

Exploited girls are victims, not criminals

By MISHI FARUQEE

Did you know that girls under 17 aren't old enough to consent legally to sex, but they're old enough to be arrested for prostitution?

As the end of the legislative session approaches, New York lawmakers have an opportunity to address this cruel double standard. Sen. Dale Volker, R-Depew, and Assemblyman William Scarborough, D-Queens, have introduced the Safe Harbor Act to rescue youth who have been coerced and lured into the sex trade.

Notably, unlike other child protection bills, this legislation is not named for a girl whose young face appears on milk cartons and posters. Indeed, this legislation will help girls who have been mainly nameless and faceless in the eyes of the public.

The Safe Harbor Act seeks to remedy an arcane discrepancy in state laws. If a 14-year-old girl is alleged to have consensual sex with a man, the man may be convicted of statutory rape. However, if the girl charges the man for sex under direction from the pimp who has sent her onto the street, the law considers the girl to be criminally responsible.

Children do not choose to engage in prostitution. Many sexually exploited youth run away from home to escape violence or

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abuse. Once on the streets, they fall prey to pimps who offer them a place to live and promise to take care of them. These pimps trap young people through threats, beatings and other forms of physical and sexual abuse.

Although sexually exploited youth are mistreated on a daily basis, the state's legal system treats them as criminals instead of victims. Prosecuting sexually exploited youth compounds the trauma and abuse they have experienced on the streets or at home. In open courtrooms, prosecutors and police officers disclose degrading details about sexual acts the girls have been forced to perform. Once convicted, sexually exploited youth are locked up in state institutions where they receive virtually no counseling, psychological care or help finding a place to live. In fact, state officials have testified in juvenile court that the juvenile prisons do not provide services for sexually exploited youth. As a result, when the youth are released, they usually end up back on

the streets.

The Safe Harbor Act proposes to end the prosecution of sexually exploited youth and instead provides them a range of specialized services — such as safe houses and counseling. Detractors of the bill argue that providing sexually exploited youth with services instead of prison terms will cost too much. Yet, the state currently spends nearly \$100,000 annually to lock up one child in a juvenile institution. The money the state would save by diverting youth from prison should be more than enough to provide community-based services.

The bill's opponents also claim that this bill will legalize prostitution. Nothing is further from the truth. This bill preserves the tough laws against adults who exploit children or who participate in the sex trade. It also recognizes that we should be protecting sexually exploited youth, not prosecuting them.

Most importantly, the Safe Harbor Act offers young people a chance to escape prostitution and puts them on the road to healing their lives.

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