



## **International Trafficking of Children to New York City for Sexual Purposes**

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### **Introduction**

Within the past decade, human trafficking, or the use of force, fraud or coercion to transport persons across boundaries or within countries to exploit them for their labor, has re-emerged as an issue of major concern for governments and non-governmental organizations (NGOs) alike. The U.S. is itself a destination country for trafficking victims. Official estimates indicate that 45,000 to 50,000 women and children are trafficked into the U.S. every year from many parts of the world, and the average age of the victims is reported to be 20 years old. The passage of The U.S. Victims of Trafficking and Violence Protection Act (VTVPA) in 2000 signals the U.S. government's commitment to treat trafficked persons as victims with eligibility for services, to prosecute traffickers and their associates, and to work to prevent human trafficking in source countries.

However, little systematic research has been done on contemporary trafficking to the U.S., especially on children. This report describes the international trafficking of children for sexual purposes to New York City, a major port of entry for traffickers, and offers recommendations for more research, training, and services to meet the needs of these most vulnerable victims.

As far as we know, this report is the first of its kind to specifically address the international trafficking of children to New York City for sexual purposes. As no data was found specifically on boys, this information refers to girls. This report does not focus on conditions in other countries that

make trafficking of children to the U.S. possible and desirable.<sup>1</sup> The main goal of the report is to describe the virtually unknown problem of trafficking of children to the U.S. for sexual purposes and the services these children need, with particular focus on New York City. Since there has been no research and analysis on human trafficking in general in New York City, this report includes information on both adult women and girls trafficked for sexual purposes. The recommendations are therefore divided into two sections: 1) how to fight human trafficking in general in the New York metropolitan area and 2) how to meet the service needs of trafficked children in New York City and around the country.

This report lays the foundation for doing in-depth case studies of trafficked children. It provides background for a future study on what needs to be done to combat trafficking of children at the national level. The report should be supplemented with studies on other forms of trafficking, including trafficking for domestic and other forms of labor, adoption, organ trafficking, and trafficking in men and boys. Only by understanding trafficking and related phenomena in all forms can we fully respond with appropriate ways to end human trafficking. This report is therefore meant for service providers, policy makers, advocacy groups and others in New York and elsewhere looking to gain insight into the phenomena and find ideas for action.

### **An Overview of the U.S. Victims of Trafficking and Violence Protection Act (VTVPA)**

Congress passed and the President signed the VTVPA into law in October 2000. The Act has three main components: 1) protection in the form of services to trafficking victims in the U.S.; 2) prosecution of the traffickers and their associates; and 3) prevention of trafficking in source countries.<sup>2</sup>

### **Who is a trafficking victim according to the VTVPA?**

The VTVPA defines “severe forms of trafficking in persons” in Section 103 (8) as:

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<sup>1</sup> For an overview of structural factors that are responsible for the increase of trafficking in women and girls worldwide, see Janice G. Raymond, et al, *A Comparative Study of Women Trafficked in the Migration Process: Patterns, Profiles and Health Consequences of Sexual Exploitation in Five Countries (Indonesia, the Philippines, Thailand, Venezuela and the United States)* (North Amherst, MA: Coalition against Trafficking in Women, 2002) 2-3.

<sup>2</sup> The full text of the law is available at: <<http://www.ojp.usdoj.gov/vawo/laws/vawo2000>>. “Trafficking in Persons: A Guide for Non-Governmental Organizations” is available at: <<http://www.ojp.usdoj.gov/vawo/docs/NGO1.txt>>.

- (A) sex trafficking in which a commercial sex act is induced by force, fraud or coercion, or in which the person induced to perform such acts has not attained 18 years of age; or
- (B) 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.

This report uses the term “trafficking victim” to refer to a person defined as having suffered a severe form of trafficking in persons as defined under the TVTVA.

### **What kinds of services are available to trafficking victims?**

The TVTVA allows victims who are not U.S. citizens to be eligible for certain benefits and services to the same extent as refugees. To be eligible to receive these services, victims who are eighteen years or older must be certified by the U.S. Department of Health and Human Services (HHS), after HHS consults with the U.S. Department of Justice. HHS’s Office of Refugee Resettlement (ORR) has been delegated the authority to conduct certifications. ORR must certify that the victim: 1) is willing to comply with a reasonable request to assist in the investigation and prosecution of traffickers, and 2) has either made a bona-fide application for T nonimmigrant status with the Immigration and Naturalization Service (INS) or is a person whose continued presence in the U.S. is ensured in order to effectuate prosecution of traffickers. **Victims under 18 years of age are also eligible for certain benefits to the same extent as refugees but do not need to be certified.**<sup>3</sup>

As mandated by the law, victims, regardless of their immigration status, are also to have access to:

Victim protection: federal employees must ensure that victims are housed in a manner appropriate to their status as a crime victim, afforded proper medical care and other assistance, and offered witness protection while in federal custody.

Information: the law provides for victims to have access to information about their rights under federal victims rights legislation and to have reasonable access to translation services and/or oral interpreter services.

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<sup>3</sup> Consult <<http://www.acf.dhhs.gov/programs/orr/policy/sl01-13.htm>> for more information on the certification procedure.

Continued presence: the law includes measures to protect victims and their families from intimidation and threats of reprisals from traffickers, their associates and others.

T nonimmigrant status: When T nonimmigrant status is conferred, a T-visa is issued allowing victims to stay in the U.S. for a period of three years from the date of issuance, after which victims may be eligible to become lawful permanent residents.

The T-visa is available to those victims who 1) have been classified as a victim of a severe form of trafficking; 2) are present in the U.S., American Samoa, the Commonwealth of the Northern Mariana Islands are a port of entry thereto; 3) have complied with any reasonable request for assistance in the investigation or prosecution of acts of human trafficking; and 4) can demonstrate that they would suffer extreme hardship involving unusual and severe harm if they were removed from the U.S. **Minors under the age of 15 do not have to comply with any reasonable request to help in investigations and prosecutions.**<sup>4</sup>

In summary, there are three different categories of trafficking victims:

- (A) Those victims classified as victims of a severe form of trafficking in persons and **over the age of 18** 1) must be certified by ORR to receive benefits and 2) must comply with any reasonable request for assistance in investigations or prosecutions of traffickers in order to be eligible for the T-visa.
- (B) Those victims classified as victims of a severe form of trafficking in persons and who are **between the ages of 15 and 18** 1) do not need to be certified by ORR to receive benefits but 2) must still comply with any reasonable request to assist in investigations and prosecutions to be eligible for the T-visa.
- (C) Only those victims classified as victims of a severe form of trafficking in persons and **under the age of 15** do not need to be certified in order to be eligible for benefits and do not need to comply with any reasonable requests to assist in investigations and prosecutions to be eligible for the T-visa.

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<sup>4</sup> For information on the T-Visa regulations, please consult: <[http://www.access.gpo.gov/su\\_docs/aces/aces140.html](http://www.access.gpo.gov/su_docs/aces/aces140.html)>. The T-visa application, Form I-914 with two supplements, is available on INS's website at: <<http://www.ins.gov/graphics/formsfee/forms/I-914.htm>> or by contacting the INS Eastern Forms Center Forms Request Line at: 1-800-870-3676.

## **The Global Trafficking Phenomenon**

Trafficking of human beings is not a new phenomenon. Human trafficking, mostly of women and children, is a growing \$7 billion global business and reportedly the third most profitable illegal enterprise after the sale of guns and drugs. The U.S. Department of State estimates that at least 700,000 persons around the world fall victim to traffickers every year.<sup>5</sup> Because of its clandestine nature, documentation of the numbers of victims does not stand up to statistical scrutiny, but enough anecdotal evidence exists to confirm that human trafficking is a major issue of our time. It not only involves illegal criminal activity including fraud and money laundering, but from a human rights perspective, it involves coercion, deception and violence leveled against the victims. Those most at-risk for trafficking are most often vulnerable people such as those in poor countries, people living in war zones, single mothers, young women under age 25, and children, especially orphans and homeless youth.

Trafficking is facilitated by traffickers' ability and relative impunity to exploit people's need to escape dire economic and social situations. But victims do not expect the level of debt and the slavery-like conditions they often face. Sometimes they are also told that they will work in restaurants or as nannies but are forced into the sex industry instead.<sup>6</sup> Although most victims are trafficked from developing countries in South and Central America, Asia, Eastern Europe, Central Asia and Russia to industrialized countries, victims are also trafficked within countries and from developed countries to other developed countries. For example, young girls are trafficked from Hawaii to Japan to work in the sex industry, and Russian women and girls are trafficked to South Korea to meet the demands of U.S. servicemen.<sup>7</sup>

Little is known about the extent of human trafficking into the U.S., especially of children. Children are usually subsumed under the trafficking-of-women heading without allowing for analysis of the special circumstances and needs of victims under age 18.<sup>8</sup> Girls trafficked for prostitution are particularly vulnerable to a host of crippling and even life-threatening illnesses, including early pregnancy, forced abortions, reproductive illnesses,

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<sup>5</sup> U.S. Department of State, *Trafficking in Persons Report* (District of Columbia: U.S. Department of State, 2001) 1.

<sup>6</sup> The term "sex industry" is widely used to connote all aspects of commercial sex, including pornography, prostitution, strip clubs, phone sex and sex on the internet. While ECPAT does not endorse the normalization of commercial sex conveyed by this term, it is used in this report to designate this range of activities.

<sup>7</sup> Kelly Hill, presentation on prostituted youth in Hawaii, December 18, 2001, Second World Congress against Commercial Sexual Exploitation of Children, Yokohama, Japan and Jennifer Butler, personal communication, December 2001.

<sup>8</sup> ECPAT uses the definition of a child given in the UN Convention on the Rights of the Child wherein a child is any person under 18.

sexually transmitted diseases and AIDS. The effects of psychological trauma on young victims must also be considered. Furthermore, the use of the word "children" often really refers to girls since there is even less research on trafficking of boys. While boys do not seem to be obvious victims of trafficking for sexual purposes, there are known cases of boys who have been brought by pedophiles into the U.S. for sex and use in pornography.<sup>9</sup> Children can also be trafficked separately from adults as part of a "family unit," as in the case where airport authorities at Tijuana International Airport near the U.S. border apprehended two women accompanying six children into the U.S.<sup>10</sup>

There is international consensus that children should be rescued from trafficking and commercial sexual exploitation immediately.<sup>11</sup> The VTVPA strongly condemns trafficking of children for sexual purposes as one of the most severe forms of trafficking. It introduces possible life sentences when violations involve sexual abuse, for example when a child under the age of 14 is trafficked for sexual purposes.

Domestic trafficking within the U.S. for sexual purposes is also a major issue.<sup>12</sup> Trafficking to the U.S. is the subject of the current report because of the passage of the VTVPA, the major effort the U.S. government is making to combat it, and the international trafficking of children to the U.S. is an understudied problem. However, the phenomenon of U.S.-born children trafficked within the U.S. is equally understudied. Research by the University of Pennsylvania has begun to fill in some of the many unknowns about the domestic aspects of the problem.

## **The Numbers Game**

The only official government record on the extent of human trafficking into the U.S. reports that 45,000 to 50,000 women and children are trafficked into the U.S. every year. The average age of the victims is reported to be 20 years old, indicating that there are a significant number of victims under age 18.<sup>13</sup>

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<sup>9</sup> Janice G. Raymond and Donna M. Hughes, *Sex Trafficking of Women in the United States: International and Domestic Trends* (North Amherst, MA: Coalition against Trafficking in Women, 2001) 103; Joe Garner, "Teacher in Child Sex Sting Sentenced," *Denver Rocky Mountain News* 22 July 2000; Tim Collie and Kevin Krause, "FAU Professor Held without Bail on Sex Offense," *Sun-Sentinel* (South Florida) 22 April 1997.

<sup>10</sup> "Five Arrests in U.S. and Mexico Halt a Ring Smuggling Children," *New York Times*, 31 January 2002.

<sup>11</sup> Commercial sexual exploitation of children refers to the sexual exploitation of a child by an adult for remuneration in cash or kind to the child or a third party.

<sup>12</sup> Richard J. Estes and Neil Alan Weiner, *The Commercial Sexual Exploitation of Children in the U.S., Canada and Mexico: Full Report of the U.S. National Study* (Philadelphia, PA: University of Pennsylvania, 2001), accessible at: <[http://caster.ssw.upenn.edu/~restes/CSEC\\_Files/Complete\\_CSEC\\_010918.pdf](http://caster.ssw.upenn.edu/~restes/CSEC_Files/Complete_CSEC_010918.pdf)>; Raymond and Hughes, *Sex Trafficking of Women in the United States: International and Domestic Trends*.

<sup>13</sup> Amy O'Neill Richard, *International Trafficking in Women to the United States: A contemporary Manifestation of*

The best information on the trafficking of children for sexual purposes in the U.S. is found in the University of Pennsylvania School of Social Work (UPENN) study covering data collected from 17 cities in the U.S. The study is a wider survey of all forms of commercial sexual exploitation of children in the U.S., but international trafficking of children is considered a significant problem. Based on field interviews, the researchers estimate that approximately one-third of the estimated 45,000 - 50,000 women and children trafficked into the country every year are 17 years of age or younger; they round the figure to 17,000. They estimate that at least half of these trafficking victims, about 8,500, fall prey to commercial sexual exploitation as part of their trafficking experience. Further, they estimate that of the approximately 10,000 unaccompanied minors that enter the country every year (5,000 according to official Immigration and Naturalization Services (INS) statistics plus about an additional 5,000 children not apprehended by the INS), another third, or about 3,300, fall prey to sexual exploitation, including sexual abuse or commercial sex transactions. It could therefore be that at least 8,500 and up to 11,800 foreign children and young people across the country are trafficked into the U.S. for sexual purposes every year.<sup>14</sup>

These figures are far from firm. According to Aiko Joshi, who runs the Trafficking in Persons and Worker Exploitation Task Force complaint line where people report trafficking cases, the figure of 50,000 trafficking victims is probably very low.<sup>15</sup> Richard Estes, co-author of the UPENN study, emphasized that trafficking rapidly adapts to changing surveillance patterns and economic and other conditions.<sup>16</sup> Traffickers involved in the sex industry usually move their victims from city to city every 15 to 30 days to escape police detection and to maintain a "fresh supply" for clients.<sup>17</sup>

There are, however, identified routes for sex trafficking. Laura Lederer, Deputy Senior Advisor of the new State Department Office to Monitor and Combat Trafficking and former Director of the Protection Project, has tracked sex trafficking for several years and created a series of maps detailing the international routes of trafficking for the sex industry.<sup>18</sup> The Coalition against Trafficking in Women notes that international and domestic traffickers of women and girls make use of the same "pipelines" in

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*Slavery and Organized Crime* (District of Columbia: Center for the Study of Intelligence, 2000) iii, 3, <<http://www.cia.gov/csi/pubs.html>>.

<sup>14</sup> Estes and Weiner, *Full Report of the U.S. National Study*, 154.

<sup>15</sup> Aiko Joshi, personal interview, 7 November, 2001.

<sup>16</sup> Richard Estes, personal email communication, January 2002.

<sup>17</sup> O'Neill Richard, *International Trafficking in Women to the United States*, 11-12.

<sup>18</sup> Laura J. Lederer, *Human Rights Report on Trafficking of Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery*, (Washington, DC: The Protection Project, 2001) Appendices 3-5.

the U.S.<sup>19</sup> But there is no national intelligence infrastructure that tracks trafficking patterns according to each victim's age, gender, nationality, purpose for trafficking and route used on a local, regional and national level. Much more must be done to find these children and provide them with the range of services they need.

### **Trafficking to New York City**

New York City has already been identified as a major point of entry and a transit area for traffickers either depositing victims in the New York metropolitan area and/or circulating them to other cities across the country. The INS has documented 250 brothels in 26 cities, including New York, with trafficking victims in them.<sup>20</sup> The sex industry and prostitution is well established in New York City, and prostitution can take place in the back rooms of strip clubs and peep show theatres.<sup>21</sup> *Newsday*, in a year-long investigation of trafficking of women to New York, found trafficked women from the Czech Republic in strip clubs at Times Square and evidence of Korean, Thai, Filipino and Malaysian trafficked women in Queens and Chinese trafficked women in Chinatown.<sup>22</sup>

In New Jersey, part of the New York metropolitan area, there is a high density of sex establishments located in Newark, Jersey City, East Brunswick, Red Bank and Rockaway Township. New Jersey reportedly has the highest number of strip clubs of any state, totaling over 200, some of which operate as fronts for prostitution.<sup>23</sup> According to Walter Zalisko, a Jersey City police supervisor and expert on trafficking and Russian organized crime, over thirty five hundred women and girls are working as sex slaves or as indentured servants in the metropolitan area. Having interviewed as many as 300 victims, Zalisko found that almost three quarters claim they came here to work other jobs, but were forced to become strippers and prostitutes instead.<sup>24</sup> New York City is also an epicenter for the fraud and organized crime that accompanies human trafficking and is among the top three cities in the country with the greatest amount of visa fraud. In the U.S., Russian organized crime is concentrated in New York City and New Jersey.<sup>25</sup>

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<sup>19</sup> Raymond and Hughes, *Sex Trafficking of Women in the United States: International and Domestic Trends*.

<sup>20</sup> O' Neill Richard, 3.

<sup>21</sup> See Mia Spangenberg, *Prostituted Youth in New York City: An Overview* (New York: ECPAT-USA, 2001).

<sup>22</sup> "Smuggled for Sex" *Newsday* Five-Part Series. 11-15 March 2001.

<sup>23</sup> Walter Zalisko, personal interview, 6 June, 2001.

<sup>24</sup> Walter Zalisko, "Russian Organized Crime, Trafficking in Women, and Government's Response." Accessible at: <<http://www.monmouth.com/~wplz/Index1.htm>>.

<sup>25</sup> Gillian Caldwell, Steven Galster and Nadia Steinzor, *Crime and Servitude: An Expose of the Traffic in Women for Prostitution from the Newly Independent States*. Washington, DC: Global Survival Network, 1997), 37.

Additionally, New York City is one of the most ethnically diverse cities in the U.S. with a relatively large population of undocumented migrants, some of whom may very well have been trafficked.<sup>26</sup> According to the UPENN study, trafficked children in New York City were reported to have come from the following 24 places: Burma, Hong Kong, India, Korea, China, Philippines, Taiwan, Vietnam, Cameroon, Eritrea, Ethiopia, Ghana, Guatemala, Dominican Republic, Haiti, Jamaica, Canada, Mexico, Bosnia, Czech Republic, Hungary, Poland, Russia and Ukraine.<sup>27</sup> The study identified 144 victims in the 17 focus group cities (the data is not disaggregated for age and gender).

### Methodology

In order to conduct a situational analysis of trafficking of children and young people for sexual purposes in New York City, the following steps were taken:

- 1) Documentation of the nature and extent of trafficking of children and young people for sexual purposes through a review of current literature in the field.
- 2) Identification of key local and federal law enforcement officials working with trafficking victims or on prostitution. Officials contacted included representatives from the Federal Bureau of Investigation (FBI), Immigration and Naturalization Service (INS), US Customs Service, US Department of Justice (DOJ), the district attorneys' offices in Brooklyn, Manhattan and Queens, and the New York City Police Department (NYPD).
- 3) Identification of community-based organizations knowledgeable about trafficking in their respective ethnic communities. Interviews were conducted with individuals or representatives of organizations in the African, Asian, Eastern European and South American communities of New York.
- 4) Identification of others knowledgeable about trafficking. These persons included representatives of non-governmental organizations (NGOs), service providers, journalists, academics and others in New York.

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<sup>26</sup> New York State has the fourth largest amount of undocumented immigrants—about 540,000 people. From: U.S. Immigration and Naturalization Service, *Illegal Alien Resident Population*. Updated December 2000. Accessible at: <<http://www.ins.gov/graphics/aboutins/statistics/illegals.htm>>. This information does not reflect information from the 2000 Census.

<sup>27</sup> In order to be identified as a country of origin of trafficked children, at least six children had to originate from the respective country.

5) Assessment of services and resources allocated to victims of trafficking. In partnership with the International Organization for Adolescents (IOFA), ECPAT-USA created an intake form for service providers offering services to trafficking victims in the New York City area. (See Appendix I for a copy of the intake form devised by ECPAT-USA and IOFA.) The form was distributed through the network of the New York City Task Force against the Sexual Exploitation of Young People.<sup>28</sup>

Steps two through four, above, involved a series of interviews conducted with three primary groups: law enforcement officials (immigration, police, district attorneys), service providers (those providing shelter to youth in the city, faith-based groups, rape crisis services and advocacy groups) and observers (academics, journalists and others). The identification of these sectors not only serves in gathering data on trafficking but also serves the longer-term goal of creating a coordinated local network of actors working on trafficking and related issues like child prostitution.

#### Critical Gaps and Problems in Undertaking Trafficking Research

There is no national or local research devoted specifically to the trafficking of children in the New York metropolitan area. If there is any mention of children, information in national reports and newspaper accounts tends to focus on girls who have been trafficked alongside adult women for prostitution. Additionally, responses to the interviews and intake forms in general were minimal, indicating a need for greater knowledge about trafficking in general among service providers. The following points summarize the primary difficulties:

- 1) There is a profound lack of data on human trafficking in general, and on trafficking of children in particular. No consistent data has been collected in New York City on trafficking cases that have been encountered, either by law enforcement or service providers.
- 2) Service providers in the community at large do not know enough about trafficking to be able to recognize trafficking victims. Law enforcement's knowledge is often limited to isolated cases.
- 3) Law enforcement agencies are unaccustomed to working with each other and with service providers.

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<sup>28</sup> The New York City Task Force against the Sexual Exploitation of Young People is an independent, non-governmental coalition of individuals, groups and organizations working on behalf of New York City's most vulnerable youth.

- 4) In many communities, it is still taboo to talk about prostitution and sexual exploitation, especially to people from outside the community.
- 5) There is no information on trafficking of boys to New York City.
- 6) There are no documented, replicable best practices for serving trafficked children locally or nationally.
- 7) The lack of services, especially housing, for all at-risk youth in New York City, including homeless, runaway, prostituted and trafficked children and youth, means that many vulnerable and abused victims slip through the cracks.

#### Who is Trafficked into New York City?

*Responses from Law Enforcement.* According to the New York Immigration Coalition, the three largest incoming groups of *immigrants* to New York City come from (largest to smallest): 1) the former Soviet Union, 2) the Dominican Republic and 3) Mexico.<sup>29</sup> Since no service providers gather statistical data on trafficking victims, law enforcement authorities' knowledge of official cases was relied on. Interestingly, law enforcement officials estimated that most trafficking victims were, in no particular order, from 1) the former Soviet Union, 2) Asia and 3) Central and South America and 4) Africa.

However, it was difficult to get up-to-date information since law enforcement officials cannot disclose information about on-going investigations. Sue Shriner, Victim-Witness Coordinator at INS, also said that talking to different law enforcement agents would only give us a "mixed bag" of statistics since agencies may not know about the cases that other agencies are working on. Shriner stated that although INS has successfully investigated a number of trafficking cases involving juveniles, traffickers continue to utilize unique methods in attempting to bring victims into the U.S.—including using both legal and illegal documents or no documents at all.<sup>30</sup> Legal documents can include visitor or work visas, which later expire. False paperwork can present the minor as an adult.

It is just as easy to forge documents about age as it is to forge passports, and young girls are often prized for their youthful appearance and freshness in the sex industry. For example, in its exposé of women

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<sup>29</sup> Margie McHugh, Presentation at the Immigrants in New York: Impacts and Issues Conference, 15 November, 2000.

<sup>30</sup> Sue Shriner, personal interview, 19 November, 2001.

trafficked from the former Soviet Union, the Global Survival Network interviewed Russian traffickers who said it was easy to obtain false documentation for girls under age 18 to Japan or the U.S. They obtained these documents in spite of the fact that Russian law requires a person under 18 to receive permission from their parents or guardians to go abroad.<sup>31</sup> Additionally, international trafficking of children is highly lucrative—a single trafficked child can earn a trafficker \$30,000 or more in trafficking fees, and many players are involved, including recruiters, trainers, purveyors of false documents, transporters, and bouncers, all looking to profit from the trade in children.<sup>32</sup>

Special FBI agent Elizabeth Prial offered her assessment of the difficulty in addressing trafficking, highlighting: 1) the lack of reporting; 2) the victims' fear of the police and deportation; 3) lack of English skills; and 4) in the case of prostitution in particular, the fact that crime gangs move the girls from city to city every 15 - 30 days.<sup>33</sup> These factors point to a clear need for better data collection and increased cooperation among different law enforcement agencies and between law enforcement agencies and agencies offering support or advocating on behalf of trafficking victims. The FBI and the NYPD had a Joint Sexual Exploitation Task Force from 1983-1990 that operated out of the FBI's offices. In 1999, ECPAT-USA hosted a meeting with interested representatives from City, State and Federal law enforcement agencies to revive or start a similar Task Force with cross-agency participation focusing on the sexual exploitation of children. The U.S. Attorney's Office of the Southern District of New York has recently started a Human Trafficking & Labor Exploitation Task Force.

*Responses from Service Providers and Others.* While most service providers had heard of trafficking, the majority had never encountered a trafficking victim or could not identify a potential victim of trafficking. Even if they had, they were not equipped to keep track of the numbers of trafficking victims they saw or to identify the reason for trafficking. They were also not equipped to offer the most appropriate services for trafficking victims. Journalists and other researchers had some useful information, which is also incorporated below.

Safe Horizon is currently the one service provider in New York City to have received a federal grant to provide services to trafficking victims. Twenty eight victims have been referred to them, and the cases are in different stages of activity. Of the 18 victims whose ages are known, four

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<sup>31</sup> Caldwell, Galster and Steinzor, *An Expose of the Traffic in Women for Prostitution from the Newly Independent States*, 8-9.

<sup>32</sup> Richard J. Estes and Neil Alan Weiner, *Executive Summary of the U.S. National Study* 8.

<sup>33</sup> Elizabeth Prial, personal interview, 29 June, 2001.

victims were under age 18 at the time of discovery. A further five victims were 21-years-of-age or younger at the time of discovery. All nine of these victims are from Latin America. According to Christa Stewart, Senior Director of Safe Horizon's Anti-Trafficking Initiative, these clients have multiple needs. Housing is an especially crucial need.

"Detention is unworkable for these clients and for providers: access to them to explain options is incredibly difficult; the clients (in prostitution cases at least) have probably been incarcerated before and are used to their traffickers bailing them out; and they have no reason to trust providers. While the new trafficking law provides that victims be housed in the least restrictive settings, no funding has been provided for this vital service. For the minors in the Plainfield [New Jersey] case, it was a lucky happenstance that they were placed in a facility for unaccompanied refugee children. There is absolutely nothing in this region, which urgently needs to be redressed, as many of the clients tend to be 21 or younger. There is a clear need to develop alternative shelter space, especially designed for minors."<sup>34</sup>

### Trafficking from Africa

Several law enforcement officials guessed that trafficking of Africans into New York City could be a significant problem. This guess was mostly precipitated by the case that broke in 1999 in which a Nigerian couple had forced a 14-year-old girl into domestic servitude for nine years by luring her to come to the U.S. with promises of attending trade school. The couple and several relatives had also forced two other girls into servitude.<sup>35</sup> While it is well-known that Nigerian girls are trafficked to Western Europe for prostitution, we found no evidence of such victims in New York.

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<sup>34</sup> Christa Stewart, personal interview, 10 May, 2002.

<sup>35</sup> David Rohde, "Couple Charged with Holding Girls in Servitude," *The New York Times*, 15 July, 1999.

## Trafficking from Asia

ECPAT-USA conducted numerous interviews with groups such as the Coalition for Asian-American Children and Families, Queens Child Guidance Center, Northern Queens Health Coalition and SAKHI for South Asian Women. All of these groups confirmed that Filipino, Chinese, Korean, Indian, Bangladeshi and Pakistani people are being trafficked into New York City. According to Ram Iyer, a counselor at Elmhurst Hospital in Queens and an INS consultant for minors in detention, "There are lots of illegal children, and trafficking in young girls is suspected, but for what purpose is yet unclear." For example, he knew that girls were sold to agents or "uncles" in the countries of Southeast Asia and then brought to the U.S.<sup>36</sup> A case that received media attention involved a man named Lakireddy Bali Reddy in California who was charged with bringing three young Indian girls between the ages of 15 –18 to be his sex slaves and admitted to plotting to bring in more young girls and women from India.<sup>37</sup> In New York, a law enforcement official reported a case of a 17-year-old girl from China and an 18 year-old-girl from Thailand, both trafficked for prostitution.

Vidya Rao Duff, a former counselor at Queens Child Guidance Center, pointed to the complexities of the Southeast Asian immigrant experience in New York City and the necessity of tackling sexual exploitation in all its diverse forms. Many girls are still forced into marriage at a very young age, sometimes as young as 12. Or parents may force their daughters to "take care of" a man in order to obtain money or other remuneration. Duff knew of one case in which a 12-year-old girl was forced to have sex with the man her family lived with so the family could receive money and other necessities. As is also common, the girl felt it was her duty to take care of her parents, no matter what they asked her to do. Duff commented that there is a lot of pornography in the local Bangladeshi, Indian and Pakistani communities as well. Chat rooms where sex can be negotiated and phone sex agencies, she believes, involve teenage girls. Immigrant children are also sexually and otherwise abused in the foster care system which is an attractive recruiting ground for pimps in New York City.<sup>38</sup> Iyer recommended in-depth on-the-ground research in the areas of Queens where the Bangladeshi, Indian and Pakistani communities are concentrated, not only around the brothels but also around foster care homes.<sup>39</sup>

The Fujianese population, a minority among the larger undocumented

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<sup>36</sup> Ram Iyer, personal interview, 18 July, 2001.

<sup>37</sup> Mae M. Cheng, "Major Offense against Minors: A 'Success Story' with a Secret," *Newsday* 12 March 2001, A4, A16.

<sup>38</sup> Vidya Rao Duff, personal interview, 1 June, 2001.

<sup>39</sup> Ram Iyer, personal interview, 18 July, 2001.

Chinese population, is also a group known for susceptibility to both smuggling and trafficking into New York City. A social worker, who wished to remain anonymous, described the complexity of their situation. In the early 1990's, approximately 1,000 Fujianese a month were smuggled or trafficked into the U.S. Whether women and girls are trafficked for prostitution or not, if they are transported by ship, they are often gang-raped during the voyage. The reported fee for trafficking Fujianese into New York is approximately \$50,000 to \$60,000. Men usually work in restaurants, while the women work in sweatshops or in prostitution. Of the undocumented Chinese immigrant population at large, Fujianese women are the most likely to be involved in prostitution to pay their debt. As most of these migrants are undocumented, they have no access to services, including language and vocational training and youth centers. Children born here are often sent back to China because their parents cannot support or care for them as they work day and night to pay their trafficking or smuggling debt.

The Fujianese community further highlights the difficulty of working within a very close-knit community in which the traffickers know each other and the families they traffick. Victims may be afraid to come forward if their families' lives can be put in danger. Victims may also be uninterested in prosecuting their traffickers if they see the traffickers as lifesavers. To encourage victims to press charges, victims must be guaranteed witness protection under the U.S. trafficking legislation. Service providers should also be careful to employ the utmost secrecy in serving their clients.

### Trafficking from the Former Soviet Union, Especially Russia and Ukraine

The Brighton Beach area in Brooklyn has the largest Russian community in the U.S. According to Zalisko, Russian organized crime is well-established in New York and throughout New Jersey and is involved in a variety of activities, including trafficking of women and girls for prostitution. FBI agents in New York believe that there are about ten to twelve "dance" agencies specializing in Russian women and girls with an employment of sixty to two hundred women in each who are sent out to exotic nightclubs, bars and escort services in the New York and New Jersey area.<sup>40</sup> He believes that most trafficked Slavic women and girls come from Latvia, Bulgaria, Ukraine and Russia and that 60 – 70% of trafficking is for sexual purposes "because that's where the money is." He has also identified girls as young as 14 and estimates that about 10% of the Slavic trafficking victims he has encountered are under 18.<sup>41</sup> Zalisko has also identified

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<sup>40</sup> O'Neill Richard, *International Trafficking in Women to the United States*, 16.

<sup>41</sup> Walter Zalisko, personal interview, 6 June, 2001.

young Russian and Ukrainian women, some of whom have been trafficked, working at resort amusement parks along the New Jersey shore. When the summer season ends, many of these women and girls will be forced to continue working as strippers or prostitutes for the Russian mafia in New York and Philadelphia.<sup>42</sup>

In the summer of 2001, the Brooklyn District Attorney's office uncovered a loosely connected Russian criminal network operating brothels in residential buildings in Sheepshead Bay, Brighton Beach, Midwood and Bensonhurst; women in the brothels reportedly had Russian, Israeli and Chilean passports and were recruited in New York through Russian language newspapers, luring women desperately in need of cash.<sup>43</sup> According to Assistant District Attorney Jay Shapiro, as of mid-June 2001, the women had not said anything about being trafficked.<sup>44</sup> However, this case highlights the complexity of distinguishing trafficking from local recruitment of women for prostitution by criminal networks.

Hanya Krill, a representative of the World Federations of Ukrainian Women's Organizations, emphasized that it is important to understand the differences between Ukrainians and Russians. Women trafficked from Ukraine consider themselves to be Russians, and the traffickers are usually themselves Russians. She said that more information might actually be found about the trafficking of Ukrainian (as opposed to Russian) women and girls because many of the people living in the "Russian" community of Brighton Beach are from Odessa, Ukraine. She added that many trafficking victims who are considered to be Russian could easily have originated from any of the former Soviet Republics: Belarus, Ukraine, Georgia, and Armenia, including the central Asian countries such as Kyrgyzstan, Kazakhstan and Uzbekistan:

"Raising awareness of the ethnicities of the victims is important not only as a sign of respect and recognition, but more importantly, as a record for potential aid allocations to the countries involved. If the impression is given that only, or mostly, Russian women are trafficked, then efforts to assist Russians in Russia itself may result in an imbalance of distribution of financing by ignoring the victims of other countries that may very well comprise

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<sup>42</sup> Walter Zalisko, "Russian Organized Crime, Trafficking in Women, and Government's Response."

<sup>43</sup> Rayman, Graham, "Prostitution Problem: DA Says Brooklyn Rings Target Russian Immigrants," *Newsday*, 8 June 2001.

<sup>44</sup> Jay Shapiro, interview by C. Smolenski, June 2001.

the greater portion of traffickers' human 'cargo.' Even when looking at women that originate from the Russian Federation itself, it is important to make a distinction between women from the various eastern republics and the better-known Russia that is west of the Urals."<sup>45</sup>

### Trafficking from Central and South America

Queens is not only populated with different Asian communities but also Central and South American communities. Law enforcement authorities have found brothels operating as informal houses of prostitution and massage parlors in various commercial and residential locations in Elmhurst, Jackson Heights and Flushing.<sup>46</sup> Marcos Castro, US Customs agent, confirmed that there are many people working as prostitutes from various South American countries in the vicinity of Roosevelt Avenue in Queens.<sup>47</sup> According to Sean Gardiner, a staff writer at *Newsday*, Dominicans are also being trafficked to Jackson Heights in Queens, and in general, he thought that there was more trafficking in minors among Latino groups.<sup>48</sup>

Another dimension of the problem involves trafficking of immigrant Latina women already settled in New York City to other parts of the country. Last summer, local authorities in Indianapolis uncovered a trafficking ring that lured Latina women (at least two were aged 15 and 17) to the Midwest with promises of jobs as nannies when they were instead forced to work in brothels.<sup>49</sup>

### The Special Case of Mexico

It should be noted that even if Mexicans do not make up the largest group of undocumented immigrants in New York City, they comprise the largest source of both legal and illegal immigration into the U.S., and their presence has been growing in NYC over the past few years.<sup>50</sup> In fact, as of 1996, there were approximately 2.3 - 2.4 million undocumented Mexican

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<sup>45</sup> Hanya Krill, personal interview, July 2001.

<sup>46</sup> Raymond and Hughes, *Sex Trafficking of Women in the United States*, 34.

<sup>47</sup> Marcos Castro, personal interview, 2 July, 2001.

<sup>48</sup> Sean Gardiner, personal interview, June 2001.

<sup>49</sup> Douglas Montero, "New Yorkers Enslaved at Midwest Brothels," *New York Post*, 6 July, 2001.

<sup>50</sup> Michael Fix, Wendy Zimmerman and Jeffrey S. Passel, *The Integration of Immigrant Families in the United States* (District of Columbia: Urban Institute, 2001) 12. Accessible at: [http://www.urban.org/immig/immig\\_integration.html](http://www.urban.org/immig/immig_integration.html).

immigrants in the U.S.<sup>51</sup> An INS agent in New York reports that Mexicans are trafficking Mexican teenagers into California and then transporting them to New York for prostitution.<sup>52</sup> Low-priced makeshift brothels with trafficked Mexican and other Central and South American women and girls are known to exist in the Garment District in Manhattan, along the West Side Highway on the Upper West Side, and also on the Upper East Side.<sup>53</sup> Another case involving prostitution of Mexican girls in North Carolina and New York City is pending; the girl interviewed for the story was 14 years old.<sup>54</sup> Also in 2002, five young Mexican girls were found in makeshift brothels in Plainfield and Elizabeth, New Jersey. Their captors had trafficked them to the U.S. with promises of marriage and forced them into prostitution instead. Their traffickers now stand accused of conspiracy to traffic children for sexual purposes under the VTVPA.<sup>55</sup>

According to Stewart, a large proportion of their trafficked clients is from Mexico. In addition to the Plainfield, N.J. case mentioned above, one young client from Mexico was brought to the US with the promise of marriage and legitimate work. Once here however, she was forced into prostitution, was made to have an abortion against her will, and suffered many physical traumas. She is still coping with the effects of a sexually transmitted disease and is fearful of damage to her reproductive system. Two more victims aged 17 and 19 were found in Brooklyn. Their 21-year-old trafficker raped and sodomized the young women in order to force them into prostitution. They were subsequently forced to have sex with 30 to 50 men a day.<sup>56</sup> It is possible that the Plainfield and Brooklyn cases are connected. Stewart noted that "these cases build slowly with more and more young victims identified as the investigation broadens."<sup>57</sup>

## **Conclusion**

While little statistical evidence exists on the extent of trafficking in general and of trafficking of children for sexual purposes particularly into New York City, we have enough evidence to recognize that trafficking of children is a significant problem, more so because it is not discussed as a

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<sup>51</sup> U.S. Commission on Immigration Reform, *Migration between Mexico and the United States: Executive Summary* (District of Columbia: U.S. Commission on Immigration Reform, 1997) ii. Accessible at: <<http://www.utexas.edu/lbj/uscir/binational.htm>>.

<sup>52</sup> O'Neill Richard, *International Trafficking in Women to the United States*, 21.

<sup>53</sup> Raymond and Hughes, *Sex Trafficking of Women in the United States*, 33.

<sup>54</sup> Tonya Maxwell, "Three Charged for Prostitution Ring," *Citizen Times* [North Carolina], 31 August 2001. Accessible at: <<http://www.citizen-times.com/news/15162160.shtml>>.

<sup>55</sup> Ronald Smothers, "Six are accused of Forcing Girls from Mexico into Prostitution," *New York Times*, 26 March, 2002.

<sup>56</sup> Richard Weir, "Mexican Teens in Sex Slavery," *New York Daily News*, 29 May 2002.

<sup>57</sup> Christa Stewart, personal interview, 10 May 2002.

distinct phenomenon. Again, these include groups that come from Asia, the former Soviet Union and Central and South America. In the case of trafficking for prostitution, girls are trafficked alongside adults, just as a significant number of minors, boys and girls, are to be found in the sex industry at large. It appears that many ethnic groups concentrate trafficking networks within their own communities, but trafficked women and girls can be found in all parts of the city. **Women and girls from different groups can even work at the same location, as in the case of the Russian ring recruiting women from Chile, Israel and Russia in Brooklyn.** The most common forms of trafficking for sexual purposes appear to be for prostitution and stripping, though women and girls can also be recruited for seasonal work at resort amusement parks and then be forced into stripping and prostitution during the off seasons. Even if women and girls have entered the U.S. to settle legally, they may also be taken advantage of and trafficked domestically across the country.

Human trafficking is an extremely complex phenomenon and much more in-depth work is needed: 1) to focus on the special needs of the victims; 2) to find the many victims who have not been rescued and 3) to target the organized crime groups responsible for trafficking. These goals must be accomplished while not further endangering victims. It is also clear that more funds are needed to train and offer technical assistance to law enforcement personnel, service providers, other experts and the public at large.

In terms of sex trafficking in particular, more research needs to be focused on the demand side of the sex trade, including the power dynamics and the socially tolerated attitudes involved in the demand for sexual services and the large amounts of money concentrated in the sex industry. The Second World Congress against Commercial Sexual Exploitation of Children, held in Japan 2001, addressed the sex exploiter as one of the six critical themes of the Congress.<sup>58</sup> Designing campaigns to change exploitative sexual practices must be undertaken with diverse partnerships recognizing the expertise that different groups bring to the table, including AIDS prevention groups, gay rights' and anti-racist organizations.

It is also important to recognize the potentially significant problem of trafficking of children for domestic servitude into the U.S, often by foreign diplomats and international civil servants. Over the past decade, over 30,000 domestic workers have entered the U.S. on special visas sponsored mainly by international diplomats. It is estimated that 4,000 domestics a year are brought into New York and Washington, DC by employees of such organizations as the World Bank, the International Monetary Fund and the

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<sup>58</sup> Julia O'Connell Davidson's theme paper for the Second World Congress, "The Sex Exploiter," can be accessed at: <<http://www.focalpointngo.org/yokohama/themepapers/theme4.htm>>.

UN.<sup>59</sup> In addition to the 14-year-old girl from Nigeria forced to work for nine years as a domestic servant in New York, a recent case involved a young Latina woman trafficked into New York at the age of 16. She had heard about a family moving to America, and she was promised that she could continue her education while working for the family as a domestic. However, upon arriving in the States, she was forced to work for twelve to thirteen hours a day, seven days a week for three years until she was finally discovered.<sup>60</sup> These cases can also include sexual and other abuse against victims before and/or during the course of the trafficking experience.

Ultimately, in order to end trafficking in human beings, the connection must be made between the profitability of the business and the lack of respect for human beings and their rights, which allows them to be turned into commodities for work and pleasure. In Michele Hirsch's words:

"Poverty does not automatically and in every case lead to traffic in human beings and in fact only creates the necessary conditions...Trafficking will appear only when criminal elements take advantage of this desire to entice people, particularly women, to the West under false pretenses."<sup>61</sup>

Everyone wants to live a life free from violence and persecution and have the opportunities available in the West. Juana Toga Cruz, whose 14-year-old daughter was lured to the U.S. to work as a domestic and was forced into a brothel ring in Florida, said "The truth is, we wouldn't let her [go]...but she got excited and said, 'Mama, I'm going, so I can pull us up.'"<sup>62</sup> Until people have these opportunities in their home countries, can move freely across borders, and are no longer ignorant of traffickers' duplicity, traffickers will continue to take advantage of this human desire for freedom and fulfillment.

## **Recommendations**

These recommendations are divided into 1) what needs to be done to combat human trafficking in general in the New York metropolitan area and 2) specific recommendations regarding child trafficking victims.

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<sup>59</sup> Helena Smith, "King's Niece Could Face 15 Years in American Prison," *The Observer (UK)* 24 March, 2002.

<sup>60</sup> Christa Stewart, personal interview, 10 May, 2002.

<sup>61</sup> Michele Hirsch, *Plan of Action against Traffic in Women and Forced Prostitution* (Strasbourg: Council of Europe, 1996).

<sup>62</sup> Graham Rayman, "Dreams Ending in Nightmares: Many Immigrant Women, Girls Trapped in Sex Industry," *Newsday* 11 March 2001.

## General Recommendations

### **1) More Services.**

While relatively few trafficking victims have as of yet been identified, there are inadequate services for them in the New York metropolitan area. Service needs include: safe and immediate access to housing, clothing, financial support, case management and legal counsel, among others.

### **2) Training to recognize trafficking victims.**

*Service providers and advocacy groups.* Community organizations, rape crisis counselors, other health care workers, religious institutions and advocacy groups can assist in finding and helping trafficking victims simply by knowing what to look for and what questions to ask sensitively.

*Law Enforcement.* Local police and officials from U.S. Customs, the Federal Bureau of Investigation, the Immigration and Naturalization Service and District and U.S. Attorneys' offices investigating smuggling, labor abuse or sexual abuse cases should be able to identify potential trafficking cases and include appropriate questions in their investigations.

*Other Government Officials.* Housing and labor inspectors and emergency medical teams, health workers and others should be aware of potential trafficking in working with immigrants who work or live in extreme conditions or suffer from untreated medical conditions. Immigration officials at the point of entry to the country, in the New York area at Newark International Airport and John F. Kennedy International Airport, should be trained to identify possible trafficking victims. They should ask questions in a safe and confidential environment, separated from their travelling companions who may very well be their traffickers. These officials can also provide victims with a list of NGOs who can support them.

Those agents who have successfully handled/prosecuted cases should share their best practices with other law enforcement officials and victims' advocates to increase awareness and efficiency in apprehending traffickers while protecting victims.

### **3) Find ways to access victims and give them information on how to get help.**

Trafficking victims may be isolated given their circumstances, but efforts are underway to bring information to communities and victims. In early 2002, Telemundo, a Spanish TV channel, dedicated a two-part series on immigrant rights on the morning show *De Mañana*. Maria Jose Fletcher of the Florida Immigrant Advocacy Center was contacted to talk about domestic violence, trafficking, slavery and exploitation. She gave out information on the domestic violence national hotline and the Trafficking in Persons and Worker Exploitation Task Force complaint line. The program was broadcast nationwide, and calls to the lines subsequently increased. Other language channels should be approached for similar programming.

The Department of Justice has also created a brochure in English for trafficking victims that explains their rights and the services potentially available to them.<sup>63</sup> It is anticipated that the brochure will soon be available in five additional languages. These languages are: Spanish, Russian, Chinese, Vietnamese, and Thai.

### **4) Streamline the process of providing aid by the Office of Refugee Resettlement and the application for the T nonimmigrant status, or T-visa.**

A pressing concern is how to provide services to victims before their eligibility for services has been approved. Service providers and advocacy groups need to monitor both the certification process to receive refugee aid through ORR and the procedure to receive the T-visa through INS in order to create a seamless, fast process.

### **5) Awareness-raising with the public.**

Newspapers and magazines across the country have published articles on the global scale of human trafficking, including cases in the U.S. But many citizens are still not aware that trafficking could be happening in their neighborhood. NGOs whose primary responsibility is education and awareness-raising should work in partnership with the government to make citizens aware of trafficking. "Trafficking in Persons: A Guide for Non-Governmental Organizations" should be widely distributed to citizen's groups, like the local Community Boards in New York City.

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<sup>63</sup> The brochure can be found at: <<http://www.usdoj.gov/crt/crim/wetf/victimsbrochure.pdf>>.

## **6) Protect the identity of the victim.**

Law enforcement officials must ensure that victims receive witness protection as guaranteed under the VTVPA. Service providers should be careful to employ the utmost discretion in serving their clients also.

## **7) Create a database of cases of trafficking victims.**

While law enforcement must keep active cases confidential, there should be a way for law enforcement and NGOs to share information in the best interest of victims. This database should not only include information aggregated by age, gender, country of origin, and purpose for trafficking, but should also include a detailed record of services offered to the victim in order to identify possible gaps and best practices. It is of particular importance to note the country of origin of the victims so that preventive services can be concentrated in the countries where people are at highest risk for trafficking.

## **8) Do additional research.**

The forms of human trafficking and the make-up of its victims are constantly changing. Research on trafficking women and children for prostitution and other sex-related work should be supplemented by research on other forms of trafficking, the traffickers and criminal networks, immigration policies, and the conditions in sending countries that make trafficking possible. Research should also be further developed on the demand for prostitution services, which seems to have led to increased sex trafficking in recent years.

## **9) Increase government funding for services, training and capacity-building.**

Funding is not only needed to meet the critical needs of trafficking victims, but also to support the training of different sectors on trafficking and capacity-building to build a coordinated network of services.

### Recommendations to Address the Special Needs of Young Victims

In addition to the recommendations above, there are special areas that need to be addressed with regards to children. Trafficking and commercial sexual exploitation of children should be priority issues. Comprehensive local, national and regional rights-protective strategies must be strengthened to combat these problems so that the rights of children are

respected.

### **1) Advocacy.**

The U.S. has ratified the key instruments that can be used to advocate on behalf of child trafficking victims. The Optional Protocol to the UN Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography provides a strong rights-based focus for helping and protecting child victims. These measures include 1) recognizing the special vulnerability of child victims; 2) informing child victims of their rights; 3) providing appropriate support services to victims; 4) protecting the privacy and identity of child victims; and 5) avoiding unnecessary reenactments and delay in the prosecution of cases.<sup>64</sup> U.S. federal and state laws must be modified to conform with the Protocol.

The U.S. government has also signed on to both the Stockholm Agenda for Action and the Yokohama Global Commitment, outcome documents from the First and Second World Congresses against the Commercial Sexual Exploitation of Children respectively. These documents call on governments to create and implement national plans of action against commercial sexual exploitation of children and to provide services to victims rather than incarcerating them as criminals.<sup>65</sup>

The U.S. has also ratified the International Labor Organization (ILO) Convention 182 on the Worst Forms of Child Labor, which includes trafficking of children.<sup>66</sup>

Specific to trafficking, under the VTVPA, T-visa applicants who are 15 years of age and older must comply with any reasonable request to assist in the prosecution of traffickers. Service providers must work to ensure that minors from 15 to 18 years-of-age, as child victims, are given any additional support needed in assisting the prosecution so that they are not further traumatized by this part of the process. If difficulties are encountered in determining the age of the victim, the child should be given the benefit of the doubt and the lower age accepted as demonstrated by UNHCR (the UN Refugee Agency) standards.<sup>67</sup>

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<sup>64</sup> The text to the Optional Protocol on the Sale of Children can be found at: <<http://www.unicef.org/crc/annex2.htm>>.

<sup>65</sup> The texts to these documents can be found at: <<http://www.focalpointngo.org/yokohama>>.

<sup>66</sup> The text to ILO Convention 182 can be found at: <<http://ilolex.ilo.ch:ch1567/english/convdisp2.htm>>.

<sup>67</sup> UNHCR, *Guidelines on Policies and Procedures in Dealing with Unaccompanied Children Seeking Asylum* (Geneva: UNHCR, February 1998) Section 5.11.c. Additionally, Lutheran Immigration and Refugee Services (LIRS) has prepared a detailed set of recommendations on how to treat child victims of trafficking with regards to

## 2) Recovery and reintegration

In the U.S., there are no models of recovery and reintegration that prioritize the rights and interests of children affected by trafficking. Issues to be tackled include cases where children have become attached to their fellow adult victims and do not necessarily want to be separated from them and placed in foster care. Children should also not be left to languish in INS detention facilities, which do not protect and promote the best interests of children.<sup>68</sup> A bill called the Unaccompanied Alien Child Protection Act has been introduced in Congress to increase protective measures for unaccompanied minors, including trafficked children. The bill calls for: 1) the creation of an office within the Department of Justice separate from the INS to handle children's care and custody issues; 2) the provision of access to counsel for unaccompanied alien children; 3) the provision of impartial guardians acting on behalf of the best interests of the child; and 4) the enactment of standards of detention that ensure that these children are not placed together with adults, juvenile offenders or otherwise unnecessarily restrained.<sup>69</sup>

Children should also have access to child friendly materials explaining their options as victims of trafficking.

Last but not least, these vital services for children must be supplemented with the establishment of housing designed especially for trafficked minors and a coordinated response to child victims. Models exist that bring the investigative team under one roof in order to spare victims from revictimization through repeated interviews. Members of the investigative team can include law enforcement officials, child protection agencies (if necessary) and medical services.

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the T-visa regulations. For a copy of these recommendations, please contact Dr. Patricia S. Maloof, program coordinator for the LIRS Trafficked Children Initiative: 410/230-2758 or [pmaloof@lirs.org](mailto:pmaloof@lirs.org).

<sup>68</sup> Human Rights Watch, *Detained and Deprived of Rights: Children in the Custody of the U.S. Immigration and Naturalization Service* (New York: Human Rights Watch, 1998).

<sup>69</sup> From the Joint Testimony of Migration and Refugee Services/U.S. Conference of Catholic Bishops and Lutheran Immigration and Refugee Service on the Unaccompanied Alien Child Protection Act before the Senate Subcommittee on Immigration February 28, 2002.