

March 15, 2022

Antony J. Blinken  
Secretary of State  
United States Department of State  
2201 C St. NW  
Washington, DC 20520

Re: Response to Request for Information (RFI), Docket No. 2022-02537 Conducting Anti-Trafficking Work Using a Racial Equity Lens

Dear Secretary Blinken:

On behalf of 36 organizations committed to ending human trafficking, protecting and improving the lives of survivors, and advancing policies that promote equity, we appreciate the opportunity to respond to the Department of State's Request for Information on Conducting Anti-Trafficking Work Using a Racial Equity Lens.<sup>1</sup>

Structural racism is inextricably linked to perpetuating exploitation and trafficking of people of color, as is the disproportionate over-policing of victims and survivors of color. As the Department describes in the RFI, racism compounds with other root factors and forms of discrimination to victimize and oppress people of color as well as create barriers to accessing critical supports needed to prevent and survive trafficking.<sup>2</sup>

Each year, an estimated 200,000 to 300,000 minors are at risk of trafficking from and within the United States.<sup>3</sup> Black people make up 40 percent of trafficking victims, and Latinx people make up 24 percent.<sup>4</sup> Indigenous peoples, people of color, immigrants, and people who identify as LGBTQ+ are more likely to experience the risks that make people vulnerable to human trafficking.<sup>5</sup> The COVID-19 pandemic has created circumstances that may increase the risk of trafficking, inhibit identification of those who are trafficked and those who survive trafficking, and make it harder to deliver comprehensive services to support survivors' recovery.<sup>6</sup>

We appreciate the Department's ongoing efforts to engage and collaborate with diverse communities, and we urge the Department's continued partnerships with organizations and advocates that work directly with victims and survivors of trafficking, including the signers of this letter. While human trafficking occurs in myriad ways, we offer the following experiences and observations specific to sexual exploitation, which we hope are instructive.

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<sup>1</sup> Request for Information on Conducting Anti-Trafficking Work Using a Racial Equity Lens, 87 Fed. Reg. 7,231 (Feb. 8, 2022).

<sup>2</sup> "The implementation plan will also highlight the importance of an intersectional approach, as racism often compounds with other forms of discrimination to affect individuals' vulnerability to human trafficking." 87 Fed. Reg. at 7,231.

<sup>3</sup> The U.S. Senate estimates that 200,000 to 300,000 domestic minors are at risk for sexual exploitation each year. A Resolution expressing the sense of the Senate that all necessary measures should be taken to protect children in the United States from human trafficking, especially during the upcoming Super Bowl, an event around which many children are trafficked for sex, S. 340, 113th Cong. § 1 (2014); Improving Outcomes for Youth at Risk for Sex Trafficking Act, S. 1518, 113th Cong. § 2 (2013) ("Recent reports on sex trafficking estimate that hundreds of thousands of children and youth are at risk for domestic sex trafficking.").

<sup>4</sup> Lindsay Durham, *The Role Diversity, Equity & Inclusion Plays in Combatting Human Trafficking*, United Way Blog (February 22, 2022), <https://www.unitedway.org/blog/the-role-diversity-equity-inclusion-plays-in-combatting-human-trafficking#>.

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

<sup>6</sup> Jonathan Todres & Angela Diaz, *COVID-19 and Human Trafficking—the Amplified Impact on Vulnerable Populations*, 2 JAMA Pediatrics 123 (Sept. 21, 2020).

## **Area 1: Federal agencies must demonstrate an understanding of the racial and gender imbalances and dynamics in sex trafficking.**

An anti-trafficking framework that centers racial equity must recognize that both racialized sexual fetishes and racial animus fuel the market in which mostly white men purchase commercial sex with people of color, including minors.<sup>7</sup> Racism and structural oppression trap a disproportionate number of women and girls of color into prostitution and obscure their consent.<sup>8</sup>

The disproportionate representation of women, girls, and LGBTQ+ youth of color among survivors demonstrates a historic lack of focus on the impacts of racism on trafficking in prevention and enforcement efforts. This is evident in cities, counties, and states across the country. In King County, Washington, 52 percent of all child sex trafficking victims are Black, and 84 percent of youth victims are female, though Black, female minors only comprise one percent of the general population of King County.<sup>9</sup> In Connecticut, the Department of Children and Families reported that 73 percent of referrals for trafficking were children of color.<sup>10</sup> In Milwaukee, Wisconsin, 55 percent of sex trafficking victims are minors, 97 percent of victims are female, and 65 percent are Black, though Black people are only 27 percent of the population.<sup>11</sup>

In contrast, buyers are overwhelmingly white men. In King County, Washington, 80 percent of sex buyers are white men.<sup>12</sup> In Pennsylvania, 74 percent of sex buyers are white men.<sup>13</sup> A 2017 study on sex buyers in Minnesota found that the majority of buyers in their state are white, middle-to-upper class, married men.<sup>14</sup> In a 2012 study of men who use the internet to buy sex, researchers found that nearly 85 percent of the buyers were white men.<sup>15</sup> This trend persists across the country.

It is critical that efforts by federal agencies to end and prevent trafficking create a framework that responds to this dynamic and seek to prioritize demand reduction strategies, hold buyers and traffickers accountable, discontinue the penalization of victims, and expand trauma-informed support programs for survivors. Additionally, an equitable law enforcement response must incorporate a thorough understanding of the unbalanced racial and gender dynamic present in trafficking, evident in the statistics detailed above: most often it is white men who exploit women and girls of color. This also means that every effort to combat trafficking must be made through a racial lens and consider the needs and experiences of the most prevalent victims: people of color. It is not enough for considerations of race and racism to be an addendum to a framework—it must be an integral component and focus of anti-trafficking work.

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<sup>7</sup> Cheryl Nelson-Butler, *The Racial Roots of Human Trafficking*, 62 UCLA L. Rev. 1464 (Sept. 5, 2015).

<sup>8</sup> Cheryl Nelson-Butler, *A Critical Race Feminist Perspective on Prostitution & Sex Trafficking in America*, 27 Yale J. of L. & Feminism 95 (June 1, 2015).

<sup>9</sup> Office of Juvenile Justice and Delinquency Prevention, *Reducing Demand for the Commercial Sexual Exploitation of Minors in Your Community Webinar*, YouTube (May 30, 2017), <https://ojjdp.ojp.gov/media/video/25801>; Charles Puzanchera et al., *Easy Access to Juvenile Populations: 1990-2017* (2018), available at [https://www.ojjdp.gov/ojstatbb/ezapop/asp/profile\\_display.asp](https://www.ojjdp.gov/ojstatbb/ezapop/asp/profile_display.asp).

<sup>10</sup> Yvette Young et al., *Let's Talk About Race and Human Trafficking*, HART HELPS 1 (2019).

<sup>11</sup> *Estimating the Magnitude of Sex Trafficking Risk and Victimization of Juveniles and Young Adults*, Medical College of Wisconsin Institute for Health & Equity 1 (March 1, 2018),

<https://www.doj.state.wi.us/sites/default/files/ocvs/human%20trafficking/sextraffickingreportfinal03012018.pdf>; *Quick Facts: Milwaukee County, Wisconsin*, U.S. Census Bureau (2017).

<sup>12</sup> Office of Juvenile Justice and Delinquency Prevention, *supra* note 9.

<sup>13</sup> *Report on Commercial Sexual Exploitation in Pennsylvania* 13 (Villanova Univ. Charles Widger Sch. of L. Inst. to Address Com. Sexual Exploitation, Spring 2020) [hereinafter *Villanova Report*].

<sup>14</sup> Lauren Martin et al., *Mapping the Demand: Sex Buyers in the State of Minnesota* (Univ. of Minn. & Women's Found. of Minn., Aug. 2017).

<sup>15</sup> Martin Monto & Christine Milrod, Ordinary or peculiar men? Comparing the customers of prostitutes with a nationally representative sample of men, 58 *International Journal of Offender Therapy and Comparative Criminology* 802, 812 (2014).

## **Area 2: Law enforcement agencies must center victims and hold traffickers and buyers accountable.**

Survivors of sex trafficking and sexual exploitation, particularly those of color, are often not acknowledged as victims of crime and are instead arrested for prostitution-related offenses. By contrast, in many jurisdictions, buyers face little to no consequences for their role in exploiting vulnerable women and girls.<sup>16</sup> Black women and girls are disproportionately arrested on prostitution charges, even when they are clearly survivors of sex trafficking. In Pennsylvania, 70 percent of prostitution arrests are for selling sex, while only 30 percent of arrests are for purchasing sex.<sup>17</sup> Black people account for approximately 42 percent of adult prostitution arrests—more than any other racial group.<sup>18</sup> Black children account for nearly 51 percent of all juvenile prostitution arrests—more than any other racial group.<sup>19</sup> These trends persist across the country, where too often victims of trafficking are subjected to the criminal justice system, while those who exploit them are not.

Equitable anti-trafficking strategies must deprioritize the arrest and prosecution of survivors and, instead, create pathways for community-based, victim-centered, and trauma-informed care services. Ensuring the victims' access to the appropriate services, including educational opportunities, case management, and employment and housing support, as well as training law enforcement agencies in trauma-informed practices, can help victims avoid criminal charges and heal from the abuse and trauma of trafficking. This access also promotes an environment in which victims and survivors can assist law enforcement in prosecuting their traffickers. Listening to their input and experiences is key to disrupting trafficking.

Additionally, demand reduction is a proven primary trafficking and violence prevention strategy and is crucial to equitable anti-trafficking work. Increasing focus on enforcement activities to apprehend “johns” has proven to be an effective way of addressing sex trafficking.<sup>20</sup> While apprehension and prosecution of sex buyers should be the primary focus for law enforcement, this strategy also includes public awareness campaigns directed at sex buyers on the illegality and dangers of sex trafficking with the goal of dissuading them before they purchase sex; and sting operations to arrest and prosecute sex buyers and those fueling the market for sex trafficking. Attention should also be paid to disparities in apprehension of Black and brown traffickers compared to the often white buyers who fuel the market. A racially equitable framework promotes a system in which offenders who fuel the market are prosecuted irrespective of their sex, race, means, or status.

## **Area 3: Federal agencies must incorporate considerations of racism and race in every aspect of anti-trafficking work and prioritize demand reduction.**

We are grateful for the Biden administration's emphasis on advancing racial equity throughout the federal government, as well as in global partnerships. Unfortunately, this has not always been a focal point or concerted effort for federal agencies. We thus urge the agencies to examine existing programs that lack critical considerations of racism and race. For example, the child protection compact partnership between the United States and the Philippines is an important effort to prevent children from being exploited in domestic servitude, online sexual exploitation and other forms of child trafficking. The compact

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<sup>16</sup> Rights4Girls, *Racial and Gender Disparities in the Sex Trade*, Rights4Girls (last visited Mar. 14, 2022), <https://rights4girls.org/wp-content/uploads/r4g/2018/09/Racial-Justice-fact-sheet-Sept-2018-Final.pdf>.

<sup>17</sup> Villanova Report, *supra* note 14, at 10.

<sup>18</sup> *Id.* at Table 43C.

<sup>19</sup> *Id.* at Table 43B.

<sup>20</sup> Organization for Security and Co-operation in Europe. Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings. “Discouraging the Demand that Fosters Trafficking for the Purpose of Sexual Exploitation” (2021) Available at: [https://www.osce.org/files/f/documents/7/f/489388\\_1.pdf](https://www.osce.org/files/f/documents/7/f/489388_1.pdf)

integrates considerations of gender, sexual orientation, and disability.<sup>21</sup> However, it does not acknowledge race or racism and the unique experiences and needs of child victims and survivors who are from minoritized ethnic groups. As we highlighted earlier, the impacts of racism must be considered and addressed as an integral component to all anti-trafficking work.

It is also worth reiterating that it is critical for federal agencies to prioritize demand reduction strategies and ensure that every available resource and tool is being maximized to do so. In particular, the agencies should examine whether provisions from the Justice for Victims of Trafficking Act and the Abolish Human Trafficking Act, which both promote demand-reduction strategies, have been adequately and thoroughly implemented.<sup>22</sup> We encourage federal agencies to outline clear public-facing strategies and do more to suppress demand. An equitable framework for addressing trafficking must prioritize this component, especially given the demographics of buyers and the trafficking market in which they are exploiting mostly people of color.

#### **Area 6: Federal agencies should look to existing frameworks that center victims of color.**

King County, WA has made significant progress in incorporating a racial equity lens into their anti-trafficking work by targeting and apprehending buyers and helping victims and survivors—both adults and minors—avoid the criminal justice system. As previously mentioned, King County has seen a significant racial disparity among buyers and victims and Seattle, which is in King County, is considered a top human trafficking hub, due to a large demand fueled primarily by educated white men with means. As a result, the county has implemented a law enforcement approach that focuses on stopping demand and centers victims by halting arrests and instead offering them care services and exit support.<sup>23</sup> The county’s law enforcement targets buyers and holds them accountable, including by imposing fines that then contribute to providing care services for victims, requiring completion of a 10-week accountability program in which they learn about the harms of sex buying, and prosecuting “high frequency buyers” who law enforcement determine are most responsible for fueling the market.

#### **Area 8: Federal agencies should prioritize meaningful partnerships with organizations that are on the ground serving victims and survivors of trafficking.**

We appreciate the Department’s efforts to collect information from stakeholders on how to make anti-trafficking work more equitable. We urge federal agencies to engage organizations who are on the ground serving and advocating for victims and survivors of trafficking, often with limited staff and resources, and who see first-hand or have personally experienced the impacts and trauma imposed by trafficking. Agencies should provide ample opportunity for this kind of engagement by fostering continued dialogue and being responsive to input and feedback from these groups.

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Thank you for your commitment to addressing trafficking through a racial lens that prioritizes those most impacted by trafficking, including victims and survivors of color. We appreciate the SPOG’s commitment to continue “to engage stakeholders and community members for the purposes of implementing E.O.

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<sup>21</sup> Child Protection Compact Partnership between the Government of the United States of America and the Government of the Republic of the Philippines. U.S. Department of State. Available at: [https://www.state.gov/wp-content/uploads/2018/12/cpc\\_philippines.pdf](https://www.state.gov/wp-content/uploads/2018/12/cpc_philippines.pdf)

<sup>22</sup> Justice for Victims of Trafficking Act, Pub. L. No. 114-22 (2015); Abolish Human Trafficking Act of 2017, Pub. L. No. 115-392 (2018).

<sup>23</sup> King County Commercial Sexual Exploitation Cases the Data Behind the Charges. 2020 Update. Presented by Benjamin Gauzen, Senior Deputy Prosecuting Attorney, King County. Available at: <https://static1.squarespace.com/static/5b71c32bec4eb7c684a77ff4/t/6104439472e43205ebb69ef3/1627669451950/FINAL+WEBSITE+2020+King+County+CSE+Data+7.30+Update+Final.pdf>

13985 and to continue improving its efforts.” To that end, our organizations hope to be a continued resource for the Department as we work together to protect and improve the lives of victims and survivors and end trafficking. Please reach out to Nina DeJonghe at [ndejonghe@ecpatusa.org](mailto:ndejonghe@ecpatusa.org) if we can provide any additional information or feedback.

Sincerely,

ECPAT-USA

Rights4Girls

Alliance of Leadership & Innovation for Victims of Exploitation (ALIVE)\*

BEST: Businesses Ending Slavery and Trafficking

Coalition Against Trafficking in Women

EVA center\*

Faithful Love, Inc

Gender Violence Institute

Innovations Human Trafficking Collaborative\*

Institute to Address Commercial Sexual Exploitation at Villanova Law School

Living In Freedom Together-LIFT Inc\*

Mission Kids Child Advocacy Center

My Life My Choice\*

My Sister’s House

National Black Faith Coalition Against Trafficking

National Center on Sexual Exploitation

Project Moses

Prostitution Research & Education

Rebuilding Hope! Sexual Assault Center for Pierce County

Roxbury Youthworks, Ind.

S.H.A.D.E Movement\*

Sanctuary for Families

Shared Hope International

Survivors for Solutions\*

The Landing

The Valley Against Sex Trafficking (VAST)

The Voices and Faces Project

Thistle Farms

Twelve 11 Partners\*

United Against Human Trafficking

Vednita Carter Ministries\*

WASE Forward

Wealth Management Ministries-Prevention Works Joint Task Force & Coalition

West Pinellas NOW (National Organization for Women)

Women’s Equal Justice Project

World Without Exploitation

\*Denotes an organization led by survivors of trafficking.