



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.

WHY DO WE USE THE CSEC TERMINOLOGY?

- In Georgia, children under 16 are too young to consent to sex and children under 18 are too young to enter contracts.
- Regardless of how they act and appear, **CSEC youth are kids who cannot be willing participants in a commercial exchange for sex.**
- GA law recognizes these youth as victims of child abuse and human 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:

- Difficult 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 prostituted children 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 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)

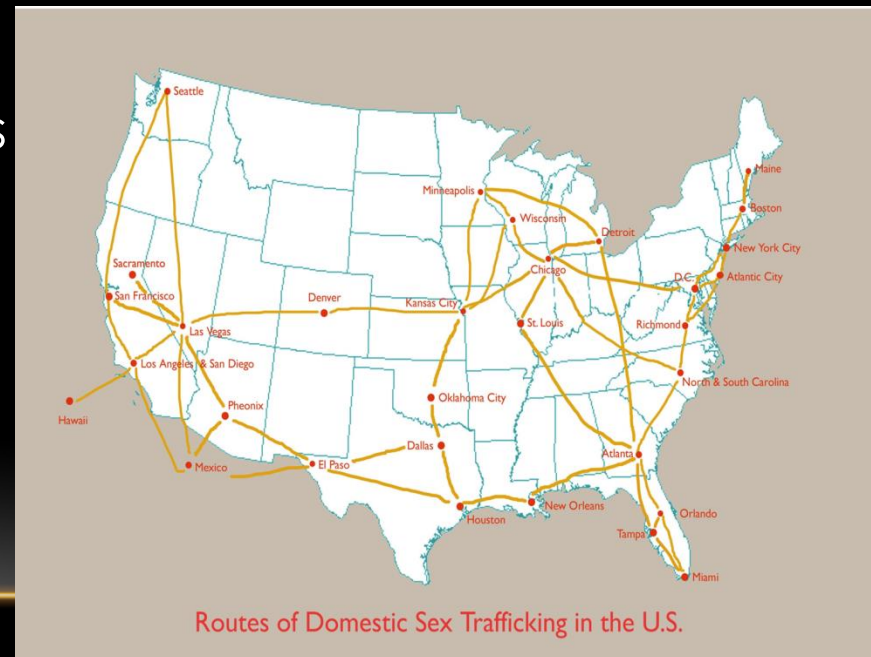
CSEC IN GEORGIA

- *Last year, 387 confirmed victims of CSEC were referred to GA Cares.*
- Since 2009, there have been over 1,386 referrals for CSEC victims from over 91 counties.
- 91% of youth victims have been involved with the Department of Family and Children Services (DFCS) in the past.
- After receiving GA Cares services 80% of youth did not recidivate or “return to the life”

ATLANTA IS A HUB FOR CHILD SEX TRAFFICKING

The FBI has named Atlanta as one of 14 cities in the U.S. with the highest incidence of children used in Sex Trafficking

- Adult entertainment industry
- Large hotels with busy lobbies
- Motels near strip clubs
- Escort service call centers
- Hartsfield Airport



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 likely 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)
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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
 - TAGGED.COM, INSTAGRAM, FACEBOOK, KIKMESSENGER, MOCOSPACE
- 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 ID
 - 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

SIGNS OF TRAFFICKING

- -Teen is with a significantly older boyfriend/companion or other non-family member.
- -Unexplained physical trauma: bruises, black eye, cuts or other marks.
- -Unexplained emotional trauma: fear, anxiety, depression, tension, nervousness.
- -Teen is traveling with older person that is a non-family member and/or not a guardian.
- -Teen is a runaway and/or homeless.
- -Teen has special marked tattoos, or branding on their body.
- -Teen has possession of prepaid credit cards, hotel keys/receipts.
- - Teen is dressed inappropriately, i.e., not weather appropriate, revealing, etc.

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

WHAT IS “SEXUALLY EXPLICIT CONDUCT”?

- Defined in O.C.G.A. § 16-12-100
 - Intercourse and other types of penetration
 - Physical contact with genitals, pubic area, breasts
 - Lewd exhibition of genitals, pubic area
 - Masturbation
 - Restraint, whipping or torture of someone nude
 - Bestiality
 - Very broad range of acts – pros/cons
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RELEVANT LAWS

- **Limited defenses - O.C.G.A. § 16-5-46 (d)**
 - **You don't have to prove that the defendant knew her age – This is why the State law is easier to prove than the Federal law**
 - Age of consent is not a defense

Hearing required to admit sexual history or family ties - **O.C.G.A. § 16-5-46 (e)**

- **Affirmative defense against prostitution charges - O.C.G.A. § 16-3-6**
 - If conduct was committed while victim was being trafficked for sexual servitude”

- **Eligibility for victim compensation -**
O.C.G.A. § 17-15-7 (a)(1)(D)
- **Original Jurisdiction for GBI - O.C.G.A. §**
35-3-4 (a)(13)
- **CSEC training for police - O.C.G.A. § 35-**
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- Trafficking in persons for sexual servitude was added to the list of Dangerous Sexual Offenses for the purpose of the sex offender registry. **O.C.G.A. § 42-1-12(a)(10)(B.1)**
- Any motor vehicle operated by a person, or money intended to be used, to facilitate pimping, pandering, keeping a house of prostitution or pandering by compulsion is now subject to forfeiture to the state. O.C.G.A. § 16-6-13.2

SUMMARY OF GEORGIA SENATE BILL 8 – “SAFE HARBOR/RACHEL’S LAW ACT”

- Subject to a the passing of a Constitutional Amendment in 2016, a Safe Harbor for Sexually Exploited Children Fund will established as a separate fund in the statue treasury to fund care and services for victims of human trafficking, as well as awareness and prevention programs for victims of human trafficking. The Fund will be funded by:
 - A new additional \$2500 penalty for trafficking in persons for sexual servitude, pimping, pandering, keeping a house of prostitution and other similar offenses, in any cases where a judge imposes a fine or court costs.
 - A new state operation assessment for all adult entertainment establishments equal to the greater of 1% of the previous calendar year’s gross revenue or \$5000.

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?
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