

Excerpt from the book:

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Cautionary note: The terms 'child prostitution' and 'prostituted children' are used in this text to denote children that are sexually exploited and sexually trafficked. The connotative manner in which these definitions are perceived and analyzed may differ due to linguistic, cultural, and perceptual differences.

UNITED STATES OF AMERICA

	POPULATION 324,5 million		GDP PER CAPITA 59,531.7 USD
	POLITICAL SYSTEM Presidential Regime with a Federal Organization		HUMAN DEVELOPMENT INDEX 10 th rank among 187 countries
	GENDER INEQUALITY INDEX 43 rd rank among 147 countries		CORRUPTION PERCEPTIONS INDEX 16 th rank among 180 countries

According to the 2018 US Department of State report on Trafficking in Persons, the United States of America (USA) is ranked in Tier 1, meaning the government fully complies with the Trafficking Victims Protection Act's (TVPA) minimum standards. Human trafficking for sexual exploitation purposes is illegal across the USA, as well as at the federal level, however the definition of "trafficking" differs depending on individual states' statutes, sometimes conflicting with the definition in the TVPA.

Particular differences in opinion exist between states in regards to child victims of human trafficking and prostitution. According to the TVPA, all persons under the age of 18 involved in the sex trade are considered trafficking victims, although some states continue to prosecute minors for prostitution.

Convictions for human trafficking differ from state to state. Most trafficking prosecutions occur at the federal level, due to jurisdictional authority, resources and

experience. The most common types of trafficking found in the USA are sex trafficking (especially in illicit spa/massage businesses, hotel/motel-based operations, online ads, and escort services) and forced labor (especially domestic slavery).

There is no single profile for a trafficking victim in the USA, victims come from diverse socio-economic, ethnic, national, gender or sexual identities and educational backgrounds. However, there are certain characteristics that can make populations more vulnerable to exploitation, prostitution and human trafficking. Young runaways and homeless people, LGBT individuals, foreign nationals with limited English speaking skills, people suffering from addiction and victims of deep trauma are the groups that have been recorded as having the highest rates of victims of human trafficking, particularly for prostitution purposes.

According to data collected by Polaris since 2007 from reports of trafficked

persons through the National Human Trafficking Hotline, it is possible to determine certain trends. More than 7,000 victims of trafficking were identified in 2017 (2,000 reports were made directly by victims), mostly adult women from Latin America and Asia, whose exploitation began when they were between 12 and 20 years old.

Sexual exploitation takes place mainly in massage parlors, brothels, hotels, in the pornography industry and via online ads (*National Human Trafficking Hotline*, May 2018). The vast majority of reports are made in coastal areas (West, East, Gulf of Mexico, Great Lakes region), but also in the country's many urban centers (Denver, Kansas City, Omaha), especially near the US-Mexico border (Texas, Las Vegas, El Paso) (*Polaris*, 2018). The majority of reported cases are in the states of California (760), Texas (455) and Florida (367) (*National Human Trafficking Hotline*, May 2018) while the majority of reports in the cities come from Houston, New York, Los Angeles and Washington (*National Human Trafficking Hotline*, September 2017).

According to the numbers collected by the *Federal Bureau of Investigation* (FBI), 28,490 people were arrested in 2017 for prostitution-related activities (of which 17,366 were women and 11,124 were men). The arrests took place mainly in California, Texas, Florida and Nevada (*US Department of Justice a), b), c), d)*, 2017).

Legislation in Force

The US main federal bill regarding human trafficking is the TVPA of 2000, as well as its successive revisions in 2005, 2008 and 2013. This text provides a standardized definition of human trafficking, as well as standardized federal penalties incurred according to the different levels of crime. The *Stop Enabling Sex Traffickers Act* (SESTA) and the *Allow*

States and Victims to Fight Online Sex Trafficking Act (FOSTA) legislations passed in 2018 are also landmark federal laws regarding human trafficking. Both laws make it illegal to knowingly assist, facilitate or manage sex trafficking, including on Internet websites that use their platform to participate in trafficking. Another federal instrument to combat human trafficking is the *Justice for Victims of Trafficking Act* (JVTA) of 2015, which augmented the resources available to assist trafficking victims, including children. The No Human Trafficking On Our Roads Act of 2018 mandated professional drivers convicted of using their commercial driver's license to transport victims of trafficking to permanently lose their Commercial Driver's License (CDL), which allows them to drive heavy trucks or 18-wheelers.

The Preventing Sex Trafficking and Strengthening Families Act of 2014 aims to reduce the rate of child trafficking within the foster care system. Among other federal legislation to combat trafficking in persons, the *Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today* (PROTECT) Act of 2003 strengthened efforts to protect children from sexual exploitation, including sex trafficking and sexual tourism. Lastly, the Intelligence Reform and Terrorism Prevention Act of 2004 established the Human Trafficking and Smuggling Center to facilitate the dissemination of information on trafficking and the smuggling of migrants and to prepare strategic analysis. The center also plays an important role in the coordination and cooperation between US agencies as well as foreign governments and international organizations.

There is no federal legislation regarding prostitution, as it falls under state jurisdiction. Prostitution is illegal in all 50 US states, except in 12 counties in the state of Nevada, which regulates it under certain

conditions. Prostitution is legal in counties with less than 700,000 residents (which excludes Las Vegas and Reno). Prostituted persons must be at least 18 years of age, submit to weekly Sexually Transmitted Infections (STI) tests, and are required to systematically use condoms. Brothels cannot be located within 350 meters of a school or a place of worship, and may not be located on a principal shopping street or main artery. They may not be advertised in any public place or county where prostitution is illegal. To date, 21 brothels are reportedly legally operated in seven counties in Nevada, employing around 200 prostituted people at all times. However, there is reportedly more illegal prostitution than legal prostitution in Nevada (*Justia*, 2013).

A number of laws have been passed in the USA regarding child prostitution and trafficking. In September 2016, Decree SB1322 was issued in California to decriminalize minors in prostitution. Therefore considered to be victims, this law exempted persons younger than 18 from being arrested for violating California's solicitation laws. Prostituted children are dependent on the juvenile courts and can therefore be placed in Civil Protective Custody, under certain conditions, to ensure their protection. For example, a prostituted minor acting under the influence of alcohol or drugs may be taken into preventive custody for a period of 72 hours. After this period, they are not considered a criminal and may be referred to social services. California is the tenth state in the USA to decriminalize underage prostitution, although most of the other state automatically established it under the TVPA.

In 2016, the state of Hawaii passed legislation that explicitly criminalized sex trafficking and allows the state to prosecute traffickers in both state and

federal courts. Hawaii is the latest state to have ratified this legislation (*Star Advertiser/AP*, July 5, 2016).

Specialized courts have been created to refer victims to social services rather than condemning them as criminals. In 2015, the Center for Human Trafficking Court Solutions published a series of informational guides on human trafficking and its consequences on victims. Some of those documents, intended for designated judges, explain how to identify potential victims of trafficking and describes the complexity of the human trafficking system and its consequences (CPPS, July 2014). Because specialized courts operate in each state, centralized data collection to compile national statistics remains difficult.

Residency allowances continue to be allocated to victims of trafficking of foreign origin brought to the USA. Depending on circumstances, in 2017, allowances included 446 Certification Letters, 509 Eligibility Letters, 160 Continued Presence grants, 113 Continued Presence extensions and 672 T non-immigrant status visas to victims, as well as 690 visas for eligible family members (*US Department of State*, June 2018).

In April 2018, the US government also enacted the *SESTA* and *FOSTA* laws, which strengthened the existing anti-trafficking law by clearly criminalizing all forms of assistance, facilitation or support to human trafficking. This resulted in the repeal of Article 230 of the Communications Decency Act of 1996, which provided special protection for access providers and users of online services from prosecution for content published by third parties on their sites. This safe harbor was used to protect online commercial sex advertisement platforms from legal action, notably the website Backpage. Thus, these new laws have made it possible to make online service and

ad providers responsible for any illegal content posted on their websites.

Federal Operations

The US Federal government has undertaken several coordinated operations to combat human trafficking at the national level. One of these projects is the annual operation conducted by the FBI called Operation Cross Country. This law enforcement action focuses primarily on rescuing underage victims of prostitution and raising awareness to the issue of human trafficking in the USA and abroad (*FBI National Press Office*, October 17, 2016). Another annual national operation is the National Johns Suppression Initiative (*Dart*, February 6, 2018). Placed under the authority of the Cook County Police in Illinois, this joint law enforcement operation spans over multiple states and targets sex buyers.

The US government also continued its efforts against trafficking via the Blue Campaign, a series of actions coordinated by the Department of Homeland Security. This campaign aims both to provide anti-trafficking resources to various industries and to establish collaborations with other governmental and non-governmental organizations to raise awareness about human trafficking in the USA and abroad. The Blue Campaign provides support for law enforcement services to identify victims of human trafficking and trains them to conduct victim-centered investigations. Various training tools have been published for first responders (law enforcement, health professionals, aviation professionals, various community groups and judicial employees).

Repression and Convictions

By analyzing the articles published in the American press in 2017 and 2018, the number of arrests and dismantling of

prostitution networks can be seen to be significant (*International Observatory on Sexual Exploitation/Fondation Scelles*, 2018). Between January and December 2018, at least 15 cases related to prostitution and sexual exploitation networks were reported. Several of these networks involved foreign or transnational individuals. This is the case of an Indian couple who exploited Indian actresses across the country (*The Tribune*, June 18, 2018), or the dismantling of a Venezuelan network in California that prostituted more than 40 women (*Deutsche Welle*, November 23, 2018). Most of the criminals are American citizens and their victims are mainly migrants (especially from Mexico) or missing children (*New York Post*, October 9, 2018). Fines can amount to several million dollars and sentences can range from 2 to 26 years in prison (*Indianapolis Star*, June 29, 2018). As part of an investigation into a prostitution ring in New York, 7 police officers were arrested by the FBI (*Mirror*, September 12, 2018).

Tensions between the police and the American population have always existed, and this phenomenon is only getting worse. Studies conducted in Miami and Las Vegas in 2016 by the Center for Court Innovation also reported police abusing their power to coerce sexual favors from prostituted persons. A 2016 Urban Institute analysis of individuals arrested and prosecuted for offences related to prostitution in New York City revealed that the majority of respondents had “overwhelmingly negative experiences [with the police], which consisted of verbal abuse, intimidation, humiliation, sexual harassment and criminal profiling” (*Urban Institute*, April 5, 2017).

In August 2016, the US Department of Justice (DOJ) conducted an investigation into the *Baltimore Police Department (BPD)*, which revealed that the BPD disregarded reports of sexual assault made on

prostituted persons. The investigation also found that *BPD* officials intentionally targeted prostituted women in order to “coerce sexual favors from them in exchange for avoiding arrest, or for cash or drugs” (*US Department of Justice, Civil Rights Division, August 10, 2016*).

In 2017, the Oakland Police Department was ordered to pay nearly USD 1 million in damages to a 19-year-old woman who claimed to have been sexually abused by over a dozen Oakland police officers while she was still a minor (*National Public Radio, June 1, 2017*).

In 2017, Michigan became the last state in the USA to pass legislation to prohibit undercover police officers from engaging in sexual relations during the course of immersions prostitution stings (*Independent, April 24, 2017*). Yet, various reports dealing with the relationship between prostituted people or victims of human trafficking for sexual exploitation purposes and the police force show that the latter are almost systematically harassed and abused, particularly in Alaska (*Burns, May 2015*), in Las Vegas (*Center for Court Innovation a), March 2016*), in Miami (*Center for Court Innovation b), March 2016*), in Chicago (*US Department of Justice Civil Rights Division, January 13, 2017*), and in New Orleans (*US Department of Justice Civil Rights Division, March 16, 2011*).

The American government must fight these abuses of power more concretely. Competent authorities should take systematic punitive actions in response to abusive actions committed by police officers; the use of non-lethal weapons (pepper sprays, tasers) should be strictly regulated to avoid certain threats or torture; training should be systematically provided to raise awareness law enforcement officials about the situation of victims of prostitution and trafficking.

Initiatives implemented in the fight against sex trafficking in the USA

The Role of Civil Society

Several NGOs have also played an important role in the fight against human trafficking and prostitution in the USA. This is the case, for example, of the NGO *Truckers Against Trafficking* which brings together truck drivers in all states of the USA and works to identify victims of trafficking on the roads. They work alongside law enforcement to report instances of human trafficking they notice while driving. The organization has a number of projects currently underway: the *Freedom Drivers Project* aims to raise awareness among the general public; the *Shipping Partners Project* seeks to engage major international shipping companies in the fight against human trafficking; the *Builds Coalition* offers training to individuals employed in sectors with high risks of human trafficking; and *Busing on the Lookout* trains both commercial and school bus drivers on how to identify and report potential victims to the authorities.

However, the NGO’s main program is the *Industry Training Program*, which aims to train people working in and around the trucking industry on how to deal with human trafficking, and specifically on how they can help victims. In 2017, thanks to these programs, members of *Truckers Against Trafficking* made 391 calls to the *National Human Trafficking Hotline*, resulting in 85 new cases being opened (compared to 325 calls in 2015 and 265 in 2016). In total, they identified over 1,000 potential victims, including hundreds of minors.

American civil society has also been involved in the fight against prostitution and human trafficking. Popular culture and the media frequently address these problems. The two most striking examples of this have been Steven Soderbergh’s 2016 television series *The Girlfriend*

Experience, which “embellishes” the relations between call-girls and their sex buyers, as well as director Mary Mazzio’s two documentary films, *I Am Jane Doe* and *I Am Little Red*, which were both released in 2017 and denounce sex trafficking and the severity of these issues.

Engagement of tech companies

Major technological advancements in the USA have strengthened the fight against human trafficking and prostitution. Some call for public participation, such as an app called *TraffickCam*. This app allows users to upload photos of their hotel rooms to a database accessible by law enforcement. The authorities can then use these photos to identify the hotel rooms pictured in online prostitution ads. This, in turn, lets them target specific locations that have high incidences of prostitution, and allows them to take action quickly after a room has been identified. Thanks to the contribution of over 140,000 users since 2015, nearly 3 million photos taken in more than 255,000 hotels have been recorded in this database.

Another software used by law enforcement to combat human trafficking is the *Traffic Jam*, created by the *Marinus Analytics* group. In 2017, the group partnered with *Amazon Rekognition* software to integrate facial recognition into their program, which helps police identify victims, particularly underage victims. Thanks to this software, law enforcement can take a photo of a missing child, whether from their social media or given by a social worker, and quickly determine whether that child is being advertised online for commercial sex. *Traffic Jam* has indexed over 1.5 million faces to date (*Marinus Analytics*, 19 October 2017).

In 2015, the company *Thorn* created the *Spotlight* software to help find children sexually exploited online. *Thorn* is a computer company that actively fights

human trafficking in the USA. The company works with law enforcement to prevent the spread of child pornography by using a facial recognition software to analyze online sex services advertisements. By 2015, the software was implemented in 48 states and used by over 1,900 police officers, decreasing the investigation time by over 50% in cases where it was used. This in turn helped to identify more than 360 victims and arrest more than 60 traffickers. In 2016, *Thorn* identified over 2,020 child victims of sexual abuse, and 5,894 child victims of sexual exploitation in 2017. *Thorn* has participated in the rescue of 103 underage victims and helped law enforcement to accelerate the pace of their investigations by nearly 65%.

In 2017, *Microsoft* debuted a chatbot in Seattle, which posed as an underage girl attempting to engage in the sex trade. The virtual character conversed with potential sex buyers who responded to the ad. When the chatbot confirmed that they were buying sexual services from a minor, it would send them a response describing how prostitution is a harmful system that destroys the lives of millions of women around the world. This message was sent out to over a thousand men. The chatbot’s objective was to act as a deterrent for sex buyers by introducing psychological barriers in the minds of those attempting to purchase sex online. *Microsoft* would like the system to be applied in other cities across the USA in order to reduce the demand for commercial sex nationwide (*BBC News*, November 25, 2017).

Healthcare

The most recent study concerning the health of prostituted persons was conducted by Melissa Farley in 2016 on Native American prostituted women and victims of human trafficking for sexual exploitation purposes in Minnesota. More

than 34 pathologies were referenced among the women interviewed (from 6 to 72% of those affected) including muscle problems (72%), joint problems (52%) or paralysis (25%). In addition, 72% of them suffered head injuries from blows to the head (*Dignity*, April 2018). More than 70% experienced symptoms of post-traumatic stress disorder (*American Indian and Alaska Native Mental Health Research*, 2016).

Violence is also a recurring factor in the background of prostituted persons, especially in childhood or adolescence. 79% had been sexually abused as children and 39% had been sold in exchange for sex.

During their time in prostitution, 92% of women were raped, and 68% had been raped more than five times. As official complaints are rare, the number of assaults suffered is difficult to assess. Other studies show that more than 80% of prostituted persons had been assaulted, and 55% of these attacks were by sex buyers. Prostituted people are also at a higher risk of being murdered, raped, and receiving death threats than the rest of the population (*Thoughtco*, July 12, 2018).

This results in a large proportion of victims who regularly consume alcohol or drugs. It is difficult for them to imagine a way to improve their situation, when, according to Farley's study, 98% lived in circumstances of extreme poverty, or even on the streets (*American Indian and Alaska Native Mental Health Research*, 2016).

The Fight Against Online Sex Trafficking

In recent years, the USA has been attacking platforms and systems that facilitate online prostitution. Three significant progressions have marked the fight against online sex trafficking in the USA.

In August 2015, the FBI closed the *Rentboy* website, which allowed prostituted homosexual men to advertise online. During

a raid on the company's premises, seven people were arrested. In October 2016, the CEO was charged with promoting prostitution and sentenced to six months' imprisonment. This conviction was intended to send a deterrent message to other online prostitution website managers and make clear that all parties involved in the Internet sex trade will be convicted of participating in the promotion of an exploitative system (CBS News, August 2, 2017).

In 2017, the FBI shut down a Seattle based website called *The Review Board*, which had been described as "Yelp" for sex trafficking. Seattle's sex buyers could review prostituted persons they had frequented. The FBI charged many of the sex buyers who had identified themselves on the site through a several month long sting, and did not charge any of the women, referring them instead to social services (*The Seattle Times*, July 26, 2017). This is an example of an effective police-led approach focused on victims of prostitution.

Yet, the most significant development in this sector was the FBI's seizure and closure of the *Backpage* website, which specialized in dating and paid sexual services ads. With the adoption of the SESTA and FOSTA laws in April 2018, Internet Service Providers (ISPs) are now held responsible for the publication of human trafficking ads on their websites. On April 6th, 2018, the FBI seized the website *Backpage* and its affiliated sites, and indicted several high level site officials with charges ranging from money laundering to facilitating the prostitution of others. The CEO of *Backpage*, Carl Ferrer, pleaded guilty to money laundering and conspiracy to facilitate prostitution in California, Texas, and federal charges in Arizona. He faced a sentence of up to five years in prison (*Reuters*, April 6, 2018).

In conclusion, US policy has sought to target those who facilitate prostitution and the exploitation of others while protecting the victims of this system. This trend is positive and needs to be more widely applied as much work remains to be done. The USA must strengthen the prosecution of those responsible for perpetuating cycles of prostitution, whether procurers, traffickers, or sex buyers who are complicit in this human trafficking for sexual exploitation purposes. Sanctions against police officers who abuse their authority must be systematically applied. Education and training to raise awareness on trafficking and sexual exploitation should be provided to all law enforcement agencies. The recognition of prostituted persons as victims of exploitation in the law would also improve the fight against trafficking. There is also a need to increase the accessibility to healthcare services for prostituted persons. The US government must also continue to support NGOs that help victims of prostitution, including providing established budgets for exit routes from prostitution. Preventive actions should also be improved, including through the implementation of national awareness campaigns on the situation of victims and the effects of trafficking. Finally, awareness within communities, including knowledge of the *National Human Trafficking Hotline*, is not yet sufficient and the government should implement poster campaigns in places frequented by vulnerable people (schools, social services, immigration offices, etc.).

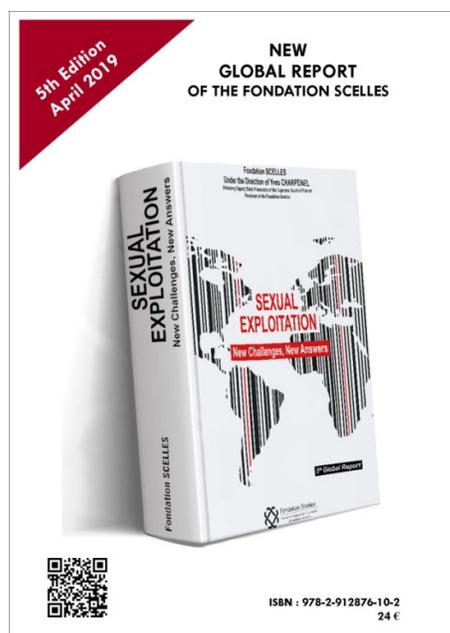
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The Global Report is produced by the International Observatory on Sexual Exploitation, in collaboration with internal and external experts (magistrates, lawyers, social workers, NGO leaders...), and the support of local NGO correspondents or international researchers.



The **Fondation Jean et Jeanne Scelles**, recognized as a public utility since 1994 and as a consultative status with ECOSOC, is an independent, non-profit organization based in Paris (France) dedicated to fight the system of prostitution and the exploitation of prostituted persons, through information, analysis, advocacy, trainings, awareness initiatives and legal actions. The **Fondation Jean et Jeanne Scelles** is a co-founding member of the Coalition for the Abolition of Prostitution (CAP International) which was launched in 2013 and today brings together 28 abolitionist NGOs from 22 countries.

The **International Observatory on Sexual Exploitation** (Observatoire international de l'exploitation sexuelle) is a worldwide hub which allows for information exchange on the system of prostitution. The hub is regularly consulted by French and foreign experts including NGOs, institutions, journalists, lawyers, researchers and those involved in the defense of human rights. The goals of the **International Observatory on Sexual Exploitation** are:

- to analyze all the aspects of the phenomenon: prostitution, sex tourism, procurement, child pornography, sex buyers, human trafficking for the purpose of commercial sexual exploitation...
- to encourage reflection and to take a stand
- to inform the public who are interested in these issues

CONTACT

Sandra AYAD, Head of the International Observatory on Sexual Exploitation
sandra.ayad@fondationscelles.org

14 rue Mondétour
75001 Paris - France



www.fondationscelles.org
 Tw: @Fond_Scelles
 Fb: @FondationScelles