

## In a nutshell

While most can agree that children caught up in the commercial sex industry need help, there are differing views about how best to help them and even how many child sex trafficking victims there are in the United States.

Some advocate for the decriminalization of prostitution for minors as the solution. Concerned Women for America believes there is no one-size-fits-all solution. Having a comprehensive approach leaving every option on the table to help these children, including treatment, counseling, arrest, and detention, will ensure judicial discretion on a case-by-case basis.

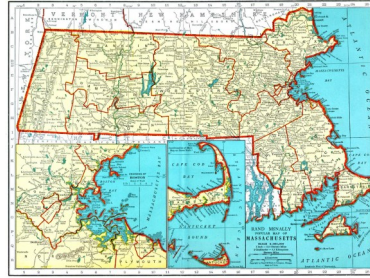


Alameda County, California, has a comprehensive program that keeps judicial discretion in the process.<sup>11</sup> Sharmin Bock, Alameda County Assistant District Attorney, said, "Having a court involved with a case hanging over your head provides that added incentive to stay in a program, at the end of which a great likelihood exists you will recognize that you were in fact exploited."<sup>12</sup>

Balance is essential to helping minors — arrest and detention without treatment and services does not usually help them leave the life, but neither does decriminalizing prostitution, which makes it easier for pimps to recruit them.

## A good model

Massachusetts passed a law in November 2011 (HB 3808) that allows for the arrest of minors found in prostitution, diverts them into services and treatment and, if they successfully complete those programs, drops the charges against them. This system gives the minors an incentive to stay in the services, which puts them on the path to rehabilitation. The law also establishes a trust fund for victims funded by assets seized and forfeited by traffickers; it gives victims the ability to bring civil actions against traffickers, enhances penalties for crimes involving the trafficking of minors, and provides an affirmative defense for victims charged with prostitution.



## What Can YOU Do?

- ◆ Pray for the rescue and rehabilitation of victims
- ◆ Educate your local lawmakers about the consequences of decriminalizing prostitution for minors
- ◆ Ask your representatives and senators to push for the appropriations to fund shelters for juvenile victims

## Footnotes:

1. Richard J. Estes and Neil Alan Weiner, "The Commercial Sexual Exploitation of Children in the U.S., Canada and Mexico, Full Report" University of Pennsylvania, September 18, 2001, (revised February 20, 2002), [http://www.sp2.upenn.edu/restes/CSEC\\_Files/Complete\\_CSEC\\_020220.pdf](http://www.sp2.upenn.edu/restes/CSEC_Files/Complete_CSEC_020220.pdf) (accessed March 22, 2012).
2. U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, "Effects of Federal Legislation on the Commercial Sexual Exploitation of Children," *Juvenile Justice Bulletin*, July 2010, <http://www.ncjrs.gov/pdffiles1/ojjdp/228631.pdf> (accessed March 22, 2012).
3. Michelle Stransky and David Finklehor, "How Many Juveniles are Involved in Prostitution in the U.S.?" Crimes Against Children Research Center, University of New Hampshire, 2008, 2, [http://www.unh.edu/ccrc/prostitution/Juvenile\\_Prostitution\\_factsheet.pdf](http://www.unh.edu/ccrc/prostitution/Juvenile_Prostitution_factsheet.pdf) (accessed March 22, 2012).
4. The data are available by year in Table 38 "Arrests by Age" under the "Prostitution and commercialized vice" tab at the Federal Bureau of Investigation's Uniform Crime Reports webpage: <http://www.fbi.gov/about-us/cjis/ucr>.
5. Tracey Kyckelhahn, Allen J. Beck and Thomas H. Cohen, U.S. Department of Justice, Bureau of Justice Statistics, "Characteristics of Suspected Human Trafficking Incidents, 2007-2008," January 2009, Table 8, <http://bjs.ojp.usdoj.gov/content/pub/pdf/cshti08.pdf> (accessed March 26, 2012).
6. Duren Banks and Tracy Kyckelhahn, U.S. Department of Justice, Bureau of Justice Statistics, "Characteristics of Suspected Human Trafficking Incidents, 2008-2010," April 2011, Table 5, <http://bjs.ojp.usdoj.gov/content/pub/pdf/cshti0810.pdf> (accessed March 26, 2012).
7. Federal Bureau of Investigation, Crimes Against Children, "Innocence Lost," [http://www.fbi.gov/about-us/investigate/vc\\_majorthefts/cac/innocencelost](http://www.fbi.gov/about-us/investigate/vc_majorthefts/cac/innocencelost), (accessed March 26, 2012).
8. Kimberly J. Mitchell, David Finkelhor, and Janis Wolak, "Conceptualizing Juvenile Prostitution as Child Maltreatment: Findings from the National Juvenile Prostitution Study," *Child Maltreatment* 15, no. 1, February 2010.
9. Heather J. Clawson and Lisa Goldblatt Grace, "Finding a Path to Recovery: Residential Facilities for Minor Victims of Domestic Sex Trafficking," September 2007, <http://aspe.hhs.gov/hsp/07/humantrafficking/ResFac/ib.pdf>.
10. United States Code, Title 42, Chapter 136, Subchapter III, Part O, § 14044b as found at <http://www.law.cornell.edu/uscode/text/42/14044b> (accessed February 28, 2012).
11. California Code, Welfare and Institutions Code, Part 6, Chapter 4.3, Section 18259-18259.5, <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=wic&group=18001-19000&file=18259-18259.5> (accessed February 28, 2012).
12. Melissa Block, "Arresting Youth in Sex Trafficking Raises Debate," *All Things Considered*, National Public Radio, December 7, 2010, <http://www.npr.org/templates/transcript/transcript.php?storyId=131757175> (accessed March 13, 2012).

*Resource compiled by the Beverly LaHate Institute, the think tank for Concerned Women for America.*

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# Children in Prostitution



*How Many are There  
and What to Do?*

*Highlights from Concerned Women for America's report,  
"Children in Prostitution: How Many are  
There and What to Do?"*

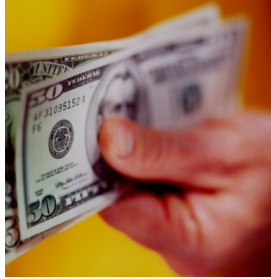
*Available at [concernedwomen.org](http://concernedwomen.org)*

**Concerned Women for America Resource**

## What does decriminalization of prostitution for minors mean?

### It would be legal for minors to sell sex.

When states pass laws to decriminalize prostitution for minors, sometimes called "Safe Harbor" laws, minors found in prostitution are no longer arrested or prosecuted. It would still be a crime to sell a child for sex (pimping) or buy a child for sex (solicitation).



Decriminalization provides a recruiting tool for pimps; they tell minors it's okay to prostitute because it's legal. Police will be less likely to investigate minors in prostitution if it's no longer illegal.

## How many minors are found in prostitution and sex trafficking in the U.S.?



Estimates based on guesses:

- ◆ 244,181-325,575 children are "at risk for commercial sexual exploitation," according to the Estes and

Weiner study<sup>1</sup>

- ◆ 300,000 "children may become victims of commercial sexual exploitation each year," according to the U.S. Department of Justice<sup>2</sup>
- ◆ In 1982, the General Accounting Office gave an estimate that went as high as 2.4 million, which was based on a "gut hunch" of an author<sup>3</sup>

Government data:

- ◆ According to the Federal Bureau of Investigation's Uniform Crime Reports<sup>4</sup> the number of minors arrested for prostitution annually declined over six years:

2005: 1,204 arrests	2008: 1,158 arrests
2006: 1,208 arrests	2009: 1,079 arrests
2007: 1,160 arrests	2010: 874 arrested

- ◆ The Human Trafficking Reporting System: from the period of January 1, 2007-September 30, 2008,<sup>5</sup> there were 58



confirmed incidents of sex trafficking involving victims ages 17 and younger, and from the period of January 2008-June 2010,<sup>6</sup> there were 248 confirmed incidents of sex trafficking involving minors.

- ◆ According to the Federal Bureau of Investigation's

Innocence Lost Task Force website,<sup>7</sup> as of April 2011, over 1,600 children have been rescued from sex trafficking since 2003.

## Decriminalization proponents argue

- ◆ Putting minors through the juvenile justice system further traumatizes them
- ◆ They are punished for being sexually exploited victims
- ◆ They need treatment and services, not jail time
- ◆ All minors found in prostitution are victims

## Why CWA opposes decriminalization

- ◆ If prostitution for minors is decriminalized, it removes law enforcement and judicial discretion from the process
- ◆ Often police take minors into custody in order to get them away from their pimps; the minors rarely go to jail for prostitution
- ◆ Without criminal charges pending, any treatment or services are voluntary, and the minor may leave at any time
- ◆ A 2010 study from the University of New Hampshire found that thirty-one percent of juvenile prostitution cases studied involved solo prostitution; the minors had no pimps<sup>8</sup>
- ◆ It makes it legal for minors to sell sex and provides a recruiting tool for pimps and gangs

## What states have decriminalized prostitution for minors?

- ◆ Connecticut, Illinois, Tennessee, and Vermont
- ◆ Washington State and New York have laws which allow the prosecutor (WA) or the judge (NY) to divert minors arrested for prostitution into services and rehabilitation programs



## Are there enough shelter beds for victims?

- ◆ A 2007 study done for the Department of Health and Human Services identified only four residential facilities in the United States with 45 beds between them<sup>9</sup>
- ◆ The Trafficking Victims Protection Reauthorization Acts of 2005 and 2008 authorized millions of dollars to establish a pilot program for residential treatment facilities for juvenile victims, but none of the money has been appropriated<sup>10</sup>

