

A HIDDEN POPULATION:  
ACHIEVING HEALTH EQUITY AND HUMAN RIGHTS FOR  
ADOLESCENTS AND YOUNG ADULTS WHO ARE  
SEXUALLY EXPLOITED AND TRAFFICKED IN THE UNITED  
STATES AND GLOBALLY—  
WHAT ADOLESCENT HEALTH PROFESSIONALS CAN DO

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Society for Adolescent Health and Medicine  
Annual Meeting – Atlanta, GA – March 16, 2013

## SAHM Annual Meeting – Atlanta, GA – March 16, 2013

I, Abigail English, have the following commercial relationship to disclose: Merck, Inc., Grand Rounds, 2012.

I, Tonya Chaffee, have no commercial relationships to disclose.

# Overview

- Introductions
- Framing of the Issue
- Health Care Provider Perspective
- US & International Laws and Treaties
- Advocacy
  - ▣ Role of SAHM & Health Care Professionals
  - ▣ Potential Strategies
  - ▣ Action Steps

# Framing

- ❑ Sexual exploitation & sex trafficking
- ❑ US and global problem
- ❑ Major illegal commercial enterprise(s)
- ❑ Profound harm to adolescents & young adults
- ❑ Difficulty determining scope of problem
- ❑ Limited services for survivors
- ❑ Significant challenges for health care professionals
- ❑ Complex US and international laws



# International & US Laws

- Human rights treaties and laws
- International conventions on sex trafficking and exploitation
- Laws in nations around the globe
- US laws
  - ▣ Federal laws
  - ▣ State laws

# Human Rights

- Universal Declaration of Human Rights, 1948
- U.N. Convention on the Rights of the Child, 1989
  - ▣ Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography, 2002
- U.N. Convention Against Transnational Crime, 2000
  - ▣ Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, 2003
- Human rights provisions in laws of individual nations

# Universal Declaration of Human Rights

- What Human Rights Are Violated?
  - ▣ Life, liberty, security of person
  - ▣ Freedom from slavery or servitude
  - ▣ Freedom from torture, cruel, inhumane, or degrading treatment
  - ▣ Health and well-being
  - ▣ Medical care
  - ▣ Freedom of movement
  - ▣ Freedom of expression



# Convention on the Rights of the Child, 1989

## □ Article 6

- ▣ State parties (i.e. countries) shall recognize that every child has the inherent right to life
- ▣ State parties shall ensure to the maximum extent possible the survival and development of the child

## □ Article 24

- ▣ State parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. State parties shall strive to ensure that no child is deprived of his or her right of access to such health care services
- ▣ State parties shall pursue full implementation of this right ...
- ▣ Limit = available resources ...

# CRC Optional Protocol

- Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography
  - ▣ Adopted 2000, effective 2002
  - ▣ “State parties” (i.e. countries) required to:
    - Prohibit child prostitution
      - “Child prostitution means the use of a child in sexual activities for remuneration or any other form of consideration.”
    - Criminalize sexual exploitation of children
    - Protect rights of child victims in judicial proceedings

# Palermo Protocol, 2003

- U.N. Convention Against Transnational Crime, 2000
  - ▣ “Palermo Protocol” to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children
  - ▣ Trafficking is “the **recruitment, transportation, transfer, harbouring or receipt** of persons by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power, or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the **consent** of a person having control over another person, for the **purpose of exploitation.**”

Universal  
Declaration  
of Human Rights

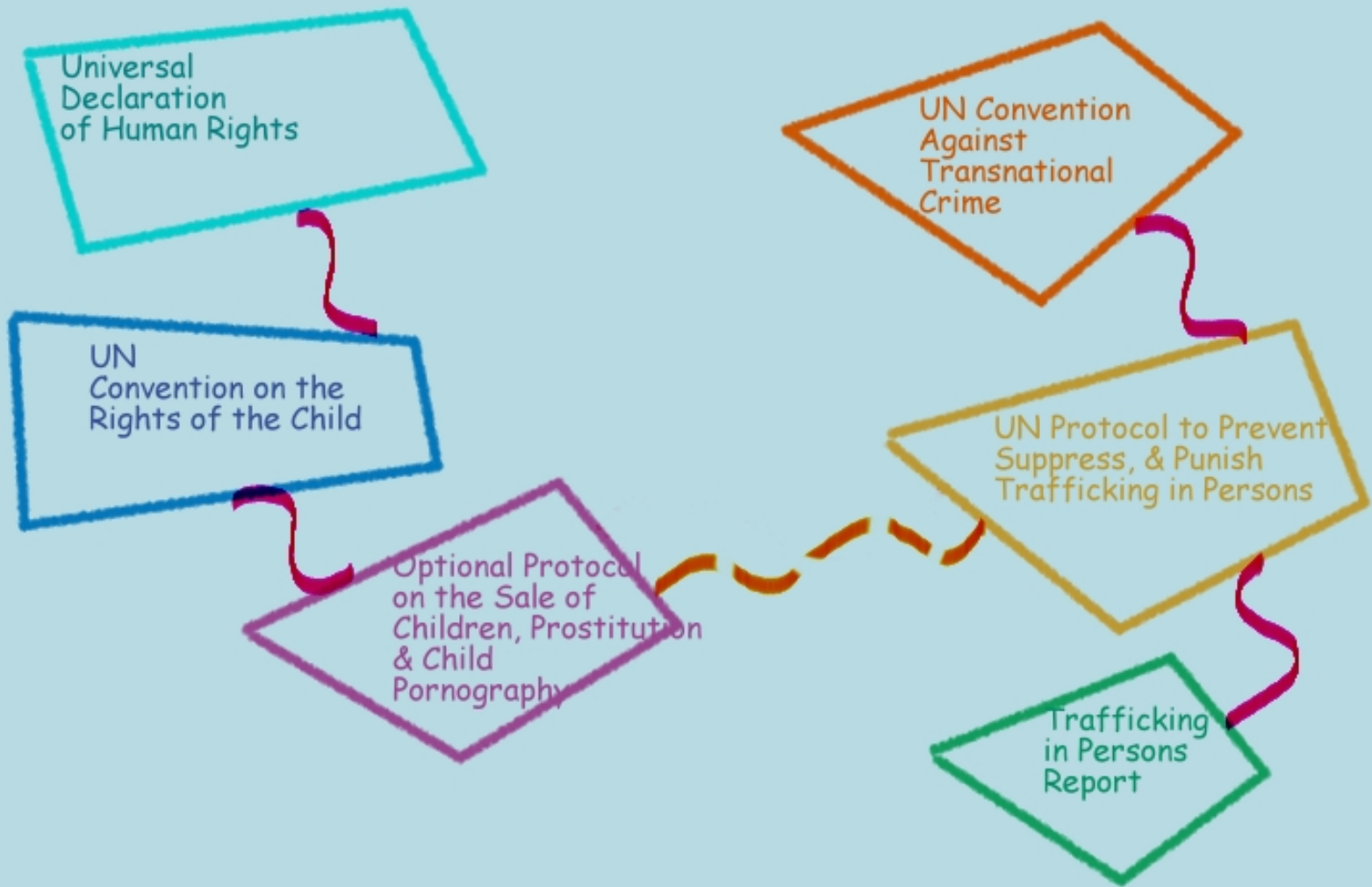
UN  
Convention on the  
Rights of the Child

Optional Protocol  
on the Sale of  
Children, Prostitution  
& Child  
Pornography

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Transnational  
Crime

UN Protocol to Prevent  
Suppress, & Punish  
Trafficking in Persons

Trafficking  
in Persons  
Report



# Laws

- Individual nations
  - ▣ Sweden
- United States
  - ▣ Federal laws
  - ▣ State laws
  - ▣ Emphasis on prosecution
  - ▣ Very few laws address prevention
  - ▣ Limited focus on services for victims and survivors

# Federal Laws

- ❑ Trafficking Victims Protection Act (2000, 2003, 2005, 2008)
- ❑ PROTECT Act of 2003
- ❑ Adam Walsh Child Protection and Safety Act of 2006
- ❑ Protect Our Children Act of 2008
- ❑ Child Protection Act of 2012

# What is Sex Trafficking?

- U.S. Trafficking Victims Protection Act, 2000
  - ▣ Sex trafficking is: “the recruitment, harboring, transportation, provision, **or** obtaining of a person for the purposes of a commercial sex act, in which the commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age.”
  - ▣ Force, fraud, or coercion not required to establish that a minor under age 18 is a victim of trafficking
  - ▣ Transportation not required for minors or adults

# What is Commercial Sexual Exploitation?

- ❑ Transaction involving either money or other exchange of value
- ❑ Sexual interaction - voluntary or involuntary
- ❑ Arranged directly between a “client” and a young person, or
- ❑ Arranged by “intermediary” – pimp or trafficker



# State Laws

- ❑ Human trafficking
- ❑ Prostitution
- ❑ Juvenile delinquency
- ❑ Status offenses, runaway & homeless youth
- ❑ Criminalization of sex with a minor
- ❑ Child abuse reporting
- ❑ Health care
- ❑ Child welfare & foster care
- ❑ Education, housing, & employment
- ❑ “Safe Harbor” laws

# State Human Trafficking Laws

- 50 states & DC have human trafficking laws
- 48 states & DC include provisions on sex trafficking
  - ▣ Criminalization, prosecution, & punishment of perpetrators
  - ▣ Civil remedies for victims
  - ▣ Services for victims and survivors

# Prostitution & Juvenile Delinquency

- Adolescents & young adults
- Prosecution for prostitution & related offenses
- Criminal justice & juvenile justice systems
- Criminal records
- Registration as sex offenders
- Lack of services for recovery & reentry

# Sex With Minor as a Crime

- “Statutory Rape”
- All states criminalize some forms of sex with a minor
- Commercial element often not required
- Age variations
- Variations in penalties

# Child Abuse Reporting

- ❑ States required to have child abuse reporting laws under federal Child Abuse Prevention and Treatment Act (CAPTA)
- ❑ Health care professionals are mandated reporters
- ❑ Sexual exploitation included in reportable abuse
- ❑ Extra-familial abuse not reportable in some states
- ❑ Mixed responses to reports
- ❑ Deterrent effect on disclosure & identification

# Health Care

- Consent & confidentiality barriers
- Financial barriers
  - ▣ Medicaid
  - ▣ CHIP
  - ▣ Affordable Care Act

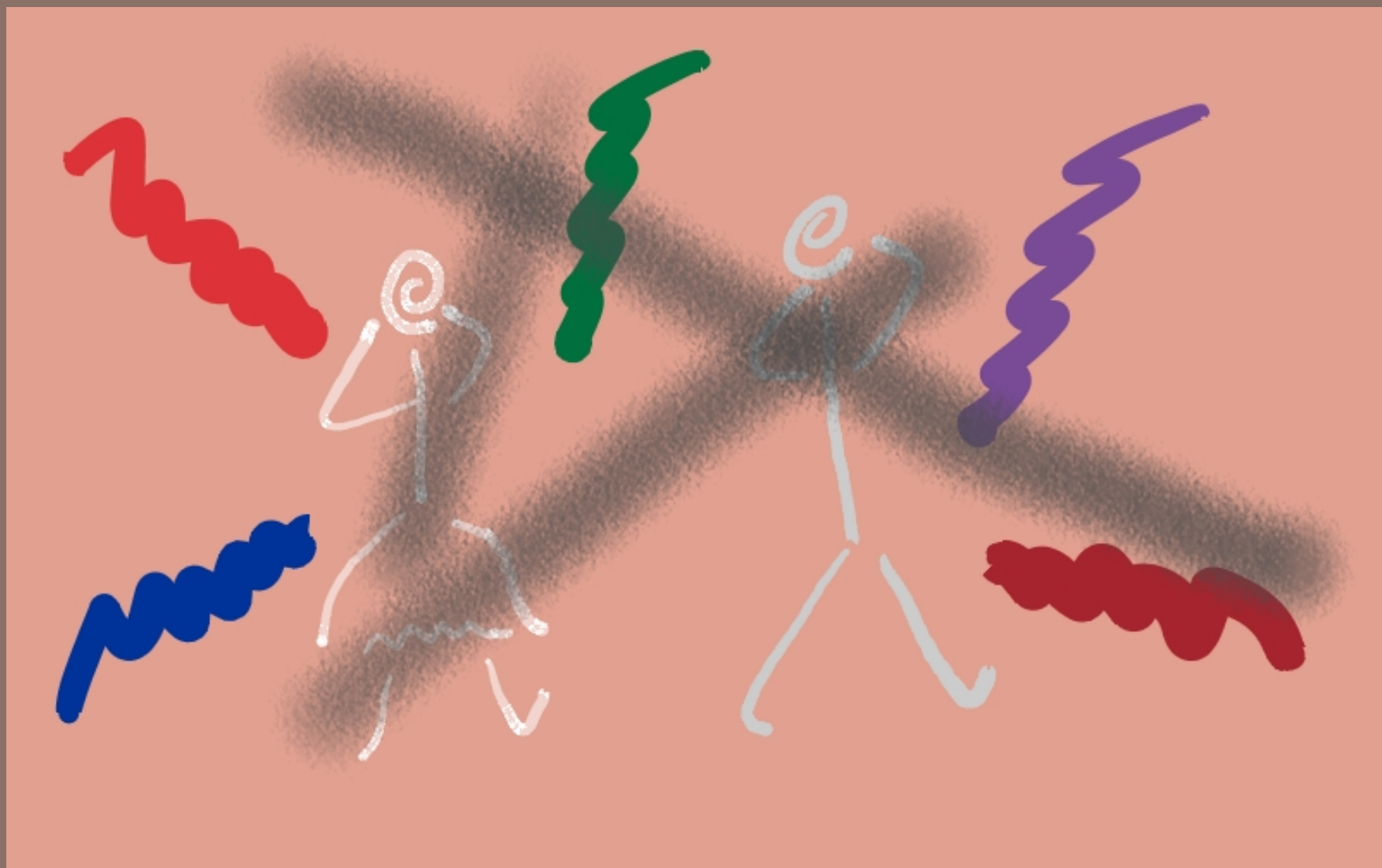
# Child Welfare & Foster Care

- Child welfare system ill-prepared
- Most victims & survivors picked up by law enforcement or routed through juvenile justice
- Increasing efforts to address victims & survivors in child welfare
  - ▣ Massachusetts
  - ▣ Illinois
- Child welfare does not address young adult victims & survivors

# Safe Harbor Laws

- Many victims treated as criminals
- States enacting laws to direct victims out of juvenile/criminal justice system
- 9 states, beginning in 2008
  - ▣ CT, FL, IL, MA, MN, NY, VT, & WA have statutes
  - ▣ TX has court decision
- Limits in some states
  - ▣ < age 16
  - ▣ First offense





# Child Prostitutes, Berlin



# Falkland Road Brothels, Mumbai





# Nevada Brothels



# What is needed?

- Increased awareness
- Paradigm shift
- Collaboration of many sectors
- Involvement of health care professionals
- Focused advocacy & action

*what would it take ...?*

