

# Revisiting the U.S. Policy Response to the Commercial Sexual Exploitation of Children

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# Objectives

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- Review the definition, key characteristics and needs of victims of commercial sexual exploitation of children (CSEC)
- Review and critique key federal policies and programs addressing CSEC
- Discuss key issues in the service provision to CSEC victims in general, and U.S. born victims in particular
- Discuss implications/recommendations for adequate responses to CSEC victims.

# Definition of Commercial Sexual Exploitation of Children

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- Child
- Child trafficking (labor and sex trafficking of children)

The recruitment, transportation, transfer, harbouring or receipt of children for the purpose of exploitation (*Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children of 2000*).

- Sex trafficking of children or commercial exploitation of children (CSEC)
- Domestic minor sex trafficking
- Criminal justice definition of CSEC

# Scope of CSEC

- Between Jan. 1, 2017 and Dec. 31, 2017, the National Human Trafficking Hotline (NHTH) received reports of **8,524** potential trafficking cases in the United States (i.e., 21,242 victims), including **2,495 cases** (29%) involving minor victims (NHTH, n.d.).
- In 2017, at least **1 in 7 victims** reported to the National Center for Missing and Exploited Children (NCMEC) were likely victims of child sex trafficking. Of those likely victims, **88%** were in the care of child protection services when they went missing (NCMEC, n.d.).
- Approximately 650,000 minor students K7-12 have engaged in commercial sex at least once in the United States (Edwards, Iritani, & Hallfors, 2006).

# Characteristics & Needs of CSEC Victims

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- Most sex trafficking victims are U.S. citizens or permanent U.S. residents.
- Swaner et al. (2016) conducted a six-state study of children and youth engaged in the sex trade ( $n= 949$ ) and found that only 3 percent of participants aged 13-24 were born outside the United States.
- Children who have experienced neglect or emotional, sexual, or physical abuse are at increased risk of CSEC victimization.
- Curtis et al. (2008) found that 45% of children involved in CSEC in New York City were boys. Swaner et al. (2016) found that 36% of the youth participants aged 13-24 years were males.
- CSEC victims present with complex needs.

# Challenges with Identifying CSEC Victims

- Children involved in CSEC do not often self-identify as victims.
- Children engaged in the sex trade fear retaliation from pimps and traffickers against them and their family members.
- CSEC victims have feelings of stigmatization and shame, or are discriminated against in services they try to access.
- Perception among the general population and even service providers that sex trafficking involves primarily foreign victims often makes many victims of domestic minor sex trafficking invisible and unaccounted for in service delivery.
- Most law enforcement agents and social service and healthcare providers are not trained to recognize and care for CSEC victims.
- Overlook of male and LGBTQ youth CSEC victims.

# Key Federal Policies

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- Trafficking Victims Protection Act of 2000 (TVPA)
- TVPA reauthorized four times: Trafficking Victims Protection Reauthorization (TVPRA) of 2003, TVPRA of 2005, TVPRA of 2008 and TVPRA of 2013.
- The Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today (PROTECT) Act of 2003
- The Providing Resources, Officers, and Technology to Eradicate Cyber Threats to Our Children Act (the PROTECT Our Children Act) of 2008
- The Preventing Sex Trafficking and Strengthening Families Act of 2014
- The Justice for Victims of Trafficking Act (JVTA) of 2015

# Safe Harbor Laws

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- **A Safe Harbor Law** (1) prevents minors (any child under 18) from being prosecuted for prostitution and (2) directs juvenile sex trafficking victims to non-punitive specialized services.
- By the end of 2015, 34 states had passed Safe Harbor laws to move from a criminal justice focus to a victim services focus for child sex trafficking victims
- There are generally two major elements in Safe Harbor laws: decriminalization of prostitution for minors and provision of services for youths exploited through prostitution.
- Most states tend to focus on either decriminalization or the provision of services rather than simultaneously addressing both elements.

# Federal Assistance Programs for CSEC Victims

- Confusion over whether U.S. citizen and lawful permanent resident (LPR) victims are eligible for services under all the anti-trafficking grant programs authorized by the TVPA
- Several programs authorized by the TVPA fund assistance programs for victims of domestic trafficking:
  - ◇ the U.S. DOJ's Grants to State and Local Law Enforcement for Anti-Trafficking Programs;
  - ◇ the DOJ's Grants for Victims Services;
  - ◇ the DHHS' s Victims' Assistance Program;
  - ◇ the DOJ and DHHS's Grant Program for Certain Persons Subject to Trafficking; and
  - ◇ the DHHS's Pilot Program for Residential Treatment Facilities for Juveniles in the U.S. (Finklea et al., 2015b).

# Grant Programs for Domestic Minor Victims of Sex Trafficking

- Only the DOJ and DHHS programs receive specified funding for trafficking victims services.
- Between FY2002 and FY2013, Congress appropriated approximately **\$20 million each year** for victims services, and the amount was increased to approximately **\$28 million** in FY2014 and approximately **\$58 million in FY2015**
- One overriding issue: extent to which federal agencies can provide services to U.S. citizen and lawful permanent resident (LPR) **minor sex trafficking victims**.
- The Justice for Victims of Trafficking Act of 2015 authorizes the Attorney General to make grants to eligible entities to develop, improve, or expand domestic child human trafficking deterrence programs designed to aid victims while investigating and prosecuting the trafficking offenses.

# Challenges for Service Provision to CSEC Victims

- Discrepant views of minors involved in prostitution as criminals rather than victims sometimes result in CSEC victims being referred to the criminal justice system instead of supportive services they need.
- Research shows that a stay of at least 18 months at an appropriate residential facility and provision of wraparound services offer a promising strategy for serving CSEC victims. Yet, few programs implement a model of comprehensive service delivery.
- Funding concerns as a significant barrier to providing comprehensive and long-term care to this population.
- Several of the assistance programs of particular relevance to domestic CSEC victims have not yet received appropriations (Finklea et al., 2015b; Reid, 2010).
- Example; DHHS' s *Pilot Program for Residential Treatment Facilities for Juveniles* in the U.S., have not received appropriations since their establishment (Finklea et al., 2015b).

# Challenges for Service Provision (cont'd)

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- Service providers frequently identified time limitations placed on federally funded shelter programs as posing a barrier to developing the trust and rapport necessary for providing trauma-informed care to CSEC victims.
- While there has recently been increased attention devoted to evaluating programs for trafficking victims, empirical evidence on best practices for serving the CSEC population is still relatively limited.
- Another gap in the federal and state policy responses to CSEC is the overlook of boys and LGBTQ youth in assistance programs and interventions (Polaris, 2015c).
- Two national surveys of organizations serving CSEC victims found that no organization provided services exclusively to male or LGBTQ victims, and residential treatment options for males were reported to be especially scarce (Clawson & Grace, 2007; Reichert & Sylwestrzak, 2013).

# Implications for Policy

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- Discrepancies between the federal and state laws regarding the consideration of minors involved in prostitution as criminals versus victims often impede the identification, rescue, and provision of support services to CSEC victims.
- Funding concerns remain a primary challenge to offering long-term, comprehensive services to the CSEC population, particularly domestic victims.
- While attention to the needs of domestic victims has increased in recent years, there is a need for clarification regarding the availability of funding for grant programs targeting this subpopulation that have not yet received appropriations.
- Addressing barriers to service provision also requires increased recognition of the needs of distinct subsets of the CSEC population, especially boys and LGBTQ youth.

# Implications for Practice

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- Providing long-term housing to CSEC victims is an important step in establishing safety and stability for this population.
- Training service providers to deliver culturally appropriate services for males and LGBTQ victims, and implementing programs targeting these underserved populations.
- Increased attention to the needs of the male CSEC population is critical to both facilitating service access and ensuring that the services that are provided are aligned with their articulated needs.
- Similar to male CSEC victims, need of services that are responsive to the needs of LGBTQ youth victims of sexual exploitation.
- There is a need for increased emphasis on service provision tailored for children who are at increased risk for CSEC victimization.

# Implications for Research

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- Need for research further exploring the prevalence of CSEC, the needs of victims, and the impact of services on the stabilization and long term well-being of CSEC victims.
- The voices and perspectives of CSEC victims themselves are included in the assessment of their service needs.
- The limited attention to the needs of male CSEC victims points to the importance of research that specifically considers the perspectives of male victims.
- Continued evaluation of existing programs and services is thus essential to furthering the understanding of best practices for working with CSEC victims.
- Respondent Driven Sampling (RDS) appears to be a promising methodological approach for obtaining a more diverse and representative sample of commercially sexually exploited youth.

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# Questions

## Contact

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