

114TH CONGRESS
2D SESSION

H. RES. 919

Encouraging States to uphold the rights and dignity of human trafficking survivors.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 28, 2016

Mrs. WAGNER submitted the following resolution; which was referred to the Committee on the Judiciary

RESOLUTION

Encouraging States to uphold the rights and dignity of human trafficking survivors.

Whereas all men, women, and children are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness;

Whereas neither slavery nor involuntary servitude shall exist within the United States;

Whereas every survivor of sex and labor trafficking has the right to be truly recognized and treated as a victim and should be treated with the same justice, respect, and dignity as other victims of crime;

Whereas victims of human trafficking in the United States can face criminal charges, mandatory detention, and even deportation as a result of their exploitation;

Whereas survivors of trafficking who are arrested, prosecuted, and convicted of charges resulting from their status as a victim of trafficking face obstacles in reestablishing their lives and obtaining employment, education, and housing;

Whereas victims of human trafficking are difficult to identify and are subject to manipulation, force, fraud, coercion, and abuse;

Whereas women in the commercial sex industry have a higher homicide victimization rate than any other set of women, and are at very high risk for abuse, disease, injury, and death;

Whereas there is no such thing as a child prostitute or child sex worker, as children in the commercial sex industry are by definition victims of a severe form of trafficking in persons;

Whereas 1 in 5 runaway children are likely sex trafficking victims, and studies have shown that adults, often significantly older men, manipulate youth into exchanging sex for meals, material goods, or cash;

Whereas many domestic child sex trafficking victims do not self-identify as sex trafficking victims and are not aware of their rights;

Whereas child sex trafficking victims are more likely to be arrested than sex traffickers and sex buyers;

Whereas, as many as 75 percent of underage victims of sex trafficking have been advertised or sold online, where the Internet makes exploitation simple, anonymous, and accessible;

Whereas victims of labor trafficking are compelled to accept jobs through deception, coercion, or force and endure horrific, inhumane conditions;

Whereas many victims of labor trafficking are subject to physical abuse, sexual violence, debt bondage, confiscation of identification documents, isolation, inadequate food, and no access to health care;

Whereas a significant portion of labor trafficking victims enter the United States on lawful visas but are not identified;

Whereas jurisdictions across the United States lack safe, effective shelter and housing for victims of human trafficking;

Whereas restitution for victims of trafficking is mandatory under Federal law but is only ordered in approximately 30 percent of sex trafficking cases, and courts deny restitution requests in more than half of sex trafficking cases;

Whereas reports estimate that less than 5 percent of Federal trafficking prosecutions in 2015 were for labor trafficking, significantly limiting the ability of labor trafficking victims to obtain justice and restitution;

Whereas United States citizen, lawful permanent resident, and foreign national victims of human trafficking face many distinct obstacles, including, particularly for United States citizen and lawful permanent resident victims, access to specialized victim services; and

Whereas the House of Representatives has committed to a victim-centered approach to domestic human trafficking through passage of the Justice for Victims of Trafficking Act of 2015: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) encourages States to uphold the basic rights
3 and dignity of human trafficking survivors and—

4 (A) truly recognize and identify survivors
5 of human trafficking as victims of crime and
6 treat these victims with the same justice, re-
7 spect, and dignity as other crime victims;

8 (B) ensure that victims of trafficking are
9 accorded the support, services, and legal rights
10 as other victims of crime without being
11 criminalized or made to feel responsible for the
12 crimes committed against them;

13 (C) advance a survivor-centered approach
14 to addressing human trafficking that ensures
15 the safety, confidentiality, and physical and
16 mental well-being of victims, while recognizing
17 symptoms of trauma and coping mechanisms
18 that may impact victims' interactions with law
19 enforcement, the justice system, and service
20 providers;

21 (D) implement screening mechanisms for
22 all children entering child welfare services and
23 the juvenile justice system, and for unaccom-
24 panied children migrating into the country, to

1 identify child trafficking victims and connect
2 them with appropriate services;

3 (E) ensure that child trafficking victims
4 are provided with the full range of protections,
5 including access to child welfare services, trauma-informed programming, and the same legal
6 rights, afforded to other children who experience sexual abuse, rape, or incest; this includes
7 ensuring that criminals who exploit child sex
8 trafficking victims are not given lesser sentences and penalties than criminals who exploit
9 children through sexual abuse, rape, or incest;
10 and ensuring that child trafficking victims are
11 never referred to as “child prostitutes” or “underage sex workers” in law or official documents and proceedings; and

17 (F) develop a 24-hour emergency response
18 plan to provide victims of labor and sex trafficking with immediate protection and support
19 when they are first identified; such a plan may
20 include physically moving victims of trafficking to a place of safety, attending to the immediate
21 medical and emotional needs of survivors, assessing whether survivors are under risk for
22 harm, retaliation, or intimidation, and directly

1 connecting survivors with victim advocates,
2 housing, and service providers;

3 (2) strongly urges States to adopt rights and
4 protections for victims of human trafficking that in-
5 clude the right—

6 (A) to be treated as a victim of crime and
7 afforded justice, respect, and dignity;

8 (B) to protection if the victim's safety is at
9 risk or if there is danger of harm, retaliation,
10 or recapture by the trafficker;

11 (C) to comprehensive trauma-informed,
12 long-term, culturally competent care and heal-
13 ing services oriented toward emotional, physical,
14 psychological, and family healing without time
15 limit restrictions;

16 (D) to evidence-based screening and as-
17 sessment tools, treatment plans, and therapy to
18 address traumatic stress and associated mental
19 health symptoms;

20 (E) to safe and effective emergency and
21 long-term housing; education, vocational, and
22 job assistance and training; mentoring pro-
23 grams; language assistance; drug and substance
24 abuse services; and legal services;

1 (F) for child sex trafficking victims to be
2 treated as children in need of child protective
3 services and to be served through the child wel-
4 fare system, where appropriate, in place of the
5 juvenile justice system; and

6 (G) for all victims of trafficking who are
7 United States citizens, lawful permanent resi-
8 dents, and foreign nationals to be eligible for
9 services;

10 (3) strongly urges States to adopt the following
11 legal rights and protections for victims of human
12 trafficking, including the—

13 (A) right to have convictions and adjudica-
14 tions related to prostitution and nonviolent of-
15 fenses vacated and such records cleared if of-
16 fenses were committed as a result of the victim
17 being trafficked;

18 (B) right to legal protection and immunity
19 for child trafficking victims for offenses related
20 to prostitution and nonviolent offenses if of-
21 fenses were committed as a result of being traf-
22 ficked, and the right to have charges dismissed
23 as part of a specialized diversion program; im-
24 munity should be granted in combination with
25 service provision aimed at eliminating detention

1 while giving victims the necessary resources to
2 heal and reintegrate in their communities;

3 (C) right to not be held in mandatory de-
4 tention, receive a mandatory residential place-
5 ment in a punitive setting, or be detained in fa-
6 cilities inappropriate to one's status as a victim
7 of crime;

8 (D) right to the same type of court proce-
9 dures and legal protections accessible to victims
10 of sexual assault, rape, child sexual abuse, or
11 incest, including the right to not be treated as
12 a criminal;

13 (E) right to testify without being forced to
14 make face-to-face contact with one's trafficker,
15 for instance, via one-way closed-circuit tele-
16 vision;

17 (F) right for foreign national victims to be
18 granted a temporary visa without being re-
19 quired to cooperate with a law enforcement in-
20 vestigation;

21 (G) right to be informed and notified in
22 writing of the survivor's legal rights, including
23 the availability of victim compensation, manda-
24 tory restitution, and a civil cause of action; the
25 availability of protective orders and policies re-

1 lated to their enforcement; and the rights and
2 services available to the victim under 18 U.S.C.
3 3771 and 42 U.S.C. 10607(c); and

4 (H) retention of all rights regardless of
5 whether the crime has been reported to law en-
6 forcement; and

7 (4) recognizes and applauds the State legisla-
8 tive bodies that have taken tremendous steps to
9 adopt protections and services for victims of traf-
10 ficking.

○