

Newsday

NY considers help to victims of child prostitution

By VALERIE BAUMAN | Associated Press Writer
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ALBANY, N.Y. - Tiffany was 12 when her mother died. That was the same year she ran away from her sister's house, lived on the streets for six weeks and met the man who two days later became her pimp.

Under New York state law girls like Tiffany could be prosecuted for breaking the law. But a new bill Gov. David Paterson is reviewing would help child prostitutes avoid harsh prosecution. They would be treated as victims and get services to help escape exploitation in the sex trade.

"As a young girl, when you're under the age of 17, you cannot consent to sex, and you're forced to have sex with someone for money _ I feel like that's statutory rape," said Tiffany, who asked that her last name not be used because she was a victim of sexual violence. "Once you're in jail no one helps you, no one talks to you, no one asks you why you were out on the streets or what your family situation is."

Now 18, the Bronx resident has received her GED. She does outreach for other young women and hopes to go to college. She spent a year-and-a-half in jail for assault before she was introduced to the Girls Education and Mentoring Services (GEMS) program in Manhattan, which helped change her life.

New York _ and many other states _ have sought to prosecute sexually exploited youth. State laws generally contradict the federal Trafficking Victims Protection Act of 2000, which defines sex trafficking as a commercial sex act induced by force, fraud or coercion _ or involving a minor. Child advocates want state laws to reflect federal law.

The Safe Harbour bill would allow children under the age of 15 avoid criminal proceedings on their first prostitution arrest and instead be considered a "person in need of supervision." The bill would offer them services to start over.

In any future arrests, the youths could defend themselves as victims of sex trafficking in court to avoid harsh prosecution and stiff penalties. The judge would have discretion in those cases.

"This is a billion dollar industry that targets some of the most vulnerable children in the state," said Rachel Lloyd, the founder and executive director of GEMS, a nonprofit that helps girls

avoid or escape sexual exploitation. "Adults are out there looking for vulnerable kids and criminalization is not the solution ... when in any other case this would be statutory rape."

Advocates argue that the court system should be able to consider the fact that the majority of these youths have a history of psychological, physical or sexual abuse. Arresting children exploited as prostitutes can further traumatize them and impose a stigma that is difficult to escape, Lloyd said.

Paterson's office has said only that they will review the measure when it's sent to them.

Advocates who lobbied for the bill say they have been told the state is expecting it to cost tens of millions, but no one in the governor's office or the Office of Family and Child Services would provide any details about the potential fiscal ramifications the bill would have.

"I think it's inflated," Lloyd said.

J.R. Drexelius, council for Sen. Dale Volker, said under former Gov. Eliot Spitzer's administration he had heard it estimated the bill would cost the state \$8.5 million.

"There is no reason whatsoever not to do this legislation," said Volker, an Erie County Republican who sponsored the legislation. "Every day that this legislation does not become law, the probability of a child who has been sexually victimized loses the opportunity to address his (or) her personal challenges to become productive adults and assets to our society."

American children entangled in the sex trade are not afforded the same protections extended to those who are transported into the U.S. from other countries, said Ernie Allen, president of the National Center for Missing and Exploited Children.

"If these were people being trafficked, there would be services and support," Allen said. "And this is domestic trafficking. There is no question about it, there is no difference between what's happening to these kids on the streets of American cities and what's happening in other countries."

Only Washington state and California have considered legislation similar to the Safe Harbour Act, said Karen Stauss, the managing attorney and policy counsel for the Polaris Project, an organization fighting human trafficking.

According to the National Incidence Studies of Missing, Runaway and Throwaway Children, an estimated 450,000 children run away from home every year. Living on the streets, one out of every three teens will be lured into prostitution within 48 hours of leaving home.

But intervention has helped girls like Tiffany.

"I'm not in the life anymore," she said. "I have a job, I live on my own and I have my own apartment. I see a counselor, and I've learned to love myself and (to) be able to deal with situations in another way. I don't have to run away from my problems."