

# Assessing Coercion in Sex Trafficking Cases

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## INTRODUCTION

- Federal anti-trafficking laws define sex trafficking as commercial sexual exploitation of an individual through fraud, force, or coercion, and through recruitment, retainment, and transportation of the person (Frey et al., 2019).
- Sex trafficking has been a long-standing problem in the United States, however, it was not until the year 2000 that official laws were established to protect victims of trafficking such as the Trafficking Victims Protection Act (Cecchet & Thoburn, 2014).
- Sex trafficking involves the use of coercive tactics to lure minors and adults into forced sex labor and other illegal activities (Baird et al., 2020).
- For victims of trafficking who are under the age of 18, fraud, force, or coercion is not required to be considered sex trafficking because minors cannot legally provide consent (Frey et al., 2019).
- The current laws pertaining to sex trafficking and commercial sexual exploitation of children (CSEC) leave individuals, especially children, at risk for being re-victimized by the legal process.
- Improved laws and legal procedures through assessing coercion in sex trafficking cases will increase the protection of children and other vulnerable persons.

## VULNERABLE POPULATIONS

- The populations that are especially vulnerable to falling victim to sex trafficking are homeless youth, foster care youth, and victims of child sexual abuse (Lavoie et al., 2019).
- It is essential to examine the prevalence of intersectionality between homeless youth and youth victims of sex trafficking, due to the prominence of coercion and survival sex in both groups (Frey et al., 2019).
- Traffickers are able to successfully use coercive tactics on populations such as these due to their increased risk and vulnerability.
- In the United States, there are disparities among children, adolescents, and women in low socioeconomic circumstances having increased exposure to legal sex work including pornography and strip clubs, thus facilitating a milieu of constant propositioning by exploiters and active recruitment into commercial sexual exploitation (Cecchet & Thoburn, 2014).
- Women possess disproportionately low rates of income, property ownership, unemployment, substandard working conditions, status and power, and fewer economic opportunities which increases their risk of being preyed upon by human traffickers (Cecchet & Thoburn, 2014).
- Due to the intense psychological manipulation and coercion used by traffickers, it is significantly more difficult for victims to detach from their exploiters.

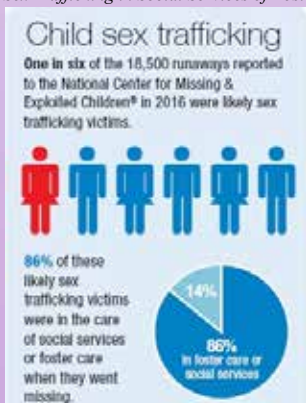
## CONSEQUENCES AND RISKS

- The consequences of sex trafficking are detrimental to the victim's mental health and psychological state (Cecchet & Thoburn, 2014).
  - The earlier in age an individual enters into the commercial sex industry, the more harmful the effects (Baird et al., 2020).
  - The rate of danger increases exponentially when a victim attempts to leave their exploitative circumstance as well as publicly confront their exploiter (Baird et al., 2020).
- ### LEGAL AND FORENSIC IMPLICATIONS
- Coercion in sex trafficking cases can be incredibly difficult to prove especially when the victim in question is of legal age of consent (Lavoie et al., 2019).
  - There is an intense need for effective forensic interviewing of youth victims of sex trafficking to obtain an accurate depiction for legal proceedings particularly when assessing coercion (Lavoie et al., 2019).
  - More often than not, victims of this heinous crime do not see justice in their proceedings, and they are instead met with stigma, victim blaming, and left in dangerous circumstances (Lavoie et al., 2019).

## RECOMMENDATIONS

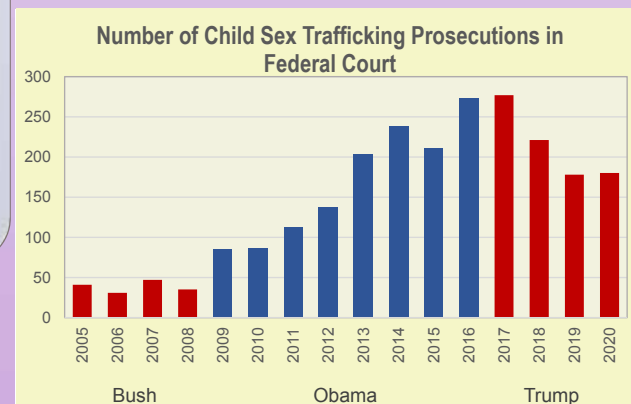
- Incorporating survival sex into the legal definition of sex trafficking will continue to reframe the understanding of child sex trafficking by shifting language to accurately identify vulnerable persons (Frey et al., 2019).
- Modification of language in laws pertaining to child sex trafficking.
- Forensic Psychologists and Attorneys:
  - Use updated language to adequately recognize coercion.
  - Develop a clear understanding of the recruitment process in sex trafficking and CSEC.
  - When assessing coercion in sex trafficking cases, identify the intricacy of coercion tactics used via grooming and manipulation in preexisting relationships (Baird et al., 2020).
  - Increased education on trafficking will enhance understanding of the coercion in sex trafficking cases.
- Increased trafficking education for medical personnel, psychologists, and law enforcement.

Figure 1  
Child Sex Trafficking in Social Services of Foster Care



Adapted from "Child Sex Trafficking in Social Services of Foster Care" by the National Center for Missing and Exploited Children, 2021 (<https://www.missingkids.org/HOMER>). Copyright 2021 by the National Center for Missing and Exploited Children.

Figure 2  
Child Sex Trafficking Prosecution Cases



From "Child Sex Trafficking Prosecutions Fall During Trump Administration" by Trac Reports, Inc., 2020 (<https://trac.syr.edu/tracreports/crim/629/>). Copyright 2020 by Trac Reports, Inc.

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