

Human trafficking

- Trafficking is any instance in which an individual engages in a commercial sex act as the result of force, fraud, or coercion
- Most commonly in the form of sexual exploitation and/or forced labor
- Those most vulnerable to trafficking include persons who are:
 - Homeless or have run away from home
 - Come from a low socioeconomic background
 - Are a political, cultural, and/or ethnic minority
- The economic and social distress generated by the COVID-19 pandemic exacerbated risks for vulnerable populations
- Traffickers use vulnerabilities to establish control over victims through violence, isolation, threats, deception, manipulation, debt, romance, etc.

Pennsylvania Law

- Pennsylvania has enacted a comprehensive anti-trafficking statute (18 Pa. C.S. §§ 3001-3072) that focuses on prosecuting traffickers, preventing trafficking, and protecting survivors
- Under the statute, the crime of human trafficking is committed if a person “recruits, entices, solicits, advertises, harbors, transports, provides, obtains or maintains an individual if the person knows or recklessly disregards that the individual will be subject to sexual servitude” or if a person “knowingly benefits financially or receives anything of value from any act that facilitates any [such] activity.” Pa. C.S. § 3011(a)
- Trafficking survivors who face criminal charges can clear their criminal record if they can prove their charges were the result of human trafficking
- Safe harbor for sexually exploited children, Act 130
 - Sexually exploited children are immunized from criminal prosecution for the crimes of prostitution and obstruction of the highway
 - Trauma-informed alternative to delinquency for other offenses committed as a direct result of being sexually exploited, including criminal trespass, false identification, disorderly conduct, loitering, and simple possession of a controlled substance under 42 Pa. C.S. § 6328

Areas of improvement

- Human trafficking laws should focus on: 1) prosecution of offenders, 2) prevention of human trafficking, and 3) protection of victims
- Prosecution of offenders

- Need for a uniform approach across localities and states
- Prevention
 - Enhanced public awareness
 - Community advisory council, which would work to develop a plan for victim services, coordinate activities among agencies, collect/analyze/report human trafficking data, etc.
- Protection of survivors
 - Expand confidentiality of victim information—Pennsylvania law does not protect confidentiality of victim identification information or allow for filing of documents under seal
 - Expansion of rape shield laws to protect victims from the use of evidence of past sexual activity engaged in as a result of human trafficking
 - Expansion of immunity from prosecution for a wider range of offenses for minor victims
 - Affirmative defense of being a victim of trafficking
 - Expansion of statute of limitations for trafficking
 - Victim-centered and trauma-informed approach