



## **Human Sex Trafficking in Minnesota September 22, 2008**

### **Statement of Robin Phillips**

My name is Robin Phillips. I am the executive director of The Advocates for Human Rights, an international human rights organization based in Minnesota. We have provided more detailed information about the organization in your press packets.

We are here today to announce the release of our needs assessment report on human sex trafficking in Minnesota. We prepared this report at the request of the State of Minnesota Human Trafficking Task Force pursuant to its mandate from the Commissioner of Public Safety. I would like to acknowledge the authors of this report who spent hundreds, and some cases thousands, of hours over the past year and a half to prepare this report: Angela Bortel, Mary Ellingen, Mary Ellison and Cheryl Thomas. Many others contributed to this report; they are listed in the acknowledgments.

Before we begin to discuss the findings, it is important to note that the issue of human sex trafficking is extremely complex. A needs assessment, by definition, is designed to identify the areas where the system has failed victims so that these failures can be addressed and future human rights violations prevented. We also want to note that Minnesota has long been a leader in developing effective programs to address violence against women that are emulated around the world. Many individuals and agencies in Minnesota are deeply committed to protecting the human rights of the victims of trafficking and holding perpetrators accountable for their crimes. We have included many of these best practices in the report, as well as some from other jurisdictions.

This report focuses on the needs of the victims and the human rights violations that occur when a human being is exploited to further a criminal enterprise in the commercial sex industry. It involves perpetrators, both the sellers of sex and buyers of sex, and victims, those human beings who are bought and sold. The findings of this report are based on interviews with 175 participants throughout the State of Minnesota. Interviewees included judges, prosecutors, public defenders, immigration attorneys, family law attorneys, probation officers, law enforcement officers, immigration officials, healthcare providers, service providers, social services and other stakeholders regarding their knowledge of, and experiences with, trafficked persons.

When we began this research, it immediately became clear that there is not a common understanding of what sex trafficking is in Minnesota. Federal and state laws define sex trafficking differently. Both definitions criminalize the recruiting, enticing, harboring, providing, or obtaining of a person for the purpose of a

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“commercial sex act” (federal law) or for “prostitution” (state law). They differ significantly, however, in that for the purpose of prosecution of traffickers and victim’s qualification for services, federal law requires that traffickers use the means of “force, fraud or coercion” to recruit or maintain an adult in sex trafficking, while Minnesota law does not. Minnesota law recognizes that a person can never consent to being sexually exploited and treats individuals who have been prostituted by others as trafficking victims. Federal law requires an assessment of the level of “consent” of the prostituted person in determining whether the crime of trafficking has occurred.

An assessment of consent shifts the focus to the “guilt” or “innocence” of a trafficked person. Prosecution for sex trafficking then depends on a judgment about the victim rather than the conduct of the trafficker in furthering a criminal enterprise, regardless of the deplorable conditions or exploitative practices employed by the trafficker. These judgments about the victim impact the level of law enforcement intervention and the potential prosecution of traffickers. They also impact the level of services a trafficked person may access.

There are many other misperceptions outlined in our report. They include the common belief sex that trafficking only involves foreign nationals. The truth is that trafficking involves women born in the U.S., women who have become U.S. citizens, and women with many different immigration statuses. Many also believe that sex trafficking requires transportation across state or national borders. Again, under both federal and state law, trafficking does not require a showing of transport. These misconceptions create obstacles to an effective criminal justice system response to the crime of sex trafficking, as well as obstacles to trafficked persons receiving the services and assistance they need.

I would like to introduce my colleague, Cheryl Thomas, the director of our Women’s Human Rights Program, to further discuss the findings of our report.

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### **Statement of Cheryl Thomas**

My name is Cheryl Thomas and I am the director of the Women’s Human Rights Program at The Advocates for Human Rights. I too would like to thank the hundreds of people who were involved in this producing this report, the authors, the interviewees, the volunteer attorneys and researchers and those who supported the report financially, the Jay and Rose Phillips Family Foundation and the State of Minnesota Office of Justice Programs.

I also would like to express our appreciation and respect for the many individuals and organizations, both government and private, who are committed to ending human sex trafficking in Minnesota – and who work toward that goal every day. We were privileged to meet and learn from these people in the process of producing this report. This includes those serving and advocating for prostituted women and children, those serving and advocating for the homeless and people in poverty, both of which are significant risk factors in sex trafficking, law enforcement officials at every level – local, state and federal, faith-based organizations and

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many others. We acknowledge and appreciate the efforts of collaborative groups formed to address sex trafficking – the Gerald D. Vick Human Trafficking Task Force and the Ramsey County Safe Harbors Youth Intervention Project. Consistent with our State’s longstanding and powerful legacy on efforts to end violence against women and girls, Minnesotans have stepped up to condemn sex trafficking and to work together to improve our community response to this brutal human rights violation.

The findings of our report show that we have a huge challenge ahead of us in doing this. These findings show that there is a significant group of people in Minnesota who profit from the sale of human beings for sex, and that there are those who fuel and encourage this sex trade through their own purchase of sex. Our findings show that these transactions in human beings cause devastating and long-lasting harm and suffering to those who are purchased in this way.

I will summarize the specific findings of our report and the recommendations that accompany those findings.

We have found that, as Ms. Phillips stated, there is confusion in the legal definition of sex trafficking in Minnesota and that the confusion results in a less effective response to the problem. We have recommended that the federal definition of sex trafficking be amended to exclude the requirement of force, fraud and coercion – consistent with the Minnesota law. We have also recommended that Minnesota law be changed to include all victims of commercial and sexual exploitation, not just those cases where there is sexual contact or penetration involved. These changes will ease the prosecution of sex trafficking crimes and will facilitate the delivery of services and remedies to all sexually exploited individuals who need them, not just a select few.

The findings of this report show that there is a pervasive lack of awareness throughout the community and across disciplines on how to identify a trafficked person and to appropriately assist and serve them. We have recommended that there be a widespread effort to provide training and awareness on the issue and that the Legislature provide funding for this purpose.

We have found that the services and public benefits for trafficked persons are often inadequate to meet their urgent and specific needs. Our findings show that trafficked persons suffer serious physical and psychological injuries as a result of this crime including brutal physical and sexual assaults. Funding for these services is either inadequate or restricted to trafficked persons who meet certain qualifications. Services needed include case management, housing, healthcare, language services and legal services. We have recommended that there be increased funding to meet these needs and training to ensure that service providers have the expertise to respond effectively in assisting trafficked persons.

Our findings show that, with notable exceptions, sex traffickers and patrons are often not held accountable for sex trafficking and prostitution crimes in Minnesota. We have recommended that prosecution of these offenders be prioritized at all levels of law enforcement – local, state and federal – and that the sentencing guidelines be amended to increase sentences for these crimes.

Our findings show that trafficked persons may be arrested and prosecuted for crimes that occur as a result of being trafficked, such as prostitution, and that this criminal process further harms trafficked persons. We have

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recommended that officials prioritize the protection and assistance of trafficked persons over their arrest and prosecution.

Our findings show that the groundwork has been laid in Minnesota to address human sex trafficking. We appreciate this opportunity to present our report to the community. Now, we would like to answer any questions you may have.

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### **Statement of Danette Buskovick**

The task force would like to thank Advocates for Human Rights for undertaking this difficult and complex task. A lot of work went into completing this report. Their diligence and expertise is appreciated. The task force members will be receiving the final copy of the report tomorrow and Wednesday at the Gerald D. Vick Human Trafficking Conference. This will give members plenty of time to read the report and prepare for our October meeting, in which we will discuss the report and the findings. The will inform the task force's work on recommending a course of action to the Commissioner of Public Safety. Specifically, the task force will be making recommendations to the Commissioner about public awareness, training needs, victim services, and data around human trafficking in Minnesota.

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