

AGAINST HUMAN TRAFFICKING

Even Health Care Organizations Have Been among the Beneficiaries of This Modern Form of Slavery

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Under federal law, the technical term for modern-day slavery or coerced labor is "severe forms of trafficking in persons." "Severe forms of trafficking in persons" is defined as 1) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion or in which the person induced to perform such an act is under 18; or 2) 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 subjecting that person to involuntary servitude, peonage, debt bondage, or slavery.

—Trafficking in Persons: A Guide for Non-Governmental Organizations¹

The two Mexican women who on August 7, 2003, were each sentenced to 170 years in prison for brutalizing four young Mexican girls in a New Jersey brothel are a testament to the horror of human trafficking. Judge Faith Hochburg, of the U.S. District Court in Newark, NJ, told the women, "You exploited the most vulnerable, sexually naive young girls—[you] lied to them, using the same dreams of the good life that you had for yourself. They were enslaved by you just as if they were caged animals."²

When used appropriately, as it was in the New Jersey case, the Trafficking Victims Protection Act (TVPA) of 2000 is an effective tool for protecting victims. However, it will work only if we are all vigilant. These girls, starved and physically abused, could well have appeared in an emergency room or at a church door. The average advocate, uninformed about trafficking, would have taken the girls for undocumented minors and either served them and let them go or turned them over to the local authorities. In all probability, the girls would then have been deported. No

one would discover that they had been trafficked. And deported, they would simply re-enter the cycle, very likely recruited by the same people who had trafficked them in the first place.

The girls in the New Jersey case, who did not know each other, had been separately lured to the United States in their early teens by brothers of the two convicted traffickers in the belief that they would marry these men. The brothers are still at large.

The girls had agreed to be smuggled in, intending to stay with the men's sisters until their "fiancés" could join them. In the meantime, they expected to earn money at a respectable trade. Instead, they were beaten, forced into prostitution, and isolated. They were deliberately undernourished, deprived of wages, and forced to have unsafe abortions. Although the girls willingly collaborated in the smuggling, they are, according to the TVPA, victims of trafficking on at least two counts: They were under 18 at the time of the sexual exploitation and they were deceived, forced, and coerced.

The girls were fortunate. After being identified as undocumented minors during a routine raid by local police, they happened to be interviewed by an astute agent of the Immigration and Naturalization Services.* Unlike many law enforcement personnel, who remain uneducated about trafficking, the agent suspected that the girls' case involved something worse than straightforward prostitution. Eventually he was able to get them to tell him their stories. Subsequently, at the request of authorities, the U.S. Conference of Catholic Bishops' (USCCB's) Migration and Refugee Services

*Now the Citizenship and Immigration Services, part of the U.S. Department of Homeland Security.

placed the girls in safe housing. Through a vital Catholic Charities program, they received all the services available to victims of trafficking: counseling, education, safe shelter, medical care, access to reliable translators, and legal counsel.

Meanwhile, they cooperated with the Department of Justice in its prosecution of the traffickers. Ultimately, the girls will have a right to seek legal permanent residency in the United States, if they so choose. For every victim successfully rescued, however, thousands go undetected.

TRAFFICKING AND ITS VICTIMS

In 2003 a *Washington Post* article exposed illegalities in massage parlors in Charles County, MD, an area that, the paper said, "has gained an unwanted reputation as one of the regions prime destinations for men who pay for sex."³ Local police charged the parlors' owners with promoting prostitution.

But a larger social issue revealed by the case is the frequency with which prostitutes, often Asian women, are coerced into service and defrauded—in other words, trafficked. Unfortunately, although there was evidence that some of the massage parlor workers had been coerced, the prosecution in this case did not pursue that line of investigation. And although the parlor owners were punished, the workers were not accommodated as they might have been if the TVPA, under which such people are absolved of blame for criminal activity related to their status as trafficking victims, had been rigorously applied.

Prostitution is not the only indignity forced upon victims of human trafficking. In 2002 the *Baltimore Sun* published an extensive piece concerning human trafficking in health care.⁴ The article described people from Micronesia and the Marshall Islands who, although told they would be brought to this country to be nursing students, were in fact put to work in nursing homes. They were discovered working and living in substandard conditions. Meanwhile, the recruiters and labor brokers involved had profited substantially from the deal, as had the nursing homes. According to the TVPA, the presence of force, fraud, or coercion in negotiation between employer and employee constitutes human trafficking. For at least some of the nursing home workers, fraud was clearly a factor. Health care leaders should take care to ensure that none of their workers are trafficking victims.

Migrant farm workers in this country are notoriously underpaid and overworked. Some enter legal agreements that, unfortunately, legitimize their poverty. Others, however, are coerced and cannot leave their jobs even if they want to. In many cases, such people have paid to be smug-

gled into the United States, expecting to become part of a voluntary, if poorly paid, labor force. Instead, their wages have been withheld by their employers and their freedom of movement restricted. They are often forced to live in inhumane conditions and threatened with severe reprisals if they report their traffickers.

Last year the *New Yorker* described such a situation in Immokalee, FL. With the help of a vigilant group called the Coalition of Immokalee Workers, a few brave victims spoke up against the practice and, because they did, trafficking there was brought to a halt.⁵

Unfortunately, it is often difficult for the staff of a local health clinic or pastoral center to distinguish between a poor but "legal" farm worker and a worker who has been trafficked. A fearful demeanor is often one clue. Other clues are evidence of physical abuse and deprivation of freedom. Still another is refusal by such workers' escorts to allow them to speak for themselves. Health care

or pastoral care providers who see such workers on an emergency basis should be attentive to what is *not* spoken. We need to probe but not pry.

A major problem with the TVPA is the infrequency of its application. Although the latest U.S. State Department calculations suggest that between 14,500 and 17,500 people are trafficked into this country annually, fewer than 600 victims have been certified in the three years since the TVPA went into effect.⁶ The heart of the matter is society's failure to identify victims, and at the heart of *that* is the average person's lack of knowledge and vigilance.

By its very nature, human trafficking is hidden. Traffickers work clandestinely, their knowledge of routes, methods, people, and systems enabling them to evade the law. Victims often help to keep trafficking hidden because they are frightened. They know they have entered the country illegally. They are closely watched by the traffickers. Frequently, they do not speak English and, for good reason, do not trust interpreters. They are often painfully mindful that, if they speak out, their families may become targets for reprisal. In many ways, trafficking victims are like victims of domestic violence, but their lives are frequently much more complex than those of domestic vio-

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lence victims. Terror demands a tradeoff; the known become the norm.

Ignorance aids traffickers and hurts their victims. Although local law enforcement officers may arrest a brothel owner, a prostitute, or an undocumented minor, they will in most cases pursue the case in the light of what they know best—which is usually not the TVPA, a federal law with which many local law enforcement people are unfamiliar. When a case is identified as involving not human trafficking but rather prostitution, or operation of a massage parlor without a license, or illegal immigration, its victims are automatically denied a long list of benefits that could help them reconstruct their lives. Prosecution often unwittingly victimizes the victim.

HELPING TRAFFICKING VICTIMS

On the other hand, a health care provider, social service worker, or pastor who does know about trafficking can work with law enforcement to name the crime and, by doing so, protect and actively help the victim. Again, vigilance is the key. If we encounter people who we suspect are trafficking victims, we should, before doing anything else, seek to gain their confidence. We should question such people gently; again probe, not pry.

If they claim to be trafficking victims, we should explore the allegation with a nongovernmental organization qualified to handle such questions quietly. Local Catholic Charities offices are often equipped to do so. The USCCB can also provide clear direction. A newly established hotline funded by the Department of Health and Human Services (HHS)—but staffed by a non governmental organization—can be quite useful in these matters.* Hotline staff members are prepared to answer questions, contact agencies in the caller's own region, and suggest ways the caller can get assistance until he or she is ready to talk to law enforcement.

Any local nongovernmental organization that happens to receive a hotline call can direct the inquiry in an effective way. It can, for example, provide information about the TVPA; identify local social service agencies with funding available to serve trafficking victims until such a time as they can be certified by the HHS's Office of Refugee Resettlement; provide a touchstone for a certified victim; and assist victims with the application for a "T visa," a temporary document that can ultimately lead to permanent residency.

To qualify for the extensive benefits available to them, adult trafficking victims must be willing to cooperate with the prosecution. But that cooper-

ation can take many forms. And cooperation can be elicited in ways that will endanger neither victims nor their families. Children under the age of 18 are not required by the law to assist the prosecution. All trafficked minors are entitled to "letters of eligibility" that make available to them the benefits available to certified victims.

Most trafficking victims who have been certified have achieved that status through the intervention of an advocate, often a church-related person or agency. Trafficking victims seek assistance from people they trust. In some cases, immigrants may not even realize that they *are* victims of human trafficking; they may know only that they are imprisoned, coerced, deceived, and cheated. They want to escape, and as they attempt to do so, it is crucial that they encounter people who are aware of the problem and care about its victims.

When he received the 1995 Nobel Prize for Literature, the poet Seamus Heaney, recalled a legend told in his native Ireland:

It is said that once upon a time St. Kevin was kneeling with his arms stretched out in the form of a cross in Glendalough, a monastic site not too far from where we lived in Co. Wicklow, a place which to this day is one of the most wooded and watery retreats in the whole of the country. Anyhow, as Kevin knelt and prayed, a blackbird mistook his outstretched hand for some kind of roost and swooped down upon it, laid a clutch of eggs in it, and proceeded to nest in it as if it were the branch of a tree. Then, overcome with pity and constrained by his faith to love the life in all creatures great and small, Kevin stayed immobile for hours and days and nights and weeks, holding out his hand until the eggs hatched and the fledglings grew wings, true to life if subversive of common sense, at the intersection of natural process and the glimpsed ideal, at one and the same time a signpost and a reminder. Manifesting that order of poetry where we can at last grow up to that which we stored up as we grew.⁷

It's only a legend, and an Irish one at that. Still, Heaney's story illustrates in principle the kind of radical stand that we must be willing to take for the sake of life. Human trafficking is another one of those life-and-death human rights issues that demands our concern. After all, much of what we do for justice is "subversive of common sense."

*The HHS trafficking hotline number is 888-373-7888.

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Catholic organizations interested in active work to combat human trafficking have formed the Coalition of Catholic Organizations against Human Trafficking (see below). Initiated by the USCCB, this organization meets several times a year to explore policy issues with U.S. government officials, to update each other about their activities and devise strategies for engaging constituents in their work against trafficking. CHA is an active member of this organization, along with approximately 30 other members and partners. Obviously, the scope and the depth of this contemporary form of slavery demand the attention of Catholic organizations. □

For more information about the Coalition of Catholic Organizations against Human Trafficking, contact Rocio Salvador at 202-541-5409.

NOTES

1. *Trafficking in Persons: A Guide for Non-Governmental Organizations*, U.S. Department of Justice, Washington, DC, no date, p. 1., available at www.usdoj.gov/crt/crim/wetf/traffic/brochure.html.
2. Ronald Smothers, "Women Get Jail for Forcing Girls into Brothels," *New York Times*, August 8, 2003, Metro section, p. 5.
3. Ernesto Londono, "Licensing Law Targets Massage Parlors," *Washington Post*, July 20, 2002, Metro section, p. C1.
4. "Indentured in America: Ruthless Trade of the 'Body Brokers,'" *Baltimore Sun*, September 16, 2002, p. 1A.
5. John Bowe, "Nobodies," *New Yorker*, April 21-28, 2003, p. 106.
6. *2004 Trafficking in Persons Report*, U.S. State Department, Washington, DC, available at www.state.gov/g/tip/.
7. Seamus Heaney, "Crediting Poetry," Nobel Lecture, December 7, 1995, available at www.nobel.se/literature/laureates/1995/heaney-lecture.html.

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progress on what had been a particularly troublesome problem:

I had addressed the same specific issue for nearly two years. It was a classic breakdown. The topic was becoming tiresome to me and to those it affected. Every time we discussed the problem, I would find myself becoming immersed in its content, trying to solve it. My questions, therefore, always focused on the specifics of the problem's content. But last March, when this issue was being discussed yet again, I switched gears and asked, "Why is *this* problem so sticky? You all have solved much greater issues. What is it about this problem that you can't get it behind you?" Just by asking that question and stepping out of the problem's content, so to speak, I shifted from low-impact to high-impact work. The right kind of problem-solving dialogue then kicked in. As a result, we moved forward. In the old way, I would have spent 90 percent of the time on content and only 10 percent on the main organizational issue.

Reframing their thinking in this manner helps executives come to a meeting with a much different mindset. They are less reactive and self-protective and more open to the talents and contributions that others can bring to the table, and more aware of their own. They are better able to accept someone else's concern and, just for a few moments, make that concern their own. As a result, better, more creative work occurs—work that takes full advantage of the group's diversity.

GOING FROM GOOD TO GREAT

CHP's executives recognized that leadership coaching requires discipline, sustained over a year or more. In going

from good to great, there is no quick fix. Enhancing leadership practices in a sustainable way requires hard work. Call it "leadership from the inside out." The turning of values into action begins in one's head and one's heart. It requires an ongoing discovery of and attention to those things that unconsciously hinder and impair leadership effectiveness.

What helps make these leadership principles become a way of doing business is that they are "taught" during the daily meetings and rituals that are already on the organization's calendars. At CHP, OG made its observations and provided its feedback in the context of practical issues and projects. Dealing with these "live" issues in "real time," CHP's executives gained momentum from day one. OG's observations and feedback were better retained in the executives' minds because the executives were challenged to work through the very issues they face on a daily basis. Improved productivity, richer dialogue, better regional buy-in and improved meeting management have led to a more cohesive and focused executive senior management team at CHP. Although executive coaching continues in the system, OG's tools and methods have become ingrained in the minds of the system's executives and are regularly used in their weekly meetings and discussions.

Connelly believes that the coaching program has led to increased efficiencies. "These principles and teachings have freed up our team's ability to work through issues faster, with better outcomes," he says. "But because both I and the executive team are better armed to accomplish even more of what the mission intended, the ultimate benefactor is the health ministry." □

Information about the O'Brien Group is available at www.obriengroup.us. Information about Catholic Healthcare Partners can be found at www.healthpartners.org.