

A Child's Search for Freedom in 21st Century America

Written by Ericka Carolina Rodas

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ERICKA CAROLINA RODAS, APR 29 2012

At the end of the twentieth century, the crime of human trafficking resurfaced within the international community due to the rise of globalization and the use of technology. The United Nations responded by devising the Palermo Protocol, more formally known as the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children. The Protocol provides a comprehensive definition of trafficking and it reflects the international commitment to ending this crime, particularly in terms of prosecution and protection. By ratifying the Palermo Protocol, the United States has an obligation to implement laws and measures that aim to identify and prosecute traffickers and identify and protect child sex victims since they are vulnerable. As a result, the U.S. established an annual Trafficking in Persons Report to monitor state efforts in combatting this crime as a means to pressure states to comply with the international law. Nevertheless, even though the TVPA emphasizes the protection of victims, not all states include this provision in their statutes and moreover, there is a lack of homogeneity among state laws. Distressingly, only nine states and Washington D.C. have laws granting state-funded public benefits to victims and in 2009 235 male and 844 female minors were arrested for prostitution according to the FBI (U.S. State Department 2011, United States para. 26-27). Clearly, the United States has its own problem; although as a whole the U.S. seems to fulfill its responsibility, the reality is that some states within the country have been more successful than others in the eradication of child slavery.

The puzzle that naturally arises when discussing trafficking of children is why have some states within the United States been more successful in combatting child trafficking than others? My argument is that states that coalesce with local grassroots movements to form alliances have shown to be "exceptional" in the fight against child trafficking. Currently, only 45 states have statutes addressing human trafficking and fewer than ten percent "of state and local law enforcement agencies surveyed had protocols or policies on human trafficking, and recommended augmented training, standard operational protocols, and dedicated personnel within police agencies" (U.S. State Department 2011, United States para. 7). Despite individual states' failure to address child trafficking, the FBI has trained 960 state and local law enforcement officers. Furthermore, the Department of Homeland Security includes information about services to victims in the training sessions offered to state and local law enforcement agencies (U.S. State Department 2011, United States para. 11). Gradually, the U.S. is starting to understand the reality of child trafficking. Media educates the public and it encourages citizens to fight for needed change. Its success will be proven in the case studies. In twenty-first century America it is distressing that one has to contemplate this question since it is the self-proclaimed global leader. Since the international community prizes its children, it is interesting to examine the reason why federal, state, and local governments generally have not proven to be successful in decreasing the amount of child trafficking cases. Whether it is a lack of awareness and knowledge of the issue or a simple lack of resources, the United States has a moral responsibility to grant children the proper education to succeed in the future. Before the United States blames others for this widespread phenomenon it should consider evaluating its own failure to properly address this pressing issue.

Although statistics on the crime of child trafficking are only roughly accurate given the complexity and hidden nature of the crime, "between 244,000 and 325,000 American youth are at risk each year of becoming victims of sexual exploitation" (Weiner and Estes 2001, 2). Moreover, more than 105,000 children are found to be victims of sexual abuse (Weiner and Estes 2001, 10). It is important to note that these statistics are 10 years old and that it is probable that numbers have continued to rise. Regardless of the fact that these numbers are estimates, the reality is that child trafficking does occur in the United States, with some states having more cases of child trafficking than others.

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A state's success in combatting child trafficking will be determined by comparison with Georgia's 2011 Freedom from Human Trafficking Act, which is currently the best state law against human trafficking. The law provides not only for increased prosecution of the traffickers but also increased protection and rehabilitative services for victims. In addition, it emphasizes the need for improved training of law enforcement officials to allow children to be seen as victims and not as criminals (Georgia General Assembly 2011, HB 200). This recent legislation hopefully will decrease the incidence of child trafficking due to its focus on the reintegration of victims into society. The influence under which legislators devised the law was pressure from the Atlanta's Women's Coalition Group to implement reforms regarding how child victims are treated and provided services. The coalition group led by Deborah Richardson and Nancy Boxill raised awareness of child trafficking in Atlanta and gained the support of a federal prosecutor to criminalize the traffickers. Thanks to funds from the Georgia State legislature, the group operates Angela's House, a shelter designed to provide for the needs of trafficked girls, including healthcare, safety, and education (Richardson and Boxill 2007, 148-149).

In addition, a pattern has been observed between media attention given to high profile trafficking cases and consequent revised legislation that focuses more on protecting the victim in the aftermath of the crime. Most legislation on human trafficking such as that in Arkansas, tends to focus on prosecution, while neglecting to properly regard the child as a victim who needs rehabilitative services to cope with the trauma. The most that is granted to victims is restitution, which does not rectify the crime children had to endure. Nonetheless, states should mobilize themselves and enact legislation that both prosecute the trafficker and protect the victims before a major child trafficking case gains publicity. The recent Texas Supreme Court case, "In the Matter of B.W." (Texas Supreme Court 2010, "In the Matter of B.W." No 08-1044) demonstrates that states tend to be reactive rather than proactive when working on the crime of child trafficking. However, states which do not have adequate child trafficking laws should model them after Georgia's state law because they should be prepared to assist those victims once they are found.

This research paper contributes to the existing literature on child trafficking by evaluating the validity of the argument that reform is best achieved by working from the bottom-up rather than reform being initiated by the federal government. Indicators of success will be accessed for the laws of all 50 states and D.C. For these laws to be effective, they need to incorporate both foreign and domestic victims as well as reflect changes in protective services and renewed training of law enforcement officials, judges, and social service workers in order to decrease the incidence of child trafficking. Only then will the federal government be able to affirm that it fully complies with the Palermo Protocol. If a state's law meets these criteria a link will be made to previous media coverage of a trafficking case and any subsequent decrease in trafficking cases and/or evidence of a victim's successful rehabilitation into society.

This study compares ten state cases in detail while Washington D.C. and the remaining 40 states are evaluated in my index according to the effectiveness of their laws. I decided to study New York, Georgia, Alabama, Connecticut, Florida, Texas, Alaska, Arkansas, Arizona, and New Jersey more in depth because they provide a good synopsis of how different regions are responding to this brutal crime. The first two sections study the lack of services for child victims and evaluate federal laws in place. The third section establishes a ranking of the best and worst state laws to pressure states to reform their legislation and the main section examines state laws in response to child trafficking cases. The United States should be a model to other countries revising their policies on trafficking and not an example of another failure to comply with international norms.

Existing Literature on Child Trafficking

With the United Nations "Protocol to Prevent, Suppress, and Punish Trafficking in Human Beings, Especially Women and Children" the definition of trafficking has been established with emphasis on the "use of force, deception, coercion, or fraud... for the purpose of exploitation..." (Palermo Protocol 2000, Article 3(a)). In addition, both the Palermo Protocol and the Trafficking in Victims Protection Act passed by the U.S. acknowledge that child means an individual less than eighteen years of age and therefore, force, fraud, coercion, or deception need not be present. Despite the existence of these definitions, the problem lies in the interpretation of it. This creates problems with child victims and law enforcement officials who perceive them as criminals in spite of the fact that child prostitution is

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illegal throughout the United States. Moreover, foreign born children tend to be seen as victims while domestic children are not. This is because "Americans tend to view sex trafficking as an international problem" (Soodalter and Bales 2009, 97). The general misconception is that domestic children should know that prostitution is illegal. It is not as if only foreign victims are deceived into trafficking; domestic children can also be tricked. Even then, if some domestic victims engage in this crime it is because they have no other refuge.

The first problem that arises with child trafficking is the actual identification of victims who have been subjected to this crime. Victims of trafficking, especially children, are reluctant to confide in police since some officials tend to view them as criminals rather than as individuals due to their possible involvement with drugs and alcohol and other crimes. It is important for the TVPA and state and local laws to provide comprehensive training for police officers so that they will recognize both national and foreign victims of child trafficking. Provisions should include characteristics specific to trafficking victims as well as questions to be asked by law enforcement (Bishop 2003, 8). Questions can include, "Are you able to move around freely?" "Are you allowed to keep your earnings?" "Are you forced to engage in work that is morally degrading?"

There is general consensus that the federal, state, and local laws are inadequate to serve the needs of trafficked children and that they should be treated as victims. As argued by Kimberly Kotra, law enforcement officials need to change their perception of these children who have been trafficked by ceasing the use of demeaning terms. (Kotra 2010, 184-185). However, what is the best method to ensure that adequate services and needs of trafficked children are met? A project carried out in Atlanta in 2000 by Nancy A. Boxill and Deborah J. Richardson demonstrates that community based projects improve the services provided to victims to ensure that they are not re-trafficked by working from the bottom-up. With the aid of a women's coalition group, Boxill and Richardson raised awareness of the prevalence of trafficking in Atlanta and communicated with a federal prosecutor to criminalize the traffickers. Moreover, the group received funding from the State Legislature to open Angela's House, a shelter designed to provide health, safety, and education to trafficked girls (Richardson and Boxill 2007, 148-149). Studies conducted on the effectiveness of services provided to victims confirm the importance of community cooperation. When local and state agencies communicate with each other, then there is an increased probability that victims' needs will be met. One interviewer recounts the frustration of not receiving appropriate services. "They don't seem to be working together or communicate about my case. The people at one agency don't seem to know what the people at the other agencies are doing with me" (Zweig et al. 2006, 24). Local efforts are important because victims first come into contact with local agencies. Wendy Waldron remarks that eradication efforts "have to be done city by city, agency by agency, agent by agent. Rather than wait for someone to be busted, we have to gather intelligence and share databases on the bigger pimps" (Soodalter and Bales 2009, 96).

Conversely, other scholars argue that reform should commence with the federal government (Bishop 2003, 8); in particular, reform of the TVPA to provide services for both foreign and domestic victims should be paramount. The existing literature disproportionately concludes that a domino effect will result from federal reform, causing states to reform their laws accordingly. Arguments are made that federal laws should prioritize the immediate health and safety of the child to ensure the safe rehabilitation into society (Bishop 2003, 8). Moreover, interviews with foreign victims indicate the difficulties they face in obtaining visas and proper health care. Some scholars argue that the federal government's laws must reflect international human rights principles of prosecution and prevention (Green 2008, 325-327 and 375). The requirement of lawful residency status in the Special Immigrant Juvenile Act and the TVPA cause foreign victims to be denied protection from removal (Green 2008, 334-335, 372-378). Bishop and Green conclude that improvements will be seen when victims are assured safety within U.S. borders regardless of citizen status. Only then they believe will local agencies grant the needed protective services to both foreign and domestic child victims (Bishop 2003, 9 and Green 2008, 314 and 320).

A long term solution to the elimination of trafficking in children is to change the perception of society about the vulnerability of children and women. If society realizes that prostitution and pimping are degrading and harmful to half our population then there is a chance that demand will decrease (Kotra 2010, 186). John schools have been established as a means to educate customers on the harmful consequences of their actions. In San Francisco, the First Offender Prostitution Program has been commended for its inclusion of victim survivor stories. The theory is that pimps will immediately sympathize with the reality of victims' lives and consequently will stop engaging in this crime

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(Hughes 2004, 34-35). Evaluations given to 747 participants indicate that 100 percent said they learned something new and 97 percent said that "it is unlikely or highly unlikely that they will solicit a prostitute again" (Hughes 2004, 38). There are limitations to these numbers. There is no indication how many participants there are in total. Did the program serve more than 747 participants? If yes, then the data is only a small fraction of the program's actual success. In addition, the men surveyed may have lied in order to demonstrate their successful completion of the program. Hughes notes that first time offenders attend the program in lieu of being jailed (Hughes 2004, 34). The limitation of this solution is that it is hard to change people's perceptions and beliefs overnight. Furthermore, claims have been made that not all customers are violent and their reasons for purchasing sex acts from children vary. There is an argument that decriminalizing prostitution will reduce trafficking (demand) instead of the current moral crusade which views sex work negatively (Weitzer 2010, 73 and 77). Some academics believe that legalizing an act will compel people to abide by the law's provisions rather than engaging in it secretly to obtain profits (Weitzer 2010, 77). Although this argument may be valid, it may become difficult to provide services to children if the law mandates that all prostitution is legal. It could become difficult to prosecute traffickers who violate the law because they could argue that their activity is no longer illegal in the country.

For the purpose of my study, I will study the effects of local movements on reform of state laws. Federal reform is limited since it takes longer to be achieved; there are more people involved in the legislative process than at the state and local level. Furthermore, focusing on demand reduction is an ideal. Realistically, we cannot change everyone; it is possible though to concentrate on the supply of this crime- if children are provided comprehensive services that rehabilitate them successfully into society, traffickers will no longer have a supply of vulnerable children. In addition, it is important to focus on potential victims as well. Schools should also receive training programs for faculty and staff to be able to recognize trafficking when they see it. Moreover, funds need to be allocated to social service providers and child welfare agencies for them to protect children from harm (U.S. State Department 2011, United States para. 23-24 and 28).

Effects of Lack of Effective Services to Child Victims

There is not a doubt that children are individuals who require special care due to their increased vulnerability and naiveté. When a child is not given the appropriate care, the probability of being trafficked is high. Traffickers prey on a child's poverty and lack of emotional security to engage in trafficking. Although both foreign and domestic victims suffer the same harm, their needs are relatively different; this should be reflected in federal and state laws.

Domestic victims are often runaways and homeless children. These children are initially abused at home and seek refuge in the streets only to be victimized again in the form of trafficking. Interviews given to runaway adolescents in the Midwest find a positive correlation between the age girls left their home to time spent on the street as well as engaging in survival sex and being sexually victimized. In addition, the more time spent on the street increases the chance of using drugs and alcohol as a coping method (Whitbeck et al. 2000, 243). Youth are vulnerable and do not defend themselves because they feel powerless; they are misguided by the presumption that respect is due to adults and therefore subject themselves to this treatment (Green 2008, 374-375). As a result, child welfare agencies and social service providers should be better trained to recognize victims when they see it. Children need to be placed in shelters with adequate services including education, health, food, and safety and not returned to their families where they face cyclical abuse.

Foreign children face the added burden of proving their legal status in the U.S. since traffickers often confiscate their documents. Even if they entered the country illegally, children need to be protected because they might be re-trafficked in their home country. The Palermo Protocol requires that states protect child victims; this can be done by reassuring the victims that law enforcement is here to help them and by including English classes for foreign victims to communicate with others (Bishop 2003, 221).

Inadequacy of Federal Laws

The current federal laws are not strong enough. The Trafficking in Victims Protection Act is targeted towards foreign victims and not domestic; it is not inclusive. Bradley Myles of Polaris Project notes "All federal funds created under

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the TVPA for direct services to trafficking victims have been used to assist noncitizen victims” (Soodalter and Bales 2009, 103). Clearly there is a discrepancy in the U.S. commitment to ending child trafficking. The Senate recently introduced a new law aimed at protecting the victims entitled The Domestic Minor Sex Trafficking Deterrence and Victims Support Act of 2011 (U.S. Senate 2011, S.596) but it has yet to prove effective since it has not been passed.

Ranking the States

A ranking of the state laws of the first ten states studied in addition to the remaining 40 states and Washington D.C. will serve as an attempt to pressure states to reform their laws now rather than later when a major case reaches the media. If the federal government submits this state ranking in a press release and if it is subsequently released to media outlets, individual states will be compelled to meet the requirements for eradicating child slavery. When one's actions are exposed, one desires to be viewed positively. The following table ranks states' relative success according to the inclusion of training for law enforcement officials, attorneys, and social service providers and provision of rehabilitative services (health, education, safety, and shelter) without discrimination to foreign or domestic victims. The ranking is calculated as follows: 3 indicates full compliance with requirements and 0 means that no requirements have been met.

Training for law enforcement officials, attorneys, and social service providers
Rehabilitative services (health, education, safety, and shelter)
No discrimination as to foreign or domestic victims
Index Notes
Georgia X X X 3
Alabama X-communication emphasized X X 3
New York X X 2
Connecticut X X X 3
Florida X X X 3
Texas X X X 3
New Jersey X 1
Alaska X 1
Arkansas 0
Arizona X 1
Illinois X 1
California X X X 3
Colorado X X 2
Delaware X X 2
D.C. 0
Hawaii 0
No comprehensive law exists against child sex trafficking
Idaho X X X 3
Indiana 0
Iowa X 1
Kansas 0
Kentucky X- geared more towards social service providers X X 3
Louisiana 0
Maine X 1
Maryland X-only to education providers 1
Massachusetts X X 2
Law recently passed November 2011
Michigan 0
Minnesota X X 2
Mississippi 0
Missouri X X X 3
Montana 0
Nebraska X X 2
Nevada 0
New Hampshire X X 2
New Mexico X X X 3
North Carolina X X 2
North Dakota 0
Ohio 0
Oklahoma X X 2
Oregon 0

Pennsylvania

0

Rhode Island

X X 2

South Carolina

0

South Dakota

0

Tennessee

0

Utah

0

Vermont

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X X 2

Virginia

0 "abduction"

Washington

X X 2

West Virginia

0 No state statutes exist criminalizing human trafficking

Wisconsin

0

Wyoming

0 No state statutes exist criminalizing human trafficking

*The statutes used to determine the individual states' rankings can be found in the bibliography for further reference.

States' Failure to implement state laws against child trafficking.

The following states have not enacted state laws criminalizing child trafficking. The laws that they do have only focus on the prosecution of the traffickers, which is only half of the solution. Protection of the victims has proven to be successful in decreasing the amount of cases as shown in Connecticut. One might argue that not all child trafficking cases are reported to the police. However, I am only speaking about cases that have been prosecuted and allocated services to the victims to allow them to reintegrate into society. As already mentioned, nine states, including D.C. include the provision of services to victims and twenty-one states require mandatory restitution (U.S. State Department 2011, para. 26).

The Case of New Jersey, Alaska, Arkansas, and Arizona

The four states studied have not had much publicity about human trafficking cases. If there has, there have been only one or two well publicized cases. Surprisingly, in New Jersey, there have not been any considerable grassroots movements despite the frequency of this crime. Perhaps there needs to be a "shocker" case before people's emotions compel them to fight for change. Hopefully, reform will be achieved soon before a case similar to Texas reaches the headlines. It is distressing that no movement is seen until individuals realize that child trafficking is a recurring and serious problem.

In Alaska, an alliance was formed after news of two child trafficking cases in an attempt to raise awareness of the problem of trafficking in their state. Despite the fact that the Child Exploitation and Obscenity Section and Project Safe Childhood—task forces committed to identifying child victims—raised the case against Sabil Mumin Mujahid, Sidney Lamar Greene, Keyana "Koko" Marshall, and Rand Hooks of Anchorage Alaska for conspiring to commit child sex trafficking by the use of force and prostitution, and are involved in the prosecution of this case, the coalition is not strong enough; it needs to spread more awareness about the issue to Alaskan residents. It should gather the support of other NGO's in the state and the involvement of local and state legislators to educate the people of Alaska about this crime. Following the publicity of these two cases, the State Legislature introduced SB 110 in an attempt to criminalize human trafficking in all its forms. It provides a comprehensive definition of the crime while drafting the law in terms of punishing the perpetrator of the crime. If this bill is passed, human trafficking of a minor will be considered

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human trafficking in the first degree. In addition, sentences will range from 25-35 years if the victim is younger than thirteen and 20 to thirty years if the victim is thirteen years of age or older (Alaska State Legislature 2011. SB 110 Section 1 and Section 9 1A). Notwithstanding the proposed bill's omission of protective and rehabilitative services for the victims of human trafficking, their efforts should be applauded. They have only been subject to two well-publicized cases. It will hopefully realize that regardless of the prevalence of trafficking, it needs to protect its children. Perhaps it will decide to model its law after Georgia's or Alabama's to comply with international norms.

In addition, another possibility for the failure of New Jersey, Alaska, Arkansas, and Arizona to eradicate trafficking in their state is the size of their population. Lower population means there are fewer children to be trafficked and fewer customers. In Alaska, the population in 2010 was 710, 231 in which 26.4% were under eighteen years of age (United States Census Bureau: Alaska State and County Quick Facts). Similarly, Arkansas and Arizona have small populations because they are mostly rural communities. The population in Arkansas as of 2010 is 2, 915, 918 and the percentage of children under the age of 18 is 24.4% (U.S. Census Bureau: Arkansas State and County Quick Facts). Moreover, for the state of Arizona, the population in 2010 was 6, 392,017 while the percentage of individuals younger than the age of eighteen was 25.5%. (U.S. Census Bureau: Arizona State and County Facts). Although the population most likely increased in the time frame of one year, the fact is that there are more adults living in these states than children. As a result, there is a relatively low incidence of trafficking cases and the majority of citizens do not realize that child trafficking is a real and serious problem which needs to be addressed. It is time for the media to inform the residents of these four states that regardless of the frequency of this crime it should make it a priority to protect the few children that reside in their states. Moreover, states should also safeguard children entering their borders from other states and countries.

The lack of understanding of this issue has resulted in only the prosecution of traffickers in most of these cases. There exists a misconceived notion that only prosecution is needed to effectively fight child trafficking. They could be satisfied with the prosecution of the trafficker but not think about the victims' trauma. A victim of a crime requires extensive care or they will not be able to heal; health and education help victims rehabilitate into society. As asserted by Bales and Soodalter, "Without a place for the sex trafficking victims to live, the greatest fear—and likelihood—is that she will return to the streets and become victimized once again" (Soodalter and Bales 2009, 100). A clear lack of awareness about the gravity of this crime is demonstrated in the trafficking case against Everett Cooney in Arkansas. Although the 2005 statute mandates that the prison term should be at least ten years with a maximum of life imprisonment (U.S. Department of Justice 2009) the ultimate sentence imposed in 2010 was seven and a half years prison term with five years mandatory supervised release (Terrebonne 2010). What happened to the supposed ten year minimum sentence? Did the jury not realize the gravity of this man's actions? Surprisingly, there have not been any protests by the people of Arkansas. Clearly, the sentence should have been higher. Moreover, there is no information on his victim. The services she received if any were most likely inadequate; she was probably given a quick health and mental evaluation and then released to a foster care or a foster family who do not know how to treat her.

Arkansas' failure to hold Cooney justly accountable for his profit of the commercial sex acts of "DB" questions the veracity of the people of Arkansas and other states to punish traffickers for their crime. The present statutes of these states focus primarily on the prosecution of the trafficker. Even with these laws, the state should continue to train law enforcement, social service providers, and attorneys in order to ensure that children are perceived as victims of the crime and not as willing participants. The lack of unity among community members is a deterrent for children's well-being. As argued by Bales and Soodalter, "Ultimately, there must be a common goal and a single, unified effort to reach it. Otherwise, we will continue to show a failure rate that is as tragic as it is embarrassing" (Bales and Soodalter 2009, 115). Surprisingly, the state of Arizona makes a distinction between the age of the child when she is trafficked. Currently, the only laws criminalizing human trafficking were passed in 2005. The sex trafficking statute holds that a person who knowingly recruits a minor to participate in prostitution or other sexual acts will be punished according to Class 2 Felony. However, if the victim is younger than fifteen years of age, the crime is classified as a dangerous crime against children (Arizona Statute Legislature 2005, Statute 13-1307 (B)). As a result, the punishment for endangering a child younger than fifteen is a maximum of life in prison and the defendant has no opportunity to change his sentence term until thirty-five years have been served (Arizona State Legislature 2005, Statute 13-705 (A)). Regardless of the age of the child at the time of the crime, all crimes against children are

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dangerous crimes because they are robbed of their childhood. Moreover, the current state statute in New Jersey requires that traffickers pay proper restitution to their victims (New Jersey Legislature 2005, Statute 2C: 13-8). Monetary compensation as already argued is necessary for the victim to sustain himself or herself economically; however, in the long run, safety is the best protective measure for children. In order for these state laws to be strengthened, it needs to include comprehensive rehabilitative services for children and ensure effective training of law-enforcement officials and the general public to ensure individuals truly understand what the crime actually is and are not prejudiced.

States responses to child trafficking cases portrayed in the media

Formation of local grassroots movements aimed at reforming state laws

The prevalence of trafficking in an area plays an important role in states' responses to child trafficking. Urban and metropolitan areas tend to have more high profile cases than rural areas (Soodalter and Bales 2009, 14). As a result, people are moved to act when the media sheds light on this heinous crime. Emotional outrage compels them to seek justice for the most vulnerable members of society—our future generation.

The case studies of the states of Georgia, Alabama, New York, Connecticut, Florida, and Texas are similar in that the community collaborated together in the arrest and prosecution of the traffickers. In addition, there have been consequent partnerships among individuals to pressure state legislators to reform their state laws. The trafficking cases demonstrate the power media has to educate the public. Whether the news appeared in newspaper articles or on television, information about child trafficking cases embolden people to protect the victims by establishing protective services. These states reflect "the need for a total mind change in how we think about it [child trafficking] and how we respond to it (Soodalter and Bales 2009, 106).

The Case of Georgia, Alabama, New York, Connecticut, Florida, and Texas

The six states are similar in that the media played an extensive role in publicizing these child trafficking cases and therefore educating the public. In addition, these states are popular destinations for traffickers given its permeable borders and its designation as tourist areas. In particular, New York is a popular destination for human traffickers due to it being one of the top tourist cities in the country (New York State Interagency Task Force on Human Trafficking 2008, 5). Moreover, the state of Texas has had its share of human trafficking cases. Given its proximity to the Mexican border, the prevalence of trafficking is high as a transit and destination city. In 2006, 25% of certified human trafficking victims came from Houston. In addition, Houston serves as point of entry for traffickers (Rescue and Restore Victims of Human Trafficking 2007-2008). Likewise, the FBI acknowledges that about 127 brothels operate in the city of Houston, with two new ones operating each month (Home of Hope Texas, Facts and Statistics: Coalition against Human Trafficking Houston).

Given the prevalence of trafficking in these states, the citizens proved to have a deep understanding that children are victims in this crime because their innocence is taken advantage of. The reality of trafficking in these six states and in particular the problem of street prostitution in Hartford Connecticut resulted in a community effort to eradicate this crime. Of particular importance is the coordinated task force of federal and local law enforcement agencies in Georgia and Connecticut to prosecute Demetrius Darnell Homer and Paris of sex trafficking and prostitution respectively. In Alabama, distressed at the state's overall failure to address child trafficking, the Anti-Human Trafficking Coalition Freedom to Thrive and the Alabama District Attorney's Association worked with the State's legislature to develop legislation that criminalizes trafficking in all its forms and protects the victims by emphasizing the need for communication between law enforcement and victim service providers (U.S. Attorney Office: Alabama 2010). This local movement mirrors that of Georgia in which community action leads to long lasting change. The newly passed anti-human trafficking law charges a trafficker who uses force, deception, and coercion and obtains a minor, with human trafficking in the first degree which is a Class A felony. In addition, the bill notes that the trafficker need not know the age of a victim because trafficking is a crime in and of itself (Alabama Legislature 2010, Section 2 (1-3)). Moreover, the law emphasizes that a victim's previous sexual history and/or initial consent shall not play a role for the defense (Alabama Legislature 2010, Section 4 (1, 3-4)). As to the services to be granted to victims,

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traffickers are required to pay restitution which is to be used for mental and psychological treatment, rehabilitation, temporary housing, and necessary transportation costs (Alabama Legislature 2010 Section 5(1-3)). Most importantly, the bill affirms that the child shall be viewed as a victim in need of help and not seen as a juvenile delinquent. Rather, the trafficker shall be prosecuted for the damage done.

In Georgia, Boxill and Richardson established the Atlanta's Women Coalition Group as a community effort to provide needed services for child trafficking cases because the existing services were inadequate. By focusing on "the public will, public policy, and public good" (Richardson and Boxill 2007, 9) reform can be accomplished. The strongest law against trafficking, the Freedom from Human Trafficking Act signed by Governor Deal emphasizes both the prosecution of traffickers and protection of victims. Moreover, a victim is defined as an individual who suffers physical injury, mental or emotional trauma as a result of being trafficked (Georgia General Assembly 2011, Section 4 (9d)). This definition takes into consideration the harmful effects of trafficking, especially for child victims whose vulnerability causes them to fall prey to predators because they do not know whom else to trust. Traffickers deceive children into believing that they can only find protection with them and therefore create an emotional dependency between themselves and their child victims. As a result, Section 7 of the bill rightfully provides that victims of trafficking shall be eligible for compensation from the federal government and shall be afforded community based victim service programs as informed by law enforcement officials (Georgia General Assembly 2011, Section 7 (a)). Lastly, Section 8 of the bill requires that training be given to law enforcement officials in the identification of victims and traffickers and in the treatment of victims (Georgia General Assembly 2011, Section 8 (a)); law enforcement officials should know where to direct the victims so they can receive proper assistance. The Georgia Peace Officer Standards and Training Council and the Georgia Public Safety Training Center will monitor compliance by these requirements which include informing victims of their rights. This law should serve as a blueprint for other state laws because it recognizes the importance of protecting children to decrease their likelihood of being trafficked again. If a child lives in a safe environment, then he or she will not be compelled to seek refuge elsewhere.

In New York, the passage of Statute 230.34 in 2007 grants greater services to both foreign and domestic victims. The law states that services should include "case management, emergency temporary housing, health care, mental health counseling, drug addiction screening and treatment, language interpretation and translation services, English language instruction, job training and placement assistance, post-employment services for job retention, and services to assist the individual and any of his or her family members to establish a permanent residence in New York state or the United States" (New York Legislature 2007, Article 10D Section 483bb). With these services, children who have been trafficked will be able to fully engage in society. Currently, 'Leni Johnson' charged with prostitution at the age of 13 in 2001 is advocating for her rights as a victim. Johnson is seeking to ask a judge to dismiss the verdict that charged her with prostitution with the help from her lawyers in Legal Aid Society and prosecutors from the Bronx's district attorney's office (Dwyer 2011, A22). If successful, Johnson will demonstrate the power of community coalitions to voice the opinions of the majority. One might not think that a prostitution charge causes harm to the victims but it does. When they reach the legal working age, job applications ask if one has ever been convicted of a crime. Technically, children who have been prostituted are not criminals; are they expected to lie on their job applications and check 'no' because prostitution is a contentious issue?

In Texas, the Supreme Court overruled the District Court's ruling that "B.W." be charged with prostitution. In formulating its decision, the Court employed the Texas Penal Code 22.011, which states that sexually exploiting a child under 14 constitutes a crime in and of itself. Furthermore, the argument is also made that even if a child consents to sex it should not be taken into consideration because minors cannot understand the implications and gravity of their act (Supreme Court of Texas 2010, 12). Pimps and traffickers brainwash them into believing that they are their 'saviors.' The Supreme Court's recognition that B.W. and all minors are victims of child trafficking resulted in the passage of two new laws in 2011 and brought relief to the state and national community. Victims are entitled to issue a protective order against their traffickers (Texas Legislature 2011, SB 24 Section 1.03b and Section 2.02a). In turn, SB 23 focuses on awareness programs and protective services for victims. A sexual assault deterrence program funded by the legislature and by approval of the attorney general shall distribute money for medical equipment, training of nurses, training of law enforcement officials, availability of sexual assault services, and victim assistance coordinators (Texas Legislature 2011, SB 23 Section 102.054).

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Furthermore, Florida reflects Georgia's, Alabama's, Connecticut's and Texas' statutes on the need for training programs. While the case against Justin Evans was being prosecuted, the State Legislature enacted a law requiring state agencies, including the State Supreme Court and the Florida Bar, to design and implement training programs for the identification of traffickers and victims and to direct victims to the appropriate service agencies. Furthermore, it notes that cooperation between state agencies is vital in order to successfully aid the victims (Florida State Legislature 2006, Sec. 787.06 (1d)). Lastly, the statute mandates that both law-enforcement officials and prosecutors need to receive continuous training on the reality of human trafficking (Florida State Legislature 2006, Sec. 787.06 (4-5)).

The ultimate proof that protective services help victims heal is seen in the Connecticut case. The statement by Robert Moosy, the Director of the Human Trafficking Prosecution Unit, confirms that protective services decrease the chance of victims becoming re-trafficked. He affirms, "The victims... continue to receive medical and psychological treatment... [They've] been able to move on with their lives: All victims who were drug-dependent have been drug free for over a year; the victims have obtained high school diplomas; some victims are attending college; they have obtained driver's licenses; and, they are finding employment in jobs that they never dreamed they could obtain" (Soodalter and Bales 2009, 84).

Conclusion

In the twenty-first century, slavery still exists in the world despite the widely accepted norm of respect for human rights embodied in the Palermo Protocol. In addition, the 13th Amendment to the U.S. Constitution prohibits slavery in all its forms. Notwithstanding the existence of these laws, the United States fails to comply by international norms. Georgia and Alabama are two examples of states that have taken important steps to protect children who have been victims of trafficking. Laws should include training for individuals who come into contact with victims, provision of rehabilitative and protective services, and no discrimination as to the nationality of the victims. As a result, these two state laws should serve as blueprints for the rest of the country. In this way, the United States could truthfully state that it complies with the Palermo Protocol's prescriptions and become a genuine leader of the international community. My suggested policy prescription posits that the federal government should allocate greater funding to social service providers and state governments who agree to revise their laws and assist victims in order to entice states to revise their laws and therefore, to be proactive. The obstacle to this proposed policy will be the ability of the federal government to ensure accountability of the individual states. The federal government could publish reports measuring states' application and enforcement of their revised law. Even though trafficking is an obscure crime, what matters is the effort to make the world safer and free for children.

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Written by: Ericka Carolina Rodas
Written at: Seton Hall University
Written for: Dr Benjamin Goldfrank
Date Written: December 2011