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## Trailblazing State Law on Human-Traffic Bogs Down

By Judith Spitzer  
WeNews correspondent  
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### Subhead:

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### Byline:

Judith Spitzer

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SEATTLE (WOMENSENEWS)--King County prosecutors here in Seattle partnered with the U.S. Attorney's Office of the Western District in 2009 to charge 10 members of a violent street gang with recruiting and forcing female teens into organized prostitution.

One of those charged, 19-year-old DeShawn Cash Money Clark, wound up being convicted on two counts of human trafficking. He is now serving a 17-year prison sentence.

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For anti-trafficking activists the conviction--the first brought under the state's pioneering human trafficking statute--marked a milestone. But it also offered a measure of disappointment.



Anti-sex trafficking protest sign.

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In 2000 federal legislation criminalized human trafficking for the first time and in 2003 Washington became the first state to pass a similar law. The key provision of the legislation was that it criminalized human trafficking just as the 2000 federal legislation had done. A series of laws since then have addressed restrictions on sex tourism, along with confidentiality and benefits for victims.

There are some good reasons for the state to have led the way, given some inviting physical features for traffickers: an international border with Canada, two major ports, an interstate highway connecting from Seattle to south California and considerable rural areas.

Since Washington passed its law, other states followed suit. Today only nine states lack laws criminalizing human trafficking.

It took six years for the first conviction, Clark's two counts, in Washington though. In a more recent case, Baruti Hopson, a 32-year-old Seattle man, was convicted in January 2011 of beating, raping and prostituting a 15-year-old runaway girl from Auburn. Hopson was sentenced to more than 26 years in prison in March under enhanced penalties for pimping out a juvenile.

Besides these two convictions, it's hard to track down any others prosecuted at the state level.

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## Enforcement Required

The law is meaningless without enforcement, says Velma Veloria, a former Washington State representative who introduced the 2003 bill. She was the first Filipina-American woman to serve as a state lawmaker.

Veloria became concerned about the problem of human trafficking after killings in the state of several so-called mail-order brides; women who arrive from foreign countries through brokers (or traffickers) and enter financially and culturally dependent partnerships with relative strangers that can leave them abused and legally stranded - and many times unable to speak the language.

Rob McKenna, Washington's attorney general, says law-enforcement agencies and prosecutors weren't properly educated about the trafficking law and how to use it.

"Penalties weren't high enough to make it an attractive enough (solution)," McKenna says.

Since 2008, McKenna says his office has increased its training programs for law enforcers and prosecutors.

Sex trafficking in Washington has involved girls as young as 12 and younger. Many have been lured into prostitution by street gangs or family members in a quest for drugs or money or some combination of those factors.

The average age of entry into prostitution in the United States is 12 to 14 years old, according to the state's attorney general's office and other sources.

In January of this year, state penalties for commercial sex trafficking and sex trafficking of minors were toughened. Now the commercial sex abuse of a minor, defined as "exploitation in which a commercial sex act is induced by force or coercion or in which case the person induced to perform sex acts is a minor -- or under 18," is a felony equal to a first-degree rape charge. It's now punishable by seven to 10 years in prison rather than the previous two-year sentence. Those convicted of selling or buying minors must also register as sex offenders for 15 years after serving their sentence.

But McKenna says there is much more to do. "For me, where we are with human trafficking today is where we were with domestic violence 30 or 40 years ago. There is a really low awareness that the problem exists, there is inadequate training of law enforcement agencies and social service providers and there are few, if any, services for victims."

# Fear of Reprisal

James Dold is policy counsel for the Polaris Project, an anti-trafficking group that helps victims and works for systemic change. He says the lack of prosecutions can be tied partly to victims' reluctance to testify out of fear of reprisal.

Dold says Washington is "ahead of the game" compared to many states in providing victim-protection services. But adds that, "We need for all involved to be under the assumption that these women are victims--there needs to be a victim-centered policy," he says.

Washington is one of only two states in which persons under 18 are immune from prosecution under trafficking laws.

"There's a need to focus victim protections and services and have witnesses who will cooperate. It's hard to make sure victims feel safe and comfortable in order to testify against the bad guys. These laws begin to get at that in order to put protocols in place like social services and different resources from agencies ... like shelter," Dold says.

Former U.S. Rep. Linda Smith, founder of the Vancouver-based Shared Hope International, an organization that rescues victims of sex trafficking, says traffickers are not the only perpetrators. She thinks a sharper legal eye should be cast on the people who create demand for sex traffickers.

"We can focus on the pimps as bad guys but as far as I'm concerned, the men out there shopping for sex, buying someone else's 13-year-old daughter, are the ones who should be spending their lives in jail," says Smith. "They've certainly taken (the victims') lives."

Smith says the goal should be taking a protective stance toward the victim--emotionally, physically and psychologically--and giving her or him the same service as other victims of violent crime.

# Women's Groups Involved

Former state Rep. Veloria worked on passage of the 2003 anti-trafficking law alongside a number of other women's rights activists, including Sutapa Basu, director of the Women's Center at the University of Washington.

Their activism was galvanized by trainings and information provided by the Washington, D.C.-based Center for Women Policy Studies, a group founded in 1972 that provides analysis and research on a number of gender-sensitive issues, including human trafficking.

"When they learned (more) about trafficking through seminars we do, they worked their brains out," said Leslie Wolf, president of the center. "They took their education and brought it to legislation. They are great advocates for people in the state."

The State Department estimates that 2 million children are subjected to prostitution in the global commercial sex trade. Sex trafficking has devastating consequences for minors, including long-lasting physical and psychological trauma, disease (including HIV/AIDS), drug addiction, unwanted pregnancy, malnutrition, social ostracism and possible death, according to their Trafficking in Persons Report 2011.

Domestically, a 2009 University of Pennsylvania study estimated that nearly 300,000 youth in the United States were at risk of being sexually exploited for commercial uses, "most of them runaways or thrown-aways,"

Veloria, the key backer of the path-breaking 2003 law, says she always knew that laws, in and of themselves, wouldn't end the problems.

"We need to address women's poverty, immigration and language barriers," she says. "We need to address the problems women have and help them."



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*Judith Spitzer is an independent journalist who lives and works in the Pacific Northwest.*

## For more information:

U.S. State Department's Trafficking in Persons Report 2011:

<http://www.state.gov/g/tip/rls/tiprpt/2011/>

Shared Hope International:

<http://www.sharedhope.org/>

Polaris Project:

<http://www.polarisproject.org/>

Washington Anti-Trafficking Response Network (WARN):

<http://warn-trafficking.org/>

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