

SEX TRAFFICKING CODE DEVELOPMENT



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MINI-AGENDA

- What is sex trafficking?
 - Sex trafficking examples
- What types of laws needed?
- Key components of sex trafficking laws
- Drafting exercise

HUMAN TRAFFICKING

- Define: Holding another in compelled service using whatever means necessary (physical/psychological).
 - Forced labor
 - Domestic servitude
 - Sex trafficking
 - Debt bondage
 - Child soldiering

STATISTICS HUMAN TRAFFICKING

- 21 – 30 million people worldwide victims of human trafficking.
 - 78% held are labor trafficked.
 - 22% victims of sex trafficking.
 - 55% of all trafficked persons are women, but women comprise 98% of sex trafficking victims worldwide

WHAT IS SEX TRAFFICKING?

22 U.S.C. Sec. 7102 (8)

(10) Sex trafficking The term “sex trafficking” means the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act.

Commercial sex act: any sex act, on account of which anything of value is given to or received by any person

SEX TRAFFICKING: EXAMPLES

- About 30 miles from the reservation is a business (largely frequented by hunters during the season) that features nude dancing.
- The owner of the business regularly comes to the reservation to recruit teenagers to come dance at his business.

SEX TRAFFICKING: EXAMPLES

- Angie has struggled with addiction to methamphetamine for over 10 years.
- Heavily in debt and desperate for drugs, she sells her 4 year old daughter to a local drug dealer for creating child pornography

SEX TRAFFICKING: EXAMPLES

- A recent oil boom near the reservation has brought hundreds of out-of-state workers (mostly men) into the area. The men live in camps (temporary living spaces)
- Women are tricked into coming to the man camps, where they are held against their will and forced to submit to sexual acts that financial benefit their captors

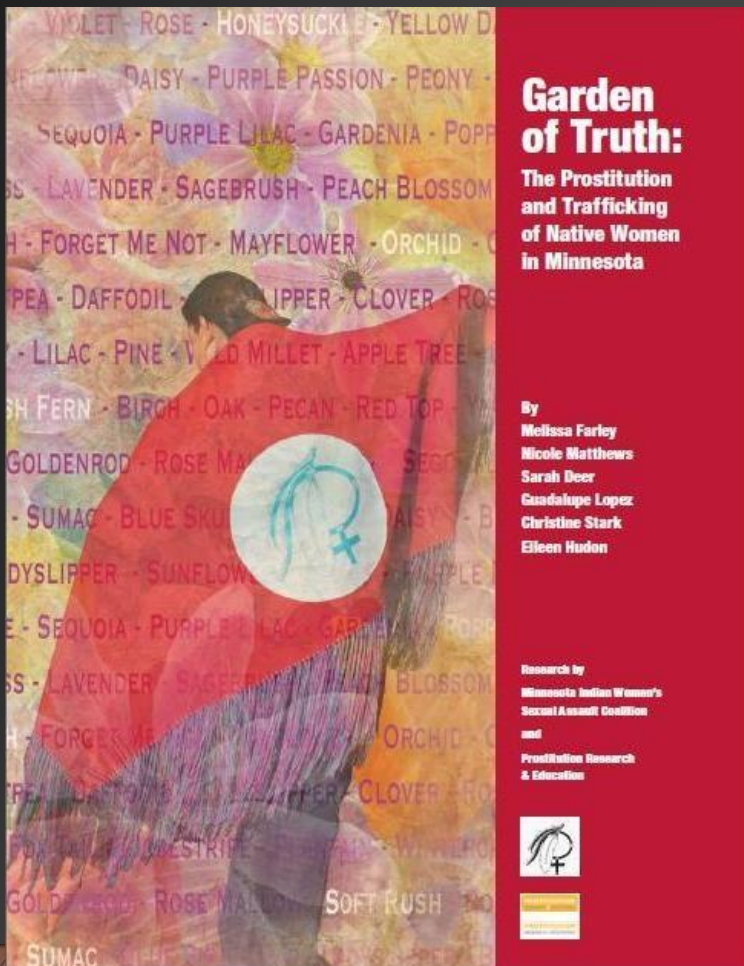
GENERAL RISK FACTORS CHILD SEX TRAFFICKING

- lack of personal safety
- isolation
- emotional distress
- homelessness
- poverty
- family dysfunction
- substance abuse
- mental illness
- learning disabilities
- developmental delay
- childhood sexual abuse
- promotion of sexual exploitation by family members or peers
- lack of social support

RISK FACTORS FOR NATIVE VICTIMS

- Historical Trauma
- Runaway or Homeless
- Repeated Exposure to Violence (child abuse)
- Physical and Sexual Exploitation as teens
- Normalization of Sexual Exploitation and Violence
- Parent's Addiction and Personal Addiction
- Fetal Alcohol Syndrome
- Involvement with the Child Protection System
- Mental and Emotional Vulnerability

GARDEN OF TRUTH



http://www.prostitutionresearch.com/pdfs/Garden_of_Truth_Final_Project_WEB.pdf

Or, just google "Garden of Truth"

GARDEN OF TRUTH

Most (86%) interviewees felt that no woman really knows what they're getting into when they begin prostituting, and that there is deception and trickery involved.

GARDEN OF TRUTH

- 79% sexually abused as children by an average of 4 perpetrators.
- 92% had been raped.
- 84% had been physically assaulted in prostitution.
- 72% suffered traumatic brain injuries in prostitution
- 98% were currently or previously homeless.
- 39% under age 18 when entering commercial sex industry.

SEX TRAFFICKING RESOURCES FOR TRIBAL COALITIONS

If you are in danger, please call 911 and click this button to quickly EXIT THIS WEBSITE

SEX TRAFFICKING RESOURCES

For Sexual Assault and Domestic Violence
Tribal Coalitions



HOME About Tribal Coalitions Victim Services Trafficking Resources Events Calendar Request Technical Assistance

WELCOME TO THE SEX TRAFFICKING RESOURCES

This website was created to provide tribal coalitions with quick access to information their advocates need—legal resources, victim service directories, training calendars, technical assistance, and our [Sex Trafficking in Indian Country Update](#), which contains the latest media, news articles, and policy updates on sex trafficking in Indian Country.

Additionally, we envision this site as a place for Native women to find help when dealing with violence. Individuals can reach out to their local [Tribal](#)

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SAFE HARBOR LAWS

- Developed to address inconsistencies with how children exploited for commercial sex are treated.
(34 states, 1 Native Nation)
 - Legal protection
 - Provision of services.

CRIMINALIZATION OF DOMESTIC MINOR SEX TRAFFICKING

- Clearly defines a victim as any minor under the age of 18 used in a commercial sex act without regard to use of force, fraud, or coercion, aligning to the federal trafficking law.
- Commercial sexual exploitation of children (CSEC) is identified as a separate and distinct offense from general sexual offenses.
- Prostitution statutes refer to the sex trafficking statute to identify the commercially sexually exploited minor as a trafficking victim.
- Gang crimes statute includes sex trafficking and commercial sexual exploitation of children (CSEC) offenses

CRIMINAL PROVISIONS ADDRESSING DEMAND

- Sex trafficking laws can be applied to a buyer of commercial sex when the victim is a minor.
- Buyer can be prosecuted under commercial sexual exploitation of children laws.
- Solicitation laws differentiate between minor/adult
- Using internet to solicit minors is a separate crime.
- No age mistake defense.
- Buying child pornography has severe penalties.

CRIMINAL PROVISIONS FOR TRAFFICKERS

- Creating and distributing child pornography – high penalties
- Penalties for trafficking a child – high penalties
- Using internet to lure, recruit or sell children in sex trafficking a separate crime.
- Laws related to termination of parental rights include sex trafficking.
- Convicted traffickers on sex offender registry.

CRIMINAL PROVISIONS FOR FACILITATORS

- Assisting, aiding or benefiting from sex trafficking a crime.
- Include financial penalties, including forfeiture laws
- Promoting and selling child pornography illegal.

PROTECTIVE PROVISIONS FOR CHILD VICTIMS

- Mandated victim services
- Consent of a minor is no defense.
- Prostitution laws apply only to adults.
- Sexual exploitation is abuse/neglect.
- Expungement of juvenile records related to trafficking.
- Victim compensations and civil remedies

CRIMINAL JUSTICE TOOLS FOR INVESTIGATION AND PROSECUTION

- Training
- Single party consent to audio taping.
- Wiretapping as a tool.
- Use of law enforcement decoy
- Permit using the internet to investigate buyers/sellers
- Law Enforcement and Child Protection required to timely report missing and recovered children.

COMMON PROBLEM IN TRIBAL CODES

- Many tribal codes criminalize “prostitution”
- Statutes do not distinguish between pimps, johns, and victims

DRAFTING EXERCISE

- What are some of the likely scenarios in your community?
- What behaviors should be included in a definition of “sex trafficking”?
- What should the penalties be?