

ALTERNATIVE REPORT

AN NGO RESPONSE
TO THE
PERIODIC 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

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This report is submitted to the UN Committee on the Rights of the Child by the organizations named in the accompanying cover sheet.

GLOSSARY OF TERMS AND ACRONYMS

ATS: Adoptions Tracking Service

BJS: Bureau of Justice Statistics

CAPTA: Child Abuse Prevention and Treatment Act

CBP: Customs and Border Protection

CSEC: Commercial Sexual Exploitation of Children

CPS: Child Protective Services

DHHS: Department of Health and Human Services

DHS: Department of Homeland Security

DOJ: Department of Justice

DOS: Department of State

DUCS: Department of Unaccompanied Children

FYSB: Family and Youth Services Bureau

HTRS: Human Trafficking Reporting System

IAA: Inter-Country Adoption Act

ISIM: Institute for the Study of International Migration

LPR: Lawful Permanent Residents

LGBT: Lesbian, Gay, Bisexual and Transgender

NCMEC: National Center for Missing and Exploited Children

NHTRC: National Human Trafficking Resource Center

OPSC: Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography

ORR: Office of Refugee Resettlement

TVPA: Trafficking of Victims Protection Act

UNCRC: United Nations Committee on the Rights of the Child

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INTRODUCTION

This NGO Alternative Report is a response to the U.S. government's periodic report to the UN Committee on the Rights of the Child (UNCRC) on its work to implement the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (OPSC).

Organized by ECPAT USA, this report is a collaborative effort of NGOs, service providers and advocates who are working on the ground with and for sexually exploited children in the United States. It was developed in the following way: 1. Meetings held in three cities (New York City sponsored by ECPAT-USA; Washington, DC sponsored by Shared Hope International; and Chicago, IL sponsored by Loyola University Center for the Human Rights of Children) where representatives of more than 15 organizations proposed what should be in the report based on their experience, and some expanded their views in follow-up written suggestions. 2. Preparing a draft that includes written feedback. 3. Submitting the draft to NGOs for comment. 4. This final draft signed by NGOs and submitted to the UN Committee on the Rights of the Child (UNCRC or the Committee).

The information in this report was compiled, edited and written by Sara Ann Friedman in close consultation with ECPAT USA. The authors include everyone who contributed to it, whether in person or in writing.

The U.S. government report was long and detailed. The Alternative Report confines itself to critiquing those issues that its contributors feel are most critical and about which we are most knowledgeable. It does not cover areas that we believe the U.S. is performing adequately or about which we have insufficient information to provide significant comment.

The Alternative Report identifies gaps both in the U.S. government report itself and in actions the U.S. has taken to implement the OPSC. Recognizing the inherent challenges of the task, this report points out the obstacles and comments on where the U.S. government can do better to ensure that children are protected from the violations covered by the OPSC. We also want to note that two years have passed since the U.S. submitted its periodic report and that more has been done in that time. We acknowledge this progress.

Two final points: The Alternative Report uses the phrase “commercial sexual exploitation of children” (CSEC) interchangeably with “child sex trafficking.” This is because the Trafficking Victims Protection Act (and its reauthorizations referred to as the TVPA throughout this report) specifically defines anyone under the age of 18 who is “induced to perform” a commercial sex act as a victim of human trafficking and entitled to protection. This serves the important purpose of distinguishing children from adults for whom “force, fraud or coercion” is required to be declared a victim. Moreover, much of the programming devised by the federal government for the protection of children from child prostitution comes under the name of anti-trafficking work. We also refer to

traffickers or buyers of sex with children as men. Fully acknowledging the role of women in both categories, the vast majority of perpetrators are male.

The United States has taken many strong actions since it ratified the OPSC. But there is still a long way to go. We are happy for the opportunity to assemble this list of recommendations to help guide the UNCRC and ultimately U.S. policy makers toward the next steps needed to protect children from having their rights violated every day through prostitution, pornography and trafficking.

GENERAL OBSERVATIONS AND FINDINGS

The authors of this report believe that the following points - most of which are covered elsewhere - deserve special attention due to their crosscutting, interrelating, - and overarching - nature.

We have high praise for the passage of the TVPA as the legal foundation to combat the trafficking of children, and for the continuing efforts of the U.S. through passage and implementation of good laws, creation of task forces and coordinating bodies and programs for protection of victims. We also understand the challenges inherent in realizing such a major and complex endeavor. At the same time, organizations that work on this issue believe that the U.S. government could make better headway in tackling the CSEC in the following ways:

1. **Distinguishing human trafficking and child trafficking:** Although the U.S. government vigorously addresses human trafficking, it does not focus sufficiently on children specifically. As a result, child trafficking often appears simply as a subset of human trafficking and children are conflated with adults (usually women) whether in trainings, awareness-raising data or law enforcement. In its data collection, policies and programs, the U.S. government needs to clarify the important differences between children and adults: Beyond chronology and despite physical appearance of maturity, children are still developing cognitively and emotionally; their needs are quite specific and different from those of adults. Data on children should be disaggregated. Law enforcement on the U.S.-Mexican border for example, needs specific training to recognize and support child victims.
2. **Strengthening national strategy:** The U.S. government takes pride in creating what it calls a “National Strategy for Child Exploitation Prevention and Interdiction,” in which it lays out seven broad goals for preventing child abuse and exploitation. Unfortunately, as written, the Strategy has no specific objectives, measurable indicators or operational impact. We recommend that the U.S. put specific and measurable goals and objectives into this strategy, that it consult with a wide range of NGOs for critical input and that it develop systematic monitoring and evaluation of programs and policies.¹
3. **Promoting use of TVPA definition of victim:** TVPA definitions need to be clarified for service providers, legislators, law enforcement and the general public,

who are often misinformed or ignorant about what constitutes child trafficking and who is a victim. According to the TVPA, sex trafficking of children is synonymous with child prostitution, or commercial sexual exploitation of children. It applies to all persons under the age of 18. Issues of consent, physical maturity, and the child's lack of acknowledgment of her/his victimhood are irrelevant. Neither force nor movement across countries, across state lines or even across the street are required for child trafficking under the definition of the TVPA. The U.S. needs to make this clear in all its trainings and public campaigns.

4. **Influencing change in state prostitution laws:** Children are still being legally arrested, detained and prosecuted for prostitution in the majority of states, which have not passed safe-harbor-type laws protecting victims from arrest. Even in states that have passed such laws, arrest and prosecution still occur due to gaps and weaknesses in the new laws. The federal government cannot supplant the laws and practices of states, and state law enforcement remains a primary responder. The federal government can however, do more to motivate and incentivize states to strengthen their laws, such as by creating model legislation, offering financial incentives for improved law and practices, and providing leadership at conferences and in training.
5. **Developing and implementing more effective training:** The U.S. report points with pride to the numerous trainings and individuals trained. But it fails to specify which trainings are child-related; it reports not at all on monitoring or evaluation processes to determine impact; and does not mention any training for some very important first responders in the field where they are most needed. A case in point is the Department of Homeland Security (DHS)/ Customs and Border Protection (CBP), responsible for screening all persons entering the United States from Mexico or Central America, including thousands of children. Trained in protecting the U.S. from danger, CBP officers have no training whatever in how to conduct developmentally appropriate or child-friendly interviews - what questions to ask and how to make a child feel safe. Trainings need to be extended well beyond conferences and seminars into communities where children are found, and to be documented, coordinated, monitored and evaluated for impact.ⁱⁱ
6. **Broadening focus on prevention:** The U.S. approach to prevention is law-enforcement-heavy to the exclusion of a child-centered or public health approach. Arresting and prosecuting perpetrators is critical, but prosecution alone will not eliminate trafficking and commercial sexual exploitation of children. There are many more pro-active and positive approaches to prevention that could help address systemic issues and provide long-term benefits. The U.S. needs to increase funding for research and programs to understand the many family and community root causes that engender vulnerability to commercial sexual exploitation of so many different populations of children.
7. **Building an effective system of collecting data:** Every bit of policy and programming starts with data collection. Without it there is no way of dealing with the problem, of knowing what works and what doesn't, who needs support, where

are the services, where is the funding. Data is crucial at every step of the process. Without good training, good coordination and sound methodology, however, collecting effective data is not possible. So many youth-related services and agencies - runaway and homeless, foster care, and criminal justice often do not know that they are interacting with trafficked children, do not interact among themselves and do not collect data about CSEC. The U.S. government should develop and use all possible resources to collect data on every aspect of CSEC and develop policies and programs that include the different populations now excluded in identifying vulnerable children.

8. **Improving coordination between and among federal agencies:** The U.S. report provides a long and detailed list of agencies, programs and coordinating groups that operate to protect children. Missing from this description of different federal agencies sitting together at coordinating meetings is how they coordinate with each other and effectiveness of coordination efforts. Those who work on child sex trafficking in the U.S. observe a continuing and direct lack of real coordination. The several offices within the Department of Health and Human Services (DHHS), including the Office of Refugee Resettlement (ORR), Family and Youth Services Bureau (FYSB), Office for Native Americans, etc. each work on different aspects of international and domestic trafficked children. But they all operate in their own 'stovepipes' or 'silos' with separate staff, programs and trainings and little coordination within DHHS. There is also a lack of integration and coordination among federal data-gathering systems, including the National Child Abuse and Neglect Data System, the Law Enforcement National Data Exchangeⁱⁱⁱ and the Runaway and Homeless Youth Management Information System.^{iv}
9. **Paying more attention to clients:** The U.S. report did not mention the buyers of sex with children who, under state laws, are rarely arrested or even charged with child sexual exploitation. Since most pubescent children in the sex trade are mixed in with the adult market, men (and women) who pay for sex may be unaware that they are exploiting children and been seen as prostitute-users rather than child abusers. The U.S. government needs to raise public awareness that so many adults who buy sexual services may in fact be abusing children.
10. **Providing services for sexually exploited children:** The reality that safe residential facilities for prostituted children are few and far between is widely acknowledged. In 2009 a Senate hearing identified only 50 available beds throughout the country. While this number may have increased, most U.S. cities still have no shelter beds specifically for children, whose needs differ from those of adult victims.^v Safe-harbor laws are geared to service referral for victims, but in too many cases such services simply do not exist. Those sympathetic law enforcement officers who resort to arrest and detention of U.S. children they know to be victims, often do so because they also know there are no available services. Non-citizen trafficked children are entitled to services through the Unaccompanied Refugee Minor Programs, but they are rarely accessed because so few of these children are getting found; they are far more frequently deported, still being trafficked or detained in holding cells.^{vi} The U.S. government should increase the

allocation and spending of resources to support NGOs and others throughout the U.S. who already have or are able to open shelters and specialized services for sexually exploited children.

11. **Ratifying the Convention on the Rights of the Child:** We urge the U.S. Senate to ratify this crucial treaty to create a protective environment for all children worldwide. Ratifying the two Optional Protocols has been a first step. The U.S. government has been working collegially with the members of the Committee on the Rights of the Child to ensure these two Optional Protocols are fully implemented. The next step is to ratify and implement the full Convention.

DATA

Overview

Citing a number of small-scale, local and somewhat dated sources of data, the U.S. report states directly that “comprehensive data is not available.” Although its reasons are widely debated, this is an unfortunate reality agreed on by most experts. There is no large empirical study gauging the prevalence of child prostitution. According to David Finkelhor, “there is currently no reliable estimate of juvenile prostitution.”^{vii}

We acknowledge that the United States is genuinely trying to grapple with the lack of data surrounding CSEC. Since submitting its reports to the UN Committee on the Rights of the Child (UNCRC), the Department of Justice (DOJ) has requested that the Institute of Medicine and the National Research Council convene a committee of experts to conduct a study on the commercial sexual exploitation and sex trafficking of children who are citizens or lawful permanent residents (LPR) of the United States. It has also supported an important research summit called the U.S. Government Evidence Summit: Protecting Children Outside of Family Care. Both of these are important steps forward. NGOs also acknowledge the inherent challenges in collecting comprehensive data on such a topic that is so criminal and deeply hidden.

Although the U.S. government attributes its problems to the fact that both law enforcement and victim service responsibilities in the United States are shared by federal, state and local authorities, we believe that other problems of how and from whom data is collected and how it is analyzed can be laid at the feet of the federal government’s own methods of collecting data. This includes poor coordination, inadequate training, variable and inconsistent databases and insufficient disaggregation of information. We also believe that the U.S. government can make greater effort to increase its influence on states.

In addition, NGOs contend that although most of the attention around data is generally focused on estimating the magnitude of trafficked children, the importance of statistics goes way beyond overall totals. Good data is required to achieve in-depth understanding of unreached populations of vulnerable children; to know what services are needed, offered and utilized; what funding is targeted, allocated and spent. Useful data informs program, policy and laws. It allows us to evaluate training and to call on the appropriate professionals, such as medical personnel, welfare workers and law enforcement, and hold them accountable. The U.S. report makes no reference to these important needs.

Disparities between estimated and identified victims declared eligible for benefits and protection.

A major consequence of inadequate data collection is the disparity between estimates of prostituted children and those actually found, leaving large numbers of uncounted, unidentified and misidentified vulnerable and victimized children who receive few of the benefits to which they are entitled.

There are large numbers of children coming across the border from Mexico each year. In 2009, about 15,500 unaccompanied Mexican children were reported to be entering the

U.S.^{viii} In addition to children from Mexico, experts estimate that there are thousands of children trafficked to the U.S. each year from many countries. Yet, in 2010 the Department of Health and Human Services (HHS) Office of Refugee Resettlement (ORR) determined 92 children from many countries to be eligible as victims of human trafficking. An increase over previous years, this is still a woefully small number. Moreover, without good record keeping, it is hard to know whether this reflected a genuine increase in children being trafficked into the U.S., or a better job of identifying them.

A 2008 report on child trafficking survivors from Georgetown University's Institute for the Study of International Migration (ISIM) explored the discrepancy between potential cases of children and those identified by the U.S. Conference of Catholic Bishops (USCCB) and the Lutheran Immigration and Refugee Services (LIRS).^{ix} It found that of 151 cases between 2004 and 2007, ultimately only 23 children were determined eligible for benefits. For the remaining majority, ISIM suggested the following obstacles to eligibility "... federal law enforcement agents or US attorneys were not sympathetic to the children's plight and/or deemed them victims of smuggling not trafficking....the children were reluctant to disclose detailed information about their experiences which led to insufficient evidence of the crime of trafficking...lack of sufficient evidence to support the endorsement of trafficking benefits led to the children being placed in removal proceedings and receiving deportation orders."^x

Limited sources of data

As the U.S. government report demonstrates, there is no single good source of data for measuring the population of children covered by the Optional Protocol. The gap appears in what leads to the long list of disparate and inconsistent reports and studies cited in the U.S. report. The U.S. collects data from available localized studies, such as a study in Chicago^{xi} and others. In 2011, the National Human Trafficking Resource Center (NHTRC) hotline received almost a thousand calls about potential child trafficking victims in the United States.^{xii} But again, this was an isolated source and most NGOs believe that relying on the public to phone in all cases of child trafficking, is not a good way to count the number of victims. There is good existing data about the growth of online child pornography. Both the U.S. report to the UNCRC and the U.S. National Strategy for Child Exploitation Prevention and Interdiction have quite good statistics collected by the National Center on Missing and Exploited Children (NCMEC) and the Internet Crimes Against Children Task Forces.

Inadequate training of first responders

Basic to developing data is the ability to recognize a victim of commercial sexual exploitation. What does s/he look like? How does s/he behave? Are there obvious symptoms? Without a standardized training curriculum on CSEC, few first responders such as public child welfare workers, educators, and medical professionals have any idea how to identify them.

This is in large measure because the symptoms remain largely undefined and unrecognized despite the clear definition of the TVPRA that: the term 'children' includes all people below the age of 18, that force is not required to be a victim, and that

trafficking does not require travel of any sort. Many children, foreign and U.S. citizen and LPR do not ask to be ‘rescued’ and even refuse to accuse the perpetrators. Coming across pubescent and adolescent children (girls) in particular, many state officials - which is where most of the domestic prostitution is identified - law enforcement officers, legislators, judges and much of the public still hold fast to their conviction that these children are engaging in the sex industry by choice and are therefore not victims but lawbreakers and subject to criminal penalties.

Another indication of inadequate training is that other prostituted children who encounter state law enforcement and social service agencies are not properly documented, tracked or even identified as trafficking victims because they are identified by some other specific category of vulnerability, such as substance abuser, runaway, homeless, truant, etc. At the same time, services identifying these children fail to look beyond these specific categories to the more comprehensive forms of exploitation such as trafficking. A 2009 report by Shared Hope International, found that child victims were frequently misidentified as delinquents, as adults, or as runaways rather than as sex trafficking victims.^{xiii}

Local officials and advocates in San Antonio Texas say they have begun to unravel cases involving young victims that the system should have caught much earlier. “Two years ago, I wouldn’t have known how to go about identifying a victim of domestic minor sex trafficking, says John Moran, head of the Bexar County Juvenile Probation Department’s gang supervision program. Now we know they were there, in our system, but we just didn’t realize it.”^{xiv}

Variable, inconsistent, non-uniform data collection systems

The U.S. relies on separate and independent data bases that are designed with different data entry fields, variable definitions and standards. The consequence is frequent double counting, duplication of information and inability to effectively compare and analyze information or identify trends. Many studies are not comparable, do not measure the same populations, and do not use consistent terminology.^{xv}

Participants of meetings organized for this report observed how a multitude of data bases, sources and lack of coordination between federal agencies, and between federal government and states results in delay, misidentification and children lost in the system. For example, they referred to FBI agents who receive information on victimized children, make promises and don’t follow up; CPS home visits that find no evidence of trafficking; files lost; and a victim found in one place, her perpetrator in another. This results in even longer detentions while a child’s case is ‘investigated,’ false reporting and misidentification of victims. Immigrant, unaccompanied, runaway children are trafficked in one city, show up in another, and then moved around a lot, and/or just appear unattached to adult or family. There is no coordination, no follow up, no one looking for them, no records of their existence. ID cards are lost or destroyed and minors are released into community on their own and unattached to adult or family.^{xvi}

Data not disaggregated by age, sex, or circumstance

When data is not disaggregated, vulnerable and victimized minors are conflated with adult women and with each other. For example, the common term of reference, 'children,' may be intended as sex-neutral, but clearly refers to girls. While many boys are also sexually exploited, U.S. data neither addresses this fact nor makes clear and important distinctions between girls and boys whose vulnerabilities, experiences and responses are quite different. For example, most boys tend to be runaway and throwaway children and already on the street rather than lured from home by a pimp as are girls.

RECOMMENDATIONS (That the U.S. government):

1. Develops a comprehensive and systematic mechanism of data collection, analysis and monitoring focused specifically on children and related to the OPSC. This was a recommendation made by the Committee on the Rights of the Child in its Concluding Observations to the last U.S. report. NGOs understand that the U.S. has made some progress in this direction but still substantially falls short of the recommendations and expectations.
2. Trains NGOs, state Child Protective Services (CPS) providers, medical personnel and other potential responders to recognize and identify trafficked children with a clear and all-encompassing definition of their characteristics under the TVPA.
3. Collects and disaggregates data to the extent possible by age, sex, circumstances and specific populations of children most vulnerable to trafficking. These would include runaway, homeless, foster-care, system-involved, citizen and non-citizen children, ethnic minorities, boys, Lesbian, Gay, Bisexual and Transgendered youth (LGBT), adolescent girls and others. Although not requested by the OPSC, collecting data on abusers would be very helpful.
4. Makes existing databases more uniform to allow for better interfacing. Develop uniform case identifiers and standard reporting procedures to protect against duplication in identifying and screening child trafficking victims. The ORR, Department of Unaccompanied Children (DUCS) of the DHHS/ORR/DUCS program provides a successful model in its Child Trafficking Screening form - used throughout its shelter-care network.
5. Requires the DHS to establish a detailed national database of all detained unaccompanied children on the U.S.- Mexican border. It should also publish annual reports about the number of children detained, referred for services and repatriated.^{xvii}
6. Makes more concerted efforts to support and coordinate with state systems of data collection, within the context of hugely complex and diverse state laws and procedures. This can be done through training of state officials and funding for design of a model system that would be applicable to a majority of states and Tribal Nations.

PREVENTION OF THE SALE OF CHILDREN, CHILD PORNOGRAPHY AND CHILD PROSTITUTION

Overview

Given the importance of prevention, this section in the U.S. report is a particular disappointment. Citing good laws, general knowledge of vulnerable populations and numerous examples of individual trainings and public awareness campaigns, it is both overly broad and overly specific. Organizations on the ground see gaps and limited results in the enforcement of federal laws and even less impact in the U.S. government's programs and policies. Too few traffickers are apprehended; buyers of sex with children are rarely prosecuted or even arrested; large numbers of vulnerable children - foreign and domestic - fall through the cracks and admirable, well intended, public awareness campaigns and trainings show insufficient evidence that they reach or have any effect on their audiences.

Limitations of current deterrence approach

Prosecutions and convictions of traffickers have increased. However, they probably still represent a fraction of those who are committing crimes, and there is little evidence of a decline in child trafficking or commercial sexual exploitation.

Laws against solicitation or paying for sex with prostitutes are considered a state issue and left to the states, most of whom follow age-of-consent laws. This means that men who are paying for sex with underage girls are rarely arrested for child sex exploitation. Under the TVPA anyone under the age of 18 who is induced to perform a commercial sex act is a victim, and cannot legally 'consent.'^{xviii} The U.S. government needs to develop accurate profiles of buyers, including their attitudes towards, and understanding of, the children they exploit, especially adolescent children. Men (and women) who exploit teenage children for money or services are rarely habitual child molesters; Julia O'Connell Davidson argues that most perpetrators are apparently regular or situational prostitute users who may or may not actively seek out underage victims.^{xix}

They are often family men, teachers, doctors, lawyers, pastors, CEOs, or government officials who may not know or care that they are exploiting children; especially adolescent girls who are physically mature, have false IDs, who even seek out buyers and appear to be willingly engaging in the transaction are therefore not a victim in the eyes of the buyer. Youth, including boys and LGBT also appear to be engaging in the sex trade voluntarily so that men or women who pay them believe that they are doing nothing wrong and committing no crimes. This is still a neglected category of prevention activities. Men who pay for sex with children need to be held accountable, as well as educated that children in the sex trade are mixed in with the adult market and that as 'clients' they are likely abusing children.

Missing leadership and incentives to states and tribal nations

Historically, commercial sex offences have been enforced at the state and local level under state laws and municipal ordinances. Despite progress in nine states, which have now passed safe harbor-type laws recognizing that prostituted children need protection not arrest, children are still routinely and legally arrested and detained under current

prostitution laws in the 41 states that have not passed such laws. There has been some progress since the last U.S. report to the Committee, but in the view of NGOs, the U.S. government is still not providing sufficient leadership, including incentives to states to change their laws, policies and practices, including trainings and funding for those actively involved in advocating for safe-harbor-type laws.^{xx}

Vulnerable populations are shortchanged

In addition to reducing demand, efforts must be made to reduce the supply of vulnerable children. Despite policies and programs listed by the U.S. report to identify and protect children most vulnerable to commercial sexual exploitation, such as the Child Abuse Prevention and Treatment Act (CAPTA), it provides no indication of which or how many children are reached or the actual impact of any of these programs. Nor do we know that any of the authorities involved have been trained about the impact they have on children used in prostitution.

Several critical and distinct vulnerable subgroups are missing from the U.S. government accounting.

- Native American children are affected by generational trauma, which is identified as a major contributor to extremely high rates of poverty, violent victimization, depression, suicide, substance abuse, and child abuse. The Minnesota Indian Women’s Resource Center sees high numbers of young Native females, many of whom are homeless or runaway youth and “who report that they exchanged sex for shelter, for food, or for drugs—what is known as ‘survival sex.’”^{xxxi} The FBI recently noted, “There have been traffickers and pimps who specifically target Native girls because they feel that they’re versatile and they can post them [online] as Hawaiian, as Native, as Asian, as you name it.”^{xxii} Forty percent of Canada’s Native children and 31% of Native children in the U.S. live in poverty.^{xxiii} At Covenant House, Alaska’s largest shelter for runaway and homeless youth, 40% of the youth served in 2008 were Native.^{xxiv} About 20% of rural Minnesota’s homeless youth ages 12-17 were Native in 2009, though they represented only 1% of the regional youth population.^{xxv}
- Boys are not mentioned in the U.S. report and the U.S. does not appear to do research about sexually exploited boys, why they are exploited and by whom. Boys are often misjudged to be able to protect themselves or to be predators themselves. They are a unique population that looks, acts and responds differently from females. For the most part, they are not pimped; they tend to be mostly throwaway and runaway children who are already on the street.^{xxvi}
- LGBT children are already among the most isolated, discriminated against and scorned population as well as common victims of violence. As throwaway children, not only by families but by most sectors of society, they are extremely vulnerable to predators. With bare emotional, physical or financial resources, they are forced to exchange sex for food, money or a place to sleep.

- Adolescent girls may be physically mature, but are clear victims under the TVPA. Even sympathetic and well-trained law enforcement respond viscerally and claim that they are too “well endowed” to be children. It is easy to forget that despite their appearance and even their sexual behavior, adolescents are children and not adults. With brains still developing, capacities such as judgment, impulse control, and self-awareness are still in a state of flux; prostitution places them at serious risk to long-term impairment of healthy mental and emotional development.
- “In-system” children, or children currently in foster-care, juvenile justice, welfare or any part of the system are at risk. The U.S. report tacitly acknowledges concern for this group of children in its reference to child abuse. But it stops there - making no further mention of the variety of ways in which involvement with these systems contributes to children’s vulnerabilities to being sold into prostitution, or how improving these systems will help prevent it.

Poor coordination of assistance

There is little coordination between and among programs in separate agencies and funding streams that results in much duplication of programs. For example, the DHHS deals with different youth populations through several divisions. These include the Office of Refugee Resettlement for trafficked children from other countries; the Administration for Native Americans, providing support for families and children on Indian Reservations, a Family and Youth Services Bureau (FSYB) under which fall programs for runaway and homeless youth and many others. While most of these offices assume responsibility for children vulnerable to trafficking, they neither connect to one another nor adopt an integrated approach that looks at the full range of vulnerabilities including to commercial sexual exploitation.

Shortcomings of law-enforcement-centric approach

Jonathan Todres and others suggest that a law-enforcement-centered approach to prevention does not work by itself and that all sectors of society must play a role in prevention. While prosecution and incarceration of perpetrators is critical, equally important to prevention is to understand and address the root causes of children’s vulnerability and underlying demand. Children are vulnerable for a variety of factors, including abuse and other issues at home, homelessness, poverty, obstacles to health and education rights, and other structural issues. This heightened vulnerability increases the supply of children to be exploited. The root causes of demand also need to be addressed in order to make progress in preventing trafficking and commercial sexual exploitation of children.

Messages don’t reach their audience

Despite the impressive number of public-awareness campaigns, PSAs, media efforts, and trainings mentioned in the U.S. report, they seem to be measured only by the number and location of presentations and lists of audiences, with little evidence that they reach their targets, produce results or are being monitored for impact. Most campaigns, trainings and brochures describe the more obvious symptoms of a trafficked child (travelling with an older man, etc.) who would likely appreciate being rescued. But they miss the thousands

of children hidden, on the streets, in hotels etc. who resist rescue and are still viewed as ‘prostitutes.’

Many youth shelters, social service providers, child protective services, health professionals, educators, and others are still largely unaware of the vulnerability to trafficking among the children they see, interview and care for and what they can do about it. As a result, these children slip out of sight and are not even identified, let alone reached. In contrast to recent scandal in the U.S. and widespread American repulsion at the institutional complicity of child sexual abuse of young boys by a coach at a major U.S. University^{xxvii} few U.S. citizens know about the scope and depth of CSEC or would know what to do - or even what it looked like - if they came across it.

Sex tourism

Many Americans sexually exploit children in other countries in the mistaken belief it is legal and culturally acceptable; that they are helping children by giving them money; or in the knowledge that they can get away with it. The U.S. government does not inform, educate or provide prevention messages to travelers who are breaking the law by engaging in sexual exploitation of children abroad and of the harm it does. In addition, hotels throughout the U.S. are increasingly used for CSEC. They need to have policies and training and take other steps to ensure that they are not facilitating child trafficking.

Youth voice

The youth voice is missing from most U.S. initiatives around child sex trafficking and exploitation. Young people have important and valuable experience and insights that are often missed or overlooked by adults. Children are “experts” on what makes them vulnerable - their reasons for leaving home, what they need, and how they can be protected. In prior studies young people have reported the following: schools and others provide little information about trafficking and how to avoid it; young people could identify a “changing point,” i.e. an event or crisis that left them more vulnerable to exploitation - especially a change of residence or family composition, or in their own interaction with peers.^{xxviii} Based on these studies, a UNICEF Innocenti Research Centre Report says that “children and youth have an important role to play in helping to identify areas for intervention, design relevant solutions and act as strategic informants of research.”^{xxix}

Monitoring and evaluation

It is difficult to determine the benefits of laws and policies because there is insufficient effort to obtain and examine evidence of their impact on the incidence of child sex trafficking or on the well-being of survivors over time. A 2007 review by the U.S. Government Accountability Office (GAO) found levels of monitoring inadequate with most projects failing to specify how performances would be measured or to articulate a connection between activities and goals. Questionable data and poor project design make monitoring impact very difficult, according to the GAO. The U.S. State Department Trafficking in Persons Office has begun developing its capacity to evaluate the international trafficking projects it funds. But there needs to be a more robust monitoring and evaluation regime, of both international and domestic programs. As public health methodologies demonstrate in other contexts, monitoring and evaluation is an essential

component of developing evidence-based research that can form the basis for effective responses to child trafficking and commercial sexual exploitation.^{xxx}

RECOMMENDATIONS (That the U.S. government):

1. Develops policies and programs to identify and educate buyers of sex with children about the harms they do to children and work with states to adopt and enforce laws regarding solicitation of children.
2. Encourages and offers incentives for states to pass and implement safe-harbor-type laws. Provide funding, support and specific training for judges, law enforcement, healthcare and education professionals, CPS workers and NGOs that work with youth - with full, clear and uniform description of CSEC and how to identify vulnerable children.
3. In reaching out to children, make sure that media messages are played where children spend time, including youth centers, movie theaters, video parlors, school buses, on popular television and radio programs. Agencies and organizations working on these issues should consult with youth, as appropriate and consistent with their age and maturity, to ensure that policies and programs are effective.
4. Creates and monitors on an ongoing basis a campaign to inform Americans traveling to other countries that it is against the law to sexually exploit children everywhere, and that the PROTECT Act allows them to be prosecuted when they return to the U.S. Place awareness-raising messaging in airports, on the border to Mexico, and encourage hotels, travel agencies, airlines and other companies in the travel industry to sign and implement the ECPAT Code of Conduct for the Protection of Children From Sexual Exploitation in Travel and Tourism.
5. Ensures that every young person, whether or not they are with a family, has a secure place to live. Focusing prevention on housing for homeless youth would have a primary impact on the many runaway and homeless young people, in particular boys and LGBT youth who exchange sex for food, money, a place to sleep or another thing of value. Make special efforts to ensure these children remain in school and continue their education, which plays a key role in reducing vulnerability.
6. Develops and uses monitoring and evaluation systems to assess all laws, policies, trainings, and other programs, whether they cover prosecution components of the problem, victim assistance or prevention.
7. Develops a public health and child-centered approach to prevention that will reduce demand and protect the most vulnerable children. The many benefits include: addressing the root causes of vulnerability and facilitates interventions that reach at-risk individuals before traffickers do; addressing the root causes of demand while law enforcement continues its efforts to apprehend child exploiters; it is evidence-based, examines and addresses behaviors and societal views that increase the risk of harm; and seeks to engage all stakeholders in a target population that can play a role in

addressing a wide range of mental, physical and psycho-social health issues. Programs that are more proactive and child-centered are equally important as, and complementary to, punishments and services we offer after-the-fact.^{xxxix}

PROHIBITION AND RELATED MATTERS

The U.S. report lists in detail its very good legal regime that criminalizes all of the offenses covered by the OPSC. It also praises the states for creating a whole array of laws to protect children. It is true that states have begun to move in that direction. A recent state report card issued by Shared Hope International used a detailed point system for 40 components of state law determined to be the minimum legal framework for protecting children and providing access to justice and services after being trafficked. It found that most fell woefully short of full protection.^{xxxix}

Under the PROTECT Act, U.S. federal law punishes those who patronize prostituted children, profit from sex tourism or engage in illicit sexual conduct while traveling in foreign commerce. Reasonable belief that the victim was at least 18 years old is a legal defense for sex tourists, but this defense is too easy to claim regarding any pubescent girl who has breasts and a false ID, and too difficult to prove otherwise. In addition, it encourages buyers of sex (as opposed to traffickers and pimps) to not make a real effort to ensure that they are not abusing a child because they can claim ignorance. The law should require customers to actively make sure that the victim is not a minor in countries where adult prostitution is legal.

The U.S. report makes a major point of the large numbers of pimps, traffickers, users of child pornography and sex tourists that have been arrested or convicted. This is a positive step, but the lack of data about the universe of children sold into prostitution and pornography makes it impossible to determine whether this is a high or a low percentage of the actual perpetrators. One important number missing from this report is that of buyers arrested for sexually exploiting a child. This is a blind spot in the way the U.S. criminal justice system treats those who pay for sex with children.

The TVPA, which includes in its definition of sex trafficking the ... “obtaining of a person for the purpose of a commercial sex act” has been used to prosecute “buyers of commercial sex with minors in two states.” Although the use of this definition is unsettled until the court decides whether to affirm or overturn the convictions, other jurisdictions have shown interest in pursuing these criminal actions.^{xxxix}

Extraterritorial crimes

The major obstacle facing prosecutors seeking an indictment for extraterritorial crimes, such as traveling abroad to sexually exploit children or engage in sex tourism, is obtaining admissible testimony from the victims. The PROTECT Act is a step towards addressing the problem of demand, but convictions are rare. Obtaining the evidence necessary to secure a conviction can be extremely difficult due to distance, language and cultural barriers, and the amount of time that may have transpired since the commission of the crime.^{xxxix}

The difficulties associated with successful prosecution under the PROTECT Act have reportedly caused a high rate of plea bargaining in child sex tourism cases and resulted in sentences shorter than the maximum allowed under the law. JA Hall writes that defendants have entered into guilty plea agreements in 21 of the 34 cases (62%) of sex tourism brought under the PROTECT Act between 2003 and September 2008.^{xxxv} Other legal experts say that this is not a high number because the majority of criminal cases in general are pled out.

Corruption

The U.S. report contains no information on corruption. According to Virginia Kendall, “Public corruption acts as the grease that permits this mechanism of illegal activity to occur at such an alarming rate. In order to secret humans across international borders, traffickers must rely on a network of public officials willing to accept bribes in return for their official acts.”^{xxxvi} Inevitably, corruption must also be a problem in the U.S. and the report does not mention safeguards. Focus groups with sexually exploited children and adult women in the U.S. reveal that abuse by law enforcement officers is a serious problem.^{xxxvii}

RECOMMENDATIONS (That the U.S. government):

1. Train and educate members of the criminal justice system about the need to hold purchasers of sex from children accountable, not just the pimps and traffickers.
2. Instead of simply pointing out the separation of federal and state law, the U.S. should encourage all states to develop consistent and effective laws against the relevant offenses. Such consistency will make it more difficult for perpetrators to escape justice.
3. Focus on awareness and reducing corruption that might be facilitating the exploitation of children in the U.S.

ADOPTION

Overview

Despite strong international and domestic laws and regulations, the sale of children for adoption remains an underreported and persistent phenomenon. The Department of State’s (DOS) Office of Children’s Issues Adoptions Tracking Service (ATS) is a case registry that permits tracking of all inter-country adoption case and reporting to The Hague Complaint Registry. There have been, however, zero reports of illegal adoptions in the United States. Ambiguous definitions and legal loopholes impede movement to reduce this practice along with the trafficking and exploitation to which it opens the door.

Reasonable cost or sale?

It is legal to pay for reasonable costs associated with bearing a child, but there is no guide as to what constitutes reasonable and no safeguards to prevent anxious families

from paying additional cash or other incentives. Birth mothers often profit from payment designated to only cover living expenses.^{xxxviii} Prospective adoptive parents in the United States have paid adoption agencies between \$15,000 and \$35,000.^{xxxix}

Katherine Herrmann says that “The large amount of money expended in the search for a child has created a veritable ‘black market’ for children as well as spurred practices of child-trafficking, deceit, and kidnapping in the children’s country of origin.”^{xl} At the same time, cost need not necessarily be high. In post-crisis countries, such as Haiti, for example, where after the 2010 earthquake a child could be adopted or ‘bought’ for \$50.^{xli} Is there a price that distinguishes reasonable costs from the sale or purchase of a human being? And is there a relationship between sale and exploitation? These questions need to be thoroughly explored.

U.S. licensing guidelines for adoption facilities neither refer to appropriate payments nor provide assurance that the agencies are using reputable international sources. Although most adoption agencies are subject to government regulation, a variety of loopholes make it easier to avoid detection of illegal activity, such as hiring unlicensed independent intermediaries to locate children in developing countries or exculpatory or “gag” clauses to limit the liability of adoption agencies.^{xlii}

U.S. Prosecution of adoption fraud

Federal criminal statutes impede successful prosecution of adoption fraud. For example, the requirements of the Inter-country Adoption Act (IAA) for criminal prosecution and penalties do not always apply to the inter-country adoption cases where illegal acts have occurred.^{xliii} For example, the law requires that the other country involved in the adoption must be a signatory to the Hague Convention, which limits the number of countries where prosecution can be initiated. It also requires a “knowing and willful” disregard for the law, but makes no clear definition of “knowingly,” which may allow a U.S. agency to avoid culpability by claiming that it had no actual knowledge or was aware of any illegal acts occurring in a foreign country. Some legal experts argue that “should have known” applies, negating validity of any claim of ignorance.

Some experts also complain that concurrent jurisdiction of state and federal courts, and international forums contribute to many of the problems that plague Hague Convention cases in the U.S., including delayed judgments, inconsistent interpretation and a lack of judicial experience. These factors have a detrimental effect on families and children and serve to frustrate the original intent of the Hague Convention.^{xliv}

Further, they see the primary issue in U.S. adoption laws to be that of consent, which does not consider the potential of individuals adopting children for exploitative purposes. There is no information on whether the government actively seeks to ensure that adopted children are not abused and what the link is to sale or cost. While we do not have sufficient information on this issue to warrant clear positions, we take it as an area of concern and believe that it would benefit from serious research.

RECOMMENDATIONS (That the U.S. government):

1. Develops a more precise and specific definition of what constitutes “reasonable costs” so that there is less room for variation and abuse in the sale of a child. The guideline could include a range of acceptable costs and set a cap on fees charged for adoptive services.
2. Includes corrupt international adoption practices in the concept of “severe forms of trafficking” to allow the TVPA to apply.
3. Increases public awareness by educating prospective parents as well as enforce punishment of adoption agencies and intermediaries who contribute to corruption.
4. Establishes methods to examine the adoption procedure and look for abuse. The U.S. needs to extend its regulation of adoption beyond the point at which the child is received by the adoptive parent. Social workers should be involved throughout the process to ensure that all adoptees, international and domestic, are being properly cared for and not abused or exploited in any way.
5. Modifies the IAA to better define “knowledge” so that it does not necessarily require actual knowledge of transgressions, but rather allows suspicions as grounds for investigation.
6. Better define abuses and increase penalty for abusers.^{xlv}

RIGHTS OF CHILD VICTIMS

Overview:

The U.S. report details numerous procedures and resources to protect the rights of trafficked children, but fails to mention either how these resources are being utilized or by whom. NGOs and others familiar with both non-citizen and citizen and LPR children point out a failure to translate these resources into practices and prevent the United States from serving the best interests of the child victims and protecting their rights required by the Optional Protocol and the TVPA. The circumstances of foreign and U.S. children differ, but they suffer the same consequences: Sketchy and inappropriate training for those charged with identifying and assisting them, child-averse screening and interviewing methods, contradictory state laws and scarce child-centered services result in a huge discrepancy between estimated and found or identified victims as many are deported - disappearing into further exploitative situations - or sent back onto the streets into the hands of their pimps.

Non-citizen unaccompanied children

The fate of unaccompanied alien children is closely followed by Appleseed.^{xlvi} Its findings in a two year study include:

- Large numbers of children estimated at the border with few identified as victims and transferred to HHS/ORR/DUCS for care.

- Children interviewed and screened by law enforcement officials in developmentally inappropriate, uncomfortable and even threatening settings that perpetuate fear of telling their stories. Such environments include sector stations with no privacy or separation during processing, no presence of a child advocate or specialist required by the TVPA to inform children of their rights and to provide time or support for them to develop trust.
- Children interviewed by officials who lack experience, knowledge and proper training in trauma-informed interviewing, child development and health; interviews are perfunctory, superficial and serve the convenience of the officials rather than the best interests of children.
- Children apprehended along the U.S.-Mexican border often turned over to the Mexican immigration officials and/or rapidly deported. Many deportations are recorded as voluntary because children agree to or even request them. But interviews reveal that this is primarily because they do not know their rights and believe that they have only two options: deportation or jail in the U.S. Safe repatriation is still not taking place, despite efforts of the most recent TVPA to address it. Children are sent out of the country without follow up or identification of caring adults. Sponsors, including family both within the U.S. and in Mexico or other countries in the region are insufficiently vetted and screened, leaving children vulnerable to further abuse, exploitation, neglect and violence.
- The Appleseed study traces many of these problems to the fact that the DHS/ Office of Border Control (OBC) is in charge of investigating children. OBC is a law-enforcement agency whose top priority and training is to protect the border against external threats, its training totally antithetical to conduct the child-centric interviewing required by the TVPA.

Domestic children

The U.S. report does not address the critical disconnect between the TVPA and state prostitution laws, which permit the legal arrest and detention of prostituted minors. Under the TVPA any minor engaged in sex for money or services, is a victim; ‘consent,’ on which state laws determine the criminality is irrelevant. The U.S. claims that it has no legal jurisdiction over criminal laws of states and cannot interfere. But it can show leadership - including incentives, public awareness campaigns and other actions to move states to change their laws and policies related to prostituted minors and to exploiters.

The U.S. report does cite new safe harbor-type laws that prohibit the arrest, prosecution and detainment of all minors and require protection and services. But currently only six states have passed such laws and there are still weaknesses evident in the laws that have been enacted. For example, most only protect children under 16 years old while 16 and 17 year olds may be still treated in the adult criminal justice system. In addition, there are still very limited services targeted to these children.

While they might not be arrested, they are left to their own devices and still vulnerable to repeated exploitation. And finally, evidence is still lacking to show whether arrests of juveniles for other offenses related to prostitution in these six states have slowed.

Some sympathetic law-enforcement and other officials argue that the abysmal lack of services compels them to detain sexually exploited girls as the only way to protect them from perpetrators. NGOs understand and may empathize but do not support this approach and urge rather to increase services that protect the rights of these children and serve their best interests.

Another concern is how to protect the rights of the accused without violating the rights of child victims. Fiona Raitt writes about the American adversarial system in which the defense council may accuse the child of lying, or insist that s/he is exaggerating, noting the lack of a requirement that the defense council have specific training or qualifications before cross examining even very young children. Such a process does not take into consideration the trauma of many children who refuse to cooperate with the law because they fear retribution by a perpetrator or defend him as a boyfriend. Nor does the U.S. address how it evaluates children's ability to testify.^{xlvii}

Services

Both non-citizen and citizen or LPR children identified as victims are entitled to a long inventory of different services. Yet, the U.S. report says little about how a victim actually receives or is even informed about these services. Contributors to this report are nearly unanimous in pointing to the widespread unavailability of services to prostituted children either because they are unenforced or do not exist.

Foreign and domestic children are treated separately from each other by law and by agency to whose care they are assigned. The TVPA was written to allow non-citizen children to receive services through the Unaccompanied Refugee Minor programs through the DHHS/ORR when they were identified in the United States as victims. The law included foreign children because it was assumed that U.S. children were already eligible for all kinds of benefits, such as food stamps, Medicaid and free school lunch for which non-citizen children were not eligible. But as many are aware, U.S. children are just not getting these services, in large part because they are so infrequently identified as victims with the right to protection. More often, a girl is with a pimp (who is likely not signing her up for Medicaid); or he is a runaway and homeless youth, living on the streets or caught up in the criminal justice system.

Children arrested for the crime of prostitution are not identified as victims and therefore remain in the in criminal justice system rather than being referred to child welfare for victim services to which they are entitled. They may also come to the attention of state CPS workers who are unable to adequately respond to their needs. CPS is not referred sexually exploited children by either hotlines or police; and they are only taking care of children who are being abused by their families or neighbors and not those who may be being sold in the sex trade.

Safe residential facilities for prostituted children are few and far between. At a 2010 hearing before the Senate Committee on the Judiciary, Subcommittee on Human Rights and the Law, a social service provider for sex-trafficked youth testified that 12 organizations throughout the country specialize in providing services for minor victims of sex trafficking, and collectively have fewer than 50 beds for victims. While there are probably more beds now, by far the majority are provided through voluntary organizations not federal funding.^{xlviii,}

Other facilities for citizen and LPR children, such as runaway and homeless youth shelters as well as foster care services show no evidence of meeting the needs of victims or keeping them secure from pimps/traffickers and other abusers.^{xlix} In fact, they are often non-secure settings that invite pimps and traffickers. In its 2009 report on domestic child sex trafficking, Shared Hope International identified only five residential facilities nationwide that provide protective shelter, defined as a facility with the ability to separate a victim from a pimp/trafficker and provide the child with a restorative home.^l

While the situation has improved recently and ECPAT USA has compiled a database of about 80 service providers that claim to be offering services to sexually exploited children, they have not been researched. So currently no one knows whether they are licensed by their states, whether they have beds, from where they receive referrals or what is the quality of their services.

Child Advocacy Centers seem to work well. But they are used mostly for pre-pubescent children who are sexually abused by family, neighbors and others known to them. Training is spotty for these staff to address the teenage girl who calls her pimp her boyfriend and does not seek help because she thinks her life with her pimp is the best she can do.^{li}

Many scholars argue for restitution to victims of child pornography. In the past, courts awarded restitution only in cases where the defendant produced and distributed the images, not where the defendants viewed and possessed the images, despite the fact that the Mandatory Restitution for Sex Crimes section of the Violence Against Women Act of 1994 ("Mandatory Restitution section") mandates the issuance of a restitution order for victims of all acts of sexual exploitation.^{lii}

These images continue to bring trauma to the victims, at the very least entitling them to compensation. Such fees may also serve as an additional deterrent against using child pornography.

RECOMMENDATIONS (That the U.S. government):

1. Trains all personnel involved in determination of status of unaccompanied immigrant minors to adopt child and victim-centered methods of screening. It is suggested by Appleseed that CBP be replaced by a more appropriate agency, such as The U.S. Citizen and Immigration Service, which already conducts asylum interviews of unaccompanied minors who fear persecution.

2. Provides safe, secure and comfortable child-friendly environments for interviewing and screening children to talk about trafficking or other abuse.
3. Evaluates training with evidence such as a measurable metric that determines what percentage of participants has changed attitudes, approaches, etc.
4. Tracks repatriated children and improves quality and frequency of home studies and follow-up.
5. Despite the federal system in which the U.S. government cannot “effect changes directly in state criminal laws” it can and should encourage such efforts. It can provide states with more effective leadership and incentives to change their laws, policies and practices regarding identifying and supporting victims of sexual exploitation. It can begin with following the UNCRC recommendation in its Concluding Observations of the last (2007) report to urge all states to set the upper age for protection of all child victims at 18 years. It can also exert leadership on state legislatures to pass safe harbor-like laws; expand training and services through funding of programs as incentives; and encourage states to expand the mandate of state CPS workers and local child welfare personnel to include CSEC and train them to identify risk factors for trafficking.
6. Ensures that defense lawyers for accused perpetrators of child sex trafficking are trained on the sensitivities of examining a child witness. The U.S. government could look at some examples of how the systems of other countries aid child witnesses.
7. Develop and implement programs that account for victims’ cultural norms, especially communities such as Native Americans that have long distrusted U.S. authorities due to a history of abuse.^{liii}
8. Funds and supports facilities for victims of commercial sexual exploitation that provide safety and protection from perpetrators, trained and supportive staff that care for mental and physical health have sufficient staff to build trust.

Conclusion

This Alternative Report comes with more than a decade of experience in combating child sex trafficking, or the commercial sexual exploitation of children, within the United States and by U.S. citizens abroad. Its authors have followed major progress of the U.S. government beginning with the passage of the TVPA in 2000 and its reauthorizations. And we have noted steady progress and effort between the initial U.S. government report and this periodic report.

We commend the enactment of strong laws and actions to protect child victims and prosecute traffickers; the efforts to raise awareness through training and anti-trafficking messages; the recent focus on finding a more effective method of data collection and

analysis - the basic building block of information and identification; and the offices of the federal government that have good cooperation with NGOs.

Recognizing this progress as well as the inherent challenges in the continuing task, this report has highlighted several areas where more attention and effort are required. Among others: 1) Separating trafficked children from adults in all aspects of information gathering. 2) Instituting and supporting federally funded services and shelters for children. 3) Targeting its training on the right groups and individuals, deepening the content and reaching into the communities where it is most needed. 4) Complementing its prosecution-centric approach to prevention with a more public health and child-centered approach in order to reach the countless vulnerable children otherwise ignored, unprotected and at major risk. 5) Collaborating more effectively with the states to help change their laws. The paradigm has shifted slightly but a great deal more is needed.

Finally, it is important for the U.S. government to keep monitoring and evaluating its own progress and asking itself what is working and what is not. What does it need to do more of, better, and/or differently? Are its efforts achieving results? Are its campaigns reaching or even aiming at the right audiences? Are its laws being implemented?

We strive for a world in which no child, whether in the United States or abroad, is commercially sexually exploited. The United States should be a leader in this area. As members of civil society in the United States and as critical stakeholders in this enormous endeavor, we look forward to further progress and to help guide the UNCRC and ultimately U.S. policy makers toward the next steps needed to protect children from having their rights violated every day through prostitution, pornography and trafficking.

NOTES

- ⁱ U.S. Department of Justice, *The National Strategy for Child Exploitation Prevention and Interdiction: A Report to Congress*, (August 2010).
- ⁱⁱ Appleseed, *Children at the Border: The Screening, Protection and Repatriation of Unaccompanied Mexican Minors*, (2011).
- ⁱⁱⁱ Natnael Moges, *Unpublished informational memo*, (2011).
- ^{iv} Shared Hope International, ECPAT-USA and the Protection Project of the Johns Hopkins University School of Advanced International Studies, *Report from the U.S. Midterm Review on the Commercial Sexual Exploitation of Children in America*, (2006).
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- ^{vi} Appleseed, *Children at the Border: The Screening, Protection and Repatriation of Unaccompanied Mexican Minors*, (2011).
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- ^{viii} Appleseed, *Children at the Border: The Screening, Protection and Repatriation of Unaccompanied Mexican Minors*, (2011).
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- ^x Ibid.
- ^{xi} Jessica Ashley, *The commercial sexual exploitation of children and youth in Illinois*, (January 2008). Retrieved from: http://g.virbcdn.com/_f/files/0f/FileItem-149882-csecAsley2008icjia.pdf
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- ^{xiii} Smith, L. A., Healy Vardaman, S. and Snow, M. A., *The National Report on Domestic Minor Sex Trafficking: America's Prostituted Children*, p. v , (2009); The Action Group To End Human Trafficking and Modern-Day Slavery, *Recommendations for Fighting Human Trafficking he United States and Abroad*, p. 30, (November 2008). Retrieved from: <http://www.freetheslaves.net/Document.Doc?id=96>; Hsu, S. S., "Delay in Immigration Raids May Signal Policy Change", Washington Post, (March 29, 2009). Retrieved from: <http://www.washingtonpost.com/wp-yn/content/article/2009/03/28/AR2009032801751.html>
- ^{xiv} *San Antonio Current*, "Underage sex trafficking is everywhere local law enforcement looks, but will their budgets hold out," (February 8, 2012). Retrieved from: <http://sacurrent.com/news/underage-sex-trafficking-is-everywhere-local-law-enforcement-looks-but-will-their-budgets-hold-out-1.1268733>
- ^{xv} Natnael Moges, *Unpublished informational memo*, (2011).
- ^{xvi} Collected from meeting discussions.
- ^{xvii} Appleseed, *Children at the Border: The Screening, Protection and Repatriation of Unaccompanied Mexican Minors*, (2011).
- ^{xviii} O'Connell Davidson, J., "Sex Tourism and Child Prostitution" in *Tourism and Sex: Culture, Commerce and Coercion (Leisure and Recreation)*. Clift, S. and Carters, S. eds., 54-5 (2000).
- ^{xix} Ibid.
- ^{xx} "Safe Harbor" laws vary from state to state, but the primary principle behind these laws is that that sexually exploited children under 18 years old should be referred to the child welfare system

for assistance and protection when they are identified in the criminal justice system. A thorough discussion of the types of state laws that would protect children is at:
<http://www.sharedhope.org/WhatWeDo/BringJustice/PolicyRecommendations/ProtectedInnocenceInitiative.aspx.do>

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http://www.stthomas.edu/law/programs/journal/Volume6num1/Koeplinger_final_pd.pdf/

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<http://www.mcclatchydc.com/2010/12/03/104672/alaska-native-girls-are-targets.html>

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^{xxiv} Ibid.

^{xxv} Ibid.

^{xxvi} Curtis, R., Terry, K., Dank, M., Dombrowski, K. & Khan, B., *Commercial Sexual Exploitation of Children in New York City, Volume One: The CSEC Population in New York City: Size, Characteristics, and Needs*, (December 2008).

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^{xxviii} Jonathan Todres, *Taking Prevention Seriously: Developing a Comprehensive Response to Child Trafficking and Sexual Exploitation*, 43 VANDERBILT JOURNAL OF TRANSNATIONAL LAW 1, 25-26 (2010); Mike Dottridge, *Young People’s Voices on Child Trafficking: Experiences from South Eastern Europe* (UNICEF Innocenti Working Papers, Paper No. IWP-2008-05, 2008), available at http://www.unicef-irc.org/publications/pdf/iwp_2008_05.pdf

^{xxix} Mike Dottridge, *Young People’s Voices on Child Trafficking: Experiences from South Eastern Europe*, at vi (UNICEF Innocenti Working Papers, Paper No. IWP-2008-05, 2008), available at http://www.unicef-irc.org/publications/pdf/iwp_2008_05.pdf

^{xxx} Jonathan Todres, *Moving Upstream: The Merits of a Public Health Law Approach to Human Trafficking*, 89 North Carolina Law Review 447, 470-480 (2011).

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^{xxxii} Shared Hope International, *The Protected Innocence Challenge: State Report Cards on the Legal Framework of Protection for the Nation’s Children*, (2011). Retrieved from: <http://www.sharedhope.org/WhatWeDo/BringJustice/PolicyRecommendations/ProtectedInnocenceInitiative.aspx.do>

^{xxxiii} See e.g., United States v. Jungers, 2011 U.S. Dist. LEXIS 139788, *appeal filed*; United States v. Bonestroo, 2012 U.S. Dist. LEXIS 981, *appeal filed*; Indictment at 1, United States v. Oflyng, No. 09-00084-01-CR-W-SOW (W.D. Mo. March 10, 2009); see also News Release, U.S. Department of Justice, Office of the United States Attorney for the Western District of Missouri, Human Trafficking Rescue Project, Operation Guardian Angel, Final Defendant Pleads Guilty to Sex Trafficking of a Child, (December 18, 2009),

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