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OPINION

NY Must Protect Sexually Exploited Girls

MAY 16, 2014 9:30 AM – BY KRISTEN BERG

<http://www.thedailybeast.com/witw/articles/2014/05/16/ny-must-protect-sexually-exploited-girls.html>

New York has been leading the fight to end sex trafficking, but victims are still being prosecuted for prostitution-related offenses.

Bella grew up in New York and when she was only 12 years old, she was raped by her 33-year-old cousin. Two years later, she ran away from home and met a man who acted like her boyfriend but turned out to be a pimp. Using physical and mental abuse, he manipulated her into selling sex to strangers and forced her to give him half of the money she earned.

Bella was eventually arrested for running away from home, but the police didn't arrest her pimp or those who exploited her. Fortunately, the judge arranged for her to stay at Gateways, a residential treatment program for commercially sexually

exploited youth. Thanks to the support and treatment she received, Bella is overcoming her trauma.

There are countless girls like Bella who are trafficked for commercial sex and exploited in New York, yet the pimps and buyers of these girls are rarely held accountable.

As the world continues to discuss the horrific abduction and potential sex trafficking of almost 300 Nigerian girls, we should recognize too what is happening on our own doorstep, where thousands of US girls are trafficked for sexual exploitation every single year.

Earlier this week, for the second year running, Equality Now, the New York State Anti-Trafficking Coalition, politicians and survivors of sex trafficking gathered in Albany, New York to lobby for the passage of a bill – the ‘Trafficking Victims Projection and Justice Act’ (TVPJA) – which seeks to change New York State law so that victims of sex trafficking are not treated as criminals.

As it stands, a person who buys a minor for sex receives a lower penalty than someone convicted of raping a minor of the same age. To compound this, someone who buys sex from a minor is afforded the defense that “he did not know the victim was a child.”

No such defense exists for other forms of child abuse. New York has been a leader in the fight to end sex trafficking over the last seven years but it still allows trafficking survivors to be further victimized by the criminal justice system by being prosecuted for prostitution-related offenses, without being able to use the defense that they were trafficked or compelled into prostitution.

Full passage of the TVPJA would increase protection for victims of trafficking and help prevent re-victimization by the justice system, as well as increase accountability for buyers, pimps and traffickers – those who constitute the demand, which fuels the violent commercial sex industry.

In practice, this would align penalties for buying sex from a minor with those for statutory rape. It would also recognize that buying children for sex is child abuse, defend trafficked people from criminal prosecution and remove the stigmatizing term 'prostitute' from current penal law.

Passage would give New York's law enforcement better tools to target and arrest the real criminals - pimps and buyers who are supporting this multi-billion dollar trafficking industry – instead of treating victims like Bella as criminals.

This bill is consistent too with a broader policy shift around the world that recognizes the need to target traffickers, pimps and buyers and move away from criminalizing those exploited in prostitution – predominantly women and girls.

In an effort to prioritize the human rights and safety of people in prostitution and to reduce the demand that fuels sex trafficking, Sweden, Norway and Iceland have adopted the Nordic Model, an approach which criminalizes buyers, pimps and traffickers, while decriminalizing and providing services and support for people in prostitution. France is in the process of following suit, while Northern Ireland and the Republic of Ireland are likely to vote on similar legislation later this year.

In the US, we still criminalize people in prostitution, causing those who are sexually exploited to be put into a vulnerable position where they cannot access support services – or even basic levels of justice.

Last year, New York came very close to passing the act, but while there was widespread support, the act fell at the last hurdle. We are hopeful that New York State will pay attention to the many survivors who gathered in Albany earlier this week, pass the act this session and protect rather than prosecute sex trafficking victims.

Like Bella, survivors of sex trafficking around the world are calling for justice. It is time we finally listened to the real experts.