

11871

SENATE

JUDICIARY

0012

Preparedness Weaknesses

- Inadequate legal authorities (SB 75/HB 95)
- Inadequate laboratory facility for virology (SB 73/HB 100/SB 155)
- Dependence on federal funds
- Insufficient staff capacity to allow time for both 1) response to existing priorities, and 2) training and exercises for disasters

PUBLIC HEALTH

PROTECTING AND PROMOTING THE
HEALTH OF ALL ALASKANS

Old Public Health Enemies



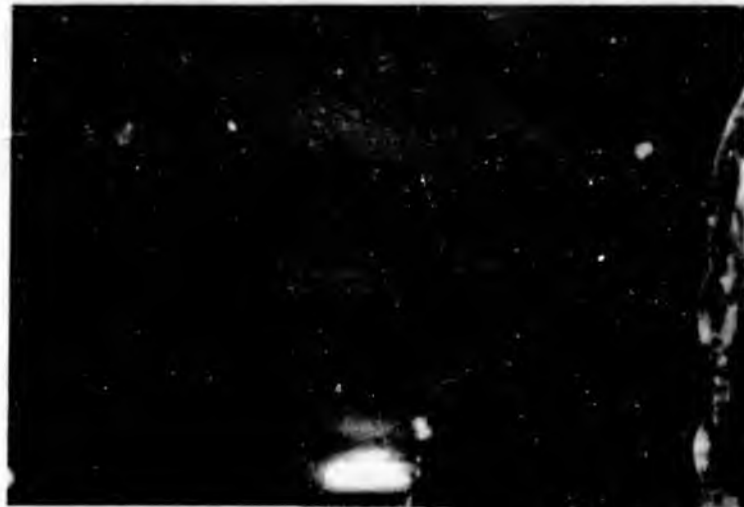
PUBLIC HEALTH
PROTECTING AND PROMOTING THE
HEALTH OF ALL ALASKANS

Traditional Disease Control



PUBLIC HEALTH
PROTECTING AND PROMOTING THE
HEALTH OF ALL ALASKANS

The Next SARS?



PUBLIC HEALTH
PROTECTING AND PROMOTING THE
HEALTH OF ALL ALASKANS

Alaska Public Health Law Reform Proposal

The Problem – *Our laws don't protect us anymore*

- Alaska's public health laws are antiquated and layered – Alaska Law Review, 2000
- Alaska is the only state in the nation that does not have adequate statutory authority to quarantine – Trust for America's Health, 2004

1949: AS 18.05.010

Administration of Laws by the
Department

1995: AS 18.15.120

Tuberculosis Control

2003: AS 18.15.350

SARS Control

Alaska Public Health Law Reform Proposal

The Proposed Solution - Updated Laws that Provide:

- A statutory framework that supports the public health mission, services and role
- Clear authority for control of conditions of public health importance; and,
- Modern due process provisions for the protection of individual rights

An Act Relating to Public Health

- Defines “Essential Public Health Services”
- Describes State’s role in health protection and promotion
- Provides clear authority for disease control through:
 - Surveillance
 - Epidemiologic Investigation
 - Medical Treatment, Quarantine & Isolation
- Requires protection of individual rights - due process
- Strengthens requirements for confidentiality and data security

SCS CSHB 95(STA): An Act Relating to Public Health

- I. Intent (Sec. 1)
- II. Administration of Public Health Laws by the Department (Sec. 4, 5, 7)
- III. Public Health Authority and Powers (Sec. 8)
- IV. Legal Representation and Court Powers
 - a) Right of indigent person to counsel (Sec. 9)
 - b) Judicial powers augmented (Sec. 10)
 - c) Guardian ad litem responsibilities (Sec. 11)
 - d) Indirect court rule amendments (Sec. 13,14)
- V. General Provisions
 - a) State Immunity and Liability (Sec. 2)
 - b) Repeal and changes to citations of statutes (Sec. 3, 6, 12)
 - c) Department encouraged to apply for IT grants (Sec. 15)
 - d) Effective Date (Sec. 16)

PUBLIC HEALTH

**PROTECTING AND PROMOTING THE
HEALTH OF ALL ALASKANS**

SCS CSHB 95(STA): An Act Relating to Public Health

I. Intent (Sec. 1)

- Not intended to mandate provision of certain services or implementation of unfunded programs

II. Administration of Public Health Law by DHSS (Sec. 4, 5, and 7)

- Modernize and clarify department's public health powers
- Clarifies nature of mandated regulations for public health reporting and adds regulatory mandate for data security and confidentiality
- Adds definition of "conditions of public health importance"

III. Public Health Powers and Authority (Sec. 8)

- Prevention and control of conditions of public health importance
- Surveillance through data collection and public health reporting
- Epidemiological investigations
- Medical treatment
- Quarantine and isolation
- Public health disasters

SCS CSHB 95(STA): An Act Relating to Public Health

Balancing Individual Rights vs. Common Good

- Constitutional Constraints on Governmental Public Health Powers
- Constitutional Protections of Individual Rights
- Limitations Imposed by Provisions in Bill
- Due Process Provisions in Bill
- Penalties for Violations of Statutory Provisions in Bill

SCS CSHB 95(STA): An Act Relating to Public Health

Balancing Individual Rights vs. Common Good

- Constitutional Constraints on Public Health Powers (Case Law):
 - Public health powers are constitutionally permissible only if they are exercised in conformity with four standards:
 - **Public Health Necessity** – government may act only in response to a demonstrable threat to the community; and
 - **Reasonable Means** – there must be a reasonable relationship between the public health intervention and the achievement of a legitimate public health objective; and
 - **Proportionality** – there must be a reasonable balance between the public good to be achieved and the degree of personal invasion; and,
 - **Harm Avoidance** – the control measure should not pose a health risk to its subject.
- Constitutional Protections of Individual Rights (Bill of Rights):
 - **1st Amendment:** Freedom of religion, speech, press, assembly, petition
 - **4th Amendment:** Freedom from unreasonable search and seizure
 - **5th Amendment:** Due process clause
 - **14th Amendment:** Bill of Rights applicable to states

Gostin, Lawrence O., *Public Health Law: Power, Duty, Restraint*,
University of California Press, 2000, (pgs. 61 – 83)

PUBLIC HEALTH

**PROTECTING AND PROMOTING THE
HEALTH OF ALL ALASKANS**

SCS CSHB 95(STA): An Act Relating to Public Health

Balancing Individual Rights vs. Common Good

- Limitations placed on governmental public health powers in this bill:
 - The department must establish confidentiality and security standards in regulation for information and records received under this statute (AS 18.05.040 (a))
 - The department may not acquire identifiable health information without complying with provisions and regulations adopted under this statute (AS 18.15.360 (d))
 - The department must adhere to statutory conditions for acquisition and use of identifiable health information (AS 18.15.362)
 - Information confidentiality and security safeguards required (AS 18.15.365)
 - “Conditions of public health importance” limited to those that “can reasonably be expected to lead to adverse health effects in the community” (AS 18.05.070 (4); AS 18.15.395 (2))
 - The department may require testing
 - only upon an order of a state medical officer, and only upon a finding that the individual has or may have been exposed to a contagious disease that poses a significant risk to the public health (AS 18.15.375(c)(2))
 - for the sole purpose of identifying a condition that 1) poses a threat to the public health, and 2) may be avoided, cured, alleviated, or made less contagious through public health intervention (AS 18.15.375 (c)(5))
 - A judicial officer may issue an order for testing of an individual against their will
 - Upon a showing of probable cause, supported by oath or affirmation, that the individual has or may have been exposed to a contagious disease that poses a significant risk to the public health (AS 18.15.375 (d)) [due process provisions: AS 18.15.375 (e)]
 - An individual has the right to refuse treatment and may not be required to submit to involuntary treatment (AS 18.15.380)

Continued on next slide

SCS CSHB 95(STA): An Act Relating to Public Health

Balancing Individual Rights vs. Common Good

- Limitations placed on governmental public health powers in this bill (Continued from Previous Slide):
 - The department must establish regulations regarding isolation and quarantine, and may only use this method of disease control if it is the least restrictive alternative (AS 18.15.385(a))
 - The department shall isolate or quarantine by the least restrictive means necessary to prevent the spread of disease, including allowing individuals to choose to remain in their own home if to do so would not jeopardize the public's health (AS 18.15.385(b)(1))
 - The department shall regularly monitor health status of quarantined/isolated individuals, and shall immediately terminate an isolation and quarantine order when the subject poses no substantial risk of transmitting the disease to others (AS 18.15.385(b) (3) & (5))
 - The department shall obtain a court order for isolation/quarantine if the individual refuses, and must provide an affidavit signed by a state medical officer that the individual poses a significant risk to public health (AS 18.15.385(d))
 - The department may issue an emergency administrative order for isolation/quarantine only from a state medical officer and only when there is probable cause to believe that delay in imposing isolation/quarantine would pose a clear and immediate threat to public health (AS 18.15.385(e))
 - The court may commit individual to isolation/quarantine only through finding by clear and convincing evidence that it is necessary to prevent or limit transmission to others of disease that poses a significant risk to the public health (AS 18.15.385(h) & (i))
 - The department shall adopt regulations to protect the privacy rights of individuals subject to isolation/quarantine (AS 18.15.385(l))

PUBLIC HEALTH

**PROTECTING AND PROMOTING THE
HEALTH OF ALL ALASKANS**

SCS CSHB 95(STA): An Act Relating to Public Health

Balancing Individual Rights vs. Common Good

- Due process provisions in this bill
 - An individual subject to an ex parte judicial order for testing may request a hearing to vacate the order (AS 18.15.375(e))
 - The department shall obtain a court order before quarantine/isolation of an individual who objects to quarantine/isolation (AS 18.15.385(d))
 - An individual served with an emergency administrative order of temporary quarantine/isolation has the right to a court hearing (AS 18.15.385(f))
 - An isolated/quarantined individual may apply to the court for termination of isolation/quarantine (AS 18.15.385(j))
 - An individual who is a respondent in proceedings under these statutory provisions has the right to be represented by counsel (AS 18.15.392)
- Penalties for violations of statutory provisions
 - State not exempt from liability for damages caused by medical treatment provided by state employees under this statute (AS 09.50.250 (2))
 - State shall pay penalty of \$500/day to persons quarantined/isolated with gross negligence or in intentional violation of statutory provisions (AS 09.50.250 (2))
 - A person who violates regulations is guilty of misdemeanor (AS 18.05.061)
 - A person who knowingly discloses identifiable health information is guilty of class B misdemeanor and who intentionally discloses such information is guilty of class C misdemeanor (AS 18.15.365 (c) & (d))
 - A person who knowingly violates quarantine/isolation provisions is guilty of class B misdemeanor and who intentionally violates such provisions is guilty of class C misdemeanor (AS 18.15.385 (n) & (o))

PUBLIC HEALTH

**PROTECTING AND PROMOTING THE
HEALTH OF ALL ALASKANS**

State Quarantine Authority

Source: Trust For America's Health with analytic and research support from the Center for Law and the Public's Health at Georgetown and Johns Hopkins Universities.

49 states and D.C. have adequate statutory authority to quarantine in response to a hypothetical bioterrorism attack scenario

Alabama *	Indiana *	Montana *	Pennsylvania *
Arizona *	Iowa *	Nebraska	Rhode Island *
California	Kansas	Nevada *	South Carolina *
Colorado	Kentucky	New Hampshire *	South Dakota *
Connecticut *	Louisiana *	New Jersey	Tennessee *
Delaware *	Maine *	New Mexico *	Texas
D.C. *	Maryland *	New York	Utah
Florida *	Massachusetts *	North Carolina *	Vermont
Georgia *	Michigan *	North Dakota	Virginia *
Hawaii *	Minnesota *	Ohio *	Washington ^
Idaho *	Mississippi	Oklahoma *	West Virginia *
Illinois *	Missouri	Oregon	Wisconsin *
			Wyoming *

* State has statutory quarantine powers that may be enhanced or capable of expedited performance during general or public health emergencies.

1 state does NOT have adequate statutory authority to quarantine in response to a hypothetical bioterrorism attack scenario

Alaska



^ Washington state has regulatory vs. statutory quarantine authority.

FAX COVER SHEET
ANCHORAGE LEGISLATIVE INFORMATION OFFICE

Office 907-269-0111

Fax 907-269-0229

To: S JUD

Attn: Son Seeking

Fax: 465-5241 Phone: _____

From: _____ Phone: _____

Instructions: Written testimony

Sent: Date 4-26-05 Time _____

Disposal of Original: Discard: _____ Pouch Hold for Pickup _____

Number of Pages: 2 (counting cover sheet)

Transmitted by: Ju

Testimony on SCS CSHB 95
Patricia Senner, RN
Alaska Nurses Association
Senate Judiciary Committee
April 26, 2005

Mr. Chairman, my name is Patricia Senner and I am chair of the Alaska Nurses Association's Legislative Committee. Since 9/11 the Nurses Association has been very concerned about the ability of Alaska's health care providers to respond to an emergency situation. Because of this concern we have been following HB 95 with much interest.

The bill in front of you today has undergone considerable revision from the original version and we feel that the changes made have been good and have strengthened the bill.

Because of all the national attention that has been given to the possibility of a bio-terrorist attack, the Alaska Nurses Association has encouraged the Department of Health and Social Services to include in the authority to isolate and quarantine not only those individuals exposed to infectious diseases, but also those individuals exposed to hazardous materials, including radioactive materials. This has been done on page 16 line 7.

A brief review we did of Alaska statutes reveals that there are many references to control of radioactive substances, but no statutes that we could find that give authority to the state to deal with persons who have been exposed to toxic levels of radioactivity.

Since radioactivity is a property of a substance, we would suggest changing the wording on page 16 line 7 slightly to read "exposed to hazardous materials that can cause serious illness or injury by transmission to others."

With concerns about Avian Influenza in Southeast Asia, and Marburg virus in Africa, we think that it is important that this piece of legislation be passed this session. We thank the Department of Health and Social Services for their patience in responding to the many issues raised during the hearings on this piece of legislation.

HB

101

SENATE COMMITTEE REPORT

DATE: 5/4/05

FURTHER: Finance

DATE TURNED
IN TO OFFICE: _____

Judiciary Committee considered CS FOR HOUSE BILL NO. 101 (JUD) am

HB 101 SEX TRAFFICKING AND TOURISM

"An Act relating to sex tourism."

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

CS Senate Bill:

- Same Title
- New Title

SCS House Bill:

- Same Title
- Technical Title Change
- New Title w/ SCR # _____



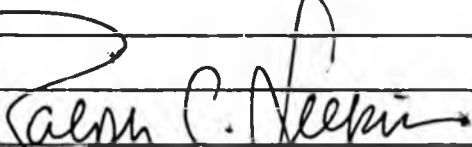
NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
	X			
	X			
CHAIR: 	X			

24-LS0412V
Luckhaupt
1/26/06

SENATE CS FOR CS FOR HOUSE BILL NO. 101(JUD)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES CROFT, Kerttula, Dahlstrom, McGuire, Joule, Hawker, Holm, Kelly, Wilson, Lynn, Neuman, Guttenberg, Gardner, LeDoux

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to sex tourism; and providing for an effective date."

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

3 * Section 1. AS 11.66.120(a) is amended to read:

4 (a) A person commits the crime of promoting prostitution in the second degree
5 if the person

6 (1) manages, supervises, controls, or owns, either alone or in
7 association with others, a prostitution enterprise other than a place of prostitution;

8 [OR]

9 (2) procures or solicits a patron for a prostitute; or

10 (3) offers, sells, advertises, promotes, or facilitates travel that
11 includes commercial sexual conduct as enticement for the travel; in this
12 paragraph, "commercial sexual conduct" means sexual conduct for which
13 anything of value is given or received by any person.

14 * Sec. 2. This Act takes effect immediately under AS 01.10.070(c).

HB 101
“An Act relating to sex trafficking and tourism”

Table of Contents
April 25, 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.

Sponsor Statement	1.
Current Version of HB 101 (CSHB 101 (JUD) am)	1.a.
CSHB101(JUD)	2.
Original version of HB 101	4.
Fiscal Notes	6.
Alaska District Council, the Assemblies of God resolution in support of HB101	11.
Voices of Polynesian Islanders in Alaska letter of support	13.
Dennis Holway, United Methodist Minister, testimony in support	14.
U.S. Department of State Report	15.
Table of Contents	16.
What is Trafficking?	17.
The Facts About Child Sex Tourism	19.
Statement of President George W. Bush	20.
University of Pennsylvania Report	22.
Table of Contents	23.
List of Exhibits	31.
Abstract	36.
Major Findings	39.
Impact of Child Sexual Abuse and Assault on Adult Survivors	42.
Pathways into Commercial Child Sexual Exploitation (CSEC)	46.
More Common and Less Common Forms of CSE and CSEC	47.
American Sex Tourists and CSE	50.
Categories of American Youth at Risk of Sexual Exploitation	52.
Final Thoughts on Trafficking	57.
Recommendations	59.
Federal Trafficking Victims Protection Act—Minimum Standards for the Elimination of Trafficking in Persons	71.



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.

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. HB 101 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.



HB 101

Dept. of Law Draft "A"

"An Act relating to sex tourism."

* Section 1. AS 11.66.120 is amended to read:

(a) A person commits the crime of promoting prostitution in the second degree if the person

(1) manages, supervises, controls, or owns, either alone or in association with others, a prostitution enterprise other than a place of prostitution;

[OR]

(2) procures or solicits a patron for a prostitute; or

(3) offers, sells, advertises, promotes or facilitates travel that includes commercial sexual conduct as enticement for the travel; in this paragraph, "commercial sexual conduct" means sexual conduct for which anything of value is given or received by any person.

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: CSHB 101(JUD)
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title: An Act relating to sex trafficking RDU: Legal and Advocacy Services
and tourism. Component: Office of Public Advocacy
 Sponsor: Rep. Croft
 Requester: House Judiciary Component No. 43

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill creates a new Class C felony offense for commercial sex tourism. This bill, if enacted, is not expected to have a significant fiscal impact on the operations of the Office of Public Advocacy.

Prepared by: Josh Fink, Director
 Division: Office of Public Advocacy
 Approved by: Michael Tibbles, Deputy Commissioner
 Agency: Department of Administration

Phone 907-269-3501
 Date/Time 1/24/06 10:34 AM
 Date 1/24/2006

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: CSHB 101(JUD)
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title An Act relating to sex trafficking RDU Legal and Advocacy Services
and tourism. Component Public Defender Agency
 Sponsor Rep. Croft
 Requester House Judiciary Component No. 1631

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type—Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill creates a new Class C felony offense for commercial sex tourism. This bill, if enacted, is not expected to have a significant fiscal impact on the operations of the Agency.

Prepared by: Quinlan Steiner, Director Phone (907)334-4416
 Division Public Defender Agency Date/Time 1/24/06 9:48 AM
 Approved by: Michael Tibbles, Deputy Commissioner Date 1/24/2006
 Agency Department of Administration

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB101CS(JUD)am-DPS-AST-1-24-06
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title An Act relating to sex tourism. RDU Alaska State Troopers
 Component AST Detachments
 Sponsor Representative Croft
 Requester Senate Judiciary Committee Component No. 2325

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 C Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) 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 creates a new section in AS 11.66 making it a crime to engage in sex trafficking, offering to sell travel services, or facilitating travel, for the purposes of commercial sex acts.

Passage of this legislation will have no fiscal impact on the Department of Public Safety.

Prepared by: Lieutenant James Helgoe Phone 907-269-4532
 Division Alaska State Troopers Date/Time 1/24/06 8:28 AM
 Approved by: Commissioner William Tandeske Date 1/24/2006
 Agency Department of Public Safety

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: CSHB 101(JUD) am
 () Publi. Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Corrections
 Title "An Act relating to sex tourism." RDU Institutional Facilities
 Component Institution Director's Office
 Sponsor Representatives Croft
 Requester Senate Judiciary Component No. 524

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()						

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Due to the potential small number of criminal cases, the department does not anticipate a significant fiscal impact due to the passage of this legislation.

Prepared by: Sharleen Griffin, Director Phone: (907) 465-3339
 Division: Administrative Services Date/Time: 1/24/06 5:52 PM
 Approved by: Portia C.K. Parker, Deputy Commissioner Date: 1/24/2006
 Agency: Department of Corrections



Alaska District Council,

1048 W. Int'l Airport Rd., Suite 101/Anchorage, AK 99518-1005/Phone: (907) 562-2247 & 1-800-291-0091/FAX: (907) 562-2352/E-Mail: info@alaskaag.org

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

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

Voices Of Polynesian Islanders In Alaska

President : Rev. Elder Saitai Maga
V. President: Rev. Lotofau Lali
Secretary : Rev. Calvin Samudu
Treasury : Rev. Louie Pua

March 4

Honorable Members of the House Judiciary Committee
Representative Lesli 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 appauling, but increasing, enterprise that preys on innocent and v. lherable 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 crime s. 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

12

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.

TRAFFICKING
IN PERSONS REPORT

JUNE 2004



TABLE OF CONTENTS

I. INTRODUCTION	5
What Is the Purpose of the 2004 Trafficking In Persons Report?	5
What is Trafficking?	9
What is the Human and Societal Toll of Trafficking?	10
Trafficking Is a Human Rights Violation and a Crime	10
Trafficking Promotes Social Breakdown	12
Trafficking Fuels Organized Crime	14
Trafficking Deprives Countries of Human Capital	14
Trafficking Undermines Public Health	15
Trafficking Subverts Government Authority	16
Trafficking Imposes Enormous Economic Costs	16
How do Traffickers Operate?	18
What are the Causes of Trafficking?	19
What Strategies are Effective in the War Against Trafficking?	21
More About the 2004 TIP Report	25
What the Report Is and Is Not	25
What is Different in This Year's Report	26
Why This Year's Report Contains More Country Assessments	27
How the Report is Used	29
Methodology	29
Step One: Significant Number of Victims	30
Step Two: Tier Placement	30
Penalties	31
II. INTERNATIONAL BEST PRACTICES	33
International Heroes	35
III. TIER PLACEMENTS	39
IV. COUNTRY NARRATIVES	40
Africa	41
East Asia and Pacific	85
Europe and Eurasia	115
Near East	189
South Asia	207
Western Hemisphere	223
V. SPECIAL CASES	249
VI. UNITED STATES GOVERNMENT EFFORTS	255
VII. INTERNATIONAL CONVENTIONS—MATRIX	262
VIII. TRAFFICKING VICTIMS PROTECTION ACT	266
IX. GLOSSARY OF ACRONYMS	268

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-

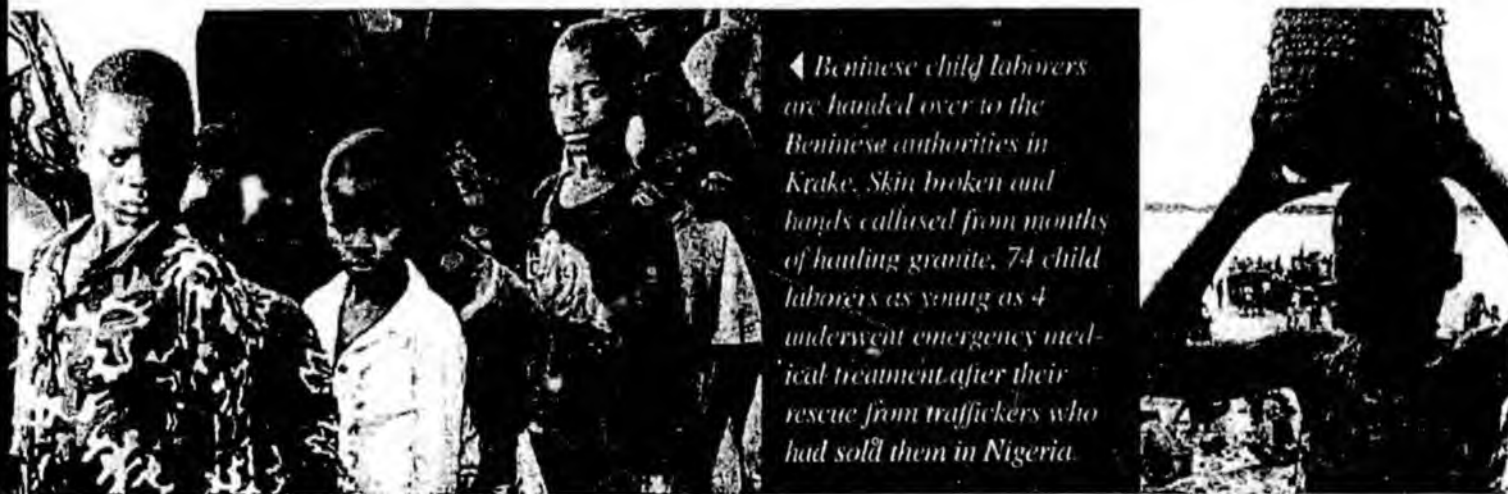
- a. sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age; or
- b. the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the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



◀ *An Albanian woman at her home with her son and the television set she was given by the Italian family to whom she gave one of her sons in 1999.*

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.

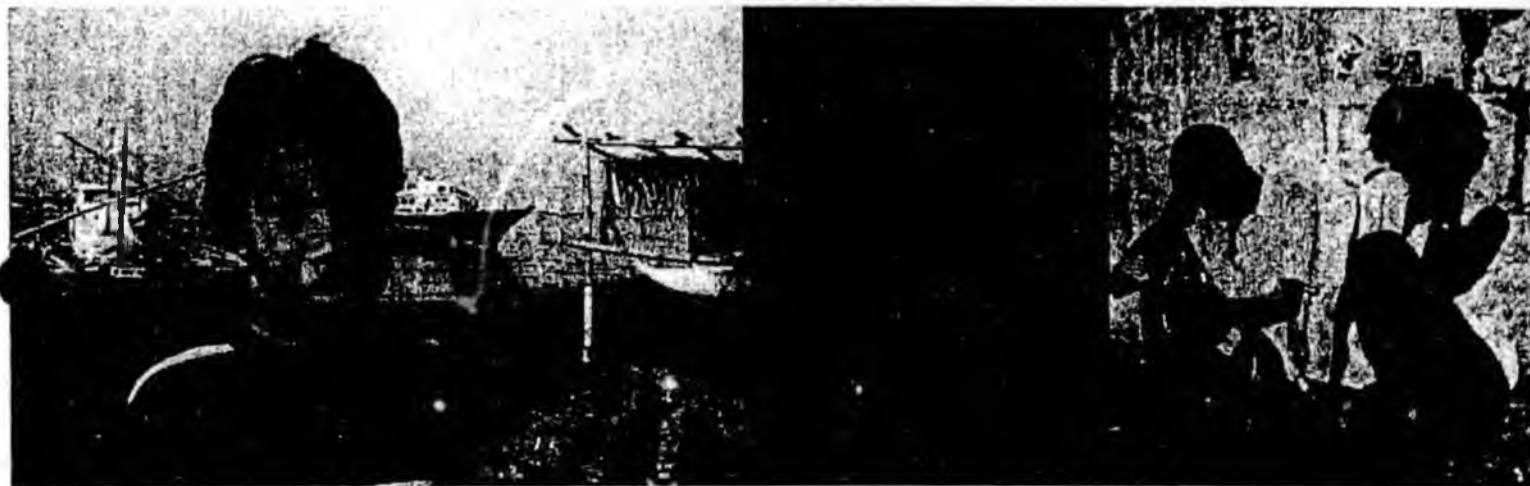
There's a special evil in the abuse and exploitation of the most innocent and vulnerable. The victims of the sex trade see little of life before they see the very worst of life—an underground of brutality and lonely fear. Those who create these victims and profit from their suffering must be severely 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

Richard J. Estes, Ph.D.

and

Neil Alan Weiner, Ph.D.

University of Pennsylvania
School of Social Work
Center for the Study of Youth Policy
4200 Pine Street, 3rd floor
Philadelphia, PA 19104-4090
Telephone: 215-898-5531
Fax: 215-573-2099
E-Mail: restes@ssw.upenn.edu



September 10, 2001

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

Contents

Foreword.....	iii
Acknowledgements.....	iv
Contents Page.....	viii
Exhibits List.....	xvi

PART I INTRODUCTION

A. Introduction.....	2
B. Recruitment of Children Into SEC.....	3
C. Poverty and SEC.....	3
D. Other Factors that Contribute to SEC.....	4
E. The Impact of Sexual Exploitation on Children.....	4
F. The Emerging Statistical Picture: A Cause For Concern.....	4
G. Project Goals and Objectives.....	5
H. Operational Definitions.....	6

PART II RESEARCH METHODS

A. Introduction.....	13
B. Core Research Elements.....	13
C. Project Timing and Phasing.....	15
D. Country Selection.....	15
E. Sites For City Surveys.....	19
F. Key Informants For the City, Country and Regional Surveys.....	21
G. Measurement Issues Associated With the CSEC.....	22
H. Sampling Issues Associated With the CSEC.....	22
H.1 Traditional Random Samples.....	26

H.2 Stakeholder Agency Surveys.....	26
H.3 Convenience and Purposive Samples of Selected Subjects.....	26
H.3.a Expert Focus Groups.....	26
H.3.b Interviews with Key Decision Makers.....	27
H.3.c Interviews With Child Victims of Sexual Exploitation.....	27
H.3.d Apprehended Populations of Traffickers and Clients.....	28
H.3.e Representative National Surveys.....	28
H.3.f International Advisory Group Meetings and Interviews.....	29
H.3.g Multidisciplinary Team Intensive Case Analyses.....	34
I. Conceptualization.....	34
J. Statutory Reviews.....	35
J.1 U.S. Federal and State Statutes Relating to CSE and the CSEC.....	36
J.2 Laws of Other Nations.....	35
J.3 International Covenants, Declarations, and Agreements Relating to CSE and the CSEC.....	36

PART III FINDINGS

A. Introduction.....	38
B. Brief History of Child Sexual Exploitation in the U.S., Including Juvenile Prostitution.....	39
C. Factors That Contribute to CSE and the CSEC.....	40
C.1 Macro/Contextual External Factors.....	41
C.1.a Poverty and the Sexual Exploitation of Children.....	41
C.1.b The Presence of a Pre-Existing Adult Prostitution "Market" and Child Sexual Exploitation.....	42
C.1.c Enforcement of Child Sexual Exploitation Laws and Policies (by Law Enforcement and Human Service Authorities).....	43
C.2 Micro/Situational External Factors.....	44
C.2.a The Continuum of Child Sexual Abuse, Child Sexual Assault and Child Sex- ual Exploitation.....	44
C.2.b Child Sexual Abuse and Child Sexual Exploitation.....	46
C.2.c Child Sexual Assault and Child Sexual Exploitation.....	49
C.2.d Child Sexual Abuse, Child Sexual Assault and the Commercial Sexual Exploitation of Children.....	51
C.2.e The Impact of Child Sexual Abuse and Child Sexual Assault On Adult Survivors.....	54
C.2.f Child Sexual Abuse, Child Sexual Assault and Crimes of Violence By Adult Survivors.....	56
C.3 Individual/Internal Factors.....	57
D. Pathways Into CSE and the CSEC.....	58
E. More Common and Less Common Forms of CSE and the CSEC.....	59

F.	Social, Emotional, Health, and Other Risks to Sexually Exploited Children.....	61
F.1	Risks to Sexually Exploited Children in Their Own Homes.....	61
F.2	Risks to Sexually Exploited Runaway and Homeless Children and Youth.....	62
G.	Categories of Sexually Exploited Children.....	66
G.1	Sexually Exploited Children Not Living in Their Own Homes.....	68
G.2	Sexually Exploited Children Living in Their Own Homes.....	69
G.3	Other Groups of Sexually Exploited Children.....	70
	G.3.a Female Gang Members.....	70
	G.3.b Transgender Street Youth.....	72
G.4	U.S. Children Traveling Abroad and Foreign Children Traveling to the U.S. For Purposes of Sexual Exploitation.....	73
G.5	Children Exposed to On-Line Sexual Victimization.....	74
G.6	Estimated Number of Sexually Exploited Youth in the U.S., December 2000.....	75
H.	Selected Characteristics of Sexually Exploited Youth.....	75
H.1	Youth Callers to the National Runaway Switchboard (NRS)	75
H.2	Street Youth Served by Out Reach and Drop In Centers	76
H.3	Street Youth Served by Health Drop In Centers.....	79
H.4	Youth Served by Federally-Funded Shelters	82
H.5	Race, Ethnicity, Social Class and Child Sexual Exploitation.....	89
H.6	Ages of First Intercourse and Entry Into Juvenile Prostitution.....	92
I.	Profiles of Child Sexual Exploiters	92
I.1	Sexual Exploiters of Children Living in Their Own Homes.....	92
	I.1.a Ages of Perpetrators of Sex Crimes Against Children Living In Their Own Homes.....	95
	I.1.b Child Maltreatment and the Gender of Perpetrators of Sexual Abuse and Other Sexual Crimes Against Children Living in Their Own Homes...	96
I.2	Sexual Predators of Children Not Living In Their Own Homes.....	99
	I.2.a Pedophiles.....	99
	I.2.b Transient Males.....	100
	I.2.b.1 The Military and Child Sexual Exploitation.....	101
	I.2.b.2 Truck Drivers and the Sexual Exploitation of Children.....	102
	I.2.b.3. Seasonal Workers and the Sexual Exploitation of Children.....	102
	I.2.b.4. Conventioneers and the Sexual Exploitation of Children.....	103
	I.2.b.5 American Sex Tourists and the Sexual Exploitation of Children...	104
I.3	"Opportunistic" Exploiters.....	105
I.4	Other Juveniles and the Sexual Exploitation of Children.....	108
I.5	Pimps and the Sexual Exploitation of Children.....	109
I.6	Traffickers and the Sexual Exploitation of Children.....	112
J.	The Role of Organized Crime in CSE and the CSEC.....	112
K.	Domestic and International Trafficking in Children For Sexual Purposes.....	112
K.1	Sexually Exploited Foreign Children.....	113
K.2	Countries of Origin of Sexually Exploited Foreign Children.....	114
K.3	International Gateways Used to Traffic Sexually Exploited Children to the U.S.....	115
K.4	Routes Used to Traffic Foreign Children In The U.S.	117
K.5	Traffickers of Sexually Exploited Children in the U.S.....	118

K.5.a Organizers of Trafficking in Children For Sexual Purposes.....118
K.5.b Trafficking Functionaries.....120
K.6 Final Thoughts on Trafficking.....124

PART IV "OFFICIALLY" REPORTED CASES OF CSE AND THE CSEC IN THE U.S., 1999

A. Introduction.....127
B. "Official" vs. "Actual" Data.....127
C. Sample Surveys of CSE.....130
D. Partial Estimate of CSE Cases in U.S. Focus Communities, 1999.....130
E. Partial Estimate of CSE Cases At the National Level, 1999.....134
F. Prevalence Issues.....135

PART V ESTIMATED NUMBER OF ACTUAL CSE AND CSEC CASES IN THE U.S, 2000/2001

A. Introduction.....140
B. Groups of Sexually Exploited Children.....140
C. Estimated Number of Sexually Exploited Children in the U.S. December, 2000.....142
D. Child Sexual Exploitation In Comparison With Other Social Risks to Which American Children and Youth Are Exposed150
E. Methodological Notes For Exhibits 5.2 to 5.6.....152

PART VI NATIONAL PREPAREDNESS FOR RESPONDING TO THE NEEDS OF SEXUALLY EXPLOITED CHILDREN AND YOUTH

A. Introduction.....157
B. National Stakeholder Survey (Q1, Q2, Q3)157
 B.1 What Was Asked?158
 B.2 Who Was Asked to Respond to the Survey?159
 B.2.a The Sample Design
 B.2.b Handling Unanswered Questions in the Returned Surveys

B.3	What Did They Say?.....	160
B.3.a	What Types of Direct Services do GOs and NGOs Provide?	
B.3.b	What is the Scope of the GO and NGO Service Areas?	
B.3.c	What is the Importance of the CSEC as a GO and NGO Policy or Service Issue?	
B.3.d	To What Extent do GOs and NGOs have Working Definitions of the CSEC, and Related Policy and Procedural Manuals?	
B.3.e	What GO and NGO Training and Policy Approaches are Used for Dealing with the CSEC?	
B.3.f	How Do GOs and NGOs Identify CSEC Cases?	
B.3.g	To What Extent do GOs and NGOs Identify Similar Factors in influencing the Number of CSEC Cases in Their Service Areas?	
B.3.h	What Types of CSEC Cases were Handled by GOs and NGOs in 1999?	
B.4	Weaving the Bits and Pieces Together.....	164
C.	The National Legal Environment Relating to Child Pornography, Juvenile Prostitution, and International Trafficking in Children For Sexual Purposes.....	165
D.	The International Protection Environment Relating to Child Pornography, Juvenile Prostitution, and International Trafficking in Children For Sexual Purposes.....	170
E.	National Planning, Advocacy, Research, and Educational Organizations Working to Protect Children From Sexual Exploitation.....	170
F.	Best Practices in Protecting Children From Sexual Exploitation, Including Commercial Sexual Exploitation.....	178
G.	Gaps in the Existing Legal and Human Service Environments.....	183
H.	A Sobering Picture.....	184

PART VII RECOMMENDATIONS

A.	Introduction.....	196
B.	The Framework For An Integrated Plan of Action.....	196
C.	Recommendations in Support of a National Strategy to Combat Child Sexual Exploitation (CSE) and the Commercial Sexual Exploitation of Children (CSEC)	199
	Recommendation #1. Protect the Children.....	199
	Recommendation #2. Target Adult Sexual Exploiters of Children For Punishment, Not the Children.....	200
	Recommendation #3. Enforce More Fully Existing National and State Laws Relating to Child Sexual Exploitation.....	200
	Recommendation #4. Increase the Penalties Associated With Sexual Crimes	

	Against Children.....	201
Recommendation #5.	Support Local Communities in Their Efforts to Strengthen Local and State Laws Pertaining to Child Sexual Exploitation.....	201
Recommendation #6.	Establish a National Child Sexual Exploitation Intelligence Center (NCSEIC)	202
Recommendation #7.	Expand Federally Funded Multi-jurisdictional Task Forces on Child Sexual Exploitation Into All Major Federal and State Jurisdictions.....	203
Recommendation #8.	Expand Federally-Funded Internet Crimes Against Child (ICAC) Units Into All Major Federal and State Jurisdictions.....	203
Recommendation #9.	Enlarge the National Pool of Child Sexual Exploitation Experts and Specialists.....	204
Recommendation #10.	Promote Effective Public/Private Partnerships For Combating Child Sexual Exploitation.....	205
Recommendation #11	The Need For More Specialized Studies of Perpetrators of Child Sexual Exploitation and Their Victims.....	206
References.....		209
About the Investigators.....		232

Appendix 1
The Commercial Sexual Exploitation of Children in the U.S.

- A. Members of the Project's International Advisory Group (IAG)
- B. Project Staff Members in Canada, Mexico and the U.S.
- C. Discussion Guide for City Focus Group Meetings
- D. Law Enforcement, Human Services, Advocacy and Other Organizations That Participated in Target City Focus Group Meetings Interviews
- E. Questionnaire #1 (Q1a and Q1b): Survey of National, State and Local Law Enforcement and Human Service Agencies Concerning Sexually Exploited (SEC) and Commercially Sexually Exploited Children (CSEC)

- F. Questionnaire #2 (Q2, Q3): Survey of National, State and Local Law Enforcement and Human Service Agencies Concerning Adult Customers and Traffickers In Children For Sexual Purposes (CSE and CSEC)
- G. U.S. Federal Laws Relating to Sexually Exploited Children (SEC) and Commercially Sexually Exploited Children (CSEC), March 2001 (prepared by Nicole Ives)
- H. International Agreements, Covenants and Declarations Relating to Children and Families, Including to Sexually Exploited (SEC) and Commercially Sexually Exploited Children (CSEC), March 2001 (prepared by Nicole Ives)
- I. Selected Organizations Working to Protect U.S. Children and Youth From Sexual Exploitation (SEC) and Commercial Sexual Exploitation (CSEC)
- J. Bibliography: *The Sexual Exploitation of Children: A Working Guide to the Empirical Literature*, August 2001 (an electronic version of the bibliography is available at the following internet address: http://caster.ssw.upenn.edu/~restes/CSEC_Bib_August_2001.pdf)
- K. Agencies and Organizations Illustrative of Selected Best Practices Associated With Combating the Sexual Exploitation (SEC) and Commercial Sexual Exploitation of Children (CSEC) (prepared by Nicole Ives)
- L. Areas of Major Questioning, Data Sources, and Data Collection Procedures Associated With Each of the Project's Research Objectives
- M. Working Tables: Estimates of Sexually Exploited (SEC) and Commercially Sexually Exploited Children (CSEC)
- N. Commercial Sexual Exploitation of Children: Overview of Core CSEC Relationships

Appendix 2

The Commercial Sexual Exploitation of Children in Canada (not submitted as part of this report)

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Exhibits

- Exhibit ES.1 Key Informant Persons and Organizations For U.S. City Studies
- Exhibit ES.2 Categories of American Youth Victimized by Sexual Exploitation
- Exhibit 1.1 Definitions of Terms Associated With the Sexual Exploitation (SEC) and Commercial Sexual Exploitation of Children (CSEC)
- Exhibit 2.1 Study Design: Sample Types, Study Sites, and Data-Collection Methods
- Exhibit 2.2 Project Activities and Timelines For the U.S. National Study, January 1, 1999-March 31, 2001
- Exhibit 2.3 28 Cities Targeted for Special Analysis: U.S., Canada and Mexico
- Exhibit 2.4 Populations of Metropolitan Areas Selected For Special Study (N=15)
- Exhibit 2.5 Key Informant Persons/Organizations For City Studies
- Exhibit 2.6 Governmental (GOs) And Non-Governmental Organization (NGO) Samples By Jurisdictional Level, Types Of Mailing, And Response Totals
- Exhibit 2.7 Respondents and Participants in the Tri-national Study of the Commercial Sexual Exploitation of Children in the U.S.
- Exhibit 3.1 Factors Contributing to the Sexual Exploitation of Children and Youth
- Exhibit 3.2 Child Victims of Maltreatment, 1986 and 1993
- Exhibit 3.3 Association Between Child Sexual Assault and Onset of Lifetime Psychiatric Disorders
- Exhibit 3.4 More and Less Common Forms of Child Sexual Exploitation
- Exhibit 3.5 Alphabetical Listing of Support Services Identified by Street Youth Needed to Exit Street Life
- Exhibit 3.6 Categories of American Youth Victimized by Sexual Exploitation
- Exhibit 3.7 Selected Characteristics of Homeless Youth Serviced by Youth Care/Orion House, 1989-1994 (N=364)
- Exhibit 3.8 Selected Characteristics of Youth Served by Larkin Street Youth Center, PY 1996/97
- Exhibit 3.9 Selected Characteristics of Youth Served by Tulane University Health Drop In Center, 11/1/99-7/31/00 (N=588)

- Exhibit 3.10 Selected Characteristics of a Sample of Clients Served by Haight Asbury Free Clinics at Two "Hang Out" Locations (N=124)
- Exhibit 3.11 Selected Characteristics of Youth Served by King County (Washington State) Shelters (N=9), 1/1/99-12/31/99
- Exhibit 3.12 Selected Data for the National Runaway and Homeless Youth Management Information System (RHYMIS), 10/1/98-9/30/99 (N=46,721 Youth and 52,799 Intakes)
- Exhibit 3.13 Racial-Ethnic Mix of Sexually Vulnerable Children and Youth Served by Selected Outreach Programs in Selected U.S. Focus Group Cities
- Exhibit 3.14 Child Sexual Assaults by Child's Age and Relationship to Perpetrator Per 1,000 Typical Incidents Within Each Age Group, 1991-1996
- Exhibit 3.15 Sexual Assaults of Children Aged <7 By Relationship of Child to Perpetrator Per 1,000 Typical Incidents, 1991-1996
- Exhibit 3.16 Child Maltreatment by Type of Abuse and Gender of Perpetrator, 1998
- Exhibit 3.17 Lyrics From the Song "Sick-Twisted" Performed by Shawn Lov and Neff Star
- Exhibit 3.18 Selected Characteristics of "John School" Participants—First Offender Prostitution Program (FOPP), San Francisco, 1999 (N=229)
- Exhibit 3.19 Regions and Countries of Origin of Sexually Exploited Trafficked Foreign Children in the U.S., 2000
- Exhibit 3.20 International Gateways Used to Traffic Sexually Exploited Foreign Children To the U.S., 2000
- Exhibit 3.21 Routes Used in the Trafficking of Sexually Exploited Domestic and Foreign Children Across the U.S., 2000
- Exhibit 3.22 Organizers of Trafficking in Children For Sexual Purposes
- Exhibit 3.23 Trafficking Functionaries
- Exhibit 4.1 Juvenile Arrests, 1999
- Exhibit 4.2 Number and Type of CSEC Cases Reported for 1999 by Selected Organizations in Focus Group States and Cities
- Exhibit 4.3. Number of CSEC Cases Reported for 1999 by Agency Type and Type of CSEC Case
- Exhibit 5.1 Categories of American Youth Victimized By Sexual Exploitation
- Exhibit 5.2 Group A: Sexually Exploited (SEC) and Commercially Sexually Exploited Children (CSEC) Not Living in Their own Homes

- Exhibit 5.3 Group B: Sexually Exploited (SEC) and Commercially Sexually Exploited Children (CSEC) Living in Their own Homes
- Exhibit 5.4 Group C: Other Groups of Sexually Exploited (SEC) and Commercially Sexually Exploited Children (CSEC)
- 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
- Exhibit 5.6 Group E: Children Exposed to On-Line Sexual Victimization (ala Finkelhor, 2000)
- Exhibit 5.7 Comparative Social Risk Levels: U.S. Youth, 1997-2000
- Exhibit 6.1 Governmental Agencies: Types of Service Provided (N=180)
- Exhibit 6.2 Governmental Agencies: Geographic Area Served (N=180)
- Exhibit 6.3 Governmental Agencies: Importance of CSEC (N=180)
- Exhibit 6.4 Governmental Agencies: Perceived Importance of Selected Factors in Contributing to the CSEC (N=180)
- Exhibit 6.5 Governmental Agencies: Agencies With and Without a Working Definition of the CSEC (N=180)
- Exhibit 6.6 Governmental Agencies: Agencies With and Without Formal Procedures For Handling CSEC Cases (N=180)
- Exhibit 6.7 Governmental Agencies: Agency Training and Policy Approaches (N=180)
- Exhibit 6.8 Governmental Agencies: Methods For Identifying Victims of CSE (N=180)
- Exhibit 6.9 Governmental Agencies: Types of CSEC Cases Served by Agency in 1999 (N=180)
- Exhibit 6.11 Nongovernmental Agencies: Types of Service Provided (N=89)
- Exhibit 6.12 Nongovernmental Agencies: Geographic Area Served (N=89)
- Exhibit 6.13 Nongovernmental Agencies: Importance of CSEC (N=89)
- Exhibit 6.14 Nongovernmental Agencies: Perceived Importance of Selected Factors in Contributing to the CSEC (N=89)
- Exhibit 6.15 Nongovernmental Agencies: Agencies With and Without a Working Definition of the CSEC (N=89)
- Exhibit 6.16 Nongovernmental Agencies: Agencies With and Without Formal Procedures For Handling CSEC Cases (N=89)

- Exhibit 6.17 Nongovernmental Agencies: Agency Training and Policy Approaches (N=89)
- Exhibit 6.18 Nongovernmental Agencies: Methods For Identifying Victims of CSE (N=89)
- Exhibit 6.19 Nongovernmental Agencies: Types of CSEC Cases Served by Agency in 1999 (N=89)
- Exhibit 6.20 Major Federal Investigative Departments, Agencies and Units Dealing With Child Sexual Exploitation
- Exhibit 6.21 States, including the District of Columbia, Without Statues Prohibiting Prostitution and Surrounding Activities (March, 2001)
- Exhibit 6.22 National Public and Private Planning, Advocacy, Research, and Educational Organizations Working to Protect Children From Sexual Exploitation
- Exhibit 6.23 Agencies and Organizations Illustrative of Selected "Best Practices" Associated With Combating the Sexual Exploitation (SEC) and the Commercial Sexual Exploitation of Children (CSEC)
- Exhibit D.1 Partial Listing of Organizational Participants in City Focus Group Meetings and Interviews
- Exhibit G.1 Federal Laws Relating to Sexually Exploited Children and Youth
- Exhibit H.1 International Agreements, Covenants and Declarations Relating to Children and Families, including Sexually Exploited Children (SEC) and Commercially Sexually Exploited Children (CSEC), March 2001
- Exhibit I.1 Selected Organizations Working to Protect U.S. Children and Youth From Sexual Exploitation (SEC) and Commercial Sexual Exploitation (CSEC)
- Exhibit L.1 Areas of Major Questioning, Data Sources, and Data Collection Procedures Associated With Each of the Project's Research Objectives
- Exhibit M.1a NISMART-1 Estimates of Missing Children: U.S., 1988
- Exhibit M.1b Numbers of U.S. Children by Selected Age Categories, 1988 and 1999
- Exhibit M.1c Estimated Number of Runaway and Thrownaway Children and Youth: U.S., 1988 and 1999
- Exhibit M.2 Estimated Number of CSEC Cases Among Children Living in The General Population
- Exhibit M.3 Estimated Number of CSEC Cases Among Children Living in Public Housing
- Exhibit M.4 Estimated Number of CSEC Cases Among Children Living in Public Housing

Exhibit M.5 Estimated Number of American Border and Near-Border Youth Involved in the CSEC in Canada and Mexico, 2000

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)

Richard J. Estes

and

Neil Alan Weiner

**University of Pennsylvania
School of Social Work
Center for the Study of Youth Policy
4200 Pine Street, 3rd floor
Philadelphia, PA 19104-4090
Telephone: 215-898-5531
Fax: 215-573-2099
E-Mail: restes@ssw.upenn.edu**



**September 18, 2001
(Amended April, 2002)**

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 China-
town.

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. Af-
ter his 4 year old son was killed by a drunk driver the marriage dissolved and Tim re-
turned to drugs and sex work. Today Tim has been sober for 6 years but returned to pros-
titution 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 of-
fenders 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 step child; 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 group 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
	porters, money collectors, enforcers
Servitude and Indenturing	<ul style="list-style-type: none"> • Many children who enter the country illegally are forced into servitude by their traffickers • 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 • Children in servitude frequently are required to repay their trafficking debts through commercial pornography and prostitution • 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 (vegetarian 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 Klein (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		
	<i>Categories of American Youth at Risk of Sexual Exploitation</i>	<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	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			

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		
	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
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	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
	<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.
		<p>trafficking networks are the following stories:</p> <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 • A. Mexican, 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).