HUMAN TRAFFICKING AND COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN

Human trafficking is the fastest growing crime in the world. It is the third most profitable criminal activity, exceeded only by arms trafficking and drugs. It is an international problem that can take various forms including forced prostitution, slavery or involuntary servitude, using victims to create pornography, or deceiving victims into debt bondage. Overall, approximately 80% of trafficking involves sexual exploitation and 19% involves labor exploitation.

The essence of human trafficking is using force, fraud, or coercion to exploit a person for profit or for personal services. One misconception is that children or people must be transported to be considered a violation of trafficking. Another misconception is that persons must be brought into the country, legally or illegally. In actuality, a person can be trafficked within their own country (Logan, Walker & Hunt, 2009).

There is also confusion between human smuggling and trafficking. Smuggling is typically performed with the consent of the person who intends to enter the U.S.A. by any means. Smuggling involves a contractual agreement and relates more to immigration laws than to criminal statutes (Schauer & Wheaton, 2006). Usually, once the person’s target destination is reached, the relationship with the smuggler ends. Human trafficking includes deception, fraud, coercion, force, and exploitation. In human trafficking, if there is transportation, it is the first phase of the crime. The transportation is only a means to an end which is commercial sex or obtaining labor. Smuggling and human trafficking may overlap if smugglers then use debt bondage for their transportation fee and entrap those smuggled into the country into forced labor to pay the debt (Logan et al., 2009; Schauer & Wheaton, 2006). Trafficking statistics may vary.
because of the confusion between smuggling and trafficking, as both government and nongovernment data gathering may mix both groups (Schauer & Wheaton, 2006).

Commercial sexual exploitation of children and youth involves sexual abuse by adults and remuneration to either the child or a third person. The child or youth is treated as a sexual and commercial object. Some authors consider commercial sexual exploitation as a form of forced labor (Adams, Owens & Small, 2010).

**Why is human trafficking so profitable?**

Those who profit from trafficking, view humans as disposable. Costs are kept low with substandard food and housing, paying victims little, and having victims work for many hours. If victims become sick, are no longer needed, or their use is no longer profitable, they can be abandoned, or even killed (Logan et al., 2009).

**Are children trafficked?**

According to information from the National Coalition Against Domestic Violence, 50% of trafficked victims are under age 18. The Coalition says that in the United States, 300,000 children are at risk of becoming victims of trafficking and sexual exploitation. A U.S. National Study of commercial exploitation of children in the U.S., Canada, and Mexico (Estes & Weiner, 2001) offered ranges of estimates for 17 categories of sexually exploited youth, with an estimated total of 293,000 youth at risk, similar to the Coalition’s estimate. A study of commercial sexual exploitation in New York City was undertaken by the John Jay College of Criminal Justice and published in 2008 estimated 3,946 victims in NYC. Estimates such as these may be very tentative, as Albanese (2007) argues that commercial sexual exploitation is a “low visibility” crime and to date, no concerted effort has been made to establish the extent of the problem.
In the United States, many trafficked children have run away from home, often due to abuse or neglect by their parents (Barnitz, 2001; Accelerating Action Against Child Abuse, U.S. Department of Labor, 2010). The average age at which girls first become victims of prostitution is 14 (Estes & Weiner, 2003; 2005). However, Adams et al. (2010) cite studies showing that victims of commercial sexual exploitation are becoming younger, largely because of a concern about the possibility of older youth having HIV or AIDS. The majority of young people who are exploited use illicit drugs and alcohol (Rivkin & Turnham, 2009). Pimps scout bus stations, arcades and malls, focusing on girls who appear to be runaways without money or job skills. They befriend these adolescents, and buy meals, clothes, jewelry and video games for them in exchange for sex. The dependency and the relationship then become the tools for introducing the girls into prostitution where the pimp controls the earnings. It is estimated that pimps control about half of the young girls who are engaged in prostitution with the typical pimp managing one to three girls. At least a quarter of pimps are tied to other types of crimes such as sale of drugs (Albanese, 2007).

In the United States, it is also more common for children to be sexually exploited by family members or friends for economic gain (Albanese, 2007). According to Albanese, the cycle begins when an adult family member or friend sexually abuses a minor child in his or her care. The activity can escalate into sexual behavior involving multiple children and to the creation of photographic or video images that are then distributed and sold through the Internet.

**Types of Commercial Sexual Exploitation**

Research sponsored by the U.S. Department of Justice (Mukasey, Daley & Hagy, 2007) divides commercial sexual exploitation of children (CSEC) into three levels. These are: local exploitation by one or a few individuals; small regional networks involving multiple adults and children; and large national or international sex crime networks where children are sold as commodities. Most operations are local
(described above) while fewer are regional or national networks that are well-financed, organized, and move children and youth between locations. International sex crime networks may also be tied to drug networks and can use children to move drugs across borders (Albanese, 2007).

Sex tourism refers to persons who travel to destinations outside their home country in order to have sex with children. Sex tourists generally frequent poor countries that have well-developed sex tourism industries (Albanese, 2007).

Children can also be trafficked for the purpose of making child pornography. In foreign countries well-organized pornographers have bought children in poor regions, telling the parents that the children will receive education and a job and the parents will receive a monthly payment. The parents are unaware that their children will be used for pornography (Albanese, 2007).

**Youth and Children from Other Countries**

Many children remain in their country of origin to work or serve in the “sex tourism” trade. Tourists or businessmen who are customers would not necessarily stalk or seek children or adolescents in their own countries. In some cultures, girl children are devalued and there is a perceived responsibility for girls and women to help support their families. Poverty, lack of education, lack of laws or enforcement, and limited employment opportunities are also factors. Sometimes there are organized criminal networks for the sex industry. There is cultural acceptance of men patronizing prostitutes and the fear of AIDS has driven customers to demand younger and younger children (Barnitz, 2001).
For children and youth transported to the United States, the primary motivation for migration is economic. Due to extreme poverty, sometimes compounded by parental illness, children and youth are placed in the position of needing to contribute to the family’s economy. The motivations may be more complex as poverty can interact with population density, infant mortality, the percentage of children younger than 14, the level of the country’s food production, the level of civil unrest, corruption in local governments, and cultural acceptance of trafficking (Logan et al., 2009).

According to Gozdziak et al. (2006), most journeys are harrowing. Children’s treatment may vary considerably, depending upon the type of trafficking and the relationship to the traffickers. Children with kinship ties are treated better. These children may not view themselves as mistreated. Once apprehended and subject to expectations such as school attendance and limited in what work they do (and thus how much money they can send home), these youth may be in conflict with those who try to intervene. They may be resistant to psychological therapy. These children and youth may require a significant amount of time to bond. Gozdziak et al. recommend finding stable care; flexibility (since the victims’ perspectives may be at odds with service providers); balancing the sometimes conflicting goals of law enforcement and mental health providers.

The estimated numbers of trafficked women and children is enormous. According to Schauer & Wheaton (2006), it is estimated that between 100,000 and 150,000 persons in the United States are commercially exploited. By conservative estimates, 18,000 persons per year are trafficked into the United States. Of these, 96% are female and half are children. Worldwide conservative estimates are that more than two million children are affected with one million in Asian countries, hundreds of thousands in the former Soviet states and Eastern Europe, in addition to the more than one hundred thousand in the United States. The average age of children introduced to modern-day commercial sexual exploitation is 13-14 but declining (Barnitz, 2001).
Service Barriers

Barriers to seeking services are fear of being returned home, being moved frequently, and lack of social networks. For some victims the fear of deportation and lack of knowledge of resources are factors in failure to seek help (Rivkin & Turnham, 2009). In some cases, youth are drugged, threatened with harm to themselves or their families, and kept in isolation or moved to an unfamiliar location (Albanese, 2007).

Legislative Efforts

According to a U.S. Department of State report (2010), statutes date to 150 years ago (after the civil war). Before the passage of the Victims of Trafficking and Violence Protection Act of 2000 (TVPA), the Mann Act of 1910 (commonly called the “White Slave Traffic Act”) and the Violent Crime Control and Law Enforcement Act of 1994 (also known as the “Crime Bill”) were the main pieces of legislation to address commercial sexual exploitation of children (Adams et al., 2010). The Mann Act, enacted to fight prostitution, did not explicitly protect children until it was amended in 1978 and again in 1986 and 1994. As currently written, the Mann Act makes it a felony to knowingly transport a person under age 18 across state lines or in foreign countries with the intent for that youth to engage in prostitution or criminal sexual activity. TVPA, enacted in 2000, does not require transportation across state lines to prove trafficking.

The 1994 “Crime Bill” included a provision known as the Child Sexual Abuse Prevention Act which made it a crime to travel outside the U.S. with the intent of engaging in sexual activity with a minor. While considered a significant step in combating child sex tourism, few cases were prosecuted.
As a result, the Sex Tourism Prohibition Improvement Act of 2002 was passed to address concerns. It removed the intent requirement and also criminalized the actions of sex tour operators (Adams et al., 2010).

In 1994, the Violence Against Women Act (VAWA, re-authorized in 2000 and 2005) included provisions protecting certain immigrant victims of family violence from deportation (Smoot, 2008). More recently, the Trafficking Victims Protection Act of 2000 (TVPA, PL 106-386, reauthorized in 2003 and 2005) stipulates 5 to 20 years for trafficking for labor; mandatory 10 years to life for sex trafficking of minors and 15 years to life for sex trafficking of children under age 14. The Act mandates that victims not be inappropriately incarcerated, fined, or penalized for unlawful acts committed as a result of being trafficked (U.S. Department of State). The Act was reauthorized again in 2008 as the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008. The 2008 legislation expands the Act and orders documentation. For instance, the FBI is to categorize prostitution and vice arrests in the Uniform Crime Reports to reflect the numbers of prostitutes, “johns” or “pimps,” and traffickers arrested.

According to Adams, et al.(2010), in 2003, following TVPA’s passage, Congress passed the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today (PROTECT) Act (Public Law 108-21). The PROTECT Act expanded territorial jurisdiction so that Americans abroad who engage in commercial sexual exploitation of children may be prosecuted in the U.S. The Act also increased the maximum incarceration sentences from 15 to 30 years for U.S. citizens or permanent residents convicted of child sex tourism and for persons convicted of transporting minors in interstate or foreign commerce with the intent for the minor to engage in prostitution or commercial sex acts.

Thirty-three states have also addressed trafficking with statutes criminalizing human trafficking. The Commonwealth of Virginia enacted House Bill 2016 on 03/30/09. It expands abduction to include
abducting with the intent to subject the individual to forced labor and redefines intimidation to include withholding a passport or other legal documents.

While recognizing that Congress has reaffirmed and expanded its commitment to protect immigrant survivors, Smoot (2008) discusses how states and localities have been considering proposals that may undermine protections for immigrant women. These efforts include restricting benefits and services based on legal status; compelling charities to check immigration status; deputizing local police with federal immigration enforcement functions. Such efforts, says Smoot, divert attention from a victim’s safety to her immigration status.

**Law Enforcement Efforts**

The U.S. Department of State report relates that human trafficking crimes are investigated by federal law enforcement and prosecuted by the U.S. Department of Justice. In FY 2009, 114 individuals were charged with trafficking and 47 convictions were obtained in 43 prosecutions (21 were labor trafficking and 22 were sex trafficking). These numbers are higher than any previous year.

The Innocence Lost National Initiative is a joint project of the FBI, the Child Exploitation and Obscenity Section of the U.S. Department of Justice, and the National Center for Missing & Exploited Children that attacks child trafficking in the United States. The initiative was launched in 2003 to address the growing problem of children recruited into prostitution. The FBI is building a national database to assist in the identification and prosecution of domestic traffickers. The Innocence Lost Project for FY 2009 identified 306 child victims and obtained convictions of 151 traffickers (Frontline, 2007). It is the largest U.S. government initiative against child sex trafficking and operates task forces and working groups in 28 U.S. cities (Adams, et al., 2010).
Government Agency Approaches to Ending Child Labor

A number of U.S. government agencies share responsibility to address child labor violations. The U.S. Department of Labor has the most prominent and direct role. Its efforts are housed in the Office of Child, Forced and Trafficked Labor (OCFT), created in 1993. Since its inception, OCFT is said to have rescued 1.3 million children from exploitative child labor (ILRF, 2010). In 2009, the Department of labor released a list of goods where there is reason to believe that they were produced by forced child labor.

The U.S. Department of State promotes labor rights through advocacy, investigation, reporting and diplomacy. They create an annual “Human Rights Report” which includes a section on child labor. They also maintain and Office to Monitor and Combat Trafficking in Persons. USAID (U.S. Agency for International Development) is the lead agency in funding support for basic education around the world. While education is not a sole solution to ending child labor, it is part of the plan (ILRF, 2010).

The U.S. Treasury Department is legislatively mandated to promote worker rights, including the elimination of child labor by governments that are recipients of U. S. assistance. The U.S. Department of Homeland Security and the bureau of Immigration and Customs Enforcement (ICE) regulate imported goods. The Tariff Act of 1930 (amended in 1997) includes a ban on goods made by forced child labor. In 2008, the USDA (U.S. Department of Agriculture) was legislatively mandated to engage in oversight of imported agricultural products that might be produced by child labor. The 2008 Food and Energy Security Act (the “Farm Bill”) directed the establishment of a voluntary, independent, third-party monitoring and verification program that would certify whether an agricultural product imported or sold in the U.S. is produced by forced labor or child labor (ILRF, 2010).
The American Federation of teachers (AFT) and the International Labor Rights Forum (ILRF) jointly conducted a review of U.S. policies to address child labor globally. It is available at: (insert website)

**Assisting Immigrant Victims**

According to the U.S. Department of State report (2010), legislation now allows officials to assist victims with a T Visa, making them eligible for benefits to the same degree as refugees. State benefits are not universal. Only 9 of 50 states offer benefits to trafficked individuals from foreign countries. In FY 2009, 330 certificates were issued by the federal government to adults and 50 eligibility letters were sent to children. This was an increase from 2008 when 286 adults and 31 children were assisted. The victims came from 47 countries. The children were split fairly evenly between boys and girls. Of the children, 56% were labor victims, 38% were sex victims (the majority of these youth were girls), and 6% were exploited both sexually and through labor.

The 2010 Trafficking in Persons Report (U.S. Department of State) mentions that some victims received assistance through the 2009 Return, Reintegration, and Family Reunification Program for Victims of Trafficking. In FY 2009, two victims were helped to return to their country of origin and within the United States, 128 family members were reunited with trafficked persons. Since 2005, 15 victims have received assistance in returning to their original country and 378 have been reunited with family members within the United States. Victims served by this program have come from 41 countries.

There are a number of federal initiatives. For example, during FY 2009, training was given to 250 ICE (Immigration Control & Enforcement) agents to identify and treat trafficking victims using approaches that focus on the needs of the victims. Twelve full-time, non-agent Victim Assistance Specialists nationwide were established. Two child forensic interview specialists were hired to conduct
interviews of child and adolescent victims, as well as to develop training for agents on conducting developmentally appropriate and victim-sensitive interviews of children. A process for screening unaccompanied unauthorized immigrant minors was created. HHS’ child victim specialists trained child welfare officials in 13 states as well as shelter staff for unaccompanied foreign minors in five states.

**Prevention and Intervention**

Reducing human trafficking and commercial sexual exploitation of children requires a multi-pronged approach that includes increasing public awareness, promoting the public’s ability to report incidents, and strengthening national and international interdiction and prosecution (Albanese, 2007). According to a U.S. Department of State report (Trafficking in Persons Report, 2005), the strategy for decreasing trafficking in humans is three-fold. First, the supply of victims must be depleted. Communities should be educated about trafficking, and economic opportunities and schools should be improved. Secondly, traffickers should be identified, arrested, and prosecuted. Third, those who profit from trafficking and patronize it must be apprehended and prosecuted.

The Office of Juvenile Justice and Delinquency Prevention, an agency within the U.S. Department of Justice, funds regional task forces that provide expertise in investigations. Still, more training, more accountability, and more reporting are needed. For example, Department of Labor inspectors are in a position to detect trafficked children but often are not trained to do so (U.S. Department of State, 2010).

There have been some international efforts. The first World Congress Against Commercial Sexual Exploitation of Children was held in Stockholm, Sweden in 1996 and attended by 124 nations (Barnitz, 2001; Flowers, 2001). Five years later, the second World Congress attracted three times as many participants. Another tool for international cooperation is the United Nations Convention Against Transnational Organized Crime which has an anti-human trafficking protocol focused on women and
children (Albanese, 2007). As public awareness has risen, more countries have laws with substantial penalties that prohibit kidnapping, smuggling, and trafficking of children (Albanese, 2007). According to the State Department Report (2010), the U. S. has funded 168 international anti-trafficking programs that have benefitted 84 million persons in 80 countries. (For a listing of some international efforts, visit VCPN’s website.)

Efforts such as restrictions on imported goods made by child labor in foreign countries could be helpful. The U.S. Departments of Agriculture, Labor, and State worked with experts to develop recommendations to reduce the likelihood that agricultural products and commodities imported into the United States were produced with the use of forced labor and child labor. In September 2009, as directed by the TVPA of 2005, the Department of Labor (DOL) published an initial list of goods from countries that DOL had reason to believe were produced by child labor or forced labor in violation of international standards. Other efforts include attention to subcontractors and screening of unaccompanied minors (U. S. Department of State, 2010).

Those in law enforcement and social services need training in the legal rights of trafficked individuals (U.S. Department of State, 2010). Being alert to possible indicators of trafficking (such as the person not having access to their own documents; children and youth who are separated from their families; frequent moves; whether or not the individuals have sufficient food, water, clothing, medical care, schooling) is important.

Attitude change may also be important for those in law enforcement. According to Halter (2010), police have traditionally regarded youth involved in prostitution as offenders with a minority (generally those who were younger and female) being viewed as victims. Halter undertook research to learn how police in six major cities conceptualized youth apprehended for prostitution. She found that police had a varied response to these young people. Police viewed about 60% as victims and 40% as
offenders (but some agencies treated all youth as offenders or all youth as victims while other agencies were mixed in the response). Youth who were more likely to be viewed as offenders were those acting on their own, who were uncooperative, who had a prior record, and who were not from the local area. Halter notes that police may have difficulty knowing how to respond to multi-problem youth with emotional and behavioral problems who are resistant to intervention and who frequently commit status offenses. It is a dilemma when police want to protect youth and they are not receptive.

Exploited youth require a continuum of services. Services should meet both the immediate crisis needs and also lay a foundation for support for leaving the exploitive circumstances. Peer counselors have been effective as adolescents often prefer to seek advice from other adolescents rather than from adults (Barnitz, 2001). Services have not been well-coordinated in the past, but instead dispersed through existing child protection and juvenile justice systems (U.S. Department of State, 2010).

To decrease the risk of having youth become involved in commercial sexual exploitation, attractive alternatives are needed. Some youth are lured into commercial sexual enterprise as a way to earn money. They lack job skills, training opportunities, and may lack self-confidence to succeed in traditional educational settings. Being able to find a job that paid as much as prostitution was a concern for New York City youth who were interviewed in a study by John Jay College (Curtis et al., 2008). Given the connection between addiction and commercial sexual exploitation, prevention of drug and alcohol use is also needed (Rivkin & Turnham, 2009). Another need identified by youth engaged in commercial sexual activity was stable housing (Curtis et al.)

Provision of shelters and counseling and homeless youth outreach allows those youth who are ready to leave commercial sexual exploitation a mechanism to be safe and receive assistance. Peers can
be instrumental in whether a young person remains “on the street” or enters a shelter. Indeed, youth should participate in developing the interventions and services (Rivkin & Turnham, 2009).

Providers may need to provide assistance long-term as youth leaving exploitative situations may arrive with only the clothing they are wearing (Logan et al., 2009). Youth may have lost considerable time in schooling and need intensive remediation services. Youth may need help with addictions as well as other mental health conditions. For a more complete discussion of outreach to runaway and homeless youth, see VCPN, volume 66. Prevention of runaway behaviors will lower the number of youth who are vulnerable to exploitation (The National Plan to Prevent the Sexual Exploitation of Children, 2008).

**Concluding Thoughts**

The characteristics and needs of U.S. youth who are trafficked and sexually exploited are likely somewhat different than the composition of children and youth from other countries brought to the United States for commercial gain through either physical labor or commercial sexual exploitation. While services for runaway or “throwaway” youth have been offered for some time through social services or criminal justice mechanisms, help for immigrant women, children, and youth who are being exploited is a more recent phenomena. Intervening with persons not native to one’s country poses special challenges which are discussed in other articles in this issue.

There also is a large discrepancy between the numbers of traffickers apprehended, the number of victims identified and assisted, and the very large estimates of how many affected youth exist. If human trafficking is the fastest growing crime in the world and if tens of thousands are affected, then
we have made only a small beginning to creating an effective system to identify and assist victims, apprehend offenders, and offer viable alternatives.

More comprehensive information about federal laws used to prosecute commercial sexual exploitation of children can be found in the Urban Institute’s research report: *An Analysis of Federally Prosecuted Cases Since the Passage of the Victimis of Trafficking and Violence Protection Act of 2000* found at: www.ncjrs.gov/pdffiles1/ojjdp/grants/222023.pdf

Additional References Available on the Website or by Request