JUVENILES FOR SALE: RECOGNIZING JUVENILE TRAFFICKING VICTIMS AS VICTIMS

Mary Ellison, Director of Policy
Polaris Project
Elizabeth Miller, Director of Juvenile Division
Office of the Hamilton County Public Defender, Ohio

WHAT IS HUMAN TRAFFICKING?

- HUMAN TRAFFICKING IS MODERN-DAY SLAVERY WHICH AFFECTS MILLIONS OF FOREIGN AND DOMESTIC INDIVIDUALS, INCLUDING ADULTS AND CHILDREN

- IT HAS BEEN DESIGNATED AS THE SECOND LARGEST ILLEGAL ENTERPRISE IN THE UNITED STATES

- THE TOP FOUR CITIES IN TH U.S., IN TERMS OF THE NUMBER OF ARRESTS, INVESTIGATIONS, AND RESCUE OF DOMESTIC MINOR SEX TRAFFICKING ARE: MIAMI, PORTLAND, LAS VEGAS AND TOLEDO, OHIO.

SEX TRAFFICKING

- Recruiting, harboring, transporting, providing or obtaining a person for a commercial sex act that induced by force, fraud, or coercion.

- When the person induced to perform such an act is under 18 years of age, no force, fraud or coercion is necessary.

LABOR TRAFFICKING

- Recruiting, harboring, transporting, providing or obtaining a person for labor or services, through the use of force, fraud or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery.

TRAFFICKING VENUES?

Sex Trafficking

Domestic Pimp Control

Intimate Partner/Familial Trafficking

Massage Parlors, spas

Residential Brothels & Escort Services

Exotic Dancing, Stripping, Pornography

Hostess Clubs, Cantina Bars

On-line Exploitation, e.g. Craigslist

Labor Trafficking

Hospitality Services (Restaurants, Hotels)

Factory Work

Construction, Landscaping

Domestic Servitude

Peddling/Begging

Agriculture, Forestry, Fishing Industries

Small Businesses

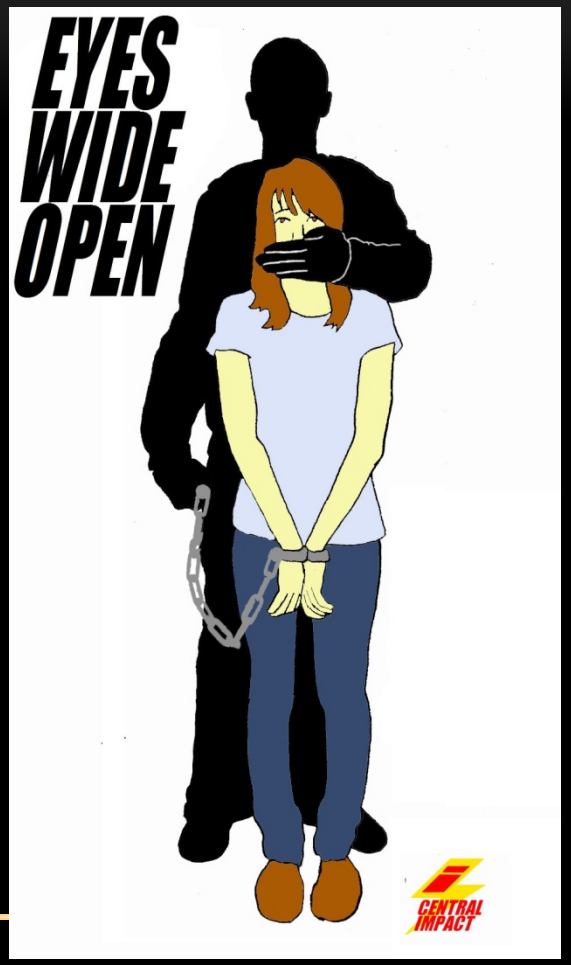
Salons, e.g. nail parlors

WHAT ARE COMMON WAYS THAT CHILDREN BECOME VICTIMS OF HT?

RECRUITMENT

- Girls often come from abusive homes
- Suffer from low self esteem

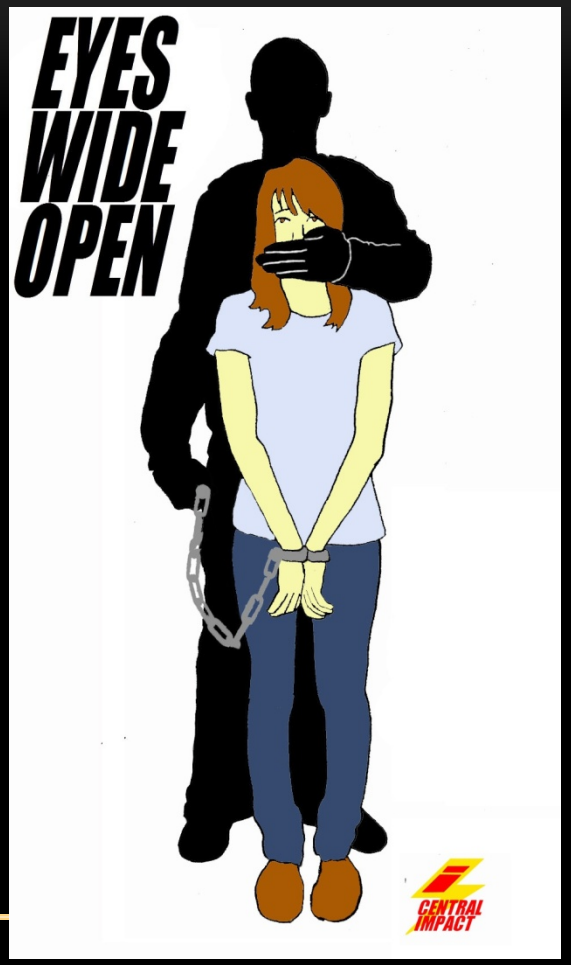
- <u>One Type of Trafficker:</u>
- Gorilla Pimp
  - Tricks the girl into coming with him
  - Uses brutal force and threats to control her



RECRUITMENT CONT.

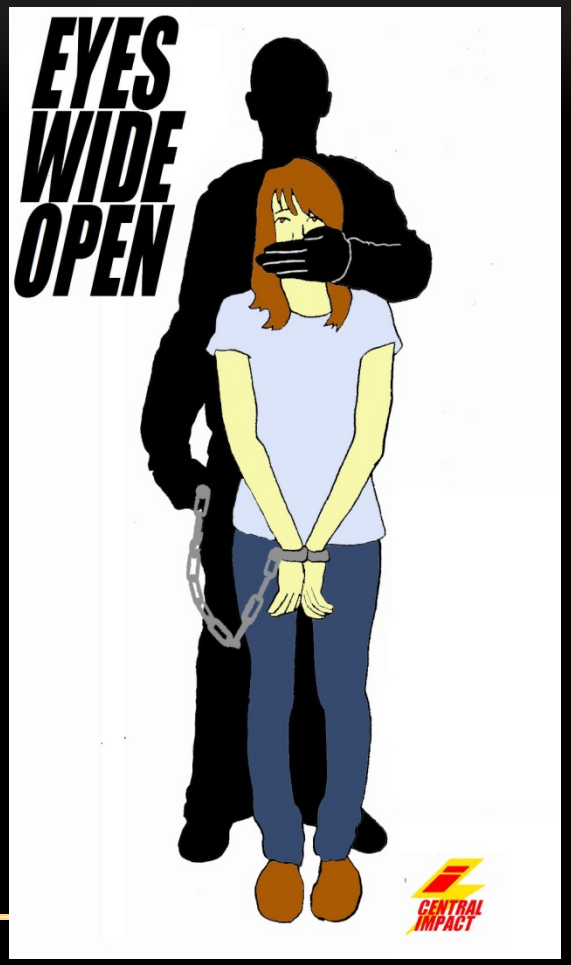
- Second Type of Trafficker

- Finesse Pimp
  - Acts like a boyfriend
  - Treats him/her special
  - Buys him/her gifts
  - Creates a fake relationship/love



RECRUITMENT CONT.

- Initial seduction
  - Telling the girl:
    - How beautiful she is
    - How much he likes/loves her
  - Giving the girls gifts
    - Jewelry
    - Clothing
    - Cell Phone



PIMP CONTROL

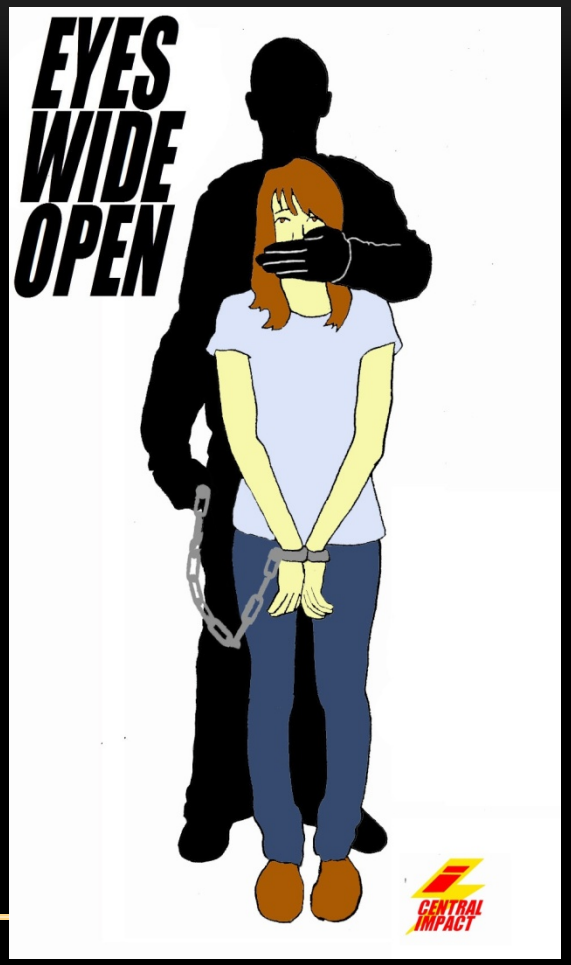


- Pimps are masters of the art of seduction; they are able to identify the vulnerabilities of a specific child and exploit them.
- Once seduced, pimps use torture tactics to control their victims.
- Such tactics consistently lead to complete obedience and a breakdown of personal agency and autonomy.
- These behaviors include both physical and psychological torture.
- Pimps use the increased glamorization of pimp/ho culture, as well as cultural acceptance of demand for child victims, to help maintain control of the child.



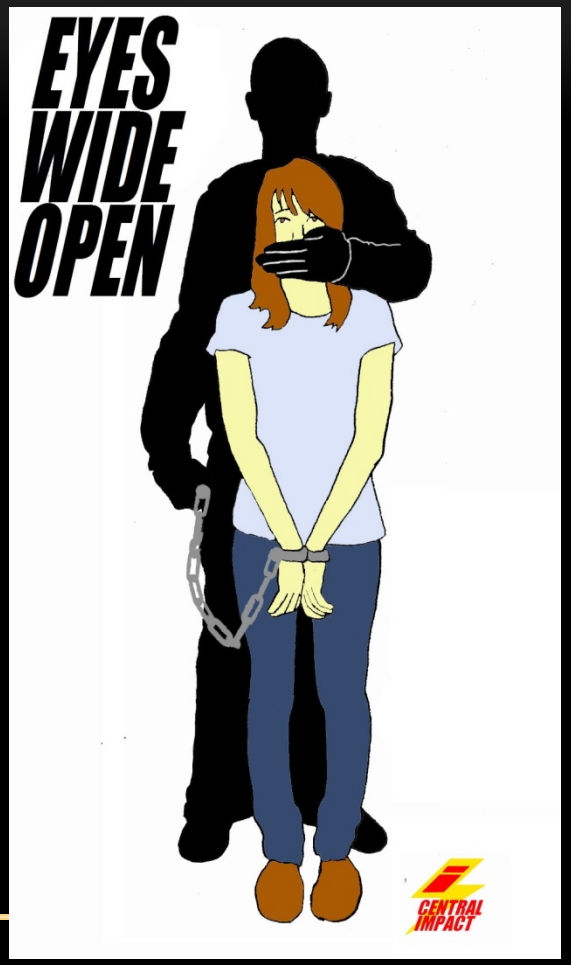
HOW DOES IT WORK?

- Initial Control
  - Wanting to know where she is all the time
  - Must call when she gets home from school
    - “worries about her”

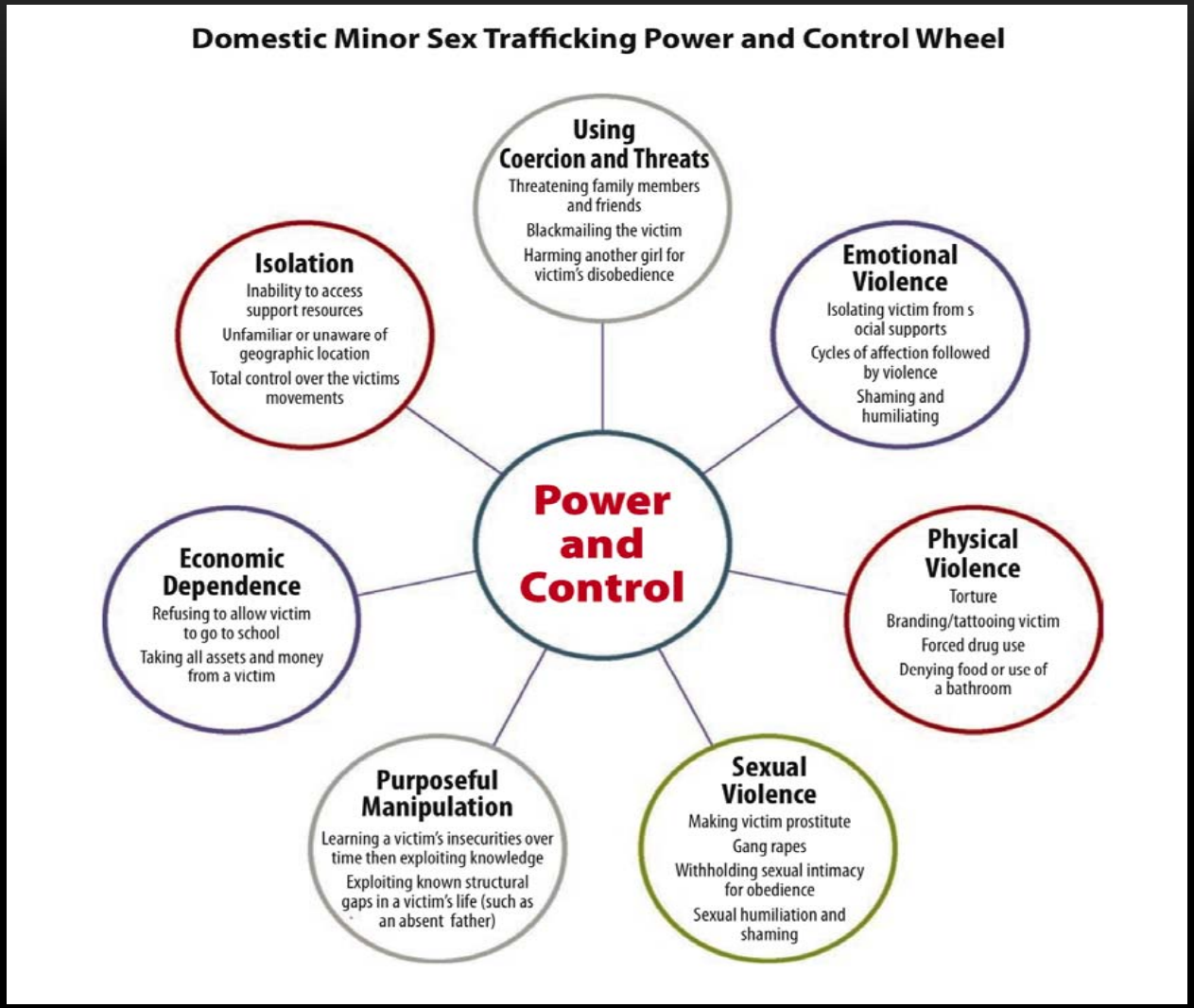


WHAT DOES IT LOOK LIKE?

- Separation
  - Gets the girl to leave the house
  - May take her to another location
    - Makes the girl more reliant on person



WHAT'S GOING ON IN THE BACKGROUND?



RECRUITMENT CONT.

- Third Kind of Trafficker
  - Family Members
    - Mothers, Grandmothers
    - Fathers, Stepfathers, Boyfriends
    - Other family members
  - Sold out of the house
  - Often for drug $ or for drugs

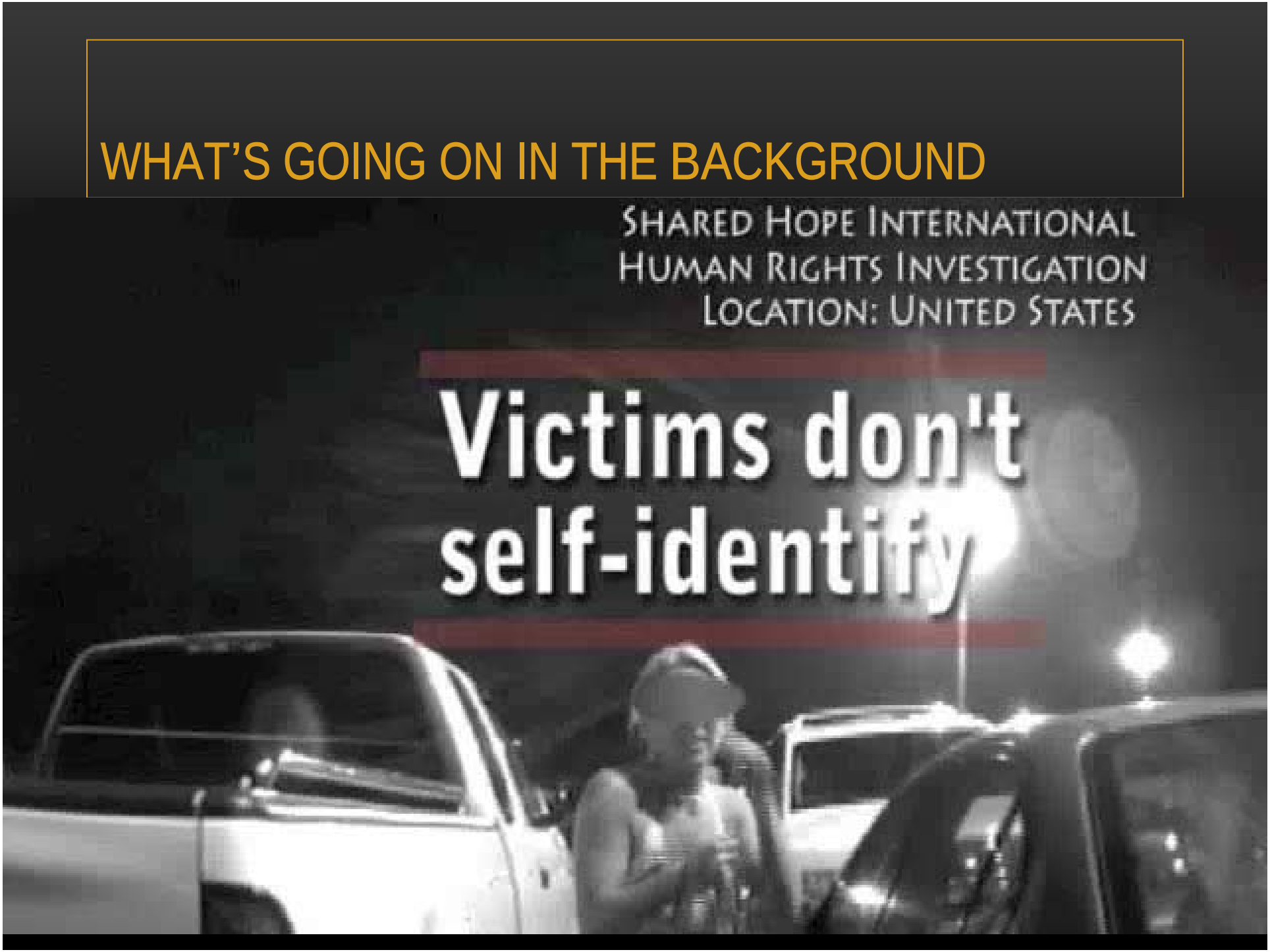


SHANIYA DAVIS, AGE 5

- 2009
- Mother, Antoinette Davis sold her to Mario Andrette McNeill to pay off a drug debt for sexual slavery.
- Shaniya was found raped and dead on the side of a road in Fayetteville, North Carolina.
- Mother was reportedly pregnant while awaiting trial in 2009. She was charged with Human Trafficking.



WHAT'S GOING ON IN THE BACKGROUND



UNDERSTANDING VICTIM MINDSETS & BARRIERS TO SELF-IDENTIFICATION

- Fear
- No personal ID or documents
- Hopelessness, Resignation
- Shame/Self-blame
- Misinformation and False Promises
- Captivity/Confinement
  \
- Threats of violence and reprisal against loved ones
- Distrust of Authority; Learned “loyalty”
- Frequent accompaniment, guarded
- Isolation
- Debt Bondage and sense of obligation
- Language and social barriers/Unfamiliarity

AT RISK YOUTH

What are some factors that put youth “at risk?”

- History of being in Jobs and Family Services or Child Protective Services
- Runaways without familial support
- Parents who use drugs
- History of sexual abuse
- Living in a group/foster home
- Older boyfriends
- Single parent families
- 1-2 parents in jail
- Self – mutilating
- Rape victim
- Use alcohol/ drugs



RED FLAGS & INDICATORS

- Excess amount of cash
- Hotel room keys
- Chronic runaway/homeless youth
- Signs of physical abuse, restraint, branding (tattoo, jewelry)
- Lying about age/false identification
- Inconsistencies in story
- Lack of knowledge of a given community or whereabouts
- Presence of an overly controlling and abusive “boyfriend”
- Inability or fear to make eye contact
- Restricted/scripted communication
- Demeanor – fear, anxiety, depression, submissive, tense, nervous
- Claims of being an adult although appearance suggests adolescent features

HOW DO I RECOGNIZE IF MY CLIENT IS A VICTIM?

- Identified by law enforcement as a victim (E.g., Toledo, Ohio)
- Identified as a delinquent child. Common offenses include:

  Drug charges

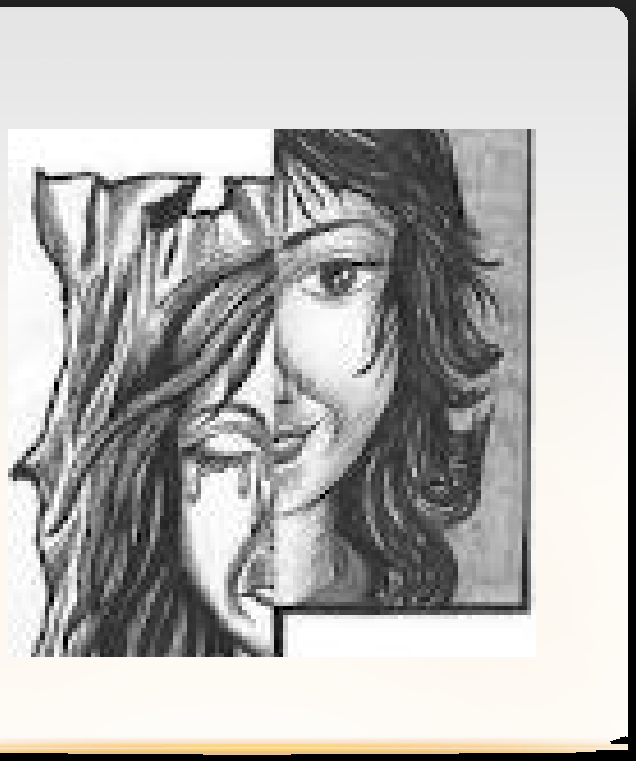
  Truancy

  Chronic runaway

  Gang member

  Domestic violence

  Solicitation



COMMUNICATING WITH CLIENTS WHO ARE VICTIMS OF TRAFFICKING

- MUST build rapport and trust
- Use terms that he/she uses
- Reassure your client that
  - You are there to help and you care about him/her
  - -You are NOT trying to arrest or punish them
- The types of questions you are going to ask will vary depending on the suspected type of victimization
- Try to meet his/her immediate needs and help him/her to feel comfortable

REMEMBER:

- Lack of Trust in Law Enforcement and/or Authority.
  - Victims are told that law enforcement will harm them or arrest them.
  - May have already had previous contact with Children Services or Juvenile Justice system.
  - Parents may be abusive or neglectful and therefore distrust authority figures.
  - History of (or fear of) being seen as delinquent and not a victim.

WHAT CAN YOU DO TO HELP CLIENTS WHO ARE VICTIMS?

- Familiarize yourself with Federal and State law (if applicable) and the consequences that this can have on the child (e.g., immigration).
- EDUCATE your courts, prosecutors, case workers, probation/parole officers accordingly.
- Move for dismissal of the charges.
- Locate and advocate for proper treatment and placement options with agencies that can provide appropriate services to meet your clients needs.
- Get involved with and advocate for legislation for your state.
- Support Safe Harbor legislation!

FEDERAL LAW: TRAFFICKING VICTIMS PROTECTION ACT

- In 2005, Congress amended Trafficking Victims Protection Act (TVPA) to recognize trafficking of domestically born children
- In the act, anyone under the age of 18 who is trafficked into prostitution by someone economically benefiting from them is a victim of child sex trafficking.
- children do not have to be trafficked against their will, any child under the age of 18 that is trafficked into prostitution is a victim of child sex trafficking

STATE LAW: SB 235 - FELONY OFFENSE OF "TRAFFICKING IN PERSONS"

- Ohio was the 45th state to create a stand alone offense, after 5 years of legislative efforts in Ohio
- Passed unanimously in the Ohio Senate and Ohio House during 2010 "lame-duck" session (December 1, 2010, December 8, 2010) and signed into law by Governor Strickland on December 23, 2010
- The bill creates the offense of "trafficking in persons." It prohibits any person from knowingly recruiting, luring, enticing, isolating, harboring, transporting, providing, obtaining, or maintaining, or knowingly attempting to recruit, lure, entice, isolate, harbor, transport, provide, obtain, or maintain, another person knowing that the person will be subjected to "involuntary servitude" or be compelled to engage in "sexual activity" for hire, engage in a "performance that is obscene, sexually oriented, or nudity oriented," or be a model or participant in the production of "material that is obscene, sexually oriented, or nudity oriented." A violation of this prohibition is the offense of "trafficking in persons," a felony of the second degree.
- For a prosecution, the element "compelled" does not require that the compulsion be openly displayed or physically exerted. The element "compelled" has been established if the state proves that the victim's will was overcome by force, fear, duress, or intimidation.

WHAT OHIO NEEDS – SAFE HARBOR LAW

- With the recent creation of the stand alone felony offense, Ohio became tougher on traffickers; however, Ohio still prosecutes juveniles for prostitution and provides little avenues for their treatment
- Safe Harbor laws change the label from “child prostitute” to “child victim” and redefine how minor victims of sex trafficking are treated by the criminal justice system
- Goal: have it mirror federal legislation – all children under 18 cannot be prosecuted for prostitution.
- Seven states now have safe harbor laws that protect children

QUESTIONS?

National Trafficking Human Resource Hotline: 1-888-3737-888

Mary Ellison, Director of Policy

Polaris Project
Office: 202-745-1001 x131
Email: mellison@polarisproject.org
Website: www.polarisproject.org

Elizabeth Miller, Director of the Juvenile Division

Law Office of the Hamilton County Public Defender

Emiller@cms.hamilton-co.org

513.946.3877