

REPORT FROM THE

U.S. mid-term
review on the
commercial
sexual **Exploitation** of
Children in **America**

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The United States Mid-Term Review on the Commercial Sexual Exploitation of Children (CSEC) in America is a comprehensive attempt to measure the United States' progress since the Second World Congress Against Commercial Sexual Exploitation of Children took place in 2001 in Yokohama, Japan.

At the time of the Second World Congress Against Commercial Sexual Exploitation of Children, the United States passed the Trafficking Victims Protection Act (TVPA) of 2000. This landmark legislation launched America into the fight against the commercial sexual exploitation of children. Since then, we have adopted additional legislation, including the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2005, which strengthens state programs to prosecute child prostitution and further educate the public on this issue; the PROTECT Act of 2003, which expands territorial jurisdiction to American sex offenders abroad; the Adam Walsh Child Protection and Safety Act of 2006, which increases penalties for child sex offenders, and we have ratified both The United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially in Women and Children, and The Optional Protocol on the Rights of the Child on the Sale of Children. These crucial legislative measures aggressively confirm the commitment of the United States Congress and Executive Office to stop those criminals who seek to exploit our children through the commercial sex trade. The American communities of child protection advocates from the federal government to NGOs, from local law enforcement to the private sector, have rallied in support of this progressive and effective legislation.

When the First World Congress took place in Stockholm in 1996, most countries were just waking up to the fact that the world community had done little to confront CSEC. The 122 countries that participated in the First World Congress took on the challenge by unanimously accepting the Agenda for Action to address this exploitation both within their own countries and internationally. Many governments amended their laws to better protect children and began implementing preventive programs and protective services. NGOs were a major part of the effort, lobbying for changes and working with communities and children to speak out about this horrific crime.

The fight moved forward, and by the time the Second World Congress was held, the world was a different place. Not only was there a far wider level of consciousness in both government and civil society about child sexual exploitation, but there was an almost universal acceptance that children had special rights that needed to be protected in order for them to grow up as fully developed human beings.

In this new context, the 136 countries attending the Second World Congress committed themselves to the Agenda for Action accepted in Stockholm and pledged to continue their work to eradicate CSEC in all its forms, everywhere.

As we look to the future in our next steps to combat the commercial sexual exploitation of children, we must address it from both the supply and the demand side. To date, the United States' efforts have maintained a very important and necessary focus on supply, including public education, prevention, and restoration programs for at-risk child victims. Increasingly, government officials and advocates around the United States are striving to expand the lens of CSEC from the victim to the victimizer. This shift does not represent a relaxation of a victim-centered approach to combating CSEC, but rather indicates the need to broaden our vision and resources.

Through the exploitative vehicles of child pornography, prostitution, sex tourism and sex trafficking, demand is being fueled, requiring younger and younger, more inexperienced product. Evidence also shows strong links between each of the vehicles of exploitation. Legal pornographic websites link to illegal images of child exploitation, and pornographic images of children create demand for direct sexual contact with child victims.

As organizers of the United States' Mid-Term Review, we are proud to have brought together many of the country's distinguished leaders in the fight against CSEC. We hope this Review will be seen as one of the milestones in our continuing progress and becomes a useful benchmark for measuring success in years to come. Thank you to everyone who participated in this Review for your dedication to eradicate the sexual slavery of children here in the United States and around the world.

We wholeheartedly believe the United States is moving towards becoming a society in which the buying and selling of children for sexual exploitation is unacceptable, and no boy or girl will grow up with the risk of being commercially sexually exploited. We look forward to that day.

Very truly yours,



Linda Smith, Founder and Executive Director of Shared Hope International



Carol Smolenski, Executive Director of ECPAT-USA



Dr. Mohamed Mattar, Executive Director of the Protection Project of the Johns Hopkins School of Advanced International Studies

Report from the U.S. Mid-Term Review on the Commercial Sexual Exploitation of Children in America

September 2006

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**Shared Hope International
ECPAT-USA
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of Advanced International Studies**



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Special thanks also to all the panelists and keynote speakers who brought forth critical discussions about CSEC issues facing the U.S. today and responses to the issues.

Glossary of Acronyms and Terms

CEOS	Child Exploitation and Obscenity Section
CPS	Child Protective Services
CSEC	commercial sexual exploitation of children
DHS	Department of Homeland Security
DHHS	Department of Health and Human Services
DOJ	Department of Justice
FBI	Federal Bureau of Investigation
ICAC	Internet Crimes Against Children
ICE	Immigration and Customs Enforcement
ISP	internet service provider
MTR	Mid-Term Review
MTR-CSECA	U.S. Mid-Term Review on the Commercial Sexual Exploitation of Children in America
NCMEC	National Center for Missing and Exploited Children
NGO	nongovernmental organization
OJJDP	Office of Juvenile Justice and Delinquency Prevention
ORR	Office of Refugee Relocation
TVPA	Trafficking Victims Protection Act
TVPRA	Trafficking Victims Protection Reauthorization Act
USAO	United States Attorney's Office

Child Trafficking/Trafficking of Children for Sexual Purposes: For the purposes of the Mid-Term Review, child trafficking refers to the trafficking of children for sexual purposes. As defined by the Trafficking Victims' Protection Act (TVPA) of 2000, sex trafficking means the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act. Severe forms of trafficking in persons means (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 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.¹

Child Prostitution/Prostitution of Children: Child prostitution or the prostitution of children is the use of a child in sexual activities for remuneration or any other form of consideration. Generally, a party other than the child benefits from a commercial transaction in which the child is made available for sexual purposes – either an exploiter intermediary (pimp) who controls or oversees the child's activities for profit, or an abuser who negotiates an exchange directly with a child in order to receive sexual gratification.²

Child Pornography: Child pornography is any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child, the dominant characteristic of which is depiction for a sexual purpose. Child pornography includes material that visually depicts a minor or a person appearing to be a minor engaged in sexually explicit conduct or realistic images representing a minor engaged in sexually explicit conduct.³

Child Sex Tourism: Child sex tourism is the commercial sexual exploitation of children by men or women who travel from one place to another, and there they engage in sexual acts with children, defined as anyone aged less than 18 years.⁴

Supply and Demand: For the purposes of the Mid-Term Review, the commercially sexually exploited children are the “product.” Supply is the amount of product that a producer is willing and able to sell at a specified price, while demand is the amount of product that a buyer is willing and able to buy at a specified price. The supply and demand model shows the relationship between a product's accessibility and the interest shown in it.⁵

¹ http://www.acf.hhs.gov/trafficking/resources/plain_site.html

² Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. Article 2 from ECPAT International at http://www.ecpat.net/eng/CSEC/definitions/child_prostitution.htm

³ Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. Article 2(c) from ECPAT International at http://www.ecpat.net/eng/CSEC/definitions/child_pornography.htm

⁴ ECPAT International at http://www.ecpat.net/eng/CSEC/definitions/Child_sex_tourism.htm.

⁵ http://www.iscid.org/encyclopedia/Supply_and_Demand_Theory

Methodology

In keeping with the goals of the Second World Congress Against the Commercial Sexual Exploitation of Children in 2001, Shared Hope International, ECPAT-USA and the Protection Project of the Johns Hopkins University School for Advanced International Studies hosted the U.S. Mid-Term Review (MTR) on the Commercial Sexual Exploitation of Children (CSEC) in America. The goal of the MTR was to evaluate best practices, gaps in current efforts, and challenges faced in the field through two stages of research. In the first stage, the host organizations distributed questionnaires to the relevant offices within the U.S. Department of Justice, U.S. Department of Health and Human Services, U.S. Department of Homeland Security, and U.S. Department of Education. Completed questionnaires were received from the U.S. Department of Justice, U.S. Department of Health and Human Services, and U.S. Department of Homeland Security. Questionnaires were also distributed to over 100 NGOs from twenty-eight states and the District of Columbia requesting information about their current programs, funding availability, challenges and perspectives on issues of the commercial sexual exploitation of children.

The second stage of the Mid-Term Review consisted of a conference held April 3-4, 2006 in Washington, D.C., which brought together over 120 individuals, including government agency representatives, local law enforcement officials, academics, private industry representatives, and NGO leaders in a structured discussion of the trafficking, prostitution, pornography, sex tourism and supply and demand of children. At the conclusion of the conference, all participants were given until May 1, 2006 to resubmit any addendums to their questionnaires or make any changes regarding programmatic information.

Appendix A contains The United States Legal Framework Against the Commercial Sexual Exploitation of Children, prepared by Dr. Mohamed Mattar, Executive Director of the Protection Project of the Johns Hopkins University School of Advanced International Studies (SAIS). Appendix B contains a list of the participating organizations and agencies. A schedule of the MTR conference is available in Appendix C. Appendix D is an additional analysis of the survey information submitted by NGOs, and Appendices E and F contain the survey forms submitted to government agencies and NGOs respectively. Addendums I-III contain the U.S. Government reports submitted to the review.

The Mid-Term Review assessed the four forms of CSEC as demarcated in the outcome summary of the Second World Congress Against the Commercial Sexual Exploitation of Children: child trafficking, child prostitution, child pornography and child sex tourism. It also added an additional discussion on the supply and demand of children. Due to the expansion of the definition of child trafficking victims to include prostituted domestic minors, the Mid-Term Review notes that it will be appropriate in subsequent reviews to include “child prostitution” in the “child trafficking” category. The following are the most critical findings resulting from the MTR.

Key Findings

- 1. Demand.** The lack of programs focusing on demand for sexual services of children was one of the greatest gaps and most urgent issues addressed during the Mid-Term Review. Demand for sexual services of children was recognized as the basis for the increasing crisis of victimized children in America. Demand must be addressed through both prevention and prosecution. In this regard, there is a dearth of public awareness programs, treatment options and incarceration alternatives for buyers of commercial sexual exploitation of children.
- 2. The proliferation of child pornography.** Child pornography has increased exponentially in volume and violence, and it is easily distributed due to emergent technologies. It was seen as a cause, symptom and evidence of child exploitation. The growth of on-line child pornography in the U.S. was addressed as a catalyst for the rise in demand for child victims and child pornography was acknowledged as a gateway to further child sexual exploitation through trafficking, prostitution and sex tourism.
- 3. An urgent need for more resources.** Overall, the need for greater resources was a theme echoed throughout each discussion. Available resources targeted towards effective and secure services for victims, especially physical shelter, are very limited at the local level. Existing funding is dedicated to state foster care systems unable to protect and control this exploited population. NGO service providers are often unable to keep victims secure due to a lack of resources or funding.
- 4. Cooperation between civil society and law enforcement.** A need for continued and improved cooperation between local law enforcement, NGOs and the federal government was identified. While significant and productive partnerships have been built between these entities, closer communication and partnership is needed to effectively fight CSEC in the United States.
- 5. Further development of legislation.** Recent U.S. legislative movement on CSEC has expanded criminal liability for those who economically profit from such activity and extended territorial jurisdiction over CSEC offenders. However, continued legislative initiatives are needed that focus on the protection of, and appropriate services for, child victims. This includes decriminalizing exploited minors by refraining from arresting them for prostitution and not using juvenile detention or the juvenile court delinquency process against CSEC victims; reforming policies and practices within state child protective services (CPS) agencies to more clearly address the needs of CSEC victims; making state age of consent laws more consistent with federal anti-trafficking and CSEC legislation by raising the upper age for protection of child victims; developing and implementing right to residential shelter legislation for CSEC victims; and reforming state laws and local law enforcement and prosecutor policies to facilitate the prosecution of all adult exploiters, including those who purchase sexual services from CSEC victims.

1. Child Trafficking



“[Pimps and traffickers] both prey on vulnerable, neglected youth. They both use the same targeting techniques, the same false promises, the same mind control and manipulation. They’re both out for profit. They’re both converting children into cash.”

– Ambassador John Miller, Senior Advisor to the Secretary of State and Director of the Office to Monitor and Combat Trafficking In Persons, U.S. Department of State⁶

The issue of child trafficking in the U.S. has been in a period of dynamic shift since the Trafficking Victims Protection Act (TVPA) was first passed in 2000. The TVPA changed the central concept of trafficking from transportation to exploitation and reclassified child prostitution victims as child trafficking victims. Since the reauthorization in

2005, this legislation now extends services for sex trafficking victims to any minor under 18 years of age, including American citizens and legal permanent residents being sold for commercial sex in the U.S.

1.1. Current Efforts. The federal government, local law enforcement, and nongovernmental organizations have all made considerable progress in developing efforts to address child trafficking in the U.S. since the Second World Congress in Yokohama in 2001. Through the Innocence Lost Initiative created in 2003, the Federal Bureau of Investigation (FBI) and Department of Justice (DOJ) Child Exploitation and Obscenity Section (CEOS), in partnership with the National Center for Missing and Exploited Children (NCMEC) have developed task forces in 16 cities, specific to child trafficking and prostitution issues. These cities were selected for



As of May 2006, the Innocence Lost Initiative has identified over 300 victims, and made 547 arrests with 105 indictments and 80 convictions.

the high volume of CSEC activity and the high risk for children there.⁷ These task forces are key components in the effort because they share information, facilitate crucial trainings and work with local service providers.

Both NCMEC and the U.S. Attorney’s Office (USAO) offer trainings on CSEC for NGOs and law enforcement personnel.⁸ As of May 2006, the Innocence Lost Initiative has identified over 300 victims, and made 547 arrests with 105 indictments and 80 convictions.⁹

⁶ Remarks by Ambassador John Miller at the U.S. Mid-Term Review on the Commercial Sexual Exploitation of Children in America (hereinafter cited as MTR-CSECA) conference. Johns Hopkins University. April 3, 2006.

⁷ United States Department of Justice Report on Efforts to Combat the Commercial Sexual Exploitation of Children for the Third World Congress on the Commercial Sexual Exploitation of Children. March 15, 2006. P 1.

⁸ United States Department of Justice Report on Efforts to Combat the Commercial Sexual Exploitation of Children for the Third World Congress on the Commercial Sexual Exploitation of Children. March 15, 2006. P 3.

⁹ Email correspondence from FBI Crimes Against Children Unit Intelligence Analyst John Hauger to Amanda Kloer. May 2006.

In a related effort, the Department of Justice is increasingly identifying and prosecuting child traffickers through money laundering and forfeiture laws. During the review process, emphasis was placed on the effectiveness of using financial records to track down and prosecute traffickers.¹⁰ The Department of Health and Human Services (DHHS), Office of Refugee Relocation (ORR) has also launched the Rescue and Restore Campaign, which has developed resource materials, recruited a network of coalition partners, and performed outreach through workshops, conferences, and trainings about human trafficking and how to identify and assist victims. In 2004, ORR awarded \$3.37 million in second-year continuation grants to 14 organizations to fund projects that raise awareness of trafficking in persons and/or provide case management and direct services to victims of all ages.¹¹

NGOs have also developed educational materials, victim restoration programs, legal reform, and victim identification actions. For example, Shared Hope International produced an educational video for those who work with CSEC victims, which reveals the recruitment of children, the perpetrators who cultivate demand, and the marketplace of pimps, johns and victimized youth. This video is designed for social service providers, law enforcement officers and others who work with commercially sexually exploited youth.¹² To improve restoration of child sex trafficking victims, WestCare Nevada opened a treatment unit for behavior modification which recognizes and treats sexually exploited youth as victims. The treatment program lasts about six months and culminates by reuniting the victim with his or her family when appropriate or a safe placement in the state CPS¹³ system. Two groups which have funding from ORR to provide services to all internationally trafficked children in the country are the U.S. Conference of Catholic Bishops (USCCB) and Lutheran Immigration and Refugee Service (LIRS). Their work extends beyond providing services, from working on improving legislation to child protection policies, as well as working with local task forces and developing training curricula. Through the work of these NGOs, the U.S. has advanced the challenge of identifying the service needs of internationally and domestically trafficked children and providing services to them.

1.2. Gaps and challenges. The main gaps and challenges in combating child trafficking were identified in the lack of secure shelters for victims, the need for more effective cooperation between NGOs and government agencies, the difficulties in the identification of victims and traffickers, and the lack of preventive measures.

¹⁰ Remarks by Wendy Waldron at the MTR-CSECA conference. April 3, 2006.

¹¹ Report for the Mid-Term Review on the Commercial Sexual Exploitation of Children in America: HHS Activities to Combat the Sexual Exploitation of Children. March 29, 2006. P 2.

¹² From MTR-CSECA Questionnaire data.

¹³ See glossary.

1.2.1. Lack of services and secure shelters for victims of trafficking.

Despite excellent progress in the field, the MTR noted that significant gaps still exist in anti-trafficking programs in the U.S. The most notable of these is the lack of secure physical shelters and safe housing for victims of trafficking and the tendency in many states to house trafficking victims in juvenile detention centers.¹⁴ There are very few facilities that provide secure shelter specifically for child victims of human trafficking, and fewer that provide secure shelter for domestic victims, because the existing funding is earmarked for international victims.¹⁵ Often, before a foreign or domestic child is officially designated as a trafficking victim, no services are funded for that child.¹⁶ Some organizations are able to train established domestic violence shelters to serve CSEC victims. However, these shelters are often full themselves and are not always able to provide shelter and services to victims with the distinct needs of commercially sexually exploited youth.¹⁷ There is also a severe lack of victim services in the United States for victimized boys. For example, as of May 2006, there were no treatment programs available for boys in the state of Nevada, an area in which there are many male victims.¹⁸ The 2005 TVPRA provides for the establishment of three pilot programs for shelters for victims of domestic trafficking in the U.S. However, funding for more shelters is needed.

State CPS agencies also provide shelter and protection programs for child victims of trafficking, but these programs vary from state to state making the identification of victims and prosecution of perpetrators difficult on a federal level.¹⁹ For example, some state CPS agencies are only mandated to protect children who are being abused by their parents, and they may not be able to take in those being exploited by others.²⁰ Furthermore, healthcare workers are unaware of the needs of child sex trafficking victims and need training to provide appropriate services.²¹ Some states have begun to make efforts to fill this gap by recognizing the distinct needs of commercially sexually exploited children. For example, Florida has adopted a promising statewide program which enables CPS to take reports of potential trafficking victims on the CPS emergency abuse and neglect hotline and trains CPS staff on identification of child trafficking victims and the process for referring them to the appropriate services for care. This process has resulted in higher victim identification rates.²²

1.2.2. Cooperation between NGOs and governmental agencies.

Cooperation and coordination among and between service providers, NGOs and government agencies is insufficient. Specifically, there should be a concrete

¹⁴ Remarks by Rachel Lloyd at the MTR-CSECA conference. April 3, 2006.

¹⁵ Remarks by Myesha Braden at the MTR-CSECA conference. April 3, 2006.

¹⁶ Discussion from the MTR-CSECA conference. April 3, 2006.

¹⁷ Discussion from the MTR-CSECA conference. April 3, 2006.

¹⁸ Remarks by Marlene Richter at MTR-CSECA conference. April 4, 2006.

¹⁹ Remarks by Dr. Mohamed Mattar at the MTR-CSECA conference. April 3, 2006.

²⁰ Remarks by Julianne Duncan and Susan Krehbiel at the MTR-CSECA conference. April 3, 2006.

²¹ Remarks by Brian Willis at the MTR-CSECA conference. April 3, 2006.

²² Remarks by Julianne Duncan and Susan Krehbiel at the MTR-CSECA conference. April 3, 2006.

recognition and referral system in place among service providers and between service providers and government agencies. The absence of such a system is due to a lack of funding and resources and a high turnover in trained providers. The issue of distrust between law enforcement and NGOs was also raised. While the overarching goal is to build partnerships between law enforcement and service providers, the results of these collaborations have been both positive and negative.²³ Greater cooperation between concerned government agencies would also enhance the struggle against commercial sexual exploitation of children. For example, DHHS, DOJ and the Department of Homeland Security (DHS) have a memorandum of understanding in place which prevents DHHS from certifying an international child trafficking victim without a signed request from the federal law enforcement system. This memorandum of understanding stands in the way of prompt delivery of services to these international child trafficking victims and should be reconsidered or eliminated.²⁴

1.2.3. Identification of victims and perpetrators. Despite the large numbers of children estimated to be trafficked both from abroad and within the U.S., most victims are not being identified. Victim identification can be a challenge, since child trafficking victims can be American citizens, legal permanent residents, children of foreign nationals, children of documented or undocumented workers, or foreign victims trafficked into the country. There are differences in the level of organization in the trafficking of international victims and domestic victims, as well as differences in the experiences of the victims themselves. One issue for foreign victims is the risk of deportation and re-victimization. Each year, 38,000 children are deported from the U.S., some of who may be unidentified trafficking victims.²⁵ Traffickers are often able to keep children enslaved under the threat of deportation. Domestic victims are often controlled by a decentralized network of pimps and traffickers. They are found in street prostitution, massage parlors, brothels, strip clubs, and escort services.²⁶ More research is needed into the pimp-child relationship and the issues of emotional, physical and mental deception and coercion that are inherent in that relationship, as well as mental health problems, such as depression and suicide, within this population of children.²⁷



Each year, 38,000 children are deported from the U.S., some of who may be unidentified trafficking victims.

²³ Remarks from the MTR-CSECA conference. April 3, 2006.

²⁴ Remarks by Julianne Duncan at the MTR-CSECA conference and comments by Carol Smolenski. April 3, 2006.

²⁵ Remarks by Marissa Ugarte at the MTR-CSECA conference. April 3, 2006.

²⁶ Remarks by Wendy Waldron at the MTR-CSECA conference. April 3, 2006.

²⁷ Remarks by Myesha Braden at the MTR-CSECA conference. April 3, 2006.

Age is also a significant issue in identifying victims of CSEC. Many victims are given false identification documents which build into an official identity through repeated arrests.²⁸ Moreover, the legal differences in the definition of age of consent vary from state to state. The age of sexual consent falls between 16 and 18 in most states, including several states with separate penalties for sexual conduct with a minor from 14-16 and under 13. In many states, the homosexual age of consent and the heterosexual age of consent are different.²⁹ This system makes legislation and prosecution on the federal level challenging and especially difficult when the minor has been transported across state lines for commercial sexual exploitation.

In addition to the issue of victim identification and assistance, better identification and prosecution of predators, pimps and traffickers is crucial in order to decrease the number of victimized youths. Gangs increasingly have been noted to be involved in the trafficking of children, especially American children within the U.S.³⁰ Another trend is more organized ethnic groups of criminals victimizing children systematically in ethnically-based brothels and massage parlors. This trend requires investigators who are focused on specific ethnic communities. Closed ethnic brothels and mobile sex rings often present barriers to finding and prosecuting child traffickers.³¹

1.2.4. Lack of prevention programs. Preventive education and services for both boys and girls are virtually non-existent. In particular, the lack of services available for young men discouraging the sexual abuse of children and promoting respectful relationships may also be a contributing factor to child sex trafficking. Poverty and racism were identified as elements that often encourage young men to become pimps and traffickers when no other viable career options are available.³² Less than 5 percent of the organizations surveyed indicated they had conducted an education or awareness campaign directed at at-risk young men.³³ The need for such education was identified as a priority.

1.3. Conclusion. Overall, national efforts to fight child trafficking have increased since 2001. The U.S. has renewed and refunded successful anti-trafficking legislation, increased prosecutions of child traffickers, created systems for recognition and identification and developed new and better services for victims. However, the U.S. also recognizes the need to continue this progress by developing even more victim services, especially secure physical shelter, to fill the national shortage.

²⁸Remarks by Wendy Waldron at the MTR-CSECA conference. April 3, 2006.

²⁹ From <http://www.avert.org/aofconsent.htm>. July 16, 2006.

³⁰ Remarks by Myesha Braden at the MTR-CSECA conference. April 3, 2006.

³¹ Remarks by Wendy Waldron at the MTR-CSECA conference. April 3, 2006.

³² Remarks from the MTR-CSECA conference. April 4, 2006.

³³ From MTR-CSECA Questionnaire data.

2. Child Prostitution

Child prostitution in the United States is a significant and growing problem. According to some estimates, the average age of entry into prostitution or the commercial sex industry in the U.S. is 11-13 years old.³⁵ Victims of child prostitution may

experience emotional and psychological trauma, physical abuse, and higher risks for sexually transmitted diseases. Child prostitution has always been a state crime, but the inclusion of child prostitution victims as trafficking victims under the 2005 TVPRA has involved the federal government.

2.1. Current efforts. The U.S. federal government has taken important steps in addressing child prostitution since 2001, specifically focusing programs on following a victim-centered approach. The Innocence Lost Initiative, a project of DOJ/CEOS, FBI and NCMEC trains state and local officials and NGOs on identification and protection of prostituted children, as well as detection and prosecution of pimps and johns in several cities which have high incidences of child prostitution. More than 300 key law enforcement personnel have been trained to date. Additionally, DOJ has trained upwards of 1000 people on victim identification.³⁶ The FBI has used the enterprise theory in their investigations by relying heavily on intelligence and cooperation with state and local partners. Unlike traditional investigative theory, which relies on law enforcement's ability to react to a previously committed crime, enterprise theory encourages a proactive attack on the structure of the criminal enterprise.³⁷

DHS Immigration and Customs Enforcement (ICE) and DOJ Office of Juvenile Justice and Delinquency Prevention (OJJDP) task forces have also worked diligently with state and local police to allow federal agencies to investigate more crimes against children, while building the capacity of local law enforcement to investigate child prostitution.³⁸ For a long time DHHS has funded a street outreach program for runaway and homeless youth, including the National Runaway Switchboard. The switchboard handles more than 115,000 calls each year.³⁹



“Child prostitution in the United States is widespread and indiscriminate. The size of the city or town doesn’t matter. It’s anywhere and it’s connected - it’s networked. Enforcement is highly problematic.”

– Drew Oosterbaan, Chief of the Child Exploitation and Obscenity Section of the Department of Justice.³⁴

³⁴ Remarks by Drew Oosterbaan at the MTR-CSECA conference. April 4, 2006.

³⁵ <http://www.usdoj.gov/criminal/ceos/prostitution.html>

³⁶ United States Department of Justice Report on Efforts to Combat the Commercial Sexual Exploitation of Children for the Third World Congress on the Commercial Sexual Exploitation of Children. March 15, 2006. P 3-4.

³⁷ Remarks by John Hauger at the MTR-CSECA conference. April 3, 2006.

³⁸ DHS Reporting on Combating Commercial Sexual Exploitation of Children. March 2006. P 1

³⁹ Report for the Mid-Term Review on the Commercial Sexual Exploitation of Children in America: HHS Activities to Combat the Sexual Exploitation of Children. March 29, 2006. P 10.

NGOs and local law enforcement have further developed effective strategies for victim identification, direct outreach and victim-centered prosecution. Girls Educational and Mentoring Services (GEMS) has focused its primary outreach efforts towards young women in the criminal justice system, foster care system and on the streets. GEMS provides holistic case management, long-term mentoring and other specialized supportive services.⁴⁰ Similarly, the Paul and Lisa Program provides food, clothing and other physical supplies through their street outreach program. They actively seek out victims and refer them to shelter and restoration programs.⁴¹ To support victim-centered prosecution, the Child Exploitation Unit of the Atlanta Police Department uses victim testimony minimally for prosecution to protect the victim's mental health. Instead, they build cases based on investigative evidence and documents.⁴²

2.2. Gaps and challenges. Despite the improvement of U.S. federal government initiatives, major challenges in assisting victims of child prostitution remain. The main challenges in combating child prostitution were identified as the difficulty of obtaining victims' cooperation with the authorities, the lack of funding for protection programs, training and education and the creation of effective substantive and procedural legislation.

2.2.1. Victims' cooperation with the authorities. Frequently, psychological coercion and abuse cycles start at an early age, inducing victims to repeatedly return to exploitation. Many child prostitution victims have been deceived or coerced by an older pimp into believing they are in a loving relationship. The victim, therefore, may

be reluctant to abandon or testify against the man she calls her "boyfriend."⁴³

Additionally, there is often resistance on the part of victims to cooperate with law enforcement and

According to some estimates, the average age of entry into prostitution or the commercial sex industry in the U.S. is 11-13 years old.

prosecutors due to a lack of trust. This trust is often difficult to create since many victims have been told by pimps that law enforcement officers will imprison or deport them.⁴⁴ This mistrust persists because some local law enforcement officers and juvenile court judges fail to view prostituted children as victims.

⁴⁰ <http://www.gems-girls.org/outreach.html>

⁴¹ From U.S. Mid-Term Review on the Commercial Sexual Exploitation of Children in America Questionnaire data .

⁴² Remarks by Sgt. Ernest Britton at the MTR-CSECA conference. April 3, 2006.

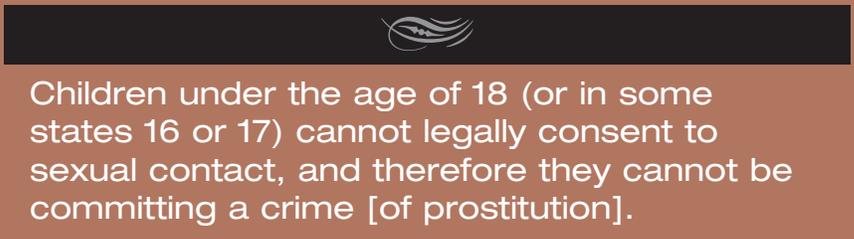
⁴³ Remarks by Sharon Marcus-Kurn at the MTR-CSECA conference. April 3, 2006.

⁴⁴ Remarks by Myesha Braden at the MTR-CSECA conference. April 3, 2006.

2.2.2. Lack of funding for protection programs. NGOs and service providers are needed to provide secure restoration facilities and counseling to victims to help them to leave their situation permanently. However, due to lack of funding and resources, less than twenty percent of groups surveyed were able to provide physical shelter to child prostitution victims. These service providers also cited a lack of resources in being able to provide basic food and clothing needs, counseling and restorative services.⁴⁵ In addition to more facilities, a greater presence of law enforcement is needed to combat child prostitution in the U.S. Often there are limited numbers of agents assigned to CSEC issues in general, and very few assigned specifically to child prostitution. In Washington, D.C., before the creation of the D.C. Human Trafficking Task Force, there were only three FBI agents assigned to crimes against children. Now, however, that number has grown, and participating agents and prosecutors have successfully prosecuted numerous criminals.⁴⁶

Law enforcement officials must also continue to cooperate on state and federal jurisdiction issues. Both public defenders and police are often faced with the decision of physically detaining the victim or allowing her or him to return to exploitation. If police place the victim in a state juvenile detention center, there is often a negative public reaction. Yet, if the victims are sent to unsecured shelters, there is a risk they will leave and return to their pimp at the first opportunity.⁴⁷ Most shelters which have been established to deal with other populations of victims, for example adult domestic violence victims, worry about the security risks of housing prostituted minors, as these shelters will often receive threats by organized crime or pimps. If minors are sent back home, advocates worry that they will face the same abusive situations at home or in the foster care system which caused them to become runaways or throwaways.⁴⁸ While some task forces have begun to address the issue of training for law enforcement, public defenders and prosecutors, more work remains to be done.

Educating public defenders and judges to view prostituted children as victims as opposed to criminals is especially important.⁴⁹ Knowledge of the legal definition of a



Children under the age of 18 (or in some states 16 or 17) cannot legally consent to sexual contact, and therefore they cannot be committing a crime [of prostitution].

⁴⁵ From U.S. Mid-Term Review on the Commercial Sexual Exploitation of Children in America Questionnaire data.

⁴⁶ Remarks by Myesha Braden at the MTR-CSECA conference. April 3, 2006.

⁴⁷ Remarks by Sgt. Ernest Britton at the MTR-CSECA conference. April 3, 2006.

⁴⁸ Remarks by Susan Krehbiel at the MTR-CSECA conference. April 3, 2006.

⁴⁹ Remarks by Julianne Duncan at the MTR-CSECA conference. April 3, 2006.

trafficking victim in the U.S. helps public defenders identify victims and recommend appropriate services. Each year, thousands more minors are arrested for criminal prostitution than receive victim services as trafficking victims. Over 35 children are arrested for prostitution in Washington, D.C. alone each year.⁵⁰ Such arrests are contradictory to anti-trafficking law; children under the age of 18 (or in some states 16 or 17) cannot legally consent to sexual contact, therefore they cannot be committing a crime. This includes adolescents in prostitution, who tend to be viewed by law enforcement as criminals rather than victims deserving support and services.⁵¹

2.2.3. Creation of effective substantive and procedural legislation.

Another challenge of combating child prostitution is the creation of effective laws and successful prosecutions. For example, there have been twelve new state laws on child trafficking and prostitution passed since the Second World Congress, but there have been no convictions under them.⁵² This indicates state laws might be faulty or under-utilized by local law enforcement and prosecutors. The language of law is also significant in this issue. The current legal definition of commercial sexual exploitation includes explicit performance such as stripping, nude dancing, webcam performances, and live explicit performance.⁵³ However, these areas of CSEC are rarely addressed to the same degree as child trafficking, prostitution, pornography, and sex tourism. Explicit performance could be included as part of a discussion on child prostitution or pornography, or as a separate topic. This topic lacks both the research and victim identification efforts other topics have received. In order to begin recognizing prostituted children as victims rather than criminals, state and local legislation needs to be modified to decriminalize prostitution charges for children less than 18 years of age.

Procedural reforms are also needed to allow prosecution of perpetrators without victim/witness testimony. Requiring victims to testify against their exploiters can sometimes lead to re-victimization as the child must relive the trauma in a courtroom. This can be even more difficult when the exploiter deceived or coerced the victim into believing their relationship was “love.” However, there are techniques to avoid re-victimization, including using closed circuit television to take depositions.⁵⁴ Prosecutors can also build cases with evidence other than victim testimony, as is the practice in homicide cases.⁵⁵ However, this process can make convictions more difficult to secure.

⁵⁰ Remarks by Myesha Braden at the MTR-CSECA conference. April 3, 2006.

⁵¹ Remarks by Rachel Lloyd at the MTR-CSECA conference. April 3, 2006.

⁵² Remarks by Derek Ellerman at the MTR-CSECA conference. April 3, 2006.

⁵³ Remarks by Dr. Mohamed Mattar at the MTR-CSECA conference. April 3, 2006.

⁵⁴ Remarks by Myesha Braden at MTR-CSECA conference. April 3, 2006.

⁵⁵ Remarks by Susan Broderick at the MTR-CSECA conference. April 3, 2006.

2.3. Conclusion. Overall, steps have been taken since 2001 to combat child prostitution in the United States. Defining sexually exploited minors as victims of human trafficking in the U.S. brings a whole new way of thinking about these children for whom protection and services have never been substantially available. Victims of child prostitution now have access to additional protective services, and prosecutors and law enforcement officials have better tools to apprehend the pimps and exploiters. However, the need remains for more services, education and training, effective and substantive federal and state legislation, and the continuation of effective partnerships with civil society.

3. Child Pornography

With the development of the internet, the amount and variety of child pornography created, bought, sold, and traded has exploded. The sheer volume of child pornography in existence has increased exponentially since 1995 due in part to technology such as the digital camera and the internet. Since 1982, when the Supreme decided in New York vs. Ferber that child pornography was not protected speech,⁵⁷ child pornography came to be understood not only as illegal images, but also as documentation of child sexual abuse.⁵⁸ The new technological dimension of child pornography has made it both an international and domestic issue, as alliances and partnerships between both perpetrators and law enforcement often extend overseas. The MTR addressed child pornography in terms of current efforts and challenges of victim identification and protection, technology, legislation, and private industry initiatives.



“Our data establishes that 39 percent of the offenders identified and prosecuted have had images of children younger than 6. 19 percent have had images of children younger than 3. The demand is for younger and younger victims and the images are becoming more graphic and more violent. [Child pornography] is an exploding problem that America and the world don’t understand.”

– Ernie Allen, President and Chief Executive Officer, National Center for Missing and Exploited Children⁵⁶

⁵⁶ Remarks by Ernie Allen at the MTR-CSECA conference. April 3, 2006.

⁵⁷ http://www.prostitutionrecovery.org/prostitution_timeline.html

⁵⁸ Remarks by Claude Davenport and Ernie Allen at the MTR-CSECA conference. April 3, 2006.

3.1. Current efforts. To address the issue of child pornography, DOJ/CEOS and FBI partnered with NCMEC and America's Most Wanted to create the Innocent Images Project. Innocent Images works to find and protect victims of child pornography as well as prosecute producers and distributors.⁵⁹ As part of this initiative, NCMEC has reviewed over three million pornographic images and identified some 660 child victims.⁶⁰ Additionally, both DOJ and the Cyber Crimes Unit of Immigration and Customs Enforcement (ICE) of DHS are investigating and prosecuting the distribution of child pornography globally through the use of online groups or communities, file servers, Internet relay chats, e-mail, peer-to-peer networks and websites. ICE has cooperated with Interpol to create an international database of child pornography victims as part of Operation Falcon.⁶¹ The National Child Victim Identification System (NCVIS) is also managed and administered by ICE and aims to identify child victims through internet tracking. As of July 2005, they have logged more than 100,000 images, with a 91.22 percent successful identification rate.⁶² Federal prosecution of child pornography and abuse cases increased from 350 cases in 1998 to over 1,400 cases in 2005.⁶³

In a related effort, OJJDP funded the Internet Crimes Against Children (ICAC) Task Force Program. The ICAC Task Force Program was created to help state and local law enforcement agencies enhance their investigative response to offenders who use the Internet, online communication systems, or other computer technology to sexually exploit children.⁶⁴ As of May 2006, there are plans for an increase to 46 task forces representing over 1,200 local, state, and federal agencies around the country.

In addition to the U.S. government efforts to combat child pornography, private industry in the U.S. has made significant steps in protecting their technology from abuse by child exploiters. All internet service providers are legally required to report these potential child pornography offenses to NCMEC, but some are going above and beyond this mandate.⁶⁵ Both Microsoft and America Online (AOL) are using their technology to block children from sexual material and to detect child predators. The Internet Safety Program, a partnership between Microsoft and NCMEC, uses software to identify and analyze images of child pornography, report the images to NCMEC, and deny the purveyors profit. This partnership also conducts trainings for law enforcement globally; to date they have trained 1,300 law enforcement officers from eighty-nine countries on the issue of high tech crime relating to CSEC. Microsoft has been a leader in developing tracking capacities to detect child pornography and information-sharing systems for law enforcement,

⁵⁹ United States Department of Justice Report on Efforts to Combat the Commercial Sexual Exploitation of Children for the Third World Congress on the Commercial Sexual Exploitation of Children. March 15, 2006. P 10

⁶⁰ Remarks by Ernie Allen at the MTR-CSECA conference. April 3, 2006.

⁶¹ DHS Reporting on Combating Commercial Sexual Exploitation of Children. March 2006. P 3

⁶² United States Department of Justice Report on efforts to combat the commercial sexual exploitation of children for the Third World Congress on the commercial sexual exploitation of children. March 15, 2006. P 8

⁶³ Remarks by Damon King at the MTR-CSECA conference. April 3, 2006.

⁶⁴ <http://www.icactraining.org/About.htm>

⁶⁵ Remarks by John Ryan at the MTR-CSECA conference. April 4, 2006.

including a partnership between Interpol and the Microsoft Virtual Global Task Force.⁶⁶ Many advocates look to them as a model for incorporation of other internet service providers into child protection programs. NCMEC has also been working with leading credit card companies and financial corporations to build a financial coalition against child pornography. This coalition would prevent buyers of child pornography from using electronic billing or disguised charges, thereby reducing the anonymity of the internet.⁶⁷

AOL has worked with ICE and CEOS to identify and report images of child pornography and the individuals who distribute them. AOL has created a uniform methodology to identify, report and preserve evidence of child pornography or prostitution in a way that can help prosecuting U.S. agencies build a case and service providers identify and protect the victim. The image detection filtering protocol AOL developed has proved successful in reducing the spread of child pornography within AOL networks.⁶⁸

3.2. Gaps and challenges. The main challenges faced when addressing the problem of child pornography were identified as difficulty in identifying victims, emergent technology as a facilitator for child pornography, and the need for effective legislation.

3.2.1. Identification and protection of victims. As with child trafficking and prostitution, one of the main challenges in combating child pornography is the identification and protection of victims. Since NCMEC established its Cybertip website, they have received over 360,000 tips helping to identify victims. Statistics on child pornography victims are sometimes confusing in victim identification, since some statistics may contradict conventional wisdom on sexually exploited children.⁶⁹ While CSEC victims are often assumed to be female, up to fifty percent of child pornography victims are boys.⁷⁰ As part of a sad and growing trend, young boys are using camcorders and webcams to exploit themselves over the internet for money. Still, only about five percent of all exploitative images are



An estimated 80 percent of all child pornography producers are family members or close friends of the family, and of that 80 percent, almost 50 percent are family members.

⁶⁶ Remarks by Richard LaMagna at the MTR-CSECA conference. April 4, 2006.

⁶⁷ Remarks by Ernie Allen at the MTR-CSECA conference. April 3, 2006.

⁶⁸ Remarks by John Ryan at the MTR-CSECA conference. April 3, 2006.

⁶⁹ Remarks by Claude Davenport at the MTR-CSECA conference. April 3, 2006.

⁷⁰ Remarks by Vitit Muntarbhorn at the MTR-CSECA conference. April 3, 2006.

self produced.⁷¹ An estimated eighty percent of all child pornography producers are family members or close friends of the family, and of that eighty percent, almost fifty percent are family members.⁷² Demand is growing for images of younger victims, many as young as three years old, engaged in more graphic and violent acts.⁷³

3.2.2. Technology as a facilitator of child pornography. As of May 2006, less than half of surveyed NGO organizations had developed programs which target technology as a facilitator of CSEC.⁷⁴ However, the emergent world of technology plays a vital role in the distribution of child pornography. Before the internet, images had to be transferred via U.S. mail, and federal agents were able to track them down more easily.⁷⁵ Today, child exploitation images can be shared over the internet through streaming or downloadable media, email, peer-to-peer file sharing servers, online chat rooms, messaging services and through emerging technologies such as video mp3 players, video and photo cell phones, and networked video game systems.⁷⁶ The vast expansion of these technologies provide a constant challenge to law enforcement to stay one step ahead of the predators technologically. Similarly, the development of the digital camera and digital video camera has created a method for exploiters to make images of child sexual abuse without the risk of getting



Today, child exploitation images can be shared over the internet through streaming or downloadable media, email, peer-to-peer file sharing servers, online chat rooms, messaging services and through emerging technologies such as video mp3 players, video and photo cell phones, and networked video game systems.

caught. Another challenge is the sophistication of many child pornography websites. Organized crime groups are increasingly using child pornography sites to steal users' identities and extort money from them, because they are confident the child pornography users will not report the identity theft to the police.⁷⁷ Furthermore,

there is an international aspect to child pornography websites. Images of child exploitation are often maintained by nationals of numerous countries. Taking down commercial websites of child pornography may entail using interagency and international cooperation, crossing borders and jurisdictions to make arrests, and organizing prosecutions between national governments.⁷⁸ Child pornography sites are also put up and taken down quickly to avoid detection by law enforcement, making quantifying the number available at any given time difficult.

⁷¹ Remarks by Claude Davenport at MTR-CSECA conference. April 3, 2006.

⁷² Remarks by Ernie Allen at the MTR-CSECA conference. April 3, 2006.

⁷³ Remarks by Ernie Allen at the MTR-CSECA conference. April 3, 2006.

⁷⁴ From MTR-CSECA Questionnaire data.

⁷⁵ Remarks by Claude Davenport at the MTR-CSECA conference. April 3, 2006.

⁷⁶ Remarks at the MTR-CSECA conference. April 3, 2006. Transcript P 225-235.

⁷⁷ Remarks by Claude Davenport at the MTR-CSECA conference. April 3, 2006.

⁷⁸ Remarks by Claude Davenport at the MTR-CSECA conference. April 3, 2006.

3.2.3. Creation of effective legislation. Further development is needed in legislation criminalizing production, distribution and possession of child pornography, both domestically and abroad. In the U.S., any activity related to child pornography is a felony at the federal level, but may be a misdemeanor in some states.⁷⁹ There is also an especially heavy burden of proof on the prosecution in child pornography cases. Over 90 percent of NGOs surveyed felt that current funding for CSEC legislative measures in the U.S. was not adequate, and seventy-three percent felt that the legislation that is available is not sufficiently used by prosecutors.⁸⁰ Ninety-five countries still do not have laws that criminalize child pornography.⁸¹ Of the remaining countries that do have legislation specifically addressing child pornography, fifty-four countries do not define child pornography in national legislation; twenty-seven countries do not provide for computer-facilitated offenses; and forty-one countries do not criminalize possession of child pornography regardless of the intent to distribute.⁸²

3.2.4. More resources for both prevention and prosecution. There is far too much child pornography being produced for investigators and prosecutors to keep abreast of it. More resources are needed for investigators to track down and make cases against those who produce and distribute child pornography. Furthermore, more resources are needed to educate community members, legislators, ISPs and others about what child pornography is and what can be done to fight its production and distribution.

3.3. Conclusion. Since 2001, U.S. policies and programs have increased dramatically to address the growing industry of child pornography. Due to the rapidly changing nature of technology, U.S. government agencies, social service providers, and technology industry companies must continuously reevaluate and grow child protection programs. The U.S. recognizes the need to continue updating technology and to continue working with international organizations and governments to remove child pornographic websites and punish those profiting from them. The U.S. is still in the very beginning stages of grappling with child pornography and all of its consequences.

⁷⁹ Remarks by Damon King at the MTR-CSECA conference. April 3, 2006.

⁸⁰ From MTR-CSECA Questionnaire data.

⁸¹ Remarks by Claude Davenport at the MTR-CSECA conference. April 3, 2006.

⁸² International Centre for Missing and Exploited Children. 2006. *Child Pornography: Model Legislation and Global Review*. iv.

4. Child Sex Tourism

Child sex tourism is both an international and domestic issue. In the past few years, both government and nongovernmental groups in the U.S. have begun to address the issue of domestic and international child sex tourism. Cities in the U.S. such as Las Vegas with a huge tourism industry can be destinations for domestic sex tourists seeking to exploit children. The MTR examined child sex tourism in terms of current efforts, victim identification and protection, legislation and prosecution.

4.1. Current efforts. Before 2003, child sex tourism was a difficult crime to prosecute in the U.S. However, since the passage of the PROTECT Act of 2003, there



“Since the U.S. has turned up the heat around the world under the PROTECT Act, a child sex tourist might start to think ‘Buy American.’ If that child sex tourist used to go to other countries, and now law enforcement is increased abroad, why wouldn’t he go to Miami or California and ‘Buy American’?”

– Linda Smith, Founder and President, Shared Hope International⁸³

have been over fifty indictments and twenty-nine convictions of Americans involved in child sex tourism. The PROTECT Act expands American legal jurisdiction to U.S. citizens anywhere in the world engaging in sex tourism with a child under 18 years old. Intent is not required for a conviction, and attempt is also a crime.⁸⁴

The PROTECT Act has been an important tool in allowing law enforcement to capture and prosecute child sex tourists either before or after their crime has been committed. Both DOJ/CEOS and DHS/ICE have supported the passage and implementation of this legislation to give law enforcement tools to prevent child sex tourism and prosecute offenders.⁸⁵

NGOs and private industry are developing successful programs and partnerships to address child sex tourism through the travel industry. For example, ECPAT Sweden and Nordic Tour Operators created the International Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism, which provides an opportunity for hotels and travel agencies to actively combat child sex tourism through staff training and programs. It is supported by the U.S. Department of State and the World Tourism Organization and is funded by UNICEF. While the Code has enjoyed great success internationally, concern was expressed over the reluctance of many American companies to sign the Code of Conduct, possibly due

⁸³ Remarks by Linda Smith at the MTR-CSECA conference. April 4, 2006.

⁸⁴ Remarks by Drew Oosterbaan at the MTR-CSECA conference. April 4, 2006.

⁸⁵ United States Department of Justice Report on Efforts to Combat the Commercial Sexual Exploitation of Children for the Third World Congress on the Commercial Sexual Exploitation of Children. March 15, 2006. P 4; DHS Reporting on Combating Commercial Sexual Exploitation of Children. March 2006. P 3.

to fear of liability and loss of income. Corporations have cited the independence of franchises as a reason for their inability to sign the Code of Conduct. Carlson Companies, owners of Radisson Hotels, Country Inns & Suites, Carlson Wagonlit Travel Agents and many other brands, is the only large American travel company to sign the Code of Conduct, although a few other small U.S. companies have signed it as well. Carlson Companies entered into a partnership with ECPAT International because they believe that

combating child sex tourism is not only the best choice ethically, but it also helps protect them from potential litigation involved in child exploitation. The

American child protection community looks to Carlson Companies' participation as a model to involve other corporations in preventing child sex tourism.⁸⁶



The PROTECT Act expands American legal jurisdiction to U.S. citizens anywhere in the world engaging in sex tourism with a child under 18 years old.

4.2. Gaps and challenges. The main challenge in fighting child sex tourism was identified as combating the impression that many people have that it is legally and culturally acceptable to sexually exploit children in other countries. Other challenges are the protection and identification of victims, identification of perpetrators, and securing cooperation of victims with the authorities.

4.2.1. Identification and protection of victims. As with all forms of CSEC, identifying and protecting victims of child sex tourism can be challenging. International victims may be especially vulnerable due to conditions of poverty, political instability, or poor health. They may live in a country that lacks the protective social structures available in the United States.⁸⁷ Domestic victims may have also experienced poverty, familial abuse or emotional coercion. In the U.S., both domestic and international victims are often forced into prostitution and/or pornography. They are then moved around on an internal circuit to keep “fresh faces” for the child sex tourists and to keep the children disoriented.⁸⁸ Reverse sex tourism is also a noted new trend. It refers to criminals bringing foreign minors into the U.S., often under false marriage documents. These children are officially “visiting”, but are really being used for sexual exploitation, frequently by one individual.⁸⁹

4.2.2. Identification of perpetrators. Child sex tourists are often categorized

⁸⁶ Remarks by Carol Smolenski at the MTR-CSECA conference. April 4, 2006.

⁸⁷ Remarks by Kim Mueller at the MTR-CSECA conference. April 4, 2006.

⁸⁸ Remarks from the MTR-CSECA conference. April 4, 2006.

⁸⁹ Remarks by Wendy Waldron at the MTR-CSECA conference. April 3, 2006.

as either preferential or situational offenders. Preferential offenders are individuals who are exclusively or primarily attracted to pre-pubescent or post-pubescent minors, including clinical pedophiles. Preferential child sex tourists may actively seek out children to exploit. Situational child sex tourists are individuals who may not



Tourists visiting Las Vegas may believe they can engage in child sex tourism without detection or punishment because of the “what happens in Vegas, stays in Vegas” media campaign and attitude.⁹¹

actively be seeking to exploit a child, but may do so under ignorance, peer pressure, the influence or drugs or alcohol, or other reasons. Both categories of offenders present a significant threat.⁹⁰

Unfortunately, many child

sex tourists are Americans. While some American abusers participate in child sex tourism abroad, others abuse domestic victims or bring foreign victims to the U.S. One U.S. location identified as an area in which child sex tourism takes place is Las Vegas, Nevada. Tourists visiting Las Vegas may believe they can engage in child sex tourism without detection or punishment because of the “what happens in Vegas, stays in Vegas” media campaign and attitude.⁹¹

4.2.3. Cultural stereotypes and expectations. One serious challenge in fighting child sex tourism was identified as combating the impression many people have that it is acceptable to sexually exploit children in other countries. The main reason child sex tourism is a problem is because so many people, Americans among them, believe it is acceptable to abuse poor children from another country. Child sex tourists are able to use factors such as race, ethnicity, religion, and socio-economic status to justify their abusive behavior. Combating these cultural stereotypes is a necessary step to fighting child sex tourism.

4.2.4. Victims’ cooperation with the authorities. As in child prostitution investigations, child sex tourism victims run the risk of being re-victimized when forced to testify in court against their offenders. While face-to-face contact with a victim may help convince some juries to convict an offender, aggressive questioning by the defense and reliving her or his trauma can cause the child overwhelming harm. Additionally, foreign child sex tourism victims are often not available to U.S. law enforcement; it takes resources to travel overseas to interview child victims and/or to bring them to the U.S. to testify. Victims often cannot be located at all

⁹⁰Remarks from the MTR-CSECA conference. April 4, 2006.

⁹¹Remarks by Marlene Richter at the MTR-CSECA conference. April 4, 2006.

because their families have been bribed or threatened by the trafficker or child sex tourist.⁹² Cooperation with local NGOs is helpful in overcoming these challenges. Child sex tourism cases are very expensive and time-consuming to prosecute since they often involve both U.S. and foreign law enforcement.

4.3. Conclusion. Overall since 2001, the U.S. has developed excellent legislative tools, such as the PROTECT Act, to combat child sex tourism. American law enforcement continues to work closely with international organizations to identify and prosecute American child sex tourists abroad and foreign child sex tourists in the U.S. The U.S. recognizes the need to encourage greater participation of private industry in preventing this crime and will continue to develop and improve national programs and partnerships. Much more work is needed to educate potential American sex tourists and to get U.S. government support for prevention programs.

5. Supply and Demand

While the subject of supply and demand is not usually considered a separate category of CSEC, this discussion was timely and vital to have in order to facilitate conversation among child protectors within the U.S. and with the international community. Since the commercial sale of children takes place within a marketplace structure, the components of supply and demand must be understood in order to eventually reduce both within that marketplace. Supply is caused by the conditions of vulnerability and availability of children, including poverty, physical or sexual abuse, neglect, homelessness, and emotional coercion. Demand is created by the



“While we can and should work towards creating awareness, identifying, rescuing and providing much needed services to victims, we also need to be seriously concerned with the prevention of demand and supply that continues to perpetuate the tragedy of modern day slavery.”

– Vanessa Garza, Director of the Anti-Trafficking in Persons Division,
U.S. Department of Health and Human Services
Administration for Children and Families⁹³

⁹² Remarks by Drew Oosterbaan at the MTR-CSECA conference. April 4, 2006.

⁹³ Remarks by Vanessa Garza at MTR-CSECA conference. April 4, 2006.

consumers of commercial sexual services and by the pimps and traffickers who profit from the sale of children. Demand is a major issue of the commercial sexual exploitation of children. The MTR addressed supply and demand in terms of current efforts, cultural acceptance, prosecution, and public awareness.

5.1. Current efforts. The U.S. government recognizes the need to reduce both the supply of vulnerable children and the demand for their services. OJJDP has funded two demonstration programs in New York City and Atlanta, which include public awareness campaigns aimed at potential exploiters of children and criminal penalties for perpetrators.⁹⁴ However, the effectiveness and longevity of these campaigns have not been evaluated. They have also developed the National Sex Offender Public Registry, available online at www.nsopr.org. This database exists to inform American citizens of the proximity of any registered sex offenders to their children.⁹⁵ DHHS has also funded local service providers in order to increase public awareness among vulnerable populations, thereby working to reduce supply, although this effort focuses on international victims of human trafficking in general, not on child sexual exploitation and trafficking in the U.S. In 2005, ORR awarded eighteen grants to NGOs for street outreach to vulnerable populations of all kinds, including men, women and children for both labor and sexual exploitation. DHHS is also building coalitions on the state, city and national levels, including awareness campaigns targeted at specific racial and ethnic communities, again mostly focused on international trafficking victims.⁹⁶

NGOs have developed some of the earliest and most effective programs to target demand for commercially sexually exploited children. Shared Hope International created The Defenders, a domestically-focused preventative program which targets males who are current or potential consumers of pornography and child pornography. The Defenders aims to reveal the link between pornography and demand through public education and awareness. This program has a nationwide base of more than 1,200 men actively working to reduce demand.⁹⁷ Similarly, Standing Against Global Exploitation (SAGE) created a Johns School program intended to educate buyers of child sexual exploitation and deter future demand from those individuals. As of April 2006, the program has served over 7000 men, and has a ninety-eight percent success rate, meaning only two percent of the men that have gone to a Johns School have been re-arrested.⁹⁸ Additionally, NCMEC has conducted public awareness campaigns to reduce supply using public service announcements to empower teens to make safer online choices and protect

⁹⁴ United States Department of Justice Report on Efforts to Combat the Commercial Sexual Exploitation of Children for the Third World Congress on the Commercial Sexual Exploitation of Children. March 15, 2006. P 2

⁹⁵ United States Department of Justice Report on Efforts to Combat the Commercial Sexual Exploitation of Children for the Third World Congress on the Commercial Sexual Exploitation of Children. March 15, 2006. P 5

⁹⁶ Report for the Mid-Term Review on the Commercial Sexual Exploitation of Children in America: HHS Activities to Combat the Sexual Exploitation of Children. March 29, 2006. P 3-5

⁹⁷ From MTR-CSECA Questionnaire data.

⁹⁸ Remarks by Norma Hotaling at the MTR-CSECA conference. April 4, 2006.

themselves from online predators.⁹⁹ Together, these programs are the early stages of what is needed in the U.S. to reduce the cycle of supply and demand.

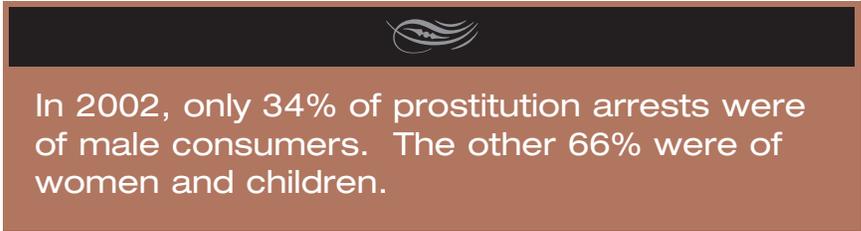
5.2. Gaps and challenges. One of the main concerns related to the issue of demand for CSEC is the normalization of this practice through social and cultural acceptance. Raising awareness of the problem is therefore crucial, especially to bring to the surface more hidden issues, such as the normalization of commercial sexual exploitation of teenagers and the involvement of female perpetrators.

5.2.1. Normalization of CSEC. One major concern is that through the slow, cultural acceptance of demand for child victims, the commercial sexual exploitation of children is becoming normalized and accepted. One indication of this trend is the large number of “respectable” men who consume the sexual services of commercially exploited youth in child pornography and prostitution. Many of these men engage in acts which if performed with a neighborhood child or child of a friend would clearly be considered child sexual abuse. However, because these actions are part of a commercial transaction, the child is criminalized instead of the consumer. In 2002, only 34% of prostitution arrests were of male consumers. The other 66% were of women and children.¹⁰⁰ Language, in this case, is also significant. Use of the word “john” to refer to a CSEC user instead of “perpetrator” or “sex abuser” may aid in normalization. “Client” also implies certain legitimacy within a commercial market; legitimacy cannot exist in the illegal market of child exploitation.¹⁰¹

Specifically, the spread of child pornography was

identified as being a catalyst for increased demand for both more images of child exploitation and more victims of child trafficking, prostitution and sex tourism. Only by increasing the social and legal cost to the child pornography producer, buyer, seller, or viewer is it possible to prevent pornographic images from fueling the sex trade.¹⁰²

5.2.2. Identifying and prosecuting perpetrators. One concern expressed was the apparent growing involvement of female perpetrators recruiting children into prostitution and running their own pimping businesses. Law enforcement



In 2002, only 34% of prostitution arrests were of male consumers. The other 66% were of women and children.

⁹⁹ From MTR-CSECA Questionnaire data.

¹⁰⁰ Remarks by Norma Hotaling at the MTR-CSECA conference. April 4, 2006.

¹⁰¹ Remarks by Norma Hotaling at the MTR-CSECA conference. April 4, 2006.

¹⁰² Remarks by Lou DeBaca at the MTR-CSECA conference. April 4, 2006.

should be ready to identify, investigate, and prosecute the female perpetrators as well as their male counterparts. Similarly, there is a call for greater political will to prosecute offenders who commercially sexually abuse teenagers, not just very young children. A great need for demand deterrent programs was also identified, especially preemptive programs. While most of the Johns School programs in the U.S. are successful at preventing re-arrests, there are very few currently in operation and they do not address preemptive prevention.¹⁰⁴ Additionally, there is a need for more demand-focused legislation.¹⁰⁵

5.2.3. Awareness campaigns. There is also a need for increased targeted public awareness campaigns aimed at the individuals who create demand for CSEC victims. This includes identifying the catalysts for demand and pinpointing the causes behind the increase in demand for commercial sexual services of children. It is important not to lose sight of the education of potential victims, but to add a shift of the lens to analyze and identify the victimizer.¹⁰⁶ Reducing child trafficking, child prostitution, child pornography, and child sex-tourism needs to be part of a holistic approach to all exploitative commercial sexual activity and the individuals that create that demand, both buyer and seller.

5.3. Conclusion. Since 2001, U.S. organizations and agencies have increased understanding of the supply and demand of CSEC victims and have developed programs to address both issues. There has been a significant call to address demand from consumers and purchasers of CSEC and to view them as child sex abusers and exploiters. The U.S. will continue to strengthen anti-demand programs and legislation, recognizing the need for better language and more services within these efforts. The U.S. will also continue to address the conditions of vulnerability and availability which lead to the supply of children.

Next Steps from the Mid-Term Review

During the Mid-Term Review process, the United States child protection community of experts was able to identify their best practices, gaps in programming, and challenges faced in the field. These next steps are drawn from that information and presented as suggestions for continued action or change in action in order to more effectively work toward the elimination of CSEC in the U.S.

¹⁰⁴ Remarks by Norma Hotaling at the MTR-CSECA conference. April 4, 2006.

¹⁰⁵ From MTR-CSECA Questionnaire data.

¹⁰⁶ Remarks from the MTR-CSECA conference. April 4, 2006

I. Next Steps for All Child Protection Advocates:

1. Continue and increase commitment to the protection of commercially sexually exploited children, prevention of commercial sexual exploitation of children and prosecution of child exploiters.
2. Continue and increase cooperation and coalition building between NGOs, government agencies, local law enforcement, the private sector and community activists.
3. Target the use of technology in CSEC through creative solutions, prudent and up-to-date use of technology and more partnerships with technology industries.
4. Focus on reducing demand through public awareness, research, legislation, programs and prosecutions.
5. Develop an effective mechanism for quantifying the number of victims on an international, national and regional basis.
6. Incorporate other individuals and groups who may work with potential CSEC victims into assessments, discussions and trainings.

II. Next Steps for NGOs:

1. Develop more secure shelter facilities and physical services for CSEC victims and expand referral networks, especially in the United States.
2. Continue and increase alliances with both the public sector and private industry, including information sharing and best practices suggestions.
3. Continue and increase information and material sharing with other NGOs, including educational materials, research materials, and referral services.
4. Expand victim identification training to include law enforcement, hospitals, schools, social workers and other groups that might come into contact with a victim of CSEC.
5. Expand and refine victim identification and protection as methods of exploitation are expanded and redefined.

III. Next Steps for the U.S. Government:

1. Develop and direct funding and resources to service providers and law enforcement officials to effectively identify and protect victims, to supplement the foster care system and to prosecute child exploiters.
2. Compile and share information with NGOs and local law enforcement on best practices regarding good screening systems in sheltering and protecting prostituted youth.

3. Investigate the businesses and financial transactions involved in the commercial sale of child sexual exploitation to aid in the identification and prosecution of child exploiters.
4. Create demand-focused legislation aimed at identifying and prosecuting the users and producers of the child commercial sex industry; decriminalize prostitution charges for minors.
5. Support programs to educate the public about the harms involved in abusing children through sex tourism.

IV. Next Steps for Law Enforcement:

1. Invite expanded training, including victim identification and the message that a child cannot consent to her own sexual abuse through a commercial sexual act.
2. Use asset forfeiture laws to maximize ability to prosecute the traffickers without necessarily relying on victim testimony; use the assets forfeited to fund further investigations.
3. Prosecute demand, including the perpetrators, abusers, and Johns with greater force, especially the wealthy establishment owners and situational offenders, as opposed to only street pimps and pedophiles.

V. Next Steps for the Private Sector:

1. Build more alliances with government agencies, law enforcement and NGOs, including information sharing.
2. Sign the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism, or a similar policy of corporate responsibility which is industry specific; take steps within the company to ensure products and services produced by the company are not being used for CSEC.
3. Continue to build financial coalitions within industries, including the credit card industry, to destroy the profits of commercial sexual exploitation of children.
4. Take direct and innovative initiative to prevent the spread of child pornography through ISPs.

VI. Next Steps for Citizens:

1. Get involved by volunteering or donating to the effort to combat CSEC through community groups, schools, faith-based groups, or social groups.
2. Educate local politicians, including congressional representatives, state governors and mayors on CSEC issues and child protection.
3. Lobby local and state representatives to give business to those companies that have signed the Code of Conduct or another declaration of their dedication to combating CSEC; intentionally use products from socially-conscious companies which support the protection of children.

Appendix A

The United States Legal Framework Against the Commercial Sexual Exploitation of Children

*Dr. Mohamed Mattar, Executive Director,
The Protection Project of The Johns Hopkins School of Advanced International
Studies (SAIS)*

The United States provides for a comprehensive legal framework to address the commercial sexual exploitation of children. There are five main laws currently addressing this issue in the United States: 1) The Trafficking Victims Protection Act of 2000 as reauthorized in 2003 and 2005; 2) The Mann Act, especially sections 2421, 2422, 2423, and 2427; 3) The PROTECT Act, especially sections 105 (Penalties against sex tourism), 323 (Cyber Tip line), and 202 (Statute of Limitations); 4) The Children's Internet Protection Act; and 5) The Child Obscenity and Pornography Prevention Act.

The legislative measures adopted by these laws comply with international legal standards. In fact, although the United States has not ratified the Convention on the Rights of the Child (CRC), it has ratified three main international legal instruments against commercial sexual exploitation of children: 1) The United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially in Women and Children on November 3, 2005; 2) The Optional Protocol on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography on December 23, 2005; and 3) The International Labor Organization Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor on February 12, 1999.

Since the Second World Congress Against Commercial Sexual Exploitation of Children in 2001, the U.S. legislative movement has been reflecting three main issues: the expansion of criminal liability; the extension of territorial jurisdiction; and the enhancement of child protection.

Expansion of Criminal Liability

U.S. law expands the basis of criminal liability in several ways. First, under child sex tourism law, proof of travel with the intent to engage in illicit sexual conduct is no longer required. Moreover, the law now punishes attempts to commit the crime and provides for liability of the legal person, the tour operator. Second, it is a crime to engage in illicit sexual activity with any person under the age of 18 regardless of the

age of consent, which is only 15 in countries like Cambodia, Thailand, and Costa Rica, significant destination countries for sex tourism. Third, The PROTECT Act created a “Cyber Tip Line” providing the general public an effective means of reporting internet related sexual exploitation.

Fourth, the Department of Justice expanded the definition of a commercial sexual service of a minor to include not only a commercial sexual activity, but also a “sexually explicit performance,” thus recognizing that international traffickers “are increasingly placing their victims into strip clubs rather than prostitution.” This was the case in the *United States vs. Virchenko*, the first case to be decided under the Trafficking Victims Protection Act. Fifth, courts have held that obscenity and child pornography are not entitled to protection under the first amendment and therefore may be prohibited. Sixth, while the previous law provided that the statute of limitations expired when the child attained the age of 25, Section 202 of the Protect Act now stipulates that there is no statute of limitations for child sex crimes.

U.S. law also expanded criminal sanctions. In fact, the penalty under the TVPA is 20 years in prison, which may be increased to life if the trafficked person is under the age of 14, and the penalty under the PROTECT Act has been doubled from 15 to 30 years. While expanding criminal liability, U.S. law shifts the focus towards penalizing the purchaser of sexual services. The TVPRA of 2005 addressed demand explicitly for the first time, and amended section 108 that provides for the minimum standards for the elimination of trafficking in persons that foreign countries must comply with, to include: 1) Whether a country is taking the appropriate measures to reduce the demand for commercial sex acts and for participation in international sex tourism; and 2) Whether a country is taking the appropriate measures to ensure that its nationals who are deployed abroad as part of a peace keeping mission do not engage or facilitate an act of trafficking in persons or exploit victims of such trafficking. Moreover, for the first time, the TVPRA of 2005 addressed the issue of prostitution, or a commercial sex act separate from trafficking on the federal level, calling for enhancing state and local efforts to investigate and prosecute purchasers of commercial sexual services, in addition to establishing various federal programs to reduce demand for such acts.

The approach followed by the United States is consistent with most international legal developments. The Council of Europe Convention on Action Against Trafficking in Human Beings of May 3, 2005 calls, in article 19, upon states to consider criminalizing the use of services provided by victims of trafficking. On March 11, 2005, the United

Nations Commission on the Status of Women adopted a resolution presented by the U.S. on eliminating demand for trafficked women and girls for all forms of exploitation. The resolution reflects the mandate of article 9(5) of the United National Protocol on trafficking that called upon states to take the necessary measures to discourage demand. U.S. law on the prohibition of prostitution is also consistent with International Law on prostitution which provides under the 1949 Convention for the Suppression of the Traffic of Persons and the Exploitation of the Prostitution of Others, that “Prostitution and the accompanying evil of traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family, and the community.”

Extension of territorial jurisdiction

U.S. law applies the principles of extraterritoriality in several ways: first, under section 506 of the PROTECT Act, production of child pornography outside the U.S. for the purpose of distribution in the U.S. is a crime; second, the PROTECT Act applies to any U.S. citizen or resident who travels abroad to engage in illicit sexual activity with a child. This means that the sex tourism law applies regardless of where the act has been committed; and third, the TVPRA provides for extraterritorial jurisdiction over trafficking in persons offenses committed by persons employed by or accompanying the federal government outside of the United States.

Enhancement of Child Protection

U.S. law addresses the special needs of children based upon the best interest of the child and adopts a child sensitive approach in several ways: first, a trafficked child is entitled to benefits under the TVPRA regardless of cooperation with law enforcement officials; second, a trafficked child may receive a T-Visa that includes his or her parents, although the number issued is still very small, as Ambassador John Miller mentioned; third, a child witness may testify out of court in the event of fear that the child would be subject to trauma.

However, as recognized by Congress in the TVPRA of 2005, “no known studies exist that quantify the problem of trafficking in children for the purpose of commercial sexual exploitation”. Consequently, we still need, as stated in article 112 of the TVPRA of 2005, “An effective mechanism for quantifying the numbers of victims of trafficking on national, regional, and international bases.”

Appendix B

Participating Organizations

Shared Hope International, ECPAT-USA, and the Protection Project of the Johns Hopkins University of Advanced International Studies would like to thank all the organizations who participated in the U.S. Mid-Term Review on the Commercial Sexual Exploitation of Children in America. These organizations contributed to the process through completion and submission of a survey and/or by attendance at the conference held April 3-4, 2006. This report would not have been possible without their contributions and the important work they have done since 2001. Shared Hope International, ECPAT-USA, and the Protection Project of the Johns Hopkins University of Advanced International Studies would like to acknowledge the following participants:

Adults Saving Kids	National Network for Youth
America Online, Inc.	National Sexual Violence Resource Center (NSVRC)
American Bar Association, Center on Children and the Law	Networks for Social Change
American Prosecutors Research Institute (APRI)	Organization for Security and Cooperation in Europe (OSCE)
American University	Organization of American States (OAS)
Arizonans for the Protection of Exploited Children and Adults (APECA)	Paul & Lisa Program
Atlanta Police Department	Polaris Project
Boat People SOS	Portland Bureau of Police
Carlson Companies	Restoration Ministries
Catholic Charities USA	Roxbury Youthworks, Inc.
Center to End Adolescent Sexual Exploitation (CEASE)	The Safe Zone Foundation/Girl Fest
Chicago Coalition for the Homeless	The Salvation Army
Coalition to Abolish Slavery and Trafficking (CAST)	San Diego Bilateral Safety Corridor Coalition
Covenant House	San Diego Youth & Community Services (SDYCS)
Crimes Against Children Research Center	Save the Children
Dekalb County Task Force for Runaway, Homeless and Sexually Exploited Youth	Second Chance and the Prostitution Roundtable
ECPAT International	Sisters Offering Support
Empire State Coalition of Youth & Family Services	Standing Against Global Exploitation (SAGE)
Enon Tabernacle Baptist Church	Teen Challenge International
FAIR Fund	The Teen Prostitution Prevention Project
Focus on the Family	UNICEF
Free the Slaves	University of Pennsylvania, School of Social Work
Georgia Youth Advocate Program	University of Toledo
Girls Educational & Mentoring Services (GEMS)	U.S. Attorney's Office
Innocents at Risk	U.S. Conference of Catholic Bishops
Lutheran Immigration & Refugee Service (LIRS)	U.S. Department of Health and Human Services
Microsoft Corporation	U.S. Department of Homeland Security
Minorities and Survivors Improving Empowerment (MASIE)	U.S. Department of Justice
Multnomah County Sheriff's Office	U.S. Department of State
National Center for Missing and Exploited Children (NCMEC)	WestCare, Inc.
	You Are Never Alone (YANA)
	Young Women's Empowerment Project
	Youth Advocate Program International (YAPI)

Schedule for the U.S. Mid-Term Review on the Commercial Sexual Exploitation of Children in America Conference

Monday April 3, 2006:

9:00.....Registration and continental breakfast

10:00.....**Introduction of Goals and Conditions of the Mid-Term Review**

Linda Smith, Founder and President, Shared Hope International

10:20.....**Special Guest Speaker**

Ambassador John Miller, Senior Advisor to the Secretary of State and
Director of the Office to Monitor and Combat Trafficking In Persons,
U.S. Department of State

10:35.....**Special Guest Speaker**

Laura Parsky, Deputy Assistant Attorney General, Criminal Division,
U.S. Department of Justice

10:50.....**The U.S. Laws Against CSEC and International Legal Institutions – A Comparative Perspective**

Dr. Mohamed Mattar, Executive Director, The Protection Project of The
Johns Hopkins School of Advanced International Studies (SAIS)

11:15.....**CSEC in the International Sphere**

Professor Vitit Muntarhorn, General Rapporteur for the Second World
Congress Against Commercial Sexual Exploitation of Children and
Recipient of the UNESCO Prize for Human Rights Education

11:45.....**Review of the Second World Congress and Agenda for Action**

Carol Smolenski, Executive Director, ECPAT-USA

12:00.....**The Jaron Brice Case: Prosecuting Commercial Sexual**

Exploitation of Children in the U.S.

Myesha Braden, Trial Attorney, Child Exploitation and Obscenity Section, Criminal Division, U.S. Department of Justice

Sharon Marcus-Kurn, Assistant United States Attorney, D.C. U.S. Attorney's Office

12:30.....**Lunch – Special Guest Speaker:**

Richard Greenberg, Producer, *Dateline NBC*

1:30.....**Child Trafficking Panel**

Moderator: Derek Ellerman, Co-Executive Director, Polaris Project

Panelists: 1. Wendy Waldron, Attorney in the Child Exploitation and Obscenity Section of the Criminal Division, U.S. Department of Justice, Civil Rights Division, Department of Justice

2. Marisa Ugarte, Executive Director, Bilateral Safety Corridor Coalition of San Diego, California

3. Susan Krehbiel, Director for Children's Services, Lutheran Immigration & Refugee Service

4. Julianne Duncan, Associate Director for Children's Services, Office of Refugee Programs, Migration and Refugee Services, U.S. Conference of Catholic Bishops

3:00**Child Prostitution Panel**

Moderator: Tom Kennedy, Senior Vice President for Program and Advocacy, Covenant House

Panelists: 1. John Hauger, Intelligence Analyst, Crimes Against Children Unit, Federal Bureau of Investigation

2. Rachel Lloyd, Founder and Executive Director, Girls

Educational & Mentoring Services (GEMS)

3. Sergeant Ernest Britton, Special Victims Unit/Child Exploitation Division Atlanta Police Department,
4. Myesha Braden, Trial Attorney, Child Exploitation and Obscenity Section, Criminal Division, U.S. Department of Justice

4:30**Child Pornography Panel**

Moderator: Howard Davidson, Director, American Bar Association Center on Children and the Law

- Panelists
1. Claude Davenport, ICE Cyber Crimes Unit, Department of Homeland Security
 2. Ernie Allen, President and Chief Executive Officer, National Center for Missing and Exploited Children
 3. John Ryan, Chief Counsel, Compliance and Investigations, America Online Inc.
 4. Damon King, Deputy Chief, Child Exploitation and Obscenity Section, Criminal Division, U.S. Department of Justice

Tuesday April 4, 2006:

8:00.....Continental Breakfast

9:00.....**The International Code of Conduct**

Carol Smolenski, Executive Director, ECPAT-USA

9:30.....**Child Sex Tourism Panel**

Moderator: Amy O'Neill Richard, Senior Advisor to the Director, Office to Monitor and Combat Trafficking in Persons, U.S. Department of State

Panelists: 1. Marlene Richter, Director of the Community Involvement Center, WestCare Nevada

2. Kim Olson, Vice President and Chief Communications Officer, Carlson Companies

3. Andrew Oosterbaan, Chief of the Child Exploitation and Obscenity Section, Criminal Division, Department of Justice

4. Kim Mueller, ICE Cyber Crimes Unit, U.S. Department of Homeland Security

11:00.....**Prevention of Supply and Demand Panel**

Moderator: Vanessa Garza, Acting Director of the Anti-Trafficking in Persons Division, U.S. Department of Health and Human Services Administration for Children and Families

Panelists 1. Norma Hotaling, Founder and Executive Director, Standing Against Global Exploitation

2. Frank Barnaba, Founder and President, Paul and Lisa Project

3. Richard LaMagna, Former Director, Worldwide Investigative and Law Enforcement Programs, Legal and Corporate Affairs, Microsoft Corporation

4. Heather Cartwright, Chief, Victim Witness Assistance Unit D.C. U.S. Attorney's Office

12:30.....**Lunch- Special Guest Speaker:**

Jose Diaz, Documentary Filmmaker, Faith Lutheran Las Vegas

1:30.....**Trafficking: Looking Back and Moving Forward**

Lou de Baca, Special Litigation Counsel, Criminal Section of the Civil

Rights Division, U.S. Department of Justice

2:00 **Presentation and Discussion: Next Steps in Combating Commercial Sexual Exploitation of Children**

Professor Vitit Muntarbhorn, General Rapportuer for the Second World Congress Against Commercial Sexual Exploitation

Appendix D

A Study of Programs to Combat the Commercial Sexual Exploitation of Children in the United States: Best Practices, Gaps and Challenges

As part of the U.S. Mid-Term Review on the Commercial Sexual Exploitation of Children in America, Shared Hope International, ECPAT-USA and the Protection Project of the Johns Hopkins University School of Advanced International Studies surveyed over one hundred nongovernmental organizations from twenty-eight states and the District of Columbia. The survey focused on programs which address physical needs, public awareness, research, and special initiatives. Organizations were asked to give programming and funding information, as well as identify successes, challenges and suggestions for improvement.

While this study is not intended to be comprehensive, it is indicative of some of the current work against CSEC in the United States and, therefore, elicits discussion and evaluation of current and future programs. Shared Hope International, ECPAT-USA, and the Protection Project of the Johns Hopkins University School of Advanced International Studies would like to thank the respondents for their participation in the survey process.

Physical Needs Programs

Thirty-eight percent of respondents directly distribute food, clothes and other goods from their own facilities to CSEC victims in the U.S. However, less than twenty percent of respondents are able to provide physical shelter to CSEC victims. Funding for these programs comes from a combination of private and government funding; half are funded partially or completely by government funding, while the others are dependent on private donations. The main concerns of physical needs providers include lack of shelters, limited funding, the challenge of providing

security in shelters, and difficulty of determining federal benefits eligibility status.

Though only a small number of organizations can provide shelter or physical needs, sixty percent of respondents refer CSEC victims to other organizations for shelter and basic services. The main concerns of the respondents referring victims to outside providers are a lack of trained service providers and poor coordination and networking between referral NGOs and service providers. These numbers and concerns indicate the need for more shelters, greater coordination among referral agencies, increased funding and improved oversight to keep shelters safe and accessible.

Nearly half of the responding organizations actively seek out CSEC victims in the U.S., using street, court and migrant outreach programs or through working with law enforcement. Some of these outreach programs are funded by the government, while others depend on private donations or a combination of both. The primary stated difficulty of reaching CSEC victims stems from the practices of pimps and predators, such as the use of coercion, force, and internet anonymity. Other difficulties are coordinating with law enforcement and a lack of funding.

Significantly fewer organizations physically remove victims from exploitative situations, and all of those that do are at least partially funded by government grants. Major challenges noted by these organizations are the difficulties in reaching victims and building trust, problems with cooperation with law enforcement and limited funding.

Over fifty percent of respondents refer victims to rehabilitation, restoration and reintegration services, funded by both government grants and private donations. A major challenge for referring organizations is the perceived lack of facilities and trained personnel. Rehabilitation services are scarce and have limited funding, causing referral organizations to struggle to find qualified treatment centers. Less than one third of the respondents provide rehabilitation, restoration, or reintegration programs. These organizations have similar concerns to those who provide other physical needs services, including difficulty in gaining the trust of victims, lack of funding and facilities and problems with coordination with law enforcement.

Public Awareness Campaigns

General public awareness campaigns have been conducted by sixty-two percent of the surveyed organizations. These programs include community education and

training, as well as the development of brochures and publications focused on internet safety for children. The vast majority of respondents have conducted victim focused public awareness campaigns, while forty percent have conducted demand focused public awareness campaigns. Victim focused campaigns targeted both potential and actual victims. Assistance is generally provided through hotlines and printed materials, such as brochures and outreach cards. Although cooperation with the media to educate the victims and community is mentioned, few programs have been focused in this area. The funding for general public awareness programs mostly comes from private donations and foundation grants, with a smaller amount from federal grants. Funding from local governments is uncommon. Many organizations also mentioned their interest in implementing new programs, especially with a different area focus. Challenges mentioned by the surveyed organizations included lack of funding, resources, and adequate staff, developing and implementing legislation that addresses both supply and demand, difficulty building partnerships among NGOs and lack of cooperation with law enforcement.

Targeted public awareness campaigns initiated by the surveyed organizations have focused on the following groups: teachers, law enforcement personnel, professionals in frequent contact with children, youth and the private sector. Campaigns providing trainings on victim identification for teachers, law enforcement, or other professionals were most common, with seventy percent of the organizations having implemented those programs. Fifty-one percent of the organizations conduct public awareness campaigns for youth in or out of school. A small number of organizations have brought awareness to the private sector, though this training has been criticized for not being tailored to the corporate representatives and their environment.

The majority of the funding for targeted campaigns is from individual donations and private foundations. The least amount of funding goes towards programs targeted to the private sector. One of the major challenges noted by those organizations targeting youth awareness is the lack of support from school administrators, and their reluctance to allow presenters to speak with the youth population about difficult issues such as sex, pimps and CSEC. Some organizations have difficulty providing honest information to the students due to school restrictions. Other challenges include lack of funding, staff and other resources, especially federal resources earmarked for children.

Approximately sixty percent of respondents noted that they have not targeted the

use of technology in CSEC, though the use of technology to facilitate CSEC is growing exponentially. Those initiatives that have been made were general research and education programs regarding the methods of technology used to exploit children. Community awareness forums, internet safety brochures, and website monitoring have also been initiated by a small number of organizations. The rapidly changing nature of technology makes staying up to date with emerging technologies and investigating how they may be used in CSEC challenging. The funding for the existing technology monitoring programs comes from a combination of private donations and government funding, however it is clear that more funding is needed for programs addressing this issue. Greater cooperation between the government, law enforcement and NGOs is needed to better identify technology-savvy predators and problem websites and report them. Respondents believe more research needs to be conducted as to how technology might be used to counterattack the problem.

Research Programs

The organizations surveyed provided information about their past and current research programs, including those addressing the private sector, exploiter identification, and legislation. Of the respondents, less than ten percent have participated in research projects which address the relationship between the private sector and CSEC. However, there have been several attempts to compile profiles and statistical information about sexual exploiters, which assists both law enforcement and lawmakers. Some common approaches used include attempting to create a community outrage, profiling and collecting data on sexual exploiters and attempting co-sponsorships with foreign governments. There are presently several research programs within academic, private and legislative organizations; at present, most are researching with the expected result of compiling reports. Some field research has been attempted by a few organizations, mainly consisting of questionnaires and interviewing. More research programs need to be initiated to adequately identify and address specific issues within CSEC.

While a few organizations are building partnerships, the majority of organizations surveyed are attempting large projects unaided, with a small staff and minimal resources. The methods utilized by these organizations to measure the outcomes and sustainability of these projects are unclear. Funding that has been utilized by most programs referencing this topic has come from a combination of private and government funding. The challenges faced in research programs correspond with the perceived lack of support from the public and private sectors, including the lack of

staff available to conduct research programs. This challenge is complicated by the fact that CSEC is hidden by its very nature, and prostitution is often glamorized in the media. A few organizations have been frustrated by the difficulty of interviewing victims and the ability to adequately research in the field. Time, funding and manpower constraints all negatively impact the implementation of most programs. Public support and awareness campaigns could go a long way in putting pressure on the private sector to participate more heavily. American NGOs could also benefit greatly from a clear research program strategy organized in different stages, and supported mutually and from the outside.

Special Initiatives: Legislative, Youth and Anti-Pornography

Most of the respondents ran some sort of special initiative program involving drafting legislation, youth participation, or anti-pornography work. Fifty-four percent of respondents claim to have worked on some sort of legislative drafting initiative to strengthen current anti-CSEC laws or create new ones. Most legislative work has entailed providing congressional representatives and policymakers with research or expert testimony or drafting model laws for state or federal use. The most common topic addressed in legislation initiatives is overwhelmingly child trafficking, with brief mentions of increasing shelter availability and decriminalizing prostitution charges for minors. Legislative programs are mostly funded by private donations, with a few funded through private foundations, and one mention of local government. No organizations listed federal funding as a funding source for legislative programs. Over half of the organizations surveyed claimed current anti-CSEC legislation is poorly written and not applicable to the real situation in the United States. They recommended that legislation be re-written to include perspectives from groups who work directly with victims. Ninety percent of respondents feel current funding for legislative measures in the U.S. is not adequate, and seventy-three percent feel the legislation which is available is not sufficiently used by prosecutors.

Most organizations surveyed incorporate youth into their programs, inclusive of survivors of CSEC. CSEC survivors serve as peer educators and outreach workers, or give testimony of their experiences. About two-thirds of the funding for programs involving youth participation is from individual donations, with private foundations and federal grants comprising the rest. The overwhelming difficulty with involving CSEC survivors is their reluctance to speak publicly about their experience, and the lack of support available for them. Most organizations claim they are not able to

provide enough psychological care to survivors to help them through the experience of giving testimony.

Approximately one-third of respondents have programs which specifically aim to eradicate the production, distribution, exportation, commercialization, or publication of child pornography. Most programs focus on public awareness campaigns and trainings. Only one of the organizations surveyed described programs which addressed emerging technologies and the correlation with child pornography. Private donations and federal grants were commonly cited as funding sources. While the emergence of the internet as a marketplace for child pornography was not described as the focus of a program, it was frequently referred to as a challenge in eradicating child pornography.

In conclusion, most of the respondents feel that while greater attention has been brought to the issue of CSEC since the Second World Congress and important steps have been taken to combat CSEC in the U.S., there are still not enough programs in place to adequately address the issue. The most common causes for this are believed to be a lack of funding and resources, lack of communication between NGOs and law enforcement, and difficulties intrinsic in the issue of CSEC. Suggestions for program improvement include a greater availability of resources from the federal government and better communication and partnership building among NGOs and between NGOs and law enforcement. Respondents also indicated the need for a more demand-focused legislative approach, including tougher legislation for predators and a decriminalization or eradication of prostitution laws for children.

Appendix E

U.S. Mid-Term Review on the Commercial Sexual Exploitation of Children in America Questionnaire for Government Agencies

- 1. Have you worked to create a common system of information based on data that allows analysis, evaluation and/or prosecution of the commercial sexual exploitation of children?*
- 2. Have you undertaken any actions to combat the demand for services from commercially sexually exploited children?*
- 3. Have you undertaken any actions such as public awareness and information campaigns with the purposes of fighting commercial sexual exploitation of children?*
- 4. Have you undertaken any steps to inform professionals who are directly involved in problems and services that relate to children and adolescents to educate them on detecting the situations that involve commercial sexual exploitation and on interventions that can assist the victims?*
- 5. Have you undertaken any actions to inform children and adolescents about the risks of commercial sexual exploitation?*
- 6. Have you undertaken any steps to promote legal reforms to fight commercial sexual exploitation of children? Please emphasize actions aimed at reforms that relate to the legal rights of the victims, the prosecution of the offenders, extraterritoriality legislation and the adoption of means that allow the seizure and confiscation derived from these illicit activities to compensate victims.*
- 7. Have you undertaken any action to support methods of prosecution pertaining to sex offenders, and the creation of a mechanism that prevents the cycle of impunity?*
- 8. Have you undertaken steps to eradicate the production, distribution, exportation, commercialization, and publication of child pornography?*
- 9. Have you undertaken any actions to eradicate child sex tourism?*

Appendix F

U.S. Mid-Term Review on the Commercial Sexual Exploitation of Children in America Questionnaire Form For NGOs

Please type your responses directly into this form. If you have any difficulty with this form or prefer to write your responses manually, please contact us at (703)351-8062 for assistance.

BACKGROUND INFORMATION

Organization Name	
Headquarters Location	
Operating Country/State/Region(s)	
Date Founded	
Mission Statement	
How is your organization funded?	
Which of the three “areas” (prostitution, pornography, and trafficking) of CSEC does your organization address?	
Does your organization collaborate directly with other organizations? Which? How?	
Does your organization work with local law enforcement? How?	

PROGRAMMATIC INFORMATION

Programs: What your organization has done within the last 5 years or is currently doing	Yes (please elaborate)	No	Funding Source	Challenges Faced	Suggested Improvements	Was it Successful?
Provide physical shelter for child victims of CSEC						
Provide food, clothing, and/or other material items in your own facilities						
Refer victims to other facilities for physical shelter, food, clothing, and/or other material items						
Actively seek out victims						
Physically remove victims from exploitative situations						
Provide a rehabilitation, restoration, or reintegration program						
Refer victims to a rehabilitation, restoration, or reintegration program						
Conduct demand-focused public awareness or education campaigns						
Conduct victim-focused public awareness or education campaigns						
Conduct public awareness or education campaigns and provide trainings to identify CSEC victims for teachers, law enforcement, NGOs or other professionals						

PROGRAMMATIC INFORMATION - Cont.

Programs: What your organization has done within the last 5 years or is currently doing	Yes (please elaborate)	No	Funding Source	Challenges Faced	Suggested Improvements	Was it Successful?
Conduct public awareness or education campaigns targeting the private sector						
Conduct public awareness or education campaigns for youth in or out of school						
Conduct public awareness or education campaigns for the public at large						
Conduct field research or academic research to study the connection between the private sector and CSEC						
Conduct field research or academic research in an attempt to profile or sexual exploiters						
Conduct field research or academic research to study CSEC related legislation						
Work to influence the drafting of legislation						
Involve CSEC survivors and/or at-risk youth in your work						
Involve other youth in your work to combat CSEC						
Eradicate the production, distribution, exportation, commercialization, and publication of child pornography						
Target the use of technology in CSEC						

PERSPECTIVES ON TREATMENT OF CSEC IN THE U.S.

<p>What do you see as improvements made in the U.S. since the 2001 2nd World Congress on CSEC?</p>	
<p>What do you see as the greatest gap in government response since the 2001 2nd World Congress on CSEC?</p>	
<p>Do you feel anti-CSEC measures are adequately funded in the U.S.?</p>	
<p>Do you feel anti-CSEC legislation is sufficient and utilized by prosecutors in the U.S.?</p>	
<p>Do you feel laws against CSEC are adequately enforced?</p>	
<p>What change would you most like to see in the treatment of CSEC between now and the next World Congress?</p>	
<p>What issues do you feel are most important to discuss at the Mid-Term Review Conference?</p>	
<p>Is there anything else about your organization, work, or experiences with CSEC you think would be helpful in the Mid-Term Review discussions?</p>	



**United States
Department of Health
and Human Services
Administration for
Children and
Families**

Addendum I

Report for the Mid-Term Review on the Commercial Sexual Exploitation of Children in America: HHS Activities to Combat the Sexual Exploitation of Children

This report is in response to a request for information about what actions the Department of Health and Human Services (HHS) has taken to combat the commercial sexual exploitation of children. Contained in this report are summaries of the three main program areas in HHS that address the sexual exploitation of children. These three program areas are the Human Trafficking program of the Office of Refugee Resettlement, the Office on Child Abuse and Neglect's programs in the Children's Bureau (OCAN), and the Runaway and Homeless Youth program of the Family and Youth Services Bureau. This report is not an exhaustive list of every service that a child victim of sexual exploitation might be eligible to receive. Instead it is a description of those services most likely to be accessed by this group of victims.

I. Human Trafficking Program of the Office of Refugee Resettlement called "Rescue and Restore Victims of Human Trafficking"

The U.S. Department of Health and Human Services (HHS) continues to increase the identification of victims and to improve the delivery of services to victims through the "*Rescue and Restore Victims of Human Trafficking*" program. HHS does this through outreach grants for victim discovery and identification, grants for services to victims, certification of victims, coalition building, and national and local media outreach.

A. Service and Outreach Grants

The Office of Refugee Resettlement (ORR) at HHS enrolls minors in our Unaccompanied Refugee Minor (URM) program. This enrollment can be accomplished very rapidly (usually within 24 hours of ORR being made aware of a victim), and URM offers a variety of care situations appropriate to the needs of the victim.

In Fiscal Years (FY) 2002 and 2003, ORR awarded grants in two categories to projects that raise awareness of trafficking in persons and projects that provide case management and direct services to victims.¹

- In FY 2004, ORR awarded approximately \$3.37 million in second-year

continuation grants to 14 organizations originally awarded grants in FY 2002. These grants fund projects that raise awareness of trafficking in persons and/or provide case management and direct services to victims.¹

- Grants awarded to raise awareness resulted in the establishment of nationwide networks of anti-trafficking organizations and nationwide networks of providers to victims of trafficking. Regional anti-trafficking networks were also established in Los Angeles, San Francisco, San Diego, Chicago, New York City, Portland (OR), Orange County (CA), Florida, Georgia, Hawaii, Kansas, New Jersey, and the Mid-Atlantic states.
- In FY 2005 ORR awarded 18 grants for street outreach. These funded organizations look for victims of trafficking in populations among which they are already conducting outreach. Because they are engaged currently in outreach, the groups have expertise on those populations and have likely built a level of trust among those groups. HHS awarded the grants to 18 groups. Some of the vulnerable population groups to which the awardees provide outreach include homeless and at-risk youth, girls exploited through commercial sex, migrant farm workers, women exploited through commercial sex, and women exploited in beauty parlors and nail salons.
- Our funding mechanisms also include technical assistance projects for providing training and technical expertise to law enforcement agencies, social service providers, faith-based communities, and professional associations.

B. Certification of Victims

The success of HHS initiatives to increase the rate of victim identification hinges on presenting a victim-centered approach to the crime of human trafficking. HHS must assure victims of our commitment to providing them access to all of the services and benefits provided for by the Trafficking Victims Protection Act of 2000 (TVPA).

Victims must be confident that they will receive treatment appropriate for victims of traumatic crime and will have no reason to fear interactions with Federal and other government officials.

- By the end of FY 2005, HHS certified an aggregate total of 841 adults and children to receive benefits, of whom 230 were certified during FY 2005. (As of March 1, 2006, HHS had certified 947 persons as victims of human trafficking, of whom 87 are minors.)

¹ Under the Trafficking Victims Protection Act (TVPA) as originally enacted, grantees could not use HHS-funded assistance for pre-certified adult victims of trafficking. Depending on case circumstances, the prohibition frequently created a Federal assistance gap between the time the victim was identified (whether by law enforcement or by non-governmental organizations) and the time of certification. During that period, grantees refrained from using HHS funds to assist the victims and, instead, attempted to identify other sources of funds. In the case of nonentitlement programs, the Trafficking Victims Protection Reauthorization Act (TVPRA) authorized HHS to provide benefits and services to assist potential victims in achieving certification.

- In FY 2005, ORR issued 230 letters on behalf of victims, of which 196 were certification letters to adults and 34 were eligibility letters to minors under the age of 18. These certification and eligibility letters, combined with the 163 letters issued in FY 2004, the 151 letters issued in FY 2003, the 99 letters issued in FY 2002, and the 198 letters issued in FY 2001, bring to 841 the total number of letters issued during the first five fiscal years in which the program has operated.²
- The FY 2005 letters were sent to victims or their representatives in 19 states. The largest concentrations were in California, Nevada, and New York.³ The beneficiaries of these letters were predominantly women (83 percent).⁴ The countries of origin were Cambodia, Albania, Bangladesh, Bolivia, Cameroon, Columbia, Chad, Czech Republic, Ecuador, El Salvador, Eritrea, Estonia, Ethiopia, Guatemala, Guyana, Honduras, Hungary, Indonesia, Ivory Coast, Jamaica, Kenya, Korea, Latvia, Malaysia, Mongolia, Nepal, Nigeria, Paraguay, Russia, Sri Lanka, Thailand, and Western Samoa.⁵

C. Coalition Building

Because it is difficult to reach victims directly, the campaign continues to target intermediaries—those persons or entities who are most likely to come into contact with victims. Intermediary audience categories include local law enforcement officials (particularly vice squads), social service providers, health care professionals, faith-based organizations, domestic violence groups, ethnic organizations, refugee assistance professionals, homeless assistance professionals, drug rehabilitation organizations, child protective services officials, juvenile court officials, other government agencies, educational organizations, and legal assistance organizations.

The campaign outreach efforts broadly include local coalition building, national partnership development, and media outreach, supported by a variety of original campaign materials.

Local Coalition Building

- Anti-trafficking coalitions have now been established in 17 cities. These coalitions enlist local community organizations in the task of abolishing trafficking within their community; more than 900 local and national organizations have formally partnered with the HHS “*Rescue and Restore Victims of Human Trafficking.*” These coalitions disseminate information

² A single case in 2001, involving Vietnamese garment workers in American Samoa, resulted in 206 victims.

³ In FY 2003, ORR issued letters to benefit offices in 18 states, of which the largest concentrations were to Texas, New York, Oklahoma, and California (14 percent).

⁴ In FY 2003, 54 percent of victims were male.

⁵ In FY 2003, the most victims came from India (38 percent), Vietnam (11 percent), Mexico (9 percent), Indonesia (5 percent), Tonga (5 percent), Zambia (5 percent), and Thailand (4 percent). The countries of origin for the remaining victims were Bangladesh, Bolivia, Cameroon, China, Czech Republic, Ecuador, El Salvador, Eritrea, Estonia, Ethiopia, Guatemala, Honduras, Kenya, Korea, Latvia, Malaysia, Nepal, Nigeria, Peru, Philippines, and Russia.

on the phenomenon of trafficking, train appropriate organizations of intermediaries, and otherwise galvanize the community to identify and rescue victims. *Rescue and Restore* coalitions are established in Houston, Illinois (a statewide collaboration), Las Vegas, Long Island, Los Angeles, Miami, Milwaukee, Minneapolis/St. Paul, Portland, Seattle, St. Louis, Atlanta, Central Florida (Tampa/Orlando), Newark, Philadelphia, Phoenix, and San Francisco.

- *State Model:* In Year Two, HHS was successful in organizing the first statewide coalition in Illinois. The statewide model allowed the team to organize all major rural areas of the State, as well as several additional cities outside the anchor city of Chicago, for roughly the same expenditure of resources as building coalitions in one urban and one agricultural area. The Illinois *Rescue & Restore* coalition includes five State agencies and nearly 80 Non-Governmental organizations (NGO) coalition members.
- *City Model:* The September 28, 2005 launch and coalition activity in Los Angeles, one of the most ethnically diverse cities in the United States, established a new model for *Rescue & Restore* operations within a city. Municipal involvement, combined with the Federal *Rescue & Restore* effort, grantees, and a coalition that numbered more than 100, makes the search for victims in Los Angeles the most intensive in any city to date.
- Nearly one million *Rescue & Restore* materials were distributed through the campaign's more than 900 national and local partners, and 2,983 citizens, intermediaries and potential victims have called the campaign hotline (through September 30, 2005) resulting in more than 120 case leads to law enforcement and nearly 20 percent of calls referred to local organizations. These educational materials include posters, brochures, fact sheets, and cards with tips on identifying victims. This material can be previewed on HHS' website, www.acf.hhs.gov/trafficking.

D. Local and National Media Outreach

- *Prensa Hispana:* In February 2005 reporter Librada Martinez published an article about the sexual exploitation of children. The HHS Anti-trafficking Program Office followed up with the reporter, providing information on the campaign and offering an interview with the Spanish-speaking spokesperson of the Anti Trafficking Office, which the reporter accepted.

- The HHS Anti-trafficking Program produced a 10-minute video to help train intermediaries on how to recognize cases of human trafficking and learn how to initiate support services for those victims. The video showcases trafficking experts and victims in an effort to shed light on the horrors of trafficking, as well as the resources available to help victims rebuild their lives.
- HHS collaborated with The Ricky Martin Foundation to modify its television Public Service Announcements (PSAs) about child trafficking to include the *Rescue & Restore* logo and hotline number. In addition, HHS worked with Mr. Martin to develop and distribute Spanish- and English-language radio PSAs to raise awareness about human trafficking and promote the *Rescue & Restore* hotline. Distribution activities included:
 1. Television PSAs: English and Spanish versions were distributed to more than 150 stations across the country including national networks, cable news networks, cable entertainment networks, and 15 campaign target markets.
 2. Radio PSAs: English and Spanish versions were distributed via satellite to more than 300 stations across the country.
- HHS identified and contacted a number of Federal government and other related resource web pages to augment their sites with information about human trafficking from the *Rescue & Restore* campaign. As a result, several sites linked to the campaign website, including the Federal Citizen Information Center, FirstGov.gov, and Students.gov.
- To further increase brand awareness of the campaign and to drive more individuals to the *Rescue & Restore* website, HHS secured www.rescueandrestore.org. Incorporated into campaign materials (e.g., Ricky Martin PSA) where appropriate, it provided target audiences with an easily remembered web address. Because of the security measures that surround any government website, www.rescueandrestore.org serves as a placeholder site that directs visitors to the official campaign site (www.acf.hhs.gov/trafficking/) for more information.
- The number of visitors to the *Rescue & Restore* Web site in FY 2005 has tripled, thereby educating more individuals about human trafficking and encouraging them to take action to identify and help victims.

- By the end of FY 2005, concerned citizens, service providers, and potential victims have made nearly 4,000 calls to the hotline. In addition, law enforcement has received more than 120 case leads for investigation, and nearly 20 percent of all calls have resulted in referrals to NGOs. States that received the most calls throughout Years One and Two are California, Texas, Florida, Georgia, and New York.
- Local and national media outreach efforts have resulted in more than 198.8 million media impressions for the campaign.

In FY 2005, the HHS team focused on the expansion of current national partnerships and the development of new relationships to increase the level of awareness among these intermediary groups. HHS developed such a partnership with the National Center for Missing & Exploited Children (NCMEC). HHS provided speakers to participate in law enforcement trainings and internal staff meetings to educate NCMEC staff on the issue of human trafficking. HHS also used the materials on child trafficking that it developed with NCMEC as part of national outreach to coalition members and media. Additionally, the HHS Anti-trafficking Program drafted newsletter articles about the organization's partnership with HHS and the issue of human trafficking for distribution to NCMEC's national partners.

In FY 2005, HHS participated in more than 25 speaking engagements helping thousands of key intermediaries gain a greater understanding of human trafficking, how to identify victims and how to initiate services to victims through the hotline. FY 2005 speaking engagements included the following:

Health Care: Migrant Clinicians Network and American Academy of Family Physicians.

Social Service: U.S. Conference of Catholic Bishops, National Consumers League, National Freedom Network, Arizona Refugee Conference, and Fairfax City (VA) Commission for Women.

Ethnic: 8th Annual Latino Summit, League of United Latin American Citizens, and the Ethiopian Development Community Council.

Child Welfare: National Center for Missing & Exploited Children, National Conference on Child Abuse & Neglect, U.S. Conference of Catholic Bishops Roundtable Forum on Child Trafficking, and National Council for Children Trafficking Conference.

Law Enforcement: National Sheriffs' Association, ICE Foreign Visitors, Montgomery County (MD) Police, Florida Coalition Against Human Trafficking/Lee County Sheriff's Office Human Trafficking Unit, Western Regional Taskforce Drive Against Human Trafficking, San Diego County Sheriff's Department, and the Bilateral Safety Corridor Coalition.

Legal: Clinic Training For Lawyers (Portland, OR), U.S. Attorney Western District of New York American Immigration Lawyers Association, U.S. Attorney's Offices in Alabama, Florida, Louisiana and Mississippi, Louisiana District Attorneys' Association, and National Council of Juvenile and Family Court Judges.

E. Liaison with Federal Partners

The program undertakes regular and frequent consultations with Federal partners. These include the monthly consultations with Department of Justice (DOJ) trafficking grantor entities and DOJ enforcement (Civil Rights Division). Communications with the Department of Homeland Security's (DHS) Citizenship and Immigration Services and Immigration and Customs Enforcement are also frequent. HHS is also an active participant in the Senior Policy Operating Group (SPOG) process and the President's Interagency Task Force on Trafficking. The goal of these consultations is to ensure our shared responsibilities are efficiently and effectively discharged in a collaborative manner.

HHS is committed to contributing to the success of Federal partners and to this end entered into a Memorandum of Understanding with DHS and DOJ, to share information between Federal partners.

The program is also building bridges at the local (metropolitan area) level between Federal law enforcement entities (FBI, ICE, and the U.S. Attorneys' staff) and community organizations, for the purpose of increasing referrals of trafficking cases for investigation and prosecution. An element of the detection and rescue strategy is to create at the local level a second mechanism of victim identification based on community activism by intermediaries, as opposed to law enforcement actions. This

second avenue will work only if the community intermediaries are confident victims will be well treated, and this confidence derives from the trust of a personal relationship, which we seek to facilitate.

- HHS has collaborated closely with the DOJ Office of Victims of Crime (OVC), which also is awarding grants to provide services to victims of trafficking.

F. “Rescue and Restore Victims of Human Trafficking” Conclusion

The *Rescue & Restore* campaign has witnessed numerous successes, including developing a cadre of widely requested and used resource materials; recruitment of a diverse national and local network of coalition partners; outreach to intermediaries through workshops, conferences, and trainings; and extensive media coverage to help raise awareness about human trafficking and how to identify and assist victims.

The goal of the HHS anti-trafficking program is to ensure that every victim of human trafficking in the United States is afforded the opportunity to rebuild his or her life in the United States as envisioned by the TVPA. By implication this requires the liberation of every victim and the assurance of efficacious care for every victim. During FY 2005, HHS advanced toward both of these objectives in significant ways. The abolition of human trafficking on American soil cannot be laid at the doorstep of law enforcement alone. Rather, this requires the engagement of whole communities, and the HHS program’s role is to create the tools and the impetus for this to occur.

II. Children’s Bureau Office on Abuse and Neglect (OCAN)

The Office on Child Abuse and Neglect in the Children’ Bureau (OCAN) deals with child sexual abuse perpetrated by parents or caretakers.

A. Child Abuse and Neglect Case Information

Child Maltreatment 2003 is the most recent report issued by the Children’s Bureau on the numbers of child abuse and neglect cases that come to the attention of the State child protective services agencies in the U.S. It is an annual report, and the next edition, *Child Maltreatment 2004* will be released in early April 2005. The 2003 data indicates that “60.9 percent of victims experienced neglect, 18.9 percent were physically abused; 9.9 percent were sexually abused; 4.9 percent were emotionally or psychologically maltreated and 2.3 percent were medically neglected.” More children are sexually exploited/abused than Children’s Bureau data system reports

because the perpetrators are not parents/caretakers and/or they are not reported to the child protection system.

In addition to publishing annual data on the problem, the National Clearinghouse on Child Abuse and Neglect Information, funded by the HHS Administration for Children and Families (ACF), provides a tremendous volume of free information through its website, searchable data base, and its Information Specialists, who can be reached at 1-800-FYI-3366. The annual Child Maltreatment reports are available online, as is a series of “User Manual Guides”—including one on child sexual abuse. The link to the Clearinghouse is: <http://nccanch.acf.hhs.gov>.

April is Child Abuse Prevention Month, and each year ACF works closely with its Federal and non-Federal partners to create a community resource guide, which is available free of charge from our Clearinghouse in hard copy or electronically. The ACF website on “Preventing Child Abuse and Neglect” has a regularly updated list of partners and can be found at: <http://nccanch.acf.hhs.gov/topics/prevention/index.cfm>.

The U.S. Conference of Catholic Bishops and the Lutheran Immigration and Refugee Services have a contract with ORR to run a national clearinghouse/resource center called BRYCS—Bridging Refugee Youth and Children’s Services (www.brycs.org). The HHS Children’s Bureau is working to bring the State refugee coordinators and the child welfare directors together, including some work against trafficking.

B. Community Based Child Abuse Prevention program (CBCAP)

The Community Based Child Abuse Prevention program (CBCAP) is a program managed by the Office on Child Abuse and Neglect (OCAN) that gives States money, on a formula basis, to fund a statewide prevention network and prevention services at the local level. Some of the States, depending on their annual assessment of needs under the legislation mandating this program, put some of their funds into sexual abuse prevention efforts. A roster of the State contacts and additional details for this program are available at www.friendsnrc.org.

C. Children’s Justice Act Program

The Children’s Justice Act (CJA) program at ACF is funded by revenue from fines levied in Federal lawsuits and disbursed through the Victims of Crime Fund, also managed by DOJ. CJA was created to reduce the level of trauma to child victims of sexual abuse and to improve the rate of prosecution in these cases, among other purposes. Several States have used their CJA funds over the years to establish Child

Advocacy Centers; train investigators, attorneys, medical personnel and judges; and to establish Multidisciplinary Teams to improve communication across professions in the handling of child sexual abuse cases.

D. Networks and Coordination

OCAN is responsible for coordination and collaboration across Federal agencies on the issue of child abuse and neglect. The website, <http://nccanch.acf.hhs.gov/>, has links to Federal partners and their work in this arena. In particular, the National Institutes of Health (NIH) has funded several research projects over the years on child sexual abuse. In addition, OCAN has an extensive non-Federal network and includes it in the National Conference on Child Abuse and Neglect, which is held every two years in various locations. The 16th National Conference will be held in Portland, Oregon the week of April 16, 2007. Stop It Now and Darkness to Light are two of the organizations that deal exclusively with child sexual abuse prevention. Other partners, including First Star, National Alliance of Children's Trust Funds, National Exchange Clubs of America, Prevent Child Abuse America, Child Welfare League of America, Childhelp USA, and the various national professional associations, deal in some way with the problem of child sexual abuse.

III. Runaway and Homeless Youth Program in the Family and Youth Services Bureau.

A. Street Outreach Program

To prevent the sexual abuse or exploitation of young people living on the streets, running from, or being asked to leave homes characterized by abuse, neglect, or parental drug or alcohol abuse, the Family and Youth Services Bureau (FYSB) currently funds 124 Street Outreach Programs nationally. In 1994, Congress established the Education and Prevention Services to Reduce Sexual Abuse of Runaway, Homeless, and Street Youth Program, through the Violence Against Women Act of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322). That program created a funding stream which provides funding for the Prevention of Sexual Abuse and Exploitation (also known as the Street Outreach Program).

Through the Street Outreach Program, FYSB awards grants to private, non-profit agencies to conduct outreach designed to build relationships between grantee staff

and street youth. The goal of these efforts is to help young people leave the streets. The local grantees provide a range of services directly or through collaboration with other agencies, specifically those working to protect and treat young people who have been, or who are at risk of being, subjected to sexual abuse or exploitation. These services include the following:

- Street-based education and outreach
- Access to emergency shelter
- Survival aid
- Individual assessments
- Treatment and counseling
- Prevention and education activities
- Information and referrals
- Crisis intervention
- Follow-up support

B. National Runaway Switchboard (NRS)

In addition to the Street Outreach Program, FYSB funds the National Runaway Switchboard (NRS). NRS is a national communications system that assists youth who have run away, or are considering running away, and their families. With its database of more than 17,000 resources, NRS links youth and families across the country to shelters, counseling, medical assistance, and other vital services. Striving to be a one-stop resource for youth in crisis, NRS offers a range of services. These resources can be found on the NRS website at www.nrscrisisline.org.

The NRS hotline, 1-800-RUNAWAY, operates 24 hours a day, 365 days a year, handling more than 115,000 calls annually. More than half of youth callers are on the street. They have run away or been thrown out of the house—and they don't know what to do. NRS helps in the following ways:

- Crisis Intervention: Front-line staff and volunteers complete 36.5 hours of in-

depth training, through which they develop active listening skills and learn to use a solution-based crisis intervention model.

- Information and Referrals: NRS locates local resources and makes appropriate referrals to meet each caller's needs.
- Three-Way Conference Calls: NRS initiates calls between youth and their parents or guardians, staying on the line to mediate the discussion. NRS also initiates calls between youth and social service protection agencies and between adults and organizations that can help resolve their problems.
- Message Relay: When youth and their parents or guardians are not yet ready for one-on-one interactions, they may take the first step toward reconnecting with each other by leaving messages with NRS.
- Advocacy: The NRS front-line team advocates for youth and ensures they get support and guidance from authorities, school administrators, social service agencies, and medical and legal professionals.



**United States
Department of
Homeland
Security**

Addendum II

Reporting on Combating Commercial Exploitation of Children for the U.S. Mid-Term Review on the Commercial Sexual Exploitation of Children in America.

This document is the C3 response to questions in a letter from Shared Hope International ECPAT-USA, and Protection Project, dated November 22, 2005, requesting a report that includes information from relevant offices in DHS with responsibilities to combat commercial sexual exploitation of Children. Please note HP/PIO and HQ Victim-Witness Program were consulted where appropriate.

Claude E. Davenport
Section Chief
Cyber Crimes Center, Child Exploitation Section

1. Have you worked to create a common system of information based on data that allows analysis, evaluation and/or prosecution of the commercial sexual exploitation of children?

The Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), Offices of Investigations (IO), Cyber Crime Center (C3), Child Exploitation Section (CES) manages the agencies child exploitation program area. As an investigative agency, ICE employs many intelligence and investigative tools to accomplish its mission. The tools include systems allowing the immediate sharing of relative information with domestic and international law enforcement agencies. There are specific operational areas within the Child Exploitation Section dealing with the commercial sexual exploitation of children. ICE maintains direct liaison with other federal and state jurisdictions relative to child exploitation matters and actively participates in the DOJ, Office Juvenile Justice and Delinquency Prevention's (OJJDP) Internet Crimes Against Children (ICAC) taskforces throughout the United States.

2. Have you undertaken any actions to combat the demand for services from commercially sexually exploited children?

ICE Offices of Investigations and Office of International Affairs, though our ICE Attaché offices, are proactively working with all countries targeted by child exploiters to combat the sexual exploitation of all children. The arrest and prosecution of child sex tourists and the commercial producers of images depicting

child exploitation and the dismantling of their criminal enterprises are top priorities within ICE. In addition, the ICE Office of Public Information actively publicizes the arrest and prosecution of violators.

3. Have you undertaken any actions such as public awareness and information campaigns with the purpose of fighting commercial sexual exploitation of children?

ICE, in conjunction with NCMEC, has distributed online safety resource packets to its field offices to support their outreach projects. ICE continues to work closely with several international NGO's to increase public awareness and has entered into licensing agreements on several major campaigns by those NGO's.

4. Have you undertaken any steps to inform professionals who are directly involved in problems and services that relate to children and adolescence to educate them on detecting the situations that involve commercial sexual exploitation and on interventions that can assist the victims?

ICE is the United States representative to the Virtual Global Taskforce (VGT), an international law enforcement to law enforcement organization dedicated to providing an international law enforcement presence on the internet and making a safer environment for children on the internet. In furtherance of that goal, ICE continues to approach major internet related companies to endorse the VGT's safe Internet concept and provide quick access to the appropriate reporting agencies and/or law enforcement agencies from their services by those who suspect a child exploitation presence on the Internet. ICE representatives continue to make presentations at multi-jurisdictional and multi-disciplinary conferences, both domestic and international, on child exploitation issues. ICE also actively supports the public education efforts of the ICAC task forces, and partnered NGO's.

5. Have you undertaken any actions to inform children and adolescents about the risk of commercial sexual exploitation?

ICE field offices provide information and resource presentations on safe Internet practices to students and parents at schools, social groups, and other interested forums through our outreach programs. ICE also supports the public education efforts of the ICAC task forces and partnered NGO's. ICE continues to work closely with the NCMEC by providing instructors and speakers in their public education efforts.

6. Have you undertaken any steps to promote the legal reforms to fight commercial sexual exploitation of children? Please emphasize actions aimed at reforms that relate to the legal rights of the victims. The prosecution of the offenders, extraterritoriality legislation and the adoption of means that allow the seizure and confiscation derived from these illicit activities to compensate victims.

ICE works hand in hand with the Department of Justice to enhance United States laws in order to better facilitate the detection, arrest and conviction of child exploiters. With the passing of the PROTECT Act in 2003, ICE has been able to make marked increases the arrest and conviction of child sex tourists (US citizens) who exploit children around the world. As part of normal business, ICE identifies domestic victims of molestation and exploitation in concurrence with the Justice for All Act, and referrals to the appropriate law enforcement and child protective agencies.

7. Have you undertaken any action to support methods of prosecution pertaining to sex offenders, and the creation of a mechanism that prevents the cycle of impunity?

As noted in the questions above, ICE works in conjunction with Department of Justice to strengthen current laws and introduce new legislation to bring child exploiters to justice. ICE's Operation Falcon, is a continuing operation in which non-US citizens, who have been convicted of a crime of "moral turpitude", to include all child exploitation violations, are deported from the United State directly upon their release from the detention facility. At this time, in excess of 6000 violators have been processed by Operation Predator. ICE is continually updating its methodologies and techniques to identify the exploiters of children and expedite their arrest and prosecution.

8. Have you undertaken steps to eradicate the production, distribution, exportation, commercialization, and publication of child pornography?

The investigation of production, distribution, exportation, commercialization and publication of images depicting child exploitation has always been a primary focus of ICE. To further the impact on the violators, ICE field offices have specialized personnel who identify the assets of violators and criminal organizations benefiting monetarily from the exploitation of children. All efforts are made to seize and forfeit those identified assets. The money laundering aspect of child exploitation activities is a high priority with ICE.

9. Have you undertaken any actions to eradicate child sex tourism?

The introduction of the PROTECT Act in 2003, has been a great assistance to ICE in enforcement of actions against child sex tourists. It is now possible for ICE to arrest and prosecute US citizens or registered alien who travel for the purpose of participating in sexual activities with children without showing the violator's intent to commit such a crime. ICE works very closely with the Department of State, many US service organizations, and NGO's in the identification, arrest and prosecution of violators of the PROTECT Act.

10. Have you undertaken steps to support procedural reforms that allow the establishment of an amicable judicial procedure for the victims?

ICE has in place, specially trained personnel at each field office, who assist victims of child exploitation, as well as victims of other federal crimes, in identifying relative service and benefits available to the victims. ICE field offices also work with the relevant state and local support agencies to provide additional assistance to victims of child exploitation.

11. Have you undertaken any actions to assure an effective investigation of the cases or sexual exploitation with the cooperation of inter regional and international government and official authorities? Please mention whatever operation system that has been created for interrelation with INTERPOL?

Through the Ice Office of International Affairs, ICE is in daily contact with our international law enforcement counterparts. ICE, through the Cyber Crimes Center, maintains daily contact with INTERPOL and other international law enforcement child exploitation sections to exchange intelligence and investigative information, to facilitate the identification and rescue of child victims. This effort will be further enhanced by the acceptance of addition member countries to the VGT.

12. Have you adopted specific programs for the rescue of victims?

ICE has no specific program for the rescue of child victims, as the rescue of child victims is a primary function in our normal course of business. Although ICE's primary investigative direction is the detection and seizure of digital and tangible items associated with the possession, manufacture, and distribution of child exploitation items crossing the borders of the United States in a physical and digital

environment, and the subsequent arrest and prosecution of persons engaged in those activities, the rescue of child victims takes primary focus when identified. When a victim of child exploitation is identified, ICE coordinates with the local police jurisdiction and support services to rescue the child.

13. Have you undertaken any actions to develop and implement protocols for inter-institutional and inter-sectorial coordination giving attention to the child victims of commercial sexual exploitation?

As an investigative agency, during its normal course of business, ICE takes immediate action to identify victims and remove them from an exploitative environment.

14. Have you undertaken any actions to promote the participation of children and adolescence to combat the commercial sexual exploitation of children?

ICE has partnered with NCMEC to provide online safety kits as resource information for children and parents. ICE feels it is inappropriate to expose children to new exploitation or re-expose children to further exploitation.

15. Have you put together a working group including government agencies, NGO's and others to pursue the policies of a national plan of action and to assume international and regional commitment to the matter?

ICE actively participates in several law enforcement and NGO working groups, including the Law Enforcement Committee and the Board of Directors at the National Center for Missing and Exploited Children, the Federal Law Enforcement Task Force on Child Exploitation, and the Virtual Global Task Force. All of these working groups actively review and recommend new and innovative methods to aid in the detection, arrest, and prosecution of child exploiters and the rescue of exploited children. In addition, there is continuing discussion and recommendations on legislative changes that will better protect the children.



United States Department of Justice

Addendum III

Report on Efforts to Combat the Commercial Sexual Exploitation of Children for the Mid-Term Review on the Commercial Sexual Exploitation of Children in America

The United States Department of Justice provides the following information regarding its efforts to combat the commercial sexual exploitation of children in response to a questionnaire from Shared Hope International and ECPAT-USA. The responses were prepared by the Office of Legal Policy, with contributions from the Child Exploitation and Obscenity Section of the Criminal Division, the Civil Rights Division, the Office of Justice Programs, the Office for Victims of Crime, and the Office of Juvenile Justice and Delinquency Prevention.

1. Have you worked to create a common system of information based on data that allows analysis, evaluation and/or prosecution of the commercial sexual exploitation of children?

Federal law enforcement agencies such as the Federal Bureau of Investigation (“FBI”), the Department of Homeland Security’s Bureau of Immigration and Customs Enforcement (“ICE”), the United States Postal Inspection Service (“USPIS”), as well as federally-funded Internet Crimes Against Children (“ICAC”) task forces across the country, work closely together with the National Center for Missing and Exploited Children (“NCMEC”) to ensure that information concerning the commercial sexual exploitation of children (“CSEC”) is appropriately shared to facilitate the investigation and prosecution of these cases. In addition, the Department of Justice (“DOJ”) has organized and funded more than 30 multi-disciplinary, joint federal-state-local anti-trafficking task forces in 16 cities across the country that provide a mechanism for sharing information on human trafficking cases, which often involve children.

In addition, the Office of Juvenile Justice and Delinquency Prevention (“OJJDP”) is supporting the development of a regional data collection and tracking system which will allow law enforcement, court personnel, and state and local agencies that serve children (schools, public health officials, child protective services, etc.) to collect and share data on risk factors that indicate a particular child might be at risk for exploitation. This system is the first child sexual exploitation-dedicated data sharing system of which DOJ is aware. It is being developed and tested in Atlanta/Fulton County, Georgia as part of an OJJDP demonstration program. When the data sharing system has produced successful evaluation results, the model will be exported to other communities.

2. *Have you undertaken any actions to combat the demand for services from commercially sexually exploited children?*

OJJDP is currently funding two demonstration programs aimed at reducing demand for services from commercially sexually exploited children and providing services to victims. These programs, in New York City and Atlanta/Fulton County, Georgia (noted above), include public awareness campaigns to educate the public and potential exploiters of children about the effects of abuse on children and criminal penalties for perpetrators. In addition, the Standing Against Global Exploitation (“SAGE”) program in San Francisco, California, which is supported with OJJDP funds, operates the nation’s first “Johns School”—a court referral program, formally called the First Offender Prostitution Program (“FOPP”), for adults arrested for exploitation/prostitution charges, which educates them about the social and personal consequences of exploitation. FOPP is a collaborative effort between the San Francisco District Attorney’s Office, the S.F. Police Department, the S.F. Health Department, local merchants, and the mental health community.

In addition, with respect to prosecutions of exploiters of children forced into prostitution, under the Innocence Lost Initiative as of September 30, 2005, 505 arrests have been made (118 in 2004 and 387 in 2005), 70 indictments issued (26 in 2004 and 44 in 2005), and 67 convictions obtained (22 in 2004 and 45 in 2005). More than 200 child victims have been identified as a result of the initiative.

3. *Have you undertaken any actions such as public awareness and information campaigns with the purposes of fighting commercial sexual exploitation of children?*

As noted in response in Question, 2 OJJDP is currently funding two demonstration programs aimed at reducing demand for services from commercially sexually exploited children and providing services to victims in New York City and Atlanta/Fulton County, Georgia that include public awareness campaigns to educate the public and potential exploiters of children about the effects of abuse on children and criminal penalties for perpetrators.

OJJDP has supported broader scale awareness events as well. In 2003 OJJDP provided funds to help convene “Breaking the Silence,” the first national summit of youth who had been commercially sexually exploited. Organized by the Girls Education and Mentoring Service (“GEMS”) in conjunction with the U.S. Campaign Against the Commercial Sexual Exploitation of Children, this meeting was attended

by more than two dozen youth and an equal number of their sponsors and representatives of allied and interested organizations. The youth developed an agenda for action and met with federal legislators to brief them on the nature of, and solutions to, CSEC.

In addition, also in 2003, OJJDP held a live, national satellite videoconference entitled “Working Together to Stop the Prostitution of Children.” The videoconference featured OJJDP Administrator J. Robert Flores and experts on CSEC, and emphasized the importance of collaboration among public and private sector agencies, community-based organizations, and victims of such exploitation; explored effective prosecution strategies to hold perpetrators accountable; presented strategies for protecting and supporting the victims; highlighted the importance of personal safety awareness, education, and broad prevention efforts; and featured community efforts designed to break the cycle of violence and victimization.

Furthermore, DOJ’s Office for Victims of Crime (“OVC”) also supports several such campaigns. For example, OVC annually conducts a national-scope public awareness campaign on crime victims’ rights and issues, which includes information on labor and sex trafficking. OVC Services for Trafficking Victims Discretionary Grants include funding to support public awareness and community outreach activities on human trafficking, which includes CSEC. For example, one OVC grantee, the Bilateral Safety Corridor in San Diego, has focused on commercial sex trafficking, especially that of minors, and has coordinated numerous public awareness activities in the southern California region. Their most recent public awareness and information activity was the production of a calendar that also serves as an education tool on both sex and labor trafficking. Finally, OVC has recently announced a solicitation for \$350,000 in grants to raise awareness of trafficking in underserved populations.

Similarly, DOJ’s Child Exploitation and Obscenity Section (“CEOS”) in the Criminal Division, which prosecutes child prostitution, child sex tourism, and child pornography, has participated in a project to develop a brochure and posters designed to curb child sex tourism. Its partners are ICE, the Department of State’s Office to Monitor and Combat Trafficking in Persons, and a number of non-governmental organizations, such as NCMEC, End Child Prostitution, Child Pornography and the Sexual Exploitation of Children, World Vision, and Rape, Abuse, & Incest National Network. The brochure and poster are intended to be widely distributed both within the United States and abroad in an effort to combat

the problem.

4. Have you undertaken any steps to inform professionals who are directly involved in problems and services that relate to children and adolescents to educate them on detecting the situations that involve commercial sexual exploitation and on interventions that can assist the victims?

As part of the Innocence Lost initiative, CEOS has partnered with both the FBI and NCMEC to develop an intensive week-long training seminar, held at and sponsored by NCMEC, solely dedicated to the investigation and prosecution of cases involving child prostitution. OJJDP has also supported these efforts with funding. The program brings state and federal law enforcement agencies, prosecutors, and social service providers all from one city to NCMEC, where the group is trained together. This joint training fosters cooperation among professionals responding to CSEC across the spectrum of investigation, prosecution, and victim services.

In addition, one of the primary focuses of the OJJDP demonstration programs described above is to raise public awareness and provide training to professionals to protect exploited youth and to help prevent future exploitation. For example, these programs train public health workers and emergency room health care providers to be alert for youths who repeatedly seek care for STDs and may need help escaping from an exploitative situation. They also encourage school officials to host assemblies on the risks of CSEC to counter popular culture conceptions that prostitution is glamorous or a risk-free path to wealth.

Finally, material on CSEC has been included in other training programs sponsored by OJJDP. For example, programs to educate law enforcement and court personnel about missing and exploited children, child abuse and neglect, internet crimes against children, and other forms of victimization include information on how to recognize risk factors for sexual exploitation in the children with whom they come into contact. These training programs are offered across the country and reach almost 10,000 participants annually.

In addition, DOJ's Civil Rights Division regularly conducts training related to human trafficking that includes children's organizations, foster care services providers, and other entities that work with children.

5. Have you undertaken any actions to inform children and adolescents about the risks of commercial sexual exploitation?

The OJJDP demonstration programs described above include a primary component aimed at children and adolescents: developing and delivering programs to educate them about the dangers of running away and other risk-taking behaviors that are associated with high risk for commercial sexual exploitation. Other community programs supported by OJJDP focus on sending secondary and tertiary prevention messages: working with children and youth who are already exploited or are at great risk of being exploited to provide them with information about the consequences of exploitation and offering options for safety.

6. Have you undertaken any steps to promote legal reforms to fight commercial sexual exploitation of children? Please emphasize actions aimed at reforms that relate to the legal rights of the victims, the prosecution of the offenders, extraterritoriality legislation and the adoption of means that allow the seizure and confiscation derived from these illicit activities to compensate victims.

DOJ has promoted legal reforms to facilitate the investigation and prosecution of CSEC and to provide victims legal rights. The PROTECT Act of 2003 made it a crime for a United States citizen or alien admitted for permanent residence to travel in foreign commerce and engage in illicit sexual activity with minors. Before the PROTECT Act, it was necessary for the prosecution to prove that the traveler intended to have sex with a child prior to traveling in foreign commerce. As it is no longer necessary for the prosecution to prove that intent element in order to obtain a sex tourism conviction, the PROTECT Act has greatly facilitated sex tourism prosecutions in the United States. The Ninth Circuit Court of Appeals upheld the constitutionality of the PROTECT Act sex tourism provision (18 U.S.C. ‘ 2423(c)) on January 25, 2006. Since April 2003, approximately 50 sex tourism indictments or complaints have been brought in the United States and there have been at least 30 convictions.

With regard to protections for victims, on October 30, 2004, President Bush signed into law the Justice for All Act of 2004. Title I of the Act both establishes the rights of crime victims in federal criminal proceedings and provides mechanisms to enforce those rights. See 18 U.S.C. ‘ 3771. These rights include: the right to be reasonably protected from the accused; the right to reasonable, accurate, and timely notice of any public court proceeding, or any parole proceeding, involving the crime or of any release or escape of the accused; the right not to be excluded from any such public court proceeding, unless the court, after receiving clear and convincing evidence, determines that testimony by the victim would be materially altered if the victim

heard other testimony at that proceeding; the right to be reasonably heard at any public proceeding in the district court involving release, plea, sentencing, or any parole proceeding; the reasonable right to confer with the attorney for the government in the case; the right to full and timely restitution as provided in law; the right to proceedings free from unreasonable delay; and the right to be treated with fairness and with respect for the victim's dignity and privacy.

These rights attach upon indictment of a defendant. The crime victim, the crime victim's lawful representative, and the attorney for the government may then assert these rights through a motion to the court in the district in which the defendant is being prosecuted for the crime. If the motion is denied, the crime victim, the crime victim's lawful representative, or the attorney for the government may apply for a writ of mandamus from the appeals court for that district. If a victim believes that he has been denied these rights by an employee of the Department, he may file a complaint with the Department's Victims' Rights Ombudsman, as provided for by regulation. See 70 Fed. Reg. 69650 (Nov. 17, 2005).

7. Have you undertaken any action to support methods of prosecution pertaining to sex offenders, and the creation of a mechanism that prevents the cycle of impunity?

The United States has created the National Sex Offender Public Registry, available on the Internet at <http://www.nsopr.gov>, which allows citizens quickly and easily to obtain information concerning registered sex offenders.

8. Have you undertaken steps to eradicate the production, distribution, exportation, commercialization, and publication of child pornography?

Federal prosecutors enforce federal laws that make it a crime to possess, receive, distribute or produce child pornography in a way that affects interstate or foreign commerce. See 18 U.S.C. " 2251, 2252, 2252A. Thus, federal jurisdiction is implicated when the visual image is transported across state lines, or when the visual image was produced using materials that were transported across state lines. It is important to note that this set of requirements covers electronic transmission of pornographic materials depicting children. Mailing child pornography via the U.S. Postal Service is automatically a federal offense, even if material is mailed to someone in the same state. Moreover, people possessing, receiving, distributing or producing child pornography can be prosecuted under state laws in addition to, or instead of, federal law.

Individuals who sell or purchase children intending or knowing that the child will be involved with any sexual activity are also prosecuted under federal law. See 18 U.S.C. ‘ 2251A. Federal prosecutors have legal authority to prosecute people who buy and sell children for pornographic or sexual activity when the child being sold or transferred must be transported in interstate or foreign commerce, or the offer to sell or purchase the child is communicated or transported in interstate or foreign commerce by any means, including computer or United States mails. Where this interstate conduct does not occur, state and local law enforcement authorities can prosecute this conduct.

The most common child pornography offenses are governed by the following minimum and maximum mandatory sentences:

18 USC ‘ 2251	Production of child pornography (mandatory minimum of 15 years; maximum of 30 years; if repeat offender, then minimum of 25 years, maximum of 50 years)
18 USC ‘ 2251A	Selling or buying children for sexual exploitation (mandatory minimum of 30 years; maximum of life imprisonment)
18 USC ‘ 2252	Distribution and receipt of child pornography (mandatory minimum of 5 years; maximum of 20 years; if repeat offender, then minimum of 15 years, maximum of 40 years)
18 USC ‘ 2252	Possession of child pornography (maximum of 10 years; if repeat offender, then minimum of 10 years, maximum of 20 years)
18 USC ‘ 2252A	Distribution and receipt of child pornography (mandatory minimum of 5 years; maximum of 20 years; if repeat offender, then minimum of 15 years, maximum of 40 years)
18 USC ‘ 2252A	Possession of child pornography (maximum of 10 years; if repeat offender, then minimum of 10 years, maximum of 20 years)
18 USC ‘ 2260	Importation of child pornography (maximum of 10 years; if repeat offender, then maximum of 20 years)

In addition to law enforcement efforts, as noted above, OJJDP has created the ICAC Task Force program. The Task Forces, soon to number 46 local, state, and regional task forces and representing over 1,200 affiliated local, state, and federal law enforcement agencies, are on the front line addressing computer facilitated child sexual exploitation and child pornography through aggressive investigations, prosecutions, computer forensics and community outreach. Moreover, they have become regional clusters of technical and investigative expertise offering both prevention and investigative services to children, parents, educators, law enforcement officers, and other individuals working on child sexual exploitation issues.

9. Have you undertaken any actions to eradicate child sex tourism?

See response to question 6, above.

10. Have you undertaken steps to support procedural reforms that allow the establishment of an amicable judicial procedure for the victims?

See response to question 6, above.

11. Have you undertaken any actions to assure an effective investigation of the cases of sexual exploitation with the cooperation of interregional and international governments and official authorities? Please mention whatever operating system has been created for interrelation with INTERPOL.

The FBI, USPIS, CEOS and representatives of the ICAC Task Forces participate in biannual meetings of the Interpol Specialist Group on Crimes against Children, which includes approximately 30 Interpol member countries having an interest in combating child exploitation.

In addition, CEOS has been a prominent participant in the efforts of the International Association of Prosecutors (“IAP”) to establish best practices and guidelines for the protection of children. For example, CEOS chaired an IAP group that developed guidelines for protecting children from exploitation via the Internet. CEOS has also worked with Interpol’s Standing Working Party (“SWP”), which brings together law enforcement experts in child exploitation from the member countries in an effort to coordinate investigations of child abuse, child pornography, sex tourism, and trafficking in children for sexual purposes. The SWP meets twice a year and has produced numerous recommendations for best practices in combating child exploitation which have been adopted by the General-Secretariat. In addition, the

SWP has produced an investigator's manual for child exploitation investigations.

12. *Have you adopted specific programs for the rescue of victims?*

In addition to the Innocence Lost Initiative described above in response to question 2, which rescues children who are forced into prostitution, the United States has adopted programs to locate and rescue victims depicted in child pornography images. Three major U.S. efforts include:

a. CVIP and CRIS

In the fall of 2002, OJJDP funds were awarded to NCMEC to create the Child Victim Identification Program ("CVIP") and the Child Recognition and Identification System ("CRIS"). Through these efforts, CVIP analysts, along with the cooperation of law enforcement, are working together to identify the many children who have been victimized by child pornographers and the individuals who sell, trade and distribute these horrible images.

CRIS is a computer program developed by CVIP to scan and select image files containing child victims who have been identified by law enforcement in past investigations. The system recognizes images based solely on the MD5 hash values (a mathematical algorithm) to verify that the content of a file exactly matches another. Local and federal law enforcement agencies and prosecution teams are able to submit seized contraband to a federal law enforcement agent assigned to NCMEC, requesting the images be reviewed for identified children. In addition to the CRIS review, all files, both image and video, receive a visual review by a CVIP analyst to ensure thoroughness of the report.

As of February 2006, CVIP had received 4,524 requests from law enforcement for image review, providing identifying information on positive hits to the law enforcement and prosecutors who make these requests. These reports do not include specific information about the child victim, but instead list the law enforcement contact that can verify and testify as to the victim child's existence. In addition, as of February 5, 2006, 608 victims have been identified in child sexual abuse images and more than 3.2 million images have been processed through the CRIS system.

The most important function of CVIP, however, is working to identify the unidentified children seen in these abusive images. During the evidence reviews,

CVIP analysts look closely at the images of unidentified children for any potential clues as to the location of the sexual abuse (i.e., phone books, wall outlets, newspapers, shopping bags, license plates, etc). When images containing such clues are found, CVIP analysts begin documenting all of the potential clues that will hopefully lead to a jurisdiction. Once a possible jurisdiction has been determined, CVIP analysts enlist the assistance of the appropriate law enforcement agency in that area to locate the child victim(s). In the last year, CVIP has been involved in the successful identification of 12 previously unidentified child victims.

CVIP has proven to be a critical resource to federal agencies, law enforcement and prosecutors. While we recognize that the number of images reviewed pales in comparison to those identified, we know that these images are circulated ad nauseam over the Internet. This means that having even a relatively small number of children identified has an impact on our ability to support thousands of investigations and prosecutions.

b. NCVIS

The National Child Victim Identification System (“NCVIS”) is a cooperative effort between federal, state, local, and foreign law enforcement agencies and civilian entities. The system is managed and administered by ICE’s Office of Investigations, at the Cyber Crimes Center in Fairfax, Virginia. The primary focus of the NCVIS is to assist all law enforcement agencies in identifying victims of child sexual exploitation and to track the transmission of digital images being circulated through electronic mediums to include but not limited to, Internet Websites, Email, ICQ, Instant Messenger, Newsgroups, Chat Rooms, MIRC, etc. NCVIS is a secure computer-based initiative that was conceived as a proactive investigative tool to assist in child exploitation investigations.

With special funding from the Department of Treasury, the NCVIS system has been operational since 2003. The initial system was brought online in a controlled environment for accuracy and reliability testing. As benchmarks were met, actual enrollment of images took place for real time testing. The system has gone through several enhancements and upgrades to increase the speed of search, filter methods, ease of use and report generation. The system currently has more than 100,000 images enrolled, and as of July 1, 2005 (the latest figures available), the system had reviewed in excess of 317,000 suspect images with a 91.22 percent successful identification rate.

c. ECAP

The FBI's Endangered Child Alert Program ("ECAP") is a new and aggressive approach for the United States to identify unknown individuals involved in the production of child pornography and the actual sexual abuse of children. ECAP was implemented on March 3, 2004 and provides national and international media exposure of unknown adult persons captured within child pornography. As a first step to identify the individual, the unknown person's face is displayed on the Seeking Information section of the FBI's website at www.fbi.gov/mostwant/seekinfo/seekcac.htm. Next, the FBI canvasses all of its investigators who work on child exploitation matters and request that the same information is provided to the local law enforcement within their territories. If the individual still is not identified, the person's face will be shown on the popular American television show America's Most Wanted: America Fights Back. This show highlights unsolved crimes and then requests that the public help to identify and to find the offenders. Of particular significance in these cases was that for the first time, the FBI's Innocent Images program obtained "John Doe" arrest warrants based solely on images acquired through undercover investigations. It is believed that national and international exposure will lead to rapid identifications and arrests of persons involved in child pornography and sexual abuse of minors. This new program and method is intended to aggressively pursue and thwart individuals who are actively abusing children.

OJJDP also supports community-based programs that serve child victims. These programs include:

The Paul and Lisa Program, Inc., New York, New York

The Paul and Lisa Program is a 20-year-old child rescue organization, providing support and aid to women, teens, and children who have been commercially sexually exploited. It helps them to escape from prostitution and reestablish a positive and productive life. One of the hallmarks of the Paul and Lisa program is its aggressive street outreach program to identify and provide services to children who are living and working on the streets in New York City.

Standing Against Global Exploitation, San Francisco, California

SAGE is a ten-year-old nonprofit service provider in San Francisco that conducts outreach and delivers comprehensive health, legal, advocacy, jobs training and

other support services to CSEC adults, youth and teens, and works with law enforcement and the local district attorney's office to assist in holding offenders and traffickers accountable for their actions.

Girls Education and Mentoring Project, New York, New York

GEMS provides preventive and transitional services to young women, ages 13-21 years, who are at risk for or involved in sexual exploitation and violence. GEMS was founded in January 1999 in response to the overwhelming need for services for young women at-risk for, or involved in, sexual exploitation who were slipping through the cracks of traditional agencies. It became clear that specialized services were essential for this disenfranchised population. GEMS was specifically designed to meet the needs of at-risk young women by providing them with empathetic, consistent support and viable opportunities for positive change.

13. *What rehabilitation and recovery programs have been created for victims?*

The community organizations supported by OJJDP, described above, focus on recovery and rehabilitation for victims. In addition, the two OJJDP demonstration programs in New York and Atlanta/Fulton County, Georgia operate or are planning to operate secure shelters for exploited children. These shelters provide physical safety as well as opportunities for training, education, physical and mental health care, and support through the criminal justice process.

14. *Have you undertaken any actions to develop and implement protocols for inter-institutional and inter-sectorial coordination giving attention to the child victims of commercial sexual exploitation?*

OJJDP is directly involved in improving coordination among professionals involved in prevention efforts, protection of exploited youth, and prosecution of offenders in order to address CSEC in a holistic way. For example, the OJJDP demonstration programs promote cross-training of judges, prosecutors, law enforcement, and human service providers in order to encourage information sharing that will improve the investigation and prosecution of CSEC cases.

15. *Have you undertaken any actions to promote the participation of children and adolescents to combat the commercial sexual exploitation of children?*

OJJDP's demonstration programs and the community service organizations supported by OJJDP described above focus on including the voices and perspectives of child survivors of exploitation in their work to educate the public, train and cross-train professionals, and develop programming for survivors. Additionally, the staffs of each of the OJJDP-supported community organizations include survivors of exploitation.

16. Have you put together a working group including government agencies, NGO's and others to pursue the policies and national plan of action and to assume international and regional commitment to the matter?

OJJDP convenes the Interagency Task Force on Missing and Exploited Children, which meets quarterly to review legislation, policy, and programs to prevent CSEC. The Interagency Task Force includes both federal partners, such as the Department of Justice, Department of Homeland Security, and the Department of Interior's Bureau of Indian Affairs, and the National Center for Missing and Exploited Children.



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