



Bill to protect child sex workers

Underage prostitutes currently subject to harsh prosecution in New York

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ALBANY -- 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 program in Manhattan, which helped change her life.

New York -- and many other states -- has 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."