

# Child Sex Slavery: U.S. Law Combating the Rape of Children for Profit

John Tanagho  
Loyola University Chicago School of Law

## **Abstract**

“Child Sex Slavery: U.S. Law Combating the Rape of Children for Profit,” is a brief review of research on the sexual exploitation of children. Of the estimated 1 million people trafficked across international borders every year, half are children, 80% are female and 70% of those females are trafficked for sexual exploitation. An estimated 17,500 foreign nationals are trafficked annually into the U.S. for some type of slavery, while an estimated more than 200,000 American children are at high risk for trafficking into the sex industry each year. The presentation highlights recent U.S. legislation and legal reform meant to stem the growing tide of this multi-billion dollar industry, at home and abroad, through the PROTECT Act and the Trafficking Victims Protection Reauthorization Act. Cooperative multi-disciplinary efforts within journalism, education, law enforcement, and social work are combating this pervasive assault on the world’s children; but much more can be done. Hear real life stories and watch a video of actual rescues. Learn what you can do individually and through your field to effectively respond with action. A calling to justice is truly a calling to abolition.

Today there are more than 27 million slaves worldwide. The September 2003 issue of National Geographic states: "There are more slaves today than were seized from Africa in four hundred years of the trans-Atlantic slave trade." Human trafficking is a form of modern-day slavery. The Trafficking Victims Protection Act (TVPA) defines "severe forms of trafficking," as: sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age; or the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

Of the estimated 1 million people trafficked across international borders every year, more than half are children, 80% are female and 70% of those females are trafficked for sexual exploitation (U.S. State Department; UNICEF). Whether they are kidnapped, tricked or sold, these children, mainly girls, some as young as 5-yrs-old, are held captive in dungeon-like brothels, forced into prostitution, and made to sexually "service" 10, 20 or 30 "customers" a day. Child victims of trafficking are also exploited through pornography and sex tourism. Worldwide the typical age of a sex trafficking victim is decreasing.

No country is immune from this grievous man-made human rights disaster, as between 14,500 - 17,500 people are trafficked annually into the U.S. for some type of slavery (CIA). The U.S. government has not studied how many of these are victims of sex traffickers, but Kevin Bales, president of Free the Slaves says the number is at least 10,000 a year. In addition, an estimated 293,000 American children are at high risk for trafficking into the sex industry each year.

Chicago has been designated by the FBI as one of thirteen locations of High Intensity Child Prostitution and is considered a major sex trafficking hub. The January 25, 2004 New York Times Magazine notes that hundreds of underage girls and young women are trafficked and held captive as sex slaves in Chicago. The Center for Impact Research estimates that a minimum of 16,000 women and girls in the Chicago metropolitan area are engaged in prostitution. In a survey of 222 Chicago women involved in prostitution, 61.7% report they exchanged sex for money before age 18. With limited victim uncovering efforts, Chicago's Heartland Alliance, a non-profit organization, has already uncovered 60 victims from rural, suburban, and urban areas over the last five years. (State of IL website)

The perpetrators of this brutality are various crime groups, mafias, youth, ethnic and biker gangs, rings, organized crime syndicates, along with the men who buy sex acts and the corrupt police and immigration officials who are complicit in the trafficking and often directly benefit from it. Traffickers deceive young women and children by promising well-paying jobs as domestic servants, waitresses, factory workers, models or dancers. Traffickers use enticing advertisements in newspapers and magazines, mail-order bride schemes, or simply convince friends or family that they are offering a legitimate job in another country. Sometimes impoverished families will sell their children. Once in their destination country, sex slaves are put to work in brothels,

massage parlors, Karaoke bars, strip clubs, escort services or on the street. In addition, makeshift brothels exist in apartments, houses, health clubs, salons and lounges.

Some of the causes of sex trafficking include the lust and demand by men for purchased sex, the financial greed of criminal networks, the complicity of corrupt police and immigration officials, the inertia of weak legal systems, the incentive of apathy for weak economies, the economic desperation and vulnerability of young women and children and the inaction of good people. Gary Haugen, president and founder of International Justice Mission (IJM), an organization that fights injustice and sexual exploitation on 3 continents, says: “Sex trafficking isn’t a poverty issue but a law-enforcement issue. You can only carry on this trade at significant levels with the cooperation of local law enforcement. In the developing world the police are not seen as the solution for anything. You don’t run to the police, you run from the police.”

After drug dealing, human trafficking is tied with the illegal arms industry as the second largest criminal industry in the world today, and it’s the fastest growing (Eurpol). Global sex trafficking generates close to 12 billion annually (UNICEF). Leading expert Laura Lederer notes that human trafficking is highly profitable because “unlike drugs which can be sold only once, a human being can be sold over and over again.” The extremely low risk of arrest, prosecution and conviction, makes this crime venture even more lucrative. One sex trafficker bragged, “You can buy a woman for \$10,000 and you can make your money back in a week if she is pretty and she is young. Then everything else is profit . . .”

Recent U.S. legislation such as the TVPA of 2000 and the Prosecutorial Remedies and Tools Against the Exploitation of Children Today Act (PROTECT Act) of 2003, have sought to combat this ever-growing brutal industry. With Congressman Chris Smith leading the way, faith-based NGO’s and women’s groups collaborated in helping the U.S. government to enact laws combating human trafficking at home and abroad. Groups like International Justice Mission (IJM) and Salvation Army worked alongside Equality Now and other women’s rights organizations to secure the passage of the TVPA, which may be the single most important human rights law of the U.S. Congress.

As an anti-slavery bill, the TVPA establishes a coordinated, transnational effort to protect trafficked persons, to criminalize the conduct of traffickers, and punish sex trafficking as a crime as severe as rape, punishable with up to 30 years in prison. The TVPA created one law outlawing sex trafficking. In the past, law enforcement officials needed to use several criminal, labor and immigration laws to prosecute criminals for trafficking. The TVPA reformed U.S. policy of punishing sex-trafficking victims as criminals, as it became the first U.S. law to recognize that people trafficked against their will are victims of a crime, not illegal aliens. The TVPA has created harsher penalties for traffickers, helped train law-enforcement and immigration personnel to recognize victims and provided much needed services and resources to victims. Adequate protection of trafficking witnesses and fear of repercussions to family in their home countries remain to be challenges to the TVPA.

The PROTECT Act makes it a crime for a U.S. citizen or permanent resident alien to travel abroad for the purpose of engaging in any illicit sexual conduct with another person, or to engage in such conduct in another country. With extraterritorial reach, the PROTECT Act makes it possible to arrest, prosecute and convict someone in the U.S. for engaging in sex trafficking in a foreign country, whether such conduct is a crime in that country or not. If convicted, a person may be fined or imprisoned for not more than 30 years or both.

As a result of the passage of these recent criminal law guidelines, prosecutors may charge traffickers with either trafficking, slavery, involuntary servitude or forced labor, depending on which one is easier to prove. Between 2001 and 2004, the Justice Department increased investigations, prosecutions and convictions of traffickers, respectively, by 321% (106 to 340), 375% (16 to 60) and 200% (59 to 118). However, worldwide the norm is for traffickers to operate with impunity.

Colin Powell, Former U.S. Secretary of State “The more you learn about how the most innocent and vulnerable among us are savaged by these crimes, the more impossible it becomes to look the other way.” Haugen says, “God takes attendance, and will ask of the struggle against global slavery ‘Where were you?’” Lamont Hiebert, co-founder of Justice for Children International (JFCI) said: “The trafficking, rape and enslavement of children for profit must be stopped!” How will you show up and help stop the traffic?

There are numerous ways that a person can combat modern-day slavery, especially the commercial sexual exploitation of children (CSEC). People and organizations can financially support the work of NGO’s on the front lines of prevention, rescue and aftercare operations in the third world. IJM and JFCI are some U.S.-based NGO’s fighting CSEC worldwide. Business majors can travel abroad and help set up businesses for young women so they don’t fall prey to traffickers’ schemes. Businesses can establish corporate ethical policy against the CSEC and place clauses in contracts with suppliers stating a common repudiation of CSEC. Journalists and those in the media can devote more airtime and space to exposing this issue and educating the public. Educators at the college and graduate level must implement programs to train people in the aftercare of victims of sex trafficking. Grade-school teachers must educate children and families about the dangers of this kind of exploitation.

People or organizations can join the Illinois Rescue and Restore Coalition, including a local action team to organize local responses to human trafficking. Lawyers can offer pro-bono legal services. Victims need legal assistance to become certified as a trafficking victim and apply for T-Visas. Interested lawyers should email [ilrescueandrestore@dhs.state.il.us](mailto:ilrescueandrestore@dhs.state.il.us). If you think you have come in contact with a victim of human trafficking, call the Trafficking Information and Referral Hotline at 1.888.3737.888.