolk et al., *Endogenous Opioids, Stress Induced Analgesia, and Posttraumatic Stress Disorder*, 25 *PSYCHOL. BULL.* 417-421 (1989) (discussing the chemical reaction the body has to uncontrollable and overwhelming stress).

⁹⁶ Van der Kolk (1996), *supra* note 87, at 217-18.

⁹⁷ Van der Kolk (1996), *supra* note 87, at 222.

⁹⁸ For a review of these psychobiological changes, see generally Van der Kolk (1996), *supra* note 78.

⁹⁹ Van der Kolk (1996), *supra* note 87, at 221-227.

¹⁰⁰ *Id.*

¹⁰¹ *Id.*

Remaining in continual readiness for confronting danger is a tremendous strain on the body. Prolonged exposure to stress can contribute to immune suppression and resulting stress-related illnesses.¹⁰² Such physical illnesses further weaken victims, increasing their vulnerability to further coercion and abuse. In these cases, there is simply less reserve of physical and mental energy for resistance.¹⁰³ Numbing and dissociative responses are common in the face of chronic trauma, and behavioral attempts at resistance may decline. This is often referred to as "learned helplessness," which has been implicated in depression and posttraumatic stress responses, impeding victims' attempts to resist or escape.¹⁰⁴

In a series of classic experiments on learned helplessness, animals were exposed to electric shocks that they were unable to escape or control. When these animals were later placed in a similar situation that they would have been able to avoid, they were strikingly passive and did not even attempt to escape. Their active survival mechanisms had been overwhelmed. These animals learned that their responses were futile, leaving them helpless to resist.¹⁰⁵ Similarly, after trafficking victims have been indoctrinated through severe psychological coercion, they may remain in an exploitative situation with minimal controls because they have lost their belief in their ability to resist.¹⁰⁶

After a certain point, even if stress levels are reduced, physiological changes in the body interfere with the ability of the victim to resist or escape. There may be a period of endorphin withdrawal if stress is lowered because endorphin levels are often elevated during times of trauma. This endorphin withdrawal may be related to the problems with physiological hyperactivity, depression, and irritabil-

¹⁰² Scaer, *supra* note 93, at 16.

¹⁰³ *Id.*

¹⁰⁴ Edna Foa et al., *Uncontrollability and Unpredictability in Posttraumatic Stress Disorder: An Animal Model*, 112 *PSYCHOL. BULL.* 218 (1992) (discussing posttraumatic stress responses and the learned helplessness theory).

¹⁰⁵ *Id.*

¹⁰⁶ MARTIN SELIGMAN, *HELPLESSNESS: ON DEPRESSION, DEVELOPMENT, AND DEATH* (1975).

ity that are often found in individuals suffering from posttraumatic stress disorder.¹⁰⁷

In conditions of chronic stress and trauma, the body turns against itself, and "the same chemical releases that mobilize[d] the body for survival can function like poisons."¹⁰⁸ The biological response that once offered protection from danger causes imbalances that can lead to severe illness and psychiatric disorders, including post-traumatic stress disorder, depression, and anxiety.

D. The Cycle of Psychological Coercion

Psychological coercion has cyclical effects. Traffickers initially create an environment of intense stress, strict controls, and threats of harm. If these environmental cues are interpreted as perceived threats, the victim's body will respond physiologically. As mentioned above, there are distinct physiological responses to fear. These responses are adaptive in the short-term in the face of immediate danger. However, if stress and threat are chronic, the body's natural response to threat may become less adaptive.

Lack of predictability and controllability has been highlighted as the central issue in the development of psychological disorders such as posttraumatic stress disorder.¹⁰⁹ If victims of trafficking are unable to predict or control any aspects of their situation, they are more likely to experience negative, long-term psychological consequences, such as depression, anxiety, and posttraumatic stress disorder. Other potential long-term consequences of chronic stress and trauma include: 1) affect dysregulation or difficulty maintaining balanced emotional states; 2) dissociation and memory problems; 3)

¹⁰⁷ Joseph Volpicelli et al., *The Role of Uncontrollable Trauma in the Development of PTSD and Alcohol Addiction*, in ALCOHOL RESEARCH AND HEALTH, 256, 256-62, available at <http://pubs.niaaa.nih.gov/publications/arh23-4/256-262.pdf>.

¹⁰⁸ Hussein Sadruddin, Natalia Walter & Jose Hidalgo, *Human Trafficking in the United States: Prosecution Witnesses are Not the Only Trafficking Victims*, 16 STAN. L. & POL'Y REV 379, 403.

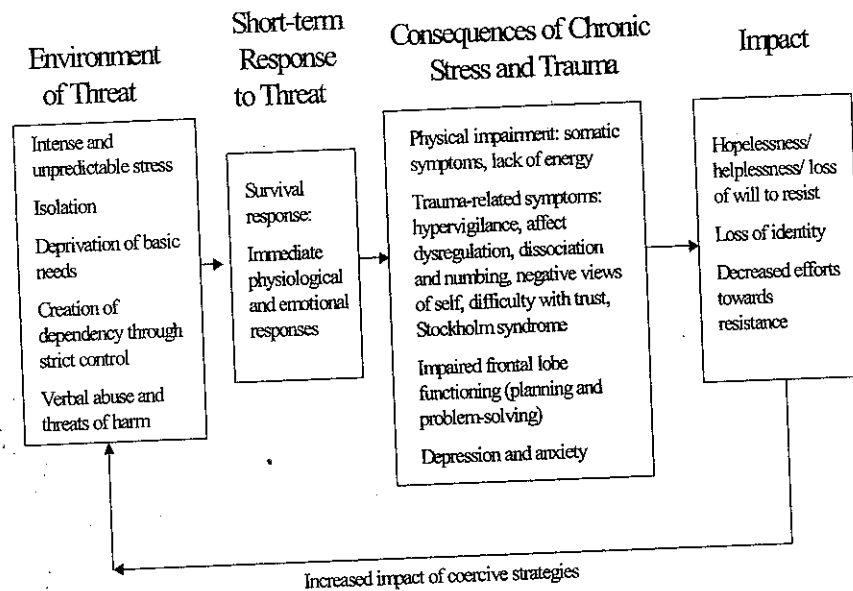
¹⁰⁹ Bessel van der Kolk, *Approaches to the Treatment of PTSD*, DAVID BALDWIN'S TRAUMA INFORMATION PAGES, available at <http://www.trauma-pages.com/vanderk.htm> (last visited May 11, 2006).

somatic symptoms; 4) disturbances in self-perception, including negative effects on identify, feelings of guilt and shame, and self-blame; 5) insecurity in relationships, including impairment in basic trust; and 6) feelings of hopelessness and loss of beliefs.¹¹⁰

Traffickers utilize physical and psychological forms of abuse to break down the will of their victims. Under chronic stress, the biological mechanisms that are designed to detect threats and promote survival are no longer effective. Instead, victims of trafficking become physically and psychologically *dysregulated* and the consequences of chronic exposure to stress and trauma impair the capacity for resistance. The coercive strategies used by traffickers thus have greater influence, effectively creating a cyclical psychological "trap" for victims (see Figure 1).

¹¹⁰ Bessel van der Kolk, *The Complexity of Adaptation to Trauma: Self-Regulation, Stimulus Discrimination, and Characterological Development*, in *TRAUMATIC STRESS: THE EFFECTS OF OVERWHELMING EXPERIENCE ON MIND, BODY, AND SOCIETY* 182 (Bessel A. van der Kolk, Alexander C. McFarlane & Lars Weisaeth eds., 1996).

Figure 1. Cycle of Psychological Coercion



VII. Conclusions

Traffickers often use physical violence to control their victims. Many trafficking victims are subjected to beatings, physical assaults with weapons, and sexual assaults. Some victims of trafficking are physically tied up or locked in rooms. However, physical violence is not the only means available to maintain control over persons. In fact, as recognized by the TVPA,¹¹¹ psychological coercion is a major strategy used by traffickers to enslave others. Even in cases when physical violence is used as a means of control, the psychological components of enslavement are an extremely powerful additional control mechanism that should not be overlooked.

¹¹¹ See generally TVPA, *supra* note 4.

Human traffickers systematically isolate their victims, creating a sense of disconnection from others. Traffickers utilize verbal abuse and humiliation to impact their victims' sense of self. They create an environment of fear through threats of harm to victims or their families. This chronic fear activation can lead to physiological changes that impair the ability of victims to mobilize the physical and psychological resources needed to escape. Their natural survival mechanisms break down, and their own bodies betray them. This physical and psychological erosion becomes the tie that binds victims into slavery.