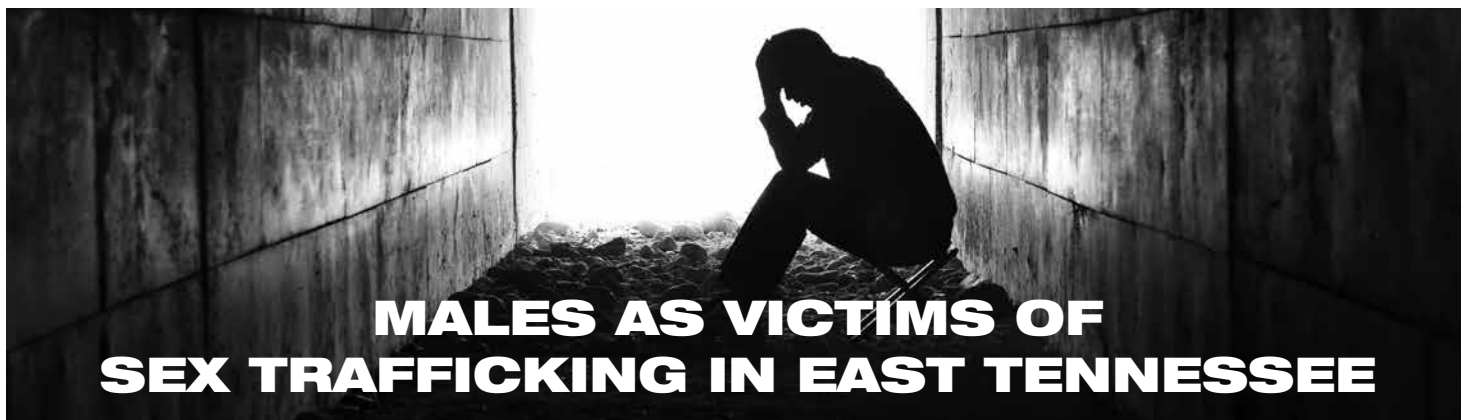


DICTA

MALES AS VICTIMS OF SEX TRAFFICKING IN EAST TENNESSEE





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Public awareness of the human trafficking epidemic in East Tennessee has been on the rise in recent years. Local task forces have been formed, and citizens are more aware of the specific issues involving commercial sexual exploitation. However, the tendency has been to focus on female victims, as females are more commonly victims in human trafficking cases. What are the issues faced by males who are trafficked, assaulted and abused for commercial sexual exploitation?

Males make up nearly 20% of all human trafficking victims in Tennessee and nationwide.¹ Based upon national numbers, a child is sold for commercial sex every two minutes.² While twenty percent may seem inconsequential, when considering the staggering number of victims affected, a significant number of males are exploited and victimized by human trafficking each year. Reports published by the Tennessee Bureau of Investigation suggest that the human trafficking epidemic is just as prevalent in Tennessee as it is in other parts of the nation.³ In fact, within the East Tennessee region, Knox, Sevier, and Carter Counties have reported the highest number of human trafficking/incidences of commercial sexual exploitation.⁴

It is clear that not only are males forgotten in terms of creating resources and programs for victims, but also very little information and data exists relating to victims who are male. Most searches have yielded responses pertaining to male perpetrators or “Johns,” which in itself implicates the stigma that human trafficking and commercial sex acts are committed by males against females only.

Recent Legislative Action

Tennessee lawmakers have enacted several pieces of legislation to help combat human trafficking and commercial sex acts in Tennessee. The current reading of Tennessee Code Annotated section 39-13-309 prohibits the trafficking of commercial sex acts.⁵ A person has violated the statute if he/she knowingly subjects, attempts to subject, benefits from, or attempts to benefit from, another person's provision of a sexual act; or recruits, entices, harbors, transports, provides,

purchases, or obtains by any other means, another person for the purpose of providing a commercial sex act.⁶ Violation of the statute is a Class B felony; however, if the victim is a minor under the age of fifteen or when the offense occurs within a school zone, a violation is enhanced to a Class A felony.⁷

The legislature has proposed and enacted many provisions in recent years in an attempt to strengthen state laws to protect victims of human trafficking within Tennessee. These changes became comprehensive beginning in 2013, when the legislature enacted nearly a dozen pieces of legislation relating to human trafficking and commercial sex crimes. Within those bills, statutes relating to racketeering and gang offenses were amended to broaden definitions to include commercial sex acts as a qualifying offense.⁸ Criminal penalties for promoting prostitution from a minor increased, changing the offense to a Class B felony with an enhancement to Class A if the victim of the offense is younger than 15 years of age.⁹ House Bill 920 abolished the ability of defendants to assert defenses based upon mistake or ignorance of the age of the victim in cases involving prostitution involving a minor and sexual solicitation of a minor.¹⁰ Further, House Bill 919 enacted Section 4-3-3001 – 3005, which created the Tennessee Human Trafficking Task Force.¹¹ The Human Trafficking Task Force is comprised of representatives from state agencies, legislators, community leaders, researchers, law enforcement, survivors, and subject matter experts.¹² These individuals are tasked with bringing awareness to the human trafficking epidemic in Tennessee and assisting state government and local communities in effecting changes to help prevent these crimes before they occur.¹³ The Task Force also focuses on public education to encourage communities to be more vigilant as to possible warning signs that they may encounter within their daily lives.¹⁴

In 2014, the legislature continued to enact changes to keep up with the growing problem with human trafficking. Nearly all changes in 2014 included amendments to the prostitution statutes, including the addition of enhanced penalties in instances involving a victim under the age of 18.¹⁵

Since 2015, Tennessee legislative sessions have brought about significant changes relating to human trafficking and commercial sex acts. Recent enactments have given law enforcement the ability to transport sex crime victims to housing facilities and shelters, and have provided for free forensic medical examinations for victims.¹⁶ These medical examinations are vital to collecting evidence to prosecute offenders. The new provision alleviates the burden on the victim to cover the expense of the exam.¹⁷ Additionally, the Tennessee Bureau of Investigation has now been given jurisdiction over human trafficking crimes, which essentially allows investigators and detectives to access a joint statewide network in combatting these issues rather than victims having to rely upon local police departments who may not have adequate resources to dedicate specifically to commercial sex crimes.¹⁸

Focus on Female Victims

Despite these numerous changes in legislation, the statutes and amendments do not distinguish between the gender of victims. Rather, they have remained gender neutral, protecting both female and male victims. However, media and scholastic communities have focused on female victims, even though approximately 20% of human trafficking victims are male.¹⁹

The focus on female victims has created a gap in resources available to males affected by the human trafficking epidemic. While Tennessee is making strides to offer resources to victims, currently the state has very few housing/shelter options for victims in general. Of those facilities, it appears that only two statewide are capable of housing male victims. While Middle and West Tennessee have housing/shelters available for male victims, none of these facilities are located within the East Tennessee region.

The Grow Free Tennessee foundation, in coalition with the Community Coalition Against Human Trafficking, reports that they intend to launch a safe house in the fall of 2017 to serve human trafficking victims in the upper East Tennessee region.²⁰ The safe house project will provide a wide array of holistic

By: Shelly Page
LMU Duncan School of Law



aftercare services; however it is unclear as to whether the housing facility will be equipped to accept both male and female survivors.²¹

In addition to housing resources, many local organizations, including Grow Free Tennessee, offer aftercare resources including counseling services, drug and alcohol treatment programs, domestic abuse counseling, and transportation back to the victim's family, if appropriate.²² While these services seem to be available to victims of both genders, it is evident from the information available on pamphlets and websites that the services are geared toward female victims. Training and educational programs are titled "In Her Shoes" and services described often speak of women leaving male abusers.²³ It is understandable that services will be provided to the population that is most affected, but does the focus on female victims suppress a young man's willingness to seek the help that he needs after being victimized? It is certainly a question that should be considered moving forward as our communities devote more time, energy, and funding into creating solutions for the staggering number of victims in East Tennessee.

Raising awareness and advocating for male victims within the legal community can make a substantial change in our broader community, as young men are routinely affected by human trafficking in East Tennessee and throughout the state. The End Slavery Tennessee website provides a testimonial of a local seventeen-year-old male victim.²⁴ This young man was sexually abused while in the seventh grade and has not been enrolled in school since the abuse occurred.²⁵ The resources and assistance programs in place offer very little help to male victims such as these. A change in the criminal statutes, while a step in the right direction, may or may not deter offenders from committing sex crimes. Compassion, attention and funding are necessary to create and provide services to victims in similar situations, which could allow male victims to receive counseling and support to remain in school and maintain a sense of normalcy following tragic situations.

All citizens of Tennessee matter; as such, we as leaders in our communities must act to ensure all citizens of this state receive adequate services when and if they are ever victims of crime.

¹ S. Heather Duncan, *Unchained: Inside the Struggle Against Sex Trafficking in Knoxville* (Nov. 9, 2016), KNOXVILLE MERCURY, <http://www.knoxmercury.com/2016/11/09/unchained-inside-struggle-sex-trafficking-knoxville/>.

² TENNESSEE BUREAU OF INVESTIGATIONS, *Human Trafficking*, <https://www.tn.gov/tbi/topic/human-trafficking> (last visited June 21, 2017).

³ TENNESSEE BUREAU OF INVESTIGATIONS, *The Geography of Trafficking in Tennessee* (2013), <https://www.tn.gov/assets/entities/tbi/attachments/2013%20The%20Geography%20of%20Trafficking%20in%20Tennessee.pdf>.

⁴ *Id.*

⁵ TENNESSEE CODE ANNOTATED § 39-13-309.

⁶ *Id.*

⁷ *Id.*

⁸ SB 1038, HB 358 108th Sess (Tenn. 2013).

⁹ SB 1032, HB 520 108th Sess (Tenn. 2013).

¹⁰ SB 1031, HB 920 108th Sess (Tenn. 2013).

¹¹ SB 1036, HB 919 108th Sess (Tenn. 2013).

¹² TENNESSEE STATE GOVERNMENT, *State Human*

Trafficking Task Force Recognizes National Human Trafficking Awareness Day, (Jan. 9, 2015), <https://www.tn.gov/news/36850>.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ SB 1815, HB 2326, S. 2564, HB 2415 108th Sess (Tenn. 2014).

¹⁶ SB 981, HB 1239 109th Sess (Tenn. 2015).

¹⁷ SB 981, HB 1239 109th Sess (Tenn. 2015).

¹⁸ SB 16, HB 275 109th Sess (Tenn. 2015).

¹⁹ Duncan, *supra* note 1.

²⁰ COMMUNITY COALITION AGAINST HUMAN TRAFFICKING, *After Care*, <https://growfreetn.org/services/#aftercare> (last visited June 21, 2017).

²¹ *Id.*

²² *Id.*

²³ COMMUNITY COALITION AGAINST HUMAN TRAFFICKING, *Services*, <https://growfreetn.org/services/> (last visited June 21, 2017).

²⁴ END SLAVERY TENNESSEE, <https://www.endslaverytn.org/stories/> (last visited June 21, 2017).

²⁵ *Id.*

