

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

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# Special Thanks!

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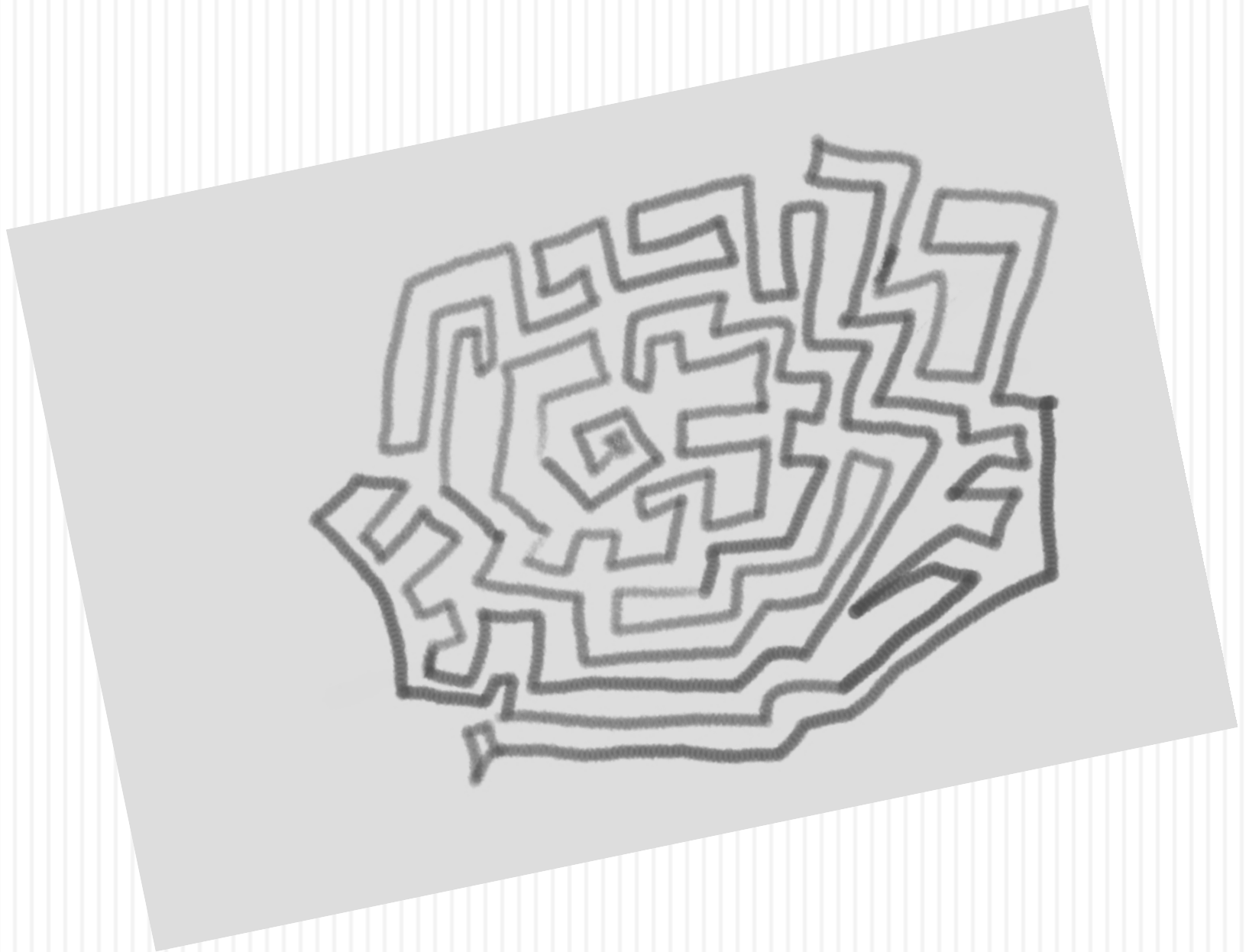
The Oak Foundation

# Overview

- Framing of the Issue
- Scope of problem
- Health implications
- Laws & treaties
  - ▣ Human rights protections
  - ▣ U.S. Laws
- Change?

# 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



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# Who, How Many, & How Much?

# How Many Children?

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

# EVERYWHERE >>>

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

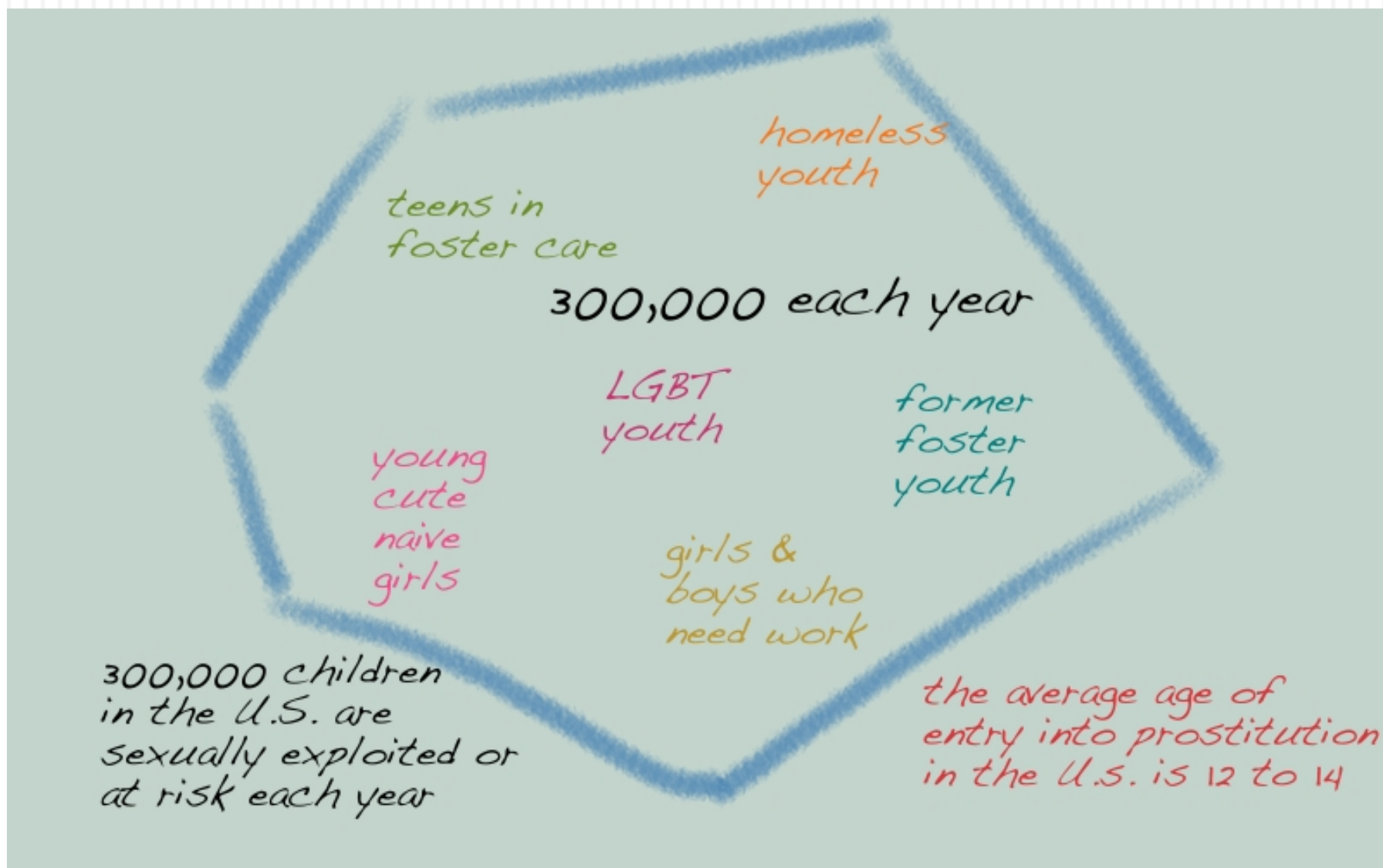
very young  
boys from  
Poland are  
prostitutes  
in Berlin

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
- ▣ Corrupt law enforcement officials

# 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 ...”

## □ U.S. Estimates???

# How Bad?

# President Obama

## □ Speech at Clinton Global Initiative 2012:

“When a little girl is sold by her impoverished family -- girls my daughters’ age -- runs away from home, or is lured by the false promises of a better life, and then imprisoned in a brothel and tortured if she resists -- that’s **slavery**. It is barbaric, and it is **evil**, and it has no place in a civilized world. . . . But for all the progress that we’ve made, the bitter truth is that trafficking also goes on right here, in the United States. It’s the . . . teenage girl, beaten, forced to walk the streets. This should not be happening in the United States of America.”

# Is Sex Trafficking Slavery?

“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

# Is it Evil?

- Reasonably foreseeable (or appreciable) harm
- Culpably inflicted (or tolerated, aggravated, or maintained)
- Deprives, or seriously risks depriving, others of the basics that are necessary to make a life possible and tolerable or decent (or to make a death decent).

--- Claudia Card, *The Atrocity Paradigm*, 2002



# Health Effects?



# Human Rights & Laws

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# International & US Laws

- Human rights treaties & laws
- International conventions on sex trafficking & sexual 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

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- Article 6 – right to life
- Article 19 – right to freedom from violence
- Article 24 – right to health

# 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

## □ Article 24

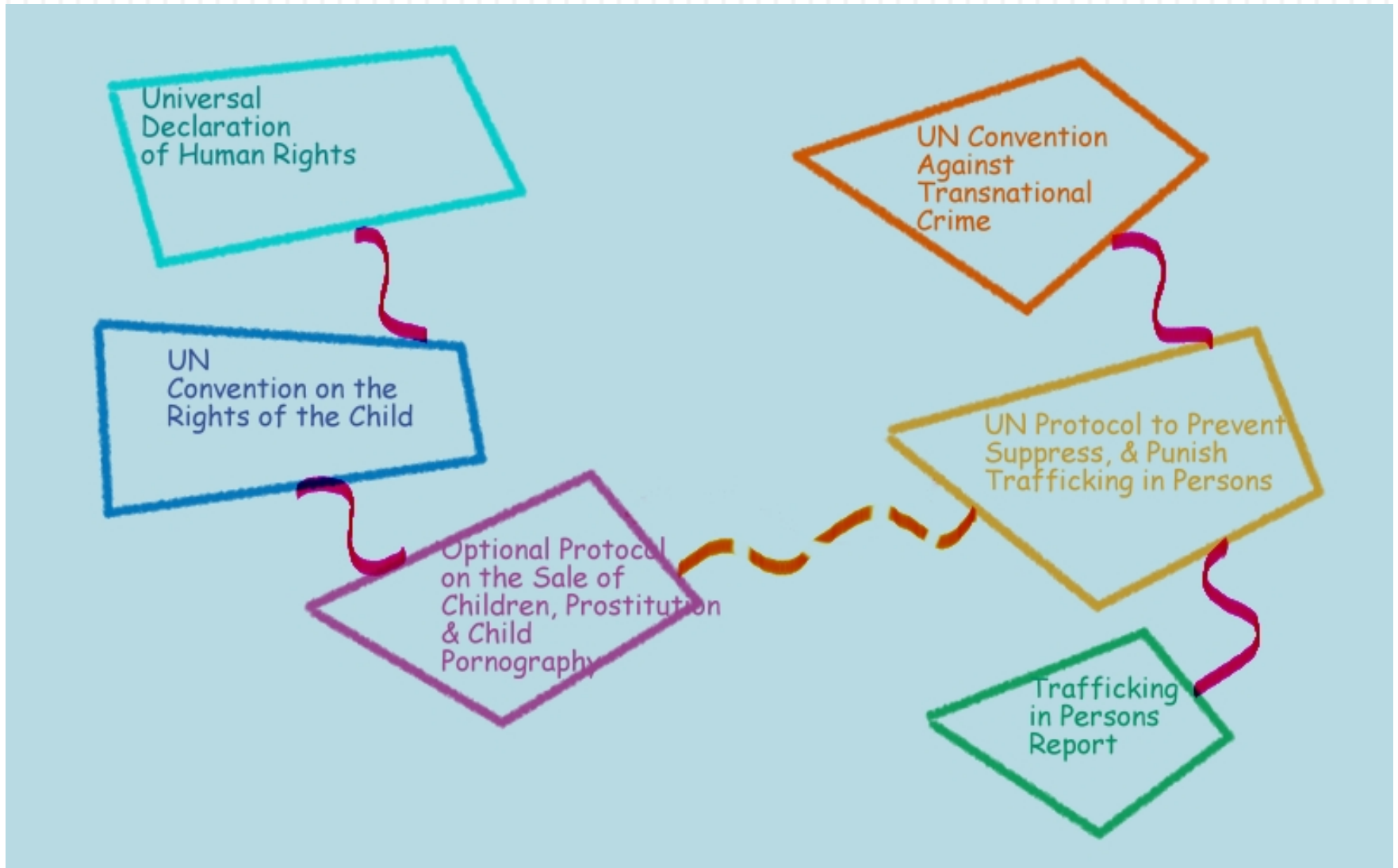
- State parties recognize the right of the child to the enjoyment of the highest attainable standard of **health** and to facilities for the treatment of illness and rehabilitation of health. State parties shall strive to ensure that no child is deprived of his or her right of access to such **health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

# Federal Laws

- Trafficking Victims Protection Act (2000, 2003, 2005, 2008, 2013)
- 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

# 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???????

# TVPA Reauthorization 2013

- Trafficking Victims Protection Act reauthorized as part of Violence Against Women Act, March 8, 2013
  - US Attorney General to create model law that includes “safe harbor” provisions
  - Grants to up to 4 entities (i.e. jurisdictions) who developed workable multi-disciplinary plan to combat sex trafficking of minors
  - Partnerships between US government & private entities, e.g., corporations, universities, foundations, NGOs

# 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
- 49 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

# Increased Visibility in U.S.

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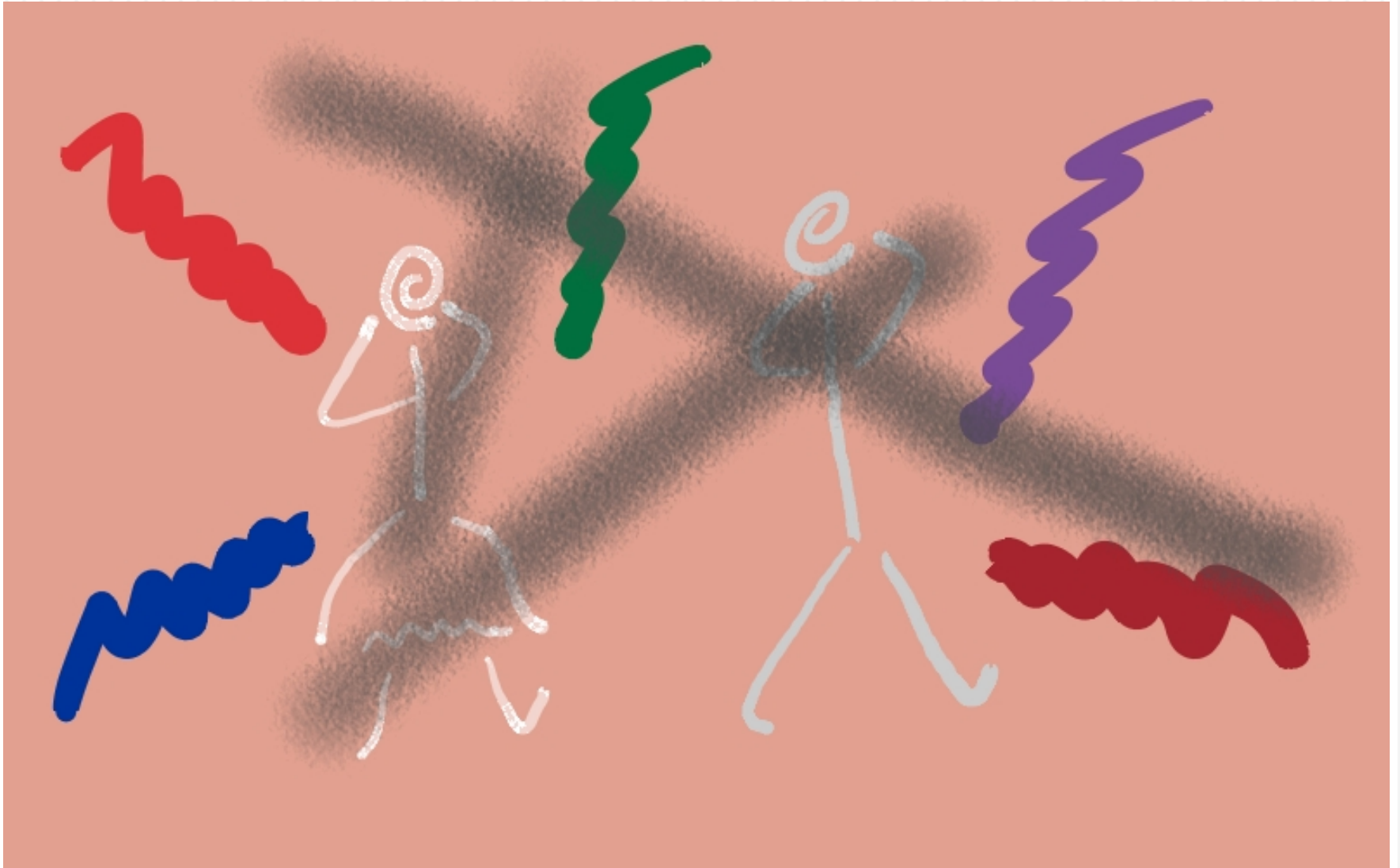
- Journalists & Media
- Institute of Medicine
- President Obama
- Federal Agencies

# Institute of Medicine 2011-2013

- IOM/NRC
- Committee on Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States
- Evidence based study
- Report September 2013 - Recommendations
  - ▣ Research
  - ▣ Services
  - ▣ Policy

# HHS/DHS/DOJ Strategic Plan

- Co-chairs of Planning: HHS/DHS/DOJ
- President's Interagency Task Force to Monitor and Combat Trafficking in Persons
- Federal Strategic Action Plan on Services to Victims of Human Trafficking in the United States, 2013-2017
  - ▣ Limited focus on preventing & reducing demand
  - ▣ Greater focus on services to children vs. adults



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# Child Prostitutes, Berlin



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# Falkland Road Brothels, Mumbai



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# Nevada Brothels



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# Achieving Change?

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# What is needed?

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

*what would it take ...?*





# Thank you!