



Annex 6

U.S. SUBMISSION TO WORLD CONGRESS III

United States of America

The government is invited to provide the most accurate and updated information on developments that may have taken place between 2001 and 2008 in implementing measures to protect children from sexual exploitation, as well as to indicate prevailing gaps and challenges where it sees its energy and resources being most urgently required.

1. Legal framework, law reform, law enforcement mechanisms and relevant jurisprudence

United States law provides a comprehensive framework to address the commercial sexual exploitation of children. Six main laws address this issue in the United States:

- (1) The Trafficking Victims Protection Act (TVPA) of 2000, reauthorized in 2003 and 2005;
- (2) The Mann Act, and in particular sections 2421, 2422, 2423, and 2427;
- (3) The Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today (PROTECT) Act, especially sections 105 (Penalties against sex tourism), 323 (Cyber Tip line), and 202 (Statute of Limitations);
- (4) The Children’s Internet Protection Act;
- (5) The Child Obscenity and Pornography Prevention Act; and
- (6) The Adam Walsh Child Protection and Safety Act.

Prostitution of Children / Sex Trafficking and Sex Tourism

The exploitation of children in prostitution is not legal anywhere in the United States. Under U.S. federal law, the Mann Act, 18 U.S.C. § 2421, prohibits transporting a person across foreign or state borders for the purpose of prostitution. In addition to this general prohibition, federal law specifically prohibits transportation across foreign or state borders of any individual under age 18 with the intent that the “individual engage in prostitution or in any sexual activity for which any person can be charged with a criminal offense.” 18 U.S.C. § 2423(a). Federal law further prohibits enticing, persuading, inducing, etc., any person to travel across a state boundary for prostitution or for any sexual activity for which any person may be charged with a crime, 18 U.S.C. § 2422(b), and travel with intent to engage in any sexual act with anyone under age 18, 18 U.S.C. § 2423(b). Additionally, the newest federal legal tool in the fight against child prostitution is 18 U.S.C. § 1591, which was passed as part of the Trafficking Victims Protection Act of 2000. This provision criminalizes all sex trafficking of children, regardless of whether fraud, force or coercion was used in the offense. Unlike the Mann Act provisions, there is no requirement under § 1591 that sex trafficking cross state lines, provided it can be shown that the conduct is in or affecting interstate or foreign commerce.



Federal statutes also proscribe conduct related to sex tourism. 18 U.S.C. § 2423(c) makes it a crime for a U.S. citizen or legal permanent resident to travel in foreign commerce and engage in illicit sexual conduct. Significantly, this statute does not require proof that the individual intended to engage in illicit sexual conduct prior to travelling. In addition, 18 U.S.C. § 2423(d) criminalizes knowingly arranging or facilitating the travel of a person in interstate or foreign commerce for the purpose. This statute was intended to cover sex tour operators who benefit financially from the sexual exploitation of children in foreign countries.

In addition to the federal statutes detailed above, all 50 states prohibit prostitution activities involving minors under the age of 18. State child prostitution statutes specifically address patronizing a prostituted child, inducing a child into prostitution, or actively aiding the promotion of child prostitution.

Child Pornography

Federal law prohibits the production, distribution, receipt, and possession of child pornography, if the pornographic depiction was produced using any materials that had ever been transported in interstate or foreign commerce, including by computer, or if the image was transported interstate or across a U.S. border. 18 U.S.C. §§ 2251-2252A. Conspiracy and attempts to violate the federal child pornography laws are also chargeable federal offenses.

More specifically, 18 U.S.C. § 2251 establishes as criminal offenses the use, enticement, employment, coercion, or inducement of any minor to engage in “any sexually explicit conduct for the purpose of producing any visual depiction” of that conduct. This provision further prohibits the transportation of any minor in interstate or foreign commerce with the intent that the minor engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct. Parents, legal guardians and custodians are punishable under this provision if they permit a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of that conduct that the parent or guardian knows or has reason to know will be transported or has been transported in interstate or foreign commerce. The provision also imposes criminal penalty on those who produce and reproduce the offending material, as well as those who advertise seeking/offering to receive such materials or seeking/offering participation in visual depictions of minors engaged in sexually explicit conduct.

Federal law also prohibits (1) the transfer, sale, purchase, and receipt of minors for use in production of visual depictions of minors engaged in sexually explicit conduct, 18 U.S.C. § 2251A; (2) knowingly transporting, shipping, receiving, distributing, or possessing any visual depiction involving a minor in sexually explicit conduct, 18 U.S.C. §§ 2252 and 2252A; and (3) the use of a minor to produce child pornography for importation into the United States, and the receipt, distribution, sale, or possession of child pornography intending that the visual depiction will be imported into the United States, 18 U.S.C. § 2260. For purposes of these statutes, a minor is defined as anyone under age 18. 18 U.S.C. § 2256(1).

Sexually explicit conduct is defined in these federal statutes as “actual or simulated (A)

sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex; (B) bestiality; (C) masturbation; (D) sadistic or masochistic abuse; or (E) lascivious exhibition of the genitals or pubic area of any person.” 18 U.S.C. § 2256(2).

Further, each state has enacted laws addressing child pornography. The precise scopes of these statutes vary from state to state; however, they all prohibit the visual depiction by any means of a child engaging in sexually explicit conduct. While the exact wording of each state’s statutes may differ, all state statutes address the following three areas: (1) *production*: employment or use of a minor to engage in or assist in any sexually explicit conduct for the purpose of producing a depiction of that conduct; (2) *trafficking*: distributing, transmitting or selling child pornography; and (3) *procurement*: inducing or persuading a minor to be the subject of child pornography.

Legal Sanctions / Punishments

U.S. federal and state laws punish sex trafficking of children with severity. For example, 18 U.S.C. § 1591 provides for a mandatory minimum of 15 years imprisonment and a maximum penalty of life imprisonment for child sex trafficking if the victim is under 14 years of age, and a mandatory minimum of 10 years imprisonment and a maximum of 40 years imprisonment if the victim is between the ages of 14 and 18. The statutes relating to transportation for purposes of prostitution or criminal sexual activity, 18 U.S.C. §§ 2421-2423, provide for fines and terms of imprisonment ranging from not more than 10 years imprisonment (18 U.S.C. § 2421—transportation of any individual for prostitution or criminal sexual activity) to life imprisonment (18 U.S.C. § 2422(b)—enticement of a minor to engage in criminal sexual activity; 18 U.S.C. § 2423(a)—transportation of a minor to engage in criminal sexual activity). Both 18 U.S.C. §§ 2422(b) and 2423(a) have a 10 year mandatory minimum term of imprisonment.

The statute relating to production and advertisement of child pornography, 18 U.S.C. § 2251, provides for a range of penalties, including fines and sentences ranging from a mandatory minimum of 15 years to life imprisonment; the statute prohibiting selling or buying of children for the purpose of producing child pornography, 18 U.S.C. § 2251A, has a mandatory minimum penalty of 30 years imprisonment and a maximum penalty of life imprisonment; the statutes covering activities related to material involving the sexual exploitation of children and child pornography (the statutes are slightly different, but both generally cover child pornography offenses other than production, which is covered by § 2251), 18 U.S.C. §§ 2252 and 2252A, provide for penalties ranging from a maximum of 40 years imprisonment (for knowing distribution, transportation, receipt, etc., of child pornography, with a prior qualifying conviction), a mandatory minimum of 5 years imprisonment for knowing distribution, transportation, receipt, etc., of child pornography, and a maximum imprisonment of not more than 10 years for possession of child pornography without a prior qualifying conviction (possession of child pornography with a prior qualifying conviction is punishable by a mandatory minimum term of 10 years imprisonment and a maximum term of 20 years imprisonment). The prohibition of the production or use of sexually explicit depictions of a minor for importation into the United States, 18 U.S.C. § 2260, contains penalties ranging from a mandatory minimum of 5 years and a maximum of 15 years for a first offense not involving production and a



mandatory minimum of 15 years imprisonment and a maximum penalty of 30 years for a first offense involving production to a mandatory minimum of 35 years and a maximum of life for a third offense involving production.

2. Government institutions responsible for coordinating measures and relevant national or regional plans

The federal government coordinates measures and relevant national plans to the extent that it exercises jurisdiction, otherwise state and local government do so.

President's Interagency Task Force To Combat Trafficking in Persons

The President's Interagency Task Force to Combat Trafficking in Persons (PITF) and the Senior Policy Operating Group on Trafficking in Persons (SPOG) are two high-level Task Forces which meet on a regular basis to develop and coordinate domestic and international efforts to eradicate human trafficking. The PITF was authorized by the Trafficking Victims Protection Act of 2000, and is chaired by the Secretary of State. The SPOG, which implements the policies of the PITF, meets quarterly and is chaired by the Director of the Office to Monitor and Combat Trafficking in Persons.

Human Smuggling Trafficking Center

The Human Smuggling Trafficking Center (HSTC) was created in July 2004 by the Secretary of State, the Secretary of Homeland Security, and the Attorney General. The HSTC serves as a fusion center for information on human smuggling and trafficking, bringing together analysts, officers, and investigators from such agencies as the CIA, the FBI, the Department of State, and the Department of Homeland Security. HSTC regularly shares information on human trafficking, including child sex trafficking.

Department of Justice

The mission of the Department of Justice's Child Exploitation and Obscenity Section (CEOS) is to protect the welfare of America's children and communities by enforcing federal criminal statutes relating to the exploitation of children and obscenity. CEOS is part of the Criminal Division of the United States Department of Justice. In connection with the 93 United States Attorney Offices around the country, CEOS prosecutes violations of federal law related to producing, distributing, receiving, or possessing child pornography, transporting women or children interstate for the purpose of engaging in criminal sexual activity, traveling interstate or internationally to sexually abuse children, and international parental kidnapping. This section has jurisdiction to prosecute cases of child abuse on federal and Indian lands as well. CEOS also actively enforces federal laws against transporting obscene materials in interstate or foreign commerce.

Additionally, CEOS attorneys provide advice on child victim witness issues, and develop and refine proposals for prosecution policies, legislation, government practices and agency regulations in the areas of sexual exploitation of minors, child support, and obscenity for federal prosecutors and relevant federal law enforcement personnel. CEOS



also conducts and participates in training of federal, state, local and international prosecutors, investigators and judges in the areas of child exploitation and trafficking of women and children.

CEOS is focused on waging an aggressive battle to protect children from individuals who use computers or the United States mail system to sexually abuse and exploit them. CEOS works with the Federal Bureau of Investigation, the United States Bureau of Immigration and Customs Enforcement, the United States Postal Inspection Service, and the United States Secret Service in investigating and prosecuting its cases. Over the last few years, CEOS has worked with the FBI in initiating its major project to combat the use of computers to traffic in child pornography and exploit children online and continues to be actively involved in providing training on child pornography issues to FBI and other law enforcement personnel.

On the international front, CEOS participates in training and policy development on the issues of child exploitation and the trafficking of women and children for sexual purposes.

The Office of Justice Programs

While most of the responsibility in the United States for crime control and prevention rests with state and local governments, the Office of Justice Programs works in partnership with federal, state, local and tribal government officials to support the justice system. The Office of Justice Programs' partnerships provide actionable plans to all levels of government to improve the administration of justice. Achieving the mission requires coordination and cooperation among its components, to include, the Bureau of Justice Assistance, The Bureau of Justice Statistics, the Community Capacity Development Office, the National Institute of Justice, the Office for Victims of Crime, the Office of Juvenile Justice and Delinquency Prevention, and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking. Aggressively combating the Sexual Exploitation of Children and Adolescents spans across all of the bureaus and offices within the Office of Justice Programs. Overall, the Office of Justice Programs has provided a significant amount of resources to understand and combat the Sexual Exploitation of Children and Adolescents.

The Office of Justice Programs' Office of Juvenile Justice and Delinquency Prevention (OJJDP) provides national leadership, coordination, and resources to prevent and respond to juvenile delinquency and victimization. OJJDP supports states and communities in their efforts to develop and implement effective and coordinated prevention and intervention programs and to improve the juvenile justice system so that it protects public safety, holds offenders accountable, and provides treatment and rehabilitative services tailored to the needs of juveniles and their families. OJJDP provides extensive training and technical assistance to state and local law enforcement regarding children's issues. Additionally, OJJDP provides funding and training support for the Internet Crimes Against Children (ICAC) Task Forces. These task forces play a significant role in addressing exploitation of children on the internet. In addition to training, OJJDP has a number of ongoing collaborative demonstration programs and research projects related to addressing Sexual Exploitation of Children and Adolescents.

The Office for Victims of Crime oversees diverse programs that benefit victims of crime. The agency supports training programs designed to educate criminal justice and allied



professionals regarding the rights and needs of crime victims. Since 2003, the Office for Victims of Crime has provided over \$37 million to serve human trafficking victims and responding service providers, training over 90,000 practitioners in communities across the United States about the dynamics of human trafficking, to include sex trafficking of minor children.

The Bureau of Justice Assistance supports law enforcement, courts, corrections, victim services, technology, and prevention initiatives that strengthen the nation's criminal justice system. The Bureau of Justice Assistance currently provides funding to 42 human trafficking task forces across the United States. Since effectively combating trafficking requires a multidisciplinary approach, the human trafficking task forces include members of state and local law enforcement, prosecutors, immigration and customs enforcement officers, and victim assistance coordinators. These task forces are focused on the identification, rescue, and restoration of victims as well as prosecution of the perpetrators of trafficking for forced labor and sexual exploitation. While these task forces do not focus exclusively on child victims, as the Innocence Lost task forces discussed below do, operations conducted by these human trafficking task forces sometimes result in the identification of child victims.

Currently, the National Institute of Justice is conducting studies on the commercial exploitation of children as well as on human trafficking. Additionally, the National Institute of Justice completed three studies related to the commercial exploitation of children. The studies recently completed are as follows:

- *Commercial Sexual Exploitation of Children in New York City: A Population Assessment and Participatory Project Evaluation.*
- *Victims No Longer: Research on Child Survivors of Trafficking for Sexual and Labor Exploitation in the United States.*
- *Evaluation of the First Offender Prostitution Program.*

(please see also information provided to Question 6)

The Bureau of Justice Statistics is the primary source for criminal justice statistics in the United States. In 2007, the Bureau of Justice Statistics released *Federal Prosecution of Child Sex Exploitation Offenders, 2006*, which presents federal criminal case processing statistics on child pornography, sex abuse, and sex transportation status in the U.S. criminal code for 2006. This includes national data on the number as well as type of offenders referred to and prosecuted by the U.S. Attorneys and describes the sentences they receive. Additionally, the Bureau of Justice Statistics collects federal criminal case processing data as part of the Federal Justice Statistics Programs. This database compiles comprehensive information on individuals processed through the federal justice system.

Further, the Bureau of Justice Statistics is conducting a project through Northeastern University and the Urban Institute to create and maintain an online reporting system for human trafficking cases. The primary users are the human trafficking task forces funded by the Department of Justice through the Bureau of Justice Assistance.

The project has been a success, and at this moment the system – called the Human Trafficking Reporting System (HTRS) – is online and receiving data. Pursuant to the goal of accurately reporting statistics on human trafficking, the following has been achieved:

- A common definition and reporting protocol has been developed based on the TVPA.
- Retrospective data from 2007 have been entered into the HTRS by almost all of the task forces and internal reports have been submitted to BJS. On-site technical assistance has been provided to those task forces experiencing difficulties with the system.
- Additional data have been submitted to BJS, bringing the data up to date through the 2nd quarter of 2008.

The data captured by the HTRS will be used to support the Department's reporting requirements under the 2005 TVPRA. Overall, these data will provide a detailed look at the characteristics of human trafficking cases identified by the Task Forces, including, when available, characteristics of offenders and victims and the circumstances surrounding each case.

Federal Bureau of Investigation

In June 2003, the Federal Bureau of Investigation (FBI) in conjunction with the Department of Justice Child Exploitation and Obscenity Section and the National Center for Missing and Exploited Children launched the Innocence Lost National Initiative. Their combined efforts were aimed at addressing the growing problem of domestic sex trafficking of children in the United States.

In the five years since its inception, the Initiative has resulted in the development of 25 dedicated task forces and working groups throughout the U.S. involving federal, state and local law enforcement agencies working in tandem with U.S. Attorney's Offices.

To date, these groups have worked successfully to rescue over 400 children. Investigations have successfully led to the conviction of more than 300 pimps, madams, and their associates who exploit children through prostitution. These convictions have resulted in lengthy sentences including multiple 25-year-to-life sentences and the seizure of real property, vehicles, and monetary assets.

The FBI Crimes Against Children also chairs an interagency working group that includes non-governmental organizations, in order to facilitate informational exchanges on the issue of countering sexual exploitation of minors. This working group meets quarterly and is hosted by the National Center for Missing and Exploited Children.

The FBI has also stepped up its efforts to disrupt human trafficking operations worldwide and to free its victims. Among its initiatives:

- The FBI works with other local, state, and federal law enforcement agencies and national victim-based advocacy groups in joint task forces that combine resources and expertise on the issue. Today, the FBI participates in approximately 30 law enforcement task forces and the 42 Bureau of Justice Assistance-sponsored task



forces around the nation.

- FBI Victim Specialists (along with victims specialists from the U.S. Attorney Offices and/or other non-government victim assistance service providers) work with human trafficking victims to not only advise them of their rights as victims but also to assure they get the help they need to address their short-term and long-term needs—like legal and repatriation services, immigration relief, housing, employment, education, job training, and child care.

In addition, FBI field offices continue to:

- Produce threat assessments to determine the nature and extent of human trafficking in their areas;
- Conduct aggressive human trafficking investigations and develop actionable intelligence for future potential cases;
- Build relationships with civic and community groups and non-governmental organizations that can refer cases and provide valuable insights and information.

The Innocent Images National Initiative (IINI), a component of the FBI's Cyber Crimes Program, is an intelligence driven, proactive, multi-agency investigative operation to combat the proliferation of child pornography/child sexual exploitation (CP/CSE) facilitated by online computers. The IINI provides centralized coordination and analysis of case information that by its very nature is national and international in scope, requiring unprecedented coordination with state, local, and international governments and among FBI field offices and Legal Attachés.

The mission of the IINI is to reduce the vulnerability of children to acts of sexual exploitation and abuse which are facilitated through the use of computers; to identify and rescue child victims; to investigate and prosecute sexual predators who use the Internet and other online services to sexually exploit children for personal or financial gain; and to strengthen the capabilities of federal, state, local, and international law enforcement through training programs and investigative assistance.

Department of Health and Human Services

At the federal level, the Department of Health and Human Services (HHS) is responsible for helping victims of human trafficking become eligible to receive benefits and services so they may rebuild their lives safely in the United States. It does this primarily through three offices within the Administration for Children and Families: the Anti-Trafficking in Persons Division within the Office of Refugee Resettlement; the Office on Child Abuse and Neglect's programs in the Children's Bureau; and the Family and Youth Services Bureau, which administers the Runaway and Homeless Youth program.

The Anti-Trafficking in Persons Division within the Office of Refugee Resettlement helps certify adult victims of "a severe form of trafficking" so that these individuals are able to receive federally funded benefits and services to the same extent as refugees. Though not required to be certified by HHS, minors who are determined to be victims receive "Eligibility Letters" for the same types of benefits, as well as the Unaccompanied Refugee Minor Program's therapeutic foster care services.



The Office on Child Abuse and Neglect provides leadership and direction on the issues of child maltreatment and the prevention of abuse and neglect under the Child Abuse Prevention and Treatment Act (CAPTA). They are the focal point for interagency collaborative efforts, national conferences, and special initiatives related to child abuse and neglect, and for coordinating activities related to the prevention of abuse and neglect and the protection of children at-risk. They support activities to build networks of community-based, prevention-focused family resource and support programs through the Community-Based Family Resource and Support Program. They also support improvement in the systems that handle child abuse and neglect cases, particularly child sexual abuse and exploitation and maltreatment related fatalities, and improvement in the investigation and prosecution of these cases through the Children's Justice Act.

The Runaway and Homeless Youth Program assists homeless youth, providing basic necessities, reuniting youth with their families when possible, and aiding the transition to adulthood for older homeless youth who cannot return home. The Runaway and Homeless Youth Program provides four primary services:

- The Basic Center Program provides financial assistance to establish or strengthen community-based programs addressing the immediate needs of runaway and homeless youth and their families.
- Transitional Living Program grantees provide long-term, supportive assistance to older homeless youth, ages 16 to 21, who cannot return to their families but are not yet equipped to live on their own.
- The Street Outreach Program funds local youth service providers that conduct street-based education and outreach, and that offer emergency shelter and related services to young people who have been, or who are at risk of being, sexually abused or exploited.
- The National Runaway Switchboard (1-800-RUNAWAY) is a national communications system that assists youth who have run away, or are considering running away, and their families.

Department of Homeland Security ~ Immigration and Customs Enforcement

The Department of Homeland Security (DHS) leverages resources within federal, state, and local governments, coordinating the transition of multiple agencies and programs into a single, integrated agency. More than 87,000 different governmental jurisdictions at the federal, state, and local level have homeland security responsibilities. The comprehensive national strategy seeks to develop a complementary system connecting all levels of government without duplicating effort.

Created in March 2003, Immigration and Customs Enforcement (ICE) is the largest investigative branch of the Department of Homeland Security. The agency combines the law enforcement arms of the former Immigration and Naturalization Service (INS) and the former U.S. Customs Service to more effectively enforce our immigration and customs laws and to protect the United States against terrorist attacks. In the fight against child exploitation and human trafficking, ICE has developed highly successful initiatives that focus on identifying, investigating, and arresting child predators and sexual offenders, as well as attacking the infrastructure that supports smuggling and trafficking organizations

and the assets that are derived from these criminal activities. This might include seizing currency, property, weapons, and vehicles.

ICE is committed to preventing the smuggling and trafficking of persons through initiatives, tools and resources that effectively impact organizations engaged in these practices. For example, one of the tools that helps ICE fight human smuggling and trafficking is the issuance of Civil Asset Forfeiture Reform Act (CAFRA) notices to property owners whose properties have been identified as being used to facilitate smuggling or harboring aliens.

ICE is deeply committed to combating child exploitation through initiatives such as Operation Predator and the National Child Victim Identification System. In conjunction with these initiatives, ICE identifies criminals and investigates crimes involving the commercial sexual exploitation of children.

In addition, ICE's Victim Witness Assistance Program plays a key role in assisting victims of trafficking in persons and commercial sexual exploitation. ICE has over 300 collateral duty victim witness coordinators who are trained to recognize indicators of human trafficking and sexual exploitation, and to provide victims with direct support and assistance. These coordinators ensure that victims are aware of their rights under federal law, and make referrals to appropriate local services.

Identifying Child Predators:

- **OPERATION PREDATOR** - Operation Predator is a program designed to identify, investigate, and, as appropriate, administratively deport child predators through the efforts of four principal entities of ICE: the Office of Investigations, the Office of Detention and Removal, the Office of International Affairs and the Federal Protective Service. Officially launched by ICE on July 9, 2003, Operation Predator is currently managed and administered by the ICE Cyber Crimes Center (C3). Operation Predator combined the prior immigration investigative and administrative initiatives that targeted foreign nationals, undocumented aliens, and previously deported criminal aliens involved in child exploitation crimes with prior customs efforts to investigate the importation and exportation of images of child abuse. With these elements, and with the addition of child sex tourism investigative responsibilities, Operation Predator was organized into five enforcement categories:
 1. The investigation of individuals who engage in the receipt, transfer, distribution, trafficking, sale, facilitation, and production of child pornography in foreign commerce, including utilization of the Internet;
 2. The investigation of individuals who travel internationally for child sex tourism or who facilitate such travel;
 3. The investigation of individuals who engage in the human smuggling and trafficking of minors into the United States for illicit sexual purposes (sexual exploitation and/or prostitution) or worksite exploitation, and/or

commit any crimes resulting in the harm, injury or death of a minor (not including the smuggling of children by parents for family unity reasons);

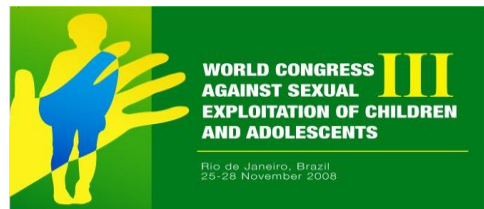
4. The identification and investigation of foreign nationals/aliens who have been convicted of local, state, or federal offenses against minors and are now eligible for removal from the United States; and
5. The identification and investigation of criminal aliens who have been previously deported from the United States for child exploitation offenses, but have re-entered the country illegally.

Operation Predator works in partnership with the U.S. Department of Justice's (DOJ) Project Safe Childhood, a comprehensive program to integrate the efforts of federal, state, and local law enforcement, non-government organizations, industry, and communities to counter the issue of child exploitation. ICE, through Operation Predator, maintains relationships with National Center for Missing & Exploited Children, the FBI, U.S. Postal Inspection Service, U.S. Secret Service, the Department of Justice, and the Internet Crimes Against Children Task Forces. ICE focuses on the international, trans-border dimension of child exploitation and integrates this enforcement with the national and local efforts of other law enforcement agencies in the U.S. Furthermore, ICE concentrates its resources where its federal laws have the greatest impact, specifically on the immigration and international aspects of child abuse. ICE routinely coordinates and integrates investigative efforts with foreign law enforcement, in order to identify, arrest and prosecute the principals who are involved in international pedophilic groups or who travel internationally for the purpose of having sex with children. As of September 23, 2008, 11,616 sexual predators have been arrested as a result of initiatives conducted under the auspice of Operation Predator. Of those, 6,321 have been deported from the United States.

- **National Child Victim Identification System** – Following the April 2002 Supreme Court decision in the Ashcroft vs. Free Speech Coalition case protecting “virtually” created child pornographic depictions, the need for a single national repository for all known child pornographic images became critically important. ICE recognized this vulnerability and developed the National Child Victim Identification System (NCVIS). NCVIS is an ICE-led initiative in partnership with the U.S. Secret Service, the U.S. Postal Inspection Service, the Department of Justice funded Internet Crimes Against Children Task Forces, the DOJ Child Exploitation and Obscenity Section, the FBI, and the National Center for Missing and Exploited Children to facilitate the identification of child pornography produced utilizing real children. The system is dynamic in nature, and contains known and unique digital child pornographic images. NCVIS, operated and managed by C3, supports child exploitation investigations and prosecutions conducted by federal, state, local and foreign law enforcement entities.

Combating Trafficking in Persons:

ICE strives to disrupt and dismantle domestic and international criminal organizations



that engage in human trafficking, including sex trafficking of children, by utilizing all ICE authorities and resources in a cohesive global enforcement response. Within ICE, oversight of the enforcement of the TVPA lies with the Human Smuggling and Trafficking Unit (HSTU) within the Office of Investigations and the Global Trafficking in Persons Program within the Office of International Affairs. The responsibility for human trafficking investigations is under the purview of ICE domestic field offices and Office of International Affairs Attaché offices overseas. The Office of International Affairs and its approximately 50 Attaché offices in 39 countries also provide training to foreign law enforcement officers and government officials, and conduct outreach on human trafficking to NGOs and international organizations. The ICE Asset Identification Unit targets the finances and assets of trafficking organizations and focuses on civil asset forfeiture. The ICE Law Enforcement Support Center (LESC) serves as a national enforcement operations center and provides timely information on the status and identities of aliens. The LESC enhances ICE's ability to rapidly arrest and maintain custody of potential traffickers on immigration charges while further investigations are being completed. ICE agents coordinate cases with DOJ's Civil Rights Division and CEOS as appropriate.

The ability to arrest and hold traffickers for immigration violations is often critical to an investigation. Trafficking cases are resource-intensive and often rely on the testimony of traumatized and frightened victims. It takes time and considerable support for victims to stabilize and feel comfortable enough with the U.S. law enforcement to tell their stories and prepare to participate in the criminal justice process. Consequently, ICE, from the time that victims are encountered, focuses on the victim centered approach to human trafficking investigations, which links victims to assistance services. Within DHS, the responsibility for ensuring victim assistance lies with approximately 300 collateral-duty ICE victim-witness coordinators working in the Office of Investigations, Office of Detention and Removal Operations, and the Federal Protective Service, as well as full-time victim specialists at ICE Headquarters who provide training, technical assistance, and case consultation to the field. ICE victim-witness coordinators also ensure that the proper referrals are made to nongovernmental organizations that are equipped to meet the short- and long-term needs of victims.

Enhancing Partnerships:

ICE, the U.S. Secret Service, the U.S. Postal Inspection Service and the FBI have a long-standing partnership with National Center for Missing and Exploited Children, particularly with its efforts to identify victims of child pornography.

ICE has expanded this partnership by assigning a full-time ICE criminal investigator to work at NCMEC. ICE agents also work closely with other programs in the Department of Justice, in particular, the Child Exploitation and Obscenities Section, to bring to bear the full force of the federal government against child predators.

Enhancing Legislation:



Through its Child Exploitation Section at C3, ICE investigates U.S. citizens and/or permanent residents who are arrested in or travel to a foreign country for engaging in sexual acts with juveniles. ICE works with both local and international law enforcement agencies in a collaborative effort to combat crimes against children. ICE attaché offices overseas and ICE field offices around the U.S. provide investigative and technical support on child sex tourism cases.

The PROTECT Act, signed into law by President Bush on April 30, 2003, enhances child exploitation laws by removing legal barriers that had limited prosecution of those who travel or attempt or conspire to travel to foreign countries to engage in the sexual abuse and exploitation of children by removing the proof of intent. The law also enhanced the criminal penalties for child sex tourism and gave federal law enforcement new authorities to investigate these crimes.

Working With Foreign Governments:

The **Virtual Global Taskforce (VGT)** was created in 2003 as a direct response to lessons learned from investigations into on-line child abuse around the world. The mission of the VGT is to make the Internet a safer place; to identify, locate and help children at risk and hold predators appropriately to account. ICE C3 is the responsible agency in the United States for the VGT, and, as such, in coordination with the ICE Office of International Affairs, provides the U.S. a presence in an international alliance of law enforcement agencies working together to combat the online exploitation of children.

Due to the severity of the crime of trafficking in persons, ICE's Trafficking in Persons Strategy ("TIPS") was developed to promote and enhance ICE's investigative capability to target human traffickers worldwide. Fully implemented during FY 2007, this comprehensive strategy provides a framework through which ICE attacks criminal organizations and individuals engaged in trafficking of persons. One of the components of the strategy is to conduct extensive outreach and training to educate federal, state, local and foreign law enforcement agencies, NGOs and international organizations regarding ICE's expertise and role in human trafficking investigations; the provision of Continued Presence and other immigration benefits or relief. When conducting outreach to all participating stakeholders, ICE domestic field offices and Attachés emphasize the victim-centered approach that is based on identifying and rescuing victims of trafficking. Training is also focused on conducting proactive trafficking investigations that are global in scope as well as the identification, seizure and forfeiture of criminal proceeds and assets. ICE TIPS emphasizes that establishing and maintaining relationships with NGOs and law enforcement agencies is necessary for increasing human trafficking leads and case initiation.

In FY 2007, pursuant to ICE TIPS, ICE conducted frequent trafficking in persons training to law enforcement officials, consular officials, prosecutors, and social service providers, participating in and giving presentations at a number of Trafficking in Persons conferences and workshops. ICE domestic field offices conducted local outreach efforts to 4,984 domestic law enforcement officials representing over 700 departments. ICE Office of International Affairs provided over 10,100 people with anti-trafficking training and



information about ICE's activities to combat human trafficking.

Partnering in Investigations:

ICE works closely with foreign law enforcement partners in conducting both covert and overt child pornography and child sex tourism investigations in the United States and around the globe.

For example, ICE is engaged in assisting the Mexican Government to increase law enforcement capacity to combat human trafficking and child sex tourism. Funding for the ICE's two year Global Trafficking in Persons Program in Mexico comes from the President's \$50 Million Trafficking in Persons Initiative. This program started in November, 2005, with the placement of an ICE Program Coordinator in Mexico City. Since then, ICE has been working with the Government of Mexico to assist in setting up a dedicated law enforcement unit focused on human trafficking and to provide investigative assistance to this unit. The Program's successes in FY 2007 include assisting the Government of Mexico in rescuing 15 victims of human trafficking, and providing direct services to 13 of those victims.

Department of State – Office to Monitor and Combat Trafficking in Persons

Through the Office to Monitor and Combat Trafficking in Persons (G/TIP), the Department of State leads U.S. international efforts in the global movement to abolish modern-day slavery. It engages with foreign governments and civil society to fight human trafficking around the world. G/TIP has built global awareness of modern-day slavery through eight annual Trafficking in Persons (TIP) Reports, covering 170 countries in 2008 (compared to 82 in 2001). Pursuant to the TVPRA of 2005, the TIP Report now includes assessments of foreign governments' efforts to combat demand, including punishment of its citizens for engaging in child sexual exploitation overseas. G/TIP has widely disseminated anti-TIP information through electronic and print media, the Internet, and digital video conferences – reaching 1.26 billion people in 2007, an increase of over 300 percent in the last two years. In FY 2007, G/TIP also awarded \$16.5 million for anti-human trafficking programs, funding 63 projects in 46 countries totaling approximately \$13.55 million, six regional projects totaling \$1.1 million, four global projects totaling roughly \$1.3 million, and four research projects totaling about \$500,000. G/TIP's programmatic work is part of a larger effort of U.S. agencies which has spent some \$528 million on international anti-human trafficking programs since FY 2001 – efforts G/TIP helps coordinate by chairing the SPOG. G/TIP has also raised awareness on child sex tourism (CST) through funding public awareness and deterrence campaigns, supporting research on CST, engaging the travel, tourism, and hospitality community, compiling informational resources, and facilitating educational film releases on the topic.

3. Measures adopted to prevent sexual exploitation

Strengthening and implementing laws to prevent sexual exploitation of children is of paramount priority at both the federal and state level. It is also a policy priority for the United States to create a climate through education, social mobilization, and development



activities to ensure that parents and others legally responsible for children are able to protect children from sexual exploitation.

In 2006, the Department of Justice instituted the Project Safe Childhood (PSC) initiative, which creates partnerships of federal, state, and local law enforcement officers in each judicial district to investigate and prosecute Internet-based crimes against children. Through the Office of Justice Programs, the Department also funds and provides training to Internet Crimes Against Children Task Forces (ICACs) throughout the country. The ICAC Task Force program is a network of coordinated regional task forces engaged in helping state and local law enforcement agencies develop an effective response to cyber-enticement and child pornography cases. The responsibilities of these task forces include proactive investigation, forensic and investigative components, training and technical assistance, effective prosecution, providing victim services, and community education. Currently, all 50 states now have at least one ICAC task force, and there are 59 ICAC task forces nationwide. As part of the PSC initiative, U.S. Attorneys' Offices have partnered with ICAC task forces that exist within their districts to develop district-specific strategic plans to coordinate the investigation and prosecution of child exploitation crimes.

As noted earlier, another federal initiative to protect children from sexual exploitation is the Innocence Lost Initiative, which combats the exploitation of prostituted children in the United States. The Initiative is a partnership between the Criminal Division of the Department of Justice, the Federal Bureau of Investigation, and the National Center for Missing & Exploited Children. Part of this initiative is an intensive week-long training program on the investigation and prosecution of child prostitution cases, held for members of multi-disciplinary teams from cities across the United States. The program brings state and federal law enforcement agencies, prosecutors, and social services providers all from one city to be trained together. This grouping and training is designed to cultivate cooperation, partnership, and an effective integration among the critical enforcement entities in each city. As of July 2, 2008, the Innocence Lost Initiative has resulted in 443 open investigations, 1,351 arrests, 555 criminal investigations or grand jury indictments, and 331 convictions in both the federal and state systems.

Additionally, the Justice Department's Office of Juvenile Justice and Delinquency Prevention oversees the Model Court Project under which local courts have put in place a variety of reforms to strengthen their abilities to improve court decision-making in abuse and neglect cases, and to work more closely with the child welfare agencies to move children out of foster care and into safe, stable, permanent homes.

The Department of Justice's 42 anti-trafficking task forces in 25 states and territories, are primarily intended to lead to the identification and rescue of more victims of human trafficking by providing for support staff, training programs, interpreter/translator services, and liaisons with U.S. Attorneys' Offices and other agencies concerned with the identification and rescue of trafficking victims. As noted above, while these task forces do not focus exclusively on child victims of prostitution, their operations have resulted in the identification of child victims.

The Department of Health and Human Service's Children's (HHS) Bureau supports research on the causes, prevention, and treatment of child abuse and neglect;



demonstration programs to identify the best means of preventing maltreatment and treating troubled families; and the development and implementation of training programs. Grants are provided nationwide on a competitive basis to state and local agencies and organizations. Projects have focused on every aspect of the prevention, identification, investigation, and treatment of child abuse and neglect. HHS's Children's Bureau also administers the Community-Based Child Abuse Prevention program which provides funding to states for the maintenance of a statewide prevention network and the provision of prevention services at the local level, as well as the Court Improvement Program focusing on the work of the courts in child welfare cases.

To protect and ensure the safety of foster and adoptive children, the Adam Walsh Child Protection and Safety Act of 2006 amended Title IV-E of the Social Security Act to require States to: (1) conduct fingerprint-based checks of the National Crime Information Database for all prospective foster and adoptive parents, and (2) check any child abuse and neglect registry in each State the prospective foster and adoptive parents and any other adult(s) living the home have resided in the preceding five years.

State child protection agencies ensure the safety of children and youth who require protective custody, making placement recommendations and coordinating assessments and interviews of children and adults with appropriate law enforcement and licensing agencies. Victim assistance programs provide victimized youth with assistance in dealing with the court system, emotional support, and referrals to additional resources. Such services enable these youth both to address the immediate consequences of their victimization and to reenter society. The routine operation of state child welfare agencies also serves these aims.

The Department of Health and Human Services also sponsors the Rescue and Restore public awareness campaign, which educates service providers, law enforcement agents, ethnic organizations, faith-based communities, and the general public on human trafficking and directs them to contact the HHS-funded National Human Trafficking Resource Center. The Resource Center is not only a highly respected 24/7 trafficking victim referral crisis line, but also a valuable U.S. Government source for anti-trafficking educational materials, promising practices, and training opportunities.

The Department of Education has also created a Fact Sheet providing the education community an overview of the trafficking of children and its effect on U.S. schools. It describes how to identify, report, and help victims, and lists resources and publications that schools can use to raise awareness. Through listservs and conferences, it has reached over 150,000 contacts.

4. Measures adopted to protect and assist victims and ensure recovery and reintegration

It is a general policy underlying both federal and state law that the best interests of the child are a primary consideration in the treatment of child victims. In many cases, laws have been passed with the child victim's best interest specifically in mind.



U.S. law at both the federal and state levels recognizes the special needs of child victims and witnesses. For example, in federal cases, 18 U.S.C. § 3509(b) provides various alternatives for live, in-court testimony when it is determined that a child cannot or should not testify. Additionally, all states provide special accommodation for child victims and witnesses, including the use of videotaped or closed-circuit testimony, child interview specialists, and developmentally-appropriate questioning.

In addition, nationwide, there are over 600 Child Advocacy Centers (CACs) supported by various combinations of federal, state and local funds that use a similar approach. In order to reduce the need for multiple child-interviews by the various disciplines involved in a case, which can be traumatic to the child, CACs utilize a multidisciplinary approach, with one key interviewer observed and provided questions by the rest of the team in one interview. The Federal Government also aids states in reducing the trauma to child sexual abuse victims through funding to states under the Children’s Justice Act, established in the Victims of Crime Act (VOCA), and the Child Abuse Prevention and Treatment Act (CAPTA) (42 U.S.C. § 5101 *et seq*; 42 U.S.C. § 5116 *et seq*).

Federal and state law also provides for informing child victims of their rights and the progress of their cases. For example, the general Federal Guidelines for Treatment of Crime Victims and Witnesses in the Criminal Justice System provide that law enforcement personnel should ensure that victims are informed about the role of the victim in the criminal justice system, as well as the scheduling of their cases and advance notification of proceedings in the prosecution of the accused. The Federal Government also helps provide for appropriate notification of victims through funding to states under VOCA and technical assistance programs. Guidelines and statutes at the state level further provide extensive procedures for victim notification of the victim’s rights and of the scheduling of proceedings.

Federal and state law allows the views and needs of child victims to be presented in a manner consistent with the procedural rules of national law. For example, at the federal level, 18 U.S.C. § 3509 specifically provides for the preparation of a victim impact statement to be used to prepare the pre-sentence report in sentencing offenders in cases in which the victim was a child. Through guidelines and statutes, states provide for victims’ presentation of their views at different stages of proceedings.

Both federal and state laws also provide appropriate support services throughout the legal process. For example, at the federal level, 18 U.S.C. § 3509(g) provides for the use of multidisciplinary child abuse teams “when it is feasible to do so”. Likewise, in order to “protect the best interests of the child,” 18 U.S.C. § 3509(h) provides for the appointment of a guardian *ad litem* for a child who has been a victim of or witness to a crime involving abuse or exploitation. (“Exploitation” is defined as child prostitution or pornography.) CAPTA requires that all States receiving the Basic State Grant under CAPTA provide a guardian *ad litem* to all child abuse victims involved in court proceedings related to their victimization (42 U.S.C. § 5106(a)(b)(2)(xiii)). Additionally, all states provide special accommodations and support services, including the appointment of guardians *ad litem* or other support persons.

Federal and state laws further provide for protecting, “as appropriate,” the privacy of child victims in accordance with national law. Both federal and state laws attempt to provide

for the privacy of child victims. For example, 18 U.S.C. § 3509(d), “confidentiality of information,” which provides detailed procedures for keeping the name of or any other information about a child confidential. Additionally, 18 U.S.C. § 3509(m) provides for images of child pornography to remain in the care, custody, and control of the government or the court during criminal proceedings, thereby minimizing further dissemination of the images. Many state statutes contain similar provisions.

U.S. law and policy provide, “in appropriate cases,” for the safety of child victims, as well as that of their families and witnesses on their behalf, from intimidation and retaliation. At both the federal and state levels there is a general policy of attempting to establish promptly the criminal responsibility of service providers, customers, and intermediaries in child prostitution, child pornography, and child abuse, in part in order to provide for the safety of victims and their families. Additionally, safe havens may be provided on a discretionary basis for children escaping from sexual exploitation, as well as protection for those who provide assistance to victims of commercial exploitation from intimidation and harassment. *See, e.g.*, Federal Witness Protection Act, 18 U.S.C. § 3521.

The U.S. judicial procedure at both the federal and state levels provides protection against unnecessary delay in the disposition of cases and the execution of orders granting awards to child victims. In all U.S. criminal cases, the Sixth Amendment to the Constitution requires a speedy trial. Additionally, many states as well as the federal government and many states have enacted speedy trial laws, which set strict time deadlines for the charging and prosecution of criminal cases. *See, e.g.*, Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*

Furthermore, the immigration laws of the United States bear important protections for child victims of trafficking. For example, DHS can grant Continued Presence (CP) to victims of severe forms of human trafficking. The term Continued Presence refers to parole granted to trafficking victims to allow them to remain in the United States for a specified period of time. CP must be requested by a federal law enforcement agency, such as ICE, on behalf of the potential witness. Likewise, the Immigration and Nationality Act, as amended by section 107 of the Trafficking Victims Protection Act of 2000, provides for a “T visa” that allows victims of severe forms of trafficking in persons to remain in the United States and to receive certain kinds of public assistance to the same extent as refugees. *See* 8 U.S.C. § 1101(a) (15) (T); 8 CFR 214.11. After three years in T status, victims of human trafficking may apply for permanent residency. In addition, subject to some limitations, eligible child victims of trafficking may apply for lawful immigration status for their parents. The immigration laws also provide that a child victim of trafficking may not be removed from the United States based solely on information provided by the trafficker and sets forth robust confidentiality protections for child trafficking victims. *See* 8 U.S.C. § 1367.

Furthermore, administered by the Office of Refugee Resettlement (ORR) in the U.S. Department of Health and Human Services, the Unaccompanied Refugee Minors (URM) program has been providing foster homes and supportive services to eligible children since 1979; over 13,000 minors have entered the URM program. Currently, ORR has over 700 minors in URM care. In addition to unaccompanied foreign born minor trafficking victims, the URM program serves unaccompanied minor refugees, asylees and Cuban and Haitian entrants. The URM program assists unaccompanied minors in developing appropriate skills to enter adulthood and to achieve economic and social self-



sufficiency. Services provided through the program include English language training, career planning, health/mental needs, socialization skills/adjustment support, family reunification, education/training, and retention of ethnic and religious heritage. Safety planning is conducted for victims of a severe form of human trafficking and other children as needed. Depending on their individual needs, minors are placed in foster homes, group care, independent living, or residential treatment.

Each child in the care of this program is eligible for the same range of child-welfare benefits as non-refugee children. ORR works with 15 states around the country, which contract with 19 foster care agencies to provide services in accordance with state child and family services plan. Two lead voluntary agencies, the Lutheran Immigration and Refugee Service (LIRS) and the United States Conference of Catholic Bishops (USCCB), work in conjunction with ORR on the URM program, including by making placements. Individuals must be under the age of 18 in order to qualify for the program, but can in most cases remain in the program until age 20 or 21, depending on state guidelines for emancipation. Accompanied minors in ORR-eligible categories can become eligible for URM program services after arrival in the United States through a reclassification process, e.g., through family breakdown, age re-determination, a death in the family, or a grant of asylum.

The Homeland Security Act of 2003 transferred functions under U.S. immigration laws regarding the care and placement of unaccompanied alien children from the Immigration and Naturalization Service to the Director of the Office of Refugee Resettlement. The Division of Unaccompanied Children's Services (DUCS) currently cares for 1500 children in 11 States. As part of their intake and on-going child assessment procedures, DUCS assesses all children to determine if any have been subjected to human trafficking. Program directors and staff of the DUCS facilities have participated in specialized training on trafficking in persons to assist them in the identification of victims as well as provide guidance on Federal resources available to meet the needs of this vulnerable population.

With respect to measures to ensure appropriate assistance to victims, including their full social integration and full physical and psychological recovery, there are a wide range of federal and state programs. The Federal Government provides many types of aid to such agencies and comparable organizations that serve children. The Family and Youth Services Bureau of the Department of Health and Human Services (HHS) administers grant programs supporting a variety of locally based youth services. These services include youth shelters, which provide emergency shelter, food, clothing, outreach services, and crisis intervention for victimized youths; "transitional living programs" for homeless youth, which assist these youth in developing skills and resources to live independently in society; and education and prevention grants to reduce sexual abuse of runaway, homeless, and street youth. HHS's Children's Bureau administers the Chafee Independent Living Program, providing concrete support such as housing and education for children who "age out" of the foster care system at age 18.

Finally, there is mandatory restitution for victims in these cases under federal law. 18 U.S.C. § 1593 provides for mandatory restitution for any trafficking offense, including the crimes of forced labor and sex trafficking. In addition, 18 U.S.C. § 2259 provides for mandatory restitution for any offense involving the sexual exploitation of children, including selling and buying of children. There are also civil remedies available to



victims of trafficking and sexual exploitation. *See* 18 U.S.C. §§ 1595 and 2255.

5. Multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for offences related to sexual exploitation

The United States regularly engages in bilateral and multilateral efforts to deter and prevent the increasing international traffic in children for labor and sexual exploitation. In an effort to attack the issue at its source, the United States funds programs abroad to combat trafficking, exploitive child labor, commercial sexual exploitation of children, and child sex tourism. In 2003, President Bush launched a \$50 million Initiative on Trafficking in Persons (POTUS Initiative) to support organizations that rescue, shelter, and provide services to women and children who are victims of trafficking. This initiative has funded projects in Brazil, Cambodia, India, Indonesia, Mexico, Moldova, Sierra Leone, and Tanzania. The Departments of State and Health and Human Services have also funded deterrence and public information campaigns abroad in countries such as Cambodia, Costa Rica, Brazil, Thailand, and Mexico targeted at U.S. child sex tourists.

Additionally, pursuant to bilateral and multilateral legal assistance treaties with foreign governments, the United States regularly cooperates with law enforcement agencies of other countries to counteract child prostitution, child pornography, and the sale of children, as well as child sex tourism. The United States funds training for law enforcement and consular officials of foreign countries in the areas of trafficking in persons, child sex tourism, and sexual exploitation of women and children. The United States also supports deterrence programs that encourage innovative partnerships among governments, labor, industry groups, and NGOs to end the employment of children in hazardous or abusive conditions. Examples of these innovative partnerships include: cooperation with the government of South Korea to replicate a San Francisco-based model offenders prevention program targeted at persons who are arrested for soliciting sexual services from prostituted persons; cooperation with travel and tourism companies both in the U.S. and abroad to support an ethical code of conduct to protect children from commercial sexual exploitation in travel and tourism; and cooperation between an international faith-based organization, UNICEF and the Madagascar ministries of Population, Tourism and Education to conduct a survey of the types of child labor and sexual exploitation that will lead to a nationwide anti-trafficking campaign.

Through its commitments under ILO Convention 182, the United States contributes to a wide array of programs that support the elimination of the worst forms of child labor worldwide, including programs to address the sexual exploitation of children. In particular, since 1995, the Department of Labor has provided approximately \$617 million for technical assistance projects aimed at eliminating exploitative child labor internationally. Of this amount, over \$274 million has gone to organizations to carry out projects to combat commercial sexual exploitation of children and child trafficking for the purpose of labor and commercial sexual exploitation. The projects supported by the Department of Labor aim to remove or prevent children from exploitive labor through the provision of educational and training opportunities. In addition, projects provide alternative income generation and skills training for families; workplace and community-



based monitoring systems to ensure that children do not return to exploitive work; capacity building of national and local organizations to ensure sustainability; awareness raising on the hazards associated with exploitive child labor and the benefits of education and data collection and research to inform policymakers on child labor, forced labor and human trafficking. For projects focused on commercial sexual exploitation and trafficking, additional activities include provision of medical care and psychosocial services to survivors, as well as legislative and policy reform to incorporate anti-trafficking efforts at the local, national, and regional levels.

Through various components of the Department of Justice, the U.S. has trained foreign law enforcement officials in numerous countries on investigating and prosecuting child sex trafficking and has worked with governments to develop model anti-trafficking legislation.

For example, the Child Exploitation and Obscenity Section (CEOS), in partnership with the Office of Overseas Prosecutorial Development and Training and the State Department, regularly provides training for foreign delegates on child exploitation offenses as part of the State Department's International Visitor Program. These training sessions range from providing an overview of U.S. child exploitation laws, including child protection statutes, and how to investigate and prosecute human trafficking cases successfully.

In 2007, CEOS presented 21 training sessions to delegates from around the world. CEOS discussed these issues with delegates from countries such as Indonesia, Brazil, China, France, Germany, Russia, Bosnia, and Laos.

Moreover, CEOS trial attorneys regularly perform extensive overseas training programs. For example, CEOS team members have travelled to several cities throughout Latvia to train an audience of Latvian judges, police, and prosecutors on numerous topics related to human trafficking. These topics included an overview of U.S. laws, a discussion of appropriate investigative techniques, and a primer on the international response to human trafficking, including a discussion of relevant international treaties. CEOS attorneys have conducted similar training programs in Nepal, Thailand, Morocco, Nigeria, Armenia, and Indonesia.

Likewise, Immigration and Customs Enforcement (ICE) also provides training through the International Law Enforcement Academy (ILEA) in Bangkok, Budapest, and Latin America. ICE developed the human trafficking training modules that are part of the permanent curricula at those academies and provided nine human trafficking training sessions at the ILEAs for 329 law enforcement personnel from 43 countries. Human trafficking training modules include: (1) investigation methodologies in human trafficking cases; (2) human trafficking indicators; (3) global networks; (4) victim interviews; (5) victim services; and (6) task force methodology.

The United States is also a Party to several relevant child protection treaties. In 1999, the United States was one of the first countries to ratify ILO Convention 182. This Convention calls on signatories to take immediate measures to eliminate, as a matter of urgency, the worst forms of child labor, which include all forms of slavery or practices similar to slavery, such as the sale and trafficking of children and forced labor; the use,



procuring or offering of a child for prostitution or pornography; the use, procuring or offering of a child for illicit activities such as drug trafficking; and work which, by its nature of the circumstances in which it is carried out, is likely to harm the health, safety or morals of children. In 2002, the United States ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. This treaty contains a broad range of protection for children, including requirements for states Parties to criminalize a broad range of acts and activities relating to sexual exploitation of children. The United States submitted its Initial Report on its implementation of the Optional Protocol to the UN Committee on the Rights of the Child in 2007. A U.S. delegation led by the Ambassador-at-Large and Director of the State Department's Office to Monitor and Combat Trafficking in Persons took part in a vigorous, transparent discussion of obligations met, best practices, and areas for further intensity of effort on this protocol and its counterpart protocol on children in armed conflict in a regular review by the UN Committee on the Rights of the Child in May 2008 in Geneva. The United States is also a Party to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. The United States signed the Protocol on December 13, 2000, and it entered into force for the United States on December 3, 2005. The Protocol calls for information exchange in certain circumstances (Art. 10). The general provisions of the Transnational Organized Crime Convention, to which the United States is also a Party, apply to the Protocol and contain provisions on extradition (Art. 16) and mutual legal assistance (Art. 18).

Additionally, since the Trafficking Victims Protection Act (TVPA) was passed in 2000, the United States has submitted annual Trafficking in Persons Reports to the U.S. Congress on foreign governments' efforts to eliminate severe forms of trafficking in persons. The 2008 Report assessed the efforts of 170 countries to combat trafficking in persons, including their government's efforts to prosecute traffickers, protect victims, and prevent the crime. A government that fails to make significant efforts to bring itself into compliance with the minimum standards for eliminating trafficking, as established in the TVPA, receives a "Tier 3" assessment in the Report. Such an assessment may trigger the withholding of U.S. non-humanitarian, non-trade-related foreign assistance to that country. The TIP Report has also added greater emphasis on foreign government's efforts to combat demand and exploitation of children overseas by its citizens. Based on the minimum standards for fighting child sexual exploitation constituting trafficking in persons, it has been a useful vehicle to encourage other nations to adopt extraterritorial laws which allow for the prosecution of its citizens for victimizing children when engaging in sex tourism in other countries just as the U.S. enacted in the form of the PROTECT Act in 2003.

Since 2002, the Department of Labor has submitted an annual report to the U.S. Congress on the worst forms of child labor in countries and territories that receive U.S. trade benefits. The commercial sexual exploitation of children and child trafficking are given significant attention. The reports are prepared in accordance with the Trade and Development Act of 2000, which requires the President to submit an annual report to the Congress with respect to certain trade beneficiary countries' implementation of international commitments to eliminate the worst forms of child labor. The 2007 report assessed the incidence and nature of the worst forms of child labor in 141 countries and territories, as well as the individual country legal frameworks and government's efforts to address the problem.



In 2007, the U.S. actively promoted the issue of confronting commercial sexual exploitation of children in multilateral fora. For the United Nations' annual Commission on Crime Prevention and Criminal Justice ("Crime Commission"), the U.S. successfully pushed for the issue of commercial sexual exploitation of children to be one of two Commission themes. The U.S. introduced a resolution that was subsequently adopted titled: *Effective Crime Prevention and Criminal Justice Responses to Combat Sexual Exploitation of Children*. During the Crime Commission, the U.S. delegation also co-hosted a successful event for representatives of member states that included screening of the movie *Human Trafficking* and an expert panel discussion on child trafficking.

The G-8 Lyon-Roma Group finalized two U.S.-drafted documents related to commercial sexual exploitation of children. The first document was a Justice and Home Affairs Ministers' statement *Reinforcing the International Fight Against Child Pornography*. The second document addressed *Experience in the Implementation of Extraterritorial Jurisdiction for Sex Crimes*.

The U.S. also participated in the Council of Europe's session meetings regarding protection of children against sexual exploitation and sexual abuse.

In 2007, the U.S. Department of State served as chair of the Regional Conference on Migration (RCM), an organization composed of Central and North American immigration and policy officials. Trafficking in persons was the theme of the 2007 ministerial meeting in New Orleans. At this meeting, the U.S. worked in tandem with other member countries to adopt a non-binding document "Regional Guidelines for Special Protection in Cases of the Repatriation of Child Victims of Trafficking." Through the RCM, ICE, and U.S. Customs and Border Protection (CBP) organized a training workshop on trafficking in persons and smuggling that included presentations by RCM members Honduras, Mexico, Canada, and El Salvador.

The U.S. Agency for International Development (USAID) has played a leading role in addressing the sexual exploitation of children and adolescents abroad through a number of activities or interrelated initiatives. The majority of USAID's programs are bilateral, multilateral, or regional arrangements that compliment and support in-country enforcement actions directly or in-directly. Specifically, since 2001 USAID has provided approximately \$123 million for programs directed at the elimination of human trafficking, a major factor behind the sexual exploitation of children and adolescents worldwide, through a wide range of activities in more than 70 countries. To compliment anti-trafficking activities, USAID has also instituted a number of parallel development efforts to include girls' education, administration of justice, and refugee assistance.

For example, since 2005, USAID has worked to prevent the trafficking of girls in the Mekong Delta through scholarships, vocational training and job placement to at-risk girls. In Mozambique, USAID partnered with the government and an NGO network to draft anti-trafficking legislation that passed unanimously in the National Assembly in 2008. Simultaneously, in Benin USAID helped promote awareness of the Family Code, which established a legal marriage age of 18. In Ecuador USAID continues to provide technical assistance and training towards the implementation of a national anti-trafficking plan,

which aims to increase protections for vulnerable children. To create awareness of trafficking in Asia, USAID and MTV collaborated to target a young media-savvy audience through a television special featuring well-known models, actors and musicians. This public-private partnership spearheaded a collaborative partnership with Radiohead, a popular rock band that reached out to as many as 560 million households. In Moldova, USAID set up regional centers for job skills, job search, technical training, legal assistance and counselling for trafficking victims. More than 25,000 women received services and nearly 10,000 rural women were assisted through established mobile units.

The totality of USAID's efforts has been instrumental in mitigating and resolving the negative affects attributed to the sexual exploitation of children and adolescents, and USAID will continue to place a high priority on this and other associated issues.

6. Relevant studies on sale of children, sexual exploitation and child pornography

Victims No Longer: Research on Child Survivors of Trafficking for Sexual and Labor Exploitation in the United States.

<http://www.ncjrs.gov/pdffiles1/nij/grants/221891.pdf>

This report is based on findings from a 12-month study undertaken by the Institute for the Study of International Migration (ISIM) at Georgetown University and the Migration and Refugee Services (MRS) of the U.S. Conference of Catholic Bishops (USCCB), and supported by a grant from the National Institute of Justice (NIJ), to:

- examine patterns of abuse of child victims of trafficking for sexual and labor exploitation;
- analyze the challenges service providers face in assisting child victims; and
- assess prospects for integration of child survivors into the wider society.

More specifically, the research was designed to provide recommendations vis-à-vis the following issues:

- assessment of current efforts to identify child victims of trafficking;
- strategies necessary to develop procedures for federal and local law enforcement personnel to refer children in “trafficking like situations” for a needs assessment and age determination;
- understanding of the effects of trauma related to the trafficking experience on children and their psycho-social development;
- understanding of the resiliency of child survivors of trafficking and ways to maintain and enhance this resiliency in the course of adjustment to life post-trafficking; and
- cultural appropriateness of existing assistance programs aimed at reintegration of child survivors of trafficking into local communities; and
- collaboration and cooperation between the law enforcement and the NGO community to ensure the best possible emancipation process for child victims of trafficking, including their participation in prosecution proceedings.

The research focused on the cohort of child victims receiving services through foster care

and unaccompanied refugee minors (URM) programs, funded by the Office of Refugee Resettlement (ORR) and implemented by the Migration and Refugee services (MRS) at the U.S. Conference of Catholic Bishops (USCCB) and the Lutheran Immigration and Refugee Services (LIRS). It is important to note that this is the only network of programs serving child victims of trafficking officially identified and determined eligible for services by the US Federal Government.

The project was based on three primary data sources:

- (1) Key informant interviews with service providers in the USCCB and the LIRS refugee foster care and unaccompanied refugee minors URM programs serving child victims of trafficking;
- (2) In-depth case files reviews; and
- (3) Ethnographic interviews with child survivors of trafficking selected from among children currently in care in the United States.

The primary data was augmented by statistical information about trafficked children receiving assistance from federally funded projects as well as a thorough review of peer-reviewed, research-based literature on child trafficking. The analysis of the statistical data and the critical review of literature provided a way to contextualize the analysis of qualitative data collected in the course of this research. By analyzing patterns of victimization before emancipation as well as post-emancipation experiences of child survivors within the U.S. federal system of care, this project attempted to expand the knowledge base of the special service needs of child victims of trafficking, enhance existing treatment modalities, inform understanding of

The Commercial Sexual Exploitation of Children in the U.S., Canada and Mexico
www.sp2.upenn.edu/~restes/CSECFiles/ExecSum020220.pdf

The research summarized in this report represents an innovative approach to the systematic collection of first-generation data concerning the nature, extent and seriousness of child sexual exploitation in the U.S., Canada, and Mexico. The project was organized around the following research objectives:

- (1). identification of the nature, extent, and underlying causes of CSE and the CSEC occurring in the three countries of the North American Free Trade region (hereafter “NAFTA”)—the U.S., Canada, and Mexico;
- (2). identification of those subgroups of children that are at the greatest risk of being sexually exploited;
- (3). identification of subgroups of adult perpetrators of sex crimes against children—including pimps, traffickers, and adult “customers” of children for sex;
- (4). identification of the extent to which organized criminal units are involved in the CSEC, but especially in juvenile prostitution and trafficking in children for sexual purposes;
- (5). to the extent possible, identification of the modes of operation and other methods used by organized criminal units to recruit children into sexually exploitative activities;
- (6). identification of local, state and national laws relating to CSE and the CSEC;
- (7). identification of international agreements, covenants and declarations pertaining to CSE and the CSEC;
- (8). identification of the strengths and weakness of the country’s current capacity for preventing, or at least protecting, children from sexual exploitation; and,
- (9). In conjunction with local, state, and national governmental and nongovernmental representatives, frame recommendations designed to strengthen the nation’s capacity to



prevent, or at least protect, the nation's and region's children from sexual exploitation.

Finding a Path to Recovery: Residential Facilities for Minor Victims of Domestic Sex Trafficking

U.S. Department of Health and Human Services. Office of the Assistant Secretary for Planning and Evaluation

<http://www.hhs.gov>

International Child Sex Tourism: The Scope of the Problem and Comparative Case Studies, January 2007 (Funded by the State Department's Office to Monitor and Combat Trafficking in Persons (G/TIP).)

<http://www.protectionproject.org>

Child Pornography: Model Legislation and Global Review, 2006 (Funded in part by G/TIP)

Information on ICMEC's review of legislation of child pornography

<http://www.icmec.org>

Comparative Legal Analysis on Child Sex Tourism and Sex Trafficking

<http://www.protectionproject.org>

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

http://www.humantrafficking.org/uploads/publications/Final_Report_11.6.06.p

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

Child Molesters: A Behavioral Analysis

Investigative tool for law-enforcement officers and child-protection professionals

http://www.missingkids.com/en_US/publications/NC70.pdf

Child Molesters Who Abduct

Case histories of serial child molesters and abductors

http://www.missingkids.com/en_US/publications/NC65.pdf

Child-Pornography Possessors

A groundbreaking national survey of law enforcement

http://www.missingkids.com/en_US/publications/NC144.pdf

Child Pornography Response

Analysis of the child-pornography problem in the United States and globally

http://www.missingkids.com/en_US/publications/NC81.pdf

Children Traumatized in Sex Rings

Guidelines for working with victims of sexual exploitation

http://www.missingkids.com/en_US/publications/NC71.pdf

Exploited Children Services

Information on the services provided by NCMEC's Exploited Children Services

http://www.missingkids.com/en_US/publications/NC112.pdf

Female Juvenile Prostitution

Information on establishing and maintaining a community program to help victims of child prostitution that includes histories of former juvenile prostitutes

http://www.missingkids.com/en_US/publications/NC68.pdf

Internet Sex Crimes Against Minors

A groundbreaking national survey of law enforcement

http://www.missingkids.com/en_US/publications/NC132.pdf

Prostitution of Children and Child-Sex Tourism

Analysis of the child-prostitution problem in the United States and globally

http://www.missingkids.com/en_US/publications/NC73.pdf

*Note: The U.S. Government lists all U.S. Government-funded research projects on human trafficking at: <http://www.state.gov/g/tip/c15400.htm>

7. Monitoring, child impact assessment, independent institutions

The Adam Walsh Child Protection and Safety Act of 2006 improved the sex offender registration program and created a new federal offense for failure to register as a sex offender, 18 U.S.C. § 2250. To implement this new statute, the United States Marshals Service (USMS) created a Sex Offender Investigations Branch dedicated to ensuring that sex offenders are properly monitored throughout the country. To date, the USMS has trained approximately 200 criminal investigators in the new legislation and investigative techniques related to sexual offender violations. Further, the USMS had hired a clinical psychologist who specializes in the behavior of sexual offenders, as part of a Behavioral Analysis Unit that will be part of a National Sex Offender Targeting Center.

Additionally, the Adam Walsh Child Protection and Safety Act of 2006 established the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) within the Office of Justice Programs. The SMART Office assists communities in developing and/or enhancing programs designed to implement the requirements of the Sex Offender Registration and Notification Act (SORNA), Title 1 of the Adam Walsh Act. In Fiscal Year 2007, the Office of Justice Programs awarded more than \$11 million to support several projects across the United States. In Fiscal Year 2008, the Office of Justice Programs will award more than \$4 million in direct grant assistance to further initiatives from 2007.

On July 1, 2008, the Attorney General released the final guidelines for SORNA. These



guidelines provide direction and assistance for jurisdictions in their efforts to meet the minimum standards of the Act. Specifically, these guidelines detail who must register as sex offenders, how long they must register, the type of information they must disclose, how frequently and under what circumstances they must update that information and how these requirements should be enforced.

The Office of Justice Programs provided the Department of Justice’s ongoing support of the National Center for Missing & Exploited Children (NCMEC) in Fiscal Year 2008, awarding more than \$24 million to support the Center’s operations.

The National Center for Missing & Exploited Children’s mission is to help prevent child abduction and sexual exploitation; help find missing children; and assist victims of child abduction and sexual exploitation, their families, and the professionals who serve them. NCMEC was established in 1984 as a private, non-profit 501© (3) organization to provide services nationwide for families and professionals in the prevention of abducted, endangered, and sexually exploited children. Pursuant to its mission and its congressional mandates (see 42 U.S.C. §§ 5771 et seq.; 42 U.S.C. § 11606; 22 C.F.R. § 94.6), NCMEC:

- Serves as a clearinghouse of information about missing and exploited children;
- Operates a Cyber Tipline that the public may use to report Internet-related child sexual exploitation;
- Provides technical assistance to individuals and law-enforcement agencies in the prevention, investigation, prosecution, and treatment of cases involving missing and exploited children;
- Assists the U.S. Department of State in certain cases of international child abduction in accordance with the Hague Convention on the Civil Aspects of International Child Abduction;
- Offers training programs to law-enforcement and social-service professionals;
- Distributes photographs and descriptions of missing children worldwide;
- Coordinates child-protection efforts with the private sector;
- Networks with non-profit service providers and state clearinghouses about missing-persons cases; and
- Provides information about effective state legislation to help ensure the protection of children.

8. Unaddressed concerns and emerging challenges

The United States participated in expert consultations with U.S. and Canadian NGOs, from October 2-3, 2008, in Rosslyn, Virginia, to share information, listen to NGO concerns, and obtain their recommendations in advance of World Congress III. The recommendations from these consultations will be sent separately by ECPAT-USA. Below please find a summary of the challenges and goals that emerged from the collective wisdom of the experts at this event.

Legislation Roundtable

Challenges

1. The link between child pornography and child molestation is not well-documented or well-known.
2. Creating legislation to protect children without enough services to protect them is problematic.
3. Sometimes sexually exploited children commit crimes too, outside their victimization in prostitution, and law enforcement needs the flexibility to assess the situation, potentially charge them, and take them off the street into an appropriate facility.
4. Multiple law enforcement and child welfare interviews traumatize child victims.

Goals

1. The Safe Harbor Act in New York, which requires children under the age of 16 found in prostitution not to be placed in detention and to be referred to social services, can be a model for other states because it protects them from prosecution while providing services for them.
2. Enhance efforts on prosecuting pimps and johns who knowingly engage in commercial sex with minors.
3. Change terminology from “child pornography” to “sexually abusive image.”
4. Highlight the link between child pornography and contact victimization so that the public, judges, and others take it more seriously.
5. Encourage all foreign countries to implement laws regarding sexual exploitation of children.

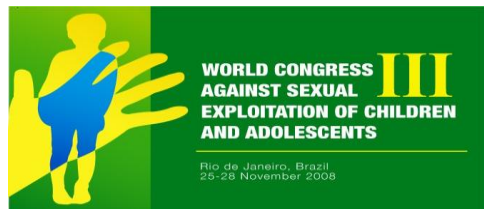
Services Roundtable

Challenges

1. Limited services are available to minor victims of prostitution. This challenge includes lack of shelters/residential facilities as well as lack of specialized training for front-line service providers.
2. The dynamic of commercial sexual exploitation of children is not widely understood. This results in the perception that minors engaged in prostitution are, at best, just like other troubled youth, or, more often, are themselves criminals. In other words, these minors are not generally identified as victims or survivors.
3. This population can at times be difficult to serve because they often do not always see themselves as victims and do not always want help.

Goals

1. Create more residential services tailored to minor victims of commercial sexual exploitation. Comprehensive services need to be made equally available to children over 12 years of age who have been commercially sexually exploited, as are made available to those under 12 years of age.
2. Develop ways, including use of additional investigative tools, to prosecute pimps and johns without relying on victim testimony.
3. Increase outreach efforts to health community and other service providers to educate them about the issues/dynamics of these cases.
4. Make efforts to change terminology. These victims should be referred to as “sexually exploited minors” or “sex trafficking victims,” rather than as “child prostitutes.”
5. Explore possible funding sources for services such as fines from sex exploiters, or other dedicated sources such as marriage license fees; Medicaid for medical services; law suits



for victim restitution, or even asset seizure to cover legal services.

Identification Roundtable

Challenges

1. First responders/people who first come into contact with sexually exploited children are not always well-trained to identify that the child is a victim.
2. Child welfare systems may not fully understand commercial child sexual exploitation. If a case does not involve family abuse or molestation, then the child is not typically placed in the welfare system. Instead, in many places, they are treated as emancipated.
3. There are few databases available that quantify this problem, and data is important to illustrate the extent of the problem and when requesting funding to solve the problem.
4. The “normalization of sexual exploitation” that we frequently see in the media often means fewer people consider sexual exploitation to be a problem.

Goals

1. Develop a database, by city and state, of children exploited and rescued. The strengthening of good data will contribute to better informed public policies.
2. Ensure that curricula on sexual exploitation address pimp control, pop culture images, warning signs, and what a healthy relationship is in order to overcome the normalization of commercial sexual exploitation of minors.
3. Work to raise awareness with local elected officials, such as mayors and governors, so they understand what is happening in their jurisdiction.

Prevention/Private Sector Roundtable

Challenges

1. Many people still think that child pornography is not that serious. They are not fully cognizant of the fact that the images represent actual sexual abuse of children.
2. The “normalization of sexualization of children” is pervasive.
3. Not all Internet Service Providers (ISP’s) are cooperative with law enforcement

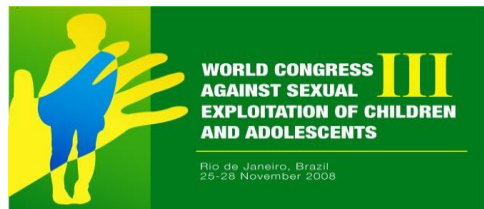
Goals

1. Approach industries one segment at a time to try to address different aspects of sexual exploitation of children. For example, trucking companies could be approached about participating in awareness campaigns regarding commercial sexual exploitation, implementing greater oversight of their employees, and other interventions.
2. Threaten government regulation of industry if industry does not take steps to prevent sexual exploitation.
3. Create media, medical and other country-wide coalitions; honor companies/individuals who work to prevent exploitation.

We also note some of the recommendations from the *2008 Attorney General’s Annual Report to Congress and Assessment of the U.S. Government Activities to Combat Trafficking in Persons*.

The Report noted three potentially relevant recommendations:

- Ensure that U.S. citizen victims are as vigorously identified, protected, and



assisted as foreign nationals, including sufficient case management.

- Develop educational materials on U.S. trafficking in persons for dissemination through education and community based entities.
- Ensure child victims of severe forms of human trafficking (both foreign and U.S. citizen) are provided access to services and benefits regardless of their ability, or willingness, to assist law enforcement.