

**RESOLUTION CALLING FOR JUDICIAL ACTION TO ADDRESS
THE GROWING PROBLEM OF DOMESTIC MINOR HUMAN
SEX TRAFFICKING**

WHEREAS, Federal law defines the term “severe forms of trafficking in persons” as “(A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or (B) the recruitment, harboring, transportation, provision, or obtaining of 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.”¹

WHEREAS, Between 100,000 and 300,000 youth are “at risk” for commercial sexual exploitation annually in the United States.²

WHEREAS, The average age of entry into the commercial sex industry is 12-14 years old for girls³ and 11-13 years old for boys and transgender youth in the United States.⁴

WHEREAS, The gender of the victims of domestic minor sex trafficking is overwhelmingly female.

WHEREAS, Studies suggest boys may be as affected by child sexual exploitation as girls but are hidden away and less well-served by human service and law-enforcement systems.⁵

WHEREAS, Between 70 and 90 percent of commercially sexually exploited youth have a history of child sexual abuse.⁶

WHEREAS, Youth who have had contact with the child welfare system are at a higher risk for commercial sexual exploitation than children who have not had involvement in the child welfare system.⁷ For example, in Los Angeles, approximately 77% of youth charged with a prostitution-related offense have had prior contact with the Department of Children and Family Services (DCFS).⁸ Traffickers are known to specifically target youth shelters, group homes, and foster care facilities as locations for recruitment of vulnerable foster youth.⁹

WHEREAS, Youth who are commercially sexually exploited often suffer from negative long-term psychological, social and physical impacts.¹⁰

WHEREAS, Approximately 1.6 million children run away from home every year in the United States¹¹ and these children are at high risk of child sexual exploitation due to their mental, physical, and financial vulnerability.¹²

WHEREAS, Although there is insufficient evidence to quantify the national prevalence and trends on minor sex trafficking in the United States, local data from Los Angeles, a major hub for minor sex trafficking in this country, indicate that there is a high disproportionate minority contact among victims of domestic child sex trafficking.¹³ Although race and ethnicity of the victims can vary dramatically by city and neighboring cities,¹⁴ a study conducted in New York state shows overrepresentation of minority youth among trafficked victims.^{15 16}

WHEREAS, In 39 states across the nation, youth who are victims of commercial sexual exploitation face criminal charges, and¹⁷

WHEREAS, The juvenile justice system is ill equipped to handle cases of commercially sexually exploited youth due to the limited services and placement options.

BE IT THEREFORE RESOLVED AS FOLLOWS:

NCJFCJ opposes the criminalization of victims of child sexual exploitation and supports state laws and policies that are in line with the federal definition of a minor victim of human trafficking.

NCJFCJ shall promote the development of specialized services and resources for victims of human trafficking from the child welfare system, delinquency system, and within the community. Services should include, but should not be limited to, a development of non-detention triage facilities and specialized placement options that are equipped to effectively address the unique trauma suffered by victims of human trafficking.

NCJFCJ calls for a coordinated judicial response to decrease the number of children coerced into human trafficking, to include a network of communication among judges of different jurisdictions.

NCJFCJ calls for a coordinated response to increase the effectiveness of both the delinquency and the dependency courts in identifying minor victims of human trafficking and extracting them from the trade.

NCJFCJ shall promote the exercise of judicial leadership to convene local stakeholder and community groups to improve and enhance system responses to the needs of minor victims of sex trafficking involved in court proceedings. These groups include court personnel, law enforcement, government agencies and community organizations.

NCJFCJ shall, within the limits of available funding, collaborate with allied organizations and experts across the nation to develop curricula for trainings intended to better educate the judiciary NCJFCJ shall also promote the development and implementation of training curricula within schools to address the risk factors for runaway youth and inform youth of the common tactics of, and risks associated with, human traffickers.

Endnotes:

¹ Victims of Trafficking and Violence Protection Act of 2000 [United States of America]. Public Law 106-386 [H.R. 3244]. 28 October 2000. Section 103(9).

² R. Estes and N. Weiner. Commercial Sexual Exploitation of Children in the U.S., Canada, and Mexico. University of Pennsylvania, 2001, page 144. Determination of “at risk” status includes consideration of factors such as children who are runaways, “throwaways,” victims of physical or sexual abuse, users of psychotropic drugs, and members of sexual minority groups

³ National Report on Domestic Minor Sex Trafficking: America’s Prostituted Children. Washington, D.C.: Shared Hope International, 2009, page 30.

⁴ Domestic Human Trafficking of Children and Youth Initial Findings Brief. The National Clearinghouse on Families & Youth, 2005, page 3.

⁵ Id. at page 4.

⁶ 1. Bagley, C. & Young, L. (1987). *Juvenile Prostitution and Child Sexual Abuse: A Controlled Study*. Canadian Journal of Community Mental Health; See also, *Annual Report*. (1991). Council for Prostitution Alternatives. Portland, Oregon.; See also, Murphy, Patricia. (1993). *Making Connections: Women, Work, and Abuse*. Paul M. Deutsch Press, Florida.

⁷ National Report on Domestic Minor Sex Trafficking, Shared Hope International, page 9.

⁸ Los Angeles County Juvenile Delinquency Collaborative STAR Court Data, Assessment of open cases in November 2012

⁹ Id, page 58.

¹⁰ National Report on Domestic Minor Sex Trafficking, Shared Hope International, page 41-44.

¹¹ National Runaway Switchboard, <http://www.1800runaway.org/faq/#>. Accessed 11/5/12.

¹² National Report on Domestic Minor Sex Trafficking, Shared Hope International, page 31.

¹³ Los Angeles Probation Department Data, 2010.

¹⁴ Research to Action: Sexually Exploited Minors (SEM) Needs and Strengths, West Coast Children’s Clinic. (2012), page 7. While data is insufficient in the U.S. to measure disproportionate representation of Native American children and youth, a number of Canadian studies have found Aboriginal children represent a significant percentage in the sex trade. *Shattered Hearts: The Commercial Sexual Exploitation of American Indian Women and Girls in Minnesota*. (2009). Minnesota Indian Women’s Resource Center, pages 33-34.

¹⁴ National Report on Domestic Minor Sex Trafficking, Shared Hope International, page 9.

¹⁵ Sex Trafficking of Minors in New York: Increasing Prevention and Collective Action. (2012). The New York Women’s Foundation, pages 5 & 7.

¹⁶ While data is insufficient in the U.S. to measure disproportionate representation of Native American children and youth, a number of Canadian studies have found Aboriginal children represent a significant percentage in the sex trade. *Shattered Hearts: The Commercial Sexual Exploitation of American Indian Women and Girls in Minnesota*. (2009). Minnesota Indian Women’s Resource Center, pages 33-34.

¹⁷ Polaris Project, Current Laws, <http://www.polarisproject.org/what-we-do/policy-advocacy/current-laws> (11 states have safe harbor laws protecting trafficked minors from criminal prosecution). Accessed 11/5/2012.