

# HUMAN TRAFFICKING

## POLICY BRIEF



# EXECUTIVE SUMMARY



Human trafficking, particularly sex trafficking, has been on the rise in Tennessee over the past several years. Although awareness of the issue has increased, several misconceptions persist.

Victims of human trafficking or commercial sexual exploitation are often manipulated, extorted or sold by someone they know and trust such as a family member, romantic partner or friend rather than being kidnapped or taken by a stranger. Many times, it is difficult for Tennesseans to believe that this occurs in their state. Unfortunately, cases of human trafficking have happened in all 95 counties in Tennessee. In 2019, there were 180 reported cases of human trafficking in Tennessee with cases occurring in 73 out of the 95 counties. Although the majority of cases of human trafficking in the United States are sex trafficking, human trafficking also includes labor trafficking such as force or bonded labor, involuntary domestic servitude and child labor.

Tennessee has made strong legislative steps to support victims of human trafficking. Over the past several years Tennessee has received an "A" rating from Show Hope International's Protect Innocence Challenge. This project grades state's efforts to protect victims of child sex trafficking and hold those responsible accountable. In 2019, Tennessee ranked number one state in the nation for its efforts.

As much progress as Tennessee has made, human trafficking and commercially sexually exploited children must continue to be at the forefront of our legislative and policy discussions. We can support survivors and prevent further victimization by expanding resources and incorporating a trauma-informed approach when training those most likely to encounter victims.



**IN 2020, THERE WERE 165 CASES OF HUMAN TRAFFICKING REPORTED IN TENNESSEE**

**IN 2019, 73 OUT OF 95 COUNTIES IN TENNESSEE REPORTED CASES OF HUMAN TRAFFICKING**



# DEFINING THE PROBLEM



## HUMAN TRAFFICKING

Human trafficking is a complex issue and due to the nature of the problem it is hard to collect concrete data on the number of victims. In 2019, there were 22,326 trafficking victims identified in the United States, but it is estimated that the issue continues to be underreported<sup>1</sup>. Of the reported cases in 2019, 5,359 identified that a minor was being trafficked but the age of 15,532 victims was unknown<sup>1</sup>. Although there are many forms of human trafficking, sex trafficking is the most predominant form in the United States making up 65 percent of cases in 2019<sup>1</sup>

## CHILD SEX TRAFFICKING

The Trafficking Victims Protection Act of 2000 clarified the definition of child sex trafficking. The Act stated that "juveniles do not have the legal capacity to consent to exploitation and that illicit means are implicit when a juvenile is induced to commit a commercial sex act."

## COMMERCIALLY SEXUALLY EXPLOITED CHILDREN

Commercially Sexually Exploited Children (CSEC) is a broad term that overlaps with child sex trafficking but also includes other forms of sexual exploitation of children. It refers "to a range of crimes and activities involving the sexual abuse or exploitation of a child for the financial benefit of any person or in exchange for anything of value (including monetary and non-monetary benefits) given or received by any person."<sup>2</sup>

**DUE TO THEIR INABILITY TO CONSENT,  
UNLIKE ADULT VICTIMS OF HUMAN  
TRAFFICKING, CHILDREN DO NOT NEED TO  
BE FORCED, DEFRAUDED, OR COERCED TO BE  
CONSIDERED VICTIMS OF SEX TRAFFICKING.**



# TRAUMA-INFORMED POLICY RECOMMENDATIONS

## TRAUMA-INFORMED COGNITIVE BEHAVIORAL THERAPY

Due to the complex trauma that commercially sexually exploited children experience it is recommended that any services provided be trauma-informed and be specialized for this specific population.

Key considerations:

- This population experiences high levels of PTSD, approximately 80 percent<sup>3</sup>.
- Victims of CSEC are 70-90 percent more likely to have been victims of child abuse than non-exploited children<sup>2</sup>.
- Commercially sexually exploited children had significantly higher ACE scores in nearly every category but particularly higher scores in regards to sexual abuse, physical violence and neglect<sup>4</sup>.

## LAW ENFORCEMENT TRAINING

Although, federal law identifies all children that are being sex trafficked as being abused children are still frequently arrested for prostitution. According to the Uniform Crime Report, between 1,000 - 1,800 juveniles are arrested for prostitution offenses yearly.

Victims of CSEC are frequently reluctant to identify their status as a victim and their unique situation requires special training for law enforcement. Often times due to their trauma victims of CSEC can present with symptoms that appear to be non-cooperative, untruthful or manipulative<sup>5</sup>. Sometimes in an attempt to provide protection law enforcement may utilize arrest and detention in the case of an uncooperative victim<sup>4</sup>.

As the understanding of CSEC expands, it is important that law enforcement remains up to date with on-going training opportunities.

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## MEDICAL PROFESSIONAL TRAINING

With appropriate training health care providers can identify and report potential cases of CSEC. They are in a crucial position to address this issue because:

- CSEC present a unique set of mental health and physical health needs due to the victimization they have experienced. This may include violence- related injuries, pregnancy, sexually transmitted infections, post-traumatic stress disorder, substance use disorder and other mental health conditions<sup>7</sup>.
- A study of females sex trafficked in the United States revealed that 89 percent had experienced physical violence during their trafficking and 58 percent became pregnant while being trafficked<sup>7</sup>.
- Health care providers can play an important role in identifying potential victims of Commercial Sexual Exploitation. In New York city a study of runaway and homeless youth found that of those who were CSEC 82 percent had visited a medical professional within the past 6 months<sup>7</sup>.

## EXPANDING OUR PROTECTION OF CSEC

In addition to the Trafficking Victims Protection Act several states have passed laws which provide additional protection and services for commercially sexually exploited children.

Examples of these laws include:

- Preventing children from being prosecuted for prostitution or other crimes that occur in relation to being Commercially Sexually Exploited (controlled substances, trespassing).
- Diverting juveniles away from the juvenile justice system and into specialized care.
- Providing specialized services for minor victims.
- Reclassifying prostituted minors as victims or sexually exploited children.
- Ensuring children have a victim advocate at all stages of the criminal justice process.
- Allowing trafficking victims to obtain ex parte orders of protection against their exploiters.
- Screening children in the child welfare and youth justice systems for CSEC due to their higher risk of exploitation.



## COURT PRACTICES

Considering the trauma that these children have experienced, Tennessee should support courts making the necessary accommodations to ensure justice for survivors while preventing re-traumatization. Currently, Tenn. Code Ann. § 24-7-120(a), (e) allows for closed-circuit testimony for children that are 13 or younger at the time of the offense. While this is an important protection for young victims, most victims of child trafficking and commercial sexual exploitation are older minors (age 13-17). Tennessee should join more than a dozen other states that have expanded the eligibility to provide testimony through closed-circuit television to anyone under age 18 testifying in a case regarding sex trafficking – even those who are not the victim.

While reducing the risk of re-traumatization, allowing closed-circuit testimony can also enhance the accuracy of the testimony provided. When victims have to face their traffickers directly they may forget key details of the abuse they experienced or recant their testimony entirely.

In addition to offering closed-circuit testimony, other states have incorporated trauma-informed practices for child victims such as allowing the child to sit on an appropriately sized chair or the floor, adjusting seating arrangements so the child is not facing the defendant, and allowing for recess whenever the child's comfort warrants. Additionally, due to the reluctance of many CSEC to see themselves as victims, it is important to allow adequate time for children to disclose what they have experienced. By removing the statute of limitations on the offense of trafficking for a commercial sex act and other similar offenses, we can allow for victims to come forward in a time that is comfortable for them and appropriate to their needs while still ensuring justice and preventing further exploitation.

## NEXT STEPS

Any policy decision or legislation that is passed must consider Commercially Sexually Exploited Children or Trafficked Children solely as victims of child abuse. Criminalizing their exploitation leads to a further distrust in the system. Placement in the justice system exposes them to further traumatization and puts them at risk for additional sexual exploitation. Tennessee has joined 18 states in passing legislation that prevents children from being charged with prostitution. The next step involves creating specialized services for trafficked children and preventing children from being charged with crimes that are associated to their status as a victim.



## REFERENCES

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