



March 4, 2015

To: Members of the Judiciary Committee

From: Juliet Summers, Policy Coordinator – Child Welfare & Juvenile Justice

RE: Support for LB 294 – To adopt the Human Trafficking Victims Civil Remedy Act

Some of the most vulnerable and voiceless among us are those children subjected to participation in the sex trade. Voices for Children in Nebraska supports LB 294, because it would institute broad protections in both civil and criminal fora for child victims of trafficking.

Since this Committee will hear other testimony on the portions of the bill that we fully support, I would like to use this time to recommend amendment of one clause: the question of criminal immunity and exclusive juvenile court jurisdiction over children suspected of prostitution. **While immunity from criminal prosecution is an extremely important protection, we fear that the current language of the statute will lead to prosecution of these victims of sex crimes as delinquents in the juvenile courts.** We recommend amending the language of §5 to clarify that juvenile court jurisdiction may be granted only under *Nebraska Revised Statute* §43-247(3)(a) or (3)(b), non-criminal charges which would emphasize therapeutic response and keep these children out of jail-like facilities.

Ensuring child victims get access to necessary wraparound services is crucial, and we recognize that in many jurisdictions, juvenile court involvement may currently be the only way to achieve that goal. However, labelling survivors of the sex trade as delinquents and placing them in secure detention, even in the name of safety, is not the right way to protect them. **Many, if not most, victims of sex trafficking have been abused, neglected, or otherwise exposed to trauma prior to being trafficked. While trafficked, they have been subjected to serial rape and abuse.¹ Treating them as delinquent offenders ignores these traumas.** These young people, mostly girls, have experienced horror after horror. We would not charge any other victim of child molestation with delinquency. Requiring a child to enter a plea as a juvenile delinquent, or face trial where police or other witnesses may come to testify against her, compounds trauma with trauma. Locking her in a detention center for any length of time raises the spectre of her powerlessness all over again. It can break down any fragile trust she might have in the system's ability to help her.

Voices for Children would be eager to assist in any way as Nebraska explores best practices for responding to victims of the child sex trade. Meanwhile, until our state has a spectrum of services available to help this population without court involvement, juvenile court intervention thankfully does not require a delinquency charge. Our strong recommendation would be to add clarifying language on this point.

A child victim deserves dignified treatment, offered consistently and repeatedly, as she learns to trust again. We broadly support LB 294, as it seeks to strengthen protections for this especially vulnerable population, and thank Senator Scheer for bringing this legislation forward. We also thank the Committee for your thoughtful consideration of how to best achieve justice, security, and well-being for victims of trafficking.

Attachments: Table 1 – *Unintended Consequences of Locking up Victims*

Table 2 – *Experiences of Early Trauma and the Impact of System Responses*

¹ Rebecca Epstein and Peter Edelman. *Blueprint: a Multidisciplinary Approach to the Domestic Sex Trafficking of Girls*. Georgetown Law Center on Poverty and Inequality: April 2014. Available at: http://www.njjn.org/uploads/digital-library/Georgetown_Blueprint-Report-Girls-Sex-Trafficking_April-2014.pdf.

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Table 1 – Unintended Consequences of Locking up Victims

Unintended Consequences of Locking up Victims

Why the abuser locks his victim up	Why the State locks the victim up
To reduce risk of running away	To reduce risk of running away
To reduce risk of being stolen by another abuser	To reduce risk that victim will recruit others
To prevent attachment to anyone other than trafficker	To prevent attachment to trafficker
To maintain power and control	To attain power and control of the “therapeutic needs” that are prescribed
To prevent interactions with law enforcement	To control interactions with law enforcement

Source: “In Harm’s Way: Child Abuse, Child Rape, Sex Trafficking,” Delores Barr Weaver Policy Center. Available at: https://www.seethegirl.org/wp-content/uploads/2014/04/In-Harms-Way_FINAL.pdf.

Table 2 – Experiences of Early Trauma and the Impact of System Responses

Early Trauma	Sexual Exploitation Experience	Involuntary Lock Up Experience (Under guise of “Treatment”)	Therapeutic Relational Models
Child sexual assault unheard, minimized, or silenced	Preys on unaddressed child sexual abuse and trauma	Focuses on “protecting” and “controlling” for victim’s own good.	Considers complexity of trauma and life experiences. Honors survivor’s ability to make own decisions
Isolated,, “Why me?”	Violence, condemnation isolation, abuse	Movement is restricted, isolated from the community	Freedom of movement, allowed to leave and come back
Defenseless against perpetrator who controls, coerces, manipulates	Perpetrator controls, coerces, manipulates	Strangers tell her what is best for her	Treatment starts when she is ready
Subject to retaliation if abuse revealed	Dominant/subservient relationship dynamics	Strangers make decisions on her behalf	Survivor makes decisions Right to be angry, right to be in pain
Attempts to tell met with denial or silencing	Distrusts system	Distrust Adults more, less prone to trust again	Builds trust, helps break trauma bonds
Blamed, spanked, confined for anger, screams and cries	Violence/threat if non-compliant	Criminalization if “non-compliant”	Honors survival/coping mechanisms
Lacks capacity to understand what happened to her	Likely not to recognize she’s a victim	Tells her she’s a victim and needs to be “fixed”	Hope for lifelong recovery and healing

Source: “In Harm’s Way: Child Abuse, Child Rape, Sex Trafficking,” Delores Barr Weaver Policy Center. Available at: https://www.seethegirl.org/wp-content/uploads/2014/04/In-Harms-Way_FINAL.pdf.