Dear Ways and Means Committee Members,

The FXB Center at Harvard University expresses its strong support for the draft legislation, “Preventing Sex Trafficking and Improving Opportunities for Youth in Foster Care Act.”

The FXB Center works to promote the rights and wellbeing of children and adolescents in extreme circumstances worldwide. We achieve this through research, education, policy advocacy, and leadership. Our programs all address one if not both of our two core concerns: child protection and adolescent agency. The FXB Center launched its Human Trafficking and Forced Labor Program in 2013 with the aim of conducting cutting-edge research, policy advocacy and training to address the scourge of human trafficking.

In the United States, the commercial sexual exploitation of children (CSEC) constitutes an egregious human rights violation that affects many thousands of children every day. While reliable estimates of the incidence of CSEC in the U.S. continue to elude the field, the most oft-cited study dating from 2002 estimates that between 244,000 and 325,000 children annually were at risk of sexual exploitation; with the rise of poverty (a factor closely correlated with CSEC) and of technology as a facilitator of sexual exploitation, this figure presumably has only risen, as well.¹

The phenomenon is largely hidden from public view and certainly is little known in our country despite the proliferation not only of CSEC within our borders, but also of anti-trafficking initiatives and programs. Its precise coordinates are inadequately understood, although the involvement of both domestic and children who are not U.S. citizens is clearly established -- some recruited for exploitation close to home, others trafficked from afar. Considerable efforts have been devoted to

increasing the conviction rates of exploiters and clients, and to reducing the impunity of child traffickers. By contrast, less attention has been paid to prevention – to consistent and rigorous engagement with innovative models within schools, communities, child protective services, and others that work with children daily that can generate rights-respecting choices and opportunities for children at risk of commercial sexual exploitation and sex trafficking. The cost of inaction in preventing CSEC is staggering, both in terms of potentially lifelong suffering and trauma that is set in motion for victims who may or may not survive CSEC, and the consequent social and economic impact upon victims’ families, communities and society at large.

The draft legislation being considered by the Ways and Means Committee is one of the first pieces of legislation that endeavors to prevent CSEC by alleviating some of the factors that make children in foster care vulnerable to CSEC. The FXB Center strongly supports these efforts. Particularly, the FXB Center supports the following aspects of the draft legislation:

- That it seeks to alter state policies on the permissible activities of foster children within their day-to-day life by providing more autonomy to foster parents to make more decisions for their children. The FXB supports the recognition that children in foster care require developmentally-appropriate activities and opportunities to participate in activities with their foster families and peers, and that these activities can make a child less vulnerable to CSEC. However, this must be balanced with the recognition that not all foster parents act in the best interest of the foster child. Accordingly, appropriate accountability mechanisms should be implemented.

- That it will require states to implement identification and screening policies for victims of CSEC and provide services for victims once identified. The research does show that CSEC victims are often not identified, and, they do not receive adequate or appropriate services for their needs. The FXB Center applauds that the need for increased services for CSEC victims is recognized and that this draft legislation seeks to implement increased vigilance at the caseworker level to identify foster children who are risk of CSEC.

- That it increases state assistance to foster youth in developing transition plans as they age out of foster care. The transition to independent living without adequate support is a difficult period for youth and increases vulnerability to CSEC. Preparing youth for the transition is critical to ensure that they are able and supported in aging out of the foster care system.

- That it requires increased data collection and reporting on CSEC. The FXB Center recognizes that there is a dearth of data and evidence of CSEC in the United States. Having verifiable data will allow stakeholders to conduct research on CSEC which can in turn be used for evidence-based policies. Ultimately, increased research will enable stakeholders to tailor their response to CSEC by alleviating risk factors, providing targeted services and implementing prevention measures.

- That it permits a foster child to select an adult of their choosing to participate in developing and preparing the youth’s case plan. The FXB Center recognizes that mentorships decrease vulnerability to CSEC though positive behavior modelling, bonding, and as a support the
child. This provision allows the child to have an adult that they respect and who is familiar with them assist and guide them in making decisions about their life.

The FXB Center also wishes to bring to the attention of the Committee one measure that falls short of protecting children in foster care; we also wish to provide a suggestion for an additional measure that could be included:

- That it recognizes that congregate care, including group homes, are targeted by traffickers and consequently often fail to protect children from CSEC. While the draft legislation seeks to ensure that states “do more” to move children out of long-term foster care, we are disappointed that it does not introduce other measures to protect children in foster care from predatory traffickers. Interim measures could be implemented to protect children who will inevitably continue to reside in congregate care. For example, congregate care centers could be required to implement a substantive training course on CSEC for residents of their centers, providing girls with the knowledge of CSEC and the skills to resist trafficking recruiters. My Life, My Choice, a nationally renowned, Boston-based anti-trafficking organization, provides a ten-week training course on CSEC for girls that is already utilized in a variety of settings including congregate care centers. The FXB Center believes the implementation of such a training course would empower children residing in congregate care and would be efficacious in the short-term until alternative living arrangements could be made.

The FXB Center recognizes that there are some limitations to this legislation; we, as a country, can never take too many precautions to protect children from becoming victims of CSEC. While we state these limitations for the record, we enthusiastically support the passage of the draft legislation. This legislation, if passed, would be set a precedent that we should and can take measures to prevent children from becoming victims of sex trafficking.

Sincerely,

Angela Duger, J.D.

FXB Center for Health and Human Rights
Program on Human Trafficking and Force Labor