

United States Senate
Committee on the Judiciary

Human Trafficking in the United States: Protecting the Victim

Testimony of

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Thank you Chairman and Members of the Committee for the invitation to be here today. I am Executive Director of Human Rights Project for Girls (Rights4Girls), a human rights organization focused on gender-based violence in the U.S. I want to thank you for giving attention and voice to the crisis of domestic child sex trafficking. As a human rights lawyer, I have witnessed how children trafficked on American soil have been left behind.

According to the National Center for Missing and Exploited Children, there are at least 100,000 American children trafficked for sex each year.¹ The majority of them are girls who are of middle school age.² And many, if not most of them, are children in our foster care system.³

They are abducted or lured by traffickers and, once in the commercial sex trade, they are routinely raped, beaten into submission, and sometimes even branded. Yes, they are literally branded like cattle. A few months ago, in Los Angeles, I met a young girl whose trafficker branded the letters of his name onto her face.

Across the United States, there are child sex markets not terribly dissimilar to those in Cambodia, Thailand, and India. Girls are sold in this country with the same disregard for human dignity, and they are often tortured in the same ways when they try to escape.⁴

They are girls like Aviva.

Aviva was in the foster care system. At the age of 14, a trafficker kidnapped Aviva. He held her hostage for almost a year. During that time, Aviva was

¹ Ernie Allen, National Center for Missing & Exploited Children, Testimony before the Committee on the Judiciary, U.S. House of Representatives, September 15, 2010, available at:

http://www.missingkids.com/en_US/archive/documents/TestimonyErnieAllen9-10.pdf

² Jeff Slowikowski, Acting Administrator, Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice, *The Effects of Federal Legislation on the Commercial Sexual Exploitation of Children*, pp.2 (July 2010), available at: <https://www.ncjrs.gov/pdffiles1/ojjdp/228631.pdf>

³ "Finding and Stopping Child Sex Trafficking." NPR, August 1, 2013. Available at

<http://www.npr.org/templates/story/story.php?storyId=207901614> (2013 Operation Cross Country cites that 60% of victims recovered were from group homes or foster care system); In 2012, Connecticut reported 97% of identified victims of child sex trafficking were child welfare involved. Connecticut Department of Children and Families, *A Child Welfare Response to Domestic Minor Sex Trafficking* (2012). Available at

http://www.ct.gov/dcf/lib/dcf/humantrafficking/pdf/response_to_domestic_minot_sex_trafficking.pdf; In 2012, California's Succeed Through Achievement and Resilience (STAR) Court Program reported that 80% of the commercially sexually exploited children in their program were child-welfare involved. California Child Welfare Council, *Ending the Commercial Sexual Exploitation of Children: A Call for Multi System Collaboration in California*. Available at http://www.youthlaw.org/fileadmin/ncyl/youthlaw/publications/Ending-CSEC-A-Call-for-MultiSystem_Collaboration-in-CA.pdf

⁴ Tina Frundt, Essay: Enslaved in America: Sex Trafficking in the United States, available at: <http://www.womensfundingnetwork.org/enslaved-in-america-sex-trafficking-in-the-united-states/>

sold to at least 10 different men a night. She was purchased and raped so many times in a day that she said she didn't understand what the point was of putting on her underwear. She forgot what it felt like to be human. And she didn't understand how adult men wanted to buy her body when she was still only a child.

When law enforcement finally intervened and found Aviva, she was not seen or treated as a victim of crime, but arrested for prostitution at age 15.

Too often, American children bought and sold for sex are not contemplated as victims of trafficking. They are instead considered child prostitutes. Every year, more than 1,000 children are arrested for prostitution in the U.S.⁵, even though most of these children are not of the legal age to consent to sex at all, let alone commercial sex.

We cannot continue to arrest and detain children for prostitution. It makes no sense to incarcerate an abused child for the abuses perpetrated against her. We must do better. And that is why legislation like the *Stop Exploitation through Trafficking Act* is so critical. This bill moves us away from criminalization, and emphasizes the need for services and not jails for child trafficking victims.

Because they are not child prostitutes. Because there is no such thing as a child prostitute. What happened to Aviva, and to other children who are being bought and sold for sex has nothing to do with vice or prostitution. This is about child rape.

In any other context, what a "John" does when he purchases a girl would be construed as statutory rape or sexual assault of a minor. There ought to be no difference between raping a child, and paying to rape a child.

And yet there is. There is a culture of impunity for raping children when the act is paid for. Buyers of sex with underage girls are rarely arrested. They are politely termed "Johns," and if they are arrested at all, it is usually for misdemeanor solicitation.⁶

⁵ Howard N. Snyder, Ph.D., BJS Statistician, Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice, *Patterns and Trends: Arrest in the United States, 1990-2010*, pp.2 (October 2012) Available at: <http://www.bjs.gov/content/pub/pdf/aus9010.pdf>

⁶ Shared Hope International, *Demanding Justice*, pp.4 (2014), available at http://sharedhope.org/wp-content/uploads/2014/08/Demanding_Justice_Report_2014.pdf

Last summer, the FBI conducted its eighth Operation Cross Country, a week-long enforcement action to address child sex trafficking throughout the United States. Two hundred and eighty-one pimps were arrested on state and federal charges.⁷ But not one buyer was reported arrested or detained— this time, or in the last seven years of the operation.⁸ On two different occasions Members of Congress have asked Attorney General Holder to explain why the Department of Justice has not prioritized the arrest and prosecution of buyers of child sex trafficking.⁹ We are still waiting for Mr. Holder’s response.

It is urgent that we finally address demand. For too long our enforcement efforts have focused exclusively on curbing the supply. It is equally crucial to target the demand that is fueling the child sex trafficking market. I am therefore thankful for legislation like the *Justice for Victims of Trafficking Act* (JVTA) and the *Combat Human Trafficking Act*. Both bills clarify the language of the *Trafficking Victims Protection Act* (TVPA) to remove all doubt as to its criminal applicability to buyers of child sex. The JVTA also requires anti-human trafficking task forces throughout the U.S. to increase the investigative capabilities of state and local law enforcement to go after buyers.

It must further be noted that the JVTA is the only legislation currently pending that creates a committed funding stream for domestic child trafficking victims. I too often hear from well-meaning judges that they have nowhere but jail to put trafficking victims. Judges rarely have the choice of safe, trauma-informed programs as an alternative to detention to keep victims safe. That is why we desperately need a funding stream to create and implement safe homes and comprehensive programs for trafficked children.

Over twenty years ago, the domestic violence movement made clear that when a man hit his wife, it was not simply a personal dispute or a private matter. It was an act of violence that had to be named and for which the perpetrator had to be held accountable.

⁷ Federal Bureau of Investigation, National Press Releases, *168 Juveniles Recovered in Nationwide Operation Targeting Commercial Child Sex Trafficking*, June 23, 2014, available at: <http://www.fbi.gov/news/pressrel/press-releases/168-juveniles-recovered-in-nationwide-operation-targeting-commercial-child-sex-trafficking>

⁸ Federal Bureau of Investigation, *Violent Crimes Against Children: Innocence Lost*, available at: http://www.fbi.gov/about-us/investigate/vc_majorthefts/cac/innocencelost

⁹ Letter to Honorable Eric Holder, Jr., Attorney General, July 23, 2014 <http://delaura.house.gov/images/pdf/07.24.14%20Trafficking%20to%20Holder%20Letter.pdf>; Letter to Honorable Eric Holder, Jr., Attorney General, March 11, 2014, available at http://latta.house.gov/uploadedfiles/human_trafficking_letter_to_ag_holder.pdf

Now, we must do the same with child sex trafficking. I ask you as Senators to name child trafficking not as vice or prostitution, but as an act of child rape.

It is what we owe Aviva. We owe it to Aviva and other trafficked children to make clear to them that the victimization and abuse they have suffered is no different or more tolerable than other forms of rape or sexual abuse of minors. We owe it to Aviva and the girls still left behind to hold accountable those who have purchased and raped them—and to create for these girls, who are mighty and strong and so hurt, opportunities to heal and to live out their potential.