

Delinquency Charges Upon Domestic Minor Sex Trafficking Victims: A Literature Review

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SOWK 300: Social Problems & Development of Social Policy

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March 21, 2022

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Domestic Minor Sex Trafficking, or DMST, is a prevalent issue within the United States. Domestic Minor Sex Trafficking refers to the forced recruitment and use of minors within the sex industry by traffickers for monetary gain. These victims have experienced a significant amount of trauma. Therefore, this vulnerable population deserves the appropriate services and care for rehabilitation and security. Yet, there is a sizable barrier that prevents this vulnerable population from receiving the services they need. Currently, there is a law within the Code of Virginia, § 18.2-346, that fails to protect minors from being charged with prostitution as a delinquent (§ 18.2-346. *Prostitution; Commercial Sexual Conduct; Penalties*, 2018). In being convicted as such, this vulnerable population has a very limited number of resources in juvenile detention centers. Through reviewing peer-reviewed literature relating to Domestic Minor Sex Trafficking and the policy that charges the victims as delinquents, one can observe its relation to advancing social justice, policy context, arguments, limitations, and importance to social work practitioners.

To advance social justice, it is necessary to advocate for this vulnerable population. If minors cannot legally consent to sex until they are a legal adult and if they are involved in any form of prostitution, it is against their will. Though it is nonconsensual, the law in Virginia still allows for the minors to be charged as delinquents than victims. If they are not properly represented, they are even more likely to be convicted. The mindset behind this law was that minors being viewed as delinquents in court rather than victims would, hopefully, dissuade minors from entering the sex work industry, even though they entered the sex work industry unwillingly. If a law was passed that guaranteed their access to services to ensure their safety and rehabilitation,

they will receive justice as victims than be viewed by the system as delinquents for a situation completely out of their control.

Though there are broad policies aiming to protecting global minor sex trafficking victims, the state-wide policies relating to DMST vary greatly and are oftentimes hostile towards the victims. The vulnerable population at the core of this issue, minors who have engaged in prostitution, have experienced unspeakable forms of trauma. Therefore, they should be addressed as who they are, victims. Rather, the current policies in place treat this vulnerable population as criminals. Within the Code of Virginia, § 18.2-346 states that anyone offering or providing any form of sexual intercourse in return “for money or its equivalent” would be charged with prostitution (§ 18.2-346. *Prostitution; Commercial Sexual Conduct; Penalties*, 2018). Because it does not clearly distinguish adults engaging in prostitution versus minors, it gives the opportunity for the prosecution to charge this population as criminals.

There are five peer-reviewed literature addressing this vulnerable population and the policy relating to this issue. The first article is “Obtaining Social Justice for Victims of Domestic Minor Sex Trafficking.” This article discusses the issue of “conflicting federal, state, and local laws,” and introduces institutions that hold varying values and perspectives regarding this vulnerable population (Micetic, 2018). It observes social constructs regarding related issues such as prostitution and its damaging influence on the perception of victims of sex trafficking. The article highlights the law enforcement’s perspective, aiming to detain the minor for their safety, rehabilitation, and prosecution for those in the sex trafficking ring of higher ranking. It then highlights the child welfare’s perspective, focusing solely on the minor’s well-being, where rehabilitation and treatment refrains from viewing them as a criminal or delinquent (Micetic, 2018). In showing law enforcement and child welfare’s varying perspectives on these victims,

this article can advocate for legislation that allow for both law enforcement and child welfare to positively affect these victims and fulfill their wants. Though there are not any significant limitations, the article was published in 2018. Henceforth, some information should be updated to maintain its relevance.

The second article, “Domestic Minor Sex Trafficking: A Social Work Perspective on Misidentification, Victims, Buyers, Traffickers, Treatment, and Reform of Current Practice,” focuses on different aspects of Domestic Minor Sex Trafficking according to a social work perspective. It covers misidentified or unidentified victims, where data regarding the number of DMST victims are skewed. This is often due to the fear of authorities or stigma regarding their situation, leading to this data being improperly recorded (Jordan et al., 2013). The article continues discussing the traits of the victims, how they may be affected from this situation, and the treatment options available to them. On average, many of the minors have experienced traumatic events prior to being forced into the sex work industry, causing their trauma from sex trafficking to be heightened (Jordan et al., 2013). Treatment options available to them includes rehabilitation centers specifically designed to treat victims of torture (Jordan et al., 2013). It then discussed the traits of pimps, traffickers, buyers, and other organized crime groups enabling sex trafficking (Jordan et al., 2013). In focusing on the trauma these victims experienced, this article is valuable in changing the law so that they may have access to the treatment they need. A limitation of this article is its publishing year, 2013, which is significantly dated. Due to this, information regarding current treatment options and the evolution of organized crime groups would be needed for this article to become applicable to the present.

The third article, “Federal and State Responses to Domestic Minor Sex Trafficking: The Evolution of Policy,” delves into the history of policies relating to DMST. It discusses the

introduction of “safe harbor laws” in states, which granted limited or full immunity towards the victim, in return for information that could be used against sex trafficking rings (Roby & Vincent, 2017). The article introduces the history behind acts such as the Victims of Trafficking and Violence Protection Act, or the TVPA, the Violence Against Women Act Reauthorization Act, or the VAWRA, and the Justice for Victims of Trafficking Act, or the JvTA. It discussed the different agencies involved with Domestic Minor Sex Trafficking like law enforcement and Child Protective Services. The article closed with social work implications, highlighting the National Association of Social Workers’, or NASW’s, Code of Ethics (Roby & Vincent, 2017). This article is useful in revising the current laws because it is important to examine the history of sex trafficking policies to notice trends, events, and perspectives that played part in advancing the legislation to benefit the victims of sex trafficking. Due to its publication taking place in 2017, the limitation of needing to review its relevance to current events is present, yet the article still maintains its position in giving accurate information of the history of policy in relation to DMST.

The fourth article, “(De)criminalization of Survivors of Domestic Minor Sex Trafficking: A Social Work Call to Action,” introduces the reader with building a profile on victims of DMST. It then delves into a specific demographic of these victims, homelessness. Running away is one of the lead reasons for homeless minors, almost always due to a traumatic home life. Another lead reason is being kicked out of their home. Oftentimes, this is due to the guardians’ homophobia towards the minors who identify as members of the LGBTQ+ community. The article touches on “survival sex,” in which the minors are vying for survival, therefore falling victim to the recruiters of sex trafficking (Gezinski, 2021). It continues with giving a community outlook as well as the barriers that can stunt a community’s response from helping this

vulnerable population like negative social constructs or misallocated resources. The article closes with social work-oriented interventions and preventions aiming to aid victims of DMST (Gezinski, 2021). By providing insight to the experiences this vulnerable population faces, this article can take part in influencing delegates and senators into supporting these victims. In being published in 2021, this article is relevant to present times, and the data and statistics are also drawn from recent sources. Therefore, this article has no significant limitations.

“Criminal, Victim, or Ally? Examining the Role of Sex Workers in Addressing Minor Sex Trafficking,” the final article, delves into the role sex workers play in DMST. Around “80% of adult sex workers” entered the sex work industry as minors, and would be considered victims of sex trafficking (Bergquist, 2015). Though it is unclear whether these sex workers are aiming to protecting the minors or prosecuting the traffickers, many are open to building an alliance with anti-trafficking organizations. What is clear though is that sex workers view these minors as victims (Bergquist, 2015). The article highlights that to maintain these alliances, organizations should recognize that many of these adult sex workers are not completely unaware of their situation, as many might assume (Bergquist, 2015). In being ignorant to this information, the adult sex workers could be dissuaded from entering a partnership. The article discusses the term “prostitution” within anti-trafficking laws, and how it implies prostitution itself is the sole problem instead of the trafficking of minors (Bergquist, 2015). As an article purposed to give a voice to the adult sex workers’ perspective on DMST, there are no significant limitations other than the article being published in 2015. One could gather that the environment for adult sex workers in 2022 has changed from what it was in 2015, therefore these sex workers could have more information to offer regarding a current perspective on DMST.

In reviewing and discussing literature relating to DMST victims, a social work practitioner follows the National Association of Social Workers' Code of Ethics. The first value, "Service," is seen through social workers addressing this social problem (NASW, 2021). Whether through private organizations or working directly with legislators, social workers can use their personal policy practitioner skills like the "analytical, value-clarifying, political, and interactional skills" (Jansson, 2018). "Social Justice," the second value, is exhibited through social workers advocating for DMST victims, seeking to change the negative social stigma regarding sex trafficking from courtrooms to communities (NASW, 2021). The third value, "Importance of Human Relationships," can be seen through practitioners involved with this problem in that these victims are unable to be reunited with their families or placed into homes that can care and love them when they are placed in juvenile detention centers due to being tried as a delinquent in court. Avoiding this allows for this vulnerable population to be placed into environments that support healthy human relationships (NASW, 2021). "Dignity and Worth of the Person" is the fourth value exhibited through social workers when being involved with this policy problem. This can be seen through viewing the minors as people who have experienced traumatic events and need care and support rather than delinquents who "chose that lifestyle" or are "up to no good" (NASW, 2021). The fifth value, "Integrity," can be seen in practitioners between themselves and the clients they are advocating for, members of their organization, or legislators involved with policy relating to DMST (NASW, 2021). The sixth value, "Competence," can be exhibited in social workers involved with this policy issue by consistently maintaining professional conduct and performance (NASW, 2021).

Social work practitioners should advocate for DMST victims and policies that affect them. Discussing this policy problem is important in advancing social justice because this vulnerable

population should be viewed as victims instead of delinquents by the law so that they may receive the services and care they need. This can be seen within clinical work with trauma focused specialists or advocates for policy legislation in changing how these victims are treated by the law. The policy context that hinders this is within the Code of Virginia § 18.2-346. The five empirical research studies capture statistically and qualitatively experiences of human trafficking victims as a prevalent, often misunderstood. They highlighted different perspectives prostitution is seen within different institutions, the traits of the victims and captors, the policy history relating to victims of DMST, their treatment options, and the perspective adult sex workers have regarding DMST. In being involved with anti-trafficking policies, a social work practitioner follows the National Association of Social Workers' Code of Ethics. In advocating for DMST victims within policy, practitioners can help them receive the care and services they need rather than serving time in detention, ensuring the well-being of this vulnerable population.

Resources

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