

2013

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Recommended Citation

Sabena Auyeung, *"How Much Are You Worth?" the Effects of Human Trafficking on the Sex Trade in Illinois and the Remedies Designed to Eliminate It.*, 18 Pub. Interest L. Rptr. 191 (2013).

Available at: <http://lawcommons.luc.edu/pilr/vol18/iss3/4>

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FEATURE

**“HOW MUCH ARE YOU
WORTH?” *THE EFFECTS
OF HUMAN TRAFFICKING
ON THE SEX TRADE IN
ILLINOIS AND THE REMEDIES
DESIGNED TO ELIMINATE IT***

by SABENA AUYEUNG

Millions were there for the game. Some were there for the sex. This was the reality for Indianapolis while they were hosting the Super Bowl in February 2012.¹ For an event so largely publicized, it is hard to believe there is

a hidden commercial sex industry operating alongside it. But the fact remains that the excitement of the games overshadowed a gruesome, hidden illegal subculture of human trafficking victims forced into the sex industry.² While fans and game-goers were being entertained by the Super Bowl, hundreds of young women and children, smuggled from their homes abroad, were forced to provide sexual services for those who wanted it.³

Indiana has since worked to eliminate the problem by creating new laws. Governor Mitch Daniels signed into law tougher penalties on sex traffickers, making it a felony to recruit, transport, or harbour anyone under the age of 16 for prostitution or other sexual conduct, and those who carry out this felonious act will face 20 to 50 years in prison.⁴ In the wake of this growing illegal epidemic, many states have started a statewide campaign to eliminate the human trafficking problem altogether.⁵ In Illinois, new legislation has been enacted in response to the demand to end the statewide human trafficking problem and to dismantle the sexual exploitation that accompanies it.

MODERN-DAY SLAVERY

Human trafficking is defined as a form of modern-day slavery where people profit from the control and exploitation of others.⁶ Human trafficking for the purpose of facilitating the sex trade has been a troubling issue in Illinois for quite some time.⁷ Studies have shown that in Chicago especially, the sex trade industry is a very lucrative and abusive enterprise, often controlled by third parties who operate out of legitimate, regulated business.⁸

“Illinois is a source, transit, and destination state for transnational trafficking as well as the internal trafficking of U.S. citizens and foreign nationals. Chicago’s central geographic location, regionally divided and often insular ethnic communities, transportation infrastructure, and the O’Hare International Airport make the city an ideal location for traffickers to bring victims into Illinois and transport them to other cities and states. Labor and sex trafficking cases have also been reported in suburban communities and rural areas throughout Illinois. Due to the covert nature of the crime and high levels of under-reporting, the total number of trafficking victims in Illinois is difficult to determine.”⁹

Though certainly considered a hub for human trafficking, Chicago is but one of the cities in this country facing an overwhelming surge in this industry.¹⁰ Human trafficking, particularly for the purpose of fueling the sex trade, is a

rapidly spreading crime affecting much of the United States. Over the years, those who are involved in the sex trade have traveled beyond Illinois' borders, an indication of the magnitude of the trafficking issue facing policy makers and government officials in every state.¹¹ Moreover, human trafficking for the purposes of sexual exploitation is not a singular crime. In fact, those who are involved are generally linked to various other criminal acts.¹² Often times, those who profit from human trafficking are also heavily involved in the drug business, and have affiliations with community gangs.¹³

A CRIME UNSEEN

"Human trafficking can exist among us, and we don't really recognize it."¹⁴ As Ohio Attorney General Mike DeWine stated during the Human Trafficking Commission in 2011, one of the biggest challenges surrounding the issue of human trafficking involves building awareness, as many people in America still do not believe human trafficking exists in this country.¹⁵ In 2010, there were a total of 411 calls made to the National Human Trafficking Resource Center ("NHTRC") that referenced potential trafficking situations.¹⁶ In Chicago alone, an estimated minimum of 16,000 to 25,000 women and girls are victims of commercial sexual exploitation every year.¹⁷ In the past, a lack of recognition of the problem of human trafficking has made it difficult to tackle the issue in Illinois.¹⁸ However, developing awareness has prompted the enactment of state legislation to curb human trafficking for the sex trade.¹⁹

With the assistance of local agencies and alliances, the stories of sexually exploited trafficking victims are slowly rising to the surface. One such local agency, the Chicago Alliance Against Sexual Exploitation ("CAASE"), specializes in a multi-year statewide campaign that seeks to transform the community's response to the sex trade.²⁰ By working with elected officials, public opinion shapers and community allies, CAASE is pushing to promote policy and advocacy reforms to assist victims and prosecute perpetrators.²¹ CAASE is working to alleviate the penalties for the women and children of the sex trade and focus on providing tools to assist law enforcement in arresting, charging, and prosecuting the traffickers.²²

PROGRESS IN ILLINOIS

In Illinois, recent legislative victories are finally bringing relief to those affected by the ongoing plague that is human trafficking.

On August 6, 2012, the Illinois General Assembly passed, and the governor approved, amendments to the Illinois Human Trafficking Act.²³ The purpose of the amendments was to expand the definition of involuntary servitude to include physical and mental coercion, as well as redefine the methods in which traffickers are prosecuted.²⁴ Previously, the punishment for human trafficking for the sex trade often fell on those being trafficked, leaving the traffickers without blame.²⁵ Felony sentences in Chicago create “significant barriers to survivors of the sex trade who are trying to find employment and become productive members of the community.”²⁶ Such charges function only to punish the people who are in need of the most support and do not deter the sex crimes that stem from human trafficking violations.²⁷

However, with the passing of the amendments to the Illinois Human Trafficking Act, those who are vulnerable to the traffickers’ intimidation will now be afforded an extra level of protection, since the act further punishes traffickers for their manipulative and coercive tactics.²⁸ Furthermore, the barriers to effective prosecutions are now lifted because the amendments simplify statutory language.

The Illinois Justice for Victims of Sex Trafficking Crimes Act is another legislative victory, as the act enables victims to clear their records of prostitution convictions, thereby creating a fresh start in renewing their lives.²⁹ Young girls and women, who are typically the victims of human trafficking, often have criminal records relating to sex crimes.³⁰ Once marked with a record, they are denied access to employment opportunities, medical attention, and other public benefits.³¹ Moreover, statistics show an unnerving rate of recidivism, as women released from prison for sex offenses stemming from trafficking are likely to be arrested again for the same crimes.³² Studies also show that re-arrests happen more frequently with sexual offenses than any other offense.³³ They are forced into a trade that forecloses any possible chance of rehabilitation. This act is the third in the nation to address the problem, “and is a part of a larger statewide campaign by law enforcement and local advocacy groups

to hold pimps, customers, and traffickers accountable for the sex trade, while supporting the survivors."³⁴

The success of these acts demonstrates that, in Illinois particularly, awareness of human trafficking victims being funneled into the sex industry has prompted a wave of action to address the issue.

OTHER REMEDIES

Numerous organizations within Chicago are also currently engaged in assisting victims of human trafficking who are often girls from broken homes. The Chicago Dream Center is a collaboration of different ministries within Chicago working to help victimized women break away from the sex trade, often a direct result of being trafficked.³⁵ The STOP-IT initiative with the Salvation Army works to aid victims of human trafficking by providing human and family services.³⁶ Within the Cook County Sheriff's Department, the Women's Justice Program is a program dedicated to helping women brought into the criminal justice system, usually for crimes of prostitution.³⁷ End Demand, a campaign in Chicago providing support for survivors of the sex trade, has had some success, especially recently when the organization worked to pass a bill through the Illinois Senate eliminating felony prostitution.³⁸

Like Illinois, states all around the country are working to adopt legislation to eliminate human trafficking, particularly the high demand for human capital in the sex trade. In New York, several bills are pending before the Senate that are focused on educational remedies, such as promoting the education of human trafficking information and the referral hotline to assist persons in freeing themselves from severe acts or forms of sex trafficking.³⁹ Another act targets the close relationship between gangs and prostitution by criminalizing certain gang practices that promote the sex trade.⁴⁰ Recently, Kentucky passed a bill designed specifically to help victims of human trafficking, by including several key provisions that will provide victims with protective custody and protection from prosecution for forced sexual crimes.⁴¹ Together, several states are forming a collective unit that is moving towards the hope that human trafficking will soon be eradicated in this country.

New York and Kentucky can serve as an example for future policy in Illinois to tackle the issue of human trafficking for purposes of feeding the sex trade.

Currently, Illinois' approach to ending human trafficking is to bring justice to the victims and prosecute the traffickers. The Illinois Human Trafficking Act and the Illinois Justice for Victims of Sex Trafficking Crimes Act are by no means a preventative measure, but it is certainly a step towards reform. Honorable Judge Virginia M. Kendall of the Northern District of Illinois advocates a more holistic approach when dealing with human trafficking. "On the educational side, more programs should be enacted in schools to teach students self-respect, independent choice, and a strong will. To move towards ending human trafficking, the number one preventative means is to have task force training, where local law enforcement agencies work with grass-roots organizations to help victims. Healthcare and immigration organizations should also be involved in the process."⁴²

CONCLUSION

Though there is much more work to be done, Illinois has taken its first steps in recognizing the magnitude of the problem and creating solutions to resolve the problem of human trafficking and the sex trade. Daria Mueller, associate director of state affairs for Chicago Coalition for the Homeless states, "For survivors of the sex trade, this is further evidence that our elected officials care about them and want to hold perpetrators accountable."⁴³ Whether or not the new legislation will effectively curb the issue of human trafficking for the sex trade, one thing is certain: that Illinois has made great strides in tackling the problem and bringing justice to the victims.

NOTES

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22 Ohio Attorney General, *supra* note 15.

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