

COMBATING THE SEXUAL EXPLOITATION OF CHILDREN

HEARING BEFORE THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE ONE HUNDRED NINTH CONGRESS SECOND SESSION

SEPTEMBER 27, 2006

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SEPTEMBER 27, 2006

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COMBATING THE SEXUAL EXPLOITATION OF CHILDREN

September 27, 2006

COMMISSION ON SECURITY AND COOPERATION IN EUROPE
WASHINGTON, DC

The hearing was held at 2:03 p.m. in room 2200 Rayburn House Office Building, Washington, DC, Hon. Christopher Smith, Co-Chairman, presiding.

Commissioners present: Hon. Christopher H. Smith, Co-Chairman, Commission on Security and Cooperation in Europe; Hon. Joseph R. Pitts, Commissioner, Commission on Security and Cooperation in Europe; and Hon. Mike McIntyre, Commissioner, Commission on Security and Cooperation in Europe.

Panelists present: James Plitt, Unit Chief, Cyber Crimes Center, Immigration and Customs Enforcement (ICE); James E. Finch, Assistant Director, Cyber Division, Federal Bureau of Investigation; Linda Smith, Founder and Executive Director, Shared Hope International; Carol Smolenski, Executive Director, ECPAT-USA; Mohamed Mattar, Executive Director, The Protection Project, Johns Hopkins School for Advanced International Studies; and Ernie Allen, President and Chief Executive Officer, National Center for Missing and Exploited Children.

HON. CHRISTOPHER H. SMITH, CO-CHAIRMAN, COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Mr. SMITH. The Commission will come to order.

First of all, let me welcome all of you to this hearing of the Commission on Security and Cooperation in Europe. Collectively, we are very concerned over the proliferation of child pornography and a perpetuation of other crimes against children through trafficking, prostitution and sex tourism.

Each year, as we know, thousands of American kids are victimized through pornography, many subjected to violence in the process. The shocking reality is that often the perpetrators and purveyors of these crimes are parents, relatives, or acquaintances of the victim.

According to experts, at least half of those victimized are boys. The emotional, physical and psychological toll on our youth caused by these crimes is overwhelming. It is known that the heavy toll contributes to the measurable rise in depression and suicide.

While more research is needed into the various facets of sexual exploitation of children, there are strong indicators that those captivated by pornography are more likely to become predators and

purveyors themselves, further feeding the cycle. As with other addictive behaviors, these individuals are often driven into more extreme acts of preying on younger victims or employing violence.

Organized crime, including gangs, also appears to be venturing further into the lucrative trade in children. As a result, global criminal networks are springing up, further complicating efforts to prosecute those responsible for these horrendous crimes against children.

The anti-trafficking efforts that we've undertaken, especially in this Commission—I would note parenthetically that we began the effort to combat trafficking in persons in the latter part of the 1990s, when it became very apparent, with the breakup of the Soviet Union, that many of the former KGB-types and others were going in the business of buying and selling individuals, mostly women.

That led to the introduction of the Trafficking Victims Protection Act in the late 1990s. And after a 2-year struggle, we were able to secure passage of that landmark, historic legislation that emphasized prevention, prosecution, and protection, protection of the women, obviously, prosecution of those who commit these heinous crimes, and prevention, so that many could be spared the agony of human trafficking.

The anti-trafficking efforts have convinced me that combating sexual exploitation of children in all of its forms requires even more comprehensive laws, as well as effective partnerships between local, and State, and Federal law enforcement, and the non-governmental communities at all levels, and that includes international.

Earlier this year, I'm happy to note, Mr. Pitts sponsored a resolution at the OSCE Parliamentary Assembly's Annual Session, held in Brussels, to encourage other participating States, 56 countries in all, to strengthen their laws relating to sexual exploitation of children as a means of facilitating investigation and prosecution of these crimes, and the essential international cooperation between law enforcement agencies.

I appreciate very much Commissioner Pitts' diligence in securing approval for this proposal. Now that we have the support at the parliamentary level, I look forward to further action on this initiative at the meeting of the OSCE Ministerial Council, scheduled for early December. I would point out that the United States is working very closely with Belgium and France, in the lead up to the Ministerial, on a comprehensive package to combat these forms of exploitation.

This work would not have been possible without the vital contribution of the International Center for Missing and Exploited Children.

I also want to thank the consortium of NGOs, headed by Shared Hope International, ECPAT-USA, and the Protection Project, for their work on the report for the U.S. mid-term review on the commercial sexual exploitation of children in America being released at this hearing. Their report takes an in-depth look at the essential aspects of prevention, prosecution and protection absolutely necessary to effectively combat the sexual exploitation of children and

care for the victims. This report takes stock of our efforts to date and offers important recommendations to build on this work.

Exactly 20 years ago, the U.S. Attorney General, Ed Meese, released the final report of the Commission on Pornography. That landmark report drew the inextricable link to abuse and stressed that, and I quote, “child pornography must be considered as substantially inseparable from the problem of sexual abuse of children.”

A number of us worked very hard to establish that Commission, I would point out parenthetically. Frank Wolf and I originally recommended what became known as the Meese Commission, while William French Smith was still the attorney general.

The idea was picked up by the Reagan administration, and then a commission was formed 18 months later, after a group of very eminent experts, including Dr. Dobson, Henry Hudson, the U.S. attorney for the Arlington area, and many others, made their contributions and found, to everyone’s shock and dismay, that pornography in this country and elsewhere was a multibillion-dollar industry with all kinds of links to organized crime the scope of which had heretofore been underappreciated and under-recognized.

I would also point out that the legislation that was recommended was offered on the Senate side by then-Senator Strom Thurmond. I offered it on the House side. It became law in a crime bill, and the result is that we had, for the first time, a comprehensive effort to combat this terrible scourge of obscenity, including child pornography.

I would note also in the audience today is Pat Truman. Pat Truman headed up the strike unit for the administration then, the Bush administration, which was shutting down child pornographers and other obscenity purveyors until that office was disbanded at the beginning of the Clinton administration. But I do want to note Pat’s extraordinary efforts.

Pat, if you are here—I saw you when I came in—there he is back there. And I want to thank you for that effort. You were really walking point for many, many months and years to put these people behind bars.

Finally, just let me say that what was then considered a cottage industry has now exploded, as we all now know, into a multinational, multibillion-dollar enterprise, with potential outlets in every home and office connected to the Internet. The roots and scope of this problem are immense, literally surrounding us as if we take time to notice.

Right here on the streets of Washington, 3,000 kids a year are arrested for prostitution, and those are surely but the tip of the iceberg. At the time of the Meese report two decades ago, it was estimated at 30,000 sexually exploited children had been identified in the Los Angeles area alone. The enormity of this problem requires an effort that’s commensurate to the problem; otherwise, the cycle of abuse will only continue to build.

I look forward to hearing from our law enforcement experts and professionals who are dedicated to fighting this scourge, I welcome them and am looking forward to their comments this afternoon. I am pleased to introduce our panelists.

The first will be James E. Finch, Assistant Director, FBI Cyber Division. Mr. Finch has served as a special agent in the Indianapolis, Cleveland, Houston, and Knoxville divisions, as well as two assignment tours at FBI headquarters. On November 25, 2004, Dr. Mueller selected Inspector Finch to be a special agent in charge of the Milwaukee field office. On May 5, 2006, Mr. Finch was designated Assistant Director of the Cyber Division.

Next, we will hear from James Plitt, the Unit Chief of the Cyber Crimes Center of the Immigration and Customs Enforcement, a position he was appointed to in August 2004. He is now responsible for the organizational and operational management of ICE's technical and investigative cyber services center's four subsections, including child exploitation investigations. Mr. Plitt began his career with the CIA, as an intelligent analyst of Eastern European science. Prior to assuming his present office at ICE, he served as field supervisor of the Washington, DC, field office's financial group.

Mr. Finch, if you could begin your testimony.

**JAMES E. FINCH, ASSISTANT DIRECTOR, CYBER DIVISION,
FEDERAL BUREAU OF INVESTIGATION**

Mr. FINCH. Thank you, Representative Smith, and distinguished member of the Commission. On behalf of the FBI, I would like to thank you for this opportunity to address the FBI's role in combating the sexual exploitation of children through the use of the Internet.

Specifically, I would like to explain to the Commission how the FBI manages the Innocent Images National Initiative on a national and an international level. Over the past 10 years, the Innocent Images program has grown exponentially. Between fiscal years 1996 and 2005, there has been a 2,050 percent increase in cases opened. During this 10-year period, the program has recorded over 15,556 investigations opened, 4,784 criminals being charged, 6,145 subjects being arrested, located, or summoned to a court of law, and 4,822 convictions obtained.

In response to the launch of Project Safe Childhood, the FBI has initiated four new undercover investigations targeting Innocent Images matters. Additionally, we are working more closely than ever with our State, local, and Federal law enforcement partners. The FBI's Innocent Images unit is responsible for the creation and implementation of national and international initiatives targeting those who use the Internet to sexually exploit defenseless children.

The unit, housed in Calverton, MD, also has a sizable contingent of FBI employees assigned to the National Center for Missing and Exploited Children. The FBI works very closely with the center on all child exploitation matters. The Innocent Images unit serves as a central location for addressing major cases, such as sexual exploitation of children through pornographic Web sites, distributing investigative leads to our field divisions, and our 57 legal attaché offices abroad, and managing the FBI's national program.

Its responsibilities include developing and publishing policy, managing program funds, certifying undercover operations, and the training of FBI employees' State, local, and international partners.

At this time, the FBI has more than 4,000 active child sexual exploitation investigations.

Because of the magnitude of the crime problem, our primary focus is on complex investigations targeting organized criminal groups involved in commercial child sexual abuse Web sites. These investigations almost always span multiple jurisdictions and usually extend beyond the borders of the United States.

The FBI has taken the unique step of creating a task force composed of FBI agents and international investigators that allows each participating country to more efficiently address the crime problem. Investigators from various countries are assigned to the task force in 6-month rotations and work with their FBI counterparts in an FBI facility just a few miles north of here.

To date, we have 18 countries and Europol that have participated. Currently, there are officers from New Zealand, Australia, Sweden, Ukraine, and the Philippines assigned to the task force. Additionally, in a few, short weeks, officers from the Royal Canadian Mounted Police, Indonesia, and Cyprus will join the task force team.

I would like to add that the Department of Justice's Child Exploitation and Obscenity section provides prosecutorial support for this initiative and every national and international initiative managed by the Innocent Images unit.

Other areas of child sexual exploitation where the FBI makes a major impact includes the investigation of financiers of illegal Web sites and individuals or groups who engaged in the production of child sexual abuse images, investigation of sexual predators that travel from one jurisdiction to another for the purpose of engaging in sex with minors, and, finally, we target persons with large collections of child sexual abuse images.

The FBI has to prioritize not only who must be targeted in an investigation, but also what investigative tools must be utilized to put the most egregious sexual offenders behind bars. Online abuse and exploitation is both ugly and widespread.

To meet this challenge, the attorney general's Project Safe Childhood initiative seeks to marshal all available resources, including the Federal Bureau of Investigation, Immigration and Customs Enforcement and the United States Postal Inspection Service, state and local law enforcement, and nongovernmental organizations, such as the National Center for Missing and Exploited Children. This collaborative effort will make national investigations increasing effective and help ensure the leads generated from these investigations will be successfully investigated and prosecuted.

My comments today are intended to reassure the Commission and the American people that the FBI takes this matter very seriously and is aggressively pursuing those who exploit our children. In closing, the FBI looks forward to working with other law enforcement agencies, private industry, and the Department of Justice in continuing to combat this very serious crime. Protection of our children requires the combined efforts of all members of society.

I would like to express my appreciation to the Commission for addressing this very serious issue and thank Representative Smith,

Mr. Pitts, the Commission for the privilege of appearing before you today. I look forward to answering any and all of your questions.

Thank you very much.

Mr. SMITH. Mr. Finch, thank you so very much.

We've been joined by Commissioner Pitts.

Do you have any comments?

**HON. JOSEPH R. PITTS, COMMISSIONER, COMMISSION ON
SECURITY AND COOPERATION IN EUROPE**

Mr. PITTS. Well, briefly, if you don't mind, Mr. Chairman.

First of all, I want to thank you for the privilege of leading the U.S. delegation to the OSCE Parliamentary Assembly in Brussels. At the Brussels meeting, I was able to advance the initiative proposed by Chairman Smith, aimed at combating the insidious problem of child pornography.

And I'm pleased to report that the resolution was unanimously adopted by the parliamentarians from 56 countries. The issue of the sexual exploitation of children was also raised with the OSCE chairman in office, the Belgian Foreign Minister. While in Brussels I participated in a special session in the interparliamentary assembly that focused on the issue of today's hearing. I'm really pleased to say the parliamentarians from the other OSCE countries that I spoke with share our concern, and I look forward to their continued support and cooperation at the OSCE ministerial.

And we had a very effective event there with one of our witnesses today, Ernie Allen.

I want to thank you for what you're doing on this important issue and for your leadership and for this important hearing, protecting children around the world. So thank you, Mr. Chairman.

Mr. SMITH. Thank you.

Mr. Plitt?

**JAMES PLITT, UNIT CHIEF, CYBER CRIMES CENTER,
IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE)**

Mr. PLITT. Yes, thank you, Co-Chairman Smith, Mr. Pitts, others on the Commission.

I appreciate the opportunity to present an understanding of ICE's authorities and responsibilities, with respect to investigating U.S. transport or child sexual exploitation crimes. With your permission, I submit my written testimony, of course——

Mr. SMITH. Without objection, so ordered.

Mr. PLITT [continuing]. Which describes ICE's Operation Predator program. Today, though, I'd like to take just a moment to briefly touch on the law enforcement approach to this issue of child exploitation and ICE's role in that model.

The issue of child exploitation is enormous and multidimensional. Furthermore, any potential solution to this issue must be multidimensional, as well, with aspects ranging from law enforcement to social outreach, from diplomatic programs to family counseling.

Within the Federal law enforcement environment, a model is naturally evolving based on functional specialization and organizational integration. No one law enforcement agency at any level of government can effectively provide every investigative or policing

function to address child exploitation. And with law enforcement resources spread so thin among many different serious types of crimes, functional specialization seems to be developing because that appears to be the most efficient and effective way to protect and rescue the greatest number of child victims.

With [inaudible] specialization, the men and women of ICE are honored to serve as the Nation's principal Federal criminal investigators for child exploitation and the related financial crimes that cross our borders. This focus flows directly from ICE's Customs and Immigration investigative and enforcement authorities, which serves as the foundation for Operation Predator, which was presented in the written testimony.

Law enforcement agencies throughout the United States and around the world allow ICE [inaudible] to contact us with investigative leads to combat global commercial child exploitation Web sites; international pedophile rings that use media from Internet-relayed chat to peer-to-peer technologies; child sex offenders, also known as child sex tourism; non-U.S. citizen child exploitation criminals in the United States; and the international trafficking of children for sexual purposes.

In return, ICE relies on and thanks its Federal partners that focus on the other areas of child exploitation investigations, the U.S. Postal Inspection Service that monitors the U.S. mail systems and courier services, U.S. marshal services that enforce new statutes for unregistered sex offenders, and the Federal Bureau of Investigation that is responsible for interstate and national-level sexual exploitation matters.

Along with this increasing trend toward specialization, organizational integration is occurring between law enforcement agencies. For example, while the federal law enforcement agencies work together to focus on national and international organizational conspiracies, the State and local law enforcement agencies focus more on the physical crime, arrested the majority of child abusers and saving the majority of children.

Those specializations are integrated in many ways, including in the Internet Crimes against Children task forces, where various Federal agencies participate to support local agency projects and initiatives. This integration is crucial, because it maximizes every organization's strengths and fosters the cooperation and teamwork between all of us that is essential to cover this enormous area of criminal activity.

Further integration occurs as law enforcement builds or is incorporated into projects or partnerships with many other organizations working the sexual exploitation issues. ICE would like to take this opportunity to thank the many prosecutors, companies, and nongovernmental organizations that assist ICE daily in our child exploitation investigations.

The investigator-prosecutor relationship is what makes convictions and seizures out of investigative leads and evidence. The ability to obtain exigent legal process is often vital in the investigation of Internet crimes against children. The Child Exploitation and Obscenity section of the Department of Justice is an invaluable team member, and facilitates these exigent processes, and supports ICE with countless other prosecutorial services.

The security and management staffs of companies, whether from the Internet or financial service industries, rapidly respond to ICE's authorized request for investigative information and, in doing so, demonstrate a true desire to help that goes beyond the organizational concept of corporate social responsibility. NGOs, such as the National Center for Missing and Exploited Children, perform vital social and coordination services that allow ICE to focus more resources on its primary area of responsibility: investigations.

The Financial Coalition against Child Pornography is one example of an NGO initiative that integrates ICE into the various projects, including the financial industry.

In conclusion, on behalf of the men and women of ICE, I wish to express our gratitude to the Commission for its hearing into this important issue. In this area, we face a massive amount of criminal activity. Collectively, we need to understand the challenge we face, and we need to understand the trends, techniques and vulnerabilities of those engaged in international criminal business enterprises.

And Congress has a role in ensuring that law enforcement has the tools that it needs to continue to specialize and integrate, to keep pace with the criminals that seek to hide within the cutting edge of the Internet and computer technologies.

I thank you again for inviting me and stand by for your questions.

Mr. SMITH. Thank you very much for your testimony.

Let me just begin. In the mid-term review report, mention is made that, as of May '06, the Innocent Lost Initiative has identified over 300 victims, made 547 arrests, with 105 indictments and 80 convictions. And it's hard to put that into context as to the universe of the problem, so my first question would be your view as to whether or not there are sufficient resources dedicated to this, enough agents, people tracking down, working to investigate, enough prosecutors, particularly U.S. attorneys, who have sufficient interest in this issue to undertake it.

And I would just note parenthetically—and I did introduce Pat Truman earlier—we went, in my opinion—and you might want to comment on this—through eight years of non-enforcement. That's not a political dig or a partisan dig. There are many people on both sides of the aisle who felt that during the Clinton administration there was non-enforcement of the legislation I mentioned earlier. And I know, because I worked on that.

You know, the Meese Commission recommendations, especially the idea that, you know, the interstate hurdle was overcome so that, if it was produced in California, you didn't have to see it going physically across state lines to prosecute was a major step forward. We tried to write it in a way that was similar to the way as is done with drugs.

I would also note that Paul McNulty, now working, I believe, as No. 2 at the Department of Justice, he was instrumental in working on that. And Bill McCollum, who was then the ranking member on the Crime Subcommittee, Dan Lungren, who was there, went to be State attorney general in California. Now he's back.

So a number of people worked on this who are still here. But we went through 8 years of non-enforcement. "Frontline," the PBS doc-

umentary show, did a 2-hour special on the fact that there was non-enforcement. And one interviewer said there was an engraved invitation during those years, especially to child pornographers, to do as they will, because there was such a lack of prosecutorial interest in going after these people.

So 8 years of non-enforcement. Then we had 9/11 and potentially a focus during the Bush administration that was on terrorism, and perhaps not on this kind of issue.

So where are we? I know Attorney General Gonzales at his confirmation hearings made it very clear this issue was a high priority. Do we have enough people? And if you could tell us candidly, if you think you need more resources, notwithstanding OMB objections, in order to combat this scourge?

So please——

Mr. PLITT. Sure. If we had triple the investigative resources, we would still have investigative leads untouched. In 1992, ICE, then U.S. Customs Service, worked one of its first child exploitation cases, and it involved the passing of images through bulletin boards across international borders. We worked cases through '97, and the technology upgraded to Internet relay chats, and now into Web sites, and servers, and the technology is just changing and changing.

There is a requirement for us to also, in addition to investigating these crimes, to keep up with the research and development component so that we're with the technology. And one way we do that is by working with industry. Industry is the backbone of the Internet. They deal with people that own the routers, and their servers, and assets, and they know what technology is coming down the line. So it's key for us to do that, but that takes resources, as well.

So, again, there are more than enough leads out there, and not just in the possession or distribution, but also in the financial aspect of this. As I testified last week in this building, as well, the financial methods that are developing through the Internet are availing the criminals of quite a few methods, new methods, new techniques, ways to hide. And, again, we must keep up with those, as well.

So although we tend to focus, with respect to the Internet, on images or distribution, we also have to take and consider [inaudible] the money aspects of this and the way that the Internet plays there. So we do need resources.

Mr. SMITH. If you could, the number that are currently deployed, number of FBI agents and the like?

Mr. PLITT. For ICE, it's approximately 140. Backing that up, of course, are the various computer forensics agents, who work not only this type of Internet crime, but others as well, approximately 150 of those.

Mr. FINCH. We have 127 funded staffing level. However, the number of bodies we're averaging per year, 250. So we are actually dedicating more agents to this than we have been allotted funded staffing level.

Mr. SMITH. And would you agree that more resources would mean more prosecutions?

Mr. FINCH. We could use as many resources——

Mr. SMITH. As how large the problem?

Mr. FINCH [continuing]. As are available to us. We have yet to find any of our agents short of work, with the proliferation of the Internet, the online services. The fact that it only costs a couple of hundred dollars to run a child sexual exploitation Web site, maybe including \$35, \$40 to register a domain, you can run a Web site. And the revenue generated from that—it's an easy business to get into, unfortunately.

And so we will see continued growth with the social networks, the online services, which is why we are continually receiving officers from overseas, because the problem is not only here. It's all over the world, and we are getting the brunt of it.

Mr. SMITH. Let me ask you—and Mr. Plitt, this was sparked by your comment about, you know, the routers—I chaired a hearing and had a comprehensive bill called the Global Online Freedom Act, which we've reported out of subcommittee, which is targeted at Internet-restricting countries, like China, Belarus, Ethiopia, Vietnam, where the technology is being used to find and catch the men and women who are promoting democracy and religious freedom in those countries, especially in China, where they have about 35,000 cyber police trying to catch the best and the bravest of China who want only to live in freedom.

What we found at the hearing was that Cisco especially has a police net program that they have now enabled the PRC to use, where they have literally shut down dissent, and stifled dissent, and helped to incarcerate people. So my question is, the technology is there to filter for the negative, for the evil, in this case to work against human rights. Have you found any sense of cooperation among the big Internet giants, like Microsoft, Cisco, Yahoo, for example, or others, to work with you to go after these child predators?

I mean, it seems to me that, if Google can provide a Google.cn, as it's known in China, which, if you type in "Tiananmen Square," you get wonderful pictures on their search engine of smiling people, including U.S. officials who have visited Tiananmen Square, but if you go on Google the one that we all have access to here in the States, what do you get? You get pictures of tanks and people being bayoneted and the like.

So that, you know, when they want to, they can certainly restrict certain types of content. And certainly obscenity is not protected content, and child pornography is in a league of its own. Have you found a sense of willingness on the part of these Internet giants to work with you, Cisco on the routers, Google on what it is that they, you know, will send you to?

Mr. PLITT. Yes, we have. And it appears to be, in their case, a balance between the resources they have available to police their own networks. But we have not had any request refused for assistance, be it in terms of information, in accordance with investigation, or in description of the technology used, working behind the scenes, which would allow us information as to how the criminals are working. So we haven't had difficulties there.

Mr. SMITH. So that's on individual cases, but on that broad inquiry that was made to Google, has that been reversed?

Mr. PLITT. I don't believe it has.

Mr. SMITH. There they were obstructing?

Mr. PLITT. That's correct. I'm talking about individual investigations.

Mr. SMITH. Individual cases. Do you see a place where we might partner with their technological prowess to shut these people down?

Mr. FINCH. Well, I echo his comments, and I mention this only because you mentioned Microsoft. I was just out in Redmond yesterday, presenting awards to people at Microsoft for their cooperation, and I mentioned to them that we would be back to them in areas like computer intrusion, but as well as sexual exploitation of children. And the response to me was, "And we're here to serve."

And I believe that, based on the relationship we're having with the Internet service providers, as well as the, you know, content providers, I have not hit any brick walls, my people haven't, when it comes to cooperation there. This is a despicable crime, and no one wants to be on the wrong side of this issue, as far as I know.

Mr. SMITH. That's encouraging. Other members are here, but I'll just restrict myself to one or two more questions.

The whole issue of predators trying to enter the United States, Megan Kanka, the young girl who was brutally slain that—a law on, you know, identifying sexual predators once they are let out of prison is named after here, as you know so well, Megan's Law. She's from my hometown of Hamilton Township.

Do you see any place or any cooperation with the Department of State, with other foreign law enforcement agencies, to identify their own sexual predators who often—you know, the rate of re-committing these crimes is horrifically high—so that we don't inadvertently allow them to come to the United States where they can continue their pedophilic or other crimes?

Mr. PLITT. Yes, we do. In working with our partners at Customs and Border Protection, we're looking for ways to prevent the wrong people from coming into the United States on visa or through other systems.

And countries across the world are concerned not only about their own citizens who may be registered sex offenders in their own countries coming into the United States, but are also worried about the other direction, which is Americans going overseas for child sex tourism.

So, if you will, to put it this way, we have a chip in that game which allows us some freedom of information flow between those countries, but that is one area that we would recommend the Hill look at as ways to improve international information. For one example of that, some countries have very strict laws on privacy, which don't allow, unfortunately, the information to be shared. And we've run into a couple of situations, perhaps, we have, as well.

Mr. SMITH. If you have any ideas for legislation on that, we'd certainly appreciate it. I had a conversation with a visiting delegation from Thailand, and they were very concerned about both ways, you know, that people going to Thailand, as well as people coming from Thailand to here. And so they were looking for ways to cooperate.

And they were intrigued by the Megan's Law concept. And we had found on the Commission a great deal of reluctance on the part of European countries to adopt Megan's Law-type statutes. And do you find that, as well? How do you know that a man or a woman

is a predator if they don't keep a database that is readily assessable?

Mr. PLITT. Right, we do see that. We also see situations where, as with all Internet-based investigations, the two enemies are data volume and time. And with respect to this issue, it seems to be more of a time matter, where an individual in one country may be improperly Internet relay chatting with a child in the United States, or vice versa, and that oftentimes results in a meeting.

That information about that chat needs to be passed very, very quickly, and we're looking for methods—we have one method in place now, but we're looking for other methods to make that happen, sir.

Mr. SMITH. Are there any legal tools you need?

Mr. FINCH. One of the methods we have found to be successful is just the—our international task force, with the officers from these countries, working here alongside our agents in Calverton, when there is a situation that exists online, it's easier for that officer—and we happen to have that country working next to us, it's easier for them to coordinate with their country real-time and address this matter, which is why we continue to bring additional country representatives here to work on the task force.

Because until a lot of the countries' laws rise to the level of our laws, where it comes to child exploitation, we have to look at just cooperation, law enforcement-to-law enforcement. In terms of legislation, I'm going to leave that to the Department of Justice to come up with, but we certainly convey our stumbling blocks or our obstacles to them so that, hopefully, they can remove these obstacles for us.

Mr. PLITT. And if could add one stumbling block that we have seen, at least in the past, is that, as the United States would provide investigative leads overseas, the countries would label those leads as coming from the United States, which is why we've adopted a method whereby we participate on a task force that doesn't necessarily recognize the country.

So it becomes a lead of a child in danger in a particular country and/or a pedophile in another country and which may endanger other children, the way we do that is by passing the information very quickly through the Internet. So we've gone that method, which seems to have addressed our speed issues, which, of course, is the Virtual Global Task Force.

Mr. SMITH. Mr. Pitts?

Mr. PITTS. Thank you, Mr. Chairman.

Mr. Finch, in your testimony, you mention those who finance these pornographic Web sites. I guess both of you mentioned that. What groups are bankrolling these operations? Are there indications, given the lucrative nature of these enterprises, that any terrorist groups are involved?

Mr. FINCH. Well, financing or bankrolling these operations, it's not an expensive venture to start a pornographic Web site, a couple of hundred dollars a month for the service, maybe \$35 to \$75 to register a domain. And at that point, you're in business. And now all you have to do is upload images.

It's not an expensive business to operate. We have not found any, to my knowledge, terrorist groups behind any of the pornographic Web sites, but certainly organized crime, very organized.

Mr. PITTS. You want to add something?

Mr. PLITT. Yes. We're also finding that this crime, the money, the proceeds generated from this crime, become the seed capital for other crimes. To many of these groups, they're not necessarily concerned today about the child exploitation issue. It's just a way to make money. So the next week they might be involved in intellectual property rights violations, they might be involved in trafficking of individuals. But because of the potentially high volume of money that can be made from these, they're getting into that business.

Mr. PITTS. How adept are these child pornographers at moving around their operations to avoid detection by law enforcement? Obviously, time is of the essence when you're pursuing online pornographers. Typically, how long do you have to get them? What's your window of opportunity in this or need for more resources in the area of forensic analysis?

Mr. PLITT. Yes, there definitely is a need for resources, not only on the investigative side, but on the cyber technical services or forensic side.

They are very, very adept at moving back and forth and playing within the system, not only with respect to moving Web sites. And in typical commercial operations, there're quite a few different types. There're advertising sites, and there're content sites, there're billing sites, moving all of those—not just the sites, but also the money associated with it. Once that money is collected in proceeds, it can move very, very quickly through the Internet. So you have the back end of that problem, as well.

Mr. PITTS. Somebody mentioned the use of chat rooms. We've had increasing concerns about those and Web sites popular with kids that are used by the predators. From your experience, how big of a problem are these sites? And are the organizers of these sites cooperating with efforts to protect young users?

Mr. PLITT. Yes, our estimate would be that almost 30 percent of this problem deals with Web sites, be they commercial or otherwise. The other 70 percent are other methods, be it private Fservers, be it IRC, Internet relay chat, even bulletin boards, even older methods.

The ability to get into those is even easier. It's quicker. So there's a significant amount of traffic. Even though we're perhaps focused today on the Web sites, we must pay attention to those other mechanisms, as well.

Mr. PITTS. Now, I know your focus is on the crime, but how about victims? Do you work with NGOs, private organizations, partner with them for appropriate care for the victims?

Mr. PLITT. Yes, we do. And at ICE, we prefer to focus on the investigative component of that. The State and locals are really the masters at abuse and victim matters. For instance, if we believe, as we execute a search warrant for, say, possession or distribution of child pornography, that there might be a child in the house, it is an absolute necessity to bring the State and locals on so they can

take, at least temporarily, custody of that child and help that child along.

In addition to that, we rely on the NGOs for their counseling services and for their interface with the public, which is not only general outreach, but also deep education, as well.

Mr. PITTS. Mr. Finch, I'm told you had something you wanted to comment on other questions?

Mr. FINCH. Well, I was just going to respond to each of your questions.

Mr. PITTS. Yes.

Mr. FINCH. Regarding how adept they are at hiding their locations, they've very adept at hiding their true identity and their locations. They generally park their Web sites on multiple servers around the world, so that, when one server is discovered, they simple redirect their traffic to another customer or to another server.

And they exploit the unsecured servers or unsecured networks, and they compromise boxes to park their images on so that, in the event there is an arrest, the images are not located. And usually where they park these boxes, it's on a computer of an unwitting user or customer.

They conceal their financial mechanism through a maze of online payment services, and they use stolen credit cards. And, in many cases, the stolen credit cards people aren't going to report, because those are the people who have used them on online sites, so it's kind of embarrassing. And they don't report it for quite some time, longer than the average individuals.

And as far the chat rooms, I'd like to give you an example. We've had several pending cases against adults who use online gaming Web sites that are popular with kids to befriend potential victims. I know of at least three instances where adults traveled interstate and had sex with minors they met through one particular game Web site.

We are investigating several more allegations of similar illicit conduct on Web sites. And video games, they're increasingly available online. And we have the social networks, but the online gaming sites seem to be more popular right now. And these are played interactively with players around the world, so they have become a target-rich environment for child predators.

Mr. PITTS. Thank you. That's very helpful.

Thank you, Mr. Chairman.

Mr. SMITH. Mr. McIntyre?

Mr. MCINTYRE. Thank you, Mr. Chairman.

And I thank the gentlemen for your testimony.

Let me ask Mr. Finch, on page 4 of your testimony, you talk about utilizing a variety of investigative techniques, including administrative subpoenas and database checks, to capture evidence.

And, Mr. Plitt, on page 3 in your conclusion, you say that C3 is dedicated to identifying all individuals involved in international criminal organizations, and so on, that are involved in this type of child exploitation. What I'm wondering is: How do you accomplish that initial step, in order to get to the database, in order to then do the next step with the subpoena and you've got, once the search warrant is executed, how you then seize it and deliver it through the analysis?

But what leads you to that step? What is the first step that tips you off? Or do you have someone sitting there constantly, just monitoring all kinds of sites? I'm trying to think of the practical way that we can advise people to be forewarned and how they can note when there's a problem that would alert you to then find it worth certainly the time and effort to investigate?

Mr. PLITT. Right. We have quite a few sources of information that are quite obvious. One of the best, of course, is the Cyber Tip Line out of the National Center for Missing and Exploited Children, whereby individuals can provide information on what they see on the Internet.

Mr. MCINTYRE. Is that a phone number or is that a Web site that they can go to?

Mr. PLITT. It's both. And they're able to provide the information. And then the information comes into NCMEC, where investigators from ICE, and FBI, and quite a few organizations are able to see if an investigation is already under way or to divide that investigative lead up.

Perhaps it's more of a child sex tourism matter and may go to ICE. And interstate might go to the FBI. It may be a postal matter. That investigative agency can then take that and work it, but it's very easy to go on the Internet, be it an Internet relay chat, be it a Web site, and find a place to start. Quite a few leads, quite a few sources for investigative leads.

And then from there, we'll, of course, evaluate and prioritize the most egregious and the perhaps largest sources for the pornography.

Mr. MCINTYRE. For the record, could you tell us what Web site people could go to if they have a tip that they want to give you, just to know what it is?

Mr. PLITT. I'd refer them to the Cyber Tip Line, the National Center for Missing and Exploited Children.

Mr. MCINTYRE. OK. But I mean is there a Web site that John Doe public, John could go to. What is this?

Mr. PLITT. CyberTipLine.com.

Mr. MCINTYRE. OK. All right. And is there a phone number?

Mr. PLITT. Yes, but I don't have that with me. I'm sorry.

Mr. MCINTYRE. OK. And then you also simultaneously, in addition to the tips and all, you have folks there at your center that are also scanning and studying Web sites, as well, to look for red flags, so to speak?

Mr. PLITT. That's correct.

Mr. MCINTYRE. Mr. Finch, could you respond?

Mr. PLITT. He's got the number.

Mr. FINCH. The phone number, 800-843-5678.

Mr. MCINTYRE. OK. Now, would you like to respond to—

Mr. FINCH. Well, the National Center for Missing and Exploited Children, plus our online investigative technique, where we have FBI agents, officers in chat rooms, impersonating children, the ICACs around the country. So we receive leads from ICE, as well.

It's a collaborative effort, a number of investigative techniques, as well as just working with our law enforcement partners. These leads come in from other countries, as well. But in terms of a place

where the average citizen can report it, NCMEC is the best location, in my opinion. It's a great resource.

Mr. MCINTYRE. All right. And if I could ask you, too, Mr. Chairman, Mr. Finch, you mentioned on page 5 of your testimony that an issue that you have to deal with is outdated information up to several years old. And then you say, "Once this is outdated, information cannot be used to show probable cause."

Mr. FINCH. Yes, sir.

Mr. MCINTYRE. Is there a certain statute of limitations you're referring to, or how do you define when it's outdated?

Mr. FINCH. Well, in terms of serving as probable cause, I can't cite the particular law. But when we're looking at information on a server that is not fresh, as with, say, Title IIIs, for example, when it's not fresh, then that becomes a problem, especially if we don't detect the data for an extended period of time, 6 months, a year. But to cite a specific law, I can't.

Mr. MCINTYRE. It would be interesting if we could—do you know the statute of limitations, what it would be?

Mr. FINCH. No, I don't know that. I don't.

Mr. MCINTYRE. Maybe they know. We're going to give you information.

Mr. FINCH. It's outdated when ISPs no longer retain data on an e-mail address, while the data retention, that's just—that's an issue where sometimes, depending on the size of the ISP, data is retained for 30 days, 60 days, 90 days.

But if we go to an ISP for information, and it's no longer there, and we have traced an IP address back to a Web site, we certainly—there's nothing there to use, because they have no requirement to retain the data for any specific time.

Mr. PLITT. And if I could clarify, I think you may be referring to the statute of limitation of the individual crime. In our case, we usually don't reach that. We usually have an issue with, because the data hasn't been retained by the ISP, that we can't go forward.

And there's other smaller items, such as even if the Internet service provider data is available, you can run into situations where the individual has moved, in which case one element of probable cause for a search warrant is going to be [inaudible] individual is still residing at that location. And then, by that time, the information is stale, and away we go, so—

Mr. MCINTYRE. So I guess [inaudible] because if an exploitation has occurred of a child, and then they reach majority age—and usually in many states they still have a right to make a claim, you know, if they've still got evidence to prove that. So I just wanted to make sure that folks would still have some hope, you know, beyond just a few months or a few weeks, if that particular data may be gone.

Mr. FINCH. I'm not aware of a statute of limitations on the actual violation. It's just in terms of having the evidence to prosecute or move forward with that investigation.

Mr. PLITT. And as perhaps a point of hope, I mentioned before that the data volume, the number of violators, the individual component evidence of a case, data volume is huge. And what we see though is that individuals tend to commit this crime time and time again until they're caught.

So whereas perhaps the individual may have been missed simply because of lack of probable cause, in some cases, inability to go forward with the investigation, they oftentimes pop up again.

Mr. MCINTYRE. Thank you.

Thank you, Mr. Chairman.

Mr. SMITH. Thank you very much.

Let me just ask you a few follow-up questions. The report for the U.S. mid-term review points out that age is a significant issue in identifying victims of commercially sexual activity of children. Do you find that to be a problem, especially when they're just under the age of majority, you know, they're 16 or 15 and may look older? Is that a problem you find?

Next, if I could, on the issue of shelters, what kind—I know you're primarily concerned about law enforcement—but what kind of cooperation do you provide with the service side? I mean, the mid-term report points out that one of the most glaring problems, despite excellent progress in the field, they note that there's a lack of shelters and that juvenile detention certainly isn't for a child who's been wounded in such a way, you know, inappropriate site, for an exploited child. How do you work with that side of it, the service side?

And on the issue of gangs, they point out that gangs increasingly have been noted to be involved in the trafficking of children, especially American children within the United States. Another trend is more organized ethnic groups of criminals victimizing children systematically in ethnically-based brothels and massage parlors.

The trend requires investigators who are focused on specific ethnic communities. Closed ethnic brothels and mobile sex rings often present barriers to finding and prosecuting child traffickers. Maybe you can comment on that, if you would.

And, finally—and this would go also with the issue of working with the NGOs and the private voluntary organizations. You know, we have with us Norma Hotaling from SAGE, who not only provides shelters, but John schools, you know, that new concept, relatively new concept, for first offenders. You know, whether or not you find some of these more breakthrough type of ways of dealing with these issues helpful on the law enforcement side?

And, finally, when it comes to child porn sites, when you bust a site, obviously, they have to have, I would think, IP addresses of those who have been to the site. Are you able to backtrack and go find out who they are? And I would say the same thing with credit cards. How do you use credit cards? And the fact that so many people use them, to go to these sites to catch these people and put them behind bars, the users.

Mr. PLITT. I think I have most of them down. Let me start from the beginning.

On your question about victim identification, although it's not a requirement these days, the prosecutors prefer to have a known victim. It makes prosecutions or even the process of the individual pleading out very, very efficient and effective. And one data system that is shared for that is the National Child Victim Identification Database, by which individuals are identified.

For prosecutions, though, children that appear 16, 17, it is difficult in the United States to go forward with that. It's obviously

the choice of the prosecutor, which is why, unfortunately, when we do these, we tend to look for a series of children that are younger, 15, 12, 10, and unfortunately younger than that, so there's a matter.

With respect to shelters, of course, at ICE we rely on the state and locals for that matter. If we believe it's going to be a significant issue, we'll, of course, contact one of the NGOs who may be able to provide us a lead in that direction.

I will note that, about 3 weeks ago, I was in St. Petersburg, Russia, and had a chance to view the number of children on the streets there, just outside of the historic part of the city. And so shelters are not only a U.S. issue; it is, without question, an international one.

With respect to gangs, ICE, of course, can provide immigration-related information on gangs and their trafficking, smuggling, a pattern, so let us know, perhaps, what details might be of value to the Commission and we will certainly provide that information.

Mr. SMITH. It was really a general question about whether or not you're seeing a trending towards the gangs finding this a lucrative way of gaining cash while they exploit young children.

Mr. PLITT. And I wouldn't have that information, sir. I'd have to refer back.

And let's see. With respect to credit cards—

Mr. SMITH. And IP addresses.

Mr. PLITT. I'm sorry?

Mr. SMITH. And IP addresses.

Mr. PLITT. And IP addresses, yes, obviously, those were key components to the investigation of the commercial child exploitation Web sites. And a lot of those methods are still really law enforcement-sensitive, but they certainly provide a path. It is our preference to follow the money, I can say that, of course, because that tends not to move as quickly as the Web sites do. So I don't know if that's helpful.

Mr. SMITH. I'm wondering about the technology. You raid a site; you shut them down.

Mr. PLITT. Yes.

Mr. SMITH. Obviously, they have, you know, a plethora of IP addresses sitting on their site. Why can't you just go on and follow those leads?

Mr. FINCH. There are IP addresses which may indicate customers, if that's what you're referring to.

Mr. SMITH. That's what I'm looking at, yes.

Mr. FINCH. Most of the time, servers like this have in the upwards of 9,000—you know, I'd just—an average of 9,000 IP addresses/customers. Many of the trails leading back to the customer, depending on the time, are gone. You may have one IP address, but looking at the origin of that IP address, that becomes a more challenging task.

And because we're talking about over a period of time and data retention, people moving, and proxy servers, all the things people use to avoid detection, if I—just to give you an example—if I am going to visit a Web site, a pornography Web site, it would behoove me to go through various proxy servers. So at some point in time, going backwards, you're going to end up at a dead end.

It's not always the case. Many people aren't that savvy. And then we face the challenge of just no data being retained by the ISP. We may have the final IP address but nothing to take it back to the origin. So time is not on our side in that respect.

As far as victims are concerned, we have victim specialists within our office who work with outside agencies for victims in every violation we investigate in the FBI.

As far as the gangs are concerned, we've not noticed any gangs in the United States that are really specializing in child pornography. Certainly, there are groups who do it on a regular basis.

Mr. SMITH. What about child trafficking—

Mr. FINCH. Child trafficking, that's something I'd have to check with our criminal investigative division on, because they investigate the child trafficking aspect of the FBI.

Mr. PLITT. A few follow-up points. As an example, in the Rapay investigation, which was one international commercial Web site, we were looking at 100,000 financial transactions, which boiled down to about 5,000 targets. And then, of course, they'd have to work through the process that—

Mr. SMITH. Right.

Mr. PLITT [continuing]. Mr. Finch described.

Also, I would point out to the Commission one area of difficulty that we often have, and that is the witness aspect of child sex tourism prosecutions, usually what will happen—unfortunately, an American will travel overseas. They will arrange to have sex with a child, will come back to the United States, where they'll be arrested.

In order to prosecute that individual, you have to, of course, have the victim, the witnesses, oftentimes the family travels to the United States at significant expense and logistical difficulty. So that's another area for exploration later on.

Mr. SMITH. As well as the cooperation of that country.

Mr. PLITT. Exactly right, sure.

Mr. SMITH. Mr. Pitts or Mr. McIntyre?

Mr. MCINTYRE. I just might mention that I was asking earlier about the statute of limitations just for clarification on the record. And we talked about that on the database. But I do notice, in some of the material provided, the Protect Act of 2003 says, in section 202, it has now abolished the statute of limitations for any such crime that involves children. Sex offenders would not be able to escape prosecution by the mere passage of time.

It used to be that it expired when the person then later reached age 25. So that's also a hopeful aspect, in terms of being able to continue the opportunity for prosecution.

Thank you.

Mr. SMITH. I want to thank you both for your testimony and, more importantly, for the work you're doing to protect kids. Appreciate it.

And if you do have any recommendations, not just through the legislative shop, you know, you're on the front line. You see it. You see where the gaps are. Either let them know, but maybe send us a carbon copy so we can act on it, as well, because sometimes we never hear about it. OK? So thank you so much.

Mr. FINCH. Appreciate it, sir.

Mr. PLITT. Thank you very much.

Mr. SMITH. Appreciate it.

I'd like to now welcome our second panel to the witness table, beginning with Linda Smith, who was first elected to Congress from Washington State in 1994. In 1998, she founded Shared Hope International to fight sex trafficking, commercial sexual exploitation, and to serve the long-term restoration needs of women and children in crisis.

In January 2001, Ms. Smith founded the War Against Trafficking Alliance, which coordinates both regional and international efforts necessary to combat sex trafficking. Ms. Smith also has been involved in lobbying for legislation, including the Trafficking Conviction Protection Act, and so I want to thank her for her work on that and her very timely interventions on what that bill and ultimately what that law should look like.

We'll then hear from Carol Smolenski, who is the executive director of ECPAT-USA, as well as the project director for the New York City Community Response to Trafficking Project. In her 15 years working in the field of children's rights, Ms. Smolenski has served as liaison to the United Nations for both the Christian Children's Fund and the Defense for Children International, chairing the Children's Rights Caucus for the United Nations Conference on Human Settlements, in Istanbul, Turkey, in 1996. She's also former co-chair of the NGO Committee on UNICEF Working Group and the Rights of the Child and was on the NGO steering committee for the U.N. General Assembly special session on children in 2002.

We'll then hear from Dr. Mohamed Mattar, who is the executive director of the Protection Project at Johns Hopkins School of Advanced International Studies. Dr. Mattar has published widely and testified extensively on the subject of trafficking in children before Congress, as well as before the Russian Duma in 2004.

Prior to joining the Protection Project, he served as the legal adviser to a number of governments and government entities, including the United Arab Emirates, the Arab National Bank in Saudi Arabia, and the Embassy of Saudi Arabia in Washington.

We'll then hear from Mr. Ernie Allen, who is chairman and chief executive officer of the National Center for Missing and Exploited Children and the International Center for Missing and Exploited Children. Prior to this service, Mr. Allen was the chief administrative officer of Jefferson County, KY; director of public health and safety for the city of Louisville, KY; and director of the Louisville-Jefferson County Crime Commission.

In his role with the international center, Mr. Allen also participated in the OSCE Parliamentary Assembly in Brussels this past July, where his invaluable contributions concerning child pornography were deeply appreciated and much respected.

If we could begin with you, Ms. Smith.

LINDA SMITH, FOUNDER AND EXECUTIVE DIRECTOR, SHARED HOPE INTERNATIONAL

Ms. SMITH. Thank you, Mr. Chairman, and distinguished members of the Commission. Your work is admirable. I always love to hear the history and realize there's a few of you that just really

hold down on the fort for human rights for children around the world. We're honored to be before you.

Thank you for this opportunity to testify on the commercial sexual exploitation of children in America. The very title is chilling. I'm going to summarize my comments, but I would like to request that my full testimony, the complete report from the U.S. Mid-term Review on Commercial Sexual Exploitation of Children in America and a video that I will include in my testimony be submitted for the record.

Mr. SMITH. Without objection, so ordered.

Ms. SMITH. I'm honored to have the opportunity to present, along with my colleagues, the fine news of this unprecedented review of America's efforts to combat this crime. I want to tell you a little bit about Shared Hope to put our involvement in context.

For 8 years, Shared Hope has been building communities of restoration throughout the world. We have seven communities of hope, and we have extensive restorative services.

It wasn't very long, though, before we realized we needed to add work on preventative measures. We were just plain, old working downstream. And if we didn't, we would not be able to impede those who were actually buying and selling these children, and we would just continue to have more victims of this terrible crime.

Shared Hope created the Predator Project, as part of an international movement to identify traffickers and their victims. So far, the Predator Project has been conducted in more than 14 countries identified as chief places of origin, transit and destination of global traffickers. We've captured 150 hours—and actually more—of predators and their victims.

This past year, we moved the Predator Project into America. As a part of this international project, we hired a very experienced researcher that actually goes inside of the rings. The best way for me to explain this is I think was the video that will be coming up after this beginning of my testimony.

I want to explain to you that what we found in our initial look at America, as well as what was shown clearly in the report, is that the primary trafficking victim in the United States is not a foreign child moved across borders. The strong majority of trafficked children are domestic children moved within our borders, which was addressed by Congress, and with an effort from you, Mr. Chairman.

The new definition clearly says the American child, if commercially exploited in pornography or exploited in prostitution, is now a trafficking victim. What we've found was that these kids, when identified, are called prostitutes, and they're quickly moved into detention when they're found, treated like a criminal, and then, when released, put in a foster care system where they bleed out.

Now, that's a terrible terminology, but they are bleeding. These children end up going in and out of the foster care system. In a moment, I'm going to show you a video of the primary traffic victim in the United States that we have little bits of—they're actually currently safe, but they were not then—little pictures of inside of what the trafficking looks like in the prostitution in the United States.

We took a sampling from Atlanta, Las Vegas, Seattle, Los Angeles, Washington, DC, and other places in the United States. It's not just any one place. We did look at the primary sex markets, and the ones I just mentioned are high on the list.

The footage—I'm going to give you a summary real quickly, because otherwise it will lose its—you will have not complete understanding. This is a part of hours and hours of video. For instance, Amy. We call her Amy, and we don't use their real names. And she was orphaned at the age of 11.

Her parents died right after each other. She didn't have extended family. They were originally from another country, but they were citizens. And she just didn't feel like she belonged anywhere. You can see this little girl trying to be tough in this, and she makes it sounds like she's all in control. She went cross-country.

And, by the time she was 15, she was clearly being marketed by two pimps, one recruits—and one recruits the client, and one manages her. She's 16 now. She was 15 when she began working in the last site. She lived at a hotel along a truck stop.

And you will see Marcus, who is the managing pimp, the street manager that goes and gets the clients for her, in this video. Then you're going to see Amanda. She's 16 now, and she's been doing this quite a while. I feel very—I really resist when they say these 16-year-olds are hard. Boy, they're hard, but they've been in it from the time they're 13, 14, 15.

You know, the idea that all of a sudden they started prostituting at 16 or 18—no, they've been in it a long time, most of them. We're going to be ready to say probably about the age of 13 is the average age of entry into prostitution, maybe younger. Our partners say it's younger.

You'll find that Amanda is walking into a hotel. The security guard there facilitates the signing in of the client. And the hotel officials facilitate her prostitution. She lives at the hotel.

The next clip you'll see is a man at a computer. He's actually showing the researcher that he has a Web site, and that Web site would easily be able to provide all kinds of product, should he bring his tourists into America. He is posing as a man that is bringing in tourists into America from another country.

What you're going to see with this is that he says—and brags—that he has over a million people that come to his site. It might be 5 million. It's a lot. He'll say it in his own years here on his site.

Earlier this year, to try to get our hands around this, as we looked at America—and we're not û the National Center for Missing and Exploited Children is so wonderful, and there are so many groups, that we're not trying to replicate anybody. What we're trying to do is figure out what it really is. It feels a little bit like Jell-O to me. So I wanted to see what it looked like.

So I commissioned a cyber investigative company to conduct a 1-month survey. And we gave them search terms, and they do this for some of the law enforcement in the United States, also. But what I did is I had them take a snapshot. So, first of all, we gave them the driving terms, which you wouldn't be surprised as what they would be—"erotic tours," "mail-order brides," "international modeling agencies," "escort services," "massage parlor full service"—we qualified with to bring them down.

My first pull was 2.2 million sites that were English sites. I decided that was a little too many to look at. To reduce the number, we brought it down to predominant players and filtered to active non-directory or link sites. We pulled it down further by other descriptions, and we came down to 5,094 sites.

Some of the findings are just startling. We're not done yet. And, again, we're not looking at each site. We are referring sites if we find something, but mainly we're trying to figure out how they market. And what we've found is they're marketing to recruit boys as clients, and they're looking for girls, going both ways.

They're looking for clients. They're in video games. They're sending cartoon characters. Their pop-ups are very elusive. And I don't know if you can even do homework anymore the way that these are aligned to recruit the boys.

Well, I think in the Nielsen rating is the last I saw showing the clients going online and the numbers. And that was in 2003, and we all used the numbers of 32 million individual users going on in 1 month. Well, of the 5,094 sites, the highest number is 5 million in a month. We tracked them for a month and counted the numbers going on. I think that the numbers now are blowing it away.

I think that the reality is, is that it's growing. Looking at the numbers we got, compared to any study, it's growing. And, again, we're not trying to prove beyond that right now. We're trying to get our hands around, is it growing? And, yes, it's growing.

What I would like to do is show this brief video so that you can see that we're going to continue to have our law enforcement not see these as trafficking victims. And most likely, one of our biggest goals will be to get these girls identified right and treated with respect.

[Plays video.]

Ms. SMITH. As we move forward, the U.S. Mid-term Review on the Commercial Sexual Exploitation of Children in America identified five key issues which stand out as the most immediate and urgent needs to protect America's children, and I'm going to highlight the issues and then allow my colleagues to further explain.

There is virtually a lack of programs focusing on the buyer creating demand in America. There're some creative programs, like Norma Hotaling's program, that helps deter after the first offense, but very little that draws on and explains the danger of child pornography and the victimization that results.

There's an alarming growth of online child pornography. The report had practically every speaker and every presenter mentioned their concern or their lack of ability to know how to manage the fact that the kids are bought and sold online. There's a lack of available state resources targeted towards effective and secure services for victims, especially physical shelter.

And we found a need for continued and improved cooperation between local law enforcement, non-government providers, and the federal government, and, finally, a need for continued legislative focus. I won't focus on this very much because Dr. Mattar will, but the thing that comes to my mind is we have to decriminalize the prostituted minor. She now is called a prostitute; she thinks she is one; and the restoration process, when you are treated like a criminal, called a prostitute, is a long process.

In India, we have a 7-year program because these children are so traumatized as we raise them. In America, I would love to have them for seven days in a safe environment, and so often we can't hold them to protect themselves from the pimp, and they end up back on the streets.

Perhaps what challenges us the most is this: We do not have child prostitutes. We have prostituted children. We have to change our language.

Through the exploitive vehicles of child pornography, prostitution, sex tourism, and sex trafficking, demand is being fueled, requiring younger and younger, more inexperienced product. Legal pornographic Web sites link the illegal Web sites. And pornographic images of children create demand for direct sexual conduct with child victims.

Our goal with these findings is to bring greater awareness to the public at large, stronger laws that bring justice to the victimized, and appropriate and secure restorative services for the victimized.

Mr. Chairman and Mr. Pitts, on behalf of these children and the thousands more whose stories we'll never hear, we urge you to take aggressive action to protect our Nation's children. Thank you for the opportunity to share.

Mr. SMITH. Thank you so very much for your leadership and your testimony.

Ms. Smolenski?

CAROL SMOLENSKI, EXECUTIVE DIRECTOR, ECPAT-USA

Ms. SMOLENSKI. Thank you so much for the privilege of testifying here today, Mr. Chairman. And thank you so much for your leadership on this issue over the years. Of course, we're all very aware of what you've done for children and women all over the world on the issue.

It's my job here today to talk about the international process, the World Congress process, and how this fits into what has gone on in other countries and what we hope will still go on, so I have to give you a little bit of background on ECPAT.

ECPAT-USA is the U.S. branch of an international children's rights organization based in Bangkok. The ECPAT began as a campaign in 1991 aimed at solving the problem of child sex tourism—that is, of course, people who travel abroad to sexually exploit children—initially focused only on four countries: Thailand, Taiwan, the Philippines, and Sri Lanka.

In 1996, ECPAT changed its mission to the much broader one that is now our new name, to end all forms of commercial sexual exploitation of children, including prostitution, pornography, and trafficking.

When ECPAT was founded, the campaign worked for 3 years—it was only a campaign at that stage, not an NGO—in more than 20 countries to uncover the hidden world of commercial sexual exploitation of children. The ECPAT files became filled with terrible stories of trafficking, of pornography, and of exploitation, which have now become, unfortunately, common knowledge.

ECPAT's main focus was on lobbying to get legal changes which would give more protection to children in the original target countries. As ECPAT began to work more closely with international law

enforcement groups, tourism agencies, and national NGOs, it was increasingly clear that child commercial sexual exploitation could not be solved by any single nation working alone.

As a result, ECPAT convened a consultation of governments and NGOs in Bangkok in 1994. Out of the consultation came the recommendation that an international congress was urgently needed so that governments could plan together measures which would end this widespread abuse of children. And it was out of that recommendation that the World Congress process was born.

The First and Second World Congresses were both sponsored by ECPAT International, UNICEF, and the NGO Group on the Convention on the Rights of the Child. When the First World Congress took place 10 years ago, most countries were just waking up to the fact that the world community had done little at that point to confront this terrible form of child abuse.

The 122 countries that attended the First World Congress, which took place in Stockholm and was sponsored by the Government of Sweden, they unanimously to a declaration and plan of action to address child commercial sexual exploitation, both within their own countries and internationally.

Many governments changed their laws to protect their children and began programming for the preventive and protective services that need to be in place to protect all children's right to grow up free of sexual exploitation. NGOs were a major part of the effort, lobbying for changes and working with communities and with youth themselves to speak out, and to plan, and to carry out child protective programs.

By the time the Second World Congress was held in Yokohama in 2001, the world was a different place. Not only was there a far wider level of consciousness in both government and civil society about the fact that children were being sexually exploited, but there was an almost universal acceptance of the concept that children had special rights that needed to be protected in order for them to grow up as fully developed human beings. By that time, the Convention on the Rights of the Child was almost universally ratified.

The 136 countries in attendance at the Second World Congress recommitted themselves to the agreements made in Stockholm and pledged to continue their work to eradicate the commercial sexual exploitation of children in all its forms everywhere. While a lot of progress has been made, we still have a long way to go.

The mid-term reviews that have taken place around the world over the last two years were part of this international effort to assess progress towards the goal set out in both Stockholm and Yokohama. The mid-term reviews have taken place in every region of the world by now, the U.S. review being the final one. These reviews were planned as a way of identifying what has and has not been done in every country, in every region to end the commercial sexual exploitation of children. Each review addressed the problem within a particular national or regional context.

In a world where borders are porous and technological advances have brought us all together into one global community, it's not surprising that the results of many of the mid-term reviews were similar to those results of the U.S. mid-term review. We've heard

in the many mid-term reviews about the need to increase attention to the demand side of child sexual exploitation, the exploiters who are so often left off the hook.

We've heard the need to increase vigilance about the Internet and new technologies as entry points for child exploitation. In many places, there is a need for more data and monitoring instruments so that we know how we are doing in the fight against it. As we do—we need more in the United States, as well. Prevention education for both boys and girls and greater intergovernmental and intersectoral cooperation were all refrains heard everywhere and echoed in the United States.

I looked at a couple of the mid-term reviews in preparation for this hearing, just to see how the United States measured up, between what we learned in our mid-term review and what other countries have learned in their mid-term reviews. And it was interesting how very similar we all are, kind of on the same page. Demand was always up there. Prevention and the new technologies, I mean, I guess those are sort of the main commonalities.

I wanted to just point out two areas in comparing the other mid-term reviews that I want to just talk a little bit more, not in great detail, about one area the United States I think is really a leader, and the other is one where we, as all the other countries, can definitely do better.

In some regions, there's a very strong need for additional and better legislation to protect children, to criminalize child sexual exploitation in all its forms, including prostitution and pornography. And I know you'll probably hear more about that, both from Ernie and from Mohamed.

But when you look at the legal framework at the Federal level, in the United States, we actually have a very good background already. I mean, partly, of course, it's due to your leadership in making sure that the legislation is there at the Federal level. It's at the 50-State level that I think the battle might have to move, 50 more battles that we have to face to make sure States are in conformance with what good is being done at the U.S. level. And I think that the United States presents a pretty good model for other countries at the Federal level.

In other areas, the United States, like so many other countries, is not yet successful in involving children and youth themselves in speaking out against child trafficking. While there is some excellent international examples here and there around the globe—and in the United States, no doubt—for the most part, we're still all challenged by how to empower young people themselves to partner with us in speaking out, which of course would go a long way towards the prevention efforts that we all feel are needed.

The mid-term review, I thought, was an excellent benchmark for future work. It will keep us focused on priority areas, and I think it's a pretty fair assessment about how the United States is doing in its national efforts, and we hope that it will be presented to a Third World Congress against commercial sexual exploitation of children when it is finally organized.

I have additional comments that I'll leave here, but I just want to say what a pleasure it has been to work with my committed partners at the Protection Project and at Shared Hope Inter-

national in working on the mid-term review. And I really feel like we are working together in a great national effort to protect our children, and it's very inspiring.

Thank you.

Mr. SMITH. Thank you. You're very inspiring. Thank you, Ms. Smolenski.

I'd like to now ask Dr. Mattar to present his statement.

MOHAMED MATTAR, EXECUTIVE DIRECTOR, THE PROTECTION PROJECT, JOHNS HOPKINS SCHOOL FOR ADVANCED INTERNATIONAL STUDIES

Dr. MATTAR. Thank you.

Thank you, Mr. Chairman, Mr. Smith, Mr. Pitts.

I am really privileged to be here today and testify before you on the further legal measures that I believe that the United States should adopt to fully and effectively protect our children from commercial sexual exploitation. So I will confine myself to issues of the law and nothing else.

And a review of the United States' recent legislative enactments against sexual exploitation of children reveals an existence of a very comprehensive legal framework that reflects, in my judgment, three main aspects, what I refer to as the three E's: expansion of criminal liability; extension of territorial jurisdiction; and enhancement of child protection, including the abolition of a statute of limitations. Every time we have a sex crime that involves children, no longer we have a statute of limitations, thanks to you, thanks to the Protect Act, thanks to section 202.

So all the legislative measures that we have here in the United States fully comply with international legal standards. And here I would like to note that the U.S. Senate, on August 7, 2006, this last month, voted to ratify the Council of Europe Convention on Cybercrime of 2001, that took effect in 2004. I think this is a step in the right direction, especially with the problems that we have on the Internet and technology.

However, I find it appropriate also—and you allow me that every time I come and testify before you—to highlight some additional measures that perhaps you may consider in future amendments to existing laws.

First, we have a number of laws that do exist, but I am not sure that we allocated enough funding for these laws. I'll mention three of them, and you offered the three of them.

The first, conducting research on the numbers of victims of commercial sexual exploitation of children, especially trafficking children, Congress recognized in the Trafficking Victims Protection Reauthorization Act of 2005 that, and I'm quoting, "No known studies exist that quantify the problem of trafficking in children for the purpose of commercial sexual exploitation." So I believe that funding must be allocated for that purpose.

Also, funding must be allocated to give effect to the provisions that you added in 2003 warning American tourists, travelers who travel to a country where sex tourism is significant. I believe that is an excellent preventative measure that you added in 2003. I'm not sure that we are fully implementing the provision.

Another provision that was added in 2005, and that is establishing programs to enhance State law enforcement officials' capabilities in prosecuting demand and providing services for victims. I think this took the issue of trafficking, domestic trafficking, and prostitution to a Federal level, but I'm not sure that enough funding is there to implement that particular provision.

Second, we do not fully understand the issue of identification of victims of trafficking very well, and especially victims of trafficking. Until March 1, 2006, we identified and we signified only 87 minors. And I'm sure the number is huge, but I think we are failing when it comes to identifying victims of trafficking.

Third, [inaudible] the criminal liability, the U.S. law should shift the focus towards penalizing the purchaser of sexual services. Unfortunately, we are arresting victims and not always arrested purchasers of sexual services. In Boston, for every 11 females, we arrest one purchaser of sexual services. In Chicago, for every nine females, we arrest one purchaser of sexual services. In New York City, for every six females, we arrest one purchaser of sexual services.

This has to change: More focus on demand, I believe, is the good thing to do. And perhaps Congress would like to consider an amendment to that effect in the Trafficking Victims Protection Act.

Also, I have another amendment to propose, since, Mr. Chairman, you mentioned human rights. And perhaps we should go to foreign countries and ask for in country an additional question on the section 108 of the Trafficking Victims Protection Act, and that is whether a government of a foreign country cooperates with NGOs and other elements of civil society in adopting preventative measures and protective measures.

Unfortunately, in many countries, NGOs and elements of civil society do not function freely. And I think an additional standard to that effect would be very helpful.

Fourth, reforming the law itself is not enough. What is more important is to change the functional equivalent of the law, the behavior, the customs, the traditions. And that is why I was really encouraged by the recent prosecution of the "Girls Gone Wild" videos' producers. They agreed to comply with section 2257. They have to tell us, what is the age of that minor who we see in the video? And they were fined \$2.1 million. I think this is something that the Department of Justice should be praised for.

Fifth, adequate and effective enforcement of the U.S. law against commercial sexual exploitation of children depends on, in many cases, upon the following law, since the problem is of transnational nature. For instance, the age of legal consent varies from one country to another, double criminality encourages for shopping. And we applaud the Swedish law when it comes to trafficking, but unfortunately with sex tourism, the Swedish law is not a good law. The law of Switzerland is not a good law. The law of the Netherlands is not a good law.

So we have to work to work changing these law. How do we do that? It is the policy of the United States, under the Trafficking Victims Protection Act section 109, to go and help countries draft anti-trafficking legislation. And since October 2000, over 100 coun-

tries adopted new laws on trafficking in persons, thanks to the United States.

I believe that we should do the same thing in the area of child pornography. We should do the same thing in the area of child sex tourism. And we should do the same thing in the area of Internet crimes, because we have an experience that proved that we are successful. And we changed the legal map around the world. In 2000, we basically have nothing on the area of trafficking; now, we have over 100 countries, and the United States helped these 100 countries to enact laws.

Finally, because I don't want to take more time of the Commission, the Internet is widely used for the purpose of engaging children in commercial sexual exploitation. It's not my specialty; it's Mr. Allen's specialty. I'll give it to him. But it is noticed that there's only a few countries that have laws aimed at combating Internet-related crimes against children.

I believe that an international convention on the Internet and related crimes, similar to the Council of Europe Convention on Cybercrime, is needed to mobilize countries to enact Internet laws that protect children from commercial sexual exploitation. And perhaps the United States would consider introducing the idea of an international convention or at least an international declaration in the upcoming Internet Governance Forum, the ICF, which will be held next month in October in Athens, Greece.

In conclusion, let me really applaud your leadership, your commitment. In less than six years, we have a comprehensive legal framework. And thank you so much for holding this very important hearing.

Mr. SMITH. Dr. Mattar, thank you very much for your kind words, but more importantly for the work you do.

And I think everyone should be very clear that each of the laws, the Trafficking Victims Protection Act of 2000, '03, and '05, would not have been possible without the input, the language, the guidance that you and others provided by way of your experience, even legislative text as to which way we should go.

The Helsinki Commission and its staff worked very hard on it, the International Relations Committee and other interested parties. So it was a true bipartisan piece of legislation, but I think—and your point about NGOs and part of the minimum standards is well-taken, because we could not have written that law with any kind of insight or kind of wisdom had it not been for the NGOs. So I think your point, in terms of including that, as well as your other recommendations, are very well-taken. So thank you for that.

And now I'd like to go to Mr. Allen.

And I would like to note that Congressman Rick Renzi, a Member of Congress from Arizona, very interested in these issues, has joined us. Rick, if you'd like to come up, depending on your time?

Mr. Allen?

**ERNIE ALLEN, PRESIDENT AND CHIEF EXECUTIVE OFFICER,
NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.**

Mr. ALLEN. Thank you, Mr. Chairman, Mr. Pitts. As you know, I have submitted written testimony. And, with your permission, I would like to briefly summarize it.

Mr. SMITH. Without objection, your full statement and anything attached to it will be made a part of the record, and that goes for all of our witnesses.

Mr. ALLEN. Thank you very much.

In my written testimony, I talk in some detail about the work of the National Center for Missing and Exploited Children and the International Center for Missing and Exploited Children.

I won't go over that, but I do want to mention in particular the focus of the international center is on building capacity around the world to attack this problem. Our international center has now entered into former partnership agreements with Interpol, with the Hague Conference on Private International Law, with the Organization of American States, and others.

And, as has been mentioned by the panel, a particular area of focus for our international center is child pornography, which has absolutely exploded with the advent of the Internet. You said it in your opening remarks: Commercial child pornography has now become a multibillion-dollar industry.

Through our cyber tip line at the national center, which was mandated by Congress in 1998, since that time, we have handled more than 420,000 reports from the public and from Internet service providers, 90 percent of which have dealt with child pornography.

Most people don't understand what this problem really is; there's a real misconception. But what we are finding and what law enforcement is finding is that the victims are getting younger and the content, the images, are becoming more graphic and more violent.

From the data on the hundreds of offenders who have been identified to date, we can report to you that 39 percent of those offenders had images of children between the ages of 3 and 5. And 19 percent had images of children younger than 3 years old. This is not what America thinks it is.

Children have become a tradable commodity. Russian news agencies reported in 2002 that increasingly organized criminals, extremist organizations, and terrorist groups are moving into child trafficking and child pornography and away from the traditional commodities, drugs, guns, tobacco, for very basic reasons: children are plentiful and easily accessed; child pornography is easy and inexpensive to produce; there is a huge consumer market for it, making it enormously profitable; and, finally, historically there's been virtually no risk, far less risk than trading in drugs or guns.

One of the primary challenges we face today—and Dr. Mattar mentioned it in his comments—is that few of the world's nearly 200 countries have any kind of meaningful system or capacity to adequately and effectively combat the sexual exploitation of children, especially through child pornography.

In November 2004, in partnership with Interpol, we began researching the child pornography legislation in place in the 186 Interpol member countries. We looked at the law on the basis of five primary criteria: Is there a specific law criminalizing child pornography? Do the statutes of that country define child pornography by law? Does the law criminalize the use of a computer, computer-facilitated offenses? Does the law criminalize the simple possession of child pornography, regardless of intent to distribute? And, fi-

nally, does the law require Internet service providers to report suspected child pornography on their systems to law enforcement or to some other mandated agency?

Once we completed that analysis, we contacted the Ambassadors of each of the Interpol member countries at their Embassies in Washington, DC, or, in the alternative, their Ambassador to the permanent mission at the United Nations in New York. We asked each country to verify and validate the research and to provide us with any corrects or explanations that were necessary.

The report that we produced contains all of that input. And in April of this year, we published a report summarizing the findings. Mr. Chairman and Congressman Pitts, we were stunned with what we found.

What we found was that, of the 186 member nations of Interpol, 95 have no law whatever on the subject of child pornography. In most of those countries, it's not even a crime. In 122 countries, there is no law that specifically addresses the distribution of child pornography via computer. In 149 countries, the term "child pornography" is not defined by law. And in 136 of the Interpol member nations, the possession of child pornography is not unlawful.

There are 63 countries around the world that do have legislation specific to child pornography which we found inadequate, and only 27 countries had a law that we found to be adequate. Twenty two countries had enacted legislation in four of the five categories. And I should add here that all of these 22 countries did not have law mandating ISP reporting, which is very difficult in a number of countries. So we think that a four or five is excellent record.

But just five nations, out of the 186 member nations of Interpol, had enacted law in all five categories, and those nations are Australia, Belgium, France, South Africa, and the United States.

As you mentioned earlier, we were honored to be able to play a part in the July meeting of the Parliamentary Assembly of the OSCE in Brussels. And, Mr. Chairman, we are grateful for your resolution, and we're proud to have the chance to work with Congressman Pitts, who spearheaded the effort, which we think was historic.

This was not an easy sell to all of the participating countries. And the fact that there was unanimous support of the delegation I think is testimony to the kind of leadership that Mr. Pitts and your delegation provided.

But even within the OSCE, even within the member states of the OSCE, seven of them had no law at all on the issue of child pornography; 16 do not criminalize the possession of child pornography; and just three had enacted provisions in all five categories. There's a lot of work that needs to be done, and we think the passage of your resolution provides an extraordinary platform on which to build, to mobilize nations, and to persuade more nations to enact these important statutes.

Let me mention two other things very briefly, two other actions we're taking in attacking this problem. I mentioned that there is a staggering lack of capacity among law enforcement around the world to investigate and prosecute these kinds of crimes. In partnership with Interpol and with the support of Microsoft, we have been through our international center training law enforcement of-

ficials around the world in the investigation of computer-facilitated crimes against children.

To date, more than 1,600 law enforcement officials from 92 countries have completed the training. And we have tried to take the training to where the need is the greatest and where these law enforcement officials are. So among the places in which we've held these sessions have included Brazil, China, Costa Rica, Croatia, Japan, Jordan, Romania, Russia, South Africa, and Thailand, just to mention a few. Sessions are planned in upcoming months in India, Morocco, and Panama.

And then, finally, you've talked about the importance of the commercial aspects of this problem. One of the things that we recognized early on is that the sheer magnitude of this issue makes it virtually impossible for law enforcement to arrest and prosecute everybody. So our approach has been to say, "How can we follow the money? How can we eliminate the profitability? How can we stop the payments and shut down the sites, always giving law enforcement first crack, but mobilizing the financial industry to try to attack this problem?"

Thanks to the leadership of the chairman of the Senate Banking Committee, Senator Shelby of Alabama, we have convened a financial coalition against child pornography that now includes 23 of the world's most prominent financial institutions and Internet industry leaders who have joined together around a common goal, and that goal is to eradicate commercial child pornography by 2008.

Now, the members of the coalition include MasterCard, Visa, American Express, Bank of America, Citibank, PayPal, Microsoft, America Online, Yahoo, Google, and many others. And everyday we're bringing new financial institutions into this coalition.

The members of the coalition represent 87 percent of the U.S. payments industry, measured in dollars running through the system, yet our goal is 100 percent, and we are actively meeting with banking and financial leaders around the world to mobilize international participation. We've met with the European Banking Association. We met with Central American bankers, a Singapore-based bank. Standard Charter Bank is mobilizing Asian financial institutions in the effort. But there's a lot more to be done.

In conclusion, Mr. Chairman, what can you do? What can the Helsinki Commission do?

First, we hope that you will continue to lead and help us motivate and involve legislators around the world to pass legislation attacking this problem. At a minimum, it has to be a crime, and in most of the world it's not.

Second, we hope you will help us motivate and involve financial institutions and financial leaders to help us take the money, take the profitability out of this equation.

And, third, I echo my colleagues on this panel in saying that we hope you will continue to help us wake up Americans and people around the world about the true nature and extent of the sexual exploitation of children.

Thank you, Mr. Chairman.

Mr. SMITH. Mr. Allen, thank you very, very much. And the work of your organization is extraordinary, so thank you so much.

Let me just ask you a couple of questions. You mentioned that Microsoft and some of the others are part of this coalition. Since detecting and filtering capabilities are enormous—and it seems, when you have a dictatorship, like in China, the ability to control the Internet is really very, very much facilitated by many of these very same companies that are willing to work with you and with all of us on cracking down on this hideous crime.

What is your view as to what they might be able to do? And over and above joining a coalition, I mean, they have the ability to detect this garbage. You know, freedom of speech, First Amendment rights are not absolute. We all know that. Obscenity is not a protected right. Even the Supreme Court acknowledges that, child pornography equally not a protected right under free speech.

Why are we not able to take that enormous technical capability and use it to filter out this filth, which really is a crime doubly, one when the actual filming and exploitation occurs, and, secondly, when it's replicated and in access of the site into additional crimes.

Mr. ALLEN. Well, not only can we, but we must. Six of the leading Internet service providers have now joined with us in an effort to try to develop technology using a variety of techniques, including the sort of fingerprinting images, so that they can be identified automatically and interdicted.

Those six companies are Microsoft, America Online, Yahoo, EarthLink, and a company called United Online that has several ISPs, including NetZero and some of the other. Each one of those companies has committed to provide their best and brightest and to work with us to try to develop technology tools and solutions to do exactly what you're talking about.

Now, there are some constraints and there are some balances. One of them is that, historically, we have—other countries, for example, have done more. In the U.K., the Internet Watch Foundation and other groups have aggressively gone out to identify, block, and filter.

Our priority here has always been arrest and prosecution, and sometimes those two things are in conflict. So what we have done, as a result of this initiative by the ISP world, is to go to federal law enforcement and try to negotiate a balance. And both the FBI and ICE, who were on the earlier panel, have agreed to that process.

Our primary concern is still making sure that—I mean, blocking it is not enough. Blocking it keeps people from seeing it. It attacks the demand side, but it doesn't help us identify the perpetrator, nor does it help us find the victim. And finding the victim is absolutely key.

So we have developed a process through which the first priority will always be law enforcement. So they will get first crack at all of the sites we identify and provide. However, they have agreed to dramatically shorten the time period in which they make the decision to investigate or not investigate.

So they will have to make a pretty quick decision about whether they're going forward. If they don't, what we at the National Center for Missing and Exploited Children will do is, every site we identify, every URL with illegal child pornography content, we will capture that URL on a list, and we will provide those lists to all

of the 250 ISPs who are reporting child pornography to us via congressional act in 1998, with a direction to them that, one, this is a violation of their terms of service agreement. And they have the absolute right and absolute authority to take down those sites.

And then, at the same time, we'll be trying to develop technology that will categorize those images in some appropriate way so that we can identify their transmission in other places and block them. So the answer is, there is not a solution at this point. But in my judgment, there is a commitment on the part of this industry—they want this stuff off their systems. These financial companies don't want to make money from it. And it's a violation of the payment system to use a credit card or any legitimate payment mechanism for the purchase of illegal content.

So I think there is movement in that area, but there's still a lot of work to be done.

Mr. SMITH. Do you have the resources, your center? We heard earlier Mr. Plitt say that he could easily a tripling of resources and still that probably wouldn't be enough, at least if I took the gist of what he said correctly.

Mr. ALLEN. Mr. Chairman, if I could—and it's a little presumptuous—I'd like to answer their question. And my answer is, I think there is a significant need for Congress to provide substantially greater resources to Federal law enforcement.

We have advocated, as have others who are here today, for enhanced personnel, agents and analysts for the FBI's Innocent Images national initiative, for the Cyber Crimes Center. We think there's a significant need for additional resources for the FBI's Innocence Lost initiative, which is attacking the problem of child trafficking. We think there's greater need for forensic support for law enforcement.

These Internet cases are hard to make, and they're time-consuming. So I did not ask either our appropriators, either Chairman Wolf or Chairman Shelby, for additional funding for the national center. I think we have adequate funding now to do what we're doing. As law enforcement does more and as this problem grows, that may change in years ahead.

I think the priority today is to dramatically enhance the support we're providing to law enforcement to investigate this seemingly endless list of suspects.

Dr. MATTAR. And if I may add, and it really paid off. When we allocated funding for the Department of Justice and FBI in the area of child sex tourism in the last 3 years, we have 34 cases that have been prosecuted in this country, compared to—prior to 2003, we basically had one successful case, from 1994 to 2003.

So definitely allocating funding would help. And the area of child sex tourism, I think, proves that.

Mr. SMITH. Yes, I agree. Personnel is policy. If you have enough people, you can make the difference.

Let me ask—unfortunately, we're being summoned to the floor for a series of votes, but I just—and I will have some additional questions, if I could, which we'll submit to you. And your ideas, I think, are the gist of what will become additional law, so I want to thank you for that. You all have made so many good recommendations here today.

I would want to ask you, in the report, it mentioned gangs. And I asked the previous panel, which they indicated they're not sure—they'll get back, I think—whether or not gangs are now, you know, finding this a lucrative way of making profits, that is to say child exploitation through child pornography and child prostitution, or children who are prostituted.

Let me ask you also about internationalizing a Megan's Law concept to ensure that we're not sending—or at least there's ample notice when a pedophile leaves our shores, as well as when one comes here. It's hard enough, I know, to do it interstate right now. But it is working in many states where there is a Megan's Law. And there will always be glitches, but it seems to me the more we try—what would be your feeling on that?

I do have a number of questions. The 95 countries that have no laws against child pornography, would that be something we should put in the next iteration of a trafficking law as a minimum standard or do you think child pornography should have its own new initiative, because it is such a crisis, to try to get countries to join in? I mean, I've got a lot of questions, but not much time.

Ms. SMITH. Well, I want to make one comment, that child pornography is trafficking. I think we heard earlier testimony that distinguished prostituted child as a child prostitute and then, oh, the gangs might be dealing with trafficking. I think we have some terminology problems.

You changed in 2005 the rules in America, and they say a child who's in prostitution or commercial sex or pornography is a traffic victim. So I think that that's the top issue.

So, yes, internationally, we should push this forward and model laws. And the way you're doing it now with pornography—but I will certainly let me—you have a very short time to run. I'll let my colleagues answer that.

Ms. SMOLENSKI. I'd like to make a comment about the gangs and the Megan's Law questions. The mid-term review, of course, is not just based on us, as the experts, but it brought a number of service providers into the room to talk about what they're seeing and answer a questionnaire. So what the mid-term review has is all of that information in there.

I think you'd be hard-pressed to talk to a service provider who has not found gang involvement with child prostitution these days. There's only anecdotal information, of course, because we don't have the good statistics, the good numbers, the good research, that will actually translate into, you know, the best policies. But, yes, gangs are definitely a part of it and a growing part of it.

And as to there being an international Megan's Law, absolutely. As working for an international organization—I'm going to talk even faster, because I hear the buzzer going. No question about it. It's actually a recommendation that ECPAT has had to a number of countries over the years.

We work in Belize on a sex tourism project. The RSO at the U.S. Embassy in Belize told me that 25 percent of the people in the United States who they know live abroad but have been convicted of a sex crime in the United States live in Belize. And they don't really kind of have a good handle on, you know—he didn't tell me

why they know that. But they're all over the place. The governments there can't really deal with it.

Dr. MATTAR. Let me agree with you that I think pornography is and should be addressed under the trafficking victims protection act. Is it addressed implicitly? Yes, under 102, when you define commercial sex act, you can make the argument that commercial sex act includes pornography.

But I would like to do with pornography what you did with child sex tourism. Under the original act, child sex tourism appeared twice, 102, when you define the sex industry, and then 105, when you said these are the functions of the task force. But you never said anything about child sex tourism.

You did in 2005, when you added another minimum standard. We're going to go to countries and ask, "Are you doing something about child sex tourism?" I think we should do the same thing about pornography and ask the countries the same question.

Mr. ALLEN. I agree 100 percent. I think it's absolutely appropriate. It's a prime opportunity for American leadership and the leadership of other countries on this issue, regarding the application of Megan's Law internationally. It's unbelievably important.

These offenders are mobile. When Mr. [John Mark] Karr, whatever he's responsible for, when he fled the child pornography charges in California, he flew to Thailand where nobody knew who he was or what his history was. Operation Predator, operated by ICE, has demonstrated over and over again that offenders from other countries come here, where we have no knowledge about their history or prior record.

We have got to internationalize the kind of process, because these offenders go to places where they are anonymous and where they have easy and legitimate access to children.

Mr. SMITH. Would you recommend that we make that one of the minimum standards? Well, we will be next year, obviously, crafting a new law—hopefully, it will become a law—but certainly legislation to reauthorize existing programs, build on those good policies, and try to expand it.

I would ask all of you, if you would, to provide us with recommendations that would go into that new piece of legislation. And we'll get working on it right away.

Again, I have other questions, but I do have to leave. Your testimonies were outstanding. Your work is literally saving lives. You know that. And I just want to express my deepest gratitude for your commitment to children.

The hearing is adjourned.

[Whereupon the hearing ended at 4:11 p.m.]

APPENDICES

PREPARED STATEMENT OF HON. SAM BROWNBCK, CHAIRMAN, COMMISSION ON SECURITY AND COOPERATION IN EUROPE

A pandemic is silently, yet swiftly spreading across the globe targeting children for sexual exploitation through child pornography, trafficking of children, child prostitution, child sex tourism and other forms of abuse. Fueled by sexual predators and a seemingly insatiable demand by a segment of our society for explicit images depicting children as well as other sex acts involving kids, thousands of young Americans today are being caught up in a truly world wide web of exploitation and abuse. The physical and emotional scars inflicted on these largely nameless victims are often as permanent as their images transmitted across the globe and back again via the internet. The purpose of this Helsinki Commission hearing is to gain a greater insight into the scope of these crimes against children, ways to enhance the ability of law enforcement here and abroad to prosecute the criminals involved, shut down their networks, deal compassionately with their victims, and prevent others from getting caught up in this web.

To help put this issue in perspective, experts estimate that 50,000 predators are logged on to the internet at this very moment prowling for unsuspecting kids. Child pornography once pedaled in America's back allies is now accessible in nearly every home, including to other children. One in four kids surfing the net is exposed to unwanted sexually explicit material, with thousands of new images of child pornography being posted on the internet each and every week. In an insidious cycle of abuse, pornography is often itself used to entice others or coerce victims into other acts. A ten-year long study by the Sexually Exploited Child Unit of the LAPD found that pornography was a factor in 87% of their child molestation cases. According to the Department of Justice, pornographers today are delving into exploitation of ever younger victims—infants and toddlers—engaged in even more despicable acts, accounting for 20% of images seized by law enforcement.

The purveyors of child pornography thrive in a multi-billion dollar industry, relying on the anonymity of the web in what for them is a low cost, low risk enterprise. In an attempt to raise the costs to such individuals, I cosponsored the Internet SAFETY Act of 2006, a bill that includes concrete steps to strengthen law enforcement's capacity to prosecute these criminals. Having worked on efforts to stem human trafficking, I am acutely aware of the need to treat the victims of exploitation and abuse with compassion as part of the healing process.

I welcome the experts assembled here today who will draw on their wealth of experience in law enforcement, child protection services, and victims assistance as we search for ways to better help and protect some of the most vulnerable in our country, kids on Main Street in my state, across the country, and beyond.

**PREPARED STATEMENT OF HON. JOSEPH R. PITTS,
COMMISSIONER, COMMISSION ON COOPERATION AND
SECURITY IN EUROPE**

Mr. Chairman, in July of this year, I was privileged to lead the U.S. Delegation to the OSCE Parliamentary Assembly Annual Session in Brussels. During the Brussels meeting, I was able to advance an initiative proposed by Commission Co-Chair Congressman Chris Smith aimed at combating the insidious problem of child pornography. I am pleased to report that our resolution was unanimously approved by parliamentarians from the 56 OSCE countries. Research makes clear that child pornography is an issue throughout the OSCE region and a common threat to the wellbeing of future generations of young people.

The issue of child pornography and sexual exploitation is a concern that deserves priority consideration by the OSCE and the participating States. I raised this issue with the OSCE Chair-in-Office, the Belgian Foreign Minister, when he testified before our Commission. While at the Parliamentary Assembly meeting in July, I participated in a special session focused on the subject of today's hearing. Parliamentarians from other OSCE countries share our concern, and I look forward to their continued support and cooperative initiatives prior to and after the Brussels OSCE Ministerial.

In a related initiative, the International Centre for Missing & Exploited Children (ICMEC) has conducted important research regarding this issue. The Center surveyed 184 Interpol member countries, including the OSCE participating States. Their recently released study reveals significant gaps in the legal framework that restricts the effectiveness of law enforcement agencies to combat international child pornography networks operating across borders, principally via the Internet. A survey of the 56 OSCE member countries finds that:

6 countries lack any laws criminalizing any aspect of child pornography;

32 countries lack any legal definition of child pornography;

16 countries have failed to make the possession of child pornography a crime;

20 countries lack laws criminalizing the electronic distribution of child pornography via the Internet; and

50 countries do not require Internet Service Providers (ISPs) to report suspected child pornography to law enforcement.

The numbers relating to all Interpol member countries are even higher regarding those countries that do not have laws criminalizing child pornography.

Of the OSCE countries, only Belgium, France, and the United States have enacted comprehensive laws combating child pornography. I commend the fact that we have laws in the U.S., but we have a long way to go on this issue since much of the demand for child pornography originates in our country. As Ernie Allen, ICMEC President and CEO, who participated in the Brussels event and is with us again this afternoon, has observed, "We know that many world leaders do not yet recognize that child pornography has become a multi-billion dollar industry and that the world's children are paying the price."

Mr. Chairman, thank you for holding this very important hearing on protecting children around the world. I look forward to learning from the distinguished panelists who are with us today. Thank you.

**PREPARED STATEMENT OF JAMES PLITT, UNIT CHIEF, CYBER
CRIMES CENTER, IMMIGRATION AND CUSTOMS ENFORCE-
MENT (ICE)**

Introduction

Chairman Brownback, Co-Chairman Smith, and distinguished Members of the Commission on Security and Cooperation in Europe, my name is James Plitt and I am the Chief of the Cyber Crimes Center at the Department of Homeland Security's U.S. Immigration and Customs Enforcement (ICE). I appreciate the opportunity to discuss ICE's authorities and responsibilities with respect to investigating U.S. trans-border child sexual exploitation crimes.

The ICE Mission

Among Department of Homeland Security law enforcement agencies, ICE has the most expansive investigative authorities and the largest number of investigators. ICE is the nation's principal investigative agency for crimes related to the nation's borders, including violations of American customs and immigration laws. Our mission is to protect the American people by combating terrorists and other criminals who seek to cross our borders and threaten us here at home. Working overseas, along the nation's borders and throughout the nation's interior, ICE agents and officers are demonstrating that our unified immigration and customs authorities are a powerful tool for identifying, disrupting and dismantling criminal organizations that violate our Nation's borders.

Our agents and officers make it harder for potential terrorists and transnational criminal groups to move themselves, their supporters, illicit funds or weapons across the Nation's borders through traditional human, drug, contraband, or financial smuggling networks, routes and methods. Since its creation in March 2003, ICE has employed its authorities and capabilities against threats to our border, homeland and national security within our broad jurisdiction, including the cross-border Internet sexual exploitation of children.

Operation Predator

Operation Predator is an ongoing ICE initiative focused on the trans-border aspects of child exploitation, including the related financial crimes. It is designed to identify and investigate those engaged in Internet child pornography, including the criminal business conspiracies that support this illicit trade. The program organizes ICE's activities in child exploitation investigations to arrest/apprehend and ultimately to prosecute and/or deport a variety of violators, including:

- (1) individuals who engage in the receipt, transfer, distribution, trafficking, sale, facilitation, and production of child pornography in foreign commerce, including utilization of the Internet;
- (2) individuals who travel internationally for child sex tourism or who facilitate such travel;
- (3) individuals who engage in the human smuggling and trafficking of minors into the United States for illicit sexual

purposes (sexual exploitation and/or prostitution) or worksite exploitation, and/or commit any crimes resulting in the harm, injury or death of a minor (not including the smuggling of children by parents for family unity reasons);

(4) foreign nationals/aliens who have been convicted of local, state or federal offenses against minors under the age of 18 and are now eligible for removal from the United States; and

(5) those same criminal aliens who have been previously deported from the United States for such offenses but have re-entered the country illegally.

These five enforcement categories are an integral part of the mission and responsibility of ICE in terms of border security, since the heinous criminal activities involving child exploitation are not confined within, or hindered by, a country's physical borders, but rather transcend them. The advent of the Internet has created even greater opportunities and incentives for ruthless predators to profit by exploiting children in the borderless anonymity of cyberspace. One can now transmit child pornography through foreign commerce by simply typing on a computer keyboard, with less obstruction and risk than arriving at a port of entry with child pornographic material hidden in luggage.

Officially launched by ICE on July 9, 2003, Operation Predator is currently managed and administered by the Cyber Crimes Center (C3), a headquarters unit of the Office of Investigations, which coordinates enforcement efforts against trans-border child sexual exploitation. As part of those efforts:

ICE established a single web portal to access all publicly available state Megan's Law databases.

ICE created a National Child Victim Identification System in partnership with the National Center for Missing and Exploited Children (NCMEC), the FBI, U.S. Postal Inspection Service, U.S. Secret Service, the Department of Justice, the Internet Crimes Against Children Task Forces, and other agencies.

ICE stationed attachés internationally to work with foreign governments and foreign law enforcement counterparts to enhance coordination and cooperation on trans-border crime.

ICE is working with INTERPOL to enhance foreign government intelligence on criminal child predators.

As of September 9, 2006, ICE has made a total of 8,763 criminal and administrative arrests under Operation Predator. Of that total, 7,648 were non-US citizens (aliens/foreign nationals); and of those, 4,761 individuals were deported from the United States.

Conclusion

C3 is dedicated to identifying all individuals involved in international criminal organizations and component groups that conduct every type of activity associated with trans-border child exploitation, including the related financial crimes. These individuals include those who advertise specific members-only websites, those who facilitate customer payments, those who control the members-only websites, and those who ultimately receive the proceeds from the sale of child exploitation images. With an investigative expertise in international financial crimes, including money laundering,

C3 is working diligently to identify and dismantle the international criminal organizations that operate child exploitation websites, as well as identifying their many individuals that frequent or subscribe to these websites. ICE coordinates closely with the Internet Crimes Against Children Task Forces, various elements of the Department of Justice's Project Safe Childhood initiative, and non-governmental organizations like the National Center for Missing and Exploited Children to maximize the effect of these international investigations and thereby protect this nation's most valuable resource, our children.

I hope my remarks today have been helpful and informative. I thank you for inviting me and I will be glad to answer any questions you may have at this time.

MOHAMED MATTAR, EXECUTIVE DIRECTOR, THE PROTECTION PROJECT, JOHNS HOPKINS SCHOOL FOR ADVANCED INTERNATIONAL STUDIES

Honorable Co-Chairman, and distinguished members of the Commission.

I am privileged to testify before you here today on further legal measures that I believe the United States should adopt to fully and effectively protect our children from commercial sexual exploitation, including trafficking, prostitution, sex tourism and pornography.

At the 1st World Congress Against the Commercial Sexual Exploitation of Children of 1996, countries declared in the "Stockholm Declaration and Agenda for Action" their commitment to "review and revise, where appropriate, laws, policies, programs, and practices to eliminate the commercial exploitation of children." Countries reaffirmed this pledge at the 2nd World Congress of 2001 in the "Yokohama Global Commitment", calling for "action to criminalize the commercial sexual exploitation of children in all its forms and in accordance with the relevant international instruments, while not criminalizing or penalizing the child victim."

A review of the United States recent legislative enactments against the commercial sexual exploitation of children since then, reveals the existence of a comprehensive legal framework, especially after the passage of the Trafficking Victims Protection Act of 2000 as reauthorized in 2003 and 2005, the Protect Act of 2003, the Children's Internet Protection Act of 2000, and the Adam Walsh Child Protection and Safety Act of 2006.

These laws reflect, in my judgment, three main aspects, what I refer to as the three E's: expansion of criminal liability, extension of territorial jurisdiction and enhancement of child protection.

First, the United States law recently expanded the basis of criminal liability for commercial sexual exploitation in several ways. For instance, under the child sex tourism law, proof of travel with the intent to engage in illicit sexual conduct with a child is no longer required. In addition, the law now punishes attempts to commit the crime and provides for liability of the legal person, the travel agency or a similar facilitator, involved in inducing the crime. The penalty for the crime of child sex tourism has been doubled from fifteen to thirty years under Section 105 of the Protect Act. Similarly, in accordance with the Trafficking Victims Protection Act, the penalty for child trafficking is enhanced from twenty years to life if the trafficked person is under the age of fourteen. Under the Internet Safety Act, whoever engages in a child exploitation enterprise will be imprisoned for any term of years not less than 20 or for life. While the previous law provided that a statute of limitations expired when the child attained the age of twenty-five, Section 202 of the Protect Act has now abolished the statute of limitations for any sex crime that involves children. Sex offenders should not escape prosecution by mere passage of time.

Second, the United States law applies the principle of extraterritoriality in several ways. The Protect Act applies to any U.S. citizen or resident who travels abroad to engage in illicit sexual activity with a child regardless of where the act has been committed. The Act also applies to foreigners, and in fact, it has been

applied to a French and a German tourists who traveled from the U.S. to Mexico to engage in sexual conduct with minors. Similarly, the Trafficking Victims Protection Reauthorization Act of 2005 provides for extraterritorial jurisdiction over trafficking in persons offences committed by persons employed by or accompanying the Federal Government outside of the United States. Finally, under Section 506 of the Protect Act production of child pornography outside the United States for the purpose of distribution in the United States is a crime.

Third, the United States law enhances the protection of children who are victims of commercial sexual exploitation, and adopts a child-sensitive approach in several ways. A trafficked child is entitled to benefits under the Trafficking Victims Protection Act regardless of cooperation with law enforcement officials. A child victim of trafficking also has the right to civil compensation under the Trafficking Victims Protection Reauthorization Act of 2003. Moreover, a trafficked child may receive an immigration status that extends to his or her parents. In the event that a child's testimony is required, out of court testimony is allowed to avoid revictimizing the child.

These legislative measures fully comply with international legal standards. In fact, although the United States has not ratified the Convention on the Rights of the Child, it has ratified the three main international legal instruments against the commercial sexual exploitation of children: the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography and the International Labour Organization Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor.

Here, I would like to congratulate the United States Senate, which on August 7, 2006, voted to ratify The Council of Europe Convention on CyberCrime of 2001, which entered into force in 2004. Article 9 of the CyberCrime Convention calls upon states to adopt such legislative and other means to establish as criminal offences producing child pornography for the purpose of its distribution, offering or making it available, distributing, transmitting or producing child pornography through a computer system or possessing it in a computer system.

However, I find it appropriate here to highlight some additional measures that may be considered to further protect our children against commercial sexual exploitation.

First, funding must be allocated to conduct research on the number of victims of commercial sexual exploitation. Regarding trafficking in children, Congress recognized in the Trafficking Victims Protection Reauthorization Act of 2005 that "no known studies exist that quantify the problem of trafficking in children for the purpose of commercial sexual exploitation". Consequently, we still need, as stated in article 112 of the Trafficking Victims Protection Reauthorization Act of 2005, "[a]n effective mechanism for quantifying the numbers of victims of trafficking on national, regional, and international bases." The United States Department of Justice acknowledges, in its 2006 Annual Report to Congress on U.S. Gov-

ernment Activities to Combat Trafficking in Persons, that the current number of trafficked persons into the United States, which ranges between 14,500 and 17,500 victims must be reconsidered. As stated in the report, “[t]his figure was an early attempt to quantify a hidden problem. Further research is underway to determine a more accurate figure based on more advanced methodologies and more complete understanding of the nature of trafficking.”

Second, we did not fully succeed in identifying victims of commercial sexual exploitation, especially victims of trafficking. As of March 1, 2006, the U.S. Department of Health and Human Services has certified only 947 persons as victims of human trafficking, of whom 87 are minors. We have 5,000 T-Visas available for victims of trafficking, and we granted only 297 in 2003, 136 in 2004, and 112 in 2005. We definitely have a problem in finding the victims. We must reach them, so we can reach out to them and help them.

Third, while expanding criminal liability, the U.S. law should shift the focus towards penalizing the purchaser of sexual services. The Trafficking Victims Protection Reauthorization Act of 2005 addressed demand explicitly for the first time, and amended section 108 of the Trafficking Victims Protection Act, that provides for the minimum standards for the elimination of trafficking in persons that foreign countries must comply with, to include: “whether a country is taking the appropriate measures to reduce the demand for commercial sex acts and for participation in international sex tourism; and whether a country is taking the appropriate measures to ensure that its nationals who are deployed abroad as part of a peace keeping mission do not engage or facilitate an act of trafficking in persons or exploit victims of such trafficking.”

Moreover, for the first time, the Trafficking Victims Protection Reauthorization Act of 2005 addressed the issue of prostitution, or a commercial sex act separate from trafficking on the federal level, calling for enhancing state and local efforts to investigate and prosecute purchasers of commercial sexual services, in addition to establishing various federal programs to reduce demand for such acts. The appropriate funding must be allocated to establish these programs. Unfortunately we are arresting the victims, not the purchasers of sexual services. According to congressional findings in the “End Demand for Sex Trafficking Bill”: 11 females used in commercial sexual acts were arrested in Boston for every arrest of a male purchaser; 9 females used in commercial sexual acts were arrested in Chicago for every arrest of a male purchaser; and 6 females used in commercial sexual acts were arrested in New York City for every arrest of a male purchaser.

Prosecuting demand is consistent with most international legal developments. The Council of Europe Convention on Action Against Trafficking in Human Beings of 2005 calls, in article 19, upon states to consider criminalizing the use of services provided by victims of trafficking. On March 11, 2005, the United Nations Commission on the Status of Women adopted a resolution presented by the U.S. on eliminating demand for trafficked women and girls for all forms of exploitation. The resolution reflects the mandate of article 9(5) of the United Nation Protocol on Trafficking that called upon states to take the necessary measures to discourage demand.

U.S. law on the prohibition of prostitution is also consistent with International Law on prostitution, which provides under the 1949 Convention for the Suppression of the Traffic of Persons and the Exploitation of the Prostitution of Others, that “[p]rostitution and the accompanying evil of traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family, and the community.”

There is a recent trend in comparative legislation that focuses on prosecution of demand. The Macedonian law, under article 418 of the Penal Code, provides for a punishment of 6 month to 5 years to be imposed on anyone who uses or procures the sexual services of a person with the knowledge that that person is a victim of trafficking in human beings. Article 323 of the Greek Criminal Law provides that “those who with full knowledge accept the services of a victim of trafficking are punished with a minimum imprisonment period of six months”. Similarly, article 11 of the 2003 anti-trafficking law of the Philippines states that any person who buys or engages the services of trafficked persons for prostitution shall be penalized with six months of community service and a fine or imprisonment of one year and a fine.

Perhaps Congress would like to consider an amendment to that effect in the Trafficking Victims Protection Act. Such an amendment would be advisable if we want to be really serious about addressing demand.

Fourth, a false distinction is sometimes drawn between adult prostitution and child prostitution. Clients of adult prostitutes are moving to the young and the virgin for fear of being infected with HIV/AIDS, and based upon this fact some argue, without merit, that decriminalization of prostitution is better in creating safe sex, so the clients no longer resort to children out of fear of being infected with HIV/AIDS from adult women in prostitution. According to this view prostitution should be legalized and brothels licensed. Studies have shown that “the presence of pre-existing adult prostitution” market is a factor contributing to sexual exploitation of children. In the United States, 80% of women in prostitution enter into the prostitution market before they are 18 years old.

There is also a link between adult pornography and child pornography. Many start accessing adult pornography and then move to child pornography. Consequently, any effort to combat commercial sexual exploitation of children will fail, if we fail to acknowledge such a link.

Fifth, a comprehensive approach to combat the four evils of commercial sexual exploitation is imperative since they are very often linked to each other. A remarkable statement made in the Preamble to the Optional Protocol to the Convention on the Rights of the Child provides: “The widespread and continuing practice of sex tourism [. . .] directly promotes the sale of children, child prostitution and child pornography.”

There is a link between child prostitution and child pornography. Pornographers seek out children already in prostitution. Similarly, the possession of child pornography may cause some to commit child sex crimes. There is also a link between child pornography and child sex tourism. Pornography is being used to entice children

into illicit sexual relations. For example, in the *United States v. Seljan* case, John W. Seljan, 85 years old, was arrested in Los Angeles as he attempted to board a flight to the Philippines, where he intended to have sex with two girls aged 9 and 12. At the time of his arrest, Seljan was found to have pornographic materials alongside chocolates and sexual aids. On March 28, 2005, John W. Seljan was sentenced to 20 years in prison. A similar case was *United States v. Datan*. On November 19, 2004, Datan, age 60, who served as a volunteer in a community center working with troubled youth in San Diego, was indicted on charges of child sex tourism and child pornography as he returned from a 2-month trip to the Philippines. He admitted he had sex with four Filipino boys. On June 17, 2005, Datan was sentenced to 17 years in prison. Pornography is also being produced by child sex tourists, as it is the case in *United States v. Bredimus*. Nicholas Bredimus, 52 years old, recorded himself while molesting minor boys in Thailand on a compact video camera. Likewise, in *United States v. Weber*, Lester Christian Weber, age 50, produced pictures and videos of sexual abuse of minors he had perpetrated while he was in Kenya.

Sixth, reforming the law itself is not enough. What is more important is to change “the functional equivalent of the law”. By that I mean the customs, the traditions, and the behavior. In the *United States v. MRA Holding LLC* case of 2006, MRA Holding LLC agreed to comply with the reporting requirements imposed by 18 U.S.C 2257, regarding the material produced and distributed under the name “Girls Gone Wild”, which contained sexually explicit performances, and to pay the sum of \$2.1 million. This recent prosecution of the “Girls Gone Wild” video’s producers is encouraging. It will have effect on a harmful cultural practice that is spreading and contributing to sexual exploitation of children. The prosecution gave effect to Section 2257 of the US Code, which protects minors by requiring producers of sexually explicit videos to maintain age and identity records for every performer.

It is also encouraging that the U.S. Department of Justice, in its Model State Law on Trafficking in Persons, expanded the definition of child sex trafficking to include not only trafficking for a commercial sex act but sexually explicit performances, stating that: “a number of recent federal cases have involved persons being held in servitude for purposes of sexually-explicit performances such as ‘exotic dancing.’ Unlike prostitution, which is typically illegal and involves commercial sexual activity, sexually-explicit performance may be legal, absent any coercion. Inclusion of sexually-explicit performance in this Model Law recognizes that such activity can have an impact on victims similar to sexual abuse, and reflects federal experience in which international traffickers are increasingly placing their victims into strip clubs rather than prostitution.” In fact, this was the case in *US v. Virchenko*, the first case to be decided under the Trafficking Victims Protection Act, in which a Russian dance instructor recruited six women including two minors to Alaska to dance in a strip club. Virchenko was sentenced to 48 months in prison.

Seventh, I would suggest another standard for the elimination of trafficking that foreign countries must comply with, in accordance with section 108 of the Trafficking Victims Protection Act. The

amendment would read as follows: “whether the government of the country cooperates with nongovernmental organizations and other members of civil society in adopting preventive and protective measures to combat trafficking and protect victims of trafficking.” The United Nations Protocol on Trafficking mandates that State Parties must cooperate with NGOs in adopting preventive measures to combat trafficking and measures of assistance and protection. Arguably, the U.N. Protocol establishes an international obligation of cooperation. My proposed amendment complies with this mandate. NGOs play an important role in providing services for victims of trafficking, their repatriation, their reintegration into society, and in preventing their revictimization after returning to their country of origin. Unfortunately, some countries do not allow NGOs and other members of civil society to function freely without government’s intervention or restrictions.

Eighth, appropriate measures must be taken to give effect to the Trafficking Victims Protection Reauthorization Act of 2003 that provides that “[t]he President, pursuant to such regulations as may be prescribed, shall ensure that materials are developed and disseminated to alert travelers that sex tourism is illegal, will be prosecuted, and presents dangers to those involved. Such materials shall be disseminated to individuals traveling to foreign destinations where the President determines that sex tourism is significant.”

A research we recently conducted at The Protection Project reveals that the primary countries of destination for U.S. child sex tourists are Cambodia, The Philippines, Thailand, Costa Rica and Mexico. Steps must be taken to warn U.S. tourists who travel to these countries against engaging in child sex tourism.

I was in Costa Rica this last December and right before landing, I read the following on my immigration form: “The penalty for sexual abuse towards minors in Costa Rica implies prison, Law 7899.” The custom form read: “The crime for exploitation of minors is punishable with up to 16 years in prison.” When I entered the airport, this is how I was greeted: “Dear tourist: in Costa Rica, sex with children under the age of 18 is a serious crime. Should you engage in it, we will drive you to jail. We mean it.” And, billboards in the street would warn: “The law protects our children. So Do We. Sexual abusers and exploiters of minors will be prosecuted and imprisoned. Call 911. It’s a law. It’s a promise.” Similar measures should be implemented in the United States.

Ninth, adequate and effective enforcement of the U.S. law against commercial sexual exploitation of children depends in many cases upon foreign law, since the problem is of a transnational nature.

For instance, the age of legal consent varies from one country to another. In the United States the age of consent varies from one state to another. In 14 states it is 18, in 8 states it is 17, and in 29 states it is only 16. In 71 of countries, the age of consent is 16. In 19 countries the age of consent is 18. And in 6, it is 17. But, in 25 countries, including Cambodia, Thailand and Costa Rica, the age of consent is only 15, and in 18 countries the age of consent is only 14. In 4 countries, Nigeria, South Korea, Spain and Burkina Faso, the age of consent is only 13. In Italy it is 13 if the sexual

activity is taking place among minors whose age gap is not wider than 3 years of age, it is 14 years if the sexual activity is among minors or between a minor and an adult, and it is 16 if the sexual activity is between a minor and an adult living with the minor or taking care of the minor.

For the purpose of applying the rules that protect children against sexual exploitation, a child must be defined as a person who has not attained the age of 18 regardless of the legal age of consent in a legal system.

The age of consent for sexual activities is often lower in countries of destination for child sex tourism than in the United States. Local law enforcement officials are less likely to enforce foreign laws by arresting men that are found engaging in sexual activities with persons that would be considered minors according to U.S. law, but not according to local law. This may undermine U.S. extraterritorial activities since local investigations would most commonly focus on cases that involve a crime according to local law.

Moreover, not all countries agree with the United States law on child sex tourism. For example, the Australian Sex Tourism Law prohibits an Australian from engaging in sexual activities with children under the age of 16 while abroad. 16 is also the age recognized in the extraterritorial laws of the Netherlands and Belgium, while France and Sweden are satisfied with the age of 15.

The problem is that local law enforcement officials in countries where the age of consent is under 18, for example, between 15-18, are unlikely to investigate any sexual conduct of a foreign citizen with a child of that age, and that is why, perhaps an Immigration and Custom Enforcement presence in some of these countries is imperative.

Moreover, an effective extraterritorial legislation should not require double criminality. Unfortunately, unlike the laws in the U.S., Germany, Italy, France, Canada, Australia and Belgium, the laws of Sweden, The Netherlands, Denmark, United Kingdom, Iceland, and Switzerland will not prosecute a citizen for the crime of sex tourism committed in another country, unless his action constitutes an offence that violates the law in both countries, the country of origin and the country of destination where the crime has been committed. Double-criminality encourages "forum shopping", in other words, seeking jurisdictions in which children are not fully protected.

The Protection Project has drafted a model law on child sex tourism to promote unification or at least harmonization of existing laws and has been advising foreign countries on drafting child sex tourism laws.

There have been prosecutions of at least 34 cases of sex tourism since the passage of the Protect Act. In these cases, 62% of the defendants entered into a guilty plea agreement. In the absence of evidence other than the testimony of the child victim, plea-bargaining becomes imperative. We need to improve extraterritorial prosecutions by improving evidence collection methods and improving domestic prosecutions in countries of destination. It is important to work with law enforcement officials in countries of destination to enhance their skills in gathering evidence in cases of child sex tourism. Of course, the U.S. needs cooperating with other coun-

tries and has already entered into mutual legal assistance treaties (MLAT) with 61 countries, 52 of which are currently in force. One way of utilizing these treaties in the context of child sex tourism is sharing database information, and obtaining names of convicted or wanted sex offenders.

Internet, Trafficking, Pornography, Prostitution, and Sex Tourism crimes require international response to combat, since different and possibly conflicting national laws could be ineffective in combating these crimes. Consequently, it is the policy of the U.S. under the Trafficking Victims Protection Act section 109 to assist foreign countries in drafting anti-trafficking legislation, "to prohibit and punish acts of trafficking." In the last 6 years over 100 countries enacted specific anti-trafficking legislation. Similar efforts should be made in the case of child pornography, sex tourism, and Internet crimes.

There are still countries that fall behind in drafting anti-trafficking laws. Mexico and the Russian Federation, for example, have not enacted a specific law on trafficking yet. They were placed on Tier-2 Watch List for three consecutive years in the U.S. Department of State Trafficking in Persons Report of 2006. Congress designed this special category of tiers only to allow countries to provide "evidence" of effort to combat trafficking in persons and to materialize "commitments" that they have already made. Hong Kong, Luxembourg, and Singapore are placed in Tier 1 although they lack a specific anti-trafficking legislation.

The U.S. Department of State Trafficking in Persons Report of 2006, which I call "the reference on the status on trafficking in persons in foreign countries", devoted more attention this year to commercial sexual exploitation of children, especially child sex tourism, which the report refers to in 29 countries: Brazil, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, The Gambia, Honduras, Kenya, Madagascar, Malawi, Mexico, Mongolia, Morocco, Nicaragua, Peru, the Philippines, Russia, Senegal, Sri Lanka, and Thailand are mentioned as countries where child sex tourism and sex tourism are taking place. Australia, Belgium, Canada, Finland, France, Germany, New Zealand, and Singapore are listed as countries of origin for child sex tourism.

The Protection Project has conducted a capacity building program in Iraq and I am proud that article 35 of the Iraqi Constitution, explicitly prohibits trafficking in women and children, as well as the sex trade. The Protection Project is currently assisting the six Gulf States in drafting anti-trafficking legislation.

Only 32 countries there have extraterritorial laws on child sex tourism and at least 95 countries have no legislation at all that specifically addresses child pornography. I believe that any "representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes", as child pornography is defined in article 2(c) of the Optional Protocol, should be prohibited by the law of every country. Consequently, as required by article 3(c) of the Optional Protocol, laws must criminalize producing, distributing, disseminating, importing, exporting, offering, selling, or possessing child pornography for the above purposes.

Tenth, the Internet is widely used for the purpose of engaging children in commercial sexual exploitation. The Internet has led to an increase in child prostitution, child sex tourism, child trafficking, and child pornography. It is estimated that since 1997, the number of child pornography images on the Internet has increased by 1500%. In 2001, the Cyber Tip Line, mandated by the Congress of the United States received 21,603 reports of child pornography. In 2004, the number increased by 491% to 106,176 reports of child pornography on the Internet.

Only a few countries have adopted laws aimed at combating Internet-related crimes against children. For example, the United States Protect Act created a Cyber Tip Line to provide the general public an effective means of reporting Internet related child sexual exploitation in the areas of distribution of child pornography, on-line enticement of children for sexual acts, and child prostitution. The U.S. federal law imposes an obligation upon anyone who, while providing an electronic communication service, obtains knowledge of facts or circumstances, involving child pornography, of sexual exploitation of children, selling or buying of children, activities relating to material constituting or containing child pornography, misleading domain names on the Internet, production of sexually explicit depictions of a minor for importation into the United States, to report such acts or circumstances as soon as reasonably possible to the Cyber Tip Line. In the United Kingdom, it is an offense for a person to have any indecent photograph of a child in his possession. In addition, the law makes it an offense to distribute, show, or publish such a photograph. In China, the government introduced revised Internet rules requiring Internet service providers to re-register their news sites and monitor them for content that can “endanger state security” and “social order.” In South Korea, the “Internet Content Filtering Law” requires Internet service providers to block access to websites that contain illegal or harmful information. In Australia an “Internet Censorship System” makes it illegal to host certain sites that may not be appropriate for children.

I believe an international convention on Internet and related crimes similar to the Council of Europe Convention on CyberCrime is needed to mobilize countries to enact Internet laws that protect children from commercial sexual exploitation. Perhaps an idea of an international convention or an international declaration may be raised in the Internet Governance Forum (IGF), which will be held in October 2006, in Athens, Greece, in response to the mandate of the World Summit on the Information Society (WSIS) in Tunis in November 2005.

In conclusion, let me say that Shared Hope International, ECPAT and The Protection Project conducted the Mid-term Review of the United States Efforts to Combat Commercial Sexual Exploitation of Children on April 3–4, 2006, and since then, further progress has been made.

At the federal level, the U.S. Congress signed the Adam Walsh Child Protection and Safety Act of 2006 and the U.S. Senate voted to ratify the Council of Europe Convention on CyberCrime. In addition, the State Department issued its 2006 Trafficking in Persons Report.

On the state level, anti-trafficking state laws became effective in Alaska, Colorado, Connecticut, Idaho, Indiana, Iowa, Michigan, Mississippi, and South Carolina, making it a total of 24 states with anti-trafficking laws, although we have only one conviction in Texas that I am aware of. Additionally, interagency task forces to combat human trafficking have been created in Hawaii, Iowa, and Maine. Legislators in Alaska, Missouri, and Washington State joined Hawaii in enacting laws making it a state offense to knowingly sell or offer to sell travel services that include or facilitate travel for the purpose of engaging in prostitution (Sex Tourism).

On the international level, seven more countries have ratified the United Nations Protocol on Trafficking in Persons, including Bolivia, Finland, Germany, Italy, Kuwait, Mozambique, and Sao Tome and Principe.

As I mentioned, there are still steps that must be taken to enhance the protection of our children against commercial sexual exploitation. Funding must be allocated to give effect to existing laws that call for research on effective mechanisms for quantifying the problem, identifying the victims, warning American travelers that sex tourism is a crime, and establishing programs to enhance state law enforcement officials in prosecuting demand and providing services for victims.

Furthermore, since child prostitution, child pornography, child trafficking, and child sex tourism are transnational crimes requiring international policies, the U.S. effort in leading the world against commercial sexual exploitation is imperative, especially towards negotiating an international convention against Internet crimes and assisting foreign countries in drafting adequate and effective laws.

I would like to applaud your leadership and commitment and thank you for holding this hearing.

**ERNIE ALLEN, PRESIDENT AND CHIEF EXECUTIVE OFFICER,
NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN**

Mr. Chairman and distinguished members of the Commission, I thank you for this opportunity to appear before you to discuss child protection and the ongoing battle to combat child pornography and other forms of child-sexual exploitation. Chairman Brownback and Co-Chairman Smith, you are tireless advocates for children and, as President and CEO of the National Center for Missing & Exploited Children (NCMEC) and its sister organization, the International Centre for Missing & Exploited Children (ICMEC), I commend you and your colleagues for your leadership and initiative. We join you in your concern for the safety of the most vulnerable members of our society and we thank you for bringing attention to this often under-recognized problem.

I would like to provide you with some background information on NCMEC and ICMEC.

NCMEC is a not-for-profit corporation, mandated by Congress and working in partnership with the U.S. Department of Justice as the national resource center and clearinghouse on missing and exploited children. NCMEC is a true public-private partnership, funded in part by Congress and in part by the private sector. Our federal funding supports specific operational functions mandated by Congress, including a national 24-hour toll-free hotline; a distribution system for missing-child photos; a system of case management and technical assistance for law enforcement and families; training programs for federal, state, and local law enforcement; and programs designed to help stop the sexual exploitation of children.

ICMEC works to identify and coordinate a global network of organizations fighting child-sexual exploitation and abduction. ICMEC's work brings promise to children and families by: establishing global resources to find missing children and prevent child-sexual exploitation; creating national centers and affiliates worldwide; building an international network to disseminate images of and information about missing and exploited children; providing training to law enforcement, prosecutors, judges, legal professionals, nongovernmental organizations, and government officials; and advocating for changes in laws, treaties, and systems to protect children worldwide.

While the exact scope of the problem of child pornography is difficult to determine, it is absolutely clear that the problem has exploded with the advent of the Internet. Cyberspace is home to more than one million images of tens of thousands of children being subjected to sexual abuse and exploitation, with 200 new images being posted daily.^{1/} A 2002 survey by ECPAT International and the Bangkok Post estimated that 100,000 child pornography web sites existed in 2001.^{2/} And in the United States alone, child pornography is a multi-billion dollar industry.

¹See ECPAT International, *Violence Against Children in Cyberspace*, at 30 (2005), at <http://www.ecpat.net/eng/publications/Cyberspace/PDF/ECPATxCyberspaceX2005-ENG.pdf>; Richard Wortley and Stephen Smallbone, *Child Pornography on the Internet*, at 12 (Office of Community Oriented Policing Services, U.S. Department of Justice, 2006), at <http://www.cops.usdoj.gov/mime/open.pdf?Item=1729>.

²See Isabelle Michelet, *Children At Risk Online*, slide 4 (Oct. 9, 2002), at <http://www.prasena.com/public/partners/researchers/Children%20At%20Risk%20Online.ppt>.

NCMEC's CyberTipline, the "9-1-1 for the Internet," serves as the national clearinghouse for investigative leads and tips regarding crimes against children on the Internet. In the 8 years that CyberTipline has been in existence, NCMEC has received and processed more than 417,000 leads, resulting in hundreds of arrests and successful prosecutions.

We have seen the victims portrayed in the images of child pornography getting younger and younger and the images themselves becoming more graphic and more violent. A recent study demonstrated that 83% of arrested child-pornography possessors had images of children 6 to 12 years old; 39% had images of children 3 to 5 years old; and 19% had images of infants and toddlers under age 3.³ 92% had images of minors focusing on genitals or showing explicit sexual activity; 80% had pictures showing the sexual penetration of a child, including oral sex; and 21% had child pornography depicting violence such as rape, bondage, and torture.⁴ Most of these images involved children who were gagged, bound, blindfolded, or otherwise suffering sadistic sex.⁵

The same study also showed that 40% of arrested child-pornography possessors were "dual offenders," who sexually victimized children and possessed child pornography,⁶ suggesting there may be a correlation between simple possession and committing sexual abuse upon a child.

We live in a world in which the old rules no longer apply. Today, victims of child pornography can be anywhere, in absolutely any country. Children have become a tradable commodity for sale or use. Recently, Pravda, a Russian news source, reported that organized criminals, extremist organizations, and terrorist groups are increasingly moving into child trafficking and child pornography to generate revenue to support their activities.⁷ Why? Because:

- Children are plentiful and easily accessible;
- Child pornography is easy and inexpensive to produce;
- There is a huge consumer market for child pornography;
- Child pornography is enormously profitable; and
- There is virtually no risk, far less than drugs, guns, and tobacco.

There are documented cases in which child-pornography enterprises have been found to be operated by organized-crime networks. One such case was that of the Regpay Company, a major Internet processor of subscriptions for third-party commercial child-pornography web sites. The site was managed in Belarus, the credit card payments were processed by a company in Florida, the money was deposited in a bank in Latvia, and the majority of the almost 300,000 credit card transactions on the sites were from Americans.

One of the greatest challenges we confront as champions of child safety, child protection, and children's rights globally, is the fact that few of the world's nearly 200 countries have any kind of mean-

³Janis Wolak et al., *Child-Pornography Possessors Arrested in Internet-Related Crimes: Findings from the National Juvenile Online Victimization Study*, at 4 (Nat'l Ctr. for Missing & Exploited Children ed., 2005).

⁴Id. at 5.

⁵Id.

⁶Id. at viii.

⁷Sergey Stefanov, *Russia Fights Child Porn and Terrorism on the Internet*, Pravda, Dec. 4, 2002, at <http://english.pravda.ru/main/2002/12/04/40373.html> (on file with the International Centre for Missing & Exploited Children).

ingful system in place to adequately and effectively combat the sexual exploitation of children, especially through child pornography.

In November of 2004, we began researching the child-pornography legislation in place in the 184 Interpol Member Countries to gain a better understanding of existing legislation and also to gauge where the issue of child pornography stands on national political agendas. In particular, we were looking to see if national legislation:

- (1) exists with specific regard to child pornography;
- (2) provides a definition of child pornography;
- (3) criminalizes computer-facilitated offenses;
- (4) criminalizes possession of child pornography, regardless of the intent to distribute; and
- (5) requires Internet Service Providers (ISPs) to report suspected child pornography to law enforcement or to some other mandated agency.

Once the relevant information was assembled and legal analysis was conducted, preliminary results were compiled. In January 2006, letters were sent to the attention of Ambassadors of the Interpol Member Country Embassies in Washington, D.C.; if no Embassy listing was available, a letter was sent to the Ambassador at the Permanent Mission to the United Nations in New York City. All letters consisted of a summary of the model-legislation project as well as country-specific results. Ambassadors were asked to verify our research and provide us with corrected information by a certain date, if such was necessary.

In April of this year, we published a report of our findings, as well as recommendations for model legislation. We were, to say the least, shocked and alarmed by the results of our research. We found that the majority of countries around the world have no laws that outlaw child pornography. And, in many other countries, existing laws are simply inadequate.

Our study found that in 95 countries, there are no child pornography laws at all. In 136 countries, the possession of child pornography is not a crime. In 122 countries, there is no law that specifically addresses the distribution of child pornography via computer and the Internet. In 149 countries, the term "child pornography" is not sufficiently defined.

There are 63 countries around the world that do have legislation specific to child pornography, but meet few of the other criteria we researched. Legislation in these 63 countries is insufficient and must be enhanced in order to work toward the overall goal of better protecting our world's children.

Only 22 countries were in substantial compliance with the criteria we deemed as essential to basic child-pornography legislation. The legislation in these 22 countries meets all but the last criteria of ISP reporting.

And finally, just 5 countries have laws in all 5 recommended categories: Australia, Belgium, France, South Africa, and the United States.

The lives of children who are exploited through child pornography are forever altered, not only by the molestation, but by the permanent record of the exploitation. No country is immune from this form of child-sexual exploitation, and it will take a concerted

effort from governments, law enforcement, and civil society to ensure that the world's children are protected.

Realizing the importance of taking into consideration varying cultural, religious, socio-economic, and political norms, our model legislation resembles more of a menu of concepts that can be applied in all countries throughout the world, as opposed to actual statutory language. In our report, we propose 10 fundamental provisions that are essential to a comprehensive legislative strategy to combat child pornography. Those 10 provisions are as follows:

- (1) Define "child" for the purposes of child pornography as anyone under the age of 18, regardless of the age of sexual consent;
- (2) Define "child pornography," and ensure that the definition includes computer- and Internet-specific terminology;
- (3) Create offenses specific to child pornography in the national penal code, including criminalizing the possession of child pornography, regardless of one's intent to distribute, and including provisions specific to downloading or viewing images on the Internet;
- (4) Ensure criminal penalties for parents or legal guardians who acquiesce to their child's participation in child pornography;
- (5) Penalize those who make known to others where to find child pornography;
- (6) Include grooming provisions;
- (7) Punish attempt crimes;
- (8) Establish mandatory-reporting requirements for healthcare and social-service professionals, teachers, law-enforcement officers, photo developers, information-technology professionals, ISPs, credit-card companies, and banks;
- (9) Address the criminal liability of children involved in pornography; and
- (10) Enhance penalties for repeat offenders, organized-crime participants, and other aggravated factors to be considered upon sentencing.

A comprehensive legislative strategy that is aimed at combating child pornography and that allows law enforcement to aggressively investigate and prosecute offenders must extend beyond the criminalization of certain actions by child-sex offenders. While such is of obvious importance, of equal value are: adequately defining the terminology that is used in national penal codes; legislating corporate social responsibility; enhancing sanctions; forfeiting assets; and strengthening sentencing provisions.

One of the biggest impediments to investigation and prosecution—in addition to the absence of meaningful legislation—is the lack of experience, knowledge, and training on the part of law enforcement. That is why, since 2003, ICMEC has, in conjunction with Interpol and through the generous support of the Microsoft Corporation, traveled throughout the world to train law-enforcement officers on how to investigate and "work" cases of computer-facilitated crimes against children. To date, more than 1,600 law-enforcement officers from 92 countries have benefited from the training program. We have broken ground in China, Jordan, and

Russia, with future trainings planned in India, Morocco, and Panama, just to name a few.

The goal of ICMEC is not to be the only NGO or even the primary NGO attacking the problem of child pornography—our goal is to work with governments, NGOs, law enforcement, and industry in a coordinated effort.

For example, 23 of the world's most prominent financial institutions and Internet industry leaders have joined with ICMEC and NCMEC to create the Financial Coalition Against Child Pornography. Our goal: to eradicate commercial child pornography by 2008. Our mission: to follow the money.

Members include MasterCard, Visa, American Express, Bank of America, Citibank, PayPal, Microsoft, America Online, Yahoo, and many others. And every day we are bringing new financial institutions into this Coalition. Our newest member is HSBC North America, and the American Bankers Association has recently agreed to support the Coalition's efforts. These are significant additions to our team.

The members of the Coalition represent 87 percent of the U.S. payments industry, measured in dollars running through the system.⁸ This offers great potential to eradicate the commercial child-pornography industry. We would have a greater chance of success if we had 100 percent participation by industry players around the world. ICMEC representatives have met with the heads of the European Banking Association as well as with officials from Central American banks. We are also actively recruiting banking institutions in Asia.

Much has been accomplished; however, there is more work to be done. We need to continue to train law-enforcement officers around the world and capitalize on the investigative talents of multiple law-enforcement agencies on a multi-national basis. We need full participation by the payments industry worldwide so that we can begin to dismantle enterprises that profit from the heinous victimization of children. We need to aggressively target heads of state to declare their support in the fight against child pornography, and encourage them to enact a thorough legislative strategy to combat child-sexual exploitation.

During the July 2006 meeting in Brussels of the Parliamentary Assembly of the Organization for Security and Cooperation in Europe, an important, historic resolution was unanimously adopted by attending members of Parliament from more than 50 nations. The Resolution on Combating Trafficking and the Exploitation of Children was offered by Congressman Chris Smith and was presented to the Parliamentary Assembly by Congressman Joseph Pitts.

We are particularly grateful for the strong leadership and support for the Resolution at the Parliamentary Assembly in Brussels by Congressman Pitts, Congressman Alcee Hastings, Congressman Ben Cardin, and Congresswoman Diane Watson. Its passage lays the foundation on which we can build a comprehensive effort to ensure that there is uniform, consistent law for attacking this truly global problem.

⁸Nilson Report, No. 849, 850, 851 (2006).

Today, we are here to urge lawmakers, law enforcement, industry, and the public to take a serious look at the dangers threatening our children, and to move decisively to minimize the risks posed by those who exploit the world's children and rob them of their innocence. We look forward to working with you to put an end to this international epidemic.

Now is the time to act.

Thank you.

REPORT FROM THE U.S. MID-TERM REVIEW ON THE COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN IN AMERICA

PREFACE

The United States Mid-Term Review on the Commercial Sexual Exploitation of Children (CSEC) in America is a comprehensive attempt to measure the United States' progress since the Second World Congress Against Commercial Sexual Exploitation of Children took place in 2001 in Yokohama, Japan.

At the time of the Second World Congress Against Commercial Sexual Exploitation of Children, the United States passed the Trafficking Victims Protection Act (TVPA) of 2000. This landmark legislation launched America into the fight against the commercial sexual exploitation of children. Since then, we have adopted additional legislation, including the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2005, which strengthens states' programs to prosecute child prostitution and further educate the public on this issue; the PROTECT Act of 2003, which expands territorial jurisdiction to American sex offenders abroad; the Adam Walsh Child Protection and Safety Act of 2006, which increases penalties for child sex offenders, and we have ratified both The United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially in Women and Children, and The Optional Protocol on the Rights of the Child on the Sale of Children. These crucial legislative measures aggressively confirm the commitment of the United States Congress and Executive Office to stop those criminals who seek to exploit our children through the commercial sex trade. The American communities of child protection advocates from the federal government to NGOs, from local law enforcement to the private sector, have rallied in support of this progressive and effective legislation.

When the First World Congress took place in Stockholm in 1996, most countries were just waking up to the fact that the world community had done little to confront CSEC. The 122 countries that participated in the First World Congress took on the challenge by unanimously accepting the Agenda for Action to address this exploitation both within their own countries and internationally. Many governments amended their laws to better protect children and began implementing preventive programs and protective services. NGOs were a major part of the effort, lobbying for changes and working with communities and children to speak out about this horrific crime.

The fight moved forward, and by the time the Second World Congress was held, the world was a different place. Not only was there a far wider level of consciousness in both government and civil society about child sexual exploitation, but there was an almost universal acceptance that children had special rights that needed to be protected in order for them to grow up as fully developed human beings.

In this new context, the 136 countries attending the Second World Congress committed themselves to the Agenda for Action accepted in Stockholm and pledged to continue their work to eradicate CSEC in all its forms, everywhere.

As we look to the future in our next steps to combat the commercial sexual exploitation of children, we must address it from both the supply and the demand side. To date, the United States' efforts have maintained a very important and necessary focus on supply, including public education, prevention, and restoration programs for at-risk child victims. Increasingly, government officials and advocates around the United States are striving to expand the lens of CSEC from the victim to the victimizer. This shift does not represent a relaxation of a victim-centered approach to combating CSEC, but rather indicates the need to broaden our vision and resources.

Through the exploitative vehicles of child pornography, prostitution, sex tourism and sex trafficking, demand is being fueled, requiring younger and younger, more inexperienced product. Evidence also shows strong links between each of the vehicles of exploitation. Legal pornographic websites link to illegal images of child exploitation, and pornographic images of children create demand for direct sexual contact with child victims.

As organizers of the United States' Mid-Term Review, we are proud to have brought together many of the country's distinguished leaders in the fight against CSEC. We hope this Review will be seen as one of the milestones in our continuing progress and becomes a useful benchmark for measuring success in years to come. Thank you to everyone who participated in this Review for your dedication to eradicate the sexual slavery of children here in the United States and around the world.

We wholeheartedly believe the United States is moving towards becoming a society in which the buying and selling of children for sexual exploitation is unacceptable, and no boy or girl will grow up with the risk of being commercially sexually exploited. We look forward to that day.

Very truly yours,

LINDA SMITH,
Founder and Executive Director of Shared Hope International

CAROL SMOLENSKI,
Executive Director of ECPAT-USA

DR. MOHAMED MATTAR,
*Executive Director of the Protection Project of the Johns Hopkins
School for Advanced International Studies*

**Report from the U.S. Mid-Term Review on the Commercial Sexual
Exploitation of Children in America**

Prepared By: Shared Hope International ECPAT-USA The Protection Project of the Johns Hopkins University School of Advanced International Studies

ACKNOWLEDGEMENTS

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GLOSSARY OF ACRONYMS AND TERMS

CEOS	Child Exploitation and Obscenity Section
CPS	Child Protective Services
CSEC	commercial sexual exploitation of children
DHS	Department of Homeland Security
DHHS	Department of Health and Human Services
DOJ	Department of Justice
FBI	Federal Bureau of Investigation
ICAC	Internet Crimes Against Children
ICE	Immigration and Customs Enforcement
ISP	internet service provider
MTR	Mid-Term Review
MTR-CSECA	U.S. Mid-Term Review on the Commercial Sexual Exploitation of Children in America
NCMEC	National Center for Missing and Exploited Children
NGO	nongovernmental organization
OJJDP	Office of Juvenile Justice and Delinquency Prevention
ORR	Office of Refugee Relocation
TVPA	Trafficking Victims Protection Act
TVPRA	Trafficking Victims Protection Reauthorization Act
USAO	United States Attorney's Office

DEFINITIONS

Child Trafficking/Trafficking of Children for Sexual Purposes: For the purposes of the Mid-Term Review, child trafficking refers to the trafficking of children for sexual purposes. As defined by the Trafficking Victims' Protection Act (TVPA) of 2000, sex trafficking means the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act. Severe forms of trafficking in persons means (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 act has not attained 18 years of age; or (B) the recruitment, harboring, trans-

portation, 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.¹

Child Prostitution/Prostitution of Children: Child prostitution or the prostitution of children is the use of a child in sexual activities for remuneration or any other form of consideration. Generally, a party other than the child benefits from a commercial transaction in which the child is made available for sexual purposes—either an exploiter intermediary (pimp) who controls or oversees the child’s activities for profit, or an abuser who negotiates an exchange directly with a child in order to receive sexual gratification.²

Child Pornography: Child pornography is any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child, the dominant characteristic of which is depiction for a sexual purpose. Child pornography includes material that visually depicts a minor or a person appearing to be a minor engaged in sexually explicit conduct or realistic images representing a minor engaged in sexually explicit conduct.³

Child Sex Tourism: Child sex tourism is the commercial sexual exploitation of children by men or women who travel from one place to another, and there they engage in sexual acts with children, defined as anyone aged less than 18 years.⁴

Supply and Demand: For the purposes of the Mid-Term Review, the commercially sexually exploited children are the “product.” Supply is the amount of product that a producer is willing and able to sell at a specified price, while demand is the amount of product that a buyer is willing and able to buy at a specified price. The supply and demand model shows the relationship between a product’s accessibility and the interest shown in it.⁵

METHODOLOGY

In keeping with the goals of the Second World Congress Against the Commercial Sexual Exploitation of Children in 2001, Shared Hope International, ECPAT-USA and the Protection Project of the Johns Hopkins University School for Advanced International Studies hosted the U.S. Mid-Term Review (MTR) on the Commercial Sexual Exploitation of Children (CSEC) in America. The goal of the MTR was to evaluate best practices, gaps in current efforts, and challenges faced in the field through two stages of research. In the first stage, the host organizations distributed questionnaires to the relevant offices within the U.S. Department of Justice, U.S. Department of Health and Human Services, U.S. Department of Homeland Security, and U.S. Department of Education. Completed

¹ <http://www.acf.hhs.gov/trafficking/resources/plain#site.html>

² Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. Article 2 from ECPAT International at <http://www.ecpat.net/eng/CSEC/definitions/child#prostitution.htm>

³ Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. Article 2(c) from ECPAT International at <http://www.ecpat.net/eng/CSEC/definitions/child#pornography.htm>

⁴ ECPAT International at <http://www.ecpat.net/eng/CSEC/definitions/Child#sex#tourism.htm>.

⁵ <http://www.iscid.org/encyclopedia/Supply#and#Demand#Theory>

questionnaires were received from the U.S. Department of Justice, U.S. Department of Health and Human Services, and U.S. Department of Homeland Security. Questionnaires were also distributed to over 100 NGOs from twenty-eight states and the District of Columbia requesting information about their current programs, funding availability, challenges and perspectives on issues of the commercial sexual exploitation of children.

The second stage of the Mid-Term Review consisted of a conference held April 3–4, 2006 in Washington, D.C., which brought together over 120 individuals, including government agency representatives, local law enforcement officials, academics, private industry representatives, and NGO leaders in a structured discussion of the trafficking, prostitution, pornography, sex tourism and supply and demand of children. At the conclusion of the conference, all participants were given until May 1, 2006 to resubmit any addendums to their questionnaires or make any changes regarding programmatic information.

Appendix A contains The United States Legal Framework Against the Commercial Sexual Exploitation of Children, prepared by Dr. Mohamed Mattar, Executive Director of the Protection Project of the Johns Hopkins University School of Advanced International Studies (SAIS). Appendix B contains a list of the participating organizations and agencies. A schedule of the MTR conference is available in Appendix C. Appendix D is an additional analysis of the survey information submitted by NGOs, and Appendices E and F contain the survey forms submitted to government agencies and NGOs respectively.

The Mid-Term Review assessed the four forms of CSEC as demarcated in the outcome summary of the Second World Congress Against the Commercial Sexual Exploitation of Children: child trafficking, child prostitution, child pornography and child sex tourism. It also added an additional discussion on the supply and demand of children. Due to the expansion of the definition of child trafficking victims to include prostituted domestic minors, the Mid-Term Review notes that it will be appropriate in subsequent reviews to include “child prostitution” in the “child trafficking” category. The following are the most critical findings resulting from the MTR.

KEY FINDINGS

1. Demand. The lack of programs focusing on demand for sexual services of children was one of the greatest gaps and most urgent issues addressed during the Mid-Term Review. Demand for sexual services of children was recognized as the basis for the increasing crisis of victimized children in America. Demand must be addressed through both prevention and prosecution. In this regard, there is a dearth of public awareness programs, treatment options and incarceration alternatives for buyers of commercial sexual exploitation of children.

2. The proliferation of child pornography. Child pornography has increased exponentially in volume and violence, and it is easily distributed due to emergent technologies. It was seen as a cause, symptom and evidence of child exploitation. The growth of on-line child pornography in the U.S. was addressed as a catalyst

for the rise in demand for child victims and child pornography was acknowledged as a gateway to further child sexual exploitation through trafficking, prostitution and sex tourism.

3. An urgent need for more resources. Overall, the need for greater resources was a theme echoed throughout each discussion. Available resources targeted towards effective and secure services for victims, especially physical shelter, are very limited at the local level. Existing funding is dedicated to state foster care systems unable to protect and control this exploited population. NGO service providers are often unable to keep victims secure due to a lack of resources or funding.

4. Cooperation between civil society and law enforcement. A need for continued and improved cooperation between local law enforcement, NGOs and the federal government was identified. While significant and productive partnerships have been built between these entities, closer communication and partnership is needed to effectively fight CSEC in the United States.

5. Further development of legislation. Recent U.S. legislative movement on CSEC has expanded criminal liability for those who economically profit from such activity and extended territorial jurisdiction over CSEC offenders. However, continued legislative initiatives are needed that focus on the protection of, and appropriate services for, child victims. This includes decriminalizing exploited minors by refraining from arresting them for prostitution and not using juvenile detention or the juvenile court delinquency process against CSEC victims; reforming policies and practices within state child protective services (CPS) agencies to more clearly address the needs of CSEC victims; making state age of consent laws more consistent with federal anti-trafficking and CSEC legislation by raising the upper age for protection of child victims; developing and implementing right to residential shelter legislation for CSEC victims; and reforming state laws and local law enforcement and prosecutor policies to facilitate the prosecution of all adult exploiters, including those who purchase sexual services from CSEC victims.

1. CHILD TRAFFICKING

“[Pimps and traffickers] both prey on vulnerable, neglected youth. They both use the same targeting techniques, the same false promises, the same mind control and manipulation. They’re both out for profit. They’re both converting children into cash.”—*Ambassador John Miller, Senior Advisor to the Secretary of State and Director of the Office to Monitor and Combat Trafficking In Persons, U.S. Department of State*⁶

The issue of child trafficking in the U.S. has been in a period of dynamic shift since the Trafficking Victims Protection Act (TVPA) was first passed in 2000. The TVPA changed the central concept of trafficking from transportation to exploitation and reclassified child prostitution victims as child trafficking victims. Since the reauthorization in 2005, this legislation now extends services for sex trafficking victims to any minor under 18 years of age, including

⁶Remarks by Ambassador John Miller at the U.S. Mid-Term Review on the Commercial Sexual Exploitation of Children in America (hereinafter cited as MTR-CSECA) conference. Johns Hopkins University. April 3, 2006.

American citizens and legal permanent residents being sold for commercial sex in the U.S.

1.1. Current Efforts. The federal government, local law enforcement, and nongovernmental organizations have all made considerable progress in developing efforts to address child trafficking in the U.S. since the Second World Congress in Yokohama in 2001. Through the Innocence Lost Initiative created in 2003, the Federal Bureau of Investigation (FBI) and Department of Justice (DOJ) Child Exploitation and Obscenity Section (CEOS), in partnership with the National Center for Missing and Exploited Children (NCMEC) have developed task forces in 16 cities, specific to child trafficking and prostitution issues. These cities were selected for the high volume of CSEC activity and the high risk for children there.⁷ These task forces are key components in the effort because they share information, facilitate crucial trainings and work with local service providers. Both NCMEC and the U.S. Attorney's Office (USAO) offer trainings on CSEC for NGOs and law enforcement personnel.⁸ As of May 2006, the Innocence Lost Initiative has identified over 300 victims, and made 547 arrests with 105 indictments and 80 convictions.⁹

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In a related effort, the Department of Justice is increasingly identifying and prosecuting child traffickers through money laundering and forfeiture laws. During the review process, emphasis was placed on the effectiveness of using financial records to track down and prosecute traffickers.¹⁰ The Department of Health and Human Services (DHHS), Office of Refugee Relocation (ORR) has also launched the Rescue and Restore Campaign, which has developed resource materials, recruited a network of coalition partners, and performed outreach through workshops, conferences, and trainings about human trafficking and how to identify and assist victims. In 2004, ORR awarded \$3.37 million in second-year continuation grants to 14 organizations to fund projects that raise awareness of trafficking in persons and/or provide case management and direct services to victims of all ages.¹¹

NGOs have also developed educational materials, victim restoration programs, legal reform, and victim identification actions. For example, Shared Hope International produced an educational video for those who work with CSEC victims, which reveals the recruitment of children, the perpetrators who cultivate demand, and the marketplace of pimps, johns and victimized youth. This video is designed for social service providers, law enforcement officers and

⁷United States Department of Justice Report on Efforts to Combat the Commercial Sexual Exploitation of Children for the Third World Congress on the Commercial Sexual Exploitation of Children. March 15, 2006. P 2.

⁸United States Department of Justice Report on Efforts to Combat the Commercial Sexual Exploitation of Children for the Third World Congress on the Commercial Sexual Exploitation of Children. March 15, 2006. P 3.

⁹Email correspondence from FBI Crimes Against Children Unit Intelligence Analyst John Hauger to Amanda Kloer. May 2006.

¹⁰Remarks by Wendy Waldron at the MTR-CSECA conference. April 3, 2006.

¹¹Report for the Mid-Term Review on the Commercial Sexual Exploitation of Children in America: HHS Activities to Combat the Sexual Exploitation of Children. March 29, 2006. P 7.

others who work with commercially sexually exploited youth.¹² To improve restoration of child sex trafficking victims, WestCare Nevada opened a treatment unit for behavior modification which recognizes and treats sexually exploited youth as victims. The treatment program lasts about six months and culminates by reuniting the victim with his or her family when appropriate or a safe placement in the state CPS system. Two groups which have funding from ORR to provide services to all internationally trafficked children in the country are the U.S. Conference of Catholic Bishops (USCCB) and Lutheran Immigration and Refugee Service (LIRS). Their work extends beyond providing services, from working on improving legislation to child protection policies, as well as working with local task forces and developing training curricula. Through the work of these NGOs, the U.S. has advanced the challenge of identifying the service needs of internationally and domestically trafficked children and providing services to them.

1.2. Gaps and challenges. The main gaps and challenges in combating child trafficking were identified in the lack of secure shelters for victims, the need for more effective cooperation between NGOs and government agencies, the difficulties in the identification of victims and traffickers, and the lack of preventive measures.

1.2.1. Lack of services and secure shelters for victims of trafficking. Despite excellent progress in the field, the MTR noted that significant gaps still exist in anti-trafficking programs in the U.S. The most notable of these is the lack of secure physical shelters and safe housing for victims of trafficking and the tendency in many states to house trafficking victims in juvenile detention centers.¹³ There are very few facilities that provide secure shelter specifically for child victims of human trafficking, and fewer that provide secure shelter for domestic victims, because the existing funding is earmarked for international victims.¹⁴ Often, before a foreign or domestic child is officially designated as a trafficking victim, no services are funded for that child.¹⁵ Some organizations are able to train established domestic violence shelters to serve CSEC victims. However, these shelters are often full themselves and are not always able to provide shelter and services to victims with the distinct needs of commercially sexually exploited youth.¹⁶ There is also a severe lack of victim services in the United States for victimized boys. For example, as of May 2006, there were no treatment programs available for boys in the state of Nevada, an area in which there are many male victims.¹⁷ The 2005 TVPRA provides for the establishment of three pilot programs for shelters for victims of domestic trafficking in the U.S. However, funding for more shelters is needed.

State CPS agencies also provide shelter and protection programs for child victims of trafficking, but these programs vary from state to state making the identification of victims and prosecution of per-

¹² From MTR-CSECA Questionnaire data.

¹³ Remarks by Rachel Lloyd at the MTR-CSECA conference. April 3, 2006.

¹⁴ Remarks by Myesha Braden at the MTR-CSECA conference. April 3, 2006.

¹⁵ Discussion from the MTR-CSECA conference. April 3, 2006.

¹⁶ Discussion from the MTR-CSECA conference. April 3, 2006.

¹⁷ Remarks by Marlene Richter at MTR-CSECA conference. April 4, 2006.

petrators difficult on a federal level.¹⁸ For example, some state CPS agencies are only mandated to protect children who are being abused by their parents, and they may not be able to take in those being exploited by others.¹⁹ Furthermore, healthcare workers are unaware of the needs of child sex trafficking victims and need training to provide appropriate services.²⁰ Some states have begun to make efforts to fill this gap by recognizing the distinct needs of commercially sexually exploited children. For example, Florida has adopted a promising statewide program which enables CPS to take reports of potential trafficking victims on the CPS emergency abuse and neglect hotline and trains CPS staff on identification of child trafficking victims and the process for referring them to the appropriate services for care. This process has resulted in higher victim identification rates.²¹

1.2.2. Cooperation between NGOs and governmental agencies. Cooperation and coordination among and between service providers, NGOs and government agencies is insufficient. Specifically, there should be a concrete recognition and referral system in place among service providers and between service providers and government agencies. The absence of such a system is due to a lack of funding and resources and a high turnover in trained providers. The issue of distrust between law enforcement and NGOs was also raised. While the overarching goal is to build partnerships between law enforcement and service providers, the results of these collaborations have been both positive and negative.²² Greater cooperation between concerned government agencies would also enhance the struggle against commercial sexual exploitation of children. For example, DHHS, DOJ and the Department of Homeland Security (DHS) have a memorandum of understanding in place which prevents DHHS from certifying an international child trafficking victim without a signed request from the federal law enforcement system. This memorandum of understanding stands in the way of prompt delivery of services to these international child trafficking victims and should be reconsidered or eliminated.²³

1.2.3. Identification of victims and perpetrators. Despite the large numbers of children estimated to be trafficked both from abroad and within the U.S., most victims are not being identified. Victim identification can be a challenge, since child trafficking victims can be American citizens, legal permanent residents, children of foreign nationals, children of documented or undocumented workers, or foreign victims trafficked into the country. There are differences in the level of organization in the trafficking of international victims and domestic victims, as well as differences in the experiences of the victims themselves. One issue for foreign victims is the risk of deportation and re-victimization. Each year, 38,000 children are deported from the U.S., some of who may be unidenti-

¹⁸ Remarks by Dr. Mohamed Mattar at the MTR-CSECA conference. April 3, 2006.

¹⁹ Remarks by Julianne Duncan and Susan Krehbiel at the MTR-CSECA conference. April 3, 2006.

²⁰ Remarks by Brian Willis at the MTR-CSECA conference. April 3, 2006.

²¹ Remarks by Julianne Duncan and Susan Krehbiel at the MTR-CSECA conference. April 3, 2006.

²² Remarks from the MTR-CSECA conference. April 3, 2006.

²³ Remarks by Julianne Duncan at the MTR-CSECA conference and comments by Carol Smolenski. April 3, 2006.

fied trafficking victims.²⁴ Traffickers are often able to keep children enslaved under the threat of deportation. Domestic victims are often controlled by a decentralized network of pimps and traffickers. They are found in street prostitution, massage parlors, brothels, strip clubs, and escort services.²⁵ More research is needed into the pimp-child relationship and the issues of emotional, physical and mental deception and coercion that are inherent in that relationship, as well as mental health problems, such as depression and suicide, within this population of children.²⁶

Each year, 38,000 children are deported from the U.S., some of who may be unidentified trafficking victims.

Age is also a significant issue in identifying victims of CSEC. Many victims are given false identification documents which build into an official identity through repeated arrests.²⁷ Moreover, the legal differences in the definition of age of consent vary from state to state. The age of sexual consent falls between 16 and 18 in most states, including several states with separate penalties for sexual conduct with a minor from 14–16 and under 13. In many states, the homosexual age of consent and the heterosexual age of consent are different.²⁸ This system makes legislation and prosecution on the federal level challenging and especially difficult when the minor has been transported across state lines for commercial sexual exploitation.

In addition to the issue of victim identification and assistance, better identification and prosecution of predators, pimps and traffickers is crucial in order to decrease the number of victimized youths. Gangs increasingly have been noted to be involved in the trafficking of children, especially American children within the U.S.²⁹ Another trend is more organized ethnic groups of criminals victimizing children systematically in ethnically-based brothels and massage parlors. This trend requires investigators who are focused on specific ethnic communities. Closed ethnic brothels and mobile sex rings often present barriers to finding and prosecuting child traffickers.³⁰

1.2.4. Lack of prevention programs. Preventive education and services for both boys and girls are virtually non-existent. In particular, the lack of services available for young men discouraging the sexual abuse of children and promoting respectful relationships may also be a contributing factor to child sex trafficking. Poverty and racism were identified as elements that often encourage young men to become pimps and traffickers when no other viable career options are available.³¹ Less than 5 percent of the organizations surveyed indicated they had conducted an education or awareness campaign directed at at-risk young men.³² The need for such education was identified as a priority.

1.3. Conclusion. Overall, national efforts to fight child trafficking have increased since 2001. The U.S. has renewed and re-

²⁴ Remarks by Marissa Ugarte at the MTR–CSECA conference. April 3, 2006.

²⁵ Remarks by Wendy Waldron at the MTR–CSECA conference. April 3, 2006.

²⁶ Remarks by Myesha Braden at the MTR–CSECA conference. April 3, 2006.

²⁷ Remarks by Wendy Waldron at the MTR–CSECA conference. April 3, 2006.

²⁸ From <http://www.avert.org/aofconsent.htm>. July 16, 2006.

²⁹ Remarks by Myesha Braden at the MTR–CSECA conference. April 3, 2006.

³⁰ Remarks by Wendy Waldron at the MTR–CSECA conference. April 3, 2006.

³¹ Remarks from the MTR–CSECA conference. April 4, 2006.

³² From MTR–CSECA Questionnaire data.

funded successful anti-trafficking legislation, increased prosecutions of child traffickers, created systems for recognition and identification and developed new and better services for victims. However, the U.S. also recognizes the need to continue this progress by developing even more victim services, especially secure physical shelter, to fill the national shortage.

2. CHILD PROSTITUTION

“Child prostitution in the United States is widespread and indiscriminate. The size of the city or town doesn’t matter. It’s anywhere and it’s connected—it’s networked. Enforcement is highly problematic.”—*Drew Oosterbaan, Chief of the Child Exploitation and Obscenity Section of the Department of Justice*³³

Child prostitution in the United States is a significant and growing problem. According to some estimates, the average age of entry into prostitution or the commercial sex industry in the U.S. is 11–13 years old.³⁴ Victims of child prostitution may experience emotional and psychological trauma, physical abuse, and higher risks for sexually transmitted diseases. Child prostitution has always been a state crime, but the inclusion of child prostitution victims as trafficking victims under the 2005 TVPRA has involved the federal government.

2.1. Current efforts. The U.S. federal government has taken important steps in addressing child prostitution since 2001, specifically focusing programs on following a victim-centered approach. The Innocence Lost Initiative, a project of DOJ/CEOS, FBI and NCMEC trains state and local officials and NGOs on identification and protection of prostituted children, as well as detection and prosecution of pimps and johns in several cities which have high incidences of child prostitution. More than 300 key law enforcement personnel have been trained to date. Additionally, DOJ has trained upwards of 1000 people on victim identification.³⁵ The FBI has used the enterprise theory in their investigations by relying heavily on intelligence and cooperation with state and local partners. Unlike traditional investigative theory, which relies on law enforcement’s ability to react to a previously committed crime, enterprise theory encourages a proactive attack on the structure of the criminal enterprise.³⁷

DHS Immigration and Customs Enforcement (ICE) and DOJ Office of Juvenile Justice and Delinquency Prevention (OJJDP) task forces have also worked diligently with state and local police to allow federal agencies to investigate more crimes against children, while building the capacity of local law enforcement to investigate child prostitution.³⁸ For a long time DHHS has funded a street outreach program for runaway and homeless youth, including the Na-

³³ Remarks by Drew Oosterbaan at the MTR–CSECA conference. April 4, 2006.

³⁴ <http://www.usdoj.gov/criminal/ceos/prostitution.html>

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³⁶ United States Department of Justice Report on Efforts to Combat the Commercial Sexual Exploitation of Children for the Third World Congress on the Commercial Sexual Exploitation of Children. March 15, 2006. P 3.

³⁷ Remarks by John Hauger at the MTR–CSECA conference. April 3, 2006.

³⁸ DHS Reporting on Combating Commercial Sexual Exploitation of Children. March 2006. P

tional Runaway Switchboard. The switchboard handles more than 115,000 calls each year.³⁹

NGOs and local law enforcement have further developed effective strategies for victim identification, direct outreach and victim-centered prosecution. Girls Educational and Mentoring Services (GEMS) has focused its primary outreach efforts towards young women in the criminal justice system, foster care system and on the streets. GEMS provides holistic case management, long-term mentoring and other specialized supportive services.⁴⁰ Similarly, the Paul and Lisa Program provides food, clothing and other physical supplies through their street outreach program. They actively seek out victims and refer them to shelter and restoration programs.⁴¹ To support victim-centered prosecution, the Child Exploitation Unit of the Atlanta Police Department uses victim testimony minimally for prosecution to protect the victim's mental health. Instead, they build cases based on investigative evidence and documents.⁴²

2.2. Gaps and challenges. Despite the improvement of U.S. federal government initiatives, major challenges in assisting victims of child prostitution remain. The main challenges in combating child prostitution were identified as the difficulty of obtaining victims' cooperation with the authorities, the lack of funding for protection programs, training and education and the creation of effective substantive and procedural legislation.

2.2.1. Victims' cooperation with the authorities. Frequently, psychological coercion and abuse cycles start at an early age, inducing victims to repeatedly return to exploitation. Many child prostitution victims have been deceived or coerced by an older pimp into believing they are in a loving relationship. The victim, therefore, may be reluctant to abandon or testify against the man she calls her "boyfriend."⁴³ Additionally, there is often resistance on the part of victims to cooperate with law enforcement and prosecutors due to a lack of trust. This trust is often difficult to create since many victims have been told by pimps that law enforcement officers will imprison or deport them.⁴⁴ This mistrust persists because some local law enforcement officers and juvenile court judges fail to view prostituted children as victims.

According to some estimates, the average age of entry into prostitution or the commercial sex industry in the U.S. is 11–13 years old.

2.2.2. Lack of funding for protection programs. NGOs and service providers are needed to provide secure restoration facilities and counseling to victims to help them to leave their situation permanently. However, due to lack of funding and resources, less than 20 percent of groups surveyed were able to provide physical shelter to child prostitution victims. These service providers also cited a lack of resources in being able to provide basic food and clothing

³⁹ Report for the Mid-Term Review on the Commercial Sexual Exploitation of Children in America: HHS Activities to Combat the Sexual Exploitation of Children. March 29, 2006. P 10.

⁴⁰ <http://www.gems-girls.org/outreach.html>

⁴¹ From U.S. Mid-Term Review on the Commercial Sexual Exploitation of Children in America Questionnaire data.

⁴² Remarks by Sgt. Ernest Britton at the MTR–CSECA conference. April 3, 2006.

⁴³ Remarks by Sharon Marcus-Kurn at the MTR–CSECA conference. April 3, 2006.

⁴⁴ Remarks by Myesha Braden at the MTR–CSECA conference. April 3, 2006.

needs, counseling and restorative services.⁴⁵ In addition to more facilities, a greater presence of law enforcement is needed to combat child prostitution in the U.S. Often there are limited numbers of agents assigned to CSEC issues in general, and very few assigned specifically to child prostitution. In Washington, D.C., before the creation of the D.C. Human Trafficking Task Force, there were only three FBI agents assigned to crimes against children. Now, however, that number has grown, and participating agents and prosecutors have successfully prosecuted numerous criminals.⁴⁶

Law enforcement officials must also continue to cooperate on state and federal jurisdiction issues. Both public defenders and police are often faced with the decision of physically detaining the victim or allowing her or him to return to exploitation. If police place the victim in a state juvenile detention center, there is often a negative public reaction. Yet, if the victims are sent to unsecured shelters, there is a risk they will leave and return to their pimp at the first opportunity.⁴⁷ Most shelters which have been established to deal with other populations of victims, for example adult domestic violence victims, worry about the security risks of housing prostituted minors, as these shelters will often receive threats by organized crime or pimps. If minors are sent back home, advocates worry that they will face the same abusive situations at home or in the foster care system which caused them to become runaways or throwaways.⁴⁸ While some task forces have begun to address the issue of training for law enforcement, public defenders and prosecutors, more work remains to be done.

Over 35 children are arrested for prostitution in Washington, D.C. alone each year.

Educating public defenders and judges to view prostituted children as victims as opposed to criminals is especially important.⁴⁹ Knowledge of the legal definition of a trafficking victim in the U.S. helps public defenders identify victims and recommend appropriate services. Each year, thousands more minors are arrested for criminal prostitution than receive victim services as trafficking victims. Over 35 children are arrested for prostitution in Washington, D.C. alone each year.⁵⁰ Such arrests are contradictory to anti-trafficking law; children under the age of 18 (or in some states 16 or 17) cannot legally consent to sexual contact, therefore they cannot be committing a crime. This includes adolescents in prostitution, who tend to be viewed by law enforcement as criminals rather than victims deserving support and services.⁵¹

2.2.3. Creation of effective substantive and procedural legislation. Another challenge of combating child prostitution is the creation of effective laws and successful prosecutions. For example, there have been twelve new state laws on child trafficking and prostitution passed since the Second World Congress, but there

⁴⁵ From U.S. Mid-Term Review on the Commercial Sexual Exploitation of Children in America Questionnaire data.

⁴⁶ Remarks by Myesha Braden at the MTR-CSECA conference. April 3, 2006.

⁴⁷ Remarks by Sgt. Ernest Britton at the MTR-CSECA conference. April 3, 2006.

⁴⁸ Remarks by Susan Krehbiel at the MTR-CSECA conference. April 3, 2006.

⁴⁹ Remarks by Julianne Duncan at the MTR-CSECA conference. April 3, 2006.

⁵⁰ Remarks by Myesha Braden at the MTR-CSECA conference. April 3, 2006.

⁵¹ Remarks by Rachel Lloyd at the MTR-CSECA conference. April 3, 2006.

have been no convictions under them.⁵² This indicates state laws might be faulty or under-utilized by local law enforcement and prosecutors. The language of law is also significant in this issue. The current legal definition of commercial sexual exploitation includes explicit performance such as stripping, nude dancing, webcam performances, and live explicit performance.⁵³ However, these areas of CSEC are rarely addressed to the same degree as child trafficking, prostitution, pornography, and sex tourism. Explicit performance could be included as part of a discussion on child prostitution or pornography, or as a separate topic. This topic lacks both the research and victim identification efforts other topics have received. In order to begin recognizing prostituted children as victims rather than criminals, state and local legislation needs to be modified to decriminalize prostitution charges for children less than 18 years of age.

Procedural reforms are also needed to allow prosecution of perpetrators without victim/witness testimony. Requiring victims to testify against their exploiters can sometimes lead to re-victimization as the child must relive the trauma in a courtroom. This can be even more difficult when the exploiter deceived or coerced the victim into believing their relationship was “love.” However, there are techniques to avoid re-victimization, including using closed circuit television to take depositions.⁵⁴ Prosecutors can also build cases with evidence other than victim testimony, as is the practice in homicide cases.⁵⁵ However, this process can make convictions more difficult to secure.

2.3. Conclusion. Overall, steps have been taken since 2001 to combat child prostitution in the United States. Defining sexually exploited minors as victims of human trafficking in the U.S. brings a whole new way of thinking about these children for whom protection and services have never been substantially available. Victims of child prostitution now have access to additional protective services, and prosecutors and law enforcement officials have better tools to apprehend the pimps and exploiters. However, the need remains for more services, education and training, effective and substantive federal and state legislation, and the continuation of effective partnerships with civil society.

3. CHILD PORNOGRAPHY

“Our data establishes that 39 percent of the offenders identified and prosecuted have had Images images of children younger than 6. 19 percent have had images of children younger than 3. The demand is for younger and younger victims and the images are becoming more graphic and more violent. [Child pornography] is an exploding problem that America and the world don’t understand.”—*Ernie Allen, President and Chief Executive Officer, National Center for Missing and Exploited Children*⁵⁶

⁵² Remarks by Derek Ellerman at the MTR–CSECA conference. April 3, 2006.

⁵³ Remarks by Dr. Mohamed Mattar at the MTR–CSECA conference. April 3, 2006.

⁵⁴ Remarks by Myesha Braden at MTR–CSECA conference. April 3, 2006.

⁵⁵ Remarks by Susan Broderick at the MTR–CSECA conference. April 3, 2006.

⁵⁶ Remarks by Ernie Allen at the MTR–CSECA conference. April 3, 2006.

With the development of the internet, the amount and variety of child pornography created, bought, sold, and traded has exploded. The sheer volume of child pornography in existence has increased exponentially since 1995 due in part to technology such as the digital camera and the internet. Since 1982, when the Supreme decided in *New York vs. Ferber* that child pornography was not protected speech,⁵⁷ child pornography came to be understood not only as illegal images, but also as documentation of child sexual abuse.⁵⁸ The new technological dimension of child pornography has made it both an international and domestic issue, as alliances and partnerships between both perpetrators and law enforcement often extend overseas. The MTR addressed child pornography in terms of current efforts and challenges of victim identification and protection, technology, legislation, and private industry initiatives.

3.1. Current efforts. To address the issue of child pornography, DOJ/CEOS and FBI partnered with NCMEC and America's Most Wanted to create the Innocent Project. Innocent Images works to find and protect victims of child pornography as well as prosecute producers and distributors.⁵⁹ As part of this initiative, NCMEC has reviewed over three million pornographic images and identified some 660 child victims.⁶⁰ Additionally, both DOJ and the Cyber Crimes Unit of Immigration and Customs Enforcement (ICE) of DHS are investigating and prosecuting the distribution of child pornography globally through the use of online groups or communities, file servers, Internet relay chat, e-mail, peer-to-peer networks and websites. ICE has cooperated with Interpol to create an international database of child pornography victims as part of Operation Falcon.⁶¹ The National Child Victim Identification System (NCVIS) is also managed and administered by ICE and aims to identify child victims through internet tracking. As of July 2005, they have logged more than 100,000 images, with a 91.22 percent successful identification rate.⁶² Federal prosecution of child pornography and abuse cases increased from 350 cases in 1998 to over 1,400 cases in 2005.⁶³

In a related effort, OJJDP funded the Internet Crimes Against Children (ICAC) Task Force Program. The ICAC Task Force Program was created to help state and local law enforcement agencies enhance their investigative response to offenders who use the Internet, online communication systems, or other computer technology to sexually exploit children.⁶⁴ As of May 2006, there are plans for an increase to 46 task forces representing over 1,200 local, state, and federal agencies around the country.

In addition to the U.S. government efforts to combat child pornography, private industry in the U.S. has made significant steps

⁵⁷ <http://www.prostitutionrecovery.org/prostitution#timeline.html>

⁵⁸ Remarks by Claude Davenport and Ernie Allen at the MTR-CSECA conference. April 3, 2006.

⁵⁹ United States Department of Justice Report on Efforts to Combat the Commercial Sexual Exploitation of Children for the Third World Congress on the Commercial Sexual Exploitation of Children. March 15, 2006. P 10

⁶⁰ Remarks by Ernie Allen at the MTR-CSECA conference. April 3, 2006.

⁶¹ DHS Reporting on Combating Commercial Sexual Exploitation of Children. March 2006. P 3

⁶² DHS Reporting on Combating Commercial Sexual Exploitation of Children. March 2006. P 4

⁶³ Remarks by Damon King at the MTR-CSECA conference. April 3, 2006.

⁶⁴ <http://www.icactraining.org/About.htm>

in protecting their technology from abuse by child exploiters. All internet service providers are legally required to report these potential child pornography offenses to NCMEC, but some are going above and beyond this mandate.⁶⁵ Both Microsoft and America Online (AOL) are using their technology to block children from sexual material and to detect child predators. The Internet Safety Program, a partnership between Microsoft and NCMEC, uses software to identify and analyze images of child pornography, report the images to NCMEC, and deny the purveyors profit. This partnership also conducts trainings for law enforcement globally; to date they have trained 1,300 law enforcement officers from 89 countries on the issue of high tech crime relating to CSEC. Microsoft has been a leader in developing tracking capacities to detect child pornography and information-sharing systems for law enforcement, including a partnership between Interpol and the Microsoft Virtual Global Task Force.⁶⁶ Many advocates look to them as a model for incorporation of other internet service providers into child protection programs. NCMEC has also been working with leading credit card companies and financial corporations to build a financial coalition against child pornography. This coalition would prevent buyers of child pornography from using electronic billing or disguised charges, thereby reducing the anonymity of the internet.⁶⁷

AOL has worked with ICE and CEOS to identify and report images of child pornography and the individuals who distribute them. AOL has created a uniform methodology to identify, report and preserve evidence of child pornography or prostitution in a way that can help prosecuting U.S. agencies build a case and service providers identify and protect the victim. The image detection filtering protocol AOL developed has proved successful in reducing the spread of child pornography within AOL networks.⁶⁸

3.2. Gaps and challenges. The main challenges faced when addressing the problem of child pornography were identified as difficulty in identifying victims, emergent technology as a facilitator for child pornography, and the need for effective legislation.

3.2.1. Identification and protection of victims. As with child trafficking and prostitution, one of the main challenges in combating child pornography is the identification and protection of victims. Since NCMEC established its Cybertip website, they have received over 360,000 tips helping to identify victims. Statistics on child pornography victims are sometimes confusing in victim identification, since some statistics may contradict conventional wisdom on sexually exploited children.⁶⁹ While CSEC victims are often assumed to be female, up to 50 percent of child pornography victims are boys.⁷⁰ As part of a sad and growing trend, young boys are using camcorders and webcams to exploit themselves over the internet for money. Still, only about 5 percent of all exploitative images are self produced.⁷¹ An estimated 80 percent of all child pornography producers are family members or close friends of the fam-

⁶⁵ Remarks by John Ryan at the MTR-CSECA conference. April 4, 2006.

⁶⁶ Remarks by Richard LaMagna at the MTR-CSECA conference. April 4, 2006.

⁶⁷ Remarks by Ernie Allen at the MTR-CSECA conference. April 3, 2006.

⁶⁸ Remarks by John Ryan at the MTR-CSECA conference. April 3, 2006.

⁶⁹ Remarks by Claude Davenport at the MTR-CSECA conference. April 3, 2006.

⁷⁰ Remarks by Vitit Muntarbhorn at the MTR-CSECA conference. April 3, 2006.

⁷¹ Remarks by Claude Davenport at MTR-CSECA conference. April 3, 2006.

ily, and of that 80 percent, almost 50 percent are family members.⁷² Demand is growing for images of younger victims, many as young as three years old, engaged in more graphic and violent acts.⁷³

An estimated 80 percent of all child pornography producers are family members or close friends of the family, and of that 80 percent, almost 50 percent are family members.

3.2.2. Technology as a facilitator of child pornography. As of May 2006, less than half of surveyed NGO organizations had developed programs which target technology as a facilitator of CSEC.⁷⁴ However, the emergent world of technology plays a vital role in the distribution of child pornography. Before the internet, images had to be transferred via U.S. mail, and federal agents were able to track them down more easily.⁷⁵ Today, child exploitation images can be shared over the internet through streaming or downloadable media, email, peer-to-peer file sharing servers, online chat rooms, messaging services and through emerging technologies such as video mp3 players, video and photo cell phones, and networked video game systems.⁷⁶ The vast expansion of these technologies provide a constant challenge to law enforcement to stay one step ahead of the predators technologically. Similarly, the development of the digital camera and digital video camera has created a method for exploiters to make images of child sexual abuse without the risk of getting caught. Another challenge is the sophistication of many child pornography websites. Organized crime groups are increasingly using child pornography sites to steal users' identities and extort money from them, because they are confident the child pornography users will not report the identity theft to the police.⁷⁷ Furthermore, there is an international aspect to child pornography websites. Images of child exploitation are often maintained by nationals of numerous countries. Taking down commercial websites of child pornography may entail using interagency and international cooperation, crossing borders and jurisdictions to make arrests, and organizing prosecutions between national governments.⁷⁸ Child pornography sites are also put up and taken down quickly to avoid detection by law enforcement, making quantifying the number available at any given time difficult.

Today, child exploitation images can be shared over the internet through streaming or downloadable media, email, peer-to-peer file sharing servers, online chat rooms, messaging services and through emerging technologies such as video mp3 players, video and photo cell phones, and networked video game systems.

3.2.3. Creation of effective legislation. Further development is needed in legislation criminalizing production, distribution and possession of child pornography, both domestically and abroad. In the U.S., any activity related to child pornography is a felony at

⁷² Remarks by Ernie Allen at the MTR-CSECA conference. April 3, 2006.

⁷³ Remarks by Ernie Allen at the MTR-CSECA conference. April 3, 2006.

⁷⁴ From MTR-CSECA Questionnaire data.

⁷⁵ Remarks by Claude Davenport at the MTR-CSECA conference. April 3, 2006.

⁷⁶ Remarks at the MTR-CSECA conference. April 3, 2006. Transcript P 225-235

⁷⁷ Remarks by Claude Davenport at the MTR-CSECA conference. April 3, 2006.

⁷⁸ Remarks by Claude Davenport at the MTR-CSECA conference. April 3, 2006.

the federal level, but may be a misdemeanor in some states.⁷⁹ There is also an especially heavy burden of proof on the prosecution in child pornography cases. Over 90 percent of NGOs surveyed felt that current funding for CSEC legislative measures in the U.S. was not adequate, and 73 percent felt that the legislation that is available is not sufficiently used by prosecutors.⁸⁰ Ninety-five countries still do not have laws that criminalize child pornography.⁸¹ Of the remaining countries that do have legislation specifically addressing child pornography, 54 countries do not define child pornography in national legislation; 27 countries do not provide for computer-facilitated offenses; and 41 countries do not criminalize possession of child pornography regardless of the intent to distribute.⁸²

3.2.4. More resources for both prevention and prosecution.

There is far too much child pornography being produced for investigators and prosecutors to keep abreast of it. More resources are needed for investigators to track down and make cases against those who produce and distribute child pornography. Furthermore, more resources are needed to educate community members, legislators, ISPs and others about what child pornography is and what can be done to fight its production and distribution.

3.3. Conclusion. Since 2001, U.S. policies and programs have increased dramatically to address the growing industry of child pornography. Due to the rapidly changing nature of technology, U.S. government agencies, social service providers, and technology industry companies must continuously reevaluate and grow child protection programs. The U.S. recognizes the need to continue updating technology and work with international organizations and governments to remove child pornographic websites and punish those profiting from them. The U.S. is still in the very beginning stages of grappling with child pornography and all of its consequences.

4. CHILD SEX TOURISM

Child sex tourism is both an international and domestic issue. In the past few years, both government and nongovernmental groups in the U.S. have begun to address the issue of domestic and international child sex tourism. Cities in the U.S. such as Las Vegas with a huge tourism industry can be destinations for domestic sex tourists seeking to exploit children. The MTR examined child sex tourism in terms of current efforts, victim identification and protection, legislation and prosecution.

4.1. Current efforts.

“Since the U.S. has turned up the heat around the world under the PROTECT Act, a child sex tourist might start to think ‘Buy American.’ If that child sex tourist used to go to other countries, and now law enforcement is increased abroad, why wouldn’t he go to Miami or California and ‘Buy Amer-

⁷⁹ Remarks by Damon King at the MTR–CSECA conference. April 3, 2006.

⁸⁰ From MTR–CSECA Questionnaire data.

⁸¹ Remarks by Claude Davenport at the MTR–CSECA conference. April 3, 2006.

⁸² International Centre for Missing and Exploited Children. 2006. Child Pornography: Model Legislation and Global Review. iv.

ican?"—Linda Smith, *Founder and President, Shared Hope International*⁸³

Before 2003, child sex tourism was a difficult crime to prosecute in the U.S. However, since the passage of the PROTECT Act of 2003, there have been over 50 indictments and 29 convictions of Americans involved in child sex tourism. The PROTECT Act expands American legal jurisdiction to U.S. citizens anywhere in the world engaging in sex tourism with a child under 18 years old. Intent is not required for a conviction, and attempt is also a crime.⁸⁴ The PROTECT Act has been an important tool in allowing law enforcement to capture and prosecute child sex tourists either before or after their crime has been committed. Both DOJ/CEOS and DHS/ICE have supported the passage and implementation of this legislation to give law enforcement tools to prevent child sex tourism and prosecute offenders.⁸⁵

NGOs and private industry are developing successful programs and partnerships to address child sex tourism through the travel industry. For example, ECPAT Sweden and Nordic Tour Operators created the International Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism, which provides an opportunity for hotels and travel agencies to actively combat child sex tourism through staff training and programs. It is supported by the U.S. Department of State and the World Tourism Organization and is funded by UNICEF. While the Code has enjoyed great success internationally, concern was expressed over the reluctance of many American companies to sign the Code of Conduct, possibly due to fear of liability and loss of income. Corporations have cited the independence of franchises as a reason for their inability to sign the Code of Conduct. Carlson Companies, owners of Radisson Hotels, Country Inns & Suites, Carlson Wagonlit Travel Agents and many other brands, is the only large American travel company to sign the Code of Conduct, although a few other small U.S. companies have signed it as well. Carlson Companies entered into a partnership with ECPAT International because they believe that combating child sex tourism is not only the best choice ethically, but it also helps protect them from potential litigation involved in child exploitation. The American child protection community looks to Carlson Companies' participation as a model to involve other corporations in preventing child sex tourism.⁸⁶

The PROTECT Act expands American legal jurisdiction to U.S. citizens anywhere in the world engaging in sex tourism with a child under 18 years old.

4.2. Gaps and challenges. The main challenge in fighting child sex tourism were identified as combating the impression that many people have that it is legally and culturally acceptable to sexually exploit children in other countries. Other challenges are the protec-

⁸³ Remarks by Linda Smith at the MTR–CSECA conference. April 4, 2006.

⁸⁴ Remarks by Drew Oosterbaan at the MTR–CSECA conference. April 4, 2006.

⁸⁵ United States Department of Justice Report on Efforts to Combat the Commercial Sexual Exploitation of Children for the Third World Congress on the Commercial Sexual Exploitation of Children. March 15, 2006. P 4; DHS Reporting on Combating Commercial Sexual Exploitation of Children. March 2006. P 3.

⁸⁶ Remarks by Carol Smolenski at the MTR–CSECA conference. April 4, 2006.

tion and identification of victims, identification of perpetrators, and securing cooperation of victims with the authorities.

4.2.1. Identification and protection of victims. As with all forms of CSEC, identifying and protecting victims of child sex tourism can be challenging. International victims may be especially vulnerable due to conditions of poverty, political instability, or poor health. They may live in a country that lacks the protective social structures available in the United States.⁸⁷ Domestic victims may have also experienced poverty, familial abuse or emotional coercion. In the U.S., both domestic and international victims are often forced into prostitution and/or pornography. They are then moved around on an internal circuit to keep “fresh faces” for the child sex tourists and to keep the children disoriented.⁸⁸ Reverse sex tourism is also a noted new trend. It refers to criminals bringing foreign minors into the U.S., often under false marriage documents. These children are officially “visiting”, but are really being used for sexual exploitation, frequently by one individual.⁸⁹

4.2.2. Identification of perpetrators. Child sex tourists are often categorized as either preferential or situational offenders. Preferential offenders are individuals who are exclusively or primarily attracted to prepubescent or post-pubescent minors, including clinical pedophiles. Preferential child sex tourists may actively seek out children to exploit. Situational child sex tourists are individuals who may not actively be seeking to exploit a child, but may do so under ignorance, peer pressure, the influence of drugs or alcohol, or other reasons. Both categories of offenders present a significant threat.⁹⁰ Unfortunately, many child sex tourists are Americans. While some American abusers participate in child sex tourism abroad, others abuse domestic victims or bring foreign victims to the U.S. One U.S. location identified as an area in which child sex tourism takes place is Las Vegas, Nevada. Tourists visiting Las Vegas may believe they can engage in child sex tourism without detection or punishment because of the “what happens in Vegas, stays in Vegas” media campaign and attitude.⁹¹

4.2.3. Cultural stereotypes and expectations. One serious challenge in fighting child sex tourism was identified as combating the impression many people have that it is acceptable to sexually exploit children in other countries. The main reason child sex tourism is a problem is because so many people, Americans among them, believe it is acceptable to abuse poor children from another country. Child sex tourists are able to use factors such as race, ethnicity, religion, and socioeconomic status to justify their abusive behavior. Combating these cultural stereotypes is a necessary step to fighting child sex tourism.

4.2.4. Victims’ cooperation with the authorities. As in child prostitution investigations, child sex tourism victims run the risk of being re-victimized when forced to testify in court against their offenders. While face-to-face contact with a victim may help convince some juries to convict an offender, aggressive questioning by

⁸⁷ Remarks by Kim Mueller at the MTR–CSECA conference. April 4, 2006.

⁸⁸ Remarks from the MTR–CSECA conference. April 4, 2006.

⁸⁹ Remarks by Wendy Waldron at the MTR–CSECA conference. April 3, 2006.

⁹⁰ Remarks from the MTR–CSECA conference. April 4, 2006.

⁹¹ Remarks by Marlene Richter at the MTR–CSECA conference. April 4, 2006.

the defense and reliving her or his trauma can cause the child overwhelming harm. Additionally, foreign child sex tourism victims are often not available to U.S. law enforcement; it takes resources to travel overseas to interview child victims and/or to bring them to the U.S. to testify. Victims often cannot be located at all because their families have been bribed or threatened by the trafficker or child sex tourist.⁹² Cooperation with local NGO's is helpful in overcoming these challenges. Child sex tourism cases are very expensive and time-consuming to prosecute since they often involve both U.S. and foreign law enforcement.

4.3. Conclusion. Overall since 2001, the U.S. has developed excellent legislative tools, such as the PROTECT Act, to combat child sex tourism. American law enforcement continues to work closely with international organizations to identify and prosecute American child sex tourists abroad and foreign child sex tourists in the U.S. The U.S. recognizes the need to encourage greater participation of private industry in preventing this crime and will continue to develop and improve national programs and partnerships. Much more work is needed to educate potential American sex tourists and get U.S. government support for prevention programs.

5. SUPPLY AND DEMAND

While the subject of supply and demand is not usually considered a separate category of CSEC, this discussion was timely and vital to have in order to facilitate conversation among child protectors within the U.S. and with the international community. Since the commercial sale of children takes place within a marketplace structure, the components of supply and demand must be understood in order to eventually reduce both within that marketplace. Supply is caused by the conditions of vulnerability and availability of children, including poverty, physical or sexual abuse, neglect, homelessness, and emotional coercion. Demand is created by the consumers of commercial sexual services and by the pimps and traffickers who profit from the sale of children. Demand is a major issue of the commercial sexual exploitation of children. The MTR addressed supply and demand in terms of current efforts, cultural acceptance, prosecution, and public awareness.

5.1. Current efforts.

“While we can and should work towards creating awareness, identifying, rescuing and providing much needed services to victims, we also need to be seriously concerned with the prevention of demand and supply that continues to perpetuate the tragedy of modern day slavery.”—*Vanessa Garza, Director of the Anti-Trafficking in Persons Division, U.S. Department of Health and Human Services Administration for Children and Families*⁹³

The U.S. government recognizes the need to reduce both the supply of vulnerable children and the demand for their services. OJJDP has funded two demonstration programs in New York City and Atlanta, which include public awareness campaigns aimed at potential exploiters of children and criminal penalties for perpetra-

⁹² Remarks by Drew Oosterbaan at the MTR-CSECA conference. April 4, 2006.

⁹³ Remarks by Vanessa Garza at MTR-CSECA conference. April 4, 2006.

tors.⁹⁴ However, the effectiveness and longevity of these campaigns have not been evaluated. They have also developed the National Sex Offender Public Registry, available online at www.nsopr.org. This database exists to inform American citizens of the proximity of any registered sex offenders to their children.⁹⁵ DHHS has also funded local service providers in order to increase public awareness among vulnerable populations, thereby working to reduce supply, although this effort focuses on international victims of human trafficking in general, not on child sexual exploitation and trafficking in the U.S. In 2005, ORR awarded 18 grants to NGOs for street outreach to vulnerable populations of all kinds, including men, women and children for both labor and sexual exploitation. DHHS is also building coalitions on the state, city and national levels, including awareness campaigns targeted at specific racial and ethnic communities, again mostly focused on international trafficking victims.⁹⁶

NGOs have developed some of the earliest and most effective programs to target demand for commercially sexually exploited children. Shared Hope International created The Defenders, a domestically-focused preventative program which targets males who are current or potential consumers of pornography and child pornography. The Defenders aims to reveal the link between pornography and demand through public education and awareness. This program has a nationwide base of more than 1,200 men actively working to reduce demand.⁹⁷ Similarly, Standing Against Global Exploitation (SAGE) created a Johns School program intended to educate buyers of child sexual exploitation and deter future demand from those individuals. As of April 2006, the program has served over 7000 men, and has a 98 percent success rate, meaning only 2 percent of the men that have gone to a Johns School have been re-arrested.⁹⁸ Additionally, NCMEC has conducted public awareness campaigns to reduce supply using public service announcements to empower teens to make safer online choices and protect themselves from online predators.⁹⁹ Together, these programs are the early stages of what is needed in the US to reduce the cycle of supply and demand.

5.2. Gaps and challenges. One of the main concerns related to the issue of demand for CSEC is the normalization of this practice though social and cultural acceptance. Raising awareness of the problem is therefore crucial, especially to bring to the surface more hidden issues, such as the normalization of commercial sexual exploitation of teenagers and the involvement of female perpetrators.

5.2.1. Normalization of CSEC. One major concern is that through the slow, cultural acceptance of demand for child victims, the commercial sexual exploitation of children is becoming normal-

⁹⁴ United States Department of Justice Report on Efforts to Combat the Commercial Sexual Exploitation of Children for the Third World Congress on the Commercial Sexual Exploitation of Children. March 15, 2006. P 2

⁹⁵ United States Department of Justice Report on Efforts to Combat the Commercial Sexual Exploitation of Children for the Third World Congress on the Commercial Sexual Exploitation of Children. March 15, 2006. P 5

⁹⁶ Report for the Mid-Term Review on the Commercial Sexual Exploitation of Children in America: HHS Activities to Combat the Sexual Exploitation of Children. March 29, 2006. P 2

⁹⁷ From MTR-CSECA Questionnaire data.

⁹⁸ Remarks by Norma Hoteling at the MTR-CSECA conference. April 4, 2006.

⁹⁹ From MTR-CSECA Questionnaire data.

ized and accepted. One indication of this trend is the large number of “respectable” men who consume the sexual services of commercially exploited youth in child pornography and prostitution. Many of these men engage in acts which if performed with a neighborhood child or child of a friend would clearly be considered child sexual abuse. However, because these actions are part of a commercial transaction, the child is criminalized instead of the consumer. In 2002, only 34% of prostitution arrests were of male consumers. The other 66% were of women and children.¹⁰⁰ Language, in this case, is also significant. Use of the word “john” to refer to a CSEC user instead of “perpetrator” or “sex abuser” may aid in normalization. “Client” also implies certain legitimacy within a commercial market; legitimacy cannot exist in the illegal market of child exploitation.¹⁰¹

In 2002, only 34% of prostitution arrests were of male consumers. The other 66% were of women and children.

Specifically, the spread of child pornography was identified as being a catalyst for increased demand for both more images of child exploitation and victims of child trafficking, prostitution and sex tourism. Only by increasing the social and legal cost to the child pornography producer, buyer, seller, or viewer is it possible to prevent pornographic images from fueling the sex trade.¹⁰²

5.2.2. Identifying and prosecuting perpetrators. One concern expressed was the apparent growing involvement of female perpetrators recruiting children into prostitution and running their own pimping businesses. Law enforcement should be ready to identify, investigate, and prosecute the female perpetrators as well as their male counterparts.¹⁰³ Similarly, there is a call for greater political will to prosecute offenders who commercially sexually abuse teenagers, not just very young children. A great need for demand deterrent programs was also identified, especially preemptive programs. While most of the Johns School programs in the U.S. are successful at preventing re-arrests, there are very few currently in operation and they do not address preemptive prevention.¹⁰⁴ Additionally, there is a need for more demand-focused legislation.¹⁰⁵

5.2.3. Awareness campaigns. There is also a need for increased targeted public awareness campaigns aimed at the individuals who create demand for CSEC victims. This includes identifying the catalysts for demand and pinpointing the causes behind the increase in demand for commercial sexual services of children. It is important not to lose sight of the education of potential victims, but to add a shift of the lens to analyze and identify the victimizer.¹⁰⁶ Reducing child trafficking, child prostitution, child pornography, and child sex-tourism needs to be part of a holistic approach to all exploitative commercial sexual activity and the individuals that create that demand, both buyer and seller.

5.3. Conclusion. Since 2001, U.S. organizations and agencies have increased understanding of the supply and demand of CSEC

¹⁰⁰ Remarks by Norma Hotaling at the MTR–CSECA conference. April 4, 2006.

¹⁰¹ Remarks by Norma Hotaling at the MTR–CSECA conference. April 4, 2006.

¹⁰² Remarks by Lou DeBaca at the MTR–CSECA conference. April 4, 2006.

¹⁰³ Report from the U.S. Midterm Review on

¹⁰⁴ Remarks by Norma Hotaling at the MTR–CSECA conference. April 4, 2006.

¹⁰⁵ From MTR–CSECA Questionnaire data.

¹⁰⁶ Remarks from the MTR–CSECA conference. April 4, 2006

victims and developed programs to address both issues. There has been a significant call to address demand from consumers and purchasers of CSEC and to view them as child sex abusers and exploiters. The U.S. will continue to strengthen anti-demand programs and legislation, recognizing the need for better language and more services within these efforts. The U.S. also will continue to address the conditions of vulnerability and availability which lead to the supply of children.

NEXT STEPS FROM THE MID-TERM REVIEW

During the Mid-Term Review process, the United States child protection community of experts was able to identify their best practices, gaps in programming, and challenges faced in the field. These next steps are drawn from that information and presented as suggestions for continued action or change in action in order to more effectively work toward the elimination of CSEC in the U.S.

I. Next Steps for All Child Protection Advocates:

1. Continue and increase commitment to the protection of commercially sexually exploited children, prevention of commercial sexual exploitation of children and prosecution of child exploiters.
2. Continue and increase cooperation and coalition building between NGOs, government agencies, local law enforcement, the private sector and community activists.
3. Target the use of technology in CSEC through creative solutions, prudent and up-to-date use of technology and more partnerships with technology industries.
4. Focus on reducing demand through public awareness, research, legislation, programs and prosecutions.
5. Develop an effective mechanism for quantifying the number of victims on an international, national and regional basis.
6. Incorporate other individuals and groups who may work with potential CSEC victims into assessments, discussions and trainings.

II. Next Steps for NGOs:

1. Develop more secure shelter facilities and physical services for CSEC victims and expand referral networks, especially in the United States.
2. Continue and increase alliances with both the public sector and private industry, including information sharing and best practices suggestions.
3. Continue and increase information and material sharing with other NGOs, including educational materials, research materials, and referral services.
4. Expand victim identification training to include law enforcement, hospitals, schools, social workers and other groups that might come into contact with a victim of CSEC.
5. Expand and refine victim identification and protection as methods of exploitation are expanded and redefined.

III. Next Steps for the U.S. Government:

1. Develop and direct funding and resources to service providers and law enforcement officials to effectively identify and protect victims, supplement the foster care system and prosecute child exploiters.
2. Compile and share information with NGOs and local law enforcement on best practices regarding good screening systems in sheltering and protecting prostituted youth.
3. Investigate the businesses and financial transactions involved in the commercial sale of child sexual exploitation to aid in the identification and prosecution of child exploiters.
4. Create demand-focused legislation aimed at identifying and prosecuting the users and producers of the child commercial sex industry; decriminalize prostitution charges for minors.
5. Support programs to educate the public about the harms involved in abusing children through sex tourism.

IV. Next Steps for Law Enforcement:

1. Invite expanded training, including victim identification and the message that a child cannot consent to her own sexual abuse through a commercial sexual act.
2. Use asset forfeiture laws to maximize ability to prosecute the traffickers without necessarily relying on victim testimony; use the assets forfeited to fund further investigations.
3. Prosecute demand, including the perpetrators, abusers, and Johns with greater force, especially the wealthy establishment owners and situational offenders, as opposed to only street pimps and pedophiles.

V. Next Steps for the Private Sector:

1. Build more alliances with government, law enforcement and NGOs, including information sharing.
2. Sign the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism, or a similar policy of corporate responsibility which is industry specific; take steps within the company to ensure products and services produced by the company are not being used for CSEC.
3. Continue to build financial coalitions within industries, including the credit card industry, to destroy the profits of commercial sexual exploitation of children.
4. Take direct and innovative initiative to prevent the spread of child pornography through ISPs.

VI. Next Steps for Citizens:

1. Get involved by volunteering or donating to the effort to combat CSEC through community groups, schools, faith-based groups, or social groups.
2. Educate local politicians, including congressional representatives, state governors and mayors on CSEC issues and child protection.
3. Lobby local and state representatives to give business to those companies that have signed the Code of Conduct or another dec-

laration of their dedication to combating CSEC; intentionally use products from socially-conscious companies which support the protection of children.

APPENDIX A

The United States Legal Framework Against the Commercial Sexual Exploitation of Children

Dr. Mohamed Mattar, Executive Director, The Protection Project of The Johns Hopkins School of Advanced International Studies (SAIS)

The United States provides for a comprehensive legal framework to address the commercial sexual exploitation of children. There are five main laws currently addressing this issue in the United States: 1) The Trafficking Victims Protection Act of 2000 as reauthorized in 2003 and 2005; 2) The Mann Act, especially sections 2421, 2422, 2423, and 2427; 3) The PROTECT Act, especially sections 105 (Penalties against sex tourism), 323 (Cyber Tip line), and 202 (Statute of Limitations); 4) The Children's Internet Protection Act; and 5) The Child Obscenity and Pornography Prevention Act.

The legislative measures adopted by these laws comply with international legal standards. In fact, although the United States has not ratified the Convention on the Rights of the Child (CRC), it has ratified three main international legal instruments against commercial sexual exploitation of children: 1) The United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially in Women and Children on November 3, 2005; 2) The Optional Protocol on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography on December 23, 2005; and 3) The International Labor Organization Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor on February 12, 1999.

Since the Second World Congress Against Commercial Sexual Exploitation of Children in 2001, the US legislative movement has been reflecting three main issues: the expansion of criminal liability; the extension of territorial jurisdiction; and the enhancement of child protection.

Expansion of Criminal Liability

U.S. law expands the basis of criminal liability in several ways. First, under child sex tourism law, proof of travel with the intent to engage in illicit sexual conduct is no longer required. Moreover, the law now punishes attempts to commit the crime and provides for liability of the legal person, the tour operator. Second, it is a crime to engage in illicit sexual activity with any person under the age of 18 regardless of the age of consent, which is only 15 in countries like Cambodia, Thailand, and Costa Rica, significant destination countries for sex tourism. Third, The PROTECT Act created a "Cyber Tip Line" providing the general public an effective means of reporting internet related sexual exploitation.

Fourth, the Department of Justice expanded the definition of a commercial sexual service of a minor to include not only a commercial sexual activity, but also a "sexually explicit performance," thus

recognizing that international traffickers “are increasingly placing their victims into strip clubs rather than prostitution.” This was the case in the *United States vs. Virchenko*, the first case to be decided under the Trafficking Victims Protection Act. Fifth, courts have held that obscenity and child pornography are not entitled to protection under the first amendment and therefore may be prohibited. Sixth, while the previous law provided that the statute of limitations expired when the child attained the age of 25, Section 202 of the Protect Act now stipulates that there is no statute of limitations for child sex crimes.

U.S. law also expanded criminal sanctions. In fact, the penalty under the TVPA is 20 years in prison, which may be increased to life if the trafficked person is under the age of 14 and the penalty under the PROTECT Act has been doubled from 15 to 30 years. While expanding criminal liability, U.S. law shifts the focus towards penalizing the purchaser of sexual services. The TVPRA of 2005 addressed demand explicitly for the first time, and amended section 108 that provides for the minimum standards for the elimination of trafficking in persons that foreign countries must comply with, to include: 1) Whether a country is taking the appropriate measures to reduce the demand for commercial sex acts and for participation in international sex tourism; and 2) Whether a country is taking the appropriate measures to ensure that its nationals who are deployed abroad as part of a peace keeping mission do not engage or facilitate an act of trafficking in persons or exploit victims of such trafficking. Moreover, for the first time, the TVPRA of 2005 addressed the issue of prostitution, or a commercial sex act separate from trafficking on the federal level, calling for enhancing state and local efforts to investigate and prosecute purchasers of commercial sexual services, in addition to establishing various federal programs to reduce demand for such acts.

The approach followed by the United States is consistent with most international legal developments. The Council of Europe Convention on Action Against Trafficking in Human Beings of May 3, 2005 calls, in article 19, upon states to consider criminalizing the use of services provided by victims of trafficking. On March 11, 2005, the United Nations Commission on the Status of Women adopted a resolution presented by the US on eliminating demand for trafficked women and girls for all forms of exploitation. The resolution reflects the mandate of article 9(5) of the United National Protocol on trafficking that called upon states to take the necessary measures to discourage demand. U.S. law on the prohibition of prostitution is also consistent with International Law on prostitution which provides under the 1949 Convention for the Suppression of the Traffic of Persons and the Exploitation of the Prostitution of Others, that “Prostitution and the accompanying evil of traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family, and the community.”

Extension of territorial jurisdiction

U.S. law applies the principles of extraterritoriality in several ways: first, under section 506 of the PROTECT Act, production of child pornography outside the U.S. for the purpose of distribution

in the U.S. is a crime; second, the PROTECT Act applies to any U.S. citizen or resident who travels abroad to engage in illicit sexual activity with a child. This means that the sex tourism law applies regardless of where the act has been committed; and third, the TVPRA provides for extraterritorial jurisdiction over trafficking in persons offenses committed by persons employed by or accompanying the federal government outside of the United States.

Enhancement of Child Protection

U.S. law addresses the special needs of children based upon the best interest of the child and adopts a child sensitive approach in several ways: first, a trafficked child is entitled to benefits under the TVPRA regardless of cooperation with law enforcement officials; second, a trafficked child may receive a T-Visa that includes his or her parents, although the number issued is still very small, as Ambassador John Miller mentioned; third, a child witness may testify out of court in the event of fear that the child would be subject to trauma.

However, as recognized by Congress in the TVPRA of 2005, “no known studies exist that quantify the problem of trafficking in children for the purpose of commercial sexual exploitation”. Consequently, we still need, as stated in article 112 of the TVPRA of 2005, “An effective mechanism for quantifying the numbers of victims of trafficking on national, regional, and international bases.”

APPENDIX B

Participating Organizations

Shared Hope International, ECPAT-USA, and the Protection Project of the Johns Hopkins University of Advanced International Studies would like to thank all the organizations who participated in the U.S. Mid-Term Review on the Commercial Sexual Exploitation of Children in America. These organizations contributed to the process through completion and submission of a survey and/or by attendance to the conference April 3-4, 2006. This report would not have been possible without their contributions and the important work they have done since 2001. Shared Hope International, ECPAT-USA, and the Protection Project of the Johns Hopkins University of Advanced International Studies would like to acknowledge the following participants:

- Adults Saving Kids
- America Online, Inc.
- American Bar Association, Center on Children and the Law
- American Prosecutors Research Institute (APRI)
- American University
- Arizonans for the Protection of Exploited Children and Adults (APECA)
- Atlanta Police Department
- Boat People SOS
- Carlson Companies
- Catholic Charities USA
- Center to End Adolescent Sexual Exploitation (CEASE)
- Chicago Coalition for the Homeless

Coalition to Abolish Slavery and Trafficking (CAST)
 Covenant House
 Crimes Against Children Research Center
 Dekalb County Task Force for Runaway, Homeless and Sex-
 ually Exploited Youth
 ECPAT International
 Empire State Coalition of Youth & Family Services
 Enon Tabernacle Baptist Church
 FAIR Fund
 Focus on the Family
 Free the Slaves
 Georgia Youth Advocate Program
 Girls Educational & Mentoring Services (GEMS)
 Innocents at Risk
 Lutheran Immigration & Refugee Service (LIRS)
 Microsoft Corporation
 Minorities and Survivors Improving Empowerment (MASIE)
 Multnomah County Sheriff's Office
 National Center for Missing and Exploited Children
 (NCMEC)
 National Network for Youth
 National Sexual Violence Resource Center (NSVRC)
 Networks for Social Change
 Organization for Security and Cooperation in Europe (OSCE)
 Organization of American States (OAS)
 Paul & Lisa Program
 Polaris Project
 Portland Bureau of Police
 Restoration Ministries
 Roxbury Youthworks, Inc.
 The Safe Zone Foundation/Girl Fest
 The Salvation Army
 San Diego Bilateral Safety Corridor Coalition
 San Diego Youth & Community Services (SDYCS)
 Save the Children
 Second Chance and the Prostitution Roundtable
 Sisters Offering Support
 Standing Against Global Exploitation (SAGE)
 Teen Challenge International
 The Teen Prostitution Prevention Project
 UNICEF
 University of Pennsylvania, School of Social Work
 University of Toledo
 U.S. Attorney's Office
 U.S. Conference of Catholic Bishops
 U.S. Department of Health and Human Services
 U.S. Department of Homeland Security
 U.S. Department of Justice
 U.S. Department of State
 WestCare, Inc.
 You Are Never Alone (YANA)
 Young Women's Empowerment Project
 Youth Advocate Program International (YAPI)

APPENDIX C

Schedule for the U.S. Mid-Term Review on the Commercial Sexual Exploitation of Children in America Conference

Monday April 3, 2006:

- 9:00: Registration and continental breakfast
- 10:00: Introduction of Goals and Conditions of the Mid-Term Review
 Linda Smith, Founder and President, Shared Hope International
- 10:20: Special Guest Speaker
 Ambassador John Miller, Senior Advisor to the Secretary of State and Director of the Office to Monitor and Combat Trafficking In Persons, U.S. Department of State
- 10:35: Special Guest Speaker
 Laura Parsky, Deputy Assistant Attorney General, Criminal Division, U.S. Department of Justice
- 10:50: The U.S. Laws Against CSEC and International Legal Institutions—A Comparative Perspective
 Dr. Mohamed Mattar, Executive Director, The Protection Project of The Johns Hopkins School of Advanced International Studies (SAIS)
- 11:15: CSEC in the International Sphere
 Professor Vitit Muntarbhorn, General Rapporteur for the Second World Congress Against Commercial Sexual Exploitation of Children and Recipient of the UNESCO Prize for Human Rights Education
- 11:45: Review of the Second World Congress and Agenda for Action
 Carol Smolenski, Executive Director, ECPAT-USA
- 12:00: The Jaron Brice Case: Prosecuting Commercial Sexual Exploitation of Children in the U.S.
 Myesha Braden, Trial Attorney, Child Exploitation and Obscenity Section, Criminal Division, U.S. Department of Justice
 Sharon Marcus-Kurn, Assistant United States Attorney, D.C. U.S. Attorney's Office
- 12:30: Lunch—Special Guest Speaker:
 Richard Greenberg, Producer, Dateline NBC
- 1:30: Child Trafficking Panel
 Moderator: Derek Ellerman, Co-Executive Director, Polaris Project
 Panelists: 1. Wendy Waldron, Attorney in the Child Exploitation and Obscenity Section of the Criminal Division, U.S. Department of Justice, Civil Rights Division, Department of Justice
 2. Marisa Ugarte, Executive Director, Bilateral Safety Corridor Coalition of San Diego, California
 3. Susan Krehbiel, Director for Children's Services, Lutheran Immigration & Refugee Service
 4. Julianne Duncan, Associate Director for Children's Services, Office of Refugee Programs, Migration and Refugee Services, U.S. Conference of Catholic Bishops
- 3:00: Child Prostitution Panel

Moderator: Tom Kennedy, Senior Vice President for Program and Advocacy, Covenant House

Panelists: 1. John Hauger, Intelligence Analyst, Crimes Against Children Unit, Federal Bureau of Investigation

2. Rachel Lloyd, Founder and Executive Director, Girls Educational & Mentoring Services (GEMS)

3. Sergeant Ernest Britton, Special Victims Unit/Child Exploitation Division Atlanta Police Department,

4. Myesha Braden, Trial Attorney, Child Exploitation and Obscenity Section, Criminal Division, U.S. Department of Justice

4:30: Child Pornography Panel

Moderator: Howard Davidson, Director, American Bar Association Center on Children and the Law

Panelists 1. Claude Davenport, ICE Cyber Crimes Unit, Department of Homeland Security

2. Ernie Allen, President and Chief Executive Officer, National Center for Missing and Exploited Children

3. John Ryan, Chief Counsel, Compliance and Investigations, America Online Inc.

4. Damon King, Deputy Chief, Child Exploitation and Obscenity Section, Criminal Division, U.S. Department of Justice

Tuesday April 4, 2006:

8:00: Continental Breakfast

9:00: The International Code of Conduct

Carol Smolenski, Executive Director, ECPAT-USA

9:30: Child Sex Tourism Panel

Moderator: Amy O'Neill Richard, Senior Advisor to the Director, Office to Monitor and Combat Trafficking in Persons, U.S. Department of State

Panelists: 1. Marlene Richter, Director of the Community Involvement Center, WestCare Nevada

2. Kim Olson, Vice President and Chief Communications Officer, Carlson Companies

3. Andrew Oosterbaan, Chief of the Child Exploitation and Obscenity Section, Criminal Division, Department of Justice

4. Kim Mueller, ICE Cyber Crimes Unit, U.S. Department of Homeland Security

11:00: Prevention of Supply and Demand Panel

Moderator: Vanessa Garza, Acting Director of the Anti-Trafficking in Persons Division, U.S. Department of Health and Human Services Administration for Children and Families

Panelists 1. Norma Hotaling, Founder and Executive Director, Standing Against Global Exploitation

2. Frank Barnaba, Founder and President, Paul and Lisa Project

3. Richard LaMagna, Former Director, Worldwide Investigative and Law Enforcement Programs, Legal and Corporate Affairs, Microsoft Corporation

4. Heather Cartwright, Chief, Victim Witness Assistance Unit D.C. U.S. Attorney's Office

12:30: Lunch-Special Guest Speaker:

Jose Diaz, Documentary Filmmaker, Faith Lutheran Las Vegas

1:30: Trafficking: Looking Back and Moving Forward

Lou de Baca, Special Litigation Counsel, Criminal Section of the Civil Rights Division, U.S. Department of Justice

2:00: Presentation and Discussion: Next Steps in Combating Commercial Sexual Exploitation of Children

Professor Vitit Muntarbhorn, General Rapportuer for the Second World Congress Against Commercial Sexual Exploitation

APPENDIX D

A Study of Programs to Combat the Commercial Sexual Exploitation of Children in the United States: Best Practices, Gaps and Challenges

As part of the U.S. Mid-Term Review on the Commercial Sexual Exploitation of Children in America, Shared Hope International, ECPAT-USA and the Protection Project of the Johns Hopkins University School of Advanced International Studies surveyed over one hundred nongovernmental organizations from twenty-eight states and the District of Columbia. The survey focused on programs which address physical needs, public awareness, research, and special initiatives. Organizations were asked to give programming and funding information, as well as identify successes, challenges and suggestions for improvement.

While this study is not intended to be comprehensive, it is indicative of some of the current work against CSEC in the United States and, therefore, elicits discussion and evaluation of current and future programs. Shared Hope International, ECPAT-USA, and the Protection Project of the Johns Hopkins University School of Advanced International Studies would like to thank the respondents for their participation in the survey process.

Physical Needs Programs

Thirty-eight percent of respondents directly distribute food, clothes and other goods from their own facilities to CSEC victims in the U.S. However, less than 20 percent of respondents are able to provide physical shelter to CSEC victims. Funding for these programs comes from a combination of private and government funding; half are funded partially or completely by government funding, while the others are dependant on private donations. The main concerns of physical needs providers include lack of shelters, limited funding, the challenge of providing security in shelters, and difficulty of determining federal benefits eligibility status.

Though only a small number of organizations can provide shelter or physical needs, 60 percent of respondents refer CSEC victims to other organizations for shelter and basic services. The main concerns of the respondents referring victims to outside providers are a lack of trained service providers and poor coordination and networking between referral NGOs and service providers. These numbers and concerns indicate the need for more shelters, greater co-

ordination among referral agencies, increased funding and improved oversight to keep shelters safe and accessible.

Nearly half of the responding organizations actively seek out CSEC victims in the U.S., using street, court and migrant outreach programs or through working with law enforcement. Some of these outreach programs are funded by the government, while others depend on private donations or a combination of both. The primary stated difficulty of reaching CSEC victims stems from the practices of pimps and predators, such as the use of coercion, force, and internet anonymity. Other difficulties are coordinating with law enforcement and a lack of funding.

Significantly fewer organizations physically remove victims from exploitative situations, and all of those that do are at least partially funded by government grants. Major challenges noted by these organizations are the difficulties in reaching victims and building trust, problems with cooperation with law enforcement and limited funding.

Over 50 percent of respondents refer victims to rehabilitation, restoration and reintegration services, funded by both government grants and private donations. A major challenge for referring organizations is the perceived lack of facilities and trained personnel. Rehabilitation services are scarce and have limited funding, causing referral organizations to struggle to find qualified treatment centers. Less than one third of the respondents provide rehabilitation, restoration, or reintegration programs. These organizations have similar concerns to those who provide other physical needs services, including difficulty in gaining the trust of victims, lack of funding and facilities and problems with coordination with law enforcement.

Public Awareness Campaigns

General public awareness campaigns have been conducted by 62 percent of the surveyed organizations. These programs include community education and training, as well as the development of brochures and publications focused on internet safety for children. The vast majority of respondents have conducted victim focused public awareness campaigns, while 40 percent have conducted demand focused public awareness campaigns. Victim focused campaigns targeted both potential and actual victims. Assistance is generally provided through hotlines and printed materials, such as brochures and outreach cards. Although cooperation with the media to educate the victims and community is mentioned, few programs have been focused in this area. The funding for general public awareness programs mostly comes from private donations and foundation grants, with a smaller amount from federal grants. Funding from local governments is uncommon. Many organizations also mentioned their interest in implementing new programs, especially with a different area focus. Challenges mentioned by the surveyed organizations included lack of funding, resources, and adequate staff, developing and implementing legislation that addresses both supply and demand, difficulty building partnerships among NGOs and lack of cooperation with law enforcement.

Targeted public awareness campaigns initiated by the surveyed organizations have focused on the following groups: teachers, law

enforcement personnel, professionals in frequent contact with children, youth and the private sector. Campaigns providing trainings on victim identification for teachers, law enforcement, or other professionals were most common, with 70 percent of the organizations having implemented those programs. Fifty-one percent of the organizations conduct public awareness campaigns for youth in or out of school. A small number of organizations have brought awareness to the private sector, though this training has been criticized for not being tailored to the corporate representatives and their environment.

The majority of the funding for targeted campaigns is from individual donations and private foundations. The least amount of funding goes towards programs targeted to the private sector. One of the major challenges noted by those organizations targeting youth awareness is the lack of support from school administrators, and their reluctance to allow presenters to speak with the youth population about difficult issues such as sex, pimps and CSEC. Some organizations have difficulty providing honest information to the students due to school restrictions. Other challenges include lack of funding, staff and other resources, especially federal resources earmarked for children.

Approximately 60 percent of respondents noted that they have not targeted the use of technology in CSEC, though the use of technology to facilitate CSEC is growing exponentially. Those initiatives that have been made were general research and education programs regarding the methods of technology used to exploit children. Community awareness forums, internet safety brochures, and website monitoring have also been initiated by a small number of organizations. The rapidly changing nature of technology makes staying up to date with emerging technologies and investigating how they may be used in CSEC challenging. The funding for the existing technology monitoring programs comes from a combination of private donations and government funding, however it is clear that more funding is needed for programs addressing this issue. Greater cooperation between the government, law enforcement and NGOs is needed to better identify technology-savvy predators and problem websites and report them. Respondents believe more research needs to be conducted as to how technology might be used to counterattack the problem.

Research Programs

The organizations surveyed provided information about their past and current research programs, including those addressing the private sector, exploiter identification, and legislation. Of the respondents, less than 10 percent have participated in research projects which address the relationship between the private sector and CSEC. However, there have been several attempts to compile profiles and statistical information about sexual exploiters, which assists both law enforcement and lawmakers. Some common approaches used include attempting to create a community outrage, profiling and collecting data on sexual exploiters and attempting co-sponsorships with foreign governments. There are presently several research programs within academic, private and legislative organizations; at present, most are researching with the expected re-

sult of compiling reports. Some field research has been attempted by a few organizations, mainly consisting of questionnaires and interviewing. More research programs need to be initiated to adequately identify and address specific issues within CSEC.

While a few organizations are building partnerships, the majority of organizations surveyed are attempting large projects unaided with a small staff and minimal resources. The methods utilized by these organizations to measure the outcomes and sustainability of these projects are unclear. Funding that has been utilized by most programs referencing this topic has come from a combination of private and government funding. The challenges faced in research programs correspond with the perceived lack of support from the public and private sectors, including the lack of staff available to conduct research programs. This challenge is complicated by the fact that CSEC is hidden by its very nature, and prostitution is often glamorized in the media. A few organizations have been frustrated by the difficulty of interviewing victims and the ability to adequately research in the field. Time, funding and manpower constraints all negatively impact the implementation of most programs. Public support and awareness campaigns could go a long way in putting pressure on the private sector to participate more heavily. American NGOs could also benefit greatly from a clear research program strategy organized in different stages, and supported mutually and from the outside.

Special Initiatives: Legislative, Youth and Anti-Pornography

Most of the respondents ran some sort of special initiative program involving drafting legislation, youth participation, or anti-pornography work. Fifty-four percent of respondents claim to have worked on some sort of legislative drafting initiative to strengthen current anti-CSEC laws or create new ones. Most legislative work has entailed providing congressional representatives and policymakers with research or expert testimony or drafting model laws for state or federal use. The most common topic addressed in legislation initiatives is overwhelmingly child trafficking, with brief mentions of increasing shelter availability and decriminalizing prostitution charges for minors. Legislative programs are mostly funded by private donations, with a few funded through private foundations, and one mention of local government. No organizations listed federal funding as a funding source for legislative programs. Over half of the organizations surveyed claimed current anti-CSEC legislation was poorly written and not applicable to the real situation in the United States. They recommended that legislation be re-written to include perspectives from groups who work directly with victims. Ninety percent of respondents feel current funding for legislative measures in the U.S. is not adequate, and 73 percent feel the legislation which is available is not sufficiently used by prosecutors.

Most organizations surveyed incorporate youth into their programs, inclusive of survivors of CSEC. CSEC survivors serve as peer educators and outreach workers, or give testimony of their experiences. About two-thirds of the funding for programs involving youth participation is from individual donations, with private foundations and federal grants comprising the rest. The overwhelming

difficulty with involving CSEC survivors is their reluctance to speak publicly about their experience, and the lack of support available for them. Most organizations claim they are not able to provide enough psychological care to survivors to help them through the experience of giving testimony.

Approximately one-third of respondents have programs which specifically aim to eradicate the production, distribution, exportation, commercialization, or publication of child pornography. Most programs focus on public awareness campaigns and trainings. Only one of the organizations surveyed described programs which addressed emerging technologies and the correlation with child pornography. Private donations and federal grants were commonly cited as funding sources. While the emergence of the internet as a marketplace for child pornography was not described as the focus of a program, it was frequently referred to as a challenge in eradicating child pornography.

In conclusion, most of the respondents feel that while greater attention has been brought to the issue of CSEC since the Second World Congress and important steps have been taken to combat CSEC in the U.S., there are still not enough programs in place to adequately address the issue. The most common causes for this are believed to be a lack of funding and resources, lack of communication between NGOs and law enforcement, and difficulties intrinsic in the issue of CSEC. Suggestions for program improvement include a greater availability of resources from the federal government and better communication and partnership building among NGOs and between NGOs and law enforcement. Respondents also indicated the need for a more demand-focused legislative approach, including tougher legislation for predators and a decriminalization or eradication of prostitution laws for children.

APPENDIX E

U.S. Mid-Term Review on the Commercial Sexual Exploitation of Children in America Questionnaire for Government Agencies

1. Have you worked to create a common system of information based on data that allows analysis, evaluation and/or prosecution of the commercial sexual exploitation of children?

2. Have you undertaken any actions to combat the demand for services from commercially sexually exploited children?

3. Have you undertaken any actions such as public awareness and information campaigns with the purposes of fighting commercial sexual exploitation of children?

4. Have you undertaken any steps to inform professionals who are directly involved in problems and services that relate to children and adolescents to educate them on detecting the situations that involve commercial sexual exploitation and on interventions that can assist the victims?

5. Have you undertaken any actions to inform children and adolescents about the risks of commercial sexual exploitation?

6. Have you undertaken any steps to promote legal reforms to fight commercial sexual exploitation of children? Please emphasize actions aimed at reforms that relate to the legal rights of the victims, the prosecution of the offenders, extraterritoriality legislation

and the adoption of means that allow the seizure and confiscation derived from these illicit activities to compensate victims.

7. Have you undertaken any action to support methods of prosecution pertaining to sex offenders, and the creation of a mechanism that prevents the cycle of impunity?

8. Have you undertaken steps to eradicate the production, distribution, exportation, commercialization, and publication of child pornography?

9. Have you undertaken any actions to eradicate child sex tourism?

APPENDIX F

U.S. Mid-Term Review on the Commercial Sexual Exploitation of Children in America Questionnaire Form For NGOs

Please type your responses directly into this form. If you have any difficulty with this form or prefer to write your responses manually, please contact us at (703)351-8062 for assistance.

BACKGROUND INFORMATION

- Organization Name
- Headquarters Location
- Operating Country/State/Region(s)
- Date Founded
- Mission Statement
- How is your organization funded?
- Which of the three “areas” (prostitution, pornography, and trafficking) of CSEC does your organization address?
- Does your organization collaborate directly with other organizations? Which? How?
- Does your organization work with local law enforcement? How?

PROGRAMMATIC INFORMATION

Programs: What your organization has done within the last 5 years or is currently doing	Yes (please elaborate)	No	Funding Source	Challenges Faced	Suggested Improvements	Was it Successful?
Provide physical shelter for child victims of CSEC						
Provide food, clothing, and/or other material items in your own facilities						

PROGRAMMATIC INFORMATION—Continued

Programs: What your organization has done within the last 5 years or is currently doing	Yes (please elaborate)	No	Funding Source	Challenges Faced	Suggested Improvements	Was it Successful?
Refer victims to other facilities for physical shelter, food, clothing, and/or other material items						
Actively seek out victims						
Physically remove victims from exploitative situations						
Provide a rehabilitation, restoration, or reintegration program						
Refer victims to a rehabilitation, restoration, or reintegration program						
Conduct demand-focused public awareness or education campaigns						
Conduct victim-focused public awareness or education campaigns						
Conduct public awareness or education campaigns and provide trainings to identify CSEC victims for teachers, law enforcement, NGOs or other professionals						
Conduct public awareness or education campaigns targeting the private sector						

PROGRAMMATIC INFORMATION—Continued

Programs: What your organization has done within the last 5 years or is currently doing	Yes (please elaborate)	No	Funding Source	Challenges Faced	Suggested Improvements	Was it Successful?
Conduct public awareness or education campaigns for youth in or out of school						
Conduct public awareness or education campaigns for the public at large						
Conduct field research or academic research to study the connection between the private sector and CSEC						
Conduct field research or academic research in an attempt to profile or sexual exploiters						
Conduct field research or academic research to study CSEC related legislation						
Work to influence the drafting of legislation						
Involve CSEC survivors and/or at-risk youth in your work						
Involve other youth in your work to combat CSEC						
Eradicate the production, distribution, exportation, commercialization, and publication of child pornography						
Target the use of technology in CSEC						

PERSPECTIVES ON TREATMENT OF CSEC IN THE U.S.

- What do you see as improvements made in the U.S. since the 2001 2nd World Congress on CSEC?
- What do you see as the greatest gap in government response since the 2001 2nd World Congress on CSEC?
- Do you feel anti-CSEC measures are adequately funded in the U.S.?
- Do you feel anti-CSEC legislation is sufficient and utilized by prosecutors in the U.S.?
- Do you feel laws against CSEC are adequately enforced?
- What change would you most like to see in the treatment of CSEC between now and the next World Congress?
- What issues do you feel are most important to discuss at the Mid-Term Review Conference?
- Is there anything else about your organization, work, or experiences with CSEC you think would be helpful in the Mid-Term Review discussions?



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