



FOR IMMEDIATE RELEASE**MAY 20, 2004****Contact: Lakshmi Anantnarayan****212-586-0906****lanant@equalitynow.org****Hawaii Passes Law Against Sex Tourism
Equality Now Welcomes First State Legislation of Its Kind in Nation**

New York, May 20, 2004 -- In an unprecedented move to combat sex tourism, the Lt. Governor of Hawaii yesterday signed into law Act 82, an Act relating to prostitution. This Act makes it a class C felony, with a sentence of up to five years in prison, to sell or offer to sell travel services for the purpose of engaging in prostitution and authorizes suspension or revocation of a travel agency registration for engaging in these acts.

Equality Now supported passage of the Act, giving written and oral testimony at both Hawaii State Senate and House Committee hearings. The amendment to the Penal Code as a result of the legislation will make it easier for law enforcement authorities to investigate, prosecute and convict sex tour operators for their criminal activities because it defines the typical activities of sex tour operators as promoting travel for prostitution. Further, by recognizing implicitly that the act of engaging in prostitution and the act of promoting travel for prostitution may occur in different jurisdictions, it makes clear to law enforcement authorities that they can prosecute the offense of promoting travel for prostitution, even though the act of prostitution itself may not take place in the State of Hawaii.

Equality Now believes that in addition to aiding prosecutors and licensing officials, this law will serve as a model for future federal and state legislation on sex tourism. "We hope the passage of Act 82 will trigger legislation nationwide for the protection of the human rights of women and girls and the prosecution of those in the sex tourism industry. Equality Now urges other states to follow the impressive example set by Hawaii in amending their laws to specifically criminalize the activities of sex tour operator," said Taina Bien-Aimé, Executive Director.

Equality Now's Campaign against sex tourism in Hawaii, and one sex tour operation in particular, inspired the introduction and passage of the new legislation. Video Travel, a sex tour company based in Honolulu owned by Melvin M. Hamaguchi, was until very recently operating under license from the Hawaii Department of Commerce and Consumer Affairs. Video Travel has been sending sex tourists on its *Ultimate Asian Sex Tour* to Thailand every May and November. In August 2002, Equality Now filed a complaint with the Regulated Industries Complaints Office (RICO) of the State of Hawaii Department of Commerce and Consumer Affairs, requesting that Mr. Hamaguchi's travel agency license be revoked on the basis that he is an "unfit person" to hold a license or be registered as a travel agent. No action was taken until April 2004, when Mr. Hamaguchi agreed to the voluntary revocation of his license on other grounds. He is no longer allowed to operate as a travel agent in Hawaii. In November 2003, Equality Now also called on Hawaii Attorney General Mark Bennett to prosecute Mr. Hamaguchi for the promotion of prostitution, but no criminal proceedings have been initiated.

Equality Now is an international human rights organization that works to protect and promote the civil, political, economic and social rights of girls and women. Equality Now's Women's Action Network comprises 25,000 groups and individual members in over 160 countries. For more information please visit www.equalitynow.org.

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Pacific Business News (Honolulu) - November 4, 2003
<http://pacific.bizjournals.com/pacific/stories/2003/11/03/daily28.html>

PACIFIC BUSINESS NEWS

LATEST NEWS

November 4, 2003

State investigates alleged sex tours of Thailand

Prabha Natarajan

A Honolulu company is under investigation for allegedly organizing sex tours to Asia.

The state Department of Commerce and Consumer Affairs opened an investigation last year of Video Travel, a state-licensed travel agent, based on complaints, said JoAnn Uchida, DCCA's complaints and enforcement officer.

Equality Now, a New York-based women's rights group, lodged a complaint with the state and now is asking state Attorney General Mark Bennett to shut down Video Travel.

The company is operated by Melvin Hamaguchi, who refused to speak with a PBN reporter Tuesday.

Video Travels allegedly offers tours to Thailand twice a year -- in May and November. The next trip is scheduled for Nov. 12, according to Lakshmi Anantnarayan, spokeswoman for Equality Now.

The conducted tours take people from the U.S. to Thailand. According to Video Travel's Web site, clients pay for roundtrip airfare from Los Angeles, transportation and hotel stays in Bangkok, and guided tours to such places as Bangkok's three major sex districts and Pattaya, Thailand's premier sex resort.

The Web site operates through a post office box located in Honolulu.

Uchida said the state is working with other agencies and countries to investigate the case.

"What we will do depends on the strength of the evidence to determine if travel agents' licensing laws were violated," she said. "There are limited parameters for us to look at."

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HB101

Legislative Testimony, March 18, 2005

Dennis B. Holway

2372 Loussac Dr.

Anchorage, AK 99517

My name is Dennis Holway and I am a United Methodist minister who has been serving in Alaska since 1977.

It is my understanding there are three pending bills in the Legislature (HB101, HB148 and SB12) that focus on Sex Trafficking and Tourism. All three lift up the injustice of such acts and call for a Class A felony. These resolutions, particularly HB 101 addresses a massive hole that exists in our state policy particularly related to Sex Trafficking and Sex Tours and Tourism.

According to estimates by the CIA and the State Department an estimated 700,000 to 4 million people worldwide (primarily women and children) are trafficked each year. An overlooked aspect of these statistics is the fact that 18,000 to 20,000 people are trafficked into the United States each year.

According to US Documents the first trafficking case in the U.S. was prosecuted **just 7 years ago in 1998** and the State Department Office to Monitor and Combat Trafficking in Persons was created **as recently as 2001**. It seems about time that we move forward with such legislation.

As a United Methodist I stand with our denomination in calling for strict global enforcement of laws prohibiting the sexual exploitation of children by adults and encourage efforts to hold the perpetrators legally and financially responsible.

Therefore I ask for your support of HB101.
Thanks you for your time.

**Voices Of Polynesian Islanders
In Alaska**

President : Rev. Elder Saitai Maga
V. President: Rev. Lalofau Leifi
Secretary : Rev. Calvin Samuelu
Treasury : Rev. Lauko Poua

March 4

*Honorable Members of the House Judiciary Committee
Representative Lesil McGuire, Chair
State Capital, Room 120
Juneau, Alaska 99801*

Dear Honorable Representatives,

*I am writing on behalf of myself, my Congregation and the members of the
Voices of Polynesian Islanders in Alaska or the Samoan Community in support of HB
101. "An Act relating to sex trafficking and tourism." Trafficking in humans, usually
children, is appaulling, but increasing, enterprise that preys on innocent and vulnerable
people around the world. The commercial exploitation of children would not grow if
every State and Nation acted to eliminate the demand for these horrible crimes. Alaska
can play its part by passing HB 101, and ask you to please do so.*

Sincerely,

Saitai Maga
Reverend Elder Saitai Maga

c.c Rep. McGuire
House Judiciary Comm.

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Building Foundationally Stable and Functionally Dynamic Congregations and Ministries

Alaska District Council,

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March 7, 2005

Representative Eric Croft
District 25
State Capitol, Room 400
Juneau, Alaska 99801-1182

RE: HB101

Dear Representative Croft:

The Presbytery of the Alaska District Council has voted upon and passed a resolution expressing their support for House Bill 101, Sex Trafficking.

Find attached that resolution.

Sincerely,

Ted Boatsman
Superintendent

TB:ng

Cc: Mark Gnadt

Enclosure

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Sex Trafficking Resolution, HB 101

March 7, 2005

Whereas the Assemblies of God of Alaska are aware that one to two million women and children are presently being trafficked across the world, lured by false promises of good jobs or kidnapped to a life of forced labor and/or sexual exploitation, and

Whereas this illegal activity has grown to a \$9 Billion dollar industry – the third most profitable after drugs and weapons smuggling, and

Whereas the enterprise of human exploitation and slavery has been aided by technological advances to allow “resort,” “hotels,” and “cultural tour agencies” to openly advertise on the internet that minor children are available as “hostesses, guides, and companions; and

Whereas these practices of sex slavery, openly managed by predatory criminal elements in foreign nations, continue to expand, and

Whereas the Alaska State Legislature is considering HB 101 that would amend state law to make sex trafficking and the promotion of sex tourism a Class A felony, therefore be it

Resolved that the Presbytery of the Alaska District Council of the Assemblies of God go on record as supporting this legislation and urges its congregations, members, and all others to support and pray for this needed legislation.

Author: The Alaska District Presbytery of the Alaska District Council of the Assemblies of God



REPRESENTATIVE ERIC CROFT

Memorandum

TO: Representative Lesil McGuire, Chair House Judiciary Committee

FROM: Representative Eric Croft

DATE: February 9, 2005

RE: Hearing Request, HB 101

Please schedule HB 101 for a hearing in the House Judiciary Committee at your earliest convenience. I have attached a copy of the bill, a sponsor statement and some additional background information. We have been assured of support from a variety of groups statewide, including religious, medical and social welfare organizations, and I will submit their written statements to you as my office receives them. I can assure you that there is ample support to warrant a hearing, and I would appreciate your help in moving this important legislation through the committee process.

Thank you.



HB 101

“An Act relating to sex trafficking and tourism”

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February 9, 2005

In researching this topic, two recent studies, one from the University of Pennsylvania and one from the U.S. Department of State, are most helpful. This bill packet contains excerpts from each study including each study's table of contents. Full copies of the studies are available in my office and on the web but are not included here due to their length.

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REPRESENTATIVE ERIC CROFT

Sponsor Statement HB 101 **“An act relating to sex trafficking and tourism.”**

In his address to the UN General Assembly in September 2003, President George W. Bush called the trafficking of people “a special kind of evil in the abuse and exploitation of the most innocent and vulnerable.” HB 101 attacks this serious problem at two of its fundamental economic stages. It targets those who traffic people for the purposes of forcing them into commercial sex acts, and it also targets the industries that create the demand for these horrible acts by offering “sex tours” and other promises of sex to Alaskan clients.

Section 1 of the bill makes it a class A felony to hold or transport someone against their will for the purpose of forcing them into a commercial sex act. It also fixes an anomaly in current law that reduces the punishment for someone who forced a child under the age of 18 into prostitution but who was not charged until after the child turned 18.

Because much of the illegal sex trafficking and sex tour activity happens overseas, the most direct way for Alaska to help eradicate this black market industry is to limit the demand for such despicable acts. Section 2 strikes at those who promote, organize or otherwise market commercial sex tours and travel services by making these activities punishable to the same degree as sex-trafficking itself.

Recent studies by the University of Pennsylvania and the U.S. Department of State on the prevalence of sex trafficking and sex tours both nationally and globally show an astounding number of children each year fall victim to this heinous industry. We must do our part to end this abuse and exploitation of our world’s most vulnerable children. HB 101 makes Alaska part of the solution and not part of the problem.



TRAFFICKING IN PERSONS REPORT



JUNE 2004



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DENG, IN HER LATE 20'S, WAS RECRUITED in her native Thailand to travel voluntarily to Australia where she was told she could make lots of money as a prostitute. Upon arrival in Australia, however, she was met by traffickers who took away her passport and locked her in a house. She was told that she would have to pay off a debt of over \$30,000 by servicing 900 men. She was given little food to eat and was forcibly escorted to a brothel seven days a week, even when she was sick. She was told that if she tried to escape, criminal allies of the trafficking ring

ments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.

Many nations misunderstand this definition, overlooking internal trafficking or characterizing any irregular migration as trafficking. The TVPA addresses "severe forms of trafficking," defined as:



would catch her. Deng's exploitation ended when Australian Immigration officials raided the brothel in which she was enslaved.

What is trafficking?

The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, defines trafficking in persons as:

the recruitment, transportation, transfer, harboring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of pay-

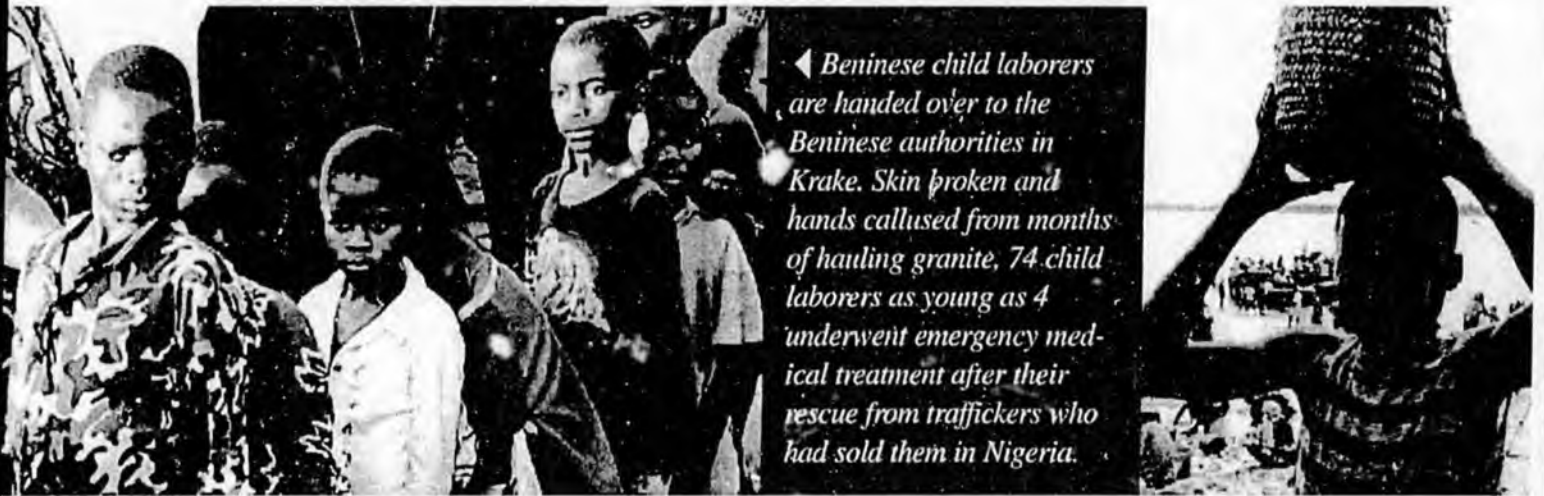
- a. sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age; or
- b. the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

These definitions do not require that a trafficking victim be physically transported from one location to another. They plainly apply to the recruitment, harboring, provision, or obtaining of a person for the enumerated purposes.

What is the human and social toll of trafficking? Victims of human trafficking pay a horrible price. Physical and psychological harm, including disease and stunted growth, often has permanent effects, ostracizing trafficking victims from their families and communities. Trafficking victims often miss critical opportunities for social, moral, and spiritual development. In many cases the exploitation of trafficking victims is progressive: a child trafficked into one form of labor may be further abused in another. In Nepal, girls recruited to work in carpet factories, hotels, and restaurants have been forced later into the sex industry in India.

guage, compounding the psychological damage from isolation and domination. Ironically, the human capacity to endure unspeakable hardship and deprivation leads many trapped victims to continue to work, hoping for eventual freedom.

TINA, A TEENAGER FROM A RURAL Indonesian village, incurred hundreds of dollars in debt for four months of domestic service training and board at an Indonesian migrant labor center. From there Tina, like many other Indonesian girls, was transported to Malaysia, believing she would work as a



◀ *Beninese child laborers are handed over to the Beninese authorities in Krake. Skin broken and hands callused from months of hauling granite, 74 child laborers as young as 4 underwent emergency medical treatment after their rescue from traffickers who had sold them in Nigeria.*

In the Philippines, and in many other countries, children who initially migrate or are recruited for the hotel and tourism industry, often end up trapped in brothels. A brutal reality of the modern-day slave trade is that its victims are all too often bought and sold many times over.

Victims forced into sex slavery are often subdued with drugs and suffer extreme violence. Victims trafficked for sexual exploitation suffer physical and emotional damage from premature sexual activity, forced substance abuse, and exposure to sexually transmitted diseases including HIV/AIDS. Some victims suffer permanent damage to their reproductive organs. Moreover, the victim is typically trafficked to a location where he or she cannot speak or understand the lan-

maid for a Malaysian couple. Forced to work up to 15 hours a day in a family business where she slept on the floor, Tina was told her salary would be withheld until she finished her two-year contract. After many instances of physical abuse, she sought refuge at a victims' shelter of a Malaysian NGO. Tina has filed a complaint with the police against her employer and has been given an extension of her immigration visa in order to pursue her case in Malaysia.

Trafficking in Persons Is a Human Rights Violation. Fundamentally, trafficking in persons violates the universal human right to life, liberty, and freedom from slavery in all its forms. Trafficking of children under-

THE FACTS ABOUT CHILD SEX TOURISM

The commercial sexual exploitation of children affects millions of children each year, in countries on every continent. One form of this exploitation is the growing phenomenon of Child Sex Tourism (CST). Persons who travel from their own country to a foreign country to engage in a commercial sex act with a child commit CST. The crime is fueled by weak law enforcement, the Internet, ease of travel, and poverty.

Tourists engaging in CST typically travel from their home countries to developing countries. Sex tourists from Japan, for example, travel to Thailand, and Americans tend to travel to Mexico or Central America. "Situational abusers" do not intentionally travel to seek sex with a child but take advantage of children sexually once they are in country. "Preferential child sex abusers" or pedophiles travel for the purpose of exploiting children.

In response to the growing phenomenon of CST, intergovernmental organizations, the tourism industry, and governments have begun to address the issue. World Congresses Against Commercial Sexual Exploitation convened in Stockholm and Yokohama in 1996 and 2001, drawing significant international attention to the issue. The World Tourism Organization established a task force to combat CST and promulgated a Global Code of Conduct for Tourism in 1999. Over the last five years, there has been a worldwide increase in the prosecution of child sex tourism offenses. Today, 32 countries have extraterritorial laws that allow the prosecution of their nationals for crimes committed abroad, regardless of whether the



offense is punishable in the country where it occurred.

Several countries have taken commendable steps to combat child sex tourism. For example, France's Ministry of Education along with travel industry representatives developed guidelines on CST for tourism school curricula, and state-owned Air France allocates a portion of in-flight toy sales to fund CST awareness programs. Brazil implemented a national and international awareness campaign on sex tourism. Italy requires tour operators to provide information regarding its extraterritorial law on child sex offenses, and nearly every Swedish tour opera-

tor has signed a code of conduct agreeing to educate its staff about CST. Cambodia established police units focused on combating child sex tourism and has arrested and extradited foreign pedophiles. Japan prosecutes its citizens caught having sex with children in other countries.

The United States strengthened its ability to fight child sex tourism last year through passage of the Trafficking Victim Protection Reauthorization Act and the PROTECT Act. Together these laws enhance awareness through the development and distribution of CST information and increase penalties to up to 30 years for engaging in child sex tourism. In the first eight months of "Operation Predator" (a 2003 initiative to fight child exploitation, child pornography, and child sex tourism), U.S. law enforcement authorities arrested 25 Americans for child sex tourism offenses. Overall, the global community is awakening to the horrific issue of child sex tourism and is starting to take important initial steps.

mines the basic need of a child to grow up in a protective environment and the right to be free from sexual abuse and exploitation.

Trafficking Promotes Social Breakdown.

The loss of family and community support networks renders the trafficking victim vulnerable to the traffickers' demands and threats, and contributes in several ways to the breakdown of social structures.

Trafficking weakens parental authority, undermines extended family ties, and prevents the nurturing and moral development of children. Trafficking interrupts the passage of knowledge and cultural values from

parent to child and from generation to generation, weakening a core pillar of society. The profits from trafficking often allow the practice to take root in a particular community, which is then repeatedly exploited as a ready source of victims. The fear of becoming a trafficking victim can lead vulnerable groups such as children and young women to go into hiding, with adverse effects on their schooling or family structure. The loss of education reduces victims' future economic opportunities and increases their vulnerability to being trafficked in the future. Victims who are able to return to their communities often find themselves

STATEMENT OF PRESIDENT GEORGE W. BUSH
Excerpt of Address to the United Nations General Assembly
The United Nations • New York, New York
September 23, 2003

There's another humanitarian crisis spreading, yet hidden from view. Each year, ...human beings are bought, sold or forced across the world's borders. Among them are hundreds of thousands of teenage girls, and others as young as five, who fall victim to the sex trade. This commerce in human life generates billions of dollars each year—much of which is used to finance organized crime.

There's a special evil in the abuse and exploitation of the most innocent and vulnerable. The victims of the sex trade see little of life before they see the very worst of life—an underground of brutality and lonely fear. Those who create these victims and profit from their suffering must be severely punished. Those who patronize this industry debase themselves and deepen the misery of others. And governments that tolerate this trade are tolerating a form of slavery.

This problem has appeared in my own country, and we are working to stop it. The PROTECT Act,

stigmatized and ostracized, and require continuing social services. They are more likely to become involved in substance abuse and criminal activity.

NOI CAME FROM A POOR COMMUNITY IN rural Thailand. At 15, seeking to escape rape and sexual abuse in her foster family, she found a foreign labor agent in Bangkok who advertised well-paid waitress jobs in Japan. She flew to Japan and later learned that she had entered Japan on a tourist visa under a false identity. On her arrival in Japan, she was taken to a karaoke bar where the owner raped

her, subjected her to a blood test and then bought her. "I felt like a piece of flesh being inspected," she recounted. The brothel madam told Noi that she had to pay off a large debt for her travel expenses. She was warned that girls who tried to escape were brought back by the Japanese mafia, severely beaten, and their debts doubled. The only way to pay off the debt was to see as many clients as quickly as possible. Some clients beat the girls with sticks, belts and chains until they bled. If the victims returned crying, they were beaten by the madam and told that they must have provoked the client.



which I signed into law this year, makes it a crime for any person to enter the United States, or for any citizen to travel abroad, for the purpose of sex tourism involving children. The Department of Justice is actively investigating sex tour operators and patrons, who can face up to 30 years in prison. Under the Trafficking Victims Protection Act, the United States is using sanctions against governments to discourage human trafficking.

The victims of this industry also need help from members of the United Nations. And this begins with clear standards and the certainty of punishment under laws of every country. Today, some nations make it a crime to sexually abuse children abroad. Such conduct should be a crime in all nations. Governments should inform travelers of the harm this industry does, and the severe punishments that will fall on its patrons. The American government is committing \$50 million to support the good work of organizations that are rescuing women and children from exploitation, and giving them shelter and medical treatment and the hope of a new life. I urge other governments to do their part.

We must show new energy in fighting back an old evil. Nearly two centuries after the abolition of the transatlantic slave trade, and more than a century after slavery was officially ended in its last strongholds, the trade in human beings for any purpose must not be allowed to thrive in our time.

**The Commercial Sexual Exploitation of Children
In the U. S., Canada and Mexico**

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September 10, 2001

CHILD SEXUAL EXPLOITATION IN CANADA, MEXICO AND THE U.S.

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Exhibit N.1 Commercial Sexual Exploitation of Children: Overview of Core CSEC Relationships

**The Commercial Sexual Exploitation of Children
In the U. S., Canada and Mexico**

Abstract

(of the U.S. National Study)

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The Commercial Sexual Exploitation of Children in the U.S., Canada and Mexico

Abstract

Introduction

The benefits of economic globalization, internationalization, and free trade have brought with them an unanticipated set of social problems. Among them is what appears to be a dramatic increase worldwide in the incidence of child sexual exploitation (hereafter "CSE")--including the *commercial* sexual exploitation of children (hereafter "CSEC"). Child pornography, juvenile prostitution and trafficking in children for sexual purposes have emerged as significant problems on the international stage as well. So, too, has child sex tourism. The extent of these problems in the U.S., Canada and Mexico has been unknown, albeit most experts dealing with the CSEC regard the problem to a serious one in the North American region as well.

Project Goals and Objectives

The research summarized in this report represents an innovative approach to the systematic collection of *first-generation* data concerning the nature, extent and seriousness of child sexual exploitation in the U.S., Canada, and Mexico. The project was organized around the following objectives: 1) identification of the nature, extent, and underlying causes of CSE and the CSEC occurring in the three countries of the North American Free Trade region (hereafter "NAFTA")—the U.S., Canada, and Mexico; 2) identification of those subgroups of children that are at the greatest risk of being sexually exploited; 3) identification of subgroups of adult perpetrators of sex crimes against children—including pimps, traffickers, and adult "customers" of children for sex; 4) identification of the extent to which organized criminal units are involved in the CSEC; 5) identification of the modes of operation and other methods used by organized criminal units to recruit children into sexually exploitative activities; 6) identification of local, state and national laws relating to CSE and the CSEC; 7) identification of international agreements, covenants and declarations pertaining to CSE and the CSEC; 8) identification of the strengths and weakness of the country's current capacity for preventing CSE, or at least protecting children from its commercial manifestations; and, 9) with governmental and nongovernmental leaders, frame recommendations designed to strengthen the nation's capacity to prevent and protect the nation's and region's children from sexual exploitation.

Research Methods

The project used a combination of field research (e.g., interviews, focus group meetings, conferences) and statistical surveys to collect the bulk of its data. In all, some 1,000 key informants (including sexually exploited children and representatives of law enforcement and human service agencies) located in 17 cities in the U.S. were interviewed. Statistical surveys were analyzed for some 288 local, state, and Federal agencies serving sexually exploited children and their families.

Major Findings

Patterns of child sexual exploitation are fueled by: 1) the use of prostitution by runaway and throwaway children to provide for their subsistence needs; 2) the presence of pre-existing adult prostitution markets in the communities where large numbers of street youth are concentrated; 3) prior history of child sexual abuse and child sexual assault; 4) poverty; 5) the presence of large numbers of unattached and transient males in communities--including military personnel, truckers, conventioners, sex tourists, among others; 6) for some girls, membership in gangs; 7) the promotion of juvenile prostitution by parents, older siblings and boy friends; 8) the recruitment of children by organized crime units for prostitution; and, increasingly, 9) illegal trafficking of children for sexual purposes to the U.S. from developing countries located in Asia, Africa, Central and South America, and Central and Eastern Europe.

Further, the investigators confirmed that:

- 1) Between 244,000 and 325,000 American children and youth are "at risk" each year of becoming victims of sexual exploitation, including as victims of *commercial* sexual exploitation (e.g., child pornography, juvenile prostitution, and trafficking in children for sexual purposes);
- 2) as a group, sexually exploited children are quite heterogeneous and include children living in their own homes as well as children who are runaways and throwaways;
- 3) sexual exploiters consist mostly of men, but some women and juveniles (including older siblings) also sexually exploit children;
- 4) the major groups of sexual exploiters of children include: a) family members and acquaintances; b) strangers; c) pedophiles; d) transient males including military personnel, truck drivers, seasonal workers, conventioners and sex tourists, among others; e) "opportunistic" exploiters, i.e., persons who will sexually abuse whoever is available for sex including children, but who may subsequently focus on children; f) pimps; g) traffickers; and h) other juveniles;
- 5) criminal networks are actively involved in the sexual exploitation of children and profit significantly from that exploitation;
- 6) substantial numbers of foreign children are trafficked into the U.S. for sexual purposes; and
- 7) significant numbers of American youth also are trafficked for sexual purposes across the U.S. and, in some cases, to other economically advanced countries.

The report concludes with 11 recommendations that are designed to strengthen the nation's (and region's) capacity for protecting vulnerable youth from both CSE and the CSEC.

MAJOR FINDINGS

A. Introduction

Child sexual exploitation is a serious and widespread problem throughout the U.S. The most common forms of CSE include child sexual abuse,¹⁴ child sexual assault,¹⁵ child pornography, juvenile prostitution, as well as domestic and international trafficking in children for sexual purposes. The nation's difficulty in recognizing the extent of CSE has been compounded by: 1) the highly secretive nature of the problem; 2) the reality that a disproportionate number of cases involving CSE are perpetrated by family members and other persons with whom the family or child are acquainted; and 3) the disbelief experienced by many doctors, teachers, social workers, police and others to whom children report their victimization. For many older children, the response to sexual victimization at home is to flee their local communities in an effort to build new lives for themselves elsewhere. Sadly, the majority of these runaways become victimized again when they reach the streets and, often, are recruited into commercial sexual activities--including pornography, prostitution, and trafficking for sexual purposes--that not only compound their original abusive situation but also exposes them, among other things, to homelessness, malnutrition, street violence, sexually transmitted diseases. The majority of these children suffer enduring physical and mental impairments; some even are killed either as a result of the violence to which they frequently are exposed on the street or from the diseases they incur through their sexual victimization (Editors, 2001).

This chapter reports the major findings obtained from our two-year study of CSE and the CSEC in the U.S., Canada and Mexico. Inasmuch as separate reports have been issued on patterns of CSE in Mexico (Azaola, 2000) and Canada (Dionne, 2001; Tremblay, 2001), this chapter will deal only with CSE in the U.S. (but includes those elements of the Canadian and Mexican experiences that share a nexus with the U.S.). The chapter is divided into the following sections:

- A. Introduction
- B. Brief History of CSE and the CSEC in the U.S.
- C. Factors That Contribute to CSE and the CSEC
- D. Pathways Into CSE and the CSEC
- E. More Common and Less Common Forms of CSE and the CSEC
- F. Social, Emotional, Health, and Other Risks to Sexually Exploited Children
- G. Categories of Sexually Exploited Children
- H. Characteristics of Sexually Exploited Youth

¹⁴ *Child Sexual Abuse* (CSA) refers to sexual activity involving persons younger than 18 years of age. Most often perpetrated by an adult, such activities include rape and molestation, pornography, and exposure of children to the sexual acts of others (ala National Clearinghouse on Child Abuse and Neglect Information, 1996). The recurrent infliction of physical or emotional injury on a dependent minor, through intentional beatings, uncontrolled corporal punishment, persistent ridicule and degradation, or sexual abuse, usually committed by parents or guardians (National Association of Social Workers, 1994).

¹⁵ *Child Sexual Assault* (CSAs) refers to any sexual act directed against a person younger than 18 years of age, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (ala National Incident-Based Reporting System [NIBRS] as cited in Snyder 2000:13). CSAs includes forcible rape, forcible sodomy, sexual assault with an object, and forcible fondling.

- I. Profiles of Child Sexual Exploiters
- J. Organized Crime, CSEC and the CSEC
- K. Domestic and International Trafficking in Children For Sexual Purposes

The least section of the chapter contains a summary of the study's major findings.

B. Brief History of CSE and the CSEC in the U.S.

Prostitution, pornography and trafficking in persons for sexual purposes are not new phenomena in the U.S. Indeed, historical evidence suggests that child sexual exploitation has a long history in the U.S. At the turn of the century, for example, children as young as 9 years of age populated the ethnically organized brothels of New York, Boston, Philadelphia, Chicago, San Francisco and other large American cities (Cordasco & Pitkin, 1981; Crewdson, 1983; Weed, 1868). The majority of the children found in these brothels were girls, and most were persons for whom acceptable work in indentured servitude could not be arranged (Connelly, 1980). Boys, who almost always could find paid employment in the smoke stack industries of these cities, also were among the population of prostituted youth but in smaller numbers than girls (Odem, 1995). In any case, the numbers of American children in sexual servitude were sufficiently large as to stimulate the beginnings of the American child welfare movement (Connelly, 1980; Friedman, 1994; Odem, 1995; Smith, 1997). Among other accomplishments, this movement contributed to: 1) raising the legal age for sexual consent for girls from 10 to 16 years (Smith, 1997); 2) passage of the Mann Act which made "white slavery"¹⁶ illegal (Langum, 1994); 3) the establishment of orphanages for homeless and sexually vulnerable youth (Bremner, 1970; Lane, 1932); 4) the creation of national adoption and foster care systems (Editors, 1913); 5) the establishment of child protective services for children living in their own homes (Odem, 1995); 6) the establishment within the federal government of the U.S. Children's Bureau (Tobey, 1925; Lindenmeyer, 1997); and 7) even the development of "orphan trains" that relocated tens of thousand of homeless children from the social chaos of street life in the industrial East to farms in the country's mid- and far-west (Lane, 1932; O'Connor, 2001).

CSE and the CSEC in the U.S. today differ dramatically from that which existed between 1880 and 1939: 1) far more is known and understood about the causes and perpetrators of CSE and the CSEC than was the case in the past; 2) the number of children exposed to sexual exploitation can be identified more easily; 3) a large network of law enforcement and human service programs now are available to assist sexually exploited children and their families; 4) perpetrators of sexual crimes against children can be apprehended, prosecuted and monitored with greater ease; 5) society's commitment to the elimination of CSE and the CSEC as major national problems is increasing at all levels of society; and 6) large numbers of people and organizations all around the world are working to protect children from the ravages of CSE and the CSEC. Even so, a substantial number of children continue to fall victim to sexual exploitation each year.

¹⁶ The term originally referred to Caucasian girls and women sold into prostitution against their will; today, the term refers more generally to sexual servitude among women and includes people of color and other minorities.

C. Factors That Contribute to CSE and the CSEC

Our investigation has determined that a variety of factors contribute to CSE in the U.S. We have divided these factors into three discrete groups--ranging from external factors over which individuals can exert comparatively little control to factors that are internal to the psychological makeup of exploited children and their families: 1) *macro/contextual external* factors (i.e. broad-based processes and realities that exist in the larger cultural, social structural, historical, economic and political environments over which individuals can exercise only minimal control but which, nonetheless, exert a powerful influence on their lives); 2) *micro/situational external* factors (i.e., processes and events that impact individuals directly and over which they can exert some measure of control); and 3) *individual/internal* factors (i.e., cognitive and psychogenic forces that influence a person's sense of mastery over her/his own personal environment and future).

Exhibit 3.1 identifies the major CSE-related elements associated with each of these factors.

Exhibit 3.1
Factors Contributing To the Sexual Exploitation of Children and Youth

| Domain | Contributing Factors |
|---|--|
| Macro/Contextual (External) | <ul style="list-style-type: none"> • Socio-economic • Societal attitudes toward children and youth • Social anomie among children and youth, i.e., a lack of connectedness on the part of youth with the larger society and their place within it • Poverty • Child victims of crime and violence • Societal responses to crimes committed against children, including sexual crimes • The presence of pre-existing adult prostitution zones • The presence of groups advocating child-adult sexual relationships • Sexual behavior of unattached and transient males including the military, seasonal workers, truckers, motor cycle gangs, conventioners • Community knowledge and attitudes concerning HIV/AIDS and other sexually transmitted diseases |
| Micro/Situational (External) | <ul style="list-style-type: none"> • Socio-Behavioral <ul style="list-style-type: none"> ○ Family dysfunction ○ Parental drug dependency ○ History of physical and/or sexual assault ○ Personal drug dependency ○ School/other social performance failures ○ Gang membership • Active recruitment into prostitution by others <ul style="list-style-type: none"> ○ Peers ○ Parents or other family members (including siblings) ○ Local pimps ○ National and or international crime organizations |
| Individual (Internal) | <ul style="list-style-type: none"> • Psychogenic <ul style="list-style-type: none"> ○ Poor self esteem ○ Chronic depression ○ External locus of control |

She accepted. The pimp trafficked the girls between San Francisco and Hawai'i. By the time Carrie was 19 she had had 6 abortions and one child. Both she and Amy, age 18, were alcoholics. Today the sisters are in their early 20's. Carrie has two kids. Amy has had 5 abortions and PID. Both are drug addicts and homeless.

C.2.e The Impact of Child Sexual Abuse and Child Sexual Assault On Adult Survivors

As suggested by the above cases, the impact of child sexual victimization on youth as they mature into adults can be profound. Shame and secrecy prevent many adults from acknowledging their sexual exploitation as children to others--including to intimate partners. The inability to share these experiences with others can diminish substantially the quality of relationships that are possible between adult survivors of CSE and their partners.

From the handful of studies that have been done of the prevalence of sexual exploitation of adults as children, we do know that rates of *acknowledged* childhood victimization ranges from 0% to 16% for men and 3% to 27% for women (Finkelhor et al., 1990; Finkelhor & Dziuba-Featherman, 1994; Kilpatrick et al., 1992; Moore et al., 1992; Resnick et al., 1993; Tjaden & Thoennes, 1998; Wilnack et al., 1997). The first nationally representative study of the prevalence of sexual assaults among adults as children--the *National Comorbidity Study (CMS), 1990-1992*--placed the percentage of adults between the ages of 15 and 54 in the general population who were sexually molested as children at 13.5% for women and 2.5% for men (Molnar et al., 2001:753). Investigators associated with the CMS caution, though, that considerable under-reporting of child sexual assault occurs in the adult population, especially among males who, out of a sense of shame and fear of stigma, are less likely to acknowledge sexual assault experiences than women (Widom & Morris, 1997). By contrast, little evidence exists that either adult men or women over-report their child sexual assault experiences (Molnar et al., 2001).

All prior investigations concur that the socio-emotional consequences on adults of childhood sexual assault are profound (Mullen, 1996). Diagnostic data collected as part of the CMS found, for example, that adults who acknowledged sexual victimization as children experienced serious mood, anxiety and substance abuse disorders more often than adults who reported no sexual victimization experiences (Molnar, 2001:755). As summarized in Exhibit 3.3 women victims of childhood sexual abuse were diagnosed more often with: 1) depression (39%); 2) post-traumatic stress disorder (39%); 3) alcohol problems (34%); 4) drug problems (28%); 5) social phobia (24%); and 6) simple phobia (22%). Men victims of childhood sexual abuse were diagnosed more often with: 1) alcohol problems (58%); 2) drug problems (41%); 3) alcohol dependence (39%); 4) depression (30%); 5) post-traumatic stress disorder (29%); 6) drug dependence (27%); and 7) severe alcohol dependence (20%).

Exhibit 3.3
Associations Between Child Sexual Assault and Onset of Lifetime Psychiatric Disorders

| | Females With Disorder | | | Males With Disorder | | |
|----------------------------|-------------------------|-------------------|--|-------------------------|-------------------|--|
| | Did Not Report CSA % | Reported CSA % | Increased Risk of Psychiatric Diagnosis For Female Victims of CSA % | Did Not Report CSA % | Reported CSA % | Increased Risk of Psychiatric Diagnosis for Male Victims of CSA % |
| Sexual Assault As Children | 19.2 | 39.3 | 207 | 11.4 | 30.3 | 266 |
| Mood Disorder | | | | | | |
| Anxiety Disorder | 7.7 | 15.8 | 205 | 4.4 | 3.4 | 77 |
| Substance Disorder | 18.2 | 33.9 | 186 | 37.0 | 57.7 | 156 |
| Any Disorder | 48.9 | 78.0 | 160 | 51.1 | 82.2 | 161 |

*Based on Retrospective reports of first incidents prior to age 18.

Data Source: Molnar et al., 2001:755.

With respect to that minority of adult victims of child sexual assault that enter prostitution, Gurisik (1997) made the following poignant observation:

Prostitution is used by these women (and men) as an antidote against depression and pain that stems from being used as a debased sex object but never being loved or valued. This antidote works only briefly. When its initial anti-depressant effect wears off, it becomes soul-destroying in its own right. Instead of alleviating depression, it exacerbates the sense of despair and hopelessness.

The cases of "Linda" and "Tim" add additional insights into Gurisik's observations and our own findings. Both cases also illustrate the complex law enforcement, health, human service, employment and continuity-of-care challenges posed by clinical cases of adult survivors of child sexual assault.

"Linda"

Linda came from a middle-class, Caucasian, family in Seattle. She was sexually assaulted on a daily basis by a neighbor from ages 9 to 14. Linda ran away from home at age 14 and one day while walking down the street from Jack-in-the-Box she was kidnapped by 6 men. They drugged her, beat her, and took her to a house where they tied her to a bed and each proceeded to rape her vaginally then anally. That same evening she was taken to a mansion and sold to a pimp. She engaged in street prostitution and escort services in Oregon, Washington, and California until she came to Hawaii. At age 15 she had one abortion. At age 18 she had to have a complete hysterectomy due to all the damage done by constant STD infections. At 19 she almost died from severe bowel and in-

testinal obstruction due to internal damage caused by anal rapes, beatings, and STDs. Linda subsequently became heavily addicted to injection narcotics and worked in Chinatown.

Today Linda is in her early 30's, she has AIDS, still struggles with her opiate addiction, and is 100% physically and emotionally disabled.

"Tim"

Born on Maui of Hawaiian descent, Tim was repeatedly sexually molested and raped by his *Kumu Hula* (hula teacher) between the ages of 9 and 13. He became a prostitute at the age of 17 and worked escort services on Maui. Tim became seriously addicted to alcohol and cocaine. At one point a trick bought him his own small business but Tim lost it as a result of his addiction. Tim eventually left prostitution, got married and had a child. After his 4 year old son was killed by a drunk driver the marriage dissolved and Tim returned to drugs and sex work. Today Tim has been sober for 6 years but returned to prostitution 2 years ago.

C.2.f Child Sexual Abuse, Child Sexual Assault and Crimes of Violence By Adult Survivors

A 1991 study of violent sex offenders incarcerated in State prisons conducted by Greenfeld (1997:23-25) identified the following relationships between adult sexual offenders and CSE:

- rapists serving time in State prisons were less likely to have conviction histories of violence than other incarcerated violent offenders; however, they were substantially more likely to have had histories of convictions for violent sex offenses;
- imprisoned sex offenders, while accounting for about 20% of all violent offenders, accounted for about 66% of all violent offenders with prior histories of sex offenses;
- sexual assault offenders were substantially more likely than other categories of offenders to report having experienced physical or sexual abuse while growing up (about 35%); however, two-thirds of sexual assault offenders reported they had never been physically or sexually abused as children;
- sexual assault offenders were 3 times more likely than those serving time for rape to have had a male victim (15.2% vs. 5.5%); both categories of violent sex offenders, however, reported that the majority of their victims had been female — 85% and 95%, respectively;
- the victims of sexual assault, like the offenders, were more likely to have been Caucasian (76%);

- violent sex offenders with single victims reported that, two-thirds of their victims had been under the age of 18,
- about 4-in-10 rapists reported their victim had been a child,
- 8-out of-10 sexual assaulters said their victim had been less than 18 years old;
- victims of sexual assault were the youngest victims among those persons described by incarcerated violent State prisoners:
 - the median age of victims of imprisoned sexual assaulters was less than 13 years,
 - the median age of rape victims was about 22 years;
- while nearly half of all violent offenders committed the crime for which they had been imprisoned against a stranger (47%), only about 30% of rapists and 15% of sexual assaulters reported their victim had been a stranger to them;
- sexual assaulters (38%) were about 3 times as likely as violent offenders (13%) and twice as likely as rapists (20%) to report that the victim had been a member of their family; for 1 in 4 imprisoned sexual assaulters, the victim had been their own child or stepchild; and
- 24% of those serving time for rape and 19% of those serving time for sexual assault had been on probation or parole at the time of the offense.

C.3. Individual/Internal Factors

Interviews with child victims of sexual exploitation living on the streets of America's cities often were difficult. Many of these children suffer from low self esteem and others are obviously depressed or are struggling with other illnesses. Most were using various combinations of drugs and some few even justified the impossibility of their situation on the basis of their self-perceived complicity in the events that took them to the streets, e.g., by "allowing" themselves to be sexually victimized at home, becoming dependent on drugs, failing in school. Many appeared to be in possession of only minimal social skills as well, e.g., being able to sustain a focused conversation, communicating without talking over others, able to work with others toward a shared outcome. A minority of these young people also appeared to be suffering from more severe mental illnesses, albeit the precise nature of these illnesses could not be assessed given the quantity of drugs many were consuming.

As noted by other investigators (Molnar, 1998), also common in these interviews was the sense that many of these young people felt comparatively little control over either their current lives or those that they might live in the future. Very few, for example, talked about returning either to their families or school and fewer still spoke realistically about job or career plans that could help them exit street life. Not surprisingly, none of the youth we interviewed reported be-

ing able to save money and only a few could identify specific persons or agencies to which they could, in time, turn for assistance in leaving the streets. Instead, nearly all of the youth we interviewed were focused on meeting their day-to-day, often hour-to-hour, survival needs.

Hence, poor self esteem, external locus of control, the lack of a future orientation, drug dependency, and the presence of moderate to severe mental illnesses were common among the sexually exploited street children we interviewed. One of the many additional tragedies that characterizes the context within which many of these children are struggling is the absence of comprehensive services to which many of these children feel they can turn.

D. Pathways Into CSE and the CSEC

Children do not just "wander" into prostitution or pornography (Deisher et al., 1982). Rather, the process is a complex one and invariably requires the involvement of adults—as initiators of sex with children, as recruiters into pornography and prostitution and, in time, as pimps, traffickers and sexual "customers." Typically, other children are involved in the recruitment process as well--especially same age and gender youth in possession of outward signs of being "successful" in their victimization--nice clothes, pretty jewelry, beepers and cell phones, easy access to drugs, a network of adult friends who take them to "grown up" places (e.g., night clubs, bars, on trips) and adults who "protect" them from harm by others.

For children in their own homes these peers are usually school mates; for children living on the streets these peers typically are "agents" of adults who reward "peer recruiters" with money, drugs and other things of value for each child they bring into the "stable." Bus and train stations, shopping malls, downtown tourist sites, university districts, shelters and other social agencies serving homeless youth are the places frequented by peer recruiters in their search for "fresh meat." And given the poverty of homeless youth, and desperateness of their living situations, they easily are seduced into doing whatever is required of them to obtain money, security, a place to live, and protection--including pornography and prostitution.

Once recruited into pornography and prostitution, youth enter a complex criminal world. In the case of girls most acquire pimps who promise them money, nice clothes, a clean and safe place to sleep and, not infrequently, some measure of affection and even love. Boys create different kinds of social relationships—they become part of a small groups that share the expenses of cheap motel rooms, contribute to the cost of maintaining a car or van by which they transport themselves across the country, or become members of subgroups of "grass heads" and other drug users who meet regularly on street corners and even in different cities. For both sexually exploited boys and girls, the need for peer-based social attachments is real—even if the price of these attachments sometimes involves recurrent sexual and financial exploitation.

Some children, but nearly always girls, become part of larger collectives of youth that are trafficked across the country and, in a few cases, outside the U.S to other economically advanced countries (e.g., Canada, Japan, Korea, England, and Germany).

Boys tend to remain at home in the U.S. and only rarely are trafficked to other countries. But owing to the nature of the sexual services provided by boys--95% of which is oral sex to men--boys experience a profound sense of shame about what they do. As a result, few would discuss with us the specifics

of their sexual encounters indicating, instead, that they were able to keep some measure of control over these experiences (and their psyches) by refusing to participate in certain types of sexual acts, e.g., mostly anal intercourse. At a certain point, many boys redefine themselves as “hustlers” and “escorts,” rather than “prostitutes” in order to deal both with their own sense of shame and with the omnipresent stigma they experience in their travels (Adams, 1998).

The immaturity of street children combined with their poverty, lack of educational credentials, and little or no marketable work experiences reinforce the exploitation to which boys and girls alike are exposed (Exhibit 3.12). Dependency on drugs, mixed with an illusionary notion that somehow they are free and in control of their lives add further to their exploitation. So, too, do the fleeting, often trouble prone relationships that sexually exploited children develop with other street youth. Few of these children feel unmolested by their experiences and fewer still acquire a sense of trust with that majority of adults that populate their world—pimps, traffickers, customers.

E. More Common and Less Common Forms of CSE and the CSEC

CSE takes many forms—pornography, prostitution, trafficking. Exhibit 3.4 identifies the more and less common forms of CSE that we encountered in the course of our investigation

Exhibit 3.4
More and Less Common Forms of CSE

| More Common | Details |
|---|---|
| Sexual Molestation of both boys and girls by acquaintances | <ul style="list-style-type: none"> • 49% of all sexual assaults against children are committed by persons known either to the child or the child's family—teachers, coaches, physicians, scout leaders, neighbors (DoJ, 2000b) |
| Sexual Molestation of both boys and girls by family members | <ul style="list-style-type: none"> • 47% of all sexual assaults against children are committed by members of the child's own family—father, step-father, uncles, and older siblings (Araji, 1997; DoJ, 2000b; O'Brien, 1991) |
| Pornography | <ul style="list-style-type: none"> • Children are both the subjects and victims of pornography • Street children frequently exchange participation in pornography for food, clothing, shelter, money, and other items of value. • More than 6.5 million children with regular internet access are exposed to unwanted sexual materials annually. More than 1.7 million of these young people report considerable distress over exposure to these materials (Finkelhor, 2000) |
| For boys, gay sex | <ul style="list-style-type: none"> • At least 95% of all the commercial sex engaged in by boys is provided to adult males • Many of the adult male sexual exploiters of boys are married men with children |
| For girls, modeling, stripping, topless and lap dancing | <ul style="list-style-type: none"> • Modeling, nude dancing, lap dancing and similar sexually provocative activities frequently are used to lure girls into prostitution • At a minimum, these activities serve as the basis for involving girls in pornography |
| For girls, sex as a contribution to gang economy | <ul style="list-style-type: none"> • At least 25% of girls who are members of gangs perform sexual services for other gang members or to the general public • These sexual services are considered part of the girl's contribution |

| More Common | Details |
|--|--|
| <p>For girls, pimp-controlled prostitution—including street prostitution and prostitution organized through escort and massage services</p> | <p>to the gang's life as a collective to the gang's economy</p> <ul style="list-style-type: none"> • 55% of street girls engaged in formal prostitution about 75% of which is pimp controlled • 45% of street girls engage in prostitution which, in only about 25% of situations, is controlled by pimps • Pimp-controlled juvenile prostitution is closely associated with: escort and massage services; private dancing, drinking and photographic clubs; major sporting and recreational events; major sporting and cultural events; conventions; and selected tourist destinations • Pimp-controlled juvenile prostitution exists side by side with adult prostitution—often on the same streets and along the same tracks followed by adults involved in prostitution |
| <p>For boys, entrepreneurial pornography and prostitution</p> | <ul style="list-style-type: none"> • A larger percentage of boys report engaging in commercial sex for money and pleasure more often than girls • A large percentage of older boys involved in commercial sex think of themselves as “hustlers” rather than as prostitutes • Like girls, boys also exchange sex for money and other things of value to them—e.g., drugs, alcohol, a place to sleep, transportation • A disproportionate number of boys involved in commercial sex, about 25%-35%, self identify as sexual minorities, e.g., as gay, bisexual, or as transgender/transsexual |
| Less Common | |
| <p>Participation in nationally organized crime networks</p> | <ul style="list-style-type: none"> • About 20% of children we encountered in this study were being trafficked nationally by organized criminal units using well established prostitution tracks • Trafficking is expensive and children are required to pay their traffickers for the services received—e.g., transportation, false identity papers, a place to live, jobs • Children are trafficked into, and within, the U.S. by a variety of private and public means—e.g., cars, buses, vans, trucks, planes • Most trafficked children have available to them a variety of false identity papers for use in case of arrest • The majority of nationally trafficked children both use drugs and engage in drug sales |
| <p>Participation in international organized crime networks</p> | <ul style="list-style-type: none"> • Only about 10% of the children we encountered are trafficked internationally • Some children who are citizens of the U.S. are trafficked outside of the U.S.—mostly to other economically advanced countries located in Europe and Asia • Most internationally trafficked children are the citizens of developing countries located in Asia, Africa, Central and South America, and Central and Eastern Europe • International trafficking in children is highly lucrative—a single trafficked child can earn a trafficker as much as \$30,000 or more in trafficking fees • International trafficking in children also is highly complex and requires the involvement of a wide range of functionaries—including recruiters, trainers, purveyors of false documents, trans- |

| More Common | Details |
|---------------------------|--|
| Servitude and indenturing | <p data-bbox="741 410 1120 438">porters, money collectors, enforcers</p> <ul style="list-style-type: none"> <li data-bbox="696 445 1436 504">• Many children who enter the country illegally are forced into servitude by their traffickers <li data-bbox="696 511 1436 624">• Child servitude includes working in sweat shops, restaurants, and hotels for virtually no wages, performing sexual services for money, panhandling or attempting to sell items of little economic value <li data-bbox="696 631 1436 690">• Children in servitude frequently are required to repay their trafficking debts through commercial pornography and prostitution <li data-bbox="696 696 1436 775">• In many cases, trafficked children also are required to serve as "mules" in transporting illicit drugs either into or across the U.S., or both |

F. Social, Emotional, Health, and Other Risks to Sexually Exploited Children

Sexually exploited children are exposed to a broad range of social, emotional, health and other risks. In identifying these risks, a distinction must be made between sexually exploited children living in their own homes and sexually exploited children who have left home—either as runaways or throwaways. The challenges confronting both groups of children are enormous, but differ.

F.1 Risks to Sexually Exploited Children in Their Own Homes

Sexually exploited children living in their own homes are at serious risk of re-exploitation—often over a period of many years. These risks are especially high in families where the exploitation has not been detected and in which no external intervention by either law enforcement or child protective authorities has occurred. The risks to children of re-exploitation are especially high in families that move from city-to-city in order to avoid detection or, once detected, to evade law enforcement and child protection authorities.

Families characterized by high levels of domestic violence, drug use, serious mental illness, and sexual promiscuity are particularly dangerous to children sexually—but especially to post-pubescent girls who are targeted for exploitation by male family members (e.g., fathers, step-fathers, uncles, grandfathers, older siblings) (Araji, 1997; Becker et al., 1986; O'Brien, 1991), family acquaintances (e.g., neighbors, friends, coaches), and strangers (e.g., pimps and other recruiters of children for commercial sex). In the very worst situations, children in their own homes who are repeatedly victimized are in danger of other forms of violence as well—even to the point of being killed.

The cases of "Barbara" and "Deborah" illustrate the risks of recurrent CSE to which children living in their own homes are exposed. The cases also illustrate the relationship between child sexual assault, non-commercial CSE and the CSEC.

and sexually provocative clothing, but their youthfulness easily is recognized—especially when their clothes are removed.

The children and professionals we interviewed have told us that convention cities are destinations to which children travel to earn “the really big bucks.” Drugs are more plentiful in these cities as are large numbers of other similarly situated young people. Children have told us, too, that law enforcement in these cities, is comparatively “relaxed” vis-à-vis juvenile prostitution that occurs behind the closed doors of hotel rooms and in the back rooms of night clubs, bars. Children also indicate that their convention customers tend to be “more appreciative” than adult customers in non-convention cities by giving bigger tips, entertaining the children more expensively (with meals, floor shows, clothing) and, on occasion, are more willing to listen to the children’s personal stories.

Some of the interviewed children also indicated that the conventioners who purchase sex from children prefer increasingly younger, less sexually experienced, children and that such children can expect to receive even higher fees for their services. In response, some youth have recruited younger girls (and boys) into prostitution—most drawn from the steady flow of homeless children who travel to these destinations on a daily basis.

The number of adults who seek out and sexually exploit young people in convention and “sun and sand” cities cannot be determined with great precision. Too much secrecy and money is associated with these activities for a full accounting to take place. We can, though, confirm that this form of CSE is widespread and, based on what children and professionals in these communities have indicated, is increasing. We also can confirm that most of the street level and behind “closed doors” prostitution in these cities is controlled by adult pimps and crime rings.

1.2.b.5 American Sex Tourists and CSE

Cases of children being sexually exploited by American tourists to other countries are plentiful in the public media and little additional documentation of its existence is needed here.³⁵ We can confirm that the following groups of adults and juveniles engage in the CSEC in foreign destinations:

- pedophiles who travel outside of the U.S. to manufacture pornography involving children and, in the process, to engage in sex with these children (Roche, 1999);
- pedophiles who travel outside the U.S. and subsequently “import” children for sexual purposes who are the nationals of other countries into the U.S. (Editors, 2000a; Garner, 2000; Tremblay, 2001; Williams, 1999; YAPI, 1998);

³⁵ See Klain (1999) for a comprehensive summary of the domestic and international legal responses to the prostitution of children through child-sex tourism.

- American adults who travel to major tourist destinations both within and outside the U.S. and engage in sex with children located in these communities (Adams, 1999; Editors, 1997; French, 1992; Gray, 2000; Katz, 1997; McArthur, 1999; Roche, 1999; Scott & Ross, 2000; Shortt, 1998);
- American youth who travel to major tourist destinations both within and outside the U.S. engage in sex with children located in these communities (Shortt, 1998); and
- American adults who operate international sex tourism businesses either in the U.S. or abroad—typically organized around both pornography and prostitution (Casa Alianza, 1999b; Casa Alianza, 2000b; Katz, 1997; Reuters, 1998, 1999).

The small number of prosecutions to date of American sex tourists engaging in the sexual exploitation of children in other countries is nothing short of scandalous, especially given the large number of such tourist that we and others know to exist. Police, human service and child advocacy authorities in the Dominican Republic (French, 1992; Silvestre et al., 1992; Unicef/Dominican Republic, 1998), Mexico (Azaola, 2001), Costa Rica (Casa Alianza, 2000b), Honduras (Casa Alianza, 1999) and elsewhere have indicated to us that the problem with American nationals traveling to their countries for sex with children is “substantial” but, again, neither they nor we can provide objective estimates of their numbers.

1.3 “Opportunistic” Exploiters

During the course of our field research we encountered many “opportunistic customers” of children for sex. The majority of these persons were men (75%), but a distinct minority were other juveniles (20%) and women (5%). With the exception of the juveniles interviewed, most of these sexual exploiters of children did not indicate a sexual preference for children but, rather, said they had sex with children because “they were available.” These persons would have engaged in sex with persons other than children. Thus, we refer to this group of child sexual exploiters as “opportunistic exploiters” (i.e., persons who are willing to exploit children sexually “if the price is right” and the risks of doing so are perceived to be within acceptable limits of not getting caught and of not contracting sexual diseases).

The lyrics from a popular hip-hop song performed by Shawn Lov and Neff Star, *Sick-Twisted*, illustrate not only the erosion of collective values in American society--including public norms that seek to protect children from sexual assault--but the intensity with which many opportunistic sexual exploiters pursue their child and adult victims (Exhibit 3.17).



Exhibit 5.2
Group A: Sexually Exploited (SEC) and Commercially Sexually Exploited Children (CSEC)
Not Living in Their own Homes

| | <i>Column A</i> | <i>Column B</i> | <i>Column C</i> | <i>Column D</i> | <i>Column E</i> | <i>Column F</i> | <i>Column G</i> | |
|----|--|---|----------------------------|---|--|---|--------------------------------------|---------|
| | | | | | Running Totals | | | |
| | <i>Estimated Population Size (1)</i> | <i>% Youth Population Away From Home 1 Week or Longer (2)</i> | <i>% Youth at Risk (3)</i> | <i>Estimated Number of CSEC Cases (4)</i> | <i>High Scenario (Column D * 100%)</i> | <i>Medium Scenario (Column D * 88%)</i> | <i>Low Scenario (Column D * 75%)</i> | |
| | 1999-2000 | N / (%) 1999-2000 | 1999-2000 | 1999-2000 | 1999-2000 | 1999-2000 | 1999-2000 | |
| 1. | <i>Runaway Youth From Home (5)</i> <i>Youth ages 10-17 who have been away from home 1 week or longer</i> | 523,000 | 183,050 35% | (30% of Shelter Youth) + (70% of Street Youth) | 121,911 | 121,911 | 107,282 | 91,433 |
| 2. | <i>Runaway Youth From Group Foster Homes, Juvenile and Other Institutions (6)</i> <i>Youth ages 10-17 who have been away from home 1 week or longer</i> | 60,000 | 10,200 17% | (30% of Shelter Youth) + (70% of Street Youth) | 6,793 | 128,704 | 113,260 | 96,528 |
| 3. | <i>Throwaway Youth (7)</i> <i>Youth ages 10-17 who have been away from home 1 week or longer</i> | 149,000 | 77,480 52% | (70% of Street Youth) + (70% of Street Youth) | 51,602 | 180,306 | 158,669 | 135,230 |
| 4. | <i>Homeless Youth (8)</i> <i>Youth ages 10-17 (NEC) who have been away from home 1 week or longer</i> | 42,000 | 42,000 100% | (30% of Shelter Youth) + (70% of Street Youth) | 27,972 | 208,278 | 183,285 | 156,209 |
| | Subtotal Group A (1 + 2 + 3 + 4) | 774,000 | 312,730 | | 208,278 | | | |

*Exhibit 5.3***Group B: Sexually Exploited (SEC) and Commercially Sexually Exploited Children (CSEC) Living in Their own Homes**

| | | <i>Column A</i> | <i>Column B</i> | <i>Column C</i> | <i>Column D</i> | <i>Column E</i> | <i>Column F</i> | <i>Column G</i> |
|----|--|--------------------------------------|---|----------------------------|---|--|---|--------------------------------------|
| | | | | | | Running Totals | | |
| | Categories of American Youth at Risk of Sexual Exploitation | Estimated Population Size (1) | % Youth Population Away From Home 1 Week or Longer (% / N) | % Youth at Risk (2) | Estimated Number of CSEC Cases (3) | High Scenario (Column D * 100%) | Medium Scenario (Column D * 88%) | Low Scenario (Column D * 75%) |
| | 1999-2000 | 1999-2000 | 1999-2000 | 1999-2000 | 1999-2000 | 1999-2000 | 1999-2000 | 1999-2000 |
| 5. | <i>Children Ages 10-17 Living in the General Pop (9)</i> | 29,006,162 | NA | 0.25% | 72,621 | 280,899 | 247,191 | 210,674 |
| 6. | <i>Children Ages 10-17 Living in Public Housing (10)</i> | 444,000 | NA | 1.0% | 4,447 | 285,346 | 251,105 | 214,010 |
| | Subtotal Group B (5 + 6) | 29,450,162 | | | 77,068 | | | |

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Daily News Opinion

Cambodian sex slavery goes on; where's the outrage?

PHNOM PENH, Cambodia — Sex trafficking at its worst is the slavery of the 21st century, yet it has become one of the world's growth industries. To understand how brazen it is, step up to the second floor of the Chai Hour II Hotel here in the Cambodian capital.

It's like an aquarium: Beyond a glass wall are dozens of teenage girls in skimpy white outfits, each with a number. The customer orders a girl by number, and the manager delivers her a moment later to a private room.

A Cambodian police report in my hands describes the Chai Hour II as a case "of confinement of human beings for commercial sex" and adds that it is also "a place for trafficking/sale of virgin girls." All told, the report says, 250 girls and women work in the six-floor labyrinth of cubicles.

So last month, Cambodia's top-ranking female police officer ordered a raid on the Chai Hour II and rescued 83 girls. They were taken to a shelter run by Afesip, an aid group mainly financed by Spain.

But the next day, the trafficking

**NICHOLAS
KRISTOF**

COMMENT



tycoons turned the tables and raided the shelter. About 30 raiders, some wearing military clothing and at least one driving a car with military license plates, broke down the shelter gate, beat up one woman on the staff and took all the girls back to the brothel.

Aarti Kapoor, a legal adviser to Afesip, acknowledges that dozens of the girls genuinely wanted to return to the brothel; shame, drug addiction and a desperate need for money keep many in the sex trade. But dozens of others, she says, wanted to stay in the shelter but were forced back anyway.

To top it off, Cambodia's top police official reprimanded the female officer

who had ordered the raid on the Chai Hour II and even briefly suspended her from her post.

We've had narco-trafficking states; Cambodia may be becoming the first sex-slavery state.

The U.S. State Department estimates that 600,000 to 800,000 people a year are trafficked across international borders, mostly girls and most of them for the sex industry. Many more, like the girls in the Chai Hour II, are trafficked within a country.

As it becomes a global industry, sex trafficking is increasingly controlled by organized crime, like the ethnic Chinese mafias in Asia, and the criminals use their profits to buy government officials.

The Chai Hour II is so bold that it drove some of the girls to the U.S. Embassy for a protest against Western interference. A lawsuit, nominally by the girls themselves (who say they're masseuses and entertainers rather than prostitutes), seeks \$1.7 million from Afesip, in an apparent effort to drive it out of the country, and Afesip's staff has received many death threats.

*We've had narco-
trafficking states;
Cambodia may be
becoming the first sex-
slavery state.*

"This is very dangerous, and I'm very scared about my security," said Pierre Legros, a founder of Afesip, who has hired eight bodyguards to protect his children. His wife, a Cambodian who also works for Afesip, has twice had guns held to her head.

I dropped by the Chai Hour II, explained that I was an American reporter and asked to interview the owner. He was "out." Teenage girls, looking about 15 and older, floated about, but the alarmed managers blocked me from interviewing them. A security goon made it clear that photos were out of the question — but a pimp did politely serve me a cup of tea.

The State Department's office on

trafficking, to its credit, has been jumping up and down ever since the raid on Afesip occurred. But nothing will happen unless we get higher-level outrage in Washington and other foreign capitals.

President Bush has done more than his predecessors in making sex trafficking an issue, and his State Department has done a first-rate job exerting pressure — but there's so much more that we could do. The Bush administration could put a real dent in sex trafficking if we were to treat it as firmly as we do, say, pirated movies.

In the 19th century, the civilized world recognized that slavery was a moral blot on humanity and rose up against it. So why should we acquiesce in 21st-century slavery, when 15-year-old girls are imprisoned in brothels and sentenced to death by AIDS? Those kids in the Chai Hour II Hotel have nowhere else to turn, and their lives are in our hands.

■ Nicholas Kristof is a columnist for The New York Times.

Exhibit 5.4

Group C: Other Groups of Sexually Exploited (SEC) and Commercially Sexually Exploited Children (CSEC)

| | <i>Column A</i> | <i>Column B</i> | <i>Column C</i> | <i>Column D</i> | <i>Column E</i> | <i>Column F</i> | <i>Column G</i> |
|---|--------------------------------------|---|----------------------------|---|--|---|--------------------------------------|
| | | | | | Running Totals | | |
| | <i>Estimated Population Size (1)</i> | <i>% Youth Population Away From Home 1 Week or Longer (% / N)</i> | <i>% Youth at Risk (2)</i> | <i>Estimated Number of CSEC Cases (3)</i> | <i>High Scenario (Column D * 100%)</i> | <i>Medium Scenario (Column D * 88%)</i> | <i>Low Scenario (Column D * 75%)</i> |
| | 1999-2000 | 1999-2000 | 1999-2000 | 1999-2000 | 1999-2000 | 1999-2000 | 1999-2000 |
| 7. <i>Female Gang Members (11)</i> | 27,000 | NA | 25% | 5,400 | 290,746 | 255,857 | 218,060 |
| 8. <i>Transgender Street Youth (12)</i> | 3,000 | NA | 100% | 3,000 | 293,746 | 258,497 | 220,310 |
| Subtotal Group C (7 + 8) | 30,000 | | | 8,400 | | | |



Exhibit 5.5

Group D: The International Dimensions of Child Sexual Exploitation in the U.S.: U.S. Children and Youth Traveling Abroad and Foreign Children Traveling to the U.S. For Sexual Purposes

| | | <i>Column A</i> | <i>Column B</i> | <i>Column C</i> | <i>Column D</i> | <i>Column E</i> | <i>Column F</i> | <i>Column G</i> |
|-----|---|---|--|---|--|---|--|---|
| | | | | | | Running Totals | | |
| | Categories of American Youth at Risk of Sexual Exploitation 1999-2000 | Estimated Population Size (1) 1999-2000 | % Youth Population Away From Home 1 Week or Longer (% / N) 1999-2000 | % Youth at Risk (2) 1999-2000 | Estimated Number of CSEC Cases (3) 1999-2000 | High Scenario (Column D * 100%) 1999-2000 | Medium Scenario (Column D * 88%) 1999-2000 | Low Scenario (Column D * 75%) 1999-2000 |
| 9. | <i>Foreign Children Ages 10-17 Who are Brought Into the U.S. Legally But Who Become Victims of Sexual Exploitation (13)</i> | 3,000 | NA | 100% | 3,000 | 296,746 | 261,137 | 222,560 |
| 10. | <i>Foreign Children Ages 10-17 Who Are Brought Into the U.S. Illegally And Who Become Victims of Sexual Exploitation (14)</i> | 17,000 | NA | 50% | 8,500 | 305,246 | 268,617 | 228,935 |
| 11. | <i>Unaccompanied Minors Entering the U.S. On Their Own Who Become Victims of Sexual Exploitation (15)</i> | 10,000 | NA | 25% | 2,500 | 307,746 | 270,817 | 230,810 |
| 12. | <i>Non-Immigrant Canadian and Mexican Children Ages 10-17 Who Cross Into the U.S. For Sexual Purposes (16)</i> | 2,500 | NA | 100% | 2,500 | 310,246 | 273,017 | 232,685 |

| | | <i>Column A</i> | <i>Column B</i> | <i>Column C</i> | <i>Column D</i> | <i>Column E</i> | <i>Column F</i> | <i>Column G</i> |
|-----|---|---|--|-----------------------------------|--|---|--|---|
| | | | | | | Running Totals | | |
| | Categories of American Youth at Risk of Sexual Exploitation 1999-2000 | <i>Estimated Population Size (1)</i> | <i>% Youth Population Away From Home 1 Week or Longer (% / N)</i> | <i>% Youth at Risk (2)</i> | <i>Estimated Number of CSEC Cases (3)</i> | <i>High Scenario (Column D * 100%)</i> | <i>Medium Scenario (Column D * 88%)</i> | <i>Low Scenario (Column D * 75%)</i> |
| | | 1999-2000 | 1999-2000 | 1999-2000 | 1999-2000 | 1999-2000 | 1999-2000 | 1999-2000 |
| | <i>poses (16)</i> | | | | | | | |
| 13. | <i>U.S. Youth Ages 13-17 Who Live Within Driving Distance to a Mexican or Canadian City and Engage in the Sexual Exploitation of Foreign Youth (17)</i> | 2,781,000 | NA | 0.5% | 14,329 | 324,575 | 285,626 | 243,431 |
| 14. | <i>Non-Immigrant U.S. Youth Ages 13-17 Who Are Trafficked From the U.S. to Other Countries For Sexual Purposes (18)</i> | 1,000 | NA | 100% | 1,000 | 325,575 | 286,506 | 244,181 |
| | Subtotal Group D (9+10+11+12+13 + 14) | 2,814,500 | | | 31,829 | | | |

| Categories | Operational Definitions | Examples of Traffickers Involved in the Movement of Women and Children for Sexual Purposes in the U.S. |
|-----------------|--|--|
| | | trafficking networks are the following stories: <ul style="list-style-type: none"> • 7,898 from 39 nations held in anti-smuggling raids, <i>Washington Post</i> 6/38/01:A02 • Drug bloodshed threatens to flow over border, <i>USA Today</i> 3/15/00:29A ff. • Coming to America: The long, harsh odyssey of a Chinese illegal smuggled from Fujian province to New Jersey, <i>Time</i> 2000 • Valley of death: How arrogance and violence bred a massive drug-war slaughter, <i>Time</i> 12/13/99 • American, Mexicans charged in child trafficking, <i>Associated Press</i> 3/12/99 |
| Debt Collectors | Persons based in the destination country who are responsible for collecting the trafficking fees. | <ul style="list-style-type: none"> • Thirteen charged in gang importing prostitutes. Chinese gang, the snakeheads, force women to repay trafficking "contracts" worth \$30,000 to \$40,000 each-- <i>Washington Post</i> 8/21/99:A03 |
| Money Movers | Persons who are expert at laundering the proceeds of crime, disguising their origin through a string of transactions or investing them in legitimate businesses. | |

K.6 Final Thoughts on Trafficking

Trafficking in human being is a despicable activity that degrades both those being trafficked and those doing the trafficking. And yet, the Congressional Research Service estimates that at least one million women and children are trafficked worldwide each year—at least 50,000 of whom are trafficked into the U.S. (Richard, 1999). Many of these persons are trafficked under virtual slave-like conditions and others are forced into patterns of servitude from which escape is all but impossible. All of these persons are moved around the world illegally. Trafficking is rapidly becoming one of the most lucrative businesses engaged in by national and international crime rings.

Our own investigation has confirmed the existence of large numbers of trafficked foreign children within our own borders. The majority of these children work as domestics in private homes while others clean up restaurant kitchens and work in the laundry rooms of cheap hotels. Other children, though, become victims of sexual exploitation and—like many trafficked young women from poor or socially chaotic countries are forced into prostitution. The traffickers care little about the welfare of the children under their control—only about the large (but sometimes quite meager) sums of money that can be extracted from the families of these children in the form of trafficking fees and the income these children earn from involuntary servitude, including prostitution.

Much of our trafficking data has been gathered in a fragmented way. Many law enforcement officers are aware of some of these patterns, mainly at the local level via their investigations and forensic work. Human service workers (especially outreach staff) also are aware of these patterns through anecdote and hearsay, also as they apply to their own location and cases. What is sorely needed, we think, is a comprehensive intelligence infrastructure that tracks these patterns closely for purposes of national, regional and international strategic planning.

There are many subtle but profound connections between the trafficking patterns (e.g., departure/intermediate/destination points, functionalities, mode of organization connecting the functionalities) described above with respect to their potential for curbing trafficking. Law enforcement is quite aware of these issues in respect to other related criminal activities (i.e., smuggling, drug trafficking, arms trafficking). The diverse structures and dynamics of trafficking organizations require equally structured and dynamic counter responses. Different structures, as well as the different points in those structures, demand the development of suitable counter pressure points. Ways to chart and track these organizations and to then link them to different CSEC trafficking patterns and counter responses is a full time enterprise. A centralized intelligence gathering, analysis, and dissemination entity can play a pivotal role in designing such responses. We will return to the need for an intelligence infrastructure of this type in our recommendations.

Clearly, and to underscore one unmistakable conclusion, the data just reported should serve as yet another alarm for focusing more national attention on the plight of trafficked children--the least visible population of sexually exploited children and youth (Miko & Park, 2000; U.S. Department of State, 2000).

RECOMMENDATIONS

A. Introduction

The 11 recommendations that follow were distilled from the many shared with us by the hundreds of children, and law enforcement and human service professionals with whom we met in the course of our investigation. They reflect prevention as the first priority, harm reduction as the second. Attention to gender issues as factors that contribute to CSE and the need for systematic public and professional education on CSE are the third and fourth priorities. Earlier identification and more intensive supervision of sexually offending adults and juveniles also are priorities as is the need for more in-depth research into other societal factors that contribute to CSE and the identification of those subgroups of children who are at the greatest risk of exploitation.

Realization of these recommended priorities will require a higher level of public policy focus, commitment and coherence than currently exists. Their realization also requires new human, fiscal and other resources to support the activities of Federal, state and local governments, service providers, planners, child advocacy organizations, researchers and others that are seeking to protect children from sexual exploitation. Only a comprehensive approach to the elimination of CSE can succeed.

Although the recommendations have been framed and listed in discrete sequence, they are mutually reinforcing; considered together they form an integrated plan of attack on CSE. They reflect our view concerning what is needed to remedy the most pernicious and recalcitrant manifestation of CSE—pornography, prostitution and trafficking in children for sexual purposes.

B. The Framework For An Integrated Plan of Action

Clearly, CSE is a complex and complicated phenomenon. Pathways into and out of CSE and CSEC are many and they are layered. Beyond the usual difficulties encountered when trying to unravel multiple, dense, causal relationships, CSE is, at its heart, a cluster of *commercial* activities, both in the formal—trafficking, smuggling, bogus contracts, financial payments—and wider meaning of that term—solicitations and exchanges. The commercial aspect of the CSEC creates a set of related sexually exploitative phenomena—prostitution, pornography, and trafficking—that promote an iron cage of control around the children enmeshed in them. The children possess commercial value, no matter how reprehensible the source of that value might be, and that strengthens the attachment of their purveyors to them. Add to the commercial mix the transnational aspect of trafficking—language and cultural barriers to extrication—and one confronts a potent phenomena that resists eradication. Superior counter force, comprising a combination of research- and law-enforcement-based knowledge of the CSEC's Achilles' tendons, can nonetheless be mustered to roll back the tide of a still cresting set of CSEC phenomena.

We began our investigation into CSE with a commitment to help curb CSE. We have not veered from that initial commitment and, indeed, our resolve became even stronger as the investigation's findings began to emerge. Our research enterprise, then, has been in the service of this objective. Consequently, the way in which we depict what we have seen of the core structure of CSE is shaped by this fundamental commitment.

Exhibit N.1 (Appendix 1) frames the complex of relevant CSE relationships starting from the anchor point of reduction strategies. Following convention, reduction strategies (the boldfaced box)

can be broadly split into strategies of prevention (reduction activities launched before entry into the CSEC) and intervention (reduction activities launched after entry into the CSEC).

As we have wound our way through the CSEC thicket, we have found some fairly common ways of productively examining it from a reduction-based perspective. Pathways of entry into, continuation in, and exit from the CSEC involve a variety of micro- and macro-level *risks* and *causes* that are bracketed by individual attributes and cultural phenomena. In between these analytical bookends fall family relationships, peer interactions, school/educational processes, community connections, and social structure.

In view of the pivotal trafficking and transportation aspects of the CSEC—that is, the substantial human *mobility* that is at its center—across local, state, national, and regional borders and areas, from departure to arrival staging hubs, it is clear to us and others who have studied this problem that there must be a heavy concentration of *cooperation* among the main regulators of human mobility. These regulators comprise international, regional, national, and sub-national organizations. Standing together in cooperative efforts will be a key linchpin to denting the CSEC trade. The possible forms of connection are many and varied, but the most critical ones include national and international statutory congruence, economic partnerships and incentives/disincentives, interagency cooperation (both GOs and NGOs), and technological sharing.

The capacity to set aside specific governmental and political interests on behalf of affected children and youth will be paramount to rolling back child sex-exploitation trafficking. However, many shocks and impediments to doing so continue to exist, many of which lurk at the national and international levels. These include social and economic upheavals (e.g., warfare, famine, economic impoverishment) and the entrenchment of the byproducts of such upheavals. Also, the brute fact that some governments may be complicit in the CSEC must be confronted, as difficult a challenge as that might be to overcome.

Governmental (e.g., criminal justice, human service) organizations are balanced by assorted nongovernmental organizations. These two organizational clusters will require some degree of *system integration* to substantially reduce the CSEC. System integration can consist of a range of formal and informal arrangements—including laws, regulations, partnerships, alliances, communication technical assistance, and training, among others.

Cooperation and system integration cannot be fully realized absent a sufficient outlay of financial and human *resources*. Unless underwritten by adequate levels of financial and human capital, cooperation and system integration will remain inviting but empty visions.

In order to understand and harness information about the CSEC in the service of control and reduction strategies, systematic and sustained scientific *research* on the spectrum of risks and causes, cooperation, and system integration is urgently needed. Similarly, sustained research is needed on child prostitution and child pornography from the perspective of the CSEC, especially with respect to the intersection of its *commercial* and *international* aspects. This intersection raises some especially difficult social-control questions that require resolution. Equally vigorous research is needed on the extended relationships between the children caught in CSE and the succession of traffickers, customers, and pimps/procurers/promoters who use, abuse, and otherwise victimize these children. The products of our research will require, if they are to be of concrete value, mechanisms of dissemination and utilization. Put differently, in order to enhance the prospects for reducing the CSEC, there needs to be a seamless and forceful connection between the activities of knowledge creation, knowledge transmission, and knowledge application.

The diagrammatic depiction of CSE and the CSEC presented in Exhibit N.1 is shaped, then, by our unwavering inclination toward reduction strategies. Knowledge unfolds from both basic and applied purposes. In this instance, there is no more fundamental and defensible prism than that of research applied toward the end of curbing this shameful form of human misery.

C. Recommendations in Support of a National Strategy to Combat Child Sexual Exploitation (CSE) and the Commercial Sexual Exploitation of Children (CSEC)

Recommendation #1. *Protect the Children*

Children are the victims of sexual exploitation and only rarely can protect themselves against sexual assaults inflicted by trusted family members and other adults, especially when children themselves fail to recognize or give credence to the coercion and deception that accompanies CSE. Thus, efforts at protecting children from sexual exploitation must emphasize prevention as the first priority.

The findings obtained from this investigation underscore the importance of the following elements in a national strategy to prevent CSE and to protect children from its devastating consequences:

- A lead Federal agency, or consortium of such agencies, must be designated and given primary responsibility for protecting children from SEC;
- Sexually offending adults and juveniles, including "opportunistic" sexual exploiters of children, must be given the unequivocal message that "it is not okay" to sexually molest children;
- Children must be empowered to report incidents of illicit sexual contact between themselves and others to law enforcement and human service authorities;
- Local and state human service and law enforcement agencies must have access to the resources needed to investigate fully all reported cases of child sexual abuse and child sexual assault;
- Local and state human service and law enforcement agencies must have access to the resources needed to adequately supervise all cases of *substantiated* or *indicated* child sexual abuse over the long term;
- Local human service and law enforcement agencies must have the resources needed to assist runaway, throwaway and homeless youth from becoming victims of CSE;
- Local human service and law enforcement agencies must have access to resources needed to serve transient runaway and homeless youth who enter their communities; and,
- States and other jurisdictions must have access to the resources needed to cooperate fully with one another in monitoring the presence, location and activities of convicted child sexual offenders.

Parents, schools, child advocacy organizations, and youth groups need to work together in the development and dissemination of messages related to the protection of children from sexual exploitation. Public media, but especially television networks and the movie and recording industries, share a heavy responsibility for disseminating age-appropriate and accurate messages concerning the nature, extent and seriousness of CSE in contemporary American society.

Recommendation #2. *Target Adult Sexual Exploiters of Children For Punishment, Not the Children*

Sexually exploited children often are re-victimized by the very agencies that have been designed to assist them. This re-victimization takes several forms: 1) the treatment of sexually exploited children as *criminals* rather than as *victims* of sexual exploitation; 2) to the extent they occur at all, arrests of juveniles involved in prostitution rather than the pimps, traffickers, customers and other adults that benefit from the sexual exploitation of children; and 3) "benign neglect" by many agencies of the complex service needs of tens of thousands of runaway and homeless street youth that enter local communities as "transients."

We strongly recommend that the focus of law enforcement and human service agencies shift in the following ways:

- that local and state law enforcement agencies shift their priorities away from the apprehension of sexually involved street youth to the arrest, prosecution and punishment of adult perpetrators of sex crimes against children—pimps, traffickers and customers;
- that Federal law enforcement agencies become more involved in the identification and prosecution of adults involved in national sex crime rings that include child sex among their "portfolio" of services; and
- that appropriate mechanisms be found for local and state human service agencies to work more cooperatively with law enforcement authorities in the identification and apprehension of adults who commit sexual crimes against children.

Recommendation #3. *Enforce More Fully Existing National and State Laws Relating to Child Sexual Exploitation*

This investigation has confirmed a pattern of "benign neglect" on the part of many law enforcement and human service agencies vis-à-vis the needs of sexually exploited children and youth. This pattern is reflected both in the comparatively low number of CSE cases currently being served by public agencies (relative to the large number of CSE cases this investigation has confirmed to exist) and the absence of written policies and procedures for dealing with CSE cases in all but a few agencies. The pattern prevails despite the existence of strong Federal, and usually state, laws designed to protect children from sexual exploitation.

We strongly recommend that the Federal government assume a leadership position in encouraging both its own agencies and those of state and local governments to implement fully all national and state laws pertaining to the protection of children from sexual exploitation. At a minimum, such interventions should encourage:

- all Federal agencies to develop strategic plans for implementing Federal laws related to the sexual exploitation of children that affect their mission;
- the creation of financial incentives to states and local governments for implementing all laws related to the sexual exploitation of children within their jurisdictions (e.g., planning grants); and,

- the development of a system of disincentives for use with governmental agencies that fail to comply with relevant laws pertaining to the sexual exploitation of children (e.g., withdrawal funds, reassignment of responsibilities to other agencies, court supervision, etc.).

Recommendation #4. *Increase the Penalties Associated With Sexual Crimes Against Children*

While no one can forecast exactly the net impact of greater or enhanced criminal penalties in reducing CSE, there is an important logic for doing so. Penalty enhancement broadcasts the unmistakable message that CSE is a crime, not a viable, defensible personal choice. That is an important cultural and educational statement that seems atrophied in many places in the U.S., as well as in many foreign communities in which CSE is a brute fact of life (and saddening forced option).

Some persons involved in child trafficking were quite explicit about the "cost/benefit" ledger sheets they mentally drafted; on balance, involvement in the CSEC was judged to be more profitable and less risky than involvement in felony-level crimes.⁴⁷ This imbalance is an incentive to make one's illicit money from CSE rather than drugs or other felony crimes. While not all decisions to engage in one illicit crime rather than another are made quite so rationally, the existing statutory imbalance sends a powerful message to those involved or considering involvement in CSE. The message is one of legal and cultural hypocrisy. Putting both messages back on point will do no harm and, one hopes, substantial good.

For these reasons, we recommend:

- taking action to tip the balance toward making the current net of CSE-relevant statutes more consistent in severity with other acts of commensurate seriousness, like drug and arms trafficking; and,
- convening a multidisciplinary group of legal and advocacy experts to draft a model penal code to inform and shape CSE-related legislation, perhaps doing so under the auspices of the American Bar Association, which has sanctioned such initiatives in the past.

Recommendation #5. *Support Local Communities in Their Efforts to Strengthen Local and State Laws Pertaining to Child Sexual Exploitation*

At the same time that work is done by governmental and nongovernmental groups to change the penalty structure and hierarchy of statutes pertaining to CSE, work also needs to be done in strengthening those statutes that already exist. There are two avenues of redress. One is simply to apply the law when it is violated. Infrequent statutory application breeds blindness if not contempt for its content and message. The second is to impose a more even, or uniform, level of legal sanction when the sanction is in fact invoked, regardless of the frequency of use. Perhaps the most viable modality for ad-

⁴⁷ Many CSE offenses, at least at the local level, trigger comparatively minor, misdemeanor (municipal) "jail" time in comparison to other related offenses, like drug trafficking or distribution, which can carry major, felony (state) "prison" time.

vancing this twin agenda is through advocacy and groups of victims acting on behalf of sexually exploited children.

Thus, we recommend the following:

- apply current statutes in a more consistent manner, doing so by taking steps to adopt sentencing guidelines, such as those used at the Federal level and in many states; and,
- develop sentencing guidelines for CSE by mounting a multi-state review of actual sentences meted out.

Recommendation #6. *Establish a National Child Sexual Exploitation Intelligence Center (NCSEIC)*

This investigation has demonstrated the need for a full-time intelligence gathering and strategic planning apparatus for monitoring national trends related to CSE. To that end, we recommend that a *National Child Sexual Exploitation Intelligence Center (NCSEIC)* be established.

While uniquely focused on issues related to CSE, the goals and structure of the NCSEIC would be comparable to those of the National Drug Intelligence Center (NDIC): 1) to support national policy makers and law enforcement decision makers with strategic domestic CSE intelligence; 2) to support national counter CSE efforts; and 3) to conduct and report on a timely basis national, regional and state CSE threat assessments.

Collaborating agencies with the NCSEIC would include at least the following Federal departments and units in addition to the National Center for Missing and Exploited Children: the Child Exploitation and Obscenity Section of the U.S. Department of Justice, the Federal Bureau of Investigation, the U.S. Customs Service, the Defense Intelligence Agency, the Family and Youth Services Bureau of the U.S. Department of Health and Human Services, the U.S. Immigration and Naturalization Service (INS), The U.S. National Central Bureau (INTERPOL), the U.S. Marshall's Service, the Office For Victims of Crime of the U.S. Department of Justice, the U.S. Postal Inspection Service, the Office of Children's Issues of the U.S. Department of State, the Forensic Services Division of the U.S. Treasury Department, the U.S. Department of Labor, the U.S. Department of Transportation, the U.S. Department of Education, the U.S. Department of Commerce, the U.S. Department of Agriculture, and the Criminal Investigative Divisions (CID) of the U.S. Department of Defense.

In addition to other responsibilities, the recommended functions of the NCSEIC would include:

- the development of a library of pornographic images that have been accepted by Federal and state courts as evidence of sexual crimes against children (for accessing by Federal prosecutors and others working in cooperation with Federal justice agencies);
- the conduct and dissemination of timely threat assessments of changing national, regional and state trends in CSE;
- the conduct and dissemination of timely threat assessments concerning the involvement of organized crime and other criminals in the commercial sexual exploitation of children; and,

- the promotion of continuing professional education of analysts, forensics specialists and others needed to carry out on-going threat assessments and strategic planning on matters pertaining to CSE.

Recommendation #7. *Expand Federally Funded Multi-jurisdictional Task Forces on Child Sexual Exploitation Into All Major Federal and State Jurisdictions*

Federally-initiated multi-jurisdictional task forces on CSE have demonstrated great promise in the communities in which they are located (Whitcomb, 1995; Whitcomb & Eastin, 1998).⁴⁸ They have, for example, succeeded in several critical respects:

- sensitizing local communities to the dangers of sex crimes against children;
- promoting multi-jurisdictional cooperation in identifying, apprehending and prosecuting perpetrators of sex crimes against children;
- promoting new public-private partnerships in combating child pornography, juvenile prostitution, and trafficking in children for sexual purposes;
- strengthening local laws designed to protect children from sexual abuse, sexual assault and sexual exploitation; and,
- serving as focal points for promoting increasingly higher levels of public and continuing professional education concerning CSE both locally and nationally.

On the basis of their apparent effectiveness in combating sexual crimes against children, we recommend that Federally-funded *Multijurisdictional Task Forces on Child Sexual Exploitation* be established and systematically evaluated in all major Federal and state jurisdictions.

Recommendation #8. *Expand Federally-Funded Internet Crimes Against Child (ICAC) Units Into All Major Federal and State Jurisdictions*

Federally-initiated *Internet Crimes Against Children* units have demonstrated great promise in the 30 communities in which they have been implemented.⁴⁹ They have succeeded, for example, in:

⁴⁸ The current number of these task forces is unknown and their names vary from one jurisdiction to another, i.e., *Sexual Assault and Exploitation Felony Enforcement Team (SAFE)*, *Task Force on Child Sexual Exploitation*, etc. In all cases, these task forces are multi-jurisdictional and consist of a standing team of CSE experts who are representatives of federal, state and local law enforcement agencies. The task forces are dedicated to proactive and reactive investigation and prosecution of cases involving child sexual exploitation

⁴⁹ In FY 2001, Congress appropriated \$6.49 million for the Internet Crime Against Children (ICAC) Task Force Program for state and local law enforcement to continue specialized cyber units to investigate and prevent child sexual exploitation. The ICAC program encourages communities to develop regional, multi-jurisdictional, and multi-agency responses to Internet crimes. Since their inception in 1998, ICAC Task Forces have arrested 420 offenders, identified hundreds of investigative targets, seized 825 computers, provided training to 10,000 prose-

- sensitizing local communities to the dangers of internet sex crimes against children;
- promoting multi-jurisdictional cooperation in identifying, apprehending and prosecuting perpetrators of internet sex crimes against children;
- promoting new public-private partnerships in combating electronically promoted sex crimes against children, including partnerships with internet service providers (ISPs);
- strengthening local laws designed to protect children from involuntary exposure to electronic pornography, sexual solicitations and sexual harassment; and,
- serving as focal points in the promotion of increasingly higher levels of public and continuing professional education concerning CSE both locally and nationally.

On the basis of their apparent effectiveness in combating electronic sex crimes against children, we recommend that Federally-funded *Internet Crimes Against Children* units be established and systematically evaluated in all major Federal and state jurisdictions.

Recommendation #9. *Enlarge the National Pool of Child Sexual Exploitation Experts and Specialists*

A serious shortage exists nationally in the number and types of specialists in CSE. These shortages are most apparent in the forensics area but also are manifest in judicial and prosecutorial agencies. An urgent need also exists for more social workers, psychologists, psychiatrists, educators, physicians, lawyers, police officers, coroners and others with special expertise in CSE.

We recommend that the Federal government:

- expand significantly its current programs of continuing education focused on increasing the national pool of legal, correctional and human service professionals with specialized expertise in the nature, extent, dynamics and impact of sexual exploitation on children and their families;⁵⁰
- promote increased attention to CSE content and practices in the curricula and training programs of all professional disciplines that share responsibility for assisting sexually exploited children and their families; and,

cutors and law enforcement officers, and reached thousands of children, parents, and educators with information about safe online practices for children and teenagers. With the addition of 20 new regional task forces in FY 2000, the ICAC program is now providing forensic, investigative, and prevention services in 31 States (OJJDP, 2001:47).

⁵⁰ Existing efforts include those sponsored by selected federal agencies for their own staff engaged in the investigation of CSE cases (e.g., U.S. Customs Service, U.S. Postal Inspection Service) and those provided by private organizations through contractual arrangements with the Office of Juvenile Justice and Delinquency Prevention to other federal and private agencies--the National Center for Missing and Exploited Children and the Fox Valley Technical College (Connelly & Laney, 2001).

- promote increasingly higher levels of interdisciplinary education and cooperation in the field of CSE.

Recommendation #10. *Promote Effective Public/Private Partnerships For Combating Child Sexual Exploitation*

A successful national campaign to combat CSE will require active participation and coordination of efforts between and among all public and private stakeholders committed to the prevention of CSE and to the protection of its victims. Among others, these stakeholders include:

- governmental agencies and units charged with leadership responsibility in combating CSE at the local, state and Federal levels;
- nongovernmental organizations and agencies that provide direct services to sexually exploited children and their families;
- associations and networks of sexually exploited children and youth;
- associations and networks of parents and guardians of sexually exploited runaway, throw-away, homeless and otherwise missing children;
- nongovernmental organizations engaged in advocacy, research, and educational activities on behalf of sexually exploited children nationally and internationally;
- nongovernmental organizations engaged in advocacy, research, and educational activities on behalf of adult victims of domestic violence and CSE;
- primary and secondary school educators;
- businesses and other commercial organizations that profit from the commercial sexual exploitation of children (e.g., internet service providers, hotel/motel chains, transportation vendors, travel agencies);
- foundations and other public benefit fiduciary organizations that provide financial support to programs serving sexually exploited children and their families; and,
- representatives of the public media (including news print, television, radio, the film industry, etc.).

We recommend that the Federal government give programmatic and fiscal leadership to:

- the development of local, state and national councils (coalitions and task forces) of public and private stakeholders committed to the elimination of CSE;
- the development by these councils (coalitions and task forces) of multi-year strategic plans that include specific goals and timetables for measuring and reducing the prevalence of CSE within their communities; and,

- the development of nationally linked coordinating mechanisms whereby local and state strategic plans for the elimination of CSE can be integrated into a comprehensive national plan of action.

Recommendation #11 *The Need For More Specialized Studies of Perpetrators of Child Sexual Exploitation and Their Victims*

The present investigation represents a unique “first generation” inquiry into the nature, extent, dynamics and seriousness of CSE in the U.S.. This investigation has uncovered many surprising, and unsettling, facts about the near epidemic nature of CSE in contemporary American society. We have reported these findings in considerable detail. Even so, much more needs to be understood about the causes and extent of CSE, especially among those sexually vulnerable populations of children and youth that are hidden from public view.

We recommend that additional research be undertaken in the following areas:

- understanding more fully those aspects of American collective life that appear to contribute directly to the CSEC—including changing societal values and mores; weakening family structures; the persistence of male dominance over females; the apparent unclarity on the part of many adults concerning the right of children not to be physically, emotionally or sexually violated;
- the development of more detailed profiles of adults who we have identified as either “transients” (i.e., military personnel, long haul truck drivers, conventioners, members of motorcycle gangs, sex tourists) or “opportunistic” sexual exploiters of children—a significant number of whom are married men with children of their own;
- the development of more detailed profiles of juvenile sexual offenders (i.e., older siblings, neighbors, children of family acquaintances) who exploit younger children already are known to them;
- the development of more detailed profiles and modes of operation of “pimps” and others (both older juveniles and adults) who systematically promote the commercial sexual exploitation of juveniles;
- the development of more detailed profiles and modes of operation of national and international “traffickers” of children for sexual purposes;
- the nature and extent of the CSEC among youth who self identify as sexual minorities-- including gay, lesbian, bisexual, and transgender youth;
- the nature and extent of the CSEC among girls in gangs, especially those in male-controlled gangs, ethnically organized gangs, and Native American tribal gangs;
- the nature and extent the CSEC among American youth who cross international borders (especially into Mexico) in pursuit of cheaper drugs, alcohol and sex with child nationals of those countries;

- the nature and extent of commercial sex among middle income and other comparatively “well-off” youth living in their own homes who prostitute themselves for money in order to purchase more expensive clothing, jewelry and drugs;
- the nature and extent of the CSEC among youth living in poverty, particularly those living in public housing;
- the international dimensions of the CSEC with a U.S. nexus, including American youth who are trafficked outside the U.S. for sexual purposes and the foreign age-dependent children and youth who are trafficked into the U.S.;
- the near- and long-term impact of sexual exploitation on children and youth as they mature into adults; and,
- cost (and profit) estimates associated with the CSEC.

The road ahead to protect America’s children and youth from CSE and the CSEC is long, and success is uncertain. After having concluded this *first generation research* effort, however, what is clear to us is the need for collateral *first generation policy development* and *strategic planning* in dealing with CSE and the CSEC at the local, state, national, and, because of the great human mobility involved, international levels. These developments must engage the talents and resources of all those persons and organizations working to protect children from CSE and these efforts must be adequately financed. Nothing short of a comprehensive and well-coordinated approach to enhancing the nation’s capacity for preventing and protecting children from the horrors of CSE will succeed.

TRAFFICKING VICTIMS PROTECTION ACT — MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING IN PERSONS

Trafficking Victims Protection Act of 2000, Div. A of Pub. L. No. 106-386, § 108, as amended.

(A) Minimum standards

For purposes of this chapter, the minimum standards for the elimination of trafficking applicable to the government of a country of origin, transit, or destination for a significant number of victims of severe forms of trafficking are the following:

- (1) The government of the country should prohibit severe forms of trafficking in persons and punish acts of such trafficking.
- (2) For the knowing commission of any act of sex trafficking involving force, fraud, coercion, or in which the victim of sex trafficking is a child incapable of giving meaningful consent, or of trafficking which includes rape or kidnapping or which causes a death, the government of the country should prescribe punishment commensurate with that for grave crimes, such as forcible sexual assault.
- (3) For the knowing commission of any act of a severe form of trafficking in persons, the government of the country should prescribe punishment that is sufficiently stringent to deter and that adequately reflects the heinous nature of the offense.
- (4) The government of the country should make serious and sustained efforts to eliminate severe forms of trafficking in persons.

(B) Criteria

In determinations under subsection (a)(4) of this section, the following factors should be considered as indicia of serious and sustained efforts to eliminate severe forms of trafficking in persons:

- (1) Whether the government of the country vigorously investigates and prosecutes acts of severe forms of trafficking in persons, and convicts and sentences persons responsible for such acts, that take place wholly or partly within the territory of the country. After reasonable requests from the Department of State for data regarding investigations, prosecutions, convictions, and sentences, a government which does not provide such data, consistent with the capacity of such government to obtain such data, shall be presumed not to have vigorously investigated, prosecuted, convicted or sentenced such acts. During the periods prior to the annual report submitted on June 1, 2004, and on June 1, 2005, and the periods afterwards until September 30 of each such year, the Secretary of State may disregard the presumption contained in the preceding sentence if the government has provided some data to the Department of State regarding such acts and the Secretary has determined that the government is making a good faith effort to collect such data.
- (2) Whether the government of the country protects victims of severe forms of trafficking in persons and encourages their assistance in the investigation and prosecution of such trafficking.

including provisions for legal alternatives to their removal to countries in which they would face retribution or hardship, and ensures that victims are not inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts as a direct result of being trafficked.

- (3) Whether the government of the country has adopted measures to prevent severe forms of trafficking in persons, such as measures to inform and educate the public, including potential victims, about the causes and consequences of severe forms of trafficking in persons.
- (4) Whether the government of the country cooperates with other governments in the investigation and prosecution of severe forms of trafficking in persons.
- (5) Whether the government of the country extradites persons charged with acts of severe forms of trafficking in persons on substantially the same terms and to substantially the same extent as persons charged with other serious crimes (or, to the extent such extradition would be inconsistent with the laws of such country or with international agreements to which the country is a party, whether the government is taking all appropriate measures to modify or replace such laws and treaties so as to permit such extradition).
- (6) Whether the government of the country monitors immigration and emigration patterns for evidence of severe forms of trafficking in persons and whether law enforcement agencies of the country respond to any such evidence in a manner that is consistent with the vigorous investigation and prosecution of acts of such trafficking, as well as with the protection of human rights of victims and the internationally recognized human right to leave any country, including one's own, and to return to one's own country.
- (7) Whether the government of the country vigorously investigates, prosecutes, convicts, and sentences public officials who participate in or facilitate severe forms of trafficking in persons, and takes all appropriate measures against officials who condone such trafficking. After reasonable requests from the Department of State for data regarding such investigations, prosecutions, convictions, and sentences, a government which does not provide such data consistent with its resources shall be presumed not to have vigorously investigated, prosecuted, convicted, or sentenced such acts. During the periods prior to the annual report submitted on June 1, 2004, and on June 1, 2005, and the periods afterwards until September 30 of each such year, the Secretary of State may disregard the presumption contained in the preceding sentence if the government has provided some data to the Department of State regarding such acts and the Secretary has determined that the government is making a good faith effort to collect such data.
- (8) Whether the percentage of victims of severe forms of trafficking in the country that are non-citizens of such countries is insignificant.
- (9) Whether the government of the country, consistent with the capacity of such government, systematically monitors its efforts to satisfy the criteria described in paragraphs (!) through (8) and makes available publicly a periodic assessment of such efforts.
- (10) Whether the government of the country achieves appreciable progress in eliminating severe forms of trafficking when compared to the assessment in the previous year.

HB

103

STATE OF ALASKA

DEPARTMENT OF LAW
OFFICE OF THE ATTORNEY GENERAL

FRANK H. MURKOWSKI, GOVERNOR

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April 1, 2005

The Honorable Lesil McGuire
Alaska State Legislature
State Capitol, Room 118
Juneau, Alaska 99801-1182

The Honorable Les Gara
Alaska State Legislature
State Capitol, Room 418
Juneau, Alaska 99801-1182

Re: HB 103, An Act requiring an actionable claim against the state
to be tried without a jury.

Dear Representative McGuire and Representative Gara:

During the March 16, 2005, hearing in the House Judiciary Committee on HB 103, committee members and the chair requested that the Department provide information on the amount of dollars paid out on claims brought pursuant to AS 09.50.250.

The below information was assembled from two sources: the Division of Risk Management and from Judgment Bills passed during the last several sessions, as well as figures for FY 2005 to date. The Judgment Bill figures contain only those amounts paid to plaintiffs for claims brought pursuant to AS 09.50.250. The figures from Risk Management include personal injury (excluding workers compensation category and property loss) and include case costs, such as court reporters, experts, etc. but not assistant attorney general defense time.

FY 2000 = \$ 5,792,511.00 (Risk Management)
FY 2001 = \$11,921,452.00 (Risk Management)
FY 2002 = \$ 9,166,624.00 (Risk Management)

The Judgment Bill totals for these 3 fiscal years are not included above; the majority of settlements or judgments were Risk Management matters, which were directly funded by that Division.

FY 2003 = \$ 7,730,493.82 (Derived from the Judgment Bill for
claims brought pursuant to AS 09.50.250)
\$10,735,143.00 (Risk Management)
\$18,465,636.82 Total AS 09.50.250 FY 2003

FY 2004 = \$1,119,534.55 (Judgment Bill)
\$4,514,535.00 (Risk Management)
\$5,634,069.55 Total AS 09.50.250 FY 2004

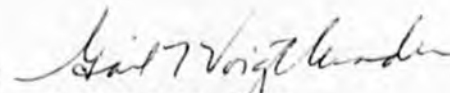
FY 2005 = \$1,604,975.46 (As of 3/18/05 included in this year's Judgment Bill)
\$4,660,366.62 (Risk Management as of 3/30/05)
\$6,265,342.08 Total AS 09.50.250 to date FY 2005

Please feel free to contact me if you have any further questions.

Sincerely,

DAVID W. MÁRQUEZ
ATTORNEY GENERAL

By:



Gail T. Voigtlander
Assistant Attorney General

DWM:GTV:pr

cc: David W. Marquez
Deborah Behr
Kevin Jardell
Brad Thompson, Director, Division of Risk Management

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Representative Mike Kelly *House District 7*

MEMORANDUM

To: Rep. Lesil McGuire, Chair – House Judiciary Committee
From: Rep. Mike Kelly, Member – House Finance Committee
Date: March 3, 2005
Re: Scheduling request

.....

Attached you will find a complete committee packet as a request for hearing for HB 103 - *"An Act requiring an actionable claim against the state to be tried without a jury."*

I have included a sponsor statement, the most recent version of the bill, several legal memorandums from Legislative Legal, and other items of evidentiary support. In addition, I have been in contact with Doug Wooliver from the Alaska Court System and anticipate his presentation of the court system's fiscal note.

I would appreciate it, if you would consider scheduling this bill for the week of March 7th for consideration by the House Judiciary Committee prior to the Energy Break recess.

If you have any questions or comments, or require additional material please feel free to contact me at extension 4976. You may direct inquiries to my staff member, Heath Hilyard, who is carrying the bill.

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Representative Mike Kelly

House District 7

HB 103

"An Act requiring an actionable claim against the state to be tried without a jury."

HB 103 makes a small but important change to the manner in which claims against the state will be adjudicated. The doctrine of "sovereign immunity", originally taken from English common law, is a familiar one within our legal system. The doctrine precludes the institution of a suit against the sovereign [government] without its consent. This concept is intrinsic to our legal system.

We see this doctrine manifest itself in the 11th Amendment to the United States Constitution, and by extension this power is granted to the states through the 10th Amendment. More importantly, the Alaska State Constitution addresses the issue of sovereign immunity in Article 2, sec. 21 when it expressly grants the legislature sole authority to determine the manner in which suits against the state will be tried. Without that addition, the language in Article 1, sec. 16 which specifically refers to "common law" would presuppose that sovereign immunity is absolute in Alaska.

Although HB 103 does change from the current standard of a trial by jury in a claim against the state, it returns to the standard that was in place from statehood until 1975. Our legal research revealed that Sen. John Butrovich (R-Fairbanks) sponsored SB 80, which changed to the current standard of a jury trial. Our research has further revealed that during the same period in 1975, the University of Alaska was in the midst of a lawsuit in which it had petitioned the court for a trial by jury and was denied. Although we have not been able to make the explicit connection, it seems that SB 80 was a legislative response to the controversy arising from that case.

Since that time, there have been a number of cases that have resulted in exorbitant jury awards against the state that may have been more reasonable had the court, rather than a jury tried them. Frequently, these awards are reversed on appeal, thus doubling the court time required for resolution. While responsible government requires the state make whole any person or entity that it harms in the course of its business, responsible government also dictates that we prevent such abuses and minimize exposure to the state. HB 103 accomplishes both ends with a simple and direct statutory change.

We further anticipate that the Alaska Court System will realize an additional benefit of less court time being consumed and thus a reduction in court operating expenses that will also allow our already overburdened courts the opportunity to address other cases with greater ease and expediency.

It is for these reasons that we appreciate your consideration and encourage you to support HB 103.

Alaska State Legislature

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Representative Mike Kelly *House District 7*

SAMPLE JURY AWARDS

(Prepared by the Attorney General's Office)

Garry Johnson v. DOC: prisoner at Ketchikan Correctional Center fell down a set of stairs when another inmate opened a door on the landing where plaintiff had been standing. As a result of the jury verdict, judgment was entered against the State in the amount of \$2,356,293. The case was tried in Anchorage. The judgment was reversed on appeal, and the case was later settled. The case is reported at 2 P.3d 56 (Alaska 2000).

Kiokun v. State: claim of negligent failure to launch a search and rescue operation in a timely manner. Bethel jury verdict in the amount of \$7.8 million (fault allocated 51% to the State, 49% to the Olrans). The judgment was reversed on appeal. The case is reported at 74 P.3d 209 (Alaska 2003).

Greg Bacon v. State (Alaska Marine Highway System): claim by injured ferry worker. Juneau jury awarded \$350,000. of which approximately ½ of the verdict was for future pain and suffering. Plaintiff was back to work when the case went to trial.

Lance Miller v. State: claim by private pilot with seven months experience who lost control of his airplane attempting to land in windy winter conditions at a rural airport. Claim was that the accident was caused by the condition of the windsock. Bethel jury found no comparative negligence by Plaintiff, rendering verdict against the state in the amount of \$1,300,000. (Post trial motions pending) 4BE-01-445 Civ.

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB 103
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
Title Claims Against the State BRU Alaska Court System
Component Trial Courts
Sponsor Representative Kelly
Requester _____ Component No. 768

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

| OPERATING EXPENDITURES | FY 2006 | FY 2007 | FY 2008 | FY 2009 | FY 2010 | FY 2011 |
|------------------------|---------------|---------------|---------------|---------------|---------------|---------------|
| Personal Services | | | | | | |
| Travel | | | | | | |
| Contractual | (16.0) | (16.0) | (16.0) | (16.0) | (16.0) | (16.0) |
| Supplies | | | | | | |
| Equipment | | | | | | |
| Land & Structures | | | | | | |
| Grants & Claims | | | | | | |
| Miscellaneous | | | | | | |
| TOTAL OPERATING | (16.0) | (16.0) | (16.0) | (16.0) | (16.0) | (16.0) |

| | | | | | | |
|-----------------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES | | | | | | |
|-----------------------------|--|--|--|--|--|--|

| | | | | | | |
|-------------------------------|--|--|--|--|--|--|
| CHANGE IN REVENUES () | | | | | | |
|-------------------------------|--|--|--|--|--|--|

FUND SOURCE (Thousands of Dollars)

| | | | | | | |
|---|---------------|---------------|---------------|---------------|---------------|---------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | (16.0) | (16.0) | (16.0) | (16.0) | (16.0) | (16.0) |
| 1005 GF/Program Receipts | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| Other (Specify Type--Do not abbreviate) | | | | | | |
| TOTAL | (16.0) | (16.0) | (16.0) | (16.0) | (16.0) | (16.0) |

Estimate of any current year (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

| | | | | | | |
|-----------|--|--|--|--|--|--|
| Full-time | | | | | | |
| Part-time | | | | | | |
| Temporary | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

House Bill 103 would require that claims against the state be tried by a court without a jury. Court records and information from the Department of Law show that over the past five years there have been an average of roughly four jury trials a year where the state was a defendant. Court records also show that the average jury trial costs the court \$4,000 in jury fees, travel, meals and lodging. This fiscal note reflects the average yearly jury costs that would be saved by passage of this bill.

Prepared by: Douglas Wooliver, Administrative Attorney Phone 463-4750
Division Alaska Court System Date/Time 3/2/05 3:56 PM
Approved by: Doug Wooliver for Stephanie Cole, Administrative Director Date 3/2/2005
Agency Alaska Court System

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB103-LAW-Various-3-2
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: LAW
Title "An Act requiring an actionable claim against RDU CIVIL
the state to be tried without a jury." Component Torts & Workers' Compensation,
Sponsor Representative Kelly Labor & State Affairs
Requester House State Affairs Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

| OPERATING EXPENDITURES | FY 2006 | FY 2007 | FY 2008 | FY 2009 | FY 2010 | FY 2011 |
|------------------------|---------|---------|---------|---------|---------|---------|
| Personal Services | (*****) | (*****) | (*****) | (*****) | (*****) | (*****) |
| Travel | (*****) | (*****) | (*****) | (*****) | (*****) | (*****) |
| Contractual | (*****) | (*****) | (*****) | (*****) | (*****) | (*****) |
| Supplies | (*****) | (*****) | (*****) | (*****) | (*****) | (*****) |
| Equipment | (*****) | (*****) | (*****) | (*****) | (*****) | (*****) |
| Land & Structures | | | | | | |
| Grants & Claims | | | | | | |
| Miscellaneous | | | | | | |
| TOTAL OPERATING | (*****) | (*****) | (*****) | (*****) | (*****) | (*****) |

| | | | | | | |
|-----------------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES | | | | | | |
|-----------------------------|--|--|--|--|--|--|

| | | | | | | |
|-------------------------------|--|--|--|--|--|--|
| CHANGE IN REVENUES () | | | | | | |
|-------------------------------|--|--|--|--|--|--|

FUND SOURCE (Thousands of Dollars)

| | | | | | | |
|---|---------|---------|---------|---------|---------|---------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | (*****) | (*****) | (*****) | (*****) | (*****) | (*****) |
| 1005 GF/Program Receipts | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| Other (Specify Type--Do not abbreviate) | | | | | | |
| TOTAL | (*****) | (*****) | (*****) | (*****) | (*****) | (*****) |

Estimate of any current year (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

| | | | | | | |
|-----------|--|--|--|--|--|--|
| Full-time | | | | | | |
| Part-time | | | | | | |
| Temporary | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

This bill adds a new subsection under AS 09.50.250 requiring that actionable claims against the state falling under this statute be tried by a court without a jury.

Caveat: Although the state conducts approximately 5 to 10 jury trials per year, the number of actual jury trials only reveals part of the picture. Statistically, the greatest group of civil cases for damages (not just cases filed against the state) are worked extensively through motion and pretrial practice, and then settled after much of the motion and pretrial work has been completed (greater than 92% is the figure often quoted for cases settled, rather than tried). It is anticipated that HB 103 would effect not only the number of cases that are actually tried, but also result in savings in a much greater group of cases during the pretrial phase of litigation.

Prepared by: Kathryn Daughhete, Director
Division: Administrative Services Division
Approved by: K. Daughhete for Scott Nordstrand, Attorney General
Agency: Department of Law

Phone 465-3673
Date/Time 3/2/05 4:30 PM
Date 3/2/2005