



EXECUTIVE SUMMARY

United States of America*



* Download full report at: http://www.ecpat.net/EI/Pdf/A4A_II/A4A_V2_AM_USA.pdf

Introduction

Despite being the largest economy in the world, children in the United States of America (United States) are worse off than their peers in less rich countries in key areas of health, education and poverty. The United States in recent years has made progress in addressing the problem of commercial sexual exploitation of children (CSEC) through the adoption of strong laws, policies and practices. However, implementation remains insufficient. This is exacerbated by relatively common attitudes that view some sexually exploited children as juvenile delinquents undeserving of protection and facilities under the child welfare system.¹

In the United States **prostitution of children** is generally viewed as a phenomenon limited to developing countries, outside the United States.² Although reliable figures are not available, government information suggests that there are at least 100,000 children exploited through prostitution every year in the United States. While studies indicate that most child victims of exploitation in the sex industry are girls, there has also been an increase in the numbers of boys exploited.³ Runaway and homeless children, especially of Native American origin, are identified as the most vulnerable groups.⁴ However, a large number of sources and statistics on child prostitution are outdated, calling for a need to collect data on recent demographics.

The United States is primarily a destination country for **children trafficked for sexual purposes**. Adult and children are trafficked from all over the world for the purposes of sexual and labor exploitation; however, internal or domestic sex trafficking also occurs.⁵ Despite

an increase in databases and research on trafficking issues, the United States government still does not know how many children are trafficked each year. Obtaining accurate figures is difficult because of the decentralised federal, state and local structures in the United States; the hidden nature of these crimes; and a lack of funding for relevant research.⁶ The government, despite having a strong law enforcement regime aimed at prosecuting trafficking cases, has failed to make much progress in community based prevention efforts. The United States also allocates only a small portion of the large investment it makes on human trafficking to children's issues.⁷ The country lacks specialised shelter and housing to provide immediate care and assistance to child victims of trafficking.⁸ The United States is one of the main hosts of commercial **child pornography** websites and more than half of the child sexual abuse images that are sold worldwide are generated from the United States.⁹ Although, the United States has instituted various programmes to identify child pornography on the Internet, online "grooming" of children for exploitation remains a serious problem.

United States citizens constitute a significant portion of international child sex tourists. Some who sexually exploit children in foreign countries consider such exploitation as a respectable way of helping a poor child earn money, and many travelers are unaware that engaging in **child sex tourism** is an offence in the United States, no matter where it is committed. With strict laws on child sex tourism in place, the predators are also improving their capacity to operate online in a less risky and detectable manner.¹⁰ Most

National Plan of Action

The National Strategy for Child Exploitation Prevention and Interdiction, which requires yearly reporting by the Department of Justice, identifies five priority areas: child pornography; online enticement of children for sexual purposes; commercial sexual exploitation of children (CSEC); child sex tourism; and child exploitation in Indian Country. The National Strategy also defines specific programmatic goals, which include supporting and increasing

outreach and education about CSEC; creating and disseminating a national database to aid in investigations; increasing prosecutions and prosecution training; increasing collaboration between the various government agencies and entities engaged in the fight against CSEC; and supporting relevant research related to child exploitation.¹² Implementation is led by a National Coordinator, appointed by the Department of Justice.

Coordination and Cooperation

There are several offices working on different aspects of international and domestic trafficking of children in the United States, and lack of coordination has been identified as a key concern in anti-CSEC efforts. The United States government has taken measures to improve cooperation against human trafficking, but those measures are not focused enough on tackling and preventing child trafficking for sexual exploitation. In addition to the structures within the offices, there are 39 anti-trafficking task forces operating nationwide and comprised of key governmental and non-governmental actors.¹³ However, bureaucratic requirements and narrow mandates often impede coordination and pose difficulties in reaching and assisting child victims. The United States is currently also hampered by the absence of coordinating body for data collection, which hinders its ability to obtain reliable estimates of the number of children victimised by all forms of sexual exploitation.

The United States government has developed initiatives to increase cooperation between

government agencies and civil society organisations. Efforts have also been made to foster collaboration between government agencies and the private sector. The United States is also currently working with other states of the Organization for American States (OAS) to develop a regional plan of action on trafficking in persons.¹⁴ At the international level several initiatives have been developed to foster collaboration for effective investigation and prosecution of child abuse images. The government has built global awareness of the crime of trafficking in over 60 countries through the annual Trafficking in Persons Report. Although the government funds public awareness campaigns in other countries, it has failed to raise awareness among its own citizens, leaving a major gap. Additionally, although the United States cooperates with foreign law enforcement officials on child sex tourism, differing legislation and insufficient political will continue to be a major impediment to strengthening international cooperation.

Prevention

The United States continues to focus insufficient attention on prevention, primarily relying on the threat of a well-developed law enforcement regime to act as a deterrent to CSEC offences.¹⁵ The underlying social factors contributing to continuing demand are not

deliberated or discussed. There are limited campaigns at the national level aimed at generating awareness related to Internet safety and trafficking. Awareness campaigns fail to address the problem of American teenagers being integrated into the adult prostitution

market, creating a major gap in understanding the depth of the problem of CSEC in the United States. Furthermore, awareness campaigns continue to be isolated and small, failing to reach broad audiences and provide a consistent coherent message. A coordinated, systematic awareness raising strategy is imperative for a country as large and diverse as the United States.¹⁶

Although an outreach program aimed at reducing vulnerability of children living on the street is being conducted throughout the United States, the obstacle of adequate living arrangements for these children remain a challenge. The foster care and adoption systems are overburdened and lack appropriate funding for their in-home service.¹⁷

The United States has also engaged in several capacity building activities to raise awareness of government officials about CSEC; however, training and education is not provided systematically to all relevant stakeholders involved in prevention, prosecution and victim assistance. In addition, the tool kits provided in the training, while useful to an extent, do not

include many pieces of significant information, leaving some of the major issues unaddressed.

While public sector involvement, especially to combat the global spread of child pornography and strengthen online child safety has multiplied in recent years, there is still much to be done. The Online Safety and Technology Working Group has noted that cooperation between the industry and public institutions should be further strengthened to increase the impact in schools and local communities.¹⁸ Furthermore, it is also essential to encourage the involvement of smaller service providers to ensure that they comply with the legal obligation to report child pornography.¹⁹

The United States has also promoted several deterrence measures at both the federal and state levels to understand social norms and behaviours that fuel the demand for commercial sex. However, research conducted in 2009 revealed that little evidence exists to prove the effectiveness of these practices in preventing sexual abuse and exploitation of children.²⁰

Protection

The United States has ratified, albeit with reservations, some international treaties relating to child rights, such as the *OPSC*; however, the United States is one of only two countries in the world that has failed to ratify the *Convention on the Rights of the Child* (the other being Somalia).²¹ At the regional level, the United States has ratified the Central and North American Regional Guidelines for Special Protection in Cases of the Repatriation of Child Victims of Trafficking.

Since the United States has a dual system of law, dividing power between the federal government and the fifty states, which leads to enormous bodies of legislation, this summary report shall only focus on relevant federal laws.

Child prostitution is primarily addressed by legislation at the state level; however, federal law does apply when child prostitution involves interstate or foreign transactions. Because the United States's definition of trafficking does not require movement, under the *Trafficking Victims Protection Reauthorization Act*

(TVPPRA) all child victims of prostitution are considered victims of **trafficking**. American children who are victims of prostitution are thus entitled to support as domestic trafficking victims, including through pilot projects and programmes to establish residential treatment facilities for juvenile victims.²² However, these programmes have so far not received funding and have not been implemented. Many States in the United States treat children engaged in prostitution as criminals rather than victims and allow children to be prosecuted for prostitution. This inconsistency between the national and state/local laws regarding child prostitution is a serious impediment to safeguarding the rights of sexually exploited children.²³

In the United States, production, advertisement, distribution, receipt, and possession of **child pornography** are all criminal offences according to title 18 of the *US Code*, which exceeds the requirements of the *Optional Protocol* by criminalising mere possession of child pornography as well as

knowingly accessing with intent to view child pornography. The *PROTECT Act* of 2003 prohibits the production of material portraying children involved in sexually explicit conduct and criminalises extraterritorial production of such material for subsequent distribution in the United States.²⁵

The United States regulates matters on **child sex tourism** through the *PROTECT Act*. It is illegal for US citizens or residents travelling abroad to engage in any kind of sexual activity with a child under the age of 18. Mere attempt to commit the crime is punishable under the Act and travelling with intent is not essential to establish the crime.

There are a number of pieces of proposed new legislation that would strengthen support to child victims and enhance the investigation and prosecution of CSEC cases; however, all of these appear to have been stalled within the United States Congress.

There are many agencies and departments in place within the Federal Government to investigate and prosecute crimes against children, as well as to provide services to child victims. However, coordination among these **child protection units** is minimal, often leading to a piecemeal approach to combating the problem of CSEC and making it difficult to ensure the protection of all children across the country.²⁶

The United States government has high quality training resources and facilities for law enforcement and some good examples of effective training. However, comprehensive

nationwide training is a challenge due to the fact that there are over 19,000 police forces in the United States, ranging from the New York Police Department, with 40,000 officers, to small town police forces. Additionally, there have been minimal training opportunities for family and juvenile court judges and attorneys representing child welfare agencies and children. Thus, there is very limited knowledge among attorneys and judges about CSEC or the protection afforded by the *Trafficking Victims Protection Act*.²⁷ Law enforcement units working along the Mexican border appear to be receiving insufficient training and often deport potential trafficking victims rather than following the procedures outlined in the TVPA.

While the United States has passed sound laws and established appropriate policies that provide **support services for children**, there remains a wide gap between laws, policies and practice, including poor support services for both international and domestic child victims of sexual exploitation. These inconsistencies and practices leave children with inadequate assistance and protection.²⁸

United States has suffered from a serious lack of specialised shelter homes for CSEC victims. According to US Congresswoman Carolyn Maloney, fewer than 50 beds are available to address the needs of the 100,000 children victimised by sexual exploitation.²⁹ In response to this gap, the *Domestic Minor Sex Trafficking Deterrence and Victim Support Act* of 2010 was enacted; however, the bill appears to be stalled with no signs of progress. The United States should work towards passage of this bill as quickly as possible.

Child and Youth Participation

The United States has been actively involved in a few initiatives to promote child and youth participation, especially through the federal Office of Juvenile Justice and Delinquency Prevention, which has involved child and youth participation as part of several community pilot projects. Most other initiatives are

implemented by NGOs, such as ECPAT USA and Kristi House. However these initiatives remain limited to individual projects and have not yet become a key component of efforts to prevent and respond to the commercial sexual exploitation of children.

National Plan of Action

The United States government must expand and provide measurable goals and objectives in the National Strategy for Child Exploitation Prevention and Interdiction and allocate resources for its prompt implementation. Regular monitoring and evaluation is also equally necessary.

Cooperation and Coordination

The United States government must develop and implement a wide system for data collection in order to achieve reliable, disaggregated estimates of the number of child CSEC victims. Enhanced coordination among various governmental agencies responsible for the investigation and prosecution of CSEC offences is vital. United States must also continue to pursue international and regional cooperation through the exchange of information related to child sex trafficking, action plans, and methods of responding to cases of suspected child sex tourism.

Prevention

The United States must develop a model school curriculum on commercial sexual exploitation of children. It is also essential to adopt a proactive preventive program focused on the demand side of child sexual exploitation. The United States must also support research and raise awareness of CSEC among government officials and citizens.

The United States government must implement 'Clean Feed', which allows participating Internet Service Providers (ISPs) to block access to child pornographic content. The government must also encourage and support initiatives against child sex tourism, such as the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism

Protection

The United States must ratify the *Convention on the Right of the Child*, revive the International Megan's Bill and encourage its speedy passage in the Senate.

The United States government must also work closely with NGO's on developing and implementing strategies to increase the number of identified child victims and continue to build capacity of state and local actors and law enforcement officials that may come in to contact with potential child victims.

The United States government must strengthen training throughout the entire immigration system, broaden partnerships and improve coordination with civil society. The government must also establish special gender-sensitive units and children's desks within police forces, involving multidisciplinary professionals, such as health professionals, social workers and teachers to address sexual crimes against children.

Recovery and Reintegration

The United States must ensure that foreign child victims of trafficking are not deported but rather granted the necessary services to ensure their physical and psychological recovery. When a victim's age is uncertain, the young person in question should be treated as a possible child victim until there is a contrary determination. The government must also improve financial accounting methods for federally allocated resources for prevention and prosecution of CSEC and for services to protect and rehabilitate children who are victims or at high risk of victimisation. The United States should provide dedicated federal funding streams similar to those now established for foreign victims of trafficking for sexually exploited American children. Increased resources for effective services for victims, especially physical shelter, should be included.

Child and Youth Participation

The United States must make efforts to include children and youth in dialogue regarding social norms and practices that make them vulnerable to sexual exploitation and involve them in the planning, implementation and monitoring of programmes designed to address CSEC. The

United States also must promote and support programmes that help children gain a deeper knowledge of their own rights to be free from sexual exploitation and the options available to them to address abuse so that they are empowered, with the partnership of adults, to end sexual exploitation.

Endnotes

- 1 Beyond Borders, ECPAT-USA & Shared Hope International, Report of the Canada-United States Consultation in Preparation for World Congress III Against Sexual Exploitation of Children and Adolescents. Arlington. 2-3 October 2008. Accessed on 29 September 2011 from: http://www.ecpat.net/WorldCongressIII/PDF/RegionalMTGs/canada_us_consult_report_final.pdf.
- 2 Domestic Minor Sex Trafficking Deterrence and Victims Support Act of 2010, sec. 2. United States. Accessed on 29 September 2011 from GovTrack:<http://www.govtrack.us/congress/billtext.xpd?bill=s111-2925>.
- 3 Rosen, David. Looking for Safe Harbor: Teen Prostitution in America. CounterPunch, 2-4 August 2008. Accessed on 29 September 2011 from: <http://www.counterpunch.org/rosen08022008.html>.
- 4 Keopplinger Suzanne, Sex Trafficking OF American Indian Women and Girls in Minnesota, University of St. Thomas Law Journal, Vol 6, Issue 1, 2008, Accessed on 16 February 2012 from: <http://ir.stthomas.edu/cgi/viewcontent.cgi?article=1179&context=ustlj&eiredir=1&referer=http%3A%2F%2Fwww.google.com%2Furl%3Fsa%3Dt%26rct%3Dj%26q%3Dkoepplinger%252C%2520s.%2520%282008%29.%2520sex%2520trafficking%2520of%2520american%2520indian%2520women%2520and%2520girls%2520in%2520minnesota%26source%3Dweb%26cd%3D3%26ved%3D0CCwQFjAC%26url%3Dhttp%253A%252F%252Fir.stthomas.edu%252Fcgi%252Fviewcontent.cgi%253Farticle%253D1179%2526context%253Dustlj%26ei%3D5c88T6-DJ8WrrAf3hoTVBw%26usq%3DAFQjCNE2FrrLdpa7PQwqLx3LKtVb5zXPcw#search=%22keopplinger%2C%20s.%20%282008%29.%20sex%20trafficking%20american%20indian%20women%20girls%20minnesota%22>
- 5 Trafficking in Persons Report 2009. US Department of State. June 2009.
- 6 Beyond Borders, ECPAT-USA & Shared Hope International. Report of the Canada-United States Consultation in Preparation for World Congress III Against Sexual Exploitation of Children and Adolescents. Arlington. 2-3 October 2008. Accessed on 29 September 2011 from: http://www.ecpat.net/WorldCongressIII/PDF/RegionalMTGs/canada_us_consult_report_final.pdf.
- 7 Friedman, Sara Ann. Alternative Report to the Initial Report of the United States of America to the UN Committee on the Rights of the Child Concerning the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. ECPAT-USA. 2007. Accessed on 29 September 2011 from: http://www.crin.org/docs/USA_ECPAT_NGO_Report_OPSC.pdf.
- 8 Maloney, Carolyn. Statement at Hearing on Domestic Minor Sex Trafficking of the Subcommittee on Crime, Terrorism, and Homeland Security. 15 September 2010. Accessed on 29 September 2011 from: <http://judiciary.house.gov/hearings/pdf/Maloney100915.pdf>.
- 9 Muir, D. Violence Against Children in Cyberspace. ECPAT International. 2005.
- 10 The National Strategy for Child Exploitation Prevention and Interdiction: A Report to Congress. US Department of Justice. August 2010. Accessed on 29 September 2011 from: <http://www.projectsafchildhood.gov/docs/natstrategyreport.pdf>.
- 11 Ibid
- 12 Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Najat Maalla M'jid: Addendum: Mission to the United States of America. United Nations General Assembly. 7 February 2011. Accessed on 29 September 2011 from: <http://www2.ohchr.org/english/bodies/hrcouncil/docs/16session/A-HRC-16-57-Add5.pdf>.
- 13 Trafficking in Persons Report 2011. US Department of State. June 2011.
- 14 The National Strategy for Child Exploitation Prevention and Interdiction: A Report to Congress. US Department of Justice. August 2010. Accessed on 29 September 2011 from: <http://www.projectsafchildhood.gov/docs/natstrategyreport.pdf>.
- 15 Jonathan Todres, Taking Prevention Seriously: Developing a Comprehensive Response to Children Trafficking and Sexual Exploitation, Vanderbilt Journal of Transnational Law, Vol. 43, No. 1, 2010, January 29, 2010. Accessed on 16 February 2012 from http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1544301.
- 16 Information received from ECPAT USA, 16 February, 2012.
- 17 Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Najat Maalla M'jid: Addendum: Mission to the United States of America. United Nations General Assembly. 7 February 2011. Accessed on 29 September 2011 from: <http://www2.ohchr.org/english/bodies/hrcouncil/docs/16session/A-HRC-16-57-Add5.pdf>.
- 18 Youth Safety on a Living Internet: Report of the Online Safety and Technology Working Group. 4 June 2010. Accessed on 30 September 2011 from the National Telecommunications and Information Administration:

- http://www.ntia.doc.gov/reports/2010/OSTWG_Final_Report_070610.pdf.
- ¹⁹ Ibid
- ²⁰ Finkelhor, David. The Prevention of Childhood Sexual Abuse. *Preventing Child Maltreatment*, 19 (2), Fall 2009, 169-194. Accessed on 30 September 2011 from: http://futureofchildren.org/futureofchildren/publications/docs/19_02_08.pdf.
- ²¹ *United Nations Treaty Collection. Convention on the Rights of the Child*. Accessed on 3 October 2011 from: http://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&lang=en.
- ²² Trafficking Victims Protection Reauthorization Act of 2005, United States. Accessed on 15 December 2011 from <http://www.govtrack.us/congress/billtext.xpd?bill=h109-972>.
- ²³ Friedman, Sara Ann. Alternative Report to the Initial Report of the United States of America to the UN Committee on the Rights of the Child Concerning the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. ECPAT-USA. 2007. Accessed on 29 September 2011 from: http://www.crin.org/docs/USA_ECPAT_NGO_Report_OPSC.pdf.
- ²⁴ Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Najat Maalla M'jid: Addendum: Mission to the United States of America. United Nations General Assembly. 7 February 2011. Accessed on 29 September 2011 from: <http://www2.ohchr.org/english/bodies/hrcouncil/docs/16session/A-HRC-16-57-Add5.pdf>.
- ²⁵ Ibid
- ²⁶ USA Country Progress Card. ECPAT International & The Body Shop. 2009.
- ²⁷ Friedman, Sara Ann. Alternative Report to the Initial Report of the United States of America to the UN Committee on the Rights of the Child Concerning the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. ECPAT-USA. 2007. Accessed on 29 September 2011 from: http://www.crin.org/docs/USA_ECPAT_NGO_Report_OPSC.pdf.
- ²⁸ Ibid
- ²⁹ Ibid