

# COMMERCIAL SEXUAL EXPLOITATION & SEX TRAFFICKING OF THE YOUNG & VULNERABLE: HEALTH, LAW, & HUMAN RIGHTS

Abigail English, JD  
Center for Adolescent Health & the Law  
[english@cahl.org](mailto:english@cahl.org)

IAAH 10<sup>th</sup> World Congress  
Istanbul, Turkey – June 13, 2013

# Special Thanks!

---

Tonya Chaffee, MD

University of California, San Francisco

Evelyn Eisenstein, MD

University of Rio de Janeiro, Brazil

Radcliffe Institute for Advanced Study

Harvard University

The Oak Foundation

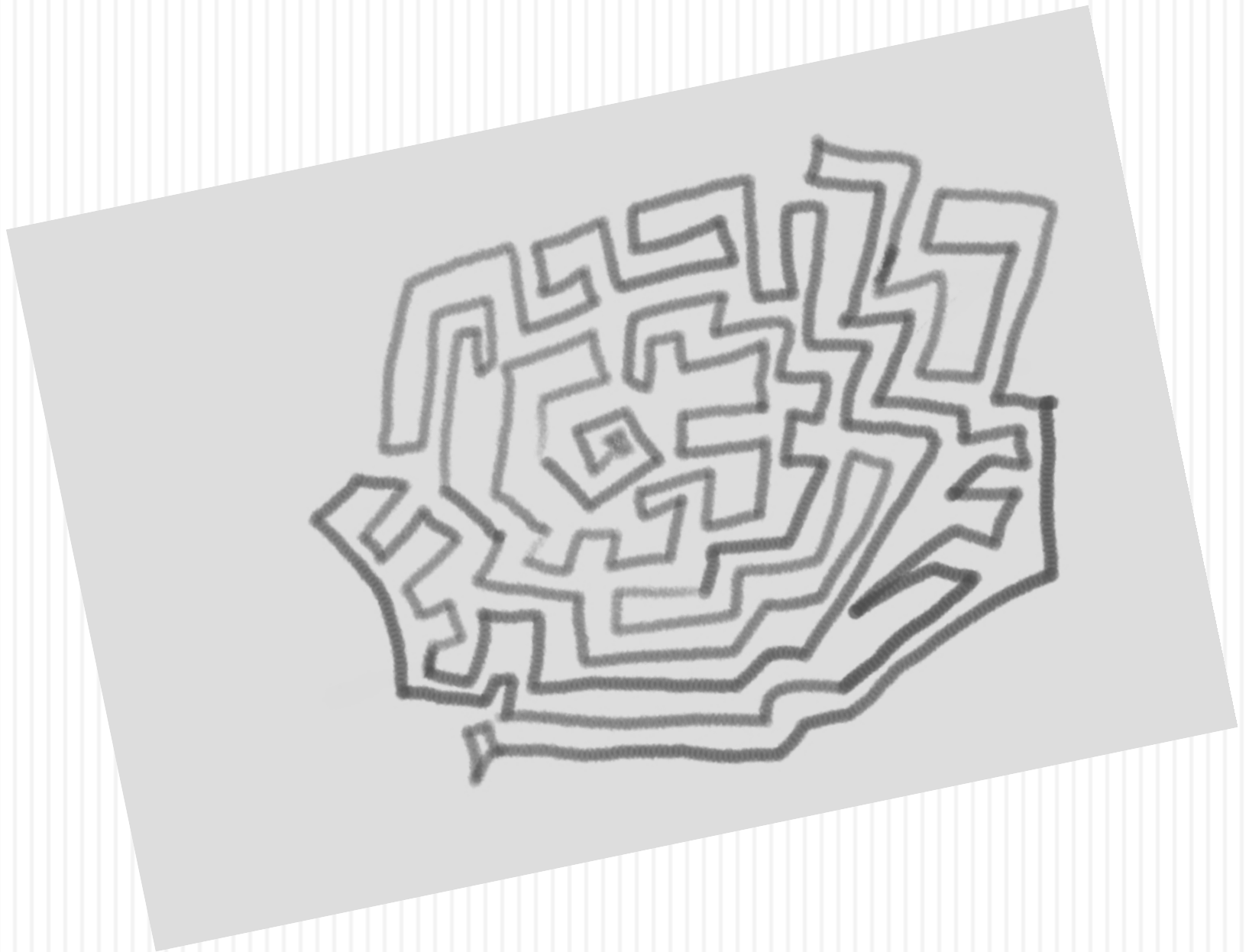
# Overview

---

- Introductions
- Framing of the issue
- Health & human rights perspective
- Treaties and laws
- Achieving change

# Framing

- ❑ Sexual exploitation & sex trafficking
- ❑ 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 international treaties & laws



A. English - Center for Adolescent Health & the Law

# How Many?

- No accurate/verifiable evidence-based estimates
- Frequently cited statistics
  - ▣ 1 million children
  - ▣ 300,000 children
  - ▣ 100,000 children

# EVERYWHERE >>>

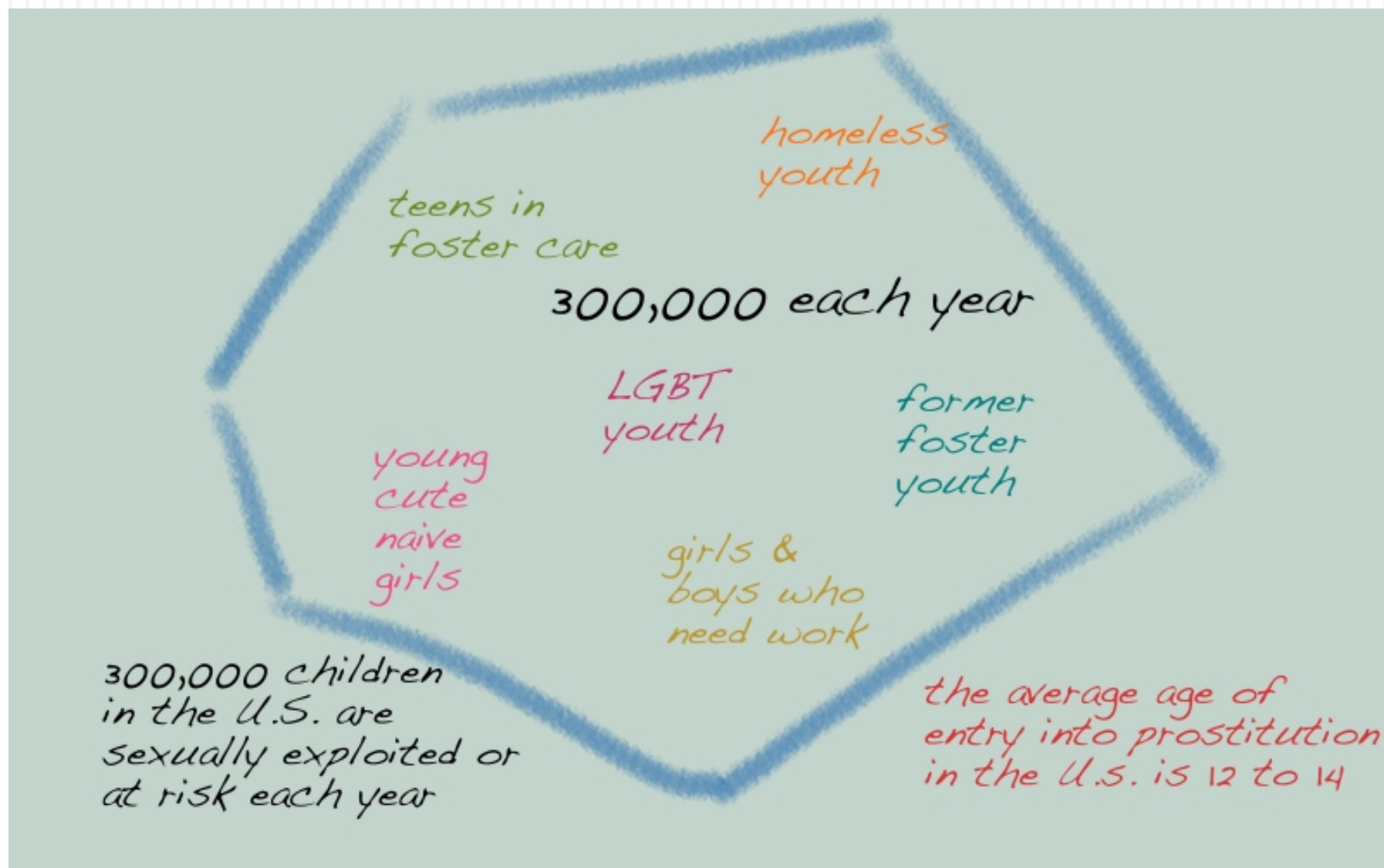
1.3 million  
children in  
sex trade centers  
in Phillipines  
India & Thailand

very young  
boys from  
Poland are  
prostitutes  
in Berlin

homeless  
youth in Brazil  
sell themselves  
to survive

girls in  
Malawi  
take money  
for sex  
from  
Sugar  
Daddies

20,000  
girls  
trafficked  
from Nepal  
each year





# Who Are the Perpetrators?

## □ Supply

- ▣ International organized crime
- ▣ Local criminal networks
- ▣ Brothel owners
- ▣ Pimps
- ▣ Gangs
- ▣ Websites and online services

# Who Else Are the Perpetrators?

## □ Demand

- ▣ Chronic sex offenders
- ▣ Sex tourists
- ▣ Occasional “entertainment” seekers
- ▣ “Respectable” citizens
- ▣ Police officers
- ▣ Government officials
- ▣ Religious leaders
- ▣ “Silent” bystanders

# How Much?

## □ Global Estimates

### ▣ Human trafficking

- ILO: \$32 billion in annual profits

### ▣ Commercial exploitation of sex slaves

- Kara: > \$35 billion in annual profits
- “...trafficked sex slaves are by far the most lucrative slaves in the world ...”

## □ Individual countries

### ▣ No reliable estimates

# How Bad?

“The brutalities associated with sex slavery are perverse, violent, and utterly destructive. Whips, cigarette burns, broken bones, starvation—every slave has suffered these tortures, but sex slaves suffer each of these as well as innumerable counts of rape – ten, fifteen, twenty or more times per day. In brothels across the globe, I met women and children who suffered unspeakable acts of barbarity ... Nothing I write can possibly convey the sensation of peering into the moribund eyes of a broken child who has been forced to have sex with hundreds of men before the age of sixteen.”

--- Siddarth Kara, *Sex Trafficking: Inside the Business of Modern Slavery*, 2009



# International Treaties & Laws

---

- Human rights treaties
- International conventions on sex trafficking and exploitation
- Laws in nations around the globe

# 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 – right to life
- Article 19 – right to freedom from violence
  - Comment 13
- Article 24 – right to health
  
- [www.unicef.org/crc/](http://www.unicef.org/crc/)
- [www2.ohchr.org/english/bodies/crc/comments.htm](http://www2.ohchr.org/english/bodies/crc/comments.htm)

# CRC – Article 6

## □ 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

# CRC – Article 19

## □ Article 19

- States Parties shall protect the child from all forms of **physical or mental violence**, injury or abuse, neglect or negligent treatment, maltreatment or **exploitation**, including **sexual abuse**
- Such protective measures should include the establishment of social programs to provide necessary **support**

# CRC – Article 24

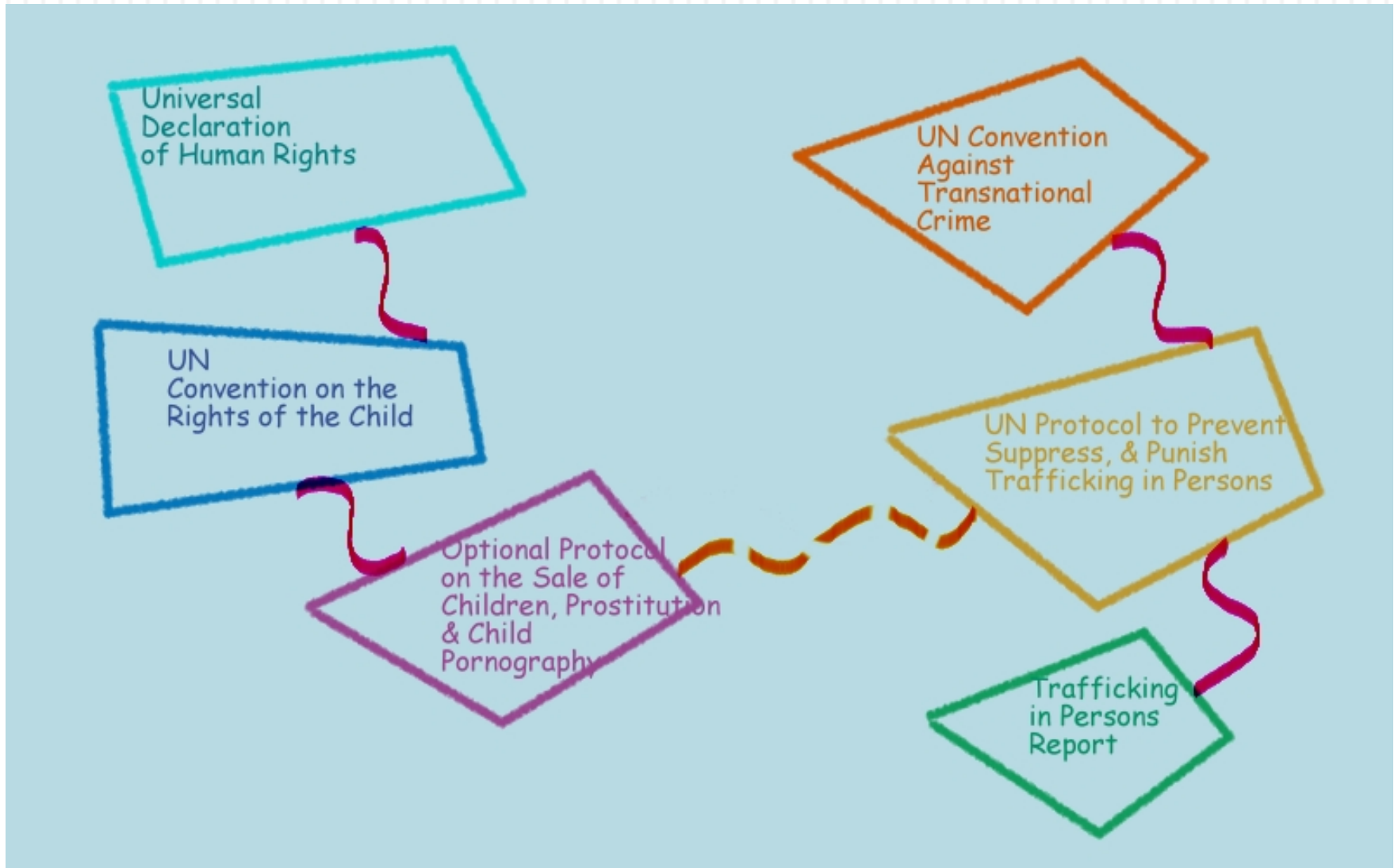
- ▣ State parties recognize the right of the child to the enjoyment of the highest attainable standard of **health** and to facilities for the treatment of illness and rehabilitation of health. State parties shall strive to ensure that no child is deprived of his or her right of access to such **health 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.**”



# 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



# 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

# Multiple Meanings of CSEC

- ❑ Street prostitution
- ❑ Pornography
- ❑ Stripping
- ❑ Erotic/nude massage
- ❑ Escort Services
- ❑ Phone sex lines
- ❑ Private parties
- ❑ Gang-based prostitution
- ❑ Intra-familial pimping
- ❑ Forms of Internet-based exploitation
- ❑ SURVIVAL SEX???????

# Laws re Sex Trafficking & Exploitation

- ❑ 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

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

# Child Abuse Reporting

- ❑ Laws require reporting of known or suspected child abuse
- ❑ 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

# 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
- Often directed to child welfare system
- 9 states, beginning in 2008
- Limits in some states
  - ▣ < age 16
  - ▣ First offense

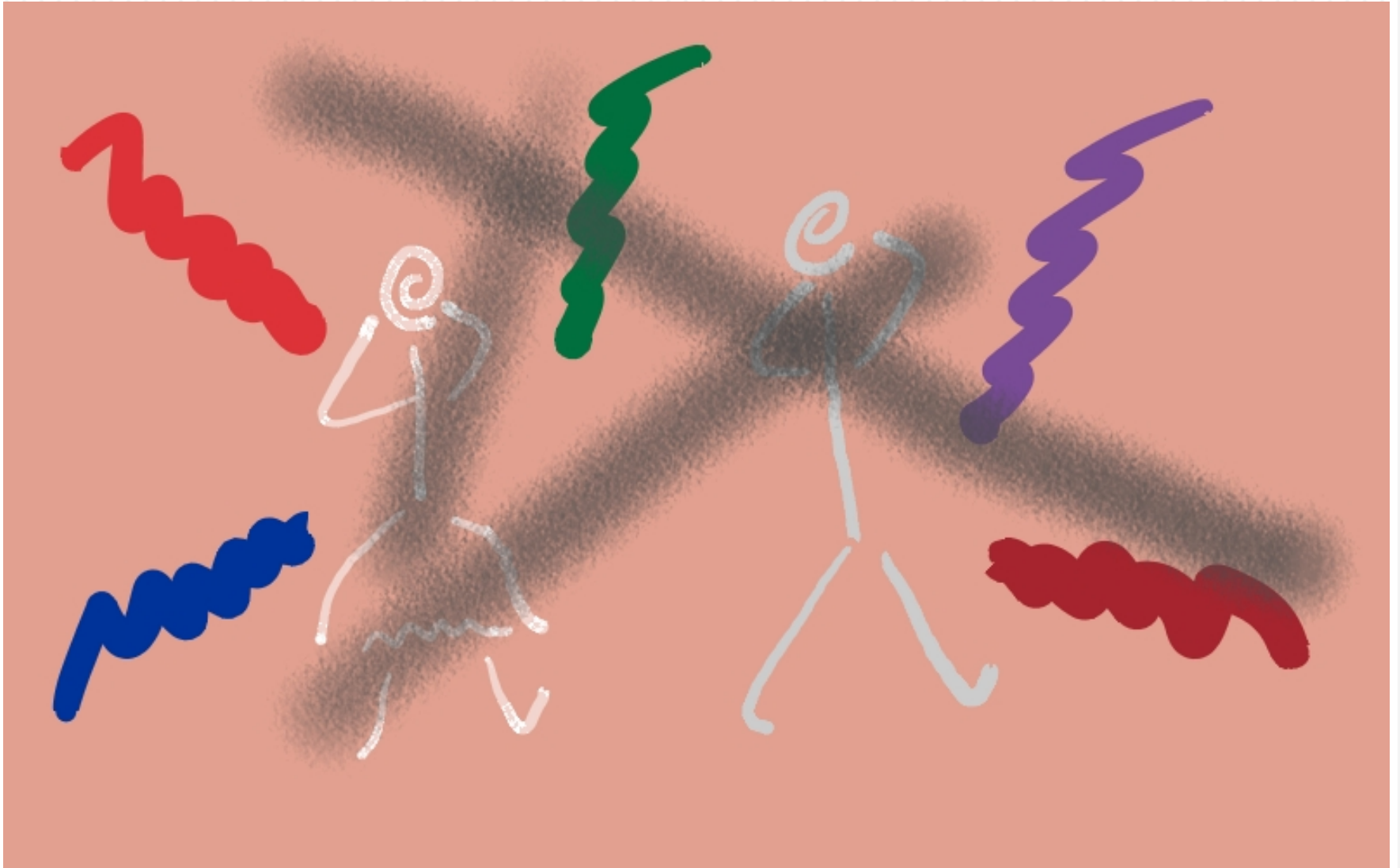
# Increased Visibility in U.S.

---

- Journalists & Media
- Institute of Medicine
- President Obama
- Federal Agencies

# Institute of Medicine 2011-2013

- Institute of Medicine/National Research Council of National Academies of Sciences
- Committee on Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States
- Evidence based study
- Report September 2013 - Recommendations
  - ▣ Research
  - ▣ Services
  - ▣ Policy



A. English - Center for Adolescent Health & the Law

# Child Prostitutes, Berlin



A. English - Center for Adolescent Health & the Law



# Falkland Road Brothels, Mumbai



A. English - Center for Adolescent Health & the Law

# 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 ...?*

