



To: Special Rapporteur on Contemporary Forms of Slavery, hrc-sr-slavery@un.org

From: Jose Alfaro, Board Member of the Human Trafficking Legal Center; and
The Human Trafficking Legal Center

Date: March 31, 2023

Re: Input on Homelessness as a Cause and a Consequence of Contemporary Forms of
Slavery

The Human Trafficking Legal Center, a non-governmental organization based in Washington, D.C., connects trafficking survivors with pro bono representation so they can seek justice and thrive. The organization demands accountability from traffickers, from governments, and from corporations.

Jose Alfaro serves on the Board of Directors of the Human Trafficking Legal Center. Alfaro is a lived experience expert, trafficked into the sex industry as a homeless teenager. His trafficker was convicted and sentenced to 30 years in federal prison.¹ Alfaro has written and spoken widely about his experience as a gay teenager in Texas, made homeless when his parents threw him out of the house.² In 2022, Alfaro was profiled in *Rolling Stone Magazine*. That article highlighted all the ways in which homelessness made Alfaro more vulnerable to sex trafficking – and all forms of child sexual abuse.³

In addition to his work as Board Member with the Human Trafficking Legal Center, Alfaro also serves as a Board Member to HEAL Trafficking, an organization that works to end trafficking from a healthcare perspective. He is also a consultant to Bob's House of Hope, a nonprofit safe house in North Texas for young adult male survivors of sex trafficking and abuse. In these roles, he advocates for victims, advises survivors on their legal rights, and offers educational presentations to lawyers, police officers, law students, healthcare professionals, social workers, and survivors. Alfaro is writing a book about his experience, which he hopes will help inform and educate others.

¹ U.S. Department of Justice, *Houston Man Gets 30 Years for Trafficking Children for Commercial Sex*, Dec. 18, 2018, <https://www.justice.gov/usao-sdtx/pr/houston-man-gets-30-years-trafficking-children-commercial-sex>.

² Jose Alfaro, *I'm a survivor of sex trafficking and invisible no more*, Boston Globe, Aug. 12, 2021, <https://www.bostonglobe.com/2021/08/12/opinion/im-survivor-sex-trafficking-invisible-no-more/>.

³ Abigail Pesta, *He was young, gay, and sold for sex. How Jose Alfaro escaped a trafficking nightmare*, Rolling Stone, Aug. 21, 2022, <https://www.rollingstone.com/culture/culture-features/sex-trafficking-gay-teen-lgbtq-1395140/>.

The Human Trafficking Legal Center and Jose Alfaro welcome this opportunity to provide input into the UN Special Rapporteur's Study of Homelessness as a Cause and Consequence of Human Trafficking.⁴

Introduction

Homelessness impacts LGBTQ+ youth individuals at significantly higher rates than their heterosexual, cisgender peers. LGBTQ+ youth disproportionately experience rejection by their families of origin, and explicitly or implicitly are forced out of their homes. Traffickers exploit LGBTQ+ youths' vulnerability, often forcing them into sex work or other forms of labor in exchange for housing. Stories like Jose Alfaro's illustrate this all-too-common phenomenon – societal and familial rejection of LGBTQ+ youth leading to overwhelmingly high rates of homelessness and consequential trafficking and exploitation.

Homelessness drove Alfaro into the homes of his abusers. Perpetrators exploited Alfaro's need for shelter and forced Alfaro to perform acts as a child that appalled him. Throughout it all, Alfaro felt that he could not turn to law enforcement for fear that they would ignore him – or, worse, criminalize him – because he is gay. Indeed, the first few times he did interact with law enforcement resulted in victim blaming, including Alfaro himself being arrested. Moreover, Alfaro could never rely on his family of origin in Texas due to their intolerance of his sexuality.

Homelessness made Jose Alfaro vulnerable to human trafficking. As his case illustrates, the desperate need for shelter also contributed to the difficulty in escaping his trafficker. Examples from Alfaro's life demonstrate the insidious role that homelessness often plays, especially for LGBTQ+ youth:

- As a teenager, Alfaro's father became violent after learning that his son was gay. When the police responded to a 911 call, they suggested that the teenager leave the house until the situation cooled down. This was Alfaro's first experience with homelessness.
- Later, when he returned home, Alfaro's parents gave him an ultimatum: go to conversion therapy camp or leave their home. Alfaro fled the house instead of attending an anti-LGBTQ+ conversion treatment program.
- Homelessness continued to exacerbate Alfaro's vulnerability. After fleeing his home, he went to stay with an adult sex abuser. When police investigated an altercation between Alfaro and his abuser, they arrested Alfaro.
- Desperate for a safe place to stay, Alfaro visited a website and found a "Good Samaritan" who offered to provide him with a job and a place to stay. That "Good Samaritan" was Jason Gandy, who trafficked Alfaro and multiple other boys into the sex industry over a period of years.
- Throughout Alfaro's experience of homelessness, multiple systems and institutions failed him, again and again. A homeless shelter turned him over to a sexually abusive adult, ignoring signs of sexual exploitation. Social workers he interacted with did not recognize

⁴ Jose Alfaro and the staff of the Human Trafficking Legal Center thank the pro bono law firm Jenner & Block LLP for their work researching and drafting this submission.

him as a victim of child sex trafficking, but treated him instead as a delinquent. Schools also failed to recognize Alfaro’s victimization. As Alfaro’s experience illustrates, all too often, LGBTQ+ victims – and particularly gay teenaged boys – are invisible.

Alfaro’s Story Is One of Many

As many as one-fourth of LGBTQ+ youth experience homelessness at some point during their early lives.⁵ Myriad systemic issues contribute to this prevalence, but for many, rejection by their families based on stigma and homophobia is a factor.⁶ One survey found that 55 percent of LGBTQ homeless youth—and 67 percent of transgender homeless youth—were forced to leave by their families, or determined they had no choice but to run away from a familial home.⁷ In addition to greater prevalence, LGBTQ+ youth are more likely to remain homeless for longer periods of time, commonly due to homophobic discrimination and stigma they face from homeless centers and shelters, potential job opportunities, schools, and other relevant services.⁸

Without equal access to shelters or foster care, these individuals may view sex as their only means of survival.⁹ One study in New York City found *one in four* homeless LGBTQ+ children, and *nearly half* of gay or bisexual homeless boys, are victims of child commercial sexual exploitation.¹⁰ But child commercial sexual exploitation is not the only avenue of sexual exploitation of homeless LGBTQ+ youth. A recent study suggests that approximately 11 percent of all transgender and nonbinary conforming youth had, for some period of time, participated in survival sex:¹¹ sex provided in exchange for food, shelter, or drugs.¹² A trafficking survivor who takes part in a program for survivors initiated by Love146, an organization devoted to ending child trafficking, captured this form of exploitation while homeless: “I either sleep in the park and I don’t know what’s gonna happen to me, or I go home with this guy. And yeah, I knew

⁵ Jonah DeChants, et al., *Homelessness and Housing Instability Among LGBTQ Youth*, The Trevor Project (2022), <https://www.thetrevorproject.org/research-briefs/homelessness-and-housing-instability-among-lgbtq-youth-feb-2022/> (summarizing the overrepresentation of LGBTQ+ individuals in homeless populations and the studies relied upon therein).

⁶ J. Leigh Oshiro-Brantly et al., *Continuum of Exploitation: The Role of Inclusive Sexual Health Education in Preventing Human Trafficking of Minors*, 15 *Charleston L. Rev.* 585, 593, 636 (2021).

⁷ *Id.* at 614-15 (“55% of LGB youth and 67% of [transgender and gender nonconforming] youth in the United States cite their sexual orientation or gender identity and expression (SOGIE) as the reason behind them running away or being forced out by family members.”).

⁸ David Perry, et al., *Exploitation and Gender: Increasing the Visibility of Cisgender, Transgender, and Gender Nonconforming Youth*, Westcoast Children’s Clinic (2023), https://www.westcoastcc.org/wp-content/uploads/2023/03/WCC-Gender-and-Exploitation-Report_March2023.pdf?fbclid=IwAR0KOZ9ZXW8c5mlZQOCKuPAeqKYH_rE5-w6xQjXj6i0g8et7tj_7Tads9E (relying on studies and the findings in a 2022 focus group consisting of 34 providers and survivors of child commercial sexual exploitation to determine the hurdles that prevent homeless LGBTQ+ youth from accessing housing and resources).

⁹ *Id.* at 8 (noting that the discrimination and inaccessibility LGBTQ+ youth face “leaves the street economy as their only means of survival.”).

¹⁰ Melissa L. Breger, *Stemming the Tide: Social Norms and Child Sex Trafficking*, 126 *Dick. L. Rev.* 135, 144 & n.53 (2021).

¹¹ Moses Moon, *Introduction*, 52 *Colum. Hum. Rts. L. Rev.* 1062, 1068 n.20 (2021) (defining “survival sex”).

¹² Perry, et al., *supra* note 6, at 8, 20 n.38 (summarizing the results of the study “Correlates of engaging in survival sex among homeless youth and young adults” to increase awareness of boys who are trafficked).

what was expected of me [if I went home with him] – but that seemed like a safer option than staying in the park where I had no idea what might happen.”¹³

Homeless LGBTQ+ youth seeking to escape trafficking or other sexual exploitation frequently face challenges with law enforcement. Law enforcement tends to interpret the effects of these children’s exploitation – involvement in the sex industry, aggressions stemming from trauma – as wrongdoing to be punished rather than evidence of their victimization.¹⁴ “LGBTQ+ youth ... are particularly overrepresented in detention for prostitution-related offenses,”¹⁵ which reinforces law enforcement’s expectation to view LGBTQ+ individuals as perpetrators rather than victims.¹⁶ Moreover, boys tend to exhibit signs of aggression as trauma response (including as a response to trafficking) which law enforcement often interpret as criminal behavior.¹⁷ Although trafficking victims of any gender may be criminalized, men and boys are criminalized at higher rates.¹⁸ Once in the criminal justice system, these boys are less likely to receive from law enforcement personnel the resources necessary for recovery, or for escape from exploitation upon release.¹⁹

Many LGBTQ+ trafficking victims’ experiences go unreported, and unaddressed, due to credible fears of victim blaming and social misconceptions such as that men cannot be victims of sexual assault or rape.²⁰ Distrust in law enforcement creates a strong disincentive for LGBTQ+ victims to report trafficking.²¹ Entrenched stereotypes that men or boys who engage in sex in return for something else are choosing to be exploited, whereas women and girls are instead coerced into sex, render many LGBTQ+ trafficking survivors invisible.²² Having internalized these societal biases, men and boys are more likely to frame exploitation as work or “a hustle,” both to society and internally to themselves.²³ They also may internalize their trauma more so

¹³ *How Child Trafficking Is Related To Housing Insecurity*, Love 146 (Jan. 10, 2021), <https://love146.org/how-child-trafficking-is-related-to-housing-insecurity/>.

¹⁴ Sara Ann Friedman, et al., *And Boys Too: An ECPAT-USA Discussion Paper About the Lack of Recognition of the Commercial Sexual Exploitation of Boys in the United States*, ECPAT-USA (2013), <https://abolitionistmom.org/wp-content/uploads/2014/09/and-boys-too.pdf> (analyzing the findings of studies that show that law enforcement generally hold stigma towards LGBTQ+ youth and tend to over criminalize LGBTQ+ youth, particularly when they are victims of trafficking and even more so when they are young boys and men, and that LGBTQ+ youth in turn distrust law enforcement, resulting in lack of reporting).

¹⁵ Oshiro-Brantly, et al., *supra* note 4, at 615.

¹⁶ Friedman, et al., *supra* note 12 (analyzing the distrust of LGBTQ+ victims of trafficking towards police and the underlying reasons).

¹⁷ Perry, et al., *supra* note 6, at 10, 12 (summarizing the findings of the focus group, *supra* note 6, to assess often overlooked trafficking indicators perceived to be more common among boys and transgender and gender nonconforming youth).

¹⁸ *Id.* at 8 (“While exploited youth of all genders may be criminalized, either directly or indirectly as a result of being trafficked, exploited boys are criminalized at higher rates.”).

¹⁹ Friedman et al., *supra* note 12.

²⁰ Perry, et al., *supra* note 6, at 7.

²¹ *Id.* at 8, 13-14.

²² *Id.* at 7 (“For example, there is a strong stereotype that boys and young men who trade sex for things of value are choosing to be exploited, whereas girls and young women in the same situation are assumed to be forced or coerced into trafficking.” (endnote omitted)).

²³ *Id.* at 8 (“For exploited boys, the perception of control or choice in being trafficked may also be part of their self-concept. For example, boys may frame their exploitation as ‘a hustle,’ ‘a job,’ or ‘work’ to feel a sense of control over their lives.”).

than women, and are more likely to hide evidence of their exploitation to avoid homophobic attitudes and responses.²⁴ In fact, many non-cisgender-woman victims of trafficking may not even recognize that they have experienced trafficking.²⁵ Statistics thus likely depict a much lower number than reality, and the experiences of trafficked LGBTQ+ homeless youth are less likely to be counted through reporting methods and in the resulting data.²⁶ This precludes researchers, policymakers, and service providers from understanding the full picture and making efforts to provide services and support for LGBTQ+ victims of trafficking, particularly young men and boys.

Recommendations

- Resources, safe homes, and homeless shelters must be available for all youth, including specifically for males.
- Many of the systemic problems that contribute to homelessness as a cause and consequence of trafficking can be ameliorated through better education, training, and understanding of the problem. Providers must be educated and trained to identify and respond to the factors that suggest a child is a victim of trafficking, such as abuse at home. Trainings should be provided to social workers, teachers, medical professionals, law enforcement, and other providers of social services. If those coming into contact with LGBTQ+ youth trafficking victims recognize and respond, they can step in and remediate.
- Efforts should be expanded to counter the overrepresentation of LGBTQ+ youth, particularly boys, who are exploited. This includes recognizing youth survival sex as a form of exploitation; training providers to recognize signs of trauma; adopting universal screening to support identification of all vulnerable youth; improving rapport with boys, transgender, and gender nonconforming clients; creating safe environments for LGBTQ+ youth; and providing education to combat stereotypes.²⁷

²⁴ *Id.* (“These cultural forces contribute to shame and stigma for trafficked boys, making it more difficult for them to talk about or recognize their exploitation. Gender expectations may also shape how trauma is expressed.” (endnotes omitted)).

²⁵ Oshiro-Brantly, et al., *supra* note 4.

²⁶ Breger, *supra* note 8.

²⁷ *See* Perry, et al., *supra* note 6.