Human Trafficking 101

What is CSEC?

- Commercial Sexual Exploitation of Children
- Also called Child Sex Trafficking and Domestic Minor Sex Trafficking (DMST)
- Definition
  - Sexual abuse of a child accompanied by remuneration in cash or in kind to the child or a third person or persons.

What Is "Child Sex Trafficking"

- GA's anti-trafficking law, O.C.G.A. 16-5-46, applies to anyone who buys or sells another person for sex in GA.
  - Covers same activity as pimping & pandering statutes
  - Interstate or international travel is not required
- A child sex trafficking victim is simply:
  - **A child who has received food, drugs, money or shelter in exchange for sex.**

CSEC Cases Present Unique Challenges:

- Victims
  - Don't view themselves as victims
  - Often dependent on pimp and reluctant to testify
  - Don't trust law enforcement
  - Lots of "baggage" as result of their abuse
- Lack of witnesses
- Physical evidence hard to come by
- Damaging misconceptions about CSEC victims that affect judges and juries
  - **CSEC victims are commonly viewed as complicit in the crime. Prosecutors need to educate jury, judge and each other about realities of CSEC and dispel CSEC myths.**

CSEC in the U.S.

- At least **100,000 to 300,000** youth are at risk for commercial sexual exploitation annually in the U.S. (Estes and Wiener, 2001)
- 1.7 million children run away each year in the U.S. (The National Incidence Studies of Missing, Abducted, Runaway, and Throwaway (NISMART) Children, 2002)
- The average age of entry into the commercial sex industry in the U.S. is **12-14 years old**. (US Dept. of Justice, Child Exploitation and Obscenity Section, 2011)
- Once a child enters "the life" she has a 7 year life expectancy.

Georgia Prosecutions

- Fulton County has prosecuted over 70 Human Traffickers. (From Fulton County D.A., as of May 2014)
- "35 pimps have served time in Georgia prisons for child prostitution since 2001, according to state records."2001-2010 – That number has nearly doubled since that time. (AJC, May 2, 2010)
- Georgia's federal prosecutors, particularly those in the Northern District, have secured additional CSEC convictions. (From U.S. Attorney press releases)

Understanding CSEC Victims

Misconceptions About CSEC

- Youth choose to get involved in prostitution.
- Prostitution is a glamorous life.
- Prostitution is an "easy" way for a child to gain wealth and independence.
- Prostitution is a victimless crime.
  - **If the child was truly a victim, she'd act like one.**

The Truth About CSEC

1. Victims don't "choose" prostitution.
2. Victims are young & vulnerable kids.
   - Average age of entry is 12-14 years old
   - Overwhelming number are runaways
   - **70-90% have been sexually abused**
   - Most come from troubled homes
     - Abuse, neglect, parental crime & addiction
   - Truancy and school problems are common
3. Boys and transgender youth are also victimized but vast majority of victims that come to the court's attention are girls.

The Truth About CSEC

These vulnerable youth are:

- Recruited by peers/victims
- Lured by false ads for modeling, acting, dancing
- Enticed via internet chat rooms
- Preyed on by pimps/traffickers

The Truth About CSEC

- Victims don't "choose" to stay in prostitution:
  - Dependent on pimp financially & emotionally
  - Physically confined, isolated, stripped of identity
  - Beaten, raped and threatened
  - Often blame themselves, feel ashamed, and see no way out of the situation
  - Held in "debt bondage"
  - Distrustful of law enforcement
  - Don't know where to seek help
  - Drug dependency
- Victims are often reluctant to prosecute due to all of the above.
  - Dependent, afraid, ashamed, distrustful, hopeless

Specific CSEC Statutes

Georgia Laws Specific to CSEC

- **Pimping** O.C.G.A. § 16-6-11
- **Pandering** O.C.G.A. § 16-6-12
- **Keeping place of prostitution** O.C.G.A. § 16-6-10
- **Pandering by compulsion** O.C.G.A. § 16-6-14
- **Solicitation of sodomy** O.C.G.A. § 16-6-15
- **Trafficking for sexual servitude** O.C.G.A. § 16-5-46

Georgia's Anti-Human Trafficking Law, O.C.G.A. § 16-5-46

- O.C.G.A. § 16-5-46, enacted 2007
- Any person who:
  - Knowingly
  - Recruits, entices, harbors, transports, provides, **obtains**, maintains
  - Another person
  - For the purpose of labor or "sexual servitude"
- **PENALTY: Felony, 10-20 yrs, if victim is a minor, fine not to exceed $100,000 or both.**
  - **If minor was coerced or deceived into being trafficked, 25-50 years, fine not to exceed $100,000, or both.**

What Is "Sexual Servitude" Of A Child?

Any sexually explicit conduct

a. Induced or obtained from anyone under age 18 in exchange for money or other value

OR

b. "Performed or provided" by anyone under age 18

- Coercion or deception is not a required if victim is under age 18.
  - Similar to rape vs. statutory rape

Georgia House Bill 200

http://www.legis.ga.gov/legislation/en-US/displaybill.aspx?BillType=HB&billNum=200

- **Increased penalties for trafficking a child under 18**
  - 25 - 50 Yrs or Life, with coercion or deception
  - 10 - 20 Yrs, without coercion or deception (*same)*
  - Coercion and deception broadly defined
  - $100,000 Maximum Fine & Forfeiture
- **Limited defenses**
  - No defense re: age of consent & lack of knowledge of age
  - Hearing required to admit sexual history or family ties
- **Affirmative defense against prostitution charges**
  - If "conduct . . . was committed under coercion or deception while. . .being trafficked for sexual servitude"

Georgia House Bill 200

http://www.legis.ga.gov/legislation/en-US/displaybill.aspx?BillType=HB&billNum=200

- **Eligibility for victim compensation**
- **Increased penalties for pimping/pandering, but only when child is under 16**
  - 10-30 yrs, $100,000 max. fine
- **Original Jurisdiction for GBI**
- **New guidelines re: CSEC training for police**

The Georgia Cares
404-602-0068
GaCares.org

- The Georgia Care Connection is the single point of contact for all CSEC victims that are identified throughout the state
- It coordinates all aspects of treatment and works with law enforcement to make case against the perpetrators
  - Peer support specialist
  - CSEC liaison
  - Placement services

Thank you!

- Questions?
- For more information:
  - **Camila Wright**
  - Attorney General's Office
    - 404-656-3336
    - cwright@law.ga.gov