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# Protecting Our Children: A Closer Look at Florida on Child Sex Trafficking and Commercial Sexual Exploitation of Children

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## ABSTRACT

*This paper analyzes Child Sex Trafficking and Commercial Sexual Exploitation of Children in Florida through the lens of the New Haven School of Thought, also known as Policy-Oriented Jurisprudence, noting the state's high incidence rates. The paper details the average age of trafficked youth, methods used by traffickers, and the significant role of technology. Legislative measures, law enforcement efforts, and the involvement of NGOs and the medical community are discussed. The document emphasizes the importance of prevention, awareness, and comprehensive victim support, including specialized courts like G.R.A.C.E. Court. It calls for multi-sector collaboration and suggests future improvements, such as stricter internet regulations and ratifying international conventions to enhance child protection.*

## KEYWORDS

*Child Sex trafficking, Commercial Sexual Exploitation of Children (CSEC), Human trafficking, Prevention and intervention strategies, Traffickers and pimps, Online platforms and technology.*

## 1. DELIMITATION OF THE PROBLEM

Child sex trafficking is a form of human trafficking defined as “the recruitment, transportation, transfer, harboring, and/or receipt of a child for the purpose of exploitation before the child reaches 18 years of age.”<sup>1</sup> Sex trafficking has been described as

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<sup>1</sup> Trafficking Victims Protection Act (TVPA) of 2000, Pub. L. No. 106-386, Division A, § 103(8), (9), 114 Stat. 1464 (signed into law on October 29,

“the largest slave trade in history” and as the fastest growing form of contemporary slavery.<sup>2</sup> Florida is third in the nation for numbers of reported cases of human trafficking, and the average age of trafficked youth is 11 to 13 years old.<sup>3</sup> In 2018, there were 767 human trafficking cases reported in Florida.<sup>4</sup> Of those cases, 149 were minors.<sup>5</sup> According to the National Center for Missing and Exploited Children, one out of eight endangered runaway youth is likely a victim of human trafficking.<sup>6</sup>

The average age for a child’s first traumatic encounter with trafficking falls shockingly between 11 and 17 years old, signaling a critical need for prevention and intervention strategies.<sup>7</sup> These young victims, often referred to as “child” victims, emerge from backgrounds marred by abuse or neglect, making them easy targets for traffickers who exploit their search for stability and affection.<sup>8</sup> Sex trafficking, the most reported type of human trafficking in Florida, is a scourge that disproportionately affects girls and women,<sup>9</sup> notwithstanding that there are increases in the number of cases where boys are involved in commercial sex trafficking. In 2021, 574 cases were reported to the Human Trafficking Hotline, with a staggering 80% involving female victims.<sup>10</sup> The digital age has exacerbated this crisis, with 88% of sex trafficking cases involving online platforms as mediums for predators to groom and ensnare their victims.<sup>11</sup>

The severity of their plight is further underscored by the chilling statistic that victims may be sold for sex up to 40 times a day, leading to an average life expectancy of just 7 years once trafficked.<sup>12</sup> In 2021-2022, the total number of reports, initial and additional, accepted by the Florida Abuse Hotline alleging one of the human trafficking maltreatments was 1,876 involving 1,506

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2000); codified as amended at 22 USC 7102 § 103(8), (9).

<sup>2</sup> Statewide Council on Human Trafficking Annual Report 2014-2015. Available at: [https://legal.myfloridalegal.com/webfiles.nsf/WF/MNOS-A4URR2/\\$files/HTAnnualReport2015Web.pdf](https://legal.myfloridalegal.com/webfiles.nsf/WF/MNOS-A4URR2/$files/HTAnnualReport2015Web.pdf)

<sup>3</sup> Florida State Board of Education, *New Rule 6A-1.094123, Child Trafficking Prevention Education*. September 20, 2019. Available at: <https://www.fldoe.org/core/fileparse.php/18810/urlt/Action6A-1094123.pdf>

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> LA County Department of mental health, ‘*Commercial Sexual Exploitation of Children and Youth (CSECY)*’. Available at: <https://dmh.lacounty.gov/our-services/transition-age-youth/csecy/>

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> Mausner Graham Injury Law PLLC, *Florida Human Trafficking Statistics: Alarming Numbers and Key Insights*. Available at: <https://mginjuryfirm.com/florida-human-trafficking-statistics/>.

<sup>12</sup> *Id.*

children.<sup>13</sup> Out of the 1,876 accepted reports, 1,742 (92.86 %) were coded as Commercial Sexual Exploitation of Children (CSEC); 134 (7.14 %) were for Labor Trafficking.<sup>14</sup>

As many as 300,000 school-age children are at risk for sexual exploitation each year in the United States.<sup>15</sup> One in four girls and one in six boys will be sexually assaulted by the age of 18.<sup>16</sup> The life expectancy of the commercially exploited “prostitute” is seven years.<sup>17</sup> Up to 90% of minor victims are under the control of a pimp.<sup>18</sup> Approximately one in seven youth online (10 to 17 years old) received a sexual solicitation or approach over the internet.<sup>19</sup> Researchers and experts in the field report that trafficking of U.S. children is a well-established business.<sup>20</sup> High demand for the commercial sexual exploitation of children created by buyers equates to large profit margins.<sup>21</sup> It is not surprising then that as the trafficking of children becomes more profitable sophisticated rules, culture, and a hierarchy surrounding the crime would emerge.<sup>22</sup> The language and rules of pimping recaptures the debilitating psychological and physical manipulation used by slave masters.<sup>23</sup> Traffickers (commonly called “pimps”) play another large role in the recruitment and subsequent sexual exploitation of children.<sup>24</sup> They prey upon children from disadvantaged homes/settings and exploit victims through promises of love, food, money, or shelter.<sup>25</sup> Several different types of pimps participate in CSEC. The term “gorilla pimp” is used when a child has been kidnapped and held against his or her will.<sup>26</sup> This type of pimp is likely to use violence and

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<sup>13</sup> Statewide Council on Human Trafficking Annual Report 2014-2015. Available at: [https://legal.myfloridalegal.com/webfiles.nsf/WF/MNOS-A4URR2/\\$files/HTAnnualReport2015Web.pdf](https://legal.myfloridalegal.com/webfiles.nsf/WF/MNOS-A4URR2/$files/HTAnnualReport2015Web.pdf)

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> Statewide Council on Human Trafficking Annual Report 2014-2015. Available at: [https://legal.myfloridalegal.com/webfiles.nsf/WF/MNOS-A4URR2/\\$files/HTAnnualReport2015Web.pdf](https://legal.myfloridalegal.com/webfiles.nsf/WF/MNOS-A4URR2/$files/HTAnnualReport2015Web.pdf)

<sup>20</sup> The National Report on Domestic Minor Sex Trafficking: *America’s Prostituted Children* (2009). Shared Hope International.

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> Epstein, Rebecca, and Peter Edelman. 2013. *Blueprint: A Multidisciplinary Approach to the Domestic Sex Trafficking of Girls. Based on the Conference “Critical Connections: A Multisystem Approach to the Domestic Sex Trafficking of Girls.”* Held at Georgetown Law, Washington, D.C.

<sup>25</sup> *Id.*

<sup>26</sup> Kennedy, M. Alexis, Carolin Klein, Jessica T.K. Bristowe, Barry S. Cooper, and John C. Yuille. 2007. “Routes of Recruitment: Pimps’ Techniques and Other Circumstances That Lead to Street Prostitution.” *Journal of Aggression, Maltreatment & Trauma* 15(2):1-19.

intimidation to force victims to comply.<sup>27</sup> The “Romeo pimp” is also referred to as the “boyfriend pimp.”<sup>28</sup> He will use courtship techniques to romance girls and make them feel special and appreciated.<sup>29</sup> Once he has charmed and manipulated them, he then introduces the idea of selling sex.<sup>30</sup>

Organized and sophisticated teaching methods are used to pass down the culture and “rules of the game,” which are rules created by traffickers or pimps to best work together in an illegal business venture and avoid arrest by law enforcement.<sup>31</sup> Traffickers, pimps, facilitators, and buyers are using the internet and other technology, as well as magazines, to expand their marketing base.<sup>32</sup> These marketing methods can act as a facilitator as well and make procuring illicit materials relatively easy.<sup>33</sup> One service provider reported that over a two-year period, an 800% increase was seen in the number of children reporting that technology was used in some way to facilitate prostitution.<sup>34</sup>

The following are some of the types of coercion that have been employed by traffickers to maintain control over their victims: threatened or actual physical or non-physical harm to the victim or the victim’s family which compels the victim to perform services to avoid harm; use or threatened use of law to exert pressure on the victim; demeaning or demoralizing the victim (e.g. through verbal abuse or humiliation); disorienting and depriving the victim of alternatives (e.g., isolation, restricted communication, debts, monitoring); diminishing resistance and debilitating the victim (e.g., by denial of food, water, or medical care or by use of drugs or alcohol); deceiving about consequences (e.g., overstating risks of leaving or rewards of staying, feigning ties to authorities or hit men/gangs); threatening to report victims who are non-citizens to Immigration and Customs Enforcement (ICE)<sup>35</sup> to have them deported, or dominating, intimidating, and

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<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> The National Report on Domestic Minor Sex Trafficking: America’s Prostituted Children (2009). Shared Hope International.

<sup>31</sup> *Id.* See also, “Prostituted Children in the United States: Identifying and Responding to America’s Trafficked Youth Video Viewing Guide.” Shared Hope International (2008). Washington, D.C.: Shared Hope International.

<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

<sup>34</sup> Remarks by Andrea Hesse, Alberta Family Services, Protection of Sexually Exploited Children Alberta (PSECA) Program, Alberta, Canada. Shared Hope International National Training Conference on the Sex Trafficking of America’s Youth (Dallas, Texas: September 15-16, 2008).

<sup>35</sup> This is an important reason why many children who are victims of commercial sex trafficking does not report pimps because Florida has a high percentage of children who are undocumented.

controlling the victim (e.g., by abuse, an atmosphere of violence, display of weapons, rules, and punishments).<sup>36</sup>

Extensive testimony revealed that human trafficking activities are seen in industries involving agriculture, childcare, factories, commercial cleaning, hospitality, construction, health and elder care, salon services, day labor, and even door-to-door sales.<sup>37</sup> Current Florida trends commercial sexual exploitation notably include: (i) internet-based prostitution; (ii) massage establishments; (iii) agricultural brothels; (iv) domestic minor sex trafficking; (v) major sponsoring events; (vi) delivery “outcall” services; (vii) hotel “in-call” services; and (viii) strip clubs.<sup>38</sup>

Minors can become involved in sex trafficking in many ways. The trafficker is not necessarily that shadowy scary figure that we think is the person who typically begins the trafficking. It is not necessarily a stranger either.<sup>39</sup> Sometimes it is a person that the individual knows and has come to trust that can sometimes be an older boyfriend even.<sup>40</sup> Sometimes it is an acquaintance that they just met who wants to help them somehow, particularly if they are in a position of lower income or any kind of situation where they might be marginalized in some way.<sup>41</sup> The trafficker can also be a family member (CSEC cases begin when family members trade or sell a child for drugs and/or money) or someone the family trusts.<sup>42</sup> Traffickers can be of any gender, which sometimes surprises people because they sometimes learn that the trusted woman who was a friend of the family had taken their child under their wing to help their child,

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<sup>36</sup> See UNODC, *Global Report on Trafficking in Persons 2022*.

<sup>37</sup> Statewide Council on Human Trafficking Annual Report 2014-2015. Available at: [https://legacy.myfloridalegal.com/webfiles.nsf/WF/MNOS-A4URR2/\\$file/HTAnnualReport2015Web.pdf](https://legacy.myfloridalegal.com/webfiles.nsf/WF/MNOS-A4URR2/$file/HTAnnualReport2015Web.pdf)

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

<sup>40</sup> See also, Epstein, Rebecca, and Peter Edelman. 2013. *Blueprint: A Multidisciplinary Approach to the Domestic Sex Trafficking of Girls. Based on the Conference “Critical Connections: A Multisystem Approach to the Domestic Sex Trafficking of Girls.”* Held at Georgetown Law, Washington, D.C.

<sup>41</sup> *Id.*

<sup>42</sup> See also, National Center for Homeless Education (NCHE) July 2023. *Sex Trafficking of Minors How to Recognize and Respond to the Trafficking of Students*. A common misconception among the public is that sex trafficking occurs randomly between a stranger and a vulnerable victim. However, recent data shows that 83% of sex trafficking victims were recruited into a commercial sex act or exploitative situation by someone they already knew: 33% of recruiters were family members or caregivers; 28% were intimate partners; 22% were employers. The recruiter is not always an adult; minors may be introduced into a sex trafficking situation by a peer (Polaris Project, 66% of human trafficking recruitment and sexual exploitation occurs online 4 2021).

but the woman was grooming the child for exploitation.<sup>43</sup> In addition, a growing number of CSEC and child sex trafficking incidents occur through peer recruitment.<sup>44</sup> Violations can be done by individuals who are professional persons who have been entrusted with great responsibilities. For example, a U.S. District Judge sentenced William Power McCaughan, Jr., a Miami attorney and former prosecutor, to 190 months' imprisonment following his plea of guilty to one count of production of child sexual abuse material<sup>45</sup> and on April 19, a local pharmacist was charged by criminal complaint with attempted sex trafficking of a minor and attempted travel to engage in illicit sexual conduct.<sup>46</sup> These instances buttress the point that any can be guilty of engaging in commercial sex with minors.

In addition to vulnerabilities, some children have additional risk factors that from a societal, historical, and marginalized lens make them an easier target for traffickers. Some individuals with increased risk factors include indigenous and first nation youth, children with intellectual disabilities and learning disorders, children without homes, children who use the streets as a source of livelihood, foster youth, runaways, children who have experienced other abuses, children with substance use disorder, children born to people in active sex or labor trafficking situations,

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<sup>43</sup> Human Trafficking in American schools, "Session 1 What Schools Can Look for and Need to Know About Human Trafficking". Available at: [https://safesupportivelearning.ed.gov/sites/default/files/NCSSLE%20HT%20Staff%20Development%20Series\\_Session1\\_Transcript.pdf](https://safesupportivelearning.ed.gov/sites/default/files/NCSSLE%20HT%20Staff%20Development%20Series_Session1_Transcript.pdf)

<sup>44</sup> Greenbaum, Jordan. 2014. "Child Sex Trafficking and Commercial Sexual Exploitation." Presented at the Annual NCJFCJ Conference, July 15, 2014, Chicago, Ill. See also, Adams, William, Colleen Owens, and Kevonne Small. 2010. *Effects of Federal Legislation on the Commercial Exploitation of Children*. Juvenile Justice Bulletin. Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention. <https://www.ncjrs.gov/pdffiles1/ojjdp/228631.pdf>

<sup>45</sup> United States Attorney's Office Southern District, 'Former Prosecutor Sentenced to Over 15 Years in Prison for Producing Child Pornography' September 9, 2024. Available at: <https://www.justice.gov/usao-sdfl/pr/former-prosecutor-sentenced-over-15-years-prison-producing-child-pornography>

<sup>46</sup> United States Attorney's Office Southern District 'Local pharmacist charged with attempted sex trafficking of a minor and child sex tourism', April 23, 2024. Available at: <https://www.justice.gov/usao-sdfl/pr/local-pharmacist-charged-attempted-sex-trafficking-minor-and-child-sex-tourism>

LGBTQI+ children<sup>47</sup>, and high control religious groups.<sup>48</sup>

Children and youth who have been victims of commercial sexual exploitation (CSE) often have significant mental health difficulties, including high rates of depression, anxiety, dissociation, PTSD, and suicidal ideation.<sup>49</sup> These children and youth can become dependent on alcohol and street drugs as a method of coping.<sup>50</sup> The long-term impact of this victimization can include impaired cognitive functioning, educational deprivation, poor interpersonal relationships, and various physical health problems, affects dysregulation or difficulty maintaining balanced emotional states, dissociation and memory problems, somatic symptoms, disturbances in self-perception, including negative effects on identify, feelings of guilt and shame, and self-blame, insecurity in relationships, including impairment in basic trust; and feelings of hopelessness and loss of beliefs.<sup>51</sup> Fear for their safety and mistrust of law enforcement affect the ability of these victimized youth to seek help from treatment providers.<sup>52</sup> In addition, sexually exploited persons suffer from high rates of anger issues, sexually transmitted disease/infection (STD/STI), physical trauma from beatings, and emotional and psychological trauma from engaging in unwanted sex.<sup>53</sup> Furthermore, minors exploited through prostitution are 70-90 percent more likely than nonexploited youth to have been victims of child abuse and they are also 28 times more likely to be arrested for prostitution in their lifetime.<sup>54</sup> CSEC victims often suffer extreme shame about their

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<sup>47</sup> See IOM (Institute of Medicine) and NRC (National Research Council). 2013. *Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States*. Washington, D.C.: The National Academies Press.

The individual level factors include sexual or physical abuse or maltreatment, being a runaway or homeless, system-involvement, such as with the juvenile justice and child welfare systems, being lesbian, gay, bisexual, or transgender, substance abuse, earlier pubertal maturation, and early adversity experiences.

<sup>48</sup> Christine Bellatorre and Jessa Crisp, *The Misconceptions of Child Trafficking*, Office to Monitor and Combat Trafficking in Persons, July 30, 2024. Available at: <https://www.state.gov/the-misconceptions-of-child-trafficking/>

<sup>49</sup> LA County Department of mental health, 'Commercial Sexual Exploitation of Children and Youth (CSECY)'. Available at: <https://dmh.lacounty.gov/our-services/transition-age-youth/csecy/>

<sup>50</sup> *Id.*

<sup>51</sup> See generally, Bessel van der Kolk, *The Complexity of Adaptation to Trauma: Self-Regulation, Stimulus Discrimination, and Characterological Development*, in *TRAUMATIC STRESS: THE EFFECTS OF OVERWHELMING EXPERIENCE ON MIND, BODY, AND SOCIETY* 182 (Bessel A. van der Kolk, Alexander C. McFarlane & Lars Weisaeth eds., 1996).

<sup>52</sup> *Id.*

<sup>53</sup> Greenbaum, Jordan. 2014. "Child Sex Trafficking and Commercial Sexual Exploitation." Presented at the Annual NCJFCJ Conference, July 15, 2014, Chicago, Ill.

<sup>54</sup> Goodman, Miriam and Julie Laurence. N.d. *Child Trafficking Victims and*



experiences, and they may face the stigma associated with being “sexually promiscuous.”<sup>55</sup>

Victims often are vulnerable to exploitation. They include children and adolescents who are, or have been, neglected or abused; in foster care or juvenile detention; or homeless, runaways, or so-called thrown-away children (i.e., children and adolescents that are asked or forced to leave home).<sup>56</sup> In addition, the absence of specific policies or protocols related to commercial sexual exploitation and sex trafficking of minors, coupled with a lack of specialized training, makes it difficult for professionals from a range of sectors to identify and assist victims and survivors of these crimes.<sup>57</sup>

In a 2011 report by the Bureau of Justice Statistics on the characteristics of suspected human trafficking incidents, almost 95 percent of sex trafficked victims were female.<sup>58</sup> Over half (54 percent) were 17 years of age or younger.<sup>59</sup> About one fifth of the victims were white, one fifth of Hispanic or Latino origin, and one third were black/African American.<sup>60</sup> The vast majority of sex trafficking victims were U.S. citizens or permanent U.S. residents (approximately 77 percent), while less than 15 percent were undocumented or qualified aliens.<sup>61</sup> In prior reports, CSE youth in 2022 were predominately female, white, and 14 to 17 years of age.<sup>62</sup> Similar to 2021, 49% of youth had at least one verified maltreatment prior to their CSE investigation.<sup>63</sup> The most common types of prior verified maltreatment were neglect (48%) parental failure (39%) and 20% of CSE youth with prior verified

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*the State Courts, Chapter 4. Human Trafficking and the State Courts Collaborative.*

<sup>55</sup> Walker, Kate. N.d. *Prevalence of Commercially Sexually Exploited Children*. Sacramento, Calif.: California Health and Human Services Agency, California Child Welfare Council. Available at:

<http://www.chhs.ca.gov/CWCDOC/CSEC%20Fact%20Sheet%20-%201.pdf>

<sup>56</sup>National Research Council. 2013. *Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States*. Washington, DC: The National Academies Press. <https://doi.org/10.17226/18358>.

<sup>57</sup> *Id.*

<sup>58</sup> Banks, Duren, and Tracy Kyckkelhahn. 2011. *Characteristics of Suspected Human Trafficking Incidents, 2008–10*. Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. Available at: <http://www.bjs.gov/content/pub/pdf/cshti0810.pdf>

<sup>59</sup> *Id.*

<sup>60</sup> *Id.*

<sup>61</sup> *Id.*

<sup>62</sup> Statewide Council on Human Trafficking Annual Report 2021-2022. Available at: [https://legacy.myfloridalegal.com/webfiles.nsf/WF/MNOS-A4URR2/\\$file/HTAnnualReport2021Web.pdf](https://legacy.myfloridalegal.com/webfiles.nsf/WF/MNOS-A4URR2/$file/HTAnnualReport2021Web.pdf). See also, OPPAGA Report 23-08. Annual Report on the Commercial Sexual Exploitation of Children in Florida (2023).

<sup>63</sup> *Id.*

maltreatments had prior verified non-CSE sexual abuse.<sup>64</sup> Consistent with prior years' reports, dependent youth have a higher incidence of prior maltreatment than do community youth (77% and 33%, respectively).<sup>65</sup> Dependent youth experienced higher incidences of prior neglect, abandonment, sexual abuse, and CSE than community youth.<sup>66</sup>

Nearly two-thirds of youth remained in the community following their CSE verification; a larger share of re-victimized youth were dependent. Like prior years, the majority (64%) of CSE youth remained in the community in the six months following their 2022 verification, while 36% of CSE youth either were in or entered the dependency system within six months of their CSE investigation.<sup>67</sup> Of the 354 CSE youth verified in 2022, 26% were in the dependency system at the time of their investigation (1% were receiving in-home protective services and 25% were in out-of-home care).<sup>68</sup> Of these youth, 46% were in a residential setting (e.g., a group home, residential treatment center, or DJJ facility).<sup>69</sup> The percentage of youth missing from care at the time of their CSE investigation decreased from 22% in 2021 to 12% in 2022, which is consistent with pre-2020 levels.<sup>70</sup> Within six months of their CSEC investigation, an additional 5% of verified youth received in-home protective services and 8% entered out-of-home care.<sup>71</sup> As seen in Office of Program Policy Analysis and Government Accountability (OPPAGA) 2022 report, a higher percentage of re-victimized youth were dependent; 57% of re-victimized youth were dependent, compared to 17% of youth who were first verified in 2022.<sup>72</sup> While a larger proportion of re-victimized youth (48%) were already in out-of-home care at the time of their first CSE verification compared to youth who were first verified in 2022 (21%), a similar percentage went into out-of-home care within six months (10% of re-victimized youth compared to 8% of newly verified youth).<sup>73</sup>

Data suggests youth experiencing homelessness are

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<sup>64</sup> *Id.*

<sup>65</sup> *Id.*

<sup>66</sup> *Id.*

<sup>67</sup> *Id.*

<sup>68</sup> Statewide Council on Human Trafficking Annual Report 2021-2022. Available at: [https://legacy.myfloridalegal.com/webfiles.nsf/WF/MNOS-A4URR2/\\$file/HTAnnualReport2021Web.pdf](https://legacy.myfloridalegal.com/webfiles.nsf/WF/MNOS-A4URR2/$file/HTAnnualReport2021Web.pdf). See also, OPPAGA Report 23-08. Annual Report on the Commercial Sexual Exploitation of Children in Florida (2023).

<sup>69</sup> *Id.*

<sup>70</sup> *Id.*

<sup>71</sup> *Id.*

<sup>72</sup> OPPAGA Report 23-08. Annual Report on the Commercial Sexual Exploitation of Children in Florida (2023).

<sup>73</sup> *Id.*

especially vulnerable to becoming victims of sex trafficking due to the intersection of multiple risk factors including housing instability, absence of family or caregivers, economic hardship, mental health, and substance abuse concerns.<sup>74</sup> Using trafficking rates on youth and young adults experiencing homelessness, researchers have estimated that as many as two million youth and young adults in the U.S. are at risk for or experiencing sex trafficking.<sup>75</sup> In a ten-city study of youth using Covenant House shelters, drop-in centers and other supports, researchers found that 19% of youth engaged in “survival sex” to access basic necessities, including housing and shelter.<sup>76</sup> A joint study conducted by Covenant House and Mount Sinai School of Medicine found that 22% of the 344-youth surveyed were approached to engage in commercial sex acts on their first night of homelessness.<sup>77</sup>

The increase in accepted reports to the Hotline in SFY 2020-2021 can largely be attributed to the changes in Section 509.096<sup>78</sup>, Florida Statutes, which were adopted in law in 2019, requiring public lodging employees to complete annual training on human trafficking awareness and to implement a protocol for the reporting of suspected human trafficking to the National Human Trafficking Hotline or to a local law enforcement agency.<sup>79</sup> These efforts resulted in an increased number of reports submitted by employees of hotels and motels across Florida.<sup>80</sup> Similarly, Section 409.16791<sup>81</sup> Florida Statutes, directs OPPAGA to conduct an annual study on the commercial sexual exploitation of children in Florida. This review reports on the number of children that the Department of Children and Families identified and tracked as victims of CSE; describes specialized services provided to CSE victims; and presents short- and long-term outcomes for children identified in prior reports. These provisions

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<sup>74</sup> Polaris Project. (2021). Polaris Analysis of 2021 Data from the National Human Trafficking Hotline. Available at: <https://polarisproject.org/wp-content/uploads/2020/07/Polaris-Analysis-of-2021-Data-from-theNational-Human-Trafficking-Hotline.pdf>

<sup>75</sup> Murphy, L. T. (2017). *Labor and Sex Trafficking Among Homeless Youth--A Ten-City Study: Full Report*. Available at: <https://www.covenanthouse.org/sites/default/files/inline-files/Loyola%20MultiCity%20Executive%20Summary%20FINAL.pdf>.

<sup>76</sup> *Id.*

<sup>77</sup> Wolfe, D. S., Greeson, J., Wasch, S., & Treglia, D. (2018). *Human Trafficking Prevalence and Child Welfare Risk Factors Among Homeless Youth: A Multi-City Study*. The Field Center for Children’s Policy, Practice & Research.

<sup>78</sup> *See Fla. Sta. § 509.096.*

<sup>79</sup> Statewide Council on Human Trafficking Annual Report 2014-2015. Available at: [https://legacy.myfloridalegal.com/webfiles.nsf/WF/MNOS-A4URR2/\\$file/HTAnnualReport2015Web.pdf](https://legacy.myfloridalegal.com/webfiles.nsf/WF/MNOS-A4URR2/$file/HTAnnualReport2015Web.pdf)

<sup>80</sup> *Id.*

<sup>81</sup> *See Fla. Sta. § Section 409.16791*

are geared towards ensuring that prevention and monitoring mechanisms are in place to adequately address CSE.

In addition, the Eleventh Judicial Circuit of Florida has taken a significant step to address CSE. The Eleventh Judicial Circuit of Florida launched the G.R.A.C.E. Court – Growth Renewed through Acceptance, Change and Empowerment – a specialized court devoted to the needs of children who have been identified as victims of commercial sexual exploitation and labor trafficking.<sup>82</sup> G.R.A.C.E. Court is part of the Juvenile Dependency Division of the Miami-Dade Courts and provides comprehensive services and support to these children and their families under protections afforded by the state’s human trafficking laws.<sup>83</sup>

There have been significant strides in Florida to address CSE. In Fiscal Year 2021-22, DCF allocated \$3.5 million to the lead agencies to serve CSE youth, a \$700,000 decrease from Fiscal Year 2020-21.<sup>84</sup> However, lead agencies spent over \$13.1 million to provide placements and services to 508 CSE youth (an average of \$25,867 per youth); this is approximately \$1.6 million more than was spent in the prior year.<sup>85</sup> In addition to the funds allocated to the lead agencies, the Legislature appropriates funds to individual CSE providers to deliver specialized services.<sup>86</sup> In Fiscal Year 2022-23, the Legislature appropriated nearly \$5 million to individual CSEC providers serving minor victims, which includes residential programs, prevention education, and other community services.<sup>87</sup>

However, there seems to be a greater emphasis placed on providing resources to children who become victims of CSEC than implementing measures that prevent the occurrence of CSEC in the first place notwithstanding that identifying victims of CSEC and sex trafficking, can be difficult because of a general lack of public awareness about the issue; the reluctance of many exploited children to identify themselves as victims; and extreme measures taken by exploiters to hide their victims and their crimes.<sup>88</sup>

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<sup>82</sup> Eleventh Circuit Court of Florida, ‘Miami-Dade Courts Launch G.R.A.C.E. Court to Assist Victims of Human Trafficking’. Available at:<https://www.jud11.flcourts.org/Court-Events/Recent-Events/PgrID/604/PageID/85/ArtMID/603/ArticleID/4294>

<sup>83</sup> *Id.*

<sup>84</sup> OPPAGA Report 23-08. Annual Report on the Commercial Sexual Exploitation of Children in Florida (2023).

<sup>85</sup> *Id.*

<sup>86</sup> *Id.*

<sup>87</sup> *Id.*

<sup>88</sup> Development Services Group, Inc. 2014. “*Commercial Sexual Exploitation of Children/Sex Trafficking.*” *Literature review.* Washington, D.C.: Office of

Measures to effectively address the matter requires that all national, state, local, tribal, and territorial jurisdictions should develop laws and policies that redirect young victims and survivors of commercial sexual exploitation and sex trafficking from arrest and prosecution as criminals or adjudication as delinquents to systems, agencies, and services that are equipped to meet their needs.<sup>89</sup> It requires that all federal, state, and local law enforcement; federal and state prosecutors; juvenile court; juvenile probation and detention; public defenders; child protective services; and social services/non-governmental organizations be more equip to address the dilemma<sup>90</sup>. They can concentrate on rescuing and protecting minors exploited through prostitution, diverting them from the juvenile justice system, and offering them specialized treatment and services.<sup>91</sup>

Additionally, there needs to be more collaboration with immigration systems to ensure victims of commercial sex trafficking have legal rights and protections, including the ability to qualify for immigration relief to prevent continued abuse.<sup>92</sup> Forms of immigration relief that will best suit an individual depend on factors that include the time when the victim is identified and how quickly the immigration case is adjudicated.<sup>93</sup> These factors make it important to connect immigrant trafficking survivors with organizations or programs experienced in supporting victims of human trafficking.<sup>94</sup>

## 2. CONFLICTING CLAIMS

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Juvenile Justice and Delinquency Prevention. Available at: <https://www.ojjdp.gov/mpg/litreviews/CSECSexTrafficking.pdf>. See also, Walker, Kate. 2013. *Ending the Commercial Sexual Exploitation of Children: A Call for Multisystem Collaboration in California*. Sacramento, Calif.: California Health and Human Services Agency, California Child Welfare Council. <http://www.chhs.ca.gov/CWCDOC/Ending%20CSEC%20-%20A%20Call%20for%20MultiSystem%20Collaboration%20in%20CA%20-%20February%202013.pdf>

<sup>89</sup> National Research Council. 2013. *Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States*. Washington, DC: The National Academies Press. Available at: <https://doi.org/10.17226/18358>.

<sup>90</sup> The National Report on Domestic Minor Sex Trafficking: America's Prostituted Children (2009). Shared Hope International.

<sup>91</sup> Wayman, Richard A. Hooks. 2013. *Safe Harbor Laws: Policy in the Best Interest of Victims of Trafficking*. Presented at the 2013 ABA Midyear Meeting.

<sup>92</sup> National Council of Juvenile and Family Court Judges. *How Your Court Can Address Child Sexual Exploitation: A Toolkit to Implement Court Based Strategies*. (2023). Available at: [https://www.ncjfcj.org/wp-content/uploads/2024/02/02\\_09-Draft-How-Your-Court-Can-Address-Child-Sexual-Exploitation.pdf](https://www.ncjfcj.org/wp-content/uploads/2024/02/02_09-Draft-How-Your-Court-Can-Address-Child-Sexual-Exploitation.pdf)

<sup>93</sup> *Id.*

<sup>94</sup> *Id.*

## **A. Victims**

Commercial sexual exploitation of children has a devastating impact on children in Florida and causes the destruction in the lives of many children. Many children go on to live lives filled with trauma, pain and fear of being returned to cycle of abuse where they were treated as sex slaves. Below are the experiences of several individuals who have been victims of commercial sex in Florida and victims of sexual encounters by individuals who no one would conceive to be sexually exploit children:

### **Case 1**

Connie Rose, a 56-year-old Tampa resident, shared her story with NBC 6 where she stated that, “I am a survivor of almost 14 years of incest, about three, almost four years, of sex trafficking and I’m also the daughter of a sex offender and my pimp was my dad.”<sup>95</sup> Rose says her father Zenon Anastassiou began sexually molesting her when she was a toddler.<sup>96</sup> She says he told her it was a cultural thing, and it gradually escalated into rape by the time she was 13.<sup>97</sup> Rose never brought charges against her father, she says her childhood was plagued by abuse and emotional extortion.<sup>98</sup> She says his message was clear: “You want to live in this house? You like the clothes that you get to wear? Well, if you tell or you stop having sex with me that’s all just going to go away.”<sup>99</sup> Just short of 16, Rose says she mustered up the courage to hold a knife to her father and tell him to stop. He laughed. He literally laughed in my face, and he said, “I’ve been waiting for this day.” Connie Rose’s story shows that anyone can be victim of sexual exploitation by even the closest of family members and friends.

### **Case 2**

Shannima Yuantrell Session, “Session” of Lake Placid lured nearly a dozen girls and women who were struggling in their personal lives with promises of love, housing and employment and then forced them into commercial sex acts that he profited off in Florida.<sup>100</sup> He used violence and manipulation to ensnare them

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<sup>95</sup> Myriam Masihi, *Woman Tells Her Story of Sex Trafficking and Incest* (May 17, 2013). Available at: <https://www.nbcmiami.com/news/local/woman-tells-her-story-of-sex-trafficking-and-incest/2020838/?os=av..&ref=app>

<sup>96</sup> *Id.*

<sup>97</sup> *Id.*

<sup>98</sup> *Id.*

<sup>99</sup> *Id.*

<sup>100</sup> Julia Marnin, “*Man forced girls, women into sex acts, threatened to drown them in Florida lake, feds say*”, Miami Herald September 24, 2024. Available at:

<https://www.miamiherald.com/news/state/florida/article292962524.html#s>

in his sex trafficking “enterprise” that spanned several years.<sup>101</sup> The victims noted that Session would punch victims in the back of their heads to avoid leaving bruises, and he took several victims to a lake and held their heads underwater.<sup>102</sup> The victims posit that at the lake, he “threatened to drown them if they did not do as he ordered.”<sup>103</sup> Court records showed that Session once dragged one woman into a shower and beat her head with a metal nutcracker until she went limp.<sup>104</sup> He “also choked another victim to the point that she lost consciousness, beat another victim with a baseball bat and brutalized yet another so badly that her nose ring fell out due to the force of the assault.”<sup>105</sup> 10 of his 11 victims testified that he “grabbed them by the neck, threw objects at them, pushed them, held their heads underwater, or some combination thereof.”<sup>106</sup> The 11th victim, a 16-year-old, was rescued from Session by her mother before she could be forced into commercial sex according to court documents.<sup>107</sup>

Session sex trafficked the girls and women between July 2011 and July 2013, and between February 2016 and February 2019 according to prosecutors.<sup>108</sup> He lured four victims, including the 16-year-old who later escaped, by promising them they could work at his car wash called Luxurious Motors.<sup>109</sup> Session would coerce his victims into sex acts in “squalid trailers housing migrant workers or in local orange groves.”<sup>110</sup> When one victim would not participate in commercial sex, Session restrained her as his brother raped her, telling her “maybe you’ll listen to me next time.”<sup>111</sup> He raped another one of his victims “as a punishment” when she denied his advances “after a shift servicing

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<sup>101</sup> *Id.*

<sup>102</sup> *Id.*

<sup>103</sup> *Id.*

<sup>104</sup> *Id.*

<sup>105</sup> *Id.*

<sup>106</sup> Julia Marnin, “Man forced girls, women into sex acts, threatened to drown them in Florida lake, feds say”, Miami Herald September 24, 2024. Available at:

[https://www.miamiherald.com/news/state/florida/article292962524.html#](https://www.miamiherald.com/news/state/florida/article292962524.html#torylink=cpy)

torylink=cpy. See also, Office of Public Affairs, “Florida Man Convicted of Sex Trafficking Nearly a Dozen Women and Girls” September 23, 2024. Available at: <https://www.justice.gov/opa/pr/florida-man-convicted-sex-trafficking-nearly-dozen-women-and-girls>

<sup>107</sup> *Id.*

<sup>108</sup> *Id.*

<sup>109</sup> *Id.*

<sup>110</sup> *Id.*

<sup>111</sup> *Id.*

commercial sex buyers.<sup>112</sup> Session would regularly require the girls and women to participate in sex acts with him after they were forced to have sex with up to 18 men.<sup>113</sup> The girls and women sex trafficked by Session did not try to escape at first because they were afraid, according to prosecutors. One woman said she did not try to escape for more than a year because Session threatened to “gang rape” her daughter if she tried to leave.<sup>114</sup> Another woman said she did not report Session after he tried drowning her because he threatened to kill her if she spoke out.<sup>115</sup> These testimonies outline the horror that young girls are faced to endure at the hands of merciless pimps. This grave ill-treatment often ruins the self-confidence and identity of these girls, which leads to mental illnesses and drug dependency.

### Case 3

Case 3 outlines the story of Savannah Parvu, who was sex trafficked in Florida for commercial sex as a child. Parvu posited that she started being trafficked when she was 11.<sup>116</sup> She posited that she spent most of her childhood in and out of Florida hotel rooms, where she says her mother’s drug dealer sold her for sex.<sup>117</sup> She stated that, “There was one time I was walking through the hotel and was barefoot, bleeding, bruises on me, crying, and people saw me, but nobody ever asked any questions.”<sup>118</sup> She further adds, “I would ask my teachers for detention so that I wouldn’t have to go home right after school because sometimes my trafficker was at the bus stop waiting for me.”<sup>119</sup> She adds, “they would let me stay at school, but they never asked why I didn’t want to go home ... it’s not easy to share my story, but I remember when I was younger and being trafficked, I wanted to know somebody who had been through something similar to me and was doing well because I didn’t think it was

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<sup>112</sup> Julia Marnin, “Man forced girls, women into sex acts, threatened to drown them in Florida lake, feds say”, Miami Herald September 24, 2024. Available at:

<https://www.miamiherald.com/news/state/florida/article292962524.html#storylink=cpy>. See also, Office of Public Affairs, “Florida Man Convicted of Sex Trafficking Nearly a Dozen Women and Girls” September 23, 2024. Available at: <https://www.justice.gov/opa/pr/florida-man-convicted-sex-trafficking-nearly-dozen-women-and-girls>

<sup>113</sup> *Id.*

<sup>114</sup> *Id.*

<sup>115</sup> *Id.*

<sup>116</sup> Michelle Quesada, “Sex trafficked in Florida: Victim shares story on Human Trafficking Awareness Day”, January 11, 2022. Available at: <https://www.wptv.com/news/crime/sex-trafficked-in-florida-victim-shares-story-on-human-trafficking-awareness-day>

<sup>117</sup> *Id.*

<sup>118</sup> *Id.*

<sup>119</sup> *Id.*



possible.”<sup>120</sup> This testimony outlines the grueling reality and the pain that a child at us a tender age had to endure. Added to this was the fact that the harm Parvu was suffering was by the hands of her own mother who sold into commercial sex as a child.

### **B. Pimps**

Many pimps view the relationship between them and children as a mutual recruitment.<sup>121</sup> They do not view the relationship as one in which they have all control and power because they are under the impression that minor girls have willful agreed to engage in sexual activities for money. Many pimps are also calling for the decriminalization of commercial work.<sup>122</sup> However, this welcomed approach by pimps are fruitless because decriminalization does not trump the fact that minors are not legally recognized to be lawful participants in sexual activities.

In an interview carried out by Texas Tribune reporters who talked to three convicted traffickers to try to understand the power they wield over victims and the attraction of what they call “the lifestyle” one felon noted that, “I guess cause my daddy wasn’t a part of my life, I acted out. I hated to see my mama struggle. I just started hustling. I knew I always had pimping stuff in me, but I didn’t call it that.”<sup>123</sup> Another posited that, “Really, the streets gave me the pimp title because I ain’t never seen it like that. I just thought I was being a player or whatever. But like, when I’d see regular guys on the street, they’d be like, “Oh, you a pimp, I salute you.”<sup>124</sup> Another posits, “A lot of people always think that somebody's making them do it or forcing them to do it. That's not the case. Most cases, these girls are already doing it. They're doing it on their own. It's just, they hate to be by themselves, or they can't take care of their money.” It's just like any regular household. A man takes care of the household, so they feel like that's what they need the man there for. You feel like family. When you're looking out for somebody like that, it don't feel like a business. It feels like family. I got your back, you got

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<sup>120</sup> *Id.*

<sup>121</sup> See generally, Anthony Marcus, et. al, “*Conflict and Agency among Sex Workers and Pimps: A Closer Look at Domestic Minor Sex Trafficking*”. The ANNALS of the American Academy of Political and Social Science 2014 653: 225 DOI: 10.1177/0002716214521993

<sup>122</sup> See generally, Nadine Gloss et. al, “*Sex Workers Welcome UN Experts’ Backing to Decriminalize the Industry*” May 30, 2024. Available at: <https://www.passblue.com/2024/05/30/sex-workers-welcome-un-experts-backing-to-decriminalize-the-industry/>

<sup>123</sup> Edgar Walters, et. al, “*In their own words: How Texas pimps recruit and sell girls for sex*”, February 13, 2017. Available at: <https://www.texastribune.org/2017/02/13/how-texas-pimps-recruit-and-sell-underage-girls-sex/>

<sup>124</sup> *Id.*

mine.”<sup>125</sup> These views cement the idea that many pimps do not feel as if they are doing anything wrong. They view their actions as “hustling” and “business enterprises”.

Many pimps shift the blame on the victims and indicated that it is the victims own greed for money that results in their demise. For example, a pimp, who when asked if he called himself a pimp stated that, “I was never like, oh, I’m a pimp ... I’m making money cause these girls wanna have sex. I’m just getting them the guys. I guess that’s what pimping is, but I never considered myself like a pimp.”<sup>126</sup> He further explained who pimps were in his neighborhood, showing that he did not consider himself similar because he lacked business cards, did not solicit strangers on the street, and was never arrested.<sup>127</sup>

Pimps also turn to music to justify their heinous actions against children by stating that such behavior was okayed by the media, by the music we were listening to, by our moms even and that they saw pimping and prostitution on the HBO special *Pimps Up, Ho’s Down*.<sup>128</sup> Due in part to their appearance, pimps have been glorified in the media through music and movies. Through song lyrics boasting about their manipulation and abuse of women, pimps gain the respect of other men and even inspire them to want to become pimps as well to live this glorified lifestyle.<sup>129</sup> For example, rapper Too \$hort released a song in 1995 titled “Ain’t Nothing Like Pimpin’” in which he says, “Nuthin’ like pimpin’... I’ll make the White House a hoe house, and all the pimps to just set up shops like they do in Vegas. Legalize pimpin’ for all the playas. Puttin’ fine ass bitches in the streets and the hood. Every year a n-word trade for a new Fleetwood [Cadillac]”.<sup>130</sup> More recent lyrics are found in Frenzo Harami’s song “Chaabian Boyz” released in 2019 which aired on BBC radio, in which he says, “I had a white girl I used to call a cash machine. I got 20 white girls and they all trap for me. They all in the flats laying on

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<sup>125</sup> *Id.*

<sup>126</sup> A Horning et. al, ‘Oblivious “Sex Traffickers”: Challenging stereotypes and the fairness of US trafficking laws’, *Anti-Trafficking Review*, issue 18, 2022, pp. 67-86. Available at: <https://doi.org/10.14197/atr.201222185>

<sup>127</sup> *Id.*

<sup>128</sup> A King, B et. al, ‘Interview: Raised in Pimp City: Urban insights on traffickers, trafficking, and the counter-trafficking industry’, *Anti-Trafficking Review*, issue 18, 2022, pp. 195-204. Available at: <https://doi.org/10.14197/atr.2012221815>. See also, Lauren Davis, “Addressing Human Trafficking in the United States: The American Pimp Model,” May 16, 2022.

<sup>129</sup> Ronald Weitzer and Charis E. Kubrin, “Misogyny in rap music: A content analysis of prevalence and meanings, *Men and masculinities* 12”, no. 1 (2009): 3-29. Available at: <https://journals.sagepub.com/doi/pdf/10.1177/1097184X08327696>

<sup>130</sup> *Id.*

their back for P. So, I can burn this bridge, I'm still turning tricks, and if I'm turning bricks then a third is mix. Yeah, hoes working.”<sup>131</sup>

Additionally, the ways in which the media portrays women in relation to pimps promotes misogyny and the sexualization and dehumanization of women.<sup>132</sup> Women are depicted as being submissive to their pimps, obeying their every word and seemingly “consenting” of their exploitation. Movies such as “Hustle & Flow” depict the story of a pimp with dreams of becoming a rapper, with the song “It’s Hard Out Here for a Pimp” going on to win an Oscar for Best Original Song in 2005.<sup>133</sup>

### **C. NGO’s and Anti-Human Trafficking Organizations**

NGO’s play a vital role in the prevention and the treatment of victims of CSEC. NGO’s stand against CSEC and work to give children who have been victims the best resources to succeed in adulthood. Examples of NGO’s include Salem Freedom, Children’s Advocacy Center, The Ounce of Prevention Fund, Citrus Health Network,<sup>134</sup> More too Life One More Child, Polaris Project, PACE Center for Girls, ONE Hope United, Camillus House, Jackson Thrive Clinic, Devereux, Survivors Pathway, The Grove, Salus Care and Vince Smith. Some of these NGO’s have mental health services, substance use services, peer mentors and specialized CSEC housing to aid victims of CSEC.<sup>135</sup> An example of NGO’s work is evident in the work of The Devereux Advanced Behavioral Health Florida, a part of the Devereux Foundation founded over 100 years ago, has a proven history of providing a wide variety of treatment programs for children who have experienced emotional, physical and sexual trauma.<sup>136</sup> Devereux’s program model is based on advanced clinical expertise, evidence-based approaches and techniques to help individuals transition from troubled lives to bright futures filled with personal accomplishments and

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<sup>131</sup> “Chaabian Boyz”, *Genius*, March 23, 2019. Available at: <https://genius.com/Frenzo-harami-chaabian-boyz-lyrics>

<sup>132</sup> See generally, Lauren Davis, “*Addressing Human Trafficking in the United States: The American Pimp Model*,” May 16, 2022.

<sup>133</sup> Mike Bedard, “Original Song – Every Oscar Winning Song, Ranked,” Studio Binder, October 28, 2019. Available at: [https://www.studiobinder.com/blog/best-original-song/..](https://www.studiobinder.com/blog/best-original-song/)

<sup>134</sup> For more discussion see <https://citrushealth.org/chance>

<sup>135</sup> Department of Children and Families, Human Trafficking of Children Annual Report October 1, 2023. Available at: [https://www.myflfamilies.com/sites/default/files/2023-10/Human\\_Trafficking\\_Report\\_2022-23.pdf](https://www.myflfamilies.com/sites/default/files/2023-10/Human_Trafficking_Report_2022-23.pdf)

<sup>136</sup> Devereux Advanced Behavioral Health. Available at: [https://www.devereux.org/site/SPageServer?pagename=fl\\_exploitation\\_of\\_children](https://www.devereux.org/site/SPageServer?pagename=fl_exploitation_of_children)

hope.<sup>137</sup> For over 30 years in Florida, Devereux has offered a full continuum of services for children who are victims of sexual abuse, sexual trauma and more recently sexual exploitation.<sup>138</sup>

Several other NGO'S AND anti-human trafficking organizations such as Zero Abuse Project, PreventConnect , a national project of ValorUS, U.S. Center for SafeSport, S.E.S.A.M.E., Rape, Abuse and Incest National Network (RAINN), Prevention Institute, Prevent Child Abuse America, National Sexual Violence Resource Center, Prevent Together: The National Coalition to Prevent Child Sexual Abuse and Exploitation, National Center for Missing & Exploited Children, National Alliance to End Sexual Violence, Keep Kids Safe, Internet Crimes Against Children Task Force Program, Enough is Enough and PACT are working together to eliminate the commercial sexual exploitation of children by raising public awareness about the dangers of internet and sexual predators, and advance solutions that promote equality, fairness and respect for human dignity with shared responsibility. These organizations pressure governments in implementing legislations and lobby for governments to provide resources to protect children welfare. For example, CEO of RAVEN and former Commander of the NJ Internet Crimes Against Children (ICAC) Task Force, issued the following statement: "The PROTECT Our Children Act is integral for the Internet Crimes Against Children Task Force Program to function and continue to protect children, but it is only one part of the solution. ICAC Task Forces need more resources so they can make technical improvements and focus on proactive investigations, not just reactive. In the 2023 fiscal year, ICAC Task Forces conducted approximately 184,700 investigations and arrested more than 10,800 offenders. But in the last 90 days, nearly 100,000 IP addresses in the United States have traded known images and videos of abuse of extremely young children. There are too many perpetrators who are not being investigated because Task Forces do not have adequate resources. Congress must pass this bill urgently so that ICAC Task Forces across the country can get the resources they need to equip and train officers to fight against bad actors."<sup>139</sup>

#### ***D. Music Industry***

One thing on which the advocates of First Amendment jurisprudence perhaps agree is the influence of truth theory

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<sup>137</sup> *Id.*

<sup>138</sup> *Id.*

<sup>139</sup> RAVEN APPLAUDS INTRODUCTION OF PROTECT OUR CHILDREN ACT OF 2024 (September 18, 2024). Available at: <https://raven.us/raven-applauds-introduction-of-protect-our-children-act-of-2024/>

derived from the writings of John Milton and John Stuart Mill.<sup>140</sup> Milton and Mill posited absolute freedom of the press as necessary to further the search for truth.<sup>141</sup> Mill argued that expression of opinion should never be suppressed because “we can never be sure that the opinion we are endeavoring to stifle is a false opinion; and if we were sure, stifling it would be an evil still.”<sup>142</sup> Suppressing speech assumes infallibility, and if history teaches anything, it is that humans are inherently fallible. For Mill, progress lies in the conflict between falsity and truth.<sup>143</sup> Even if an opinion is false, it prevents truth from going stale and keeps truth meaningful.<sup>144</sup>

In applying this theory, courts look to the character of the speech and identify its truth-value. For instance, obscene speech is seen to have little truth-value because it does not further a significant truth interest, whether it is an objective, societal, cultural, political, or aesthetic interest.<sup>145</sup> Rather, obscene speech is deemed to cause more harm than good in the unceasing search for truth. To have truth-value, however, is to have identifiable meaning, and, as the abstract art par excellence, music is inherently difficult to imbue with objective meaning. For instance, Patrick Garry argues that protected speech must be an expression of ideas.<sup>146</sup>

Critics of rap artists fail to appreciate that gangster rap is a highly constructed performance that it is not a representation of truth nor is it an attempt at realism.<sup>147</sup> Within Hip-Hop culture the pimp is a prominent figure that is often misread by people who condemn him as overtly sexual, sexist and hedonistic.<sup>148</sup> The

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<sup>140</sup> See, e.g., *Cent. Hudson Gas v. Pub. Serv. Comm'n*, 447 U.S. 557, 592 (1980) (citing Mill and Milton); *Columbia Broad. Sys. v. Democratic Nat'l Comm.*, 412 U.S. 94, 189 (1973) (Brennan, J., dissenting); *New York Times Co. v. Sullivan*, 376 U.S. 254, 272 n.13 (1964). See also, Munkittrick, David (2010) “Music as Speech: A First Amendment Category unto Itself,” *Federal Communications Law Journal*: Vol. 62: Iss. 3, Article 6. Available at: <https://www.repository.law.indiana.edu/fclj/vol62/iss3/6>.

<sup>141</sup> See JOHN MILTON, *Aerophagia* 26-27 (Arc Manor 2008) (1644); JOHN STUART MILL, *ON LIBERTY* 33-35, 57 (Ticknor and Fields, 2d ed. 1863) (1859). This position, of course, assumes the existence of an absolute truth and the ability to recognize truth.

<sup>142</sup> MILL, *supra* note 141.

<sup>143</sup> *Id.*

<sup>144</sup> *Id.*

<sup>145</sup> See *Miller v. California*, 413 U.S. 15, 20-21 (1973) (quoting *Roth v. United States*, 354 U.S. 476, 484-85 (1957)).

<sup>146</sup> ATRICK M. GARRY, *REDISCOVERING A LOST FREEDOM: THE FIRST AMENDMENT RIGHT TO CENSOR UNWANTED SPEECH* 115 (2006).

<sup>147</sup> Saddike, Annette. “Rap’s Unruly Body” *The Drama Review*. 47.4 (2003) 110-127.

<sup>148</sup> Erick Barkman, “Pimpin’ Pimps: Explaining the Presence of Pimps in Hip-

pimp is a highly visible character in North American Hip-Hop and his presence is often misunderstood. Critics claim that the popularity of the pimp in Hip- Hop is just another characteristic of a culture that objectifies women and has little regard for the law.<sup>149</sup> This simplistic dismissal of this figure fails to understand why the pimp has become and often imitated and even celebrated character within public representations of this culture.<sup>150</sup>

The Supreme Court decisions over the years have affirmed that the First Amendment covers artistic expressions, as exemplified in motion pictures, plays, and movies. Most challenges to music and accompanying lyrics have focused on claims that the lyrics are obscene, that they incite violence or that they are harmful to minor.<sup>151</sup> The Ninth Circuit Court of Appeals would state in *Cinevision Corporation v. City of Burbank* in which it overruled a city council's denial of access to an amphitheater, "Music is a form of expression that is protected by the First Amendment."<sup>152</sup>

Once dismissed as a fad, rap music has become a cultural mainstay and a billion-dollar industry.<sup>153</sup> The musical genre, a segment of which often features a hard-core assessment of societal woes in the inner cities, has come under threats of censorship through the years in a variety of contexts.<sup>154</sup> Some government officials and others charged that certain rap lyrics were incendiary and contributed to violence. Congress passed the Communications Decency Act of 1996, which criminalized transmission of "indecent" and "patently offensive" material over the Internet. The Supreme Court issued a 7-2 decision in *Reno v. American Liberties*<sup>155</sup> affirming a lower court finding of the CDA as unconstitutional because it was overbroad and vague. The Child Online Protection Act (COPA) of 1998, Congress's response to the CDA ruling, was designed to protect minors from harmful sexual material on the Internet. COPA was challenged in *Ashcroft v. American Liberties* (2002)<sup>156</sup> and *Ashcroft v. American Civil*

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Hop culture". The McMaster Journal of Communication Volume 3, Issue 1 2006. Available at: <http://digitalcommons.mcmaster.ca/mjc>

<sup>149</sup> *Id.*

<sup>150</sup> *Id.*

<sup>151</sup> Paul Fischer, 'Music Censorship' published on August 3, 2023, *last updated on July 2, 2024*. Available

at: <https://firstamendment.mtsu.edu/article/music-censorship/>

<sup>152</sup> *Cinevision Corporation v. City of Burbank* is 745 F.2d 560 (9th Cir. 1984).

<sup>153</sup> David L. Hudson Jr., 'Rap Music and the First Amendment' published on August 11, 2023, *last updated on July 2, 2024*. Available at:

<https://firstamendment.mtsu.edu/article/rap-music-and-the-first-amendment/>

<sup>154</sup> *Id.*

<sup>155</sup> *Reno v. American Civil Liberties Union* 521 U.S. 844 (1997).

<sup>156</sup> *Ashcroft v. American Civil Liberties Union* 535 U.S. 564 (2002).

*Liberties* (2004),<sup>157</sup> in which the Supreme Court upheld injunction against the law's enforcement, holding that COPA as well was probably unconstitutional. These provisions and case law reiterates that musicians and the music industry have first amendment protections and music celebrating pimping is within the realm of what is permissible.

Additionally, the impacts of child sexual abuse on victim-survivors' general physical health can include upper respiratory issues and gastrointestinal conditions such as irritable bowel syndrome.<sup>158</sup> There can also be impacts on gynecological or reproductive health, including for women a greater fear of childbirth and increased difficulties with delivery and breastfeeding.<sup>159</sup> 'Traumatic sexualization' – the inappropriate development of sexuality, sexual feelings and attitudes– is commonly considered a specific impact of child sexual abuse.<sup>160</sup> This can affect an individual's sense of sexual satisfaction, sexual feelings and sexual actions.<sup>161</sup>

Victim-survivors may experience difficulties with some aspects of parenting. These can include difficulties establishing boundaries between themselves and their children, being overly permissive as parents and/or using physical discipline, struggling with attachment and being critical of their own parenting ability, and – particularly for men – feeling fearful that they will abuse their children.<sup>162</sup> Though there can be adverse impacts on parenting, victim-survivors can also demonstrate protective parenting practices, including confidence in their ability to protect their children from abuse.<sup>163</sup> One of the most profound effects of child sexual abuse is the damaging impact it can have on the ability to form and maintain close, loving relationships – both intimate and platonic relationships. They may find it difficult to talk to partners, family and friends about the sexual abuse, preventing others from being able to help and offer support. Child sexual abuse can also affect the parents of victims and survivors.

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<sup>157</sup> *Ashcroft v. American Civil Liberties Union* 542 U.S. 656 (2004).

<sup>158</sup> See generally, Fiona Vera-Gray, "Key messages from research on the impacts of child sexual abuse," Child and Woman Abuse Studies Unit, London Metropolitan University (March 2023).

<sup>159</sup> *Id.*

<sup>160</sup> Guyon, R., et. al, "Who am I as a sexual being? The role of sexual self-concept between dispositional mindfulness and sexual satisfaction among child sexual abuse survivors" (2022). *Journal of Interpersonal Violence*, advance article. Available at: <https://doi.org/10.1177/08862605221123290>

<sup>161</sup> *Id.*

<sup>162</sup> See generally, Wark, J. et al, "Effects of child sexual abuse on the parenting of male survivors. *Trauma, Violence, & Abuse.*" Available at: <https://doi.org/10.1177/1524838016673600>

<sup>163</sup> Jay, A., et al. *The Report of the Independent Inquiry into Child Sexual Abuse*. London: Independent Inquiry into Child Sexual Abuse (2022).

The mental health of parents can be affected because they feel responsible for having been powerless and unable to protect their child.<sup>164</sup>

### ***E. Medical Community***

Front-line practice settings in which these providers work and where victims of commercial sexual exploitation and sex trafficking may present for services include, among others, emergency departments, urgent care, primary care clinics, adolescent medicine clinics, school clinics, shelters, specialty clinics (obstetrics/gynecology, psychiatry), community health centers, health department clinics, free-standing Title X clinics, Planned Parenthood, and dental clinics.<sup>165</sup> Individuals may feel the impacts of child sexual abuse at different points over the course of their lifetime, and the ways they are impacted can change from childhood to adulthood.<sup>166</sup>

Child sexual abuse is associated with adverse physical health conditions in childhood and adulthood, some of which may be interconnected with the mental health impacts of abuse, general health, gastrointestinal health, gynecological or reproductive health, pain (including in the immediate term from injuries or longer-term chronic conditions), cardiopulmonary health and body mass index may all be impacted.<sup>167</sup> Sexual abuse can affect children's psychosexual and psychosocial development and attachment, with impacts on sexual functioning as well as relationships in both adolescence and adulthood. boundaries.<sup>168</sup> Commercial sexual exploitation and sex trafficking of minors present several public health concerns for local communities. These include, but are not limited to, domestic violence, child abuse and neglect, HIV and other sexually transmitted infections, unwanted pregnancies, basic unmet primary preventive health care needs of adolescents (e.g., immunizations, tuberculosis screening), drug and alcohol abuse and addiction, and numerous

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<sup>164</sup> Cate Fisher, et. al. *"The impacts of child sexual abuse: A rapid evidence assessment"* (July 2017). Available at: <https://webarchive.nationalarchives.gov.uk/ukgwa/20180611114221/https://www.iicsa.org.uk/keydocuments/1534/view/IICSA%20Impacts%20of%20Child%20Sexual%20Abuse%20Rapid%20Evidence%20Assessment%20Full%20Report%20%28English%29.pdf>

<sup>165</sup> Cohen, S. A. 2005. *Ominous convergence: Sex trafficking, prostitution and international family planning*. The Guttmacher Report on Public Policy 8(1):12-14.

<sup>166</sup> See generally, Jay, A. et al, *The Report of the Independent Inquiry into Child Sexual Abuse*. (2022) London: Independent Inquiry into Child Sexual Abuse.

<sup>167</sup> Fiona Vera-Gray, "Key messages from research on the impacts of child sexual abuse," Child and Woman Abuse Studies Unit, London Metropolitan University (March 2023).

<sup>168</sup> *Id.*



other often unmet medical and mental health needs.<sup>169</sup>

Some child sexual abuse survivors may show symptoms of PTSD, including agitated behavior, frightening dreams, and repetitive play in which aspects of the abuse are expressed.<sup>170</sup> They might exhibit other fears and anxieties or lose developmental skills and begin bed-wetting or thumb-sucking.<sup>171</sup> They may show inappropriate sexual behavior or seductiveness or have difficulty maintaining appropriate boundaries with others.<sup>172</sup> As a result of abuse, children, especially boys, might “act out” with behavior problems, such as cruelty to others and running away, while other children “act in” by becoming depressed or by withdrawing from friends or family.<sup>173</sup> Very young children might engage in traumatic play in which the child re-enacts some aspect of the experience. For example, a child may act out running away from a “bad man” repeatedly.<sup>174</sup> The child might engage in age-inappropriate sexual behavior such as trying to engage another child in oral-genital contact or simulated intercourse and the child might talk about her body as being “hurt” or “dirty.”<sup>175</sup> As children grow into adolescence and develop more autonomy, the difficulties they can get into may be more serious. Teenagers might be more likely to abuse substances or engage in high-risk behaviors, including indiscriminate sexual behavior, self-cutting and suicidal behaviors are also more common among adolescents.<sup>176</sup>

Additionally, the impacts of child sexual abuse on victim-survivors’ general physical health can include upper respiratory issues and gastrointestinal conditions such as irritable bowel syndrome.<sup>177</sup> There can also be impacts on gynecological or

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<sup>169</sup> See generally, Williamson, E. et al. “*Evidence-based mental health treatment for victims of human trafficking.*” Washington, DC: U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation; Williamson, E., et al. “*Medical treatment of victims of sexual assault and domestic violence and its applicability to victims of human trafficking.*” Washington, DC: U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation; Zimmerman, C., et al. “*Human trafficking and health: A conceptual model to inform policy, intervention and research.*” *Social Science and Medicine* 73(2):327-335.

<sup>170</sup> PTSD: National Center for PTSD. Available at:

[https://www.ptsd.va.gov/professional/treat/type/sexual\\_abuse\\_child.asp](https://www.ptsd.va.gov/professional/treat/type/sexual_abuse_child.asp)

<sup>171</sup> *Id.*

<sup>172</sup> *Id.*

<sup>173</sup> *Id.*

<sup>174</sup> See, National Child Traumatic Stress Network. Available at:

<https://www.nctsn.org/what-is-child-trauma/trauma-types/sexual-abuse/effects>

<sup>175</sup> *Id.*

<sup>176</sup> *Id.*

<sup>177</sup> See generally, Fiona Vera-Gray, “*Key messages from research on the impacts of child sexual abuse,*” Child and Woman Abuse Studies Unit, London

reproductive health, including for women a greater fear of childbirth and increased difficulties with delivery and breastfeeding.<sup>178</sup> ‘Traumatic sexualization’ is the inappropriate development of sexuality, sexual feelings and attitudes that is commonly considered a specific impact of child sexual abuse.<sup>179</sup> This can affect an individual’s sense of sexual satisfaction, sexual feelings and sexual actions.<sup>180</sup>

Victim-survivors may experience difficulties with some aspects of parenting. These can include difficulties establishing boundaries between themselves and their children, being overly permissive as parents and/or using physical discipline, struggling with attachment and being critical of their own parenting ability, and – particularly for men – feeling fearful that they will abuse their children.<sup>181</sup> Though there can be adverse impacts on parenting, victim-survivors can also demonstrate protective parenting practices, including confidence in their ability to protect their children from abuse.<sup>182</sup> One of the most profound effects of child sexual abuse is the damaging impact it can have on the ability to form and maintain close, loving relationships – both intimate and platonic relationships. They may find it difficult to talk to partners, family and friends about the sexual abuse, preventing others from being able to help and offer support. Child sexual abuse can also affect the parents of victims and survivors. The mental health of parents can be affected because they feel responsible for having been powerless and unable to protect their child.<sup>183</sup>

### **F. Religious Community – Christianity**

During His earthly ministry, Jesus Christ was asked by His disciples who He considered to be greatest in the kingdom of heaven. He responded by inviting a child to come to Him, and said,

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Metropolitan University (March 2023).

<sup>178</sup> *Id.*

<sup>179</sup> Guyon, R., et. al, “Who am I as a sexual being? The role of sexual self-concept between dispositional mindfulness and sexual satisfaction among child sexual abuse survivors” (2022). *Journal of Interpersonal Violence*, advance article. Available at: <https://doi.org/10.1177/08862605221123290>

<sup>180</sup> *Id.*

<sup>181</sup> See generally, Wark, J. et al, “Effects of child sexual abuse on the parenting of male survivors. *Trauma, Violence, & Abuse.*” Available at: <https://doi.org/10.1177/1524838016673600>

<sup>182</sup> Jay, A., et al. *The Report of the Independent Inquiry into Child Sexual Abuse*. London: Independent Inquiry into Child Sexual Abuse (2022).

<sup>183</sup> Cate Fisher, et. al. “The impacts of child sexual abuse: A rapid evidence assessment” (July 2017). Available at: <https://webarchive.nationalarchives.gov.uk/ukgwa/20180611114221/https://www.iicsa.org.uk/keydocuments/1534/view/IICSA%20Impacts%20of%20Child%20Sexual%20Abuse%20Rapid%20Evidence%20Assessment%20Full%20Report%20%28English%29.pdf>

“Except ye be converted, and become as little children, ye shall not enter into the kingdom of heaven... Whoso shall receive one such little child in my name receiveth me.” The Savior then warned His disciples: “Whoso shall offend one of these little ones which believe in me, it were better for him that a millstone were hanged about his neck, and that he were drowned in the depth of the sea.”<sup>184</sup> Christ’s attitude towards children was very positive as He loved and cared for their needs.<sup>185</sup> He rebuked his disciples when they forbade them to approach him saying, “Let little children come to me, for their’s is the kingdom of God.” He raised a little girl from the dead,<sup>186</sup> he restored little ones to life and freed them from the bondage of oppressive powers so that all, including children, may have fuller life.<sup>187</sup> While feeding the five thousand, Jesus demonstrated a little boy’s will and desire to satisfy the needs of the multitude, thus making a point that children have much to contribute and that they are very much part and parcel of God’s plan of salvation.<sup>188</sup>

These are powerful words from the Savior, who is also known as the Prince of Peace. The church as followers of Jesus Christ, has condemn the act of CSEC against children. The Church is of the view that child abuse is despicable and heinous that is not just a social malady and a criminal act; it is absolutely forbidden by the commandments of God.<sup>189</sup> The Church recognizes that protecting and nurturing children was a priority for Jesus Christ in His life<sup>190</sup> and it is a priority in His Church today. Many Churches takes a zero-tolerance policy when it comes to abuse. Churches consider CSEC a societal plague and believe that it is the Churches role and duty to safeguard Children. For example, The Church of Jesus Christ of Latter-Day Saints posits that, “Child abuse is a matter the Church takes very, very seriously. When we learn of abuse, our first priority is to help the victim and stop the abuse. As society and the Church have increased in their awareness of this malady perpetuated by people in and out of the Church, the Church has made extensive efforts in the past several decades to build understanding among local Church leaders and provide resources to stop and prevent abuse, and to keep children safe. We are continually looking for ways to

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<sup>184</sup> See, Matthew 18:1-6.

<sup>185</sup> Khushnud Azariah, *Commercial Sexual exploitation of Children: Church's Response*. Available at: <https://oxford-institute.org/wp-content/uploads/2020/02/1997-7-azariah.pdf>

<sup>186</sup> See, Mark 5:21–43, Matthew 9:18–26 and Luke 8:40–56.

<sup>187</sup> See, Matthew 12-17.

<sup>188</sup> See, Matthew 14:13-21.

<sup>189</sup> The Church of Jesus Christ of Latter-Day Saints, “*How the Church Approaches Abuse*.” Available at: <https://news-ca.churchofjesuschrist.org/article/how-the-church-approaches-abuse>

<sup>190</sup> See Matthew 18:1-6; 3 Nephi 17:11-23

strengthen our proactive program to combat abuse and care for those whose lives have been harmed by this evil practice. As we see or learn of ways to more effectively decrease the potential for abuse, we implement them.”<sup>191</sup> The Church also posits that it “has a zero-tolerance policy when it comes to abuse. This means that if we learn of abuse, we take immediate steps to protect the victim and help them with healing. We cooperate with law enforcement to report and investigate abuse. Members found guilty of child abuse are also subject to the laws of God. When someone is convicted of child abuse, they face formal discipline from the Church and risk losing their membership in the Church. Even if the individual has not been convicted in a court of law, they may be subject to Church discipline and could lose their membership.”<sup>192</sup>

On the other hand, many critiques have voiced their opinions that the Church is in no position to judge because sexual abuse and cases of commercial sexual exploitation have committed by members of the Church. For example, research on the Catholic Clergy, by Pew Research Center noted that about one-in-ten (9%) say they have attended a place of worship where the clergy or other religious leaders have been accused of sexual misconduct in the past five years in one or more of the following ways: an extramarital affair (6%), sexual abuse of a child (4%), verbal sexual harassment (4%) or sexual abuse of an adult (3%).<sup>193</sup> Similarly, another report showed that nearly 1,700 priests and other clergy members that the Roman Catholic Church considers credibly accused of child sexual abuse are living under the radar with little to no oversight from religious authorities or law enforcement, decades after the first wave of the church abuse scandal roiled U.S. dioceses.<sup>194</sup> These priests, deacons, monks and lay people now teach middle-school math. They counsel survivors of sexual assault they work as nurses and volunteer at nonprofits aimed at helping at-risk kids, they live next to playgrounds and daycare centers, they foster and care for children.<sup>195</sup>

Notwithstanding such critiques, some members of the

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<sup>191</sup> See Supra note 190.

<sup>192</sup> Supra notes 187 and 190.

<sup>193</sup> Pew Research Center, June 11, 2019, “*Americans See Catholic Clergy Sex Abuse as an Ongoing Problem.*” Available at: <https://www.pewresearch.org/religion/2019/06/11/americans-see-catholic-clergy-sex-abuse-as-an-ongoing-problem/>

<sup>194</sup> Claudia Lauer et al, “*Almost 1,700 priests and clergy accused of sex abuse are unsupervised.*” October 4, 2019. Available at: <https://www.nbcnews.com/news/religion/nearly-1-700-priests-clergy-accused-sex-abuse-are-unsupervised-n1062396>

<sup>195</sup> *Id.*

Church community have acknowledged that they are acutely aware of the havoc and suffering caused by this abuse of some of its members, but they are committed to dealing with these situations responsibly and in all humility. The National Conference of Catholic Bishops has established an ad hoc committee on sexual abuse by clergy to help church leaders take appropriate action.<sup>196</sup> Each diocese has developed comprehensive policies concerning sexual abuse, which often apply to employees and volunteers, as well as to clergy and religious. Similarly, leaders with the Episcopal Diocese of Central Florida have partnered with G.R.A.C.E to promote transparency within the Church community. G.R.A.C.E. is helping empower churches in Central Florida to recognize, respond, prevent and end abuse of all kinds. The goal is to train leaders on how to handle abuse in the church including clergy sexual abuse, child abuse and intimate partner violence.<sup>197</sup>

### **3. PAST TRENDS IN DECISION AND CONDITIONING FACTORS**

#### **A. Laws**

Laws provides the cornerstone and legal directive for a response to handle human trafficking, including sex trafficking, and to commercial sexual exploitation of children. Legislations are vital because it can help advance prevention strategies, empower prosecutors and law enforcement to apprehend traffickers and other exploiters of children, and ensure that services are accessible to children who are victims and survivors of commercial sexual exploitation and sex trafficking. The first legislation to address commercial sexual exploitation was the federal legislation, Trafficking Victims Protection Act of 2000 ("TVPA"). Since 2000, the federal government has adopted several other significant pieces of legislation related to commercial sexual exploitation and sex trafficking of minors. These includes successive reauthorizations of the TVPA in 2003, 2005, 2008, and 2013; the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today (PROTECT) Act of 2003; the Adam Walsh Child Protection and Safety Act of 2006; the PROTECT Our Children Act of 2008; and the Child Protection Act of 2012.

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<sup>196</sup> See generally, United States Conference on Catholic Bishops, "Walk in the Light: A Pastoral Response to Child Sexual Abuse." Available at: <https://www.usccb.org/committees/laity-marriage-family-life-youth/walk-light-pastoral-response-child-sexual-abuse>

<sup>197</sup> Maria Serrano, *G.R.A.C.E helping empower churches to recognize, respond and prevent abuse*, Jun. 06, 2024. Available at: <https://mynews13.com/fl/orlando/news/2024/05/30/responding-and-preventing-abuse-in-the-church--here-s-how-it-s-happening>

Regarding sex trafficking of minors, federal law provides that “whoever knowingly ... recruits, entices, harbors, transports, provides, obtains, or maintains by any means a person; or benefits, financially or by receiving anything of value, from participation in a venture” in order to compel a person to engage in a commercial sex act shall be guilty of sex trafficking.<sup>198</sup> “Commercial sex act” is defined as “any sex act, on account of which anything of value is given to or received by any person.” The penalty for offenders is a fine and a sentence of 10 years to life in prison.<sup>199</sup> If the child was under 14 years of age or “if the offense was effected by means of force, threats of force, fraud, or coercion,” the penalty is a fine and a sentence of 15 years to life in prison.<sup>200</sup>

A trafficked child may be compelled to engage in illegal activities such as prostitution or the selling of drugs, and instead of being treated as victims, many are treated as criminals and are prosecuted accordingly.<sup>201</sup> Arrest and prosecution can further traumatize the victim as well as leave him or her with a profound distrust of law enforcement, which can prevent victims from seeking assistance.<sup>202</sup> Furthermore, the criminal record that results from being prosecuted can act as a barrier to future employment and other opportunities.<sup>203</sup> Thus, states enact laws that both protect and assist children that have been exploited for labor or sex. The laws that provide this type of protection are called safe harbor laws. Under federal law, a child under eighteen that is induced into providing commercial sex is a victim of trafficking and must be treated as such. State laws criminalize adults that have sex with children under statutory rape laws, however these laws were not consistently applied in cases where the adult purchased sex.<sup>204</sup> The result was children, recognized under both state and federal law as victims of a crime, were arrested and convicted of prostitution.<sup>205</sup>

Safe harbor laws are intended to address the inconsistent treatment of children and ensure that these victims were provided with services. Fundamentally, safe harbor laws have two components: legal protection and provision of services.<sup>206</sup> The

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<sup>198</sup> 18 U.S.C. § 1591 (2012).

<sup>199</sup> 18 U.S.C. § 1591 (2012).

<sup>200</sup> 18 U.S.C. § 1591 (2012).

<sup>201</sup> Polaris, HUMAN TRAFFICKING ISSUE BRIEF: SAFE HARBOR FALL 2015. Available at: <https://polarisproject.org/wp-content/uploads/2019/09/2015-Safe-Harbor-Issue-Brief.pdf>

<sup>202</sup> *Id.*

<sup>203</sup> *Id.*

<sup>204</sup> *Id.*

<sup>205</sup> *Id.*

<sup>206</sup> *Id.*

legal protection component provides immunity from prosecution for certain types of offenses because the child was induced or compelled to commit the offense or an established diversion program that affords a means for charges to be dismissed if the child completes a specialized services program.<sup>207</sup> The services component of safe harbor requires that specialized services be made available to survivors.<sup>208</sup> In 2011, the ABA House of Delegates passed a resolution urging states not to charge child trafficking victims with prostitution and related offenses but to instead provide services.<sup>209</sup> In 2013, the ULC released the Uniform Act on Prevention of and Remedies for Human Trafficking.

Florida Statute defines human trafficking as “transporting, soliciting, recruiting, harboring, providing, enticing, maintaining, or obtaining another person for the purpose of exploitation of that person.”<sup>210</sup> Florida Safe Harbor Law (2012) establishes that the dependency track rather than the delinquency track will be the standard approach in dealing with minors found to be engaged in commercial sex (domestic minor sex trafficking victims).<sup>211</sup> It also establishes a limited number of beds for victims in various locations, and gives law enforcement the option of referring minors to DCF safe harbor facilities (with 24 hour supervision) instead of detention facilities. The statute makes anyone who knowingly or in reckless disregard of the facts engages in or benefits financially by receiving anything of value from trafficking can be prosecuted.<sup>212</sup> The Safe Harbor statute specifically recognize that minors cannot consent to commercial sex<sup>213</sup> and minors are not subject to arrest/prosecution for offering to commit prostitution,<sup>214</sup> which differs from the rigidity of the federal laws.

## **B. Government Entities**

### **I. Law Enforcement**

Law enforcement agencies recognize the severity of sexual exploitation of children and therefore coordinate activities to ensure that several entities engage in activities to assist victims, including prevention, education and outreach, victim

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<sup>207</sup> Polaris, HUMAN TRAFFICKING ISSUE BRIEF: SAFE HARBOR FALL 2015. Available at: <https://polarisproject.org/wp-content/uploads/2019/09/2015-Safe-Harbor-Issue-Brief.pdf>

<sup>208</sup> *Id.*

<sup>209</sup> American Bar Association, Child Trafficking August 2011. Available at: [http://www.americanbar.org/groups/youth\\_at\\_risk/commission\\_policyresolutions/child\\_trafficking.html](http://www.americanbar.org/groups/youth_at_risk/commission_policyresolutions/child_trafficking.html)

<sup>210</sup> Fla. Sta. § 787.06(2)(d),

<sup>211</sup> Fla. Sta. § 409.1678.

<sup>212</sup> Fla. Sta. § 787.06(3).

<sup>213</sup> Fla. Sta. § 796.001.

<sup>214</sup> Fla. Sta. § 796.07(2)(e).

identification, investigation and prosecution of offenders, and comprehensive services for victims. Federal law enforcement agencies involved in the process include the U.S. Department of Homeland Security (DHS) and The Florida Department of Law Enforcement (FDLE).

FDLE operates statewide through seven regional operation centers, each of which has a specific focus on human trafficking either through open cases or targeted task forces.<sup>215</sup> FDLE also operates the 1-855-FLA-SAFE Line, a 24-hour online and telephone system for reporting suspicious activity, including human trafficking.<sup>216</sup> As of May 2024, FDLE reports that the 1-855-FLA-SAFE Line had received 338 human trafficking-related calls since its inception in 2022.<sup>217</sup> Florida law requires enforcement officers to complete four hours of training in identifying and investigating sexual exploitation of children.<sup>218</sup> In 2023, 14,143 officers received the four-hour training; 2,849 received it during basic recruit training while 11,564 received it after basic recruit training.<sup>219</sup> From 2021 through May 6, 2024, 161 officers had completed this training.<sup>220</sup> The training material was recently revised to update case studies, classroom scenarios, and content on CSE of children and the vulnerable, familial and gang trafficking awareness, reactive and proactive investigative procedures, evidence collection, task force, roles, victim-centered approach, interviewing methods, and community presentation guidelines.<sup>221</sup>

From the federal perspective, DHS recognizes that child sexual exploitation is serious issue and to address this issue it seeks to empower communities to resist child sexual exploitation. DHS provides information and resources to help resist deception, coercion, and manipulation, which include providing know-your-rights information to temporary foreign workers, young students on exchange programs, and individuals released from detention or paroled into the United States.<sup>222</sup> Those who sexually victimize children engage in illicit activities that exploit significant numbers of individuals in communities across every state in America and

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<sup>215</sup> OPPAGA, Annual Report on the Commercial Sexual Exploitation of Minors, 2024.

<sup>216</sup> *Fla. Sta. § 943.11*.

<sup>217</sup> OPPAGA, Annual Report on the Commercial Sexual Exploitation of Minors, 2024.

<sup>218</sup> *Id.*

<sup>219</sup> *Id.*

<sup>220</sup> *Id.*

<sup>221</sup> *Id.*

<sup>222</sup> Department of Homeland Security Strategy to Combat Human Trafficking, The Importance of Goods Produced with Forced Labor, and Child Sexual Exploitation. (January 2020).



target all socioeconomic and demographic backgrounds.<sup>223</sup> These crimes take the lives of, seriously harm, and traumatize victims, which negatively affects their ability to productively contribute to society, causing the disruption and undermining of the legitimate economy and divert government and public resources to deal with their consequences.<sup>224</sup> DHS recognizes that for this reason, focusing efforts to prevent the crime from occurring is an essential investment in the safety, security, and prosperity of the United States.

## **II. State Attorney General**

The Office of the State of Florida's Attorney General, Ashely Moody, recognizes the negative impacts that commercial sexual exploitation has on Florida's children and has taken numerous steps throughout the years to prevent crimes against children. These include partnership with numerous entities to prevent trafficking. For example, ahead of Super Bowl LIV being played in Miami, Attorney General Ashley Moody and the Statewide Council partnered with Uber to educate thousands of drivers on how to spot and report human trafficking.<sup>225</sup> Numerous driver education events were held for thousands of Florida drivers using Uber who were on the roads before and during the festivities surrounding the championship football game.<sup>226</sup> The training was delivered by the International Rescue Committee, one of the first organizations in the nation to receive federal funding to combat human trafficking after legislation was passed in 2003.<sup>227</sup> Through the partnership, additional anti-human trafficking educational sessions were held, in both English and Spanish, for the more than 100,000 Florida drivers using Uber.<sup>228</sup>

Similarly, Attorney General Ashley Moody and the Florida Department of Highway Safety and Motor Vehicles launched phase two of the Highway Heroes campaign, created to enlist commercial truck drivers in the fight to end human trafficking. Attorney General Ashley Moody said, "In preparation of next month's Super Bowl in Tampa, we are shifting our Highway Heroes campaign into high gear. Truck drivers play a vital role in the fight to end human trafficking. With more than 500,000 licensed commercial drivers in Florida, I am hopeful that this campaign will help us rescue victims and save lives. Thank you to

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<sup>223</sup> *Id.*

<sup>224</sup> *Id.*

<sup>225</sup> See Statewide Council on Human Trafficking Annual Report 2019. See *generally*, Statewide Council on Human Trafficking Annual Report 2020; Statewide Council on Human Trafficking Annual Report 2021.

<sup>226</sup> *Id.*

<sup>227</sup> *Id.*

<sup>228</sup> *Id.*

all our Highway Heroes, who have been our eyes and ears on the road. With your support and participation in this lofty mission, we can end these heinous crimes and build a Stronger, Safer Florida.”<sup>229</sup>

In addition, Attorney General Moody partnered with “It’s a Penalty” and Tampa International Airport ahead of Super Bowl LV. Attorney General Ashley Moody partnered with a major international travel hub in the battle to prevent human trafficking ahead of Super Bowl LV. Along with It’s a Penalty, Attorney General Moody unveiled human trafficking awareness signs at Tampa International Airport. The messages were placed strategically throughout the airport to encourage travelers to report human trafficking and urge victims being flown in for the big game to reach out for help.<sup>230</sup> The signs are just way of part a multifaceted blitz to increase human trafficking reporting as thousands of visitors utilized the airport during the week of the Super Bowl.<sup>231</sup> It’s a Penalty CEO Sarah de Carvalho said, “The full support of state law enforcement, including the Office of the Attorney General, is vital to our campaign because it heightens the awareness of the public while providing them with mechanisms to make a report.”<sup>232</sup> These initiatives buttress the idea that they State Attorney’s Office is vehemently against trafficking and commercial sexual exploitation of children.

### **III. U.S Attorney Offices and State Attorney Offices**

The federal and state attorney offices through Florida recognizes that child sexual exploitation is a major issue within the state and has reinforce their commitment to aggressively prosecuting individuals who sexually abuse and exploit children. The Middle District of Florida has stated that they will be engage in collaboration, cooperation and communication to enhance their effort to facilitate the investigation and prosecution of child exploitation cases.<sup>233</sup> Cooperation among federal, state, and local law enforcement agencies ensures that the most serious crimes are investigated and that the most dangerous offenders receive the greatest punishment.<sup>234</sup>

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<sup>229</sup> See Statewide Council on Human Trafficking Annual Report 2020. See generally, Statewide Council on Human Trafficking Annual Report 2021; Statewide Council on Human Trafficking Annual Report 2022.

<sup>230</sup> *Id.*

<sup>231</sup> *Id.*

<sup>232</sup> *Id.*

<sup>233</sup> See generally, United States District Middle District of Florida, Project Safe Childhood. Available at: <https://www.justice.gov/usao-mdfl/project-safe-childhood>

<sup>234</sup> In 2006, the Department of Justice launched Project Safe Childhood (PSC), a national initiative to coordinate federal, state, and local resources to prevent

Human trafficking is a major concern especially in a city with heavy tourism like Miami. On a local scale, the Miami-Dade State Attorney's Office has established a human trafficking unit.<sup>235</sup> The unit is responsible for overseeing the implementation of the Safe Harbor Act and works to successfully prosecute cases dealing with human traffickers. The Miami- Dade Human Trafficking Unit has already had some success after having successfully prosecuted David Salomon on one count of human trafficking involving the commercial sexual exploitation of a minor.<sup>236</sup> Salomon was sentenced to 65 years in prison. Putting the traffickers in jail will slowly but surely break down the entire human trafficking industry and protect those that fall victim to the manipulation and abuse of traffickers.<sup>237</sup>

### **C. Community Based**

The Department of Children and Families (DCF) is the state agency that identifies and manages services for CSE victims who are minors. DCF is committed to giving victims of CSE all the resources to assist them in healing from the trauma. DCF operates the statewide Florida Abuse Hotline, which receives reports alleging CSE of children. Department of Juvenile Justice has partnered with DCF to identify CSE youth brought into the delinquency system and to divert them to the child welfare system when possible. DCF contracts with community-based care lead agencies in all 20 judicial circuits across the state to manage child welfare services, including services for CSE youth regardless of whether they are dependent and already being served in the child

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and interdict child exploitation and abuse. The USAO/MDFL's PSC program consists of five components: 1. Coordinating federal, state, and local efforts to investigate and prosecute child exploitation cases, and to identify and rescue child victims 2. Participating in coordinated national initiatives 3. Increasing federal involvement in child exploitation cases 4. Training federal, state and local law enforcement 5. Increasing community awareness and education about the threats to children and ways to prevent child exploitation.

Since the inception of the PSC program, this Office has worked closely with the Internet Crimes Against Children (ICAC) Task Force, the FBI's Innocent Images Task Force, the Department of Homeland Security's Immigration and Customs Enforcement Task Force, and the National Center for Missing and Exploited Children (NCMEC), to investigate and prosecute child exploitation crimes, and to provide and promote public outreach and awareness programs. The Office also seeks to raise the public's awareness about the threat of online sexual predators, by providing tools and information to educators, parents and children to reduce the likelihood of harm to children and to encourage them to report possible violations.

<sup>235</sup> See generally, Sexual Crime and Child Abuse Unit. Available at: <https://miamisao.com/our-work/victim-services/sexual-crimes-unit/>

<sup>236</sup> Julian Stroleny, "State Attorney Takes a Stand on Human Trafficking in Miami" June 28, 2014. Available at: <https://strolenylaw.com/state-attorney-takes-a-stand-on-human-trafficking-in-miami/>

<sup>237</sup> *Id.*

welfare system.<sup>238</sup>

DCF and lead agencies report continue efforts to increase overall placement capacity as well as specialized placements and services for CSE-verified youth; capacity among specialized CSE placements.<sup>239</sup> There are ongoing efforts to increase capacity across placement settings, particularly for specialized CSE placements and inpatient options.<sup>240</sup> For example, the Legislature<sup>241</sup> appropriated \$1.5 million in general revenue for DCF to contract with Citrus Health Network to expand the Citrus Helping Adolescents Negatively Impacted by Commercial Exploitation (CHANCE) program.<sup>242</sup> CHANCE supports verified CSE youth placed in safe foster homes using a single-child-per-home model with wraparound services based on youth needs; the program requires staff and clinicians to be trauma-informed and complete mandatory trainings.<sup>243</sup>

In January 2021, the Department partnered with the Florida State University (FSU) to convene a work group focused on addressing safety and treatment needs of verified CSEC survivors who frequently go missing from care with subsequent returns to sexual exploitation.<sup>244</sup> The findings showed that at the end of April 2021, there were dependent youth who have experienced sex trafficking, have persistently rejected services, and have returned repeatedly to life-threatening commercial sexual exploitation.<sup>245</sup> In many cases, service providers are unable to successfully engage these children in services due to the very short period the children spend with them in between runaway episodes and all possible placement options and treatment plans have been exhausted.<sup>246</sup> It is through this initiatives that DCF is using to examine new models for improved care of child sex trafficking survivors and take a stand against CSEC.

#### **D. K-12 Education**

In 2019, Florida became the first state in the country to mandate child trafficking prevention education for students in

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<sup>238</sup> See generally, Department of Children and Family Human Trafficking of Children Annual Report October 1, 2023; Department of Children and Family Human Trafficking of Children Annual Report October 1, 2022.

<sup>239</sup> OPPAGA, Annual Report on the Commercial Sexual Exploitation of Minors, 2024.

<sup>240</sup> *Id.*

<sup>241</sup> At the state level.

<sup>242</sup> *Id.*

<sup>243</sup> *Id.*

<sup>244</sup> See, Department of Children and Family Human Trafficking of Children Annual Report October 1, 2022.

<sup>245</sup> *Id.*

<sup>246</sup> *Id.*

grades K-12. The rule was advocated for by students at the FSU College of Law's Human Trafficking and Exploitation Law Project. This rule was groundbreaking because it addressed the critical need to educate grades K-5 on the dangers of human trafficking, as these children are especially vulnerable.<sup>247</sup> On June 11, 2021, Florida Governor Ron DeSantis signed legislation CB HB 519 mandating the provision of comprehensive, developmentally appropriate, and age-appropriate K-12 health education instruction in all public schools across Florida. Governor DeSantis noted that "human trafficking is an epidemic in [the] country and children of all ages need to know and understand the hazards of human trafficking and how to protect themselves from dangerous predators."<sup>248</sup>

This comprehensive health education curriculum will include instructions that focus on the prevention of child sexual abuse, exploitation, and human trafficking and how to identify resources, including national, state, and local resources. The curriculum will also include information on the prevalence and nature of human trafficking, strategies to reduce the risk of human trafficking, techniques for setting healthy boundaries and how to safely seek assistance, and information on how traffickers exploit social media and mobile device applications. The new rule requires that by December 1 of each year, each school district must submit an implementation plan to the commissioner and post the plan on the school district website. The implementation plan must include: the methods in which instruction will be delivered for each grade level; the professional qualifications of the person delivering instruction; a description of the materials and resources utilized to deliver instruction; and the rule also establishes that every school in Florida be a "Child Trafficking Free Zone."<sup>249</sup>

Schools can play an important role in interrupting trafficking when it occurs, aid in preventing trafficking by empowering children with knowledge to recognize signs of potential trafficking and in helping students heal from these

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<sup>247</sup> Lauren Evans, "Improving Human Trafficking Education in Florida's Schools." Available at: <https://surviveandthriveadvocacy.org/improving-human-trafficking-education-in-floridas-schools/#:~:text=In%202019%2C%20Florida%20became%20the,Trafficking%20and%20Exploitation%20Law%20Project>. See also, Ashley Mejia, Human Trafficking: Prevention Education for K-12 in Florida, July 18, 2021. Available at: <https://americamagazineorlando.com/human-trafficking-prevention-education-for-k-12-in-florida/>

<sup>248</sup> See, *Florida First State in Nation to Teach K-12 Child Trafficking Prevention*, September 30, 2019. Available at: <https://www.fldoe.org/newsroom/latest-news/florida-first-state-in-nation-to-teach-k-12-child-trafficking-prevention.shtml>

<sup>249</sup> See, Florida's Child Trafficking Prevention Education rule, 6A-1.094123.

painful experiences.<sup>250</sup> Therefore, many individuals welcome this new initiative. On the other hand, many posit that despite leading the nation in human trafficking prevention education for students, Florida lags in other areas. Critiques argue that while the Florida Department of Education website offers online training, webinars, hotlines, fact sheets, and local contacts as resources to educators, there is no mandatory training for school personnel.<sup>251</sup> Teachers and other school personnel interact daily with children who are at risk of becoming or are already victims of human trafficking and as a result Florida needs to do a better job of equipping our teachers and staff with the tools they need to help our children. These critiques argue that Florida should require mandatory periodic training on how to recognize and report human trafficking in children to ensure that children fully equip with knowledge to prevent trafficking and sexual exploitation.

### **E. G.R.A.C.E. Court**

G.R.A.C.E Court was launched in 2016 by the Eleventh Judicial Circuit of Florida, as a human trafficking Court designed to serve young victims of human trafficking who entered the court system under a Chapter 39 and/or Statute 61, 397, 741, and 985 petitions (Dependency, Family, Marchman Act, Domestic Violence, Juvenile Delinquency).<sup>252</sup> This specialized court provide victims with comprehensive services and support to recover from the life they have been exposed to, have a successful transition to independence, and begin to lead a healthy life; physically, mentally and emotionally. The Court hopes that the services and support will also reduce any further victimization or involvement in the Child Welfare and Juvenile Justice Systems.<sup>253</sup> It is the first known trauma-informed unified family court in the country that deals with all aspects of human trafficking juvenile victims.

G.R.A.C.E. Court utilizes a multidisciplinary team approach to

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<sup>250</sup> See generally, “Human trafficking in American Schools Session 2: How Schools Can Respond to Suspicions of Human Trafficking.” Available at: [https://safesupportivelearning.ed.gov/sites/default/files/NCSSLE%20HT%20Staff%20Development%20Series\\_Session2\\_Transcript.pdf](https://safesupportivelearning.ed.gov/sites/default/files/NCSSLE%20HT%20Staff%20Development%20Series_Session2_Transcript.pdf)

<sup>251</sup> See, Ashley Mejia, Human Trafficking: Prevention Education for K-12 in Florida, July 18, 2021. Available at: <https://americamagazineorlando.com/human-trafficking-prevention-education-for-k-12-in-florida/>

<sup>252</sup> Delinquency, Dependency, Family, Marchman Act Petitions, and Domestic Violence matters are all eligible to participate in GRACE Court. ELEVENTH JUDICIAL CIRCUIT OF FLORIDA, G.R.A.C.E. COURT BENCHBOOK [1] 2017, (Miami Dade, FL: Eleventh Judicial Court) (2017). Available at: [https://www.flcourts.org/content/download/217037/1968168/GRACE\\_Court\\_Benchbook.pdf](https://www.flcourts.org/content/download/217037/1968168/GRACE_Court_Benchbook.pdf)

<sup>253</sup> *Id.*

provide comprehensive services, including therapy, case management, and vocational support, with a strong focus on collaboration to stabilize and support the children involved.<sup>254</sup> Youth who appear in court are at a high risk for CSEC, so a benchbook has been created as a reference guide for judges, attorneys, and social workers who assist children known or suspected of being victims of human trafficking. The information contained therein includes such things as human trafficking street terminology, CSEC resources and contact sheet, and information on what should be done when encountering a suspected victim of human trafficking.<sup>255</sup> The Benchbook acknowledges that human trafficking can be difficult to identify, because it can be difficult to recognize what juvenile criminal behavior is a result of victimization, rather than criminal intent. When a child is accepted into G.R.A.C.E. Court, the court evaluates his or her needs and ensures that the child is referred to the appropriate service providers.<sup>256</sup> The core services and provisions available to CSEC victims are food and clothing, housing, medical care, counseling, substance abuse treatment, education and vocational support, employment opportunities, mentoring, and intensive case management. The goal of the services is to provide support to recover from victimization, successfully transition to independence, and begin to lead a healthy life—physically, mentally, and emotionally. It is hoped that the services and support will also reduce any further victimization.<sup>257</sup>

G.R.A.C.E. Court does have many challenges. Firstly, funding is one of the main ones, though Dr. McGrath, Clinical Director of the CHANCE program, notes that “this is a short-term cost that will result in long-term savings” because of a significant reduction in runaways and an increased ability to keep children safely in their homes.<sup>258</sup> A second challenge includes the lack of knowledge and expertise for children who are victims of human trafficking and the lack of an appropriate step-down placement when a child has successfully completed his or her stay within the Specialized Therapeutic Foster Care.<sup>259</sup> On the other hand G.R.A.C.E. Court has shown many success as a progress report of a pilot study; researchers at Florida Mental Health Institute at the University of

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<sup>254</sup> *Id.*

<sup>255</sup> Janice Haywood, “G.R.A.C.E. Court, Providing an Outlet for Children Involved in Human Trafficking” January 16, 2018. Available at: <https://www.americanbar.org/groups/litigation/resources/newsletters/children-rights/winter2018-grace-court-providing-outlet-children-human-trafficking/>

<sup>256</sup> *Id.*

<sup>257</sup> *Id.*

<sup>258</sup> *Id.*

<sup>259</sup> *Id.*

South Florida sees early positive results.<sup>260</sup> The report shows that notable improvements are observed on the majority of outcome variables between baseline and subsequent assessment, although not all changes are statistically significant.”<sup>261</sup>

#### **4. POTENTIAL FOR FUTURE CHANGE**

##### ***A. The Internet and Electronic Devices Involvement***

Children are spending more time online than ever before, and they are getting there sooner. Around the world, a child goes online for the first time every half second. Online enticement involves an individual communicating with someone believed to be a child via the internet with the intent to commit a sexual offense or abduction. This is a broad category of online exploitation and includes sextortion, in which a child is being groomed to take sexually explicit images and sometimes ultimately meet face-to-face with someone for sexual purposes, or to engage in a sexual conversation online or, in some instances, to sell or trade the child’s sexual images. This type of victimization takes place across every platform, social media, messaging apps, gaming platforms including TikTok, Live.Me, MeetMe, WhatsApp, Snapchat, Kik, Whisper, Discord and X (formerly known as Twitter).

Although the exact scope of the problem is unknown, indications are that offenders increasingly use technology to solicit and advertise access to sex with minors, promote the distribution of child pornography, and combine resources to find victims and purchasers. National estimates of the number of CSEC victims vary widely, ranging from 100,000 to 3 million although definitional, practical, and ethical problems make it difficult to produce solid estimates of its incidence.<sup>262</sup> An estimated 569 arrests for internet related CSEC were made in the United States in 2006; more than half of the arrests involved the offender marketing and selling child pornography.<sup>263</sup> Most offenders (83%) purchased child pornography or sex with a minor,

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<sup>260</sup> Trends in State Courts 2018. Florida’s GRACE Court Hon. Mari Sampedro-Iglesia, Associate Administrative Judge, Unified Children’s Court and Human Trafficking Division, 11th Judicial Circuit of Florida. Available at: <https://ncsc.contentdm.oclc.org/digital/api/collection/spcts/id/317/download>

<sup>261</sup> *Id.*

<sup>262</sup> See generally, Melrose, M. 2002. Labour pains: *Some considerations on the difficulties of researching juvenile prostitution*. International Journal of Social Research Methodology 5 (4):333–351.

<sup>263</sup> KIMBERLY J. MITCHELL & LISA M. JONES, INTERNET-FACILITATED COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN. Available at: <https://www.unh.edu/ccrc/sites/default/files/media/2022-02/internet-facilitated-commercial-sexual-exploitation-of-children.pdf>



but an important minority (17%) profited from the exploitation.<sup>264</sup> Profiteers appeared to be more seasoned offenders who were involved in larger, organized networks of criminals, such as prostitution and human trafficking rings.

Technologies are facilitating the online sexual exploitation of children, including the live streaming of sexual abuse of children using web cameras or cellphones, often for profit.<sup>265</sup> Mobile devices also provide new and evolving means by which offenders sexually abuse children as apps are being used to target, recruit, and coerce children to engage in sexual activity.<sup>266</sup> The offender then connects via the internet with a paying client who often specifically requests a child. The child is further victimized through commercial sexual exploitation and abuse and the live streaming of commercial sex acts.<sup>267</sup> Perpetrators can pay to direct the sexual abuse of children from anywhere in the world while the abuse takes place in private homes, internet cafes, or “cyber dens” in or near the child’s community.<sup>268</sup> Disturbingly, closed and highly protected online communities dedicated to the sexual abuse of children have proliferated.<sup>269</sup>

Internet accessibility has made it easier to produce and sell child pornography as the internet provides pornography producers quick and easy access to large and diverse audiences. Due to the ease of taking and sharing digital photography, it is not surprising that CSEC offenders use the technology to facilitate their crimes. Undercover agents have even discovered parents using the internet to sell sexual access to their children.<sup>270</sup> The high-profile, online pornography market makes the internet an easy place to advertise escort services and massage parlors that promote prostitution and to market adolescent girls alongside adults.<sup>271</sup> Important to note is that youths who are engaged in prostitution on their own may use the internet to advertise their services and find clients.<sup>272</sup>

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<sup>264</sup> *Id.*

<sup>265</sup> ONLINE SEXUAL EXPLOITATION OF CHILDREN: AN ALARMING TREND. Available at: <https://2017-2021.state.gov/online-sexual-exploitation-of-children-an-alarming-trend/>

<sup>266</sup> *Id.*

<sup>267</sup> *Id.*

<sup>268</sup> *Id.*

<sup>269</sup> *Id.*

<sup>270</sup> Eichenwald, K. 2005. Through the webcam, a boy joins a sordid online world. *New York Times*, p. A-11.

<sup>271</sup> *Id.*

<sup>272</sup> Wolak, J., Finkelhor, D., and Mitchell, K.J. 2009a. *Law Enforcement Responses to Online Child Sexual Exploitation Crimes: The National Juvenile Online Victimization Study, 2000 & 2006*. Durham, NH: Crimes against Children Research Center, University of New Hampshire. Available at

In Florida, several initiatives have been implemented to address the internet's role in CSEC. In 2022, Attorney General Ashley Moody called on Apple and Google to take immediate action and correct the application store age ratings of TikTok by the end of that year. Attorney General Ashley Moody said, "While our investigation into TikTok continues, it is important that action is taken now to better protect children from harmful content they might encounter on this China-owned social media platform. If TikTok is not banned outright, app stores should at the very least increase the age rating on the TikTok app to ensure parents know that this social media platform is not appropriate for users under the age of 17."<sup>273</sup> Her call to action stems from the current ratings of 'T' for 'Teen' in the Google Play App store and '12+' in Apple's App store, inadequately characterize the objectionable content children are exposed to on TikTok. Similarly, though TikTok have a 'restricted mode' available, many users under the age of 13 lie about age to create a profile on the platform to gain access.

The TikTok app contains frequent and extreme sexual content, mature and suggestive themes with hundreds of thousands of hashtags related to these topics, with each search returning thousands of videos in the following categories. TikTok not only allows users to find this type of harmful content, it also auto-populates such content for users through its search function and fills users' 'For You' page with dangerous recommended content from strangers. These actions create a forum for pimps and traffickers to broadcast content to minors and target minors thereby engaging them in CSEC.

Additionally, Governor Ron DeSantis signed HB 3, which prohibits children under the age of 14 from becoming social media account holders and allows 14 and 15-year-olds to become account holders with parental consent.<sup>274</sup> This bill prevents a minor who is younger than 14 years of age from becoming a social media account holder, empowers parents to decide whether 14 and 15-year-olds can have a social media account, protects the ability of Floridians to remain anonymous online.<sup>275</sup> In addition to protecting children from the dangers of social media, HB 3

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[http://unh.edu/ccrc/pdf/LE\\_Bulletin\\_final\\_Dec\\_09.pdf](http://unh.edu/ccrc/pdf/LE_Bulletin_final_Dec_09.pdf)

<sup>273</sup> AG Moody Calls Correction of TikTok Age Ratings. Available at:

<https://www.myfloridalegal.com/newsrelease/ag-moody-calls-correction-tiktok-age-ratings>

<sup>274</sup> Governor DeSantis Signs Legislation to Protect and Uphold Parental Rights. *March 25, 2024*. Available at:

<https://www.flgov.com/2024/03/25/governor-desantis-signs-legislation-to-protect-children-and-uphold-parental-rights/>. *See also*, Florida passes law restricting teen social media access. *March 26, 2024*. Available at:

<https://www.dw.com/en/florida-passes-law-restricting-teen-social-media-access/a-68664332>

<sup>275</sup> *See*, Florida HB 3 (2024) Legislation.

requires pornographic or sexually explicit websites to use age verification to prevent minors from accessing sites that are inappropriate for children.<sup>276</sup> Last year, DeSantis announced his proposal for a “digital bill of rights” that would ban its use on government-issued devices and block access to the platform on internet services provided by public schools, universities, and government offices.<sup>277</sup> DeSantis also signed another TikTok ban, approving HB 379 on May 9, 2023 to prohibit students and teachers from using TikTok on district-owned devices in public schools, as well as block anyone from using the app as a means of promoting school activities.<sup>278</sup>

Many oppose the new law, among them giant tech companies like Meta, say it not only violates free speech rights, but it also strips away parental authority, something DeSantis and fellow Republicans claim to champion. Democratic Representative Anna Eskamani stated that, “This bill goes too far in taking away parents’ rights. Instead of banning social media access, it would be better to ensure improved parental oversight tools and improved access to data to stop bad actors — alongside major investments in Florida’s mental health systems and programs.”<sup>279</sup>

The internet’s involvement in CSEC can be seen in case law through Florida. For example, in *U.S.A. v. Ellis* the District Court sentenced Arin Caleb Ellis (27, Jacksonville) to 35 years in federal prison for producing and distributing videos depicting children being sexually abused.<sup>280</sup> Ellis was also ordered to serve a lifetime term of supervised release and to register as a sex offender. Ellis was arrested on August 29, 2022, and on February 28, 2024, Ellis pleaded guilty to persuading and coercing a child to engage in producing visual depictions of sexually explicit conduct and to distributing a video depicting a child being sexually abused.

According to court documents, from January 2018 through August 29, 2022, Ellis was an active member of several online groups on social media applications (apps) dedicated to the sexual exploitation of children and the sharing of child sexual abuse

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<sup>276</sup> *Supra* note 275.

<sup>277</sup> Samantha Neely, *TikTok ban bill: See how all Florida members of the House voted on fate of social media app*. March 13, 2024. Available at: <https://www.tallahassee.com/story/news/2024/03/13/tiktok-banned-bill-florida-house-of-representatives-voted/72955617007/>

<sup>278</sup> *Id.*

<sup>279</sup> See, Florida passes law restricting teen social media access. March 26, 2024. Available at: <https://www.dw.com/en/florida-passes-law-restricting-teen-social-media-access/a-68664332>

<sup>280</sup> *U.S.A. v. Ellis*, No. 3:22-cr-00116-TJC-LLL (M.D. Fla. 2022).

materials. Ellis and other members of these groups conspired and worked together to locate and sexually exploit minors across a variety of online social media platforms. During online text conversations, Ellis and other members discussed and strategized on how to pressure and coerce targeted children into producing sexually explicit photos and videos and engaging in sexually explicit conduct live on social media apps. Ellis and the other members also exchanged information about the identity of children who had an online presence, such as the minors' names, ages, locations, and online user identifiers. Ellis told other group members that he preferred targeting female children who were 8 to 11 years old. Posing as minor children, Ellis and the other members persuaded and coerced the targeted children to engage in sexually explicit conduct and to live-stream the conduct that Ellis and his co-conspirators would covertly record. When Ellis and the other members obtained the sexually explicit recordings, they shared these materials through online group chats and other cloud-based file storage apps and websites.

Ellis developed and used certain recording tools to capture live-streaming content over the internet that depicted the targeted children engaging in sexual acts. These tools allowed Ellis to simultaneously record multiple streaming video feeds from different children, and he shared these tools with other members for their use. Ellis used a variety of social media apps to communicate with the targeted minors across the United States and portrayed himself as a 10 or 11-year-old female child named "nova" from Florida. Ellis initially sent the targeted child sexually explicit photos and videos depicting an actual minor female that he was pretending to be and asked the child to be his "girlfriend." After gaining some measure of trust, he then asked the child to send him sexually explicit photos and videos and recorded the child as she live-streamed sexually explicit conduct at his direction. Ellis also threatened some of the targeted children who refused to provide him with sexually explicit materials.

Ellis and the other group members also collaborated to hack into baby monitors, "nanny" cameras, and other internet-enabled cameras within private residences. The co-conspirators periodically provided Ellis with internal protocol addresses, which he developed his own computer code to remotely hack into these devices, allowing him to capture streaming video from compromised baby monitors. On August 29, 2022, law enforcement executed a federal search warrant at Ellis' residence and seized his computers and electronic devices, several of which were encrypted. Forensic examination of one of Ellis' cellphones revealed that he used a particular online app to send two videos of child sexual abuse to a co-conspirator just hours before FBI agents arrived at his residence. In total, the FBI recovered at least

1,700 photos and 700 videos depicting children engaging in sexually explicit conduct that Ellis maintained on his electronic devices and in his online social media accounts. Many of these materials depict young children, some as young as 6 years old.

Another case of the internet and an electronic devices involvement is *Mattos v. State*.<sup>281</sup> In *Mattos*, the victim was a fifteen-year-old girl. Christopher Proby used the victim's phone to text and set up prostitution dates for the victim. The appellant was one of the individuals with whom Proby set the victim up for a "date." Forty-nine messages in total were sent between the victim and appellant and text messages showed that appellant contacted whom he believed to be the victim about performing various sex acts on two different days. On the first day appellant texted, appellant picked her up and drove her to a parking lot. Appellant parked his pickup truck in a deserted area. Appellant then digitally penetrated<sup>282</sup> the victim's vagina and afterwards gave her money. Appellant dropped the victim back off in the general area of Proby's car and the victim gave Proby the money that appellant gave her. About two weeks later, appellant and the victim had contact again. The appellant's text messages included two photographs of himself, and the victim sent four photos of herself. The phone also showed a four-minute phone call between the victim's phone and appellant's phone.

I raised these cases to show that social media has not done enough to protect children against sex trafficking and CSEC, notwithstanding that social media platform has vowed to do so. For example, less than a month after taking control of X, Elon Musk said addressing child sexual exploitation content on the social media platform was number one priority. However, there is little evidence that the company is taking more aggressive action under his management or putting more resources toward the platform's long-running problem with child sexual exploitation content, according to interviews with four former employees, one current employee, internal company records and interviews with people who work to stop child abuse content online.<sup>283</sup> Meanwhile, Musk has turned the topic of online safety into part of a larger

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<sup>281</sup> *Mattos v State*, 359 So. 3d 794 (Fla. 4th DCA 2023).

<sup>282</sup> Digital penetration refers to the use of the digits, that is, the fingers, the thumbs or the toes to sexually penetrate the vagina or anus of a person.

<sup>283</sup> David Ingram, Lora Koldny, Brandy Zadrozny, "Elon Musk says he can stop child exploitation on Twitter. So far, he's axed jobs and pushed out watchdogs." Dec. 13, 2022. Available at: <https://www.nbcnews.com/tech/tech-news/elon-musk-says-can-stop-child-exploitation-twitter-far-s-axed-jobs-pus-rcna61233>. See also, "An update on our work to tackle Child Sexual Exploitation on X." January 31, 2024. Available at: [https://blog.x.com/en\\_us/topics/company/2023/an-update-on-our-work-to-tackle-child-sexual-exploitation-on-x](https://blog.x.com/en_us/topics/company/2023/an-update-on-our-work-to-tackle-child-sexual-exploitation-on-x)

effort to disparage X's previous leaders and portray his ownership of the company as part of a sociopolitical battle against "the woke mind virus," as he calls center-left to far-left ideals. That shift comes as he has further embraced the kind of far-right online rhetoric that often also includes false claims of child sex abuse.<sup>284</sup>

Looking forward, there needs to be on going improvements and regular review on social media and internet policies, specifically addressing the rights of parents and care givers to direct determine the content that all minor has access to. In today's digital age, ensuring the safety of children online has become an increasingly important concern for parents. With the countless apps and websites available, it can be challenging to keep track of what children are accessing and how much time they are spending on screens. In an increasingly digitized world, the protection of minors online is a central concern for regulators and businesses alike. Legislation governing access to adult-only content or services must be rigorously enforced to ensure a safe and appropriate online environment. These regulations require companies to implement robust age verification mechanisms restricting access to certain sites to adults is based on the overriding need to protect children and teenagers from inappropriate content and potentially dangerous online situations.

There needs to be a strong enforcement of legislation giving parents more control of apps on children's phones. Parental control apps have emerged as indispensable tools, providing guardians with the ability to monitor and control their children's online experiences. These apps serve as essential tools, offering an array of features that enable parents to establish time limits and restrict access to specific apps or websites. This sophisticated level of control empowers parents to guide their child's interaction with devices and online content. These limits facilitate the allocation of time for essential tasks like homework, chores, and recreational screen time, promoting a well-rounded lifestyle.<sup>285</sup> But if the laws are meant to have any teeth, an adult would have to prove not only that they approve of a minor's use of social media, but that they are a parent or guardian of the child.<sup>286</sup> There is no obvious system for doing this currently in place on social media, nor is there one that would not be onerous to a parent. Therefore, government must intervene to eliminate cases of CSEC

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<sup>284</sup> *Id.*

<sup>285</sup> Jason Kelley, "The Law Should Not Require Parental Consent for All Minors to Access Social Media." May 12, 2023. Available at: <https://www.eff.org/deeplinks/2023/05/law-should-not-require-parental-consent-all-minors-access-social-media>

<sup>286</sup> *Id.*

that are caused by the internet and devices.

The Supreme Court has repeatedly recognized that states and Congress cannot use concerns about children to ban them from expressing themselves or accessing information. Most recently in *Brown v. EMA*<sup>287</sup> the Court ruled that while the State might have “the power to enforce parental prohibitions—to require, for example, that the promoters of a rock concert exclude those minors whose parents have advised the promoters that their children are forbidden to attend, . . . it does not follow that the state has the power to prevent children from hearing or saying anything without their parents' prior consent.” In other words, although states and Congress can give parents tools to help, the state cannot substitute itself for parents and prohibit all minors from engaging in First Amendment activity.<sup>288</sup> Notwithstanding these concerns it is likely that in the future legislations will be crafted to address concerns because the internet plays a huge role in giving traffickers, pimps and other predators the platform to target children.

### **B. Health Care and Commercial Sector**

The health care response to CSE and sex trafficking of minors in the United States and research on specific health care practices are considerably underdeveloped compared with work in other health domains which makes it difficult to assess the strengths and limitations of current practices. However, certain themes and current practices emerged from those sources that warrant discussion and further examination.<sup>289</sup> Mandatory reporting of CSE and sex trafficking of minors is complicated and presents several challenges. For providers who are mandatory reporters of child maltreatment, the added complexities of commercial sexual exploitation and sex trafficking of minors can present unique challenges to victim identification and referral for services.<sup>290</sup> In addition, no rigorous, evidence-based studies examining the most effective policies for helping health care providers identify and assist victims of commercial sexual exploitation and sex trafficking of minors are currently available.<sup>291</sup> In contrast with intimate partner violence, few health care settings have established screening practices, policies, and

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<sup>287</sup> *Brown v. EMA*, 564 U.S. 786, 795 (2011).

<sup>288</sup> *Supra* note 285.

<sup>289</sup> *See generally*, National Research Council. 2013. *Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States*.

Washington, DC: The National Academies Press. Available at:

<https://doi.org/10.17226/18358>.

<sup>290</sup> *Id.*

<sup>291</sup> *Id.*

protocols related to CSE and sex trafficking of minors.<sup>292</sup>

However, screening may compound the issue as screening for any health condition or behavior presents challenges to health care providers. For example, engaging in broader and better identification of CSE and sex trafficking of minors entails the risk that identification of victims and survivors will outpace the availability of services to assist them. But this challenge is not unique to CSE and sex trafficking of minors as similar challenges exist in screening for depression, substance abuse, and cancer. Thus, training programs for health care providers and other professionals responsible for assessing children and adolescents for risk of or current exploitation need to include guidance on developing plans for referrals and treatment to properly address the situation. The need for education and training of health care providers on the topic of CSE and sex trafficking of minors has been identified as a barrier faced by these professionals in identifying and providing services to victims.<sup>293</sup> Health care providers not only need to be aware of the issue of CSE and sex trafficking of minors but also need to have the knowledge and skills necessary to provide care to victims. They also need to understand the stereotypes and misperceptions surrounding CSE and sex trafficking of minors before being able to assist victims effectively.<sup>294</sup>

The Commercial Sector, also referred to as the private sector, is that portion of a country's economy that includes most for-profit companies and industries. Commercial-sector companies have the capacity both to facilitate CSE and sex trafficking of minors and to be involved in solutions. Traffickers and other exploiters of children often rely on internet transactions, transportation, hotels, and other goods and services provided by the private sector.<sup>295</sup> More broadly, minors frequently are portrayed as objects of sexual desire in the commercial media, which may reflect or contribute to tolerance of sexual

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<sup>292</sup> *Id.*

<sup>293</sup> See generally, Clawson, H. J., and L. Goldblatt Grace. 2007. *Finding a path to recovery: Residential facilities for minor victims of domestic sex trafficking*. Washington, DC: U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation; Fong, R., and J. Berger Cardoso. 2010. Child human trafficking victims: Challenges for the child welfare system. *Evaluation and Program Planning* 33(3):311-316.

<sup>294</sup> See generally, Clawson, H. J., and N. Dutch. 2008b. *Identifying victims of human trafficking: Inherent challenges and promising strategies from the field*. Washington, DC: U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation.

<sup>295</sup> See generally, National Research Council. 2013. *Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States*. Washington, DC: The National Academies Press. Available at: <https://doi.org/10.17226/18358>.



exploitation.<sup>296</sup> For example, businesses that are actively involved in these crimes may allow or provide structures for their occurrence. Examples include hotels or motels that accept cash for rooms and fail to check identification and taxi drivers who receive a fee for driving victims to hotels or other locations, the internet, especially sites that provide a forum for the posting of advertisements for escorts and other sex work, can facilitate CSE and sex trafficking of minors by relocating victims from the street to private spaces, thereby reducing risk for exploiters, banks and other financial service providers, landlords, airlines, railroads, and bus lines, may be used by an exploiter without their direct knowledge or detection.<sup>297</sup> These entities can play a critical role in employing policies that specifically target CSEC and trafficking of minors that supports public awareness and the work of human rights organizations that have pressured the commercial sector to adopt more responsible business practices.<sup>298</sup> A starting point would be for local legislations that require companies that sign the Code agree to take six steps: (1) establish an ethical policy regarding CSEC; (2) train personnel about CSEC; (3) introduce a clause in contracts with suppliers that states a common repudiation of CSEC; (4) provide information to travelers about CSEC through, for example, brochures, films, or websites; (5) provide relevant information to key people in tourist destinations; and (6) report annually to state departments charged with addressing CSE and child trafficking.<sup>299</sup>

### ***C. United States Ratifying the Convention on the Rights of the Children that will Impact Local Laws***

There is a lack of accurate data on trafficking trends, victims profiles, and perpetrator tactics that is essential for understanding the scope of the problem. To address this concern requires that there is an implementation of programs that will be evaluated to assess the fruitfulness of measures that are implemented to address trafficking and CSEC. Evaluating the effectiveness of anti-trafficking programs is essential to ensure that resources are being used efficiently and that strategies are achieving desired outcomes. This requires strengthening international conventions to build on commitments to combat trafficking and ensure consistent enforcement of international standards. A starting point to address these concerns would be if

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<sup>296</sup> *Id.*

<sup>297</sup> *Id.*

<sup>298</sup> Interfaith Center on Corporate Responsibility. 2011. *Human trafficking investor statement. Press release. June 27, 2011.* Available at: [http://www.iccr.org/news/press\\_releases/2011/062711HTInvestorStatement.pdf](http://www.iccr.org/news/press_releases/2011/062711HTInvestorStatement.pdf)

<sup>299</sup> *See generally*, ECPAT (End Child Prostitution and Trafficking) International. 2012. *The Code.* Available at: <http://www.thecode.org>

the United States ratify the Convention on the Rights of the Child (CRC).

In 1989, the United Nations made a shift in the right direction by adopting the landmark CRC. This vital treaty is the first legally binding international agreement that comprehensively addresses the civil, political, economic, social, and cultural rights of children. The Convention outlines the fundamental rights and freedoms that must be granted to every child, regardless of their race, religion, abilities, or any other status.<sup>300</sup> CRC is the most rapidly ratified human rights treaty in history with more countries have ratified the Convention than any other human rights treaty in history – 196 countries have become State Parties to the Convention as of October 2015.<sup>301</sup> The United States of America has not ratified the Convention. By signing the Convention, the United States has signaled its intention to ratify but has yet to do so.

CRC implemented a Committee on the Rights of Child an elected body of independent experts that monitors the Convention's implementation, requires governments that have ratified the Convention to submit regular reports on the status of children's rights in their countries.<sup>302</sup> The Committee reviews these reports and makes recommendations to States. Through its reviews of country reports, the Committee urges all levels of government to use the Convention as a guide in policymaking and implementation, including having a national plan for children, monitoring how much of the budget is spent on children, conducting regular impact assessments throughout every government department using reliable data about children's lives, and having an independent children's ombudsman.<sup>303</sup>

In its reviews, the Committee provides implementation and improvement recommendations to each individual State, which it will review the next time the country is examined. It urges all levels of government to use the Convention as a guide in policy-

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<sup>300</sup> These include: 1. Right to live with a Family 2. Right to Healthcare and Nutrition 3. Right to a Quality Education 4. Right To Guidance from a Caring Adult 5. Right to Be Prepared for Active Citizenship 6. Right to Live in Dignity and Freedom 7. Right to a Stable, Loving, and Nurturing Environment 8. Right to Clean Water and Electric Power 9. Right to Equal Opportunities 10. Right to Participate in Decisions that Affect Them 11. Right to Be Protected from Abuse and Neglect and 12. Right to Spiritual Development.

<sup>301</sup> UNICEF, Frequently asked questions on the Convention on the Rights of the Child. Available at: <https://www.unicef.org/child-rights-convention/frequently-asked-questions#:~:text=Only%20the%20United%20States%20of,has%20yet%20to%20do%20so>

<sup>302</sup> *Id.*

<sup>303</sup> *Id.*

making and legislation, to: develop a comprehensive national agenda; develop permanent bodies or mechanisms to promote coordination, monitoring and evaluation of activities throughout all sectors of government; ensure that all legislation is fully compatible with the Convention and, incorporating the provisions into domestic law or ensuring that they take precedence in cases of conflict with national legislation; make children visible in policy development processes throughout government by introducing child impact assessments; analyze government spending to determine the portion of public funds spent on children and to ensure that these resources are being used effectively; ensure that sufficient data are collected and used to improve the situation of all children in each jurisdiction; raise awareness and disseminate information on the Convention and the Optional Protocols by providing training to all those involved in government policy-making and working with or for children; involve civil society – including children themselves – in the process of implementing and raising awareness of child rights; and set up independent national offices – ombudspersons, commissions, focal points within national human rights institutions, or other institutions – to promote and protect children’s rights.<sup>304</sup>

Supporters of CRC contend that it has enhanced children’s rights in several countries that have ratified the Convention. Human Rights Watch, for example, reports that many countries have used CRC as a basis for enhancing existing legislation and improving children’s rights.<sup>305</sup> Similarly, a 2004 U.N. Children’s Fund (UNICEF) review of 62 States Parties to CRC found that more than half of the countries studied had incorporated Convention provisions into their domestic laws, and nearly one-third of the countries had incorporated provisions into their national constitutions.<sup>306</sup> UNICEF also reports that CRC played a role in establishing over 60 independent human rights institutions for children in 38 countries.<sup>307</sup> Ultimately, however, supporters generally acknowledge that while progress has been made, many countries still have a long way to go in implementing the Convention. The 2004 UNICEF review, for instance, found that while high-level political commitment to CRC is essential to

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<sup>304</sup> UNICEF, *Implementing and monitoring the Convention on the Rights of the Child*. Available at: <https://www.unicef.org/child-rights-convention/implementing-monitoring>

<sup>305</sup> See, *Promises Broken: An Assessment of Children’s Rights on the 10th Anniversary of the Convention on the Rights of the Child*, Human Rights Watch, November 1999. See also, “25th Anniversary of the Convention on the Rights of the Child: Questions and Answers,” Human Rights Watch, November 17, 2014.

<sup>306</sup> UNICEF press release, “Despite Progress, Children’s Rights Far from Universal,” November 20, 2004.

<sup>307</sup> *Id.*

developing new laws to protect children’s rights, social change will occur only when high-level commitment is matched by “effective law enforcement, allocation of adequate resources and the engagement of all levels of society.”<sup>308</sup>

Similarly, CRC supporters hold that ratification of the Convention would strengthen U.S. credibility abroad and give the United States additional fora in which to pursue the advancement of children’s rights and opportunity to influence international laws and standards in children’s rights. Specifically, they argue that U.S. non-ratification leads foreign governments to question the sincerity of the United States in addressing children’s rights, thereby hindering the ability of U.S. diplomats to advocate child rights in countries with poor human rights records.<sup>309</sup> They contend that many countries view the United States as hypocritical because it expects other countries to comply with international standards that it does not itself follow.<sup>310</sup> Surely, if the federal government ratify the convention, there will be changes to local legislations and policies that will translate to more attention to sex trafficking and CSE among children in Florida.

## **5. APPRAISAL AND RECOMMENDATION**

### ***Appraisal***

We often hear the saying that ‘our children are the future’, therefore it is societies duty to protect our children, and we must ensure that all children flourish and are protected by all means necessary. Trafficking in human beings is a problem that needs to be solved urgently and requires the joint efforts of scientists, medical experts, lawyers, and decision makers.<sup>311</sup> Sex trafficking occurs among all socioeconomic classes, races, ethnicities, and gender identities in urban, suburban, rural communities, and on land-based nations and other tribal communities across the

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<sup>308</sup> See generally, UNICEF press release, “Experts Discuss the Impact of CRC,” November 20, 2007.

<sup>309</sup> See, U.S. Congress. Senate. Committee on Foreign Relations. International Human Rights Treaties. Hearings, 96th Congress, 1st session. November 14-16, 19, 1979. Washington, U.S. Government Printing Office, 1979, pp. 19-20.

<sup>310</sup> The United States has called for countries to comply with CRC in U.N. fora even though it is not itself a party to the treaty. For example, in a November 2006 statement to the U.N. General Assembly, a U.S. representative stated, “The Government of Sudan, which is a party to the Convention on the Rights of the Child and the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, must accept responsibility for the widespread problem of recruitment and use of child soldiers and take immediate steps to halt these practices.” U.S. Mission to the United Nations Press Release #368(06), November 28, 2006.

<sup>311</sup> Wiessner, Siegfried, “Doctors of the Social Order: Introduction to the New Haven Methodology” (2014). Available at: [https://scholarship.stu.edu/faculty\\_book\\_chapters/28](https://scholarship.stu.edu/faculty_book_chapters/28).

U.S.<sup>312</sup> However, some youths are at heightened risk due to a complex interplay of societal, community, relationship, and individual factors.

Societal factors include sexualization of children, gender-based violence, strict gender roles, homophobia and transphobia, tolerance of the marginalization of others, lack of awareness of child trafficking, lack of resources for exploited youth, social injustice, structural racism, and tolerance of community and relationship violence.<sup>313</sup> Community factors include under-resourced schools and neighborhoods, community violence, community social norms, gang presence, commercial sex in the area, transient male populations in the area, poverty and lack of employment opportunities.<sup>314</sup> Relationship factors include the relationships between friends or family involved in commercial sex, family dysfunction, intimate partner violence, caregiver loss or separation, lack of awareness of child trafficking, poverty, and unemployment.<sup>315</sup> Individual factors include abuse and neglect, systems involvement (child protection, juvenile justice), homeless/runaway, LGBTQ identity, intellectual and/or developmental disability, truancy, unmonitored/risky internet and social media use, behavioral or mental health concerns, substance use, unaccompanied migration status.<sup>316</sup>

Pimps exploit these factors and oftentimes turn children into victims of human trafficking and commercial sexual exploitation. Florida has done a fair job at providing resources to address human trafficking and commercial sexual exploitation of children. However, much more needs to be done to protect children. At the state level, Florida through the DCF, Attorney General and State Attorneys have collaborated with numerous other local government entities, private entities and NGOs to implement policies and spread awareness on human trafficking and CSE among children. The 11th circuit has done a phenomenal job in creating G.R.A.C.E Court to address Trafficking and CSE. This court ensures that children are given the resources they need to live their best lives, prevent them from becoming repeat victims and be productive members of society. However, other circuits need to embrace the model of G.R.A.C.E. Court and implement similar courts within their circuit to address the specific need of child trafficking and CSE. Similarly, Florida is the first in the

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<sup>312</sup> See, Child Sex Trafficking: Who Is Vulnerable to Being Trafficked?

Available at:

[https://www.nctsn.org/sites/default/files/resources/factsheet/child\\_sex\\_trafficking\\_who\\_is\\_vulnerable\\_to\\_being\\_trafficked.pdf](https://www.nctsn.org/sites/default/files/resources/factsheet/child_sex_trafficking_who_is_vulnerable_to_being_trafficked.pdf)

<sup>313</sup> *Id.*

<sup>314</sup> *Id.*

<sup>315</sup> *Id.*

<sup>316</sup> *Id.*

nation to implement a law that teaches children through K-12. This is important because it ensures that children are afforded the opportunity to be familiar with signs that pimps and other traffickers may use to lure them into being a victim of these horrendous actions against children.

While much work has been done to address this concern a lot more can be done to ensure that children are not victims of trafficking and CSE. I believe that this begins with Florida taking a different approach. This approach focuses on prevention rather than providing resources to empower children after they have been victims of trafficking or CSE. This approach requires that the state implement initiatives that brings awareness to all walks of life, partner with religious organizations to spread the message in the religious community, demystify and break barriers on the myths surrounding trafficking and CSE, implement legislations that address the internet and mobile devices involvement to trafficking and CSE, implement initiatives where parents and relatives are taught on the severity that trafficking and CSE can have upon children who are victims, create a safe space where individuals will feel safe to report cases of trafficking and CSE, prioritize human trafficking and CSE and make the public be aware of reports that are specific to trafficking and CSE.

Every child deserves to flourish. Flourishing for children includes these areas of physiological, emotional, psychological, and social health. Flourishing includes an emphasis on the sociomoral aspects of development, such as strengths in empathy and cooperation. In other words, flourishing is conceptualized with an emphasis on the moral domain, such that it includes considering how actions affect others, considering the wellbeing of others, and including the community when making decisions and selecting actions.<sup>317</sup> Therefore, decisions and actions need to be remodeled and revisited to ensure that every child in Florida has the space to flourish.

### ***Recommendations***

To address human trafficking and CSE, Florida should adopt the following measures:

1. Collaborate with the Department of Justice, the Department of Health and Human Services, and the Department of Education, working with other partners, to increase awareness of commercial sexual exploitation and

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<sup>317</sup> Gleason, T., & Narvaez, D. (2014). Child environments and flourishing. In D. Narvaez, K. Valentino, A. Fuentes, J., McKenna, & P. Gray, (Eds.), *Ancestral Landscapes in Human Evolution: Culture, Childrearing and Social Wellbeing*. New York: Oxford University Press.

sex trafficking of minors by supporting the development, implementation, and evaluation of national, regional, state, and local evidence-informed training for professionals and other individuals who routinely interact with children and adolescents; national, regional, state, and local public awareness campaigns; and specific strategies for raising awareness among children and adolescents. All training activities and public awareness campaigns should be carefully designed to engage the public and service providers to act on the behalf of victims and survivors without doing further harm.

2. Ensure that all laws and policies are developed to redirect young victims and survivors of CSE and sex trafficking from arrest and prosecution as criminals or adjudication as delinquents to systems, agencies, and services that are equipped to meet their needs. Such laws should apply to all children and adolescents under age 18.
3. Ensure all state, local, tribal, and territorial jurisdictions should review, strengthen, and implement laws that hold exploiters, traffickers, and solicitors accountable for their role in commercial sexual exploitation and sex trafficking of minors. These laws should include a particular emphasis on deterring demand and harsh penalties for offenders and accomplices.
4. Collaborate with the Department of Justice, the Department of Health and Human Services, and the Department of Education to implement a national research agenda focused on advancing knowledge and understanding of CSEC and sex trafficking of minors in the United States; developing effective, child and adolescent-centered, multisector interventions designed to prevent children and adolescents from becoming victims or exploiters and to assist those who have been exploited; and developing strategies and methodologies for evaluating the effectiveness of prevention and intervention laws, policies, and programs.
5. Collaborate with the Coordinating Council on Juvenile Justice and Delinquency Prevention, and nongovernmental entities, to develop guidelines on and provide technical assistance to support multisector collaboration and information sharing.
6. Ensure that the Department of Children and Families continue efforts to expand safe houses, enhance placement capacity and implement measures to ensure that all children who are victims have access to resources that prevent continued abuse. This includes providing intensive transition planning for youth exiting out of secure placements or geographically remote residential programs.

7. Develop and deliver training for law enforcement officials and other stakeholders to detect human trafficking and CSEC. Developing and delivering training for law enforcement officials to identify human trafficking is critical to detecting and disrupting human trafficking networks nationwide. Professionals serving high-risk populations such as runaway and homeless youth and victims of violence against women, as well as personnel in state, local, and territorial juvenile justice systems and in adult and child welfare systems, should also receive training to identify human trafficking given significant intersections among child maltreatment, juvenile justice, and human trafficking.<sup>318</sup>
8. Publish research findings on identifying human trafficking victims and CSEC. Federal and State information should be to publish continuously with emphasis on research findings on identifying victims of trafficking among children and youth involved in the juvenile justice, homeless, runaway, and child welfare systems.
9. Train, train, train and train some more. Widespread training of the public, child welfare staff, probation officers, medical providers, caregivers, community members, and many others to grow awareness about CSE across the state and the country. Targeted information helps increase the public's understanding of the risks and vulnerabilities to human trafficking, and the strategies of pimps and other individuals who are part and parcel to trafficking and CSEC.
10. Increase access to public awareness materials focused on victim identification, including by displaying those materials in priority locations.
11. Provide immigration protections to ensure eligible victims are not removed and increase victim assistance personnel. Ensure that T Visas are available to encourage that children and others will report cases of trafficking and CSEC without fear of deportation.
12. Engage relevant stakeholders, including state, local, tribal and territorial law enforcement and survivors and survivor organizations, to strengthen their prosecutions related to child sex trafficking.
13. Eliminate discrimination against LGBTQIA+ children to stop putting them at high risk of trafficking or CSEC. Scaling back protections causes further marginalization and increases vulnerability to exploitation and abuse. The State must ensure that funded services and programs do

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<sup>318</sup> National Action Plan Priority Action 2.1.3 prescribes regular training of federal law enforcement and service provider agencies on identifying human trafficking.



not allow discrimination and that providers are encouraged to provide LGBTQIA+ specific services.<sup>319</sup>

14. Ensuring judicial cooperation between States in investigations and judicial processes relating to trafficking and related offences, through common prosecution methodologies and joint investigations. This cooperation should include assistance in identifying and interviewing witnesses with due regard for their safety; identifying, obtaining and preserving evidence; producing and serving the legal documents necessary to secure evidence and witnesses; and the enforcement of judgements.<sup>320</sup>

Once again, I urge all stakeholders to be engage in the fight against sex trafficking and CSE against children. Children are indeed the future, and we must take charge to ensure that we empower children to flourish and live lives compatible with a normal upbringing.

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<sup>319</sup> See Human Trafficking Policy Recommendations for Immediate Action From the Biden-Harris Administration December 17, 2020. Available at: <https://freedomnetworkusa.org/app/uploads/2020/12/FNUSATransitionMemoBiden17Dec2020.pdf>. See also, Opportunities to End Homelessness and Achieve Housing Justice in a Biden Administration, National Low Income Housing Coalition, November 8, 2020, p 20-21. Available at: [https://nlihc.org/sites/default/files/NLIHC\\_Biden-TransitionMemo.pdf](https://nlihc.org/sites/default/files/NLIHC_Biden-TransitionMemo.pdf).

<sup>320</sup> OHCHR, Recommended Principles and Guidelines on Human Rights and Human Trafficking. Available at: <https://www.ohchr.org/sites/default/files/Documents/Publications/Traffickingen.pdf>