Preventing Child Sex Trafficking in the United States

by Adjusting Societal Norms

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Throughout history, the trafficking of minors for the use of sexual exploitation has existed as one of the largest, most surreptitious businesses in the United States. Although societal norms progressed by the media have resulted in Americans viewing underage sex trafficking as an issue isolated in foreign countries, DeJesus (2009), author for *B**** Magazine*, which chose its unorthodox name to reappropriate the word and attack its harmful stigma, emphasizes that “more than 300,000 American children have been forced into the sex trade in the United States” (p. 20), establishing the prevalence of this issue in our country. Tomes (2013) from the University of Mississippi establishes that in 2000, Congress passed the Trafficking Victims Protection Act (TVPA), stating that prostitution of a minor is to be considered nationwide as a severe form of sex trafficking and that any minor arrested on counts of prostitution should be protected and provided with rehabilitation efforts (p. 215). Haynes (2007), a professor at the New England School of Law, voices her support for the TVPA by establishing that underage victims of sex trafficking are not necessarily found “chained to a bed in a brothel,” and that the majority of the time, minors that may appear to be acting with consent have endured years of emotional and physical abuse after being “recruited” by means of psychological manipulation (p. 10). However, rather than being provided with the rehabilitation services and immunity that the TVPA entails, states such as Ohio, which researchers from the University of Toledo claim fails to regulate or enforce anti-trafficking laws, frequently charge underage victims with crimes of prostitution (Perdue, Prior, Williamson, & Sherman, 2012, p. 449). Cheryl Butler (2015), professor at Southern Methodist University, claims that this occurs due to law enforcement officers stereotyping child victims as criminals, enforcing threats that sex traffickers instill into
their victims that their attempts to flee would be unsuccessful (p. 1497). This not only reduces the chances of existing victims escaping the business and seeking rehabilitation, but as Tanya Mir (2013) recognizes in her analysis for *Family Court Review*, increases the danger posed to child victims of sex trafficking by failing to find or punish their abusers, who are “typically free from incarceration and punishment” (p.163). In order to diminish the threat of American children falling victim to sex trafficking in our country, it is essential to alter citizens’ views of the “typical victim” by adjusting societal norms that lead to victims being charged with crimes rather than being provided with rehabilitation and social support.

Not only does stereotyping in American society reduce the success of the fight against sex trafficking by failing to prosecute offenders, but it also fails to support victims with social services. Kotrla (2010), professor at Baylor University, identifies the criminal stigma surrounding underage victims as a threat to the success of social services in rehabilitating underage victims, for social workers frequently fail to distinguish a victim from a criminal (p. 186). A research report from the U.S. Department of Health and Human Services furthers this idea by acknowledging that their providers in charge of residential programs for underage victims of sex trafficking failed to understand “the relationship between the prostitution of minors and human trafficking,” which “impacted the ability of staff to provide appropriate services to meet the needs of these girls” (Clawson & Goldblatt, 2007, p. 2). When rehabilitation programs fail, victims frequently return to their abusers, demonstrating that societal stereotypes can result in youths being re-victimized and the sex trafficking business becoming more widespread. Various solutions have been suggested to confront these stereotypes and raise awareness for the dangers of sex trafficking. Koyama (2011), an esteemed author for a feminist media company, suggests that American citizens must recognize how the media falsely portrays
the “typical” sex trafficking victim as an “attractive young, white, middle-class female [victim]” (p.46), resulting in the misidentification of racially and culturally diverse victims occurring more frequently, establishing that the failures of cultural norms to correctly identify victims constructs a dangerous environment for minority victims, and eliminating these racial prejudices can help protect victims and prosecute their traffickers. Kubasek and Herrera (2015), professors at Bowling Green State University and University of Toledo, propose we educate law enforcement officers to decrease the detrimental effect of these prejudices (p. 190).

Although virtually all arguments surrounding the issue agree that victims of child sex trafficking should not be punished for crimes of prostitution, various establishments argue that providing blanket immunity to all child prostitutes creates a dangerous precedent. In order to come to a consensus on how to enforce the TVPA, Mir (2013) encourages states to continue passing Safe Harbor laws, which protect underage victims of sex trafficking from prostitution charges. Although many states have passed Safe Harbor acts, the laws vary immensely state to state and have sparked controversy as to the extent of immunity provided to minors. Mir claims that Illinois legislation, which has completely decriminalized underage prostitution in an effort to attack the child sex trafficking industry, “is over-inclusive, in that immunizing all minors ignores the exceptional cases where individuals warrant rehabilitation in a strict setting,” and that this “may potentially encourage domestic minor sex trafficking because pimps and traffickers may benefit from the elimination of prosecution” (p.168), establishing the fault in attempting to prevent child sex trafficking by providing blanket immunity. Instead, the child sex trade could be effectively reduced if all states adopt New York’s Safe Harbor laws, which provide social services rather than criminal sentences to all underage victims, but provide judges with the authority to institute “additional rehabilitation and supervision in a secure placement, thus
authorizing a delinquency petition” (p. 168), allowing for minors to feel safe when approaching police officers without moralizing voluntary underage prostitution. Initially assuming all underage citizens arrested on prostitution charges to be victims of sex trafficking would stop officers from arresting based on pre-determined stereotypes, and would, in turn, result in a higher percentage of victims being rehabilitated and a higher chance of successfully prosecuting their abusers.

Additional solutions proposed by researchers include a program evaluated by Countryman-Roswurm and Bolin (2014) of Wichita State University that targets at-risk girls and educates them on the formation of healthy relationships and how to recognize the signs of a sex trafficker (p. 521). Furthermore, researchers Cho, Dreher, and Neumayer (2013) address the controversial solution of legalized prostitution to reduce child sex trafficking. They recognize that many argue that the legalization of consented prostitution would make “resorting to trafficked women less attractive” (p. 67), but ultimately determine that once society begins to accept prostitution, imports of sex trafficking victims increase, establishing that the legalization of prostitution poses a threat to efforts to reduce child sex trafficking.

New York’s Safe Harbor legislation being adopted nationwide, educating law enforcement officers, and what Juris Doctor Candidate Sarah Primrose (2011) describes as “a compassionate victim-centered approach” (p. 332) to providing rehabilitation for all victims will adjust societal and cultural norms in order to end the misidentification of underage sex trafficking victims, and as a result, prevent the growth of the child sex trafficking trade and protect child victims in the United States.
References


Mir, T. (2013). Trick or treat: Why minors engaged in prostitution should be treated as

