



**Testimony Re: Article 23- Relating to the Safe Harbor for Sexually Exploited Children**  
**Senate Committee on Finance**  
**March 8, 2016**  
**John Neubauer, Policy Analyst**

Mr. Chairman and members of the Committee, thank you for the opportunity to provide testimony on Article 23. We applaud the Governor and the General Assembly for their efforts to address the needs of human trafficking victims in our state.

Rhode Island KIDS COUNT supports Article 23, which establishes a “safe harbor law” that provides immunity from prosecution for victims of sex trafficking who are under age 16. Article 23 also establishes that child sex trafficking victims will be considered victims of child abuse and neglect regardless of the child’s relationship to the perpetrator. While Article 23 would improve protections for child victims of sex trafficking, we would like to suggest that this legislation would be strengthened if it extended the same immunity from prosecution to victims ages 16 and 17 as well.

Safe harbor laws, which have been established in many states in recent years, are based on the premise that children lack the capacity to consent to sexual activity and that any minor involved in commercial sexual activity is, due to their age, a victim of sexual abuse. Although we are not aware of any cases in recent years in which a juvenile in Rhode Island was charged with prostitution, Article 23 is critically important to prevent the practice from occurring in the future.

Children and youth who become involved in commercial sexual activity frequently have experienced psychological and emotional trauma earlier in their lives. Many have been victims of abuse and neglect, lived in out-of-home placement, and experienced homelessness. Victims of trafficking are often extremely vulnerable to manipulation, lacking adequate support systems and possessing poor self-esteem. Although some victims may appear to be willing participants in the commercial sexual activity, they have often had traumatic life experiences that make them vulnerable to exploitation.

Victims of sex trafficking, like other sexual abuse victims, can benefit from therapeutic treatment to address the psychological problems caused by their traumatic experiences. Child victims of trafficking experience high rates of Post-Traumatic Stress Disorder (PTSD), mood disorders, and substance abuse disorders. Some victims may need to receive residential treatment outside of their homes for their own safety and protection; however, this treatment should be provided through the child welfare system and *not* the juvenile justice system. Youth who have been victimized should not be held in a correctional facility, as that is ill-equipped to provide the therapeutic environment needed for recovery from abuse.

While Article 23 provides some protections for 16 and 17 year old sex trafficking victims, it does not prohibit them from being prosecuted for prostitution. Other safe harbor bills introduced in the General Assembly this year (H-7527 and S-2413) use language from the Uniform Law Commission and extend immunity from prosecution for all children and youth under age

18, making no distinction between children who are 15 or younger and those who are 16 or 17. We respectfully urge the General Assembly to amend Article 23 to include similar protections.

Finally, we support the provision in Article 23 that clearly defines DCYF's role in investigating and responding to cases of child sex trafficking. Importantly, Article 23 ensures that DCYF will investigate allegations of sex trafficking when the perpetrator is not a parent or caregiver. In addition, the bill mandates that DCYF has the duty to report all such allegations to law enforcement. DCYF and law enforcement should work together to protect victims of sex trafficking and hold adults who victimize children accountable for their own criminal actions. Article 23 improves the state's ability to protect children and ensure that sex trafficking victims have access to services.

We hope that Article 23 continues the important conversation in Rhode Island about how best to respond the needs of underage victims of trafficking and ensure that they receive needed treatment and are safe from further victimization.

Thank you for the opportunity to comment.