Each year, an estimated 14,500 to 17,500 foreign nationals are trafficked into the United States. The number of U.S. citizens trafficked within the country each year is even higher, with an estimated 200,000 American children at risk for trafficking into the sex industry.

On May 7, 2007, the directors of Wisconsin Coalition Against Domestic Violence, Wisconsin Coalition Against Sexual Assault, and Project Respect met to discuss the intersections of their movements. The Project Respect Editorial Advisory Board wrote and asked the questions during this conversation.

Annette: briefly tell us about the history of your organization and the movement it is a part of.

Linda: The Wisconsin Coalition Against Sexual Assault (WCASA) was incorporated in 1985. It was put together by some local sexual assault programs and individuals who wanted the anti-sexual assault movement in Wisconsin to have an oversight body that would do policy work in Wisconsin, be connected to what was going on at the national level, and raise money to infiltrate into the local programs to help them get established and be able to provide services on the local level. Also, they wanted WCASA to be a resource to them, provide technical assistance, increase organizing capacity, and work with systems in the State as opposed to just locally. So there was this great vision that a larger group could do this on a systems level.

The sexual assault (SA) movement has not been around as long as the domestic violence movement. The SA movement really has come out of the feminist movement — the rights of women to establish themselves as individuals — and really also out of the human rights movement. We see all of those pieces of humanity and the need to support human rights issues - the intersections between anyplace where there is oppression,
where there is violence, where there are control issues. We see sexual assault as a part of that because those are the ground issues around sexual assault.

Patti: As Linda said, the domestic violence (DV) movement is a little older than the SA movement. The DV movement in the United States started in the mid/early '70's. In Wisconsin, the first shelter was built a little more than 30 years ago in 1976 in Kenosha. The Women and Children’s Horizons in Kenosha was the first program in the state. The Wisconsin Coalition Against Domestic Violence (formerly known as the Wisconsin Coalition Against Woman Abuse) was formed really early, right after a handful of DV programs opened up. In 1978 we were formed by a program out of Milwaukee, the Task Force on Family Violence. Wisconsin Coalition Against Domestic Violence (WCADV) was created to be a state-wide presence, to work on the larger systems issues. Because the local programs themselves found that they were so tied up in the day-to-day of serving all of the women and children that were coming through the doors they didn't have the time to take on the bigger issues and talk about or even think about the root causes of violence: power and control, domination, oppression...they wanted an organization that would take on those larger issues and really pursue social justice, provide them with training and technical assistance, be an advocate for battered women and children at the State Capitol with the legislature.

So the two coalitions function very similarly. The DV movement in the early years was called the battered women’s movement—“domestic violence” has sort of de-genderized, taken the “woman” out of it, but we know that the vast majority of victims of domestic abuse are women. It was a charge that was really led by survivors of DV more than anybody. At the front and center of the DV movement were battered women and their kids saying, “We’re not going to take this anymore and we need to do something to stop it.”

Like the sexual assault movement, it is a really young movement. The first DV program in the world was founded in 1972 in England. The very first DV shelter in the US was formed in Duluth, MN and then Wisconsin quickly caught on. We’re still very fresh and young. I like it that we can call ourselves a movement because I still feel that we are moving, learning, growing, our capacity is expanding – we have been some places, and there are a lot of places we have yet to go.

Jan: Project Respect is part of the human rights movement. As early as 1949, the United Nations had identified the trafficking of persons for the purpose of prostitution as a violation of human dignity. Later, 1980 was the [UN designated] Decade of Women. In 1981, Project Respect (Respect) was founded. The original founders in this community recognized and saw street level prostitution and saw that the women involved were dealing with a bundle of issues – that they were battered women, that they were survivors of sexual assault – so they wanted to come up with a program that would help end the revolving door nature of prostitution. They formed the Taskforce on Prostitution and Pornography. Members of that taskforce were members of law enforcement, judges, activists, the City Attorney and the Dane County District Attorney's Office. They founded Respect, which was the first deferred prosecution program in the county – if women were arrested for prostitution or prostitution related charges, they would be offered an opportunity to participate in the Respect program and if they completed that, they would not have to pay their fines or go to jail. And so it was created in 1981 as an outgrowth of the Taskforce on Prostitution and Pornography. It was located in the City Attorney’s Office. In 1985 it was moved into the community and ARC Community Services began to manage the program because of their experience with women specific programming. It moved into the community to encourage women to self-refer, so they could come to Respect before they had even been arrested. Today, more women come to Respect by word of mouth, by referring themselves.

While Respect originates from the human rights movement, it has always been involved, I think, on the margins of the women’s rights movement. The first Take Back the Night march and rally was held in 1978 in San Francisco, in a prostitution district. About 3,000 women came. Andrea Dworkin spoke at that first Take Back the Night, now almost 30 years ago, about the issue of prostitution as violence against women. So we have always had sisters in the women’s movement – I think now in the 21st Century, the issue of women in prostitution is becoming more central to the women’s movement and our agendas are dovetailing – but I think we have always overlapped.

Donna: What do the sexual assault, domestic violence and sexual exploitation movements have in common? How do they differ? What do you think is the largest challenge to

Male abusers can act with impunity because they know that women in prostitution will not be believed or taken seriously by the criminal justice system.

Monica O’Connor and Grainne Healy, The Link between Prostitution and Sex Trafficking: A Briefing Handbook, 2006
Defining Prostitution and Trafficking

The drafters of the United Nations’ Convention for the Suppression of the Traffic in Persons and of the Exploitation of Prostitution of Others (hereafter, the “1949 Convention”) did not find it necessary to define trafficking. They understood trafficking to be a cross-border practice of “the exploitation of the prostitution of others” and drafted a treaty that addressed both human rights violations equally. Together, as they understood it, “trafficking in persons and the exploitation of the prostitution of others” encompassed the activities of an increasingly global sex industry whose activities were “incompatible with the dignity and worth of the human person” (Marcovich, 2002). In 1979, the drafters of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) embraced the language of the 1949 Convention, its Article 6 requiring States Parties to “take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.”

A perceived need to define trafficking and to distinguish it from prostitution came only much later in the 1980’s. The goal was to confine both the scope of domestic and international laws addressing the sex industry and activism against it. The 1949 Convention criminalized the profit-making activities of local and global sex businesses without penalizing those exploited in prostitution. Had the Convention been equipped with implementing mechanisms that enforced its provisions, it would have posed a serious threat to sex industry businesses. An international movement to abolish prostitution, founded by Josephine Butler at the end of the Nineteenth Century was still active in the 1980’s, and feminists speaking out against the sexual exploitation of women in prostitution were beginning to join forces with the “abolitionists” to strengthen the 1949 Convention and to pass and implement national and local laws consistent with it (Barry, 1979, 1995). Media reports of the suffering of trafficking victims and the increasing globalization of the sex industry were fueling support for a campaign against the sex industry. Eager to ward off such a danger, pro-sex industry forces developed a strategy.

Ignoring or denying the harm of the sex industry was not an option, for that harm was well documented. A more pragmatic approach was to focus on the most brutal and extreme practices of the sex industry—transporting women from poor countries to rich countries using tactics of debt bondage and overt force—while legitimizing its other activities in the name of worker’s rights.

The old dichotomy of Madonna-whore was replaced by a new dichotomy: sex worker-trafficked woman. In order to defend prostitution as sex work, trafficking was articulated as gender-neutral, with labor trafficking and sex trafficking collapsed under the same rubric as “trafficking in persons.” Otherwise it would be too evident that the ultimate harm of sex trafficking is the decidedly gendered condition in which the trafficking victim is transported into—prostitution. “Prostitution” was stricken from the lexicon and replaced by “sex work.” Similarly,

(Continued on facing page)
“pimp,” “procurer,” and “brothel owner” were replaced by “business owners” or “third-party managers.” The old terminology suggested that the sex industry was exploitative or worse whereas, according to the new understanding, it is about the right of individuals to make money as they choose. Indeed it is about the right to economic development. Even “trafficking” was troublesome because it implied that those who were trafficked were victims. The term “trafficking” began to be replaced with the more neutral “migration.” Because there was a danger that the agents who profited from transporting women might be stigmatized as common traffickers the phrase, “facilitated migration” was coined (Ditmore, 1999; Doezma, 1999; Doezma, 2001; Network of Sexwork Projects, 2002).

The battle over definitions of trafficking came to a fore in the drafting of the Trafficking Victims Protection Act, whose provisions governing the penalization of traffickers and the protection of victims were limited to cases of “severe trafficking,” requiring proof that the trafficking was carried out by force or deceit. Although such a restricted definition creates an often insurmountable burden for prosecutors, who must establish beyond a reasonable doubt not only that the victim was trafficked but that she did not consent to it, the restricted definition prevailed. Two years after its passage, only four prosecutions had been brought under the new law.

**Prostitution or Trafficking in Women?**

What is the relation if any between prostitution and sex trafficking? The truth is that what we call sex trafficking is nothing more or less than globalized prostitution. Sex industry profiteers transport girls and women across national and regional borders and “turn them out” into prostitution in locations in which their victims are least able to resist and where there is the greatest demand for them. The demand is greatest in countries with organized women’s movements, where the status of women is high and there are relatively few local women available for commercial sexual exploitation (D’ Cunha, 2002). The brothels of the United States, Canada, the Netherlands, Germany, Austria, and Australia are filled with women trafficked from Asia, Latin America, and Eastern Europe. No less than 50% of German prostitutes are illegal immigrants and a staggering 80% of Dutch prostitutes are not Dutch-born (Owen, 2002; Louis, M., 1999). The implications for the women’s rights movements in these countries of the massive sexual exploitation of poor immigrant women, many trafficked, is staggering, but the mainstream feminist response has, for the most part, been one of indifference.

Methods that enable one human being to enslave another are remarkably similar. Methods of violence are: Systematic and repetitive infliction of psychological trauma; organized techniques of disempowerment and disconnection; constant inducement of fear by inconsistent and unpredictable bursts of violence; threats to family and others; convincing the victim that the perpetrator is omnipotent and destroying the victim’s sense of autonomy.

*Monica O’Connor and Grainne Healy, The Link between Prostitution and Sex Trafficking: A Briefing Handbook, 2006*
Conversely, what most people refer to as “prostitution” can also be seen as domestic trafficking. “Casual prostitution,” prostitution in which a woman with apparent options enters of her own apparent volition, accounts for only about one percent of the women in the sex industry, according to Davidson, 1998. The bulk of the sex industry involves pimps and other sex industry entrepreneurs controlling women and girls, often by moving them from places in which they have family and friends into locations in which they have no systems of support (D’Cunha 1999, 2002). Movement is also essential because customers demand novelty. In the United States there are national and regional sex industry circuits in which prostituted women and girls are rotated among cities, ensuring customers variety and sex industry entrepreneurs control (Raymond, J. and Hughes, D., 2000).

Increasingly, the boundaries between local prostitution and international sex trafficking are blurred. In 2001, the Kings County District Attorney’s Office in New York City busted a prostitution ring run by Russian nationals living in the United States. The ring recruited newly arrived Russian immigrant women, desperate for income, through ads in Russian language newspapers that falsely promised lucrative work. Is this prostitution or is it trafficking?

Sex trafficking and prostitution overlap in fundamental ways. Those targeted for commercial sexual exploitation share key demographic characteristics: poverty, youth, minority status in the country of exploitation, histories of abuse, and little family support. Sex industry customers exploit trafficked and prostituted women interchangeably, for the identical purpose. (There is no specific demand for “trafficked” women — any woman or girl will suffice.) The sex industry businesses in which trafficked and prostituted women are exploited are often one and the same, with trafficked and domestically prostituted women “working” side by side. Local brothels and strip clubs are usually traffickers’ destinations and key to their financial success. The injuries that prostituted and trafficked women suffer are identical: post-traumatic stress disorder, severe depression, damage to reproductive systems, damage from sexual assault and beatings, and sexually transmitted diseases (Raymond 2001; Farley, 2002).

Certainly international trafficking intensifies the dynamics of power and control that characterize domestic prostitution: the isolation of the victims; their dependence on their abusers; their difficulty in accessing criminal justice and social service systems; and their fear of exposure to the authorities. But the dynamics of trafficking and prostitution are the same dynamics, and their commonalities far overshadow their differences. In spite of efforts to differentiate and separate prostitution and trafficking, the inescapable conclusion is that the difference between the two, at best, is one of degree, not of kind.

Conclusion

Prostitution and sex trafficking are the same human rights catastrophe, whether in local or global guise. Both are part of a system of gender-based domination that makes violence against women and girls profitable to a mind-boggling extreme. Both prey on women and girls made vulnerable by poverty, discrimination, and violence and leaves them traumatized, sick, and impoverished. Both reward predators sexually and financially, strengthening both the demand and criminal operations that ensure the supply. The concerted effort by some NGOs and governments to disconnect trafficking from prostitution—to treat them as distinct and unrelated phenomena—is nothing less than a deliberate political strategy aimed at legitimizing the sex industry and protecting its growth and profitability. Unless definitions, laws, and strategies clearly identify and challenge all manifestations of local and global sex industries, the progress that we make on one front will be undone by our inaction on the others.

Women who are trying to leave the sex industry have the same needs as battered women. Many are fleeing with the clothes on their backs with no money and no place to go. This is compounded by the isolation known to all battered women and the stigma unique to prostitution.

Coalition Against Trafficking in Women, 2006
DV and SA communities when dealing with prostitution?

Jan: I think what we have in common is that we are responding to violence against women and violence against persons.

Linda: And we see them as power and control issues, as opposed to the draw towards sex and desire.

Patti: There is a big commonality in that we look at and approach these three issues from an anti-oppression framework where we think about it as someone oppressing someone else for their own personal gain—to gain power and control over another individual or individuals. The differences are just slightly more distinct. Obviously in domestic violence, we’re talking about people who have a relationship with one another—whatever the duration of that relationship, the power and control, domination and oppression occurs within the context of that relationship. And it is true that sexual assault and sexual exploitation can occur within the context of that relationship, but we also know that a perpetrator can be a stranger.

Linda: When DV is present, it’s like peeling back an onion—for them to get to the sexual assault issue they need to first deal with the physical violation, the injuries, possibly hospitalization—they can’t get to the sexual violence piece until after clearing away this stuff. So I think taking care of the sexual violence sometimes requires getting through that first layer of immediate care of the individual—and I think the domestic violence movement would join us on that.

Patti: That’s true. I have worked with literally thousands of women who have been battered, and sometimes the immediate concern is addressing serious physical injury, but a lot of women who have been battered don’t need that kind of medical intervention. I think the oppression of poverty is the greatest and most pressing need for women I have worked with—I don’t care what state they were in, how beat up, the woman would come into the shelter where I worked and her first thought was “where am I going to go?”, “how am I going to feed my kids?”, “how am I going to get money?”, “how am I going to get myself to and from a job?”, “how am I going to get myself to and from childcare?”—and those issues are so pressing and overwhelming, and if you think about it, in terms of sheer survivability, you’ve got to have a place to stay, you’ve got to have a way to get money.

When I worked at the shelter with women who were involved in prostitution, what was hard was that some women would leave an abusive partner and see prostitution initially as a way to make cash. But then depending on the circumstances of prostitution, whether or not there was another man there controlling that aspect of their life—there was sort of a trade of one devil for another. At the end of the day it was clear to me that it was all about “how am I going to survive in this world?”, “how am I going to survive for my kids?” Women with kids will do anything to protect their children and that is the bottom

(See CONVERSATION, page 10)

Prostitution occurs within multiple power relations of domination, degradation, and subservience of the pimp and trick over the prostitute: men over women, older over younger, citizen over alien, moneyed over impoverished, violent over victimized, connected over isolated, housed over homeless, tolerated and respected over despised.

All forms of coercion and vulnerabilities recognized under the Thirteenth Amendment are common in prostitution, and then some. No social institution exceeds it in physical violence. It is common for those involved in prostitution to be deprived of food and sleep and money, beaten, tortured, raped, and threatened with their lives, both as acts for which the pimp is paid by other men and to keep the women in line.

Women in prostitution are subject to near total domination. Much of this is physical, but pimps also develop to a high art forms of nonphysical force to subjugate the women’s will. Their techniques of mind control often exploit skills women have developed to survive sexual abuse, such as denial, dissociation, and multiplicity. They also manipulate women’s desires for respect and self-respect.

“Prostitution and Civil Rights” – Prostitution Research and Education, 2006
In 1949, the United Nations declared in its Convention for the Suppression of Traffic in Persons and the Exploitation and Prostitution of Others that “trafficking in persons for the purposes of prostitution is incompatible with the dignity and worth of the human person”. Through the United Nations’ Decade of Women and with the adoption of the Convention on the Elimination of All Forms of Discrimination Against Women in 1980, there has been advancement in global recognition of women’s human rights throughout the world. It was early in that Decade, in 1981, those responding to violence against women and those promoting human rights, along with law enforcement and other concerned community members joined forces to found Project RESPECT (Resources and Educational Services for Prostitutes Effecting Change in Themselves) in Madison, Wisconsin. Project RESPECT was among a handful of groups in the United States, working within the women’s movement to address the impact of prostitution on women’s lives at that time.

By 1990, the United Nations Report on the International Trafficking in Women concluded that prostitution is violence against women. In 1991, the United Nation’s Final Report: International Meeting of Experts on Sexual Exploitation, Violence and Prostitution, said that a common context is shared by victims of other forms of sexual violence and by prostituted women. It concluded that it is a fundamental human right to be free from sexual exploitation in all of its forms — that it violates the rights of anyone, female or male. Furthermore, the sexual exploitation of women through prostitution victimizes women both within and outside of prostitution.

The United Nations most recent policy statements have shown an evolution from classifying prostitution as a present day form of slavery to a form of torture. A study of prostituted women in the United States found that 68% met the criteria for a diagnosis of PTSD, with 75% qualifying for partial PTSD due to physical attacks and sexual assaults resulting in serious injury (for example, gunshot wounds, knife wounds, and injuries from attempted escapes). (Foley & Barkan, 1998)

For many women, trauma began before entry into prostitution. In fact, prolonged and repeated trauma usually precedes entry into prostitution. (Farley & Balkan, 1998). Prior sexual abuse, particularly when it has been sustained over time, as in incest, has already predisposed women, making them vulnerable to other sexual exploitations and to not fighting back. (Barry, 1995).

Addressing the harm through best practices

The women’s movement has progressed in creating consciousness about combating violence against women. However, internationally and domestically, considerable confusion and contradiction remains in the area of responding to prostitution/sexual exploitation. The debate features several polarizing positions. Some groups view prostitution as a choice – empowering and lucrative. Other groups argue that prostitutes need to be pitied and rescued. Still others view women in prostitution as perpetrators of crimes to be feared and punished. In order to provide effective victims’ services to women in prostitution, human service providers, advocates, and law enforcement must understand the multiple needs and life contexts that lead women in to the life of prostitution. They must understand how the women view themselves. A woman in prostitution may not view herself as a victim – but rather doing what it takes to get through her life. They must understand the isolation created by stigmatization, and how openly disclosing her involvement in prostitution to service providers and law enforcement poses very real risks.

In prostitution, women experience tactics commonly practiced by domestic abusers including:

(Continued on facing page)
physical, sexual, verbal, emotional and economic abuse which make it difficult for her to break free. She also deals with societal attitudes that regularly dissuade many sexual assault victims from seeking justice. Did you say no? Why did you not fight back? She may be dealing with guilt, shame, fear, and self-doubt. How do you assist her through the process of trauma recovery, building a new life or obtaining justice? (The best practices outlined in the next column, top right, are based on DiClemente’s *Stages of Behavior Change*.)

**Systems of prostitution**

Increasingly, those fighting violence against women and those working toward the protection of human rights are recognizing that demand drives the trade in DePaul University, 2002) Systems of prostitution were once described in “supply” terms, but more and more today they are being viewed in “demand” terms. What do we know about the people who make up the “demand” side of prostitution?

According to Joe Parker, in “How Prostitution Works” (*Not for Sale: Feminists Resisting Prostitution and Pornography*, 2004, eds. Whisnant & Stark), systems of prostitution include the “user”. He is the person who solicits women off the streets and into his car, or at bars, or uses them in massage parlors, brothels, hotels or strip clubs. Users may approach women at work, school, church or other everyday settings. “He feels entitled to whatever he wants, whenever he wants it. He would deny intent to harm anyone. He does not care if the person is unusually vulnerable. He feels that the fee he pays covers any damages. He sees himself as a respectable person, and works to protect that appearance.” There is the “sadist.” “This is the person who takes pleasure in another person’s fear, pain or humiliation.” The sadist could be found on the street, through an

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**PROVIDING SERVICES TO WOMEN IN PROSTITUTION: BEST PRACTICES**

1. **Build safety, trust and connection.**
   - Be non-judgmental: be supportive and caring; identify strengths; listen; and ask permission
   - Offer facts
   - Explore pros and cons of current situation
   - Allow individual choice
   - Emphasize strengthening ability to form and maintain positive supportive relationships rather than isolation and separation to reduce the effects of disconnectedness created by past abusive relationships
   - Follow through with commitments

2. **Foster individual empowerment and create vision that change is possible.**
   - Be motivational
   - Offer a range of options and assist with weighing options
   - Ask questions that give insight into problems
   - Ask what is her source of strength?
   - Challenge existing attitudes and behavior
   - Teach new coping skills
   - Expand world-view to facilitate innovation in life
   - Help make decision to leave harmful situations

3. **Develop change plan and provide hope that change is possible.**
   - Assist with safety planning
   - Describe the change process and services available
   - Connect to essential community services including: health care, legal assistance, housing, family support, victim services and trauma support, substance abuse recovery, vocational/educational services
   - Honor the past

4. **Assist with reconnection.**
   - Maintain relationship
   - Engage in group support
   - Provide encouragement and support through restorative systems
   - Provide advocacy and assist with lowering barriers to essential community service

—Based on DiClemente’s *Stages of Behavior Change*
escorting out-call, in a drug house, or at home. There is also the profiteer or “pimp.” According to Parker, there are media pimps who sell sexual fantasies through magazines and movies. There are business-level pimps that extract profits from the sex industry with minimal criminal exposure through “adult” businesses. There are street-level pimps who are the foot soldiers of the sex industry. They avoid identifying themselves as pimps, except to other pimps.

**Addressing the harm through public policy**

What can government do to address the “supply-side” of prostitution? The US “Trafficking Victims Protection Act”, addresses domestic and international trafficking for the purposes of prostitution. It protects citizens and non-citizens. It recognizes both the overt and covert acts of force, fraud and coercion. It emphasizes the prevention, protection of victims and prosecution of traffickers. This is progress, but it is not enough.

According to Shulamith Firestone in her groundbreaking work, *The Dialectic of Sex* (1970), “sex class is so deep as to be invisible, or it may appear as a superficial inequality, one that can be solved by merely a few reforms...in truth profound fundamental change must occur that can’t be easily fitted into traditional critique or thought.” Such a revolutionary change occurred in 1999 when the Swedish Parliament passed a law that only criminalized the buying of sexual practices.”

Gunilla Ekberg, Special Advisor on issues of prostitution and trafficking in women at the Swedish Division for Gender Equality, says that a “root-cause” discussion is needed. Ekberg says prostitution is the oldest profession in the world if men regard it as their self-evident right to purchase and sexually exploit women. Furthermore, says Ekberg, programs for exiting from prostitution, and for educating law enforcers are needed. In 2006, Project RESPECT, the Dane County District Attorney’s Office and the Madison Police Department initiated the first “John School” deferred prosecution program to educate those arrested for buying sex about the impact of their behavior on women and the community.

Finally, Laurie Bell, editor of *Good Girls-Bad Girls: feminists and sex-trade workers face to face*, a book born out of a landmark conference that brought feminists and sex trade workers together, wrote in 1987 that women’s advocates must pay attention to the issues and needs of survivors of prostitution, must move beyond the identified feminist community to initiate and maintain a relationship with women working in the sex trade, and must participate in policy making. Bell says the well-being of the feminist movement and the lives of many women depend on it. Twenty years later this remains true.

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**PROJECT RESPECT**

Project RESPECT, a project of ARC Community Services, Inc., is a woman’s center that provides advocacy, alternatives to incarceration services, case management, counseling, crisis intervention, transitional housing and peer support group services for women with prostitution histories that have changed or want to change their lives. Project Respect provides a safe and non-judgmental place to meet and talk with other women with similar life experiences. Respect assists women to have increased options available to them and reach their goals. Women served include: survivors or domestic violence, sexual assault, childhood sexual abuse, women with chemical dependency and vocational issues.

Project Respect cannot end prostitution. Prostitution is a community issue that requires a broad community response. Ending prostitution must be included in our community discussion to end all forms of violence against women.
line. So the choices women made had little to do with themselves and more to do with how to feed, clothe and shelter their kids.

Linda: There are fewer and fewer services to turn to for these basic resources. The women come in and set aside anything that has happened to them because they are focused on immediate needs. An advocate might be trying to talk to a woman about what has happened to her, and all the woman has been trying to say for the last 20 minutes is, “I don’t have formula for my baby, what am I going to do?” And the advocate realizes, how can I keep asking her about what has happened to her when what’s happening right now is she doesn’t have formula and doesn’t know what she is going to do? There are not resources available out there to supply that.

Patti: It’s true, the abuse is secondary, it comes out eventually or some women come in and out of a battered women’s shelter and never talk about it – they don’t want to go there. They want a leg up, they want some one to help them get where they need to go and get the services they need.

Jan: I think that what the sexual exploitation, sexual assault and domestic violence movements have in common is that many women, by the time they are involved in prostitution, have experienced prolonged and repeated sexual assault or abuse – and then inside of prostitution they will be repeatedly subjected to sexual assaults and also face domestic violence. (They face) DV at the hands of their partners, and also at the hands of regular tricks and others who benefit from their prostitution. And so women in prostitution often replicate the other kinds of abuse in some shape or form that have happened throughout the course of their lives—not for everyone, but that is often the case.

It is important to think about the ways we are similar in terms of systemic change. One of my favorite quotes is by Andrea Dworkin, who says, “it’s not about placing your personal sexual life under the scrutiny of anybody else’s politics, it’s about moving from a world in which the dominant ethic is hierarchy and domination and moving from that world into a world of equality.”

When you talk about prostitution being part of this underground economy, it just magnifies all of the dangers. And then when you talk about the reduction in services and the increased need, it makes the value of a sexual act worth less. It reduces a woman’s negotiating power that she might have in prostitution. So I would say, just generally speaking, prostitution, street level prostitution, and other systems as well, are becoming increasingly more dangerous because people are more desperate. I think poverty is definitely making street prostitution more dangerous.

Patti: And I think nothing will impoverish you faster than being a victim of domestic violence and sexual assault. The choices left for victims are very limited.

Linda: And I think of that desperation—I am just amazed at their abilities and their courage to be able to do that all the time and keep surviving.

Jan: I think Patti was speaking to the unique barriers a survivor of prostitution faces. She may have a substance abuse issue that is creating problems for her to be able to take the necessary steps she needs to leave an abuser. She may distrust law enforcement, the people you go to when you finally are able to escape your abuser. She may have had negative experiences with service providers and so she is reluctant to trust people. She may personally view herself not as a victim, and because of that, she may think the services are not for her. That may impact her

(See CONVERSATION, page 24)
Child Victims of Prostitution and Trafficking

Prostitution is tolerated, rather accepted as a necessary social evil, an inevitable and integral part of civilization...Public opinion is that prostitutes are not victims of society’s apathy but that only morally loose women get into this profession. This, however, is untrue.1

Zeroing-In: Child Sexual Exploitation Internationally and in Our Community

According to UNICEF’s *State of the World’s Children 2006: Excluded and Invisible*, nearly two million children are used in the sex trade worldwide. Trafficking in persons, including children, is a modern form of slavery. International estimates indicate at least 1.2 million children are trafficked globally each year. An estimated 18,000 to 20,000 people are trafficked into the United States each year to be used for forced labor and sexual exploitation.2

In the US alone, 300,000 to 600,000 children are involved in prostitution3, and 500,000 children run away or are “thrown away” annually in the US, according to the National Center for Missing and Exploited Children. In the US, 12 million children live in families with incomes below the federal poverty level. Five million children live in families with incomes of less than half the poverty level. Thirty-three percent of black children live in poor families; 28% of Latino children live in poor families; 10% of white children live in poor families. Although black and Latino children are disproportionately likely to be poor, white children comprise the largest group—35%—of children living in poor families.4

In Wisconsin, there were 40,473 child maltreatment reports in 2003: 16,357 neglect, 11,723 physical abuse, and 7,812 sexual abuse. The majority of victims of neglect and physical abuse were boys. Girl victims of sexual abuse outnumbered boys three to one. *Child Abuse and Neglect Report, 2003*

In the US, the typical customer of an adolescent or child prostitute is a middle-aged, white, affluent male living in suburbia. Typically, he has a good job, a wife and children.5 The demand for prostituted children is increasing, as men feel safer from AIDS with younger girls. Although both buyer and seller are guilty under the law, social acceptance of the sexual double standard results in the selective enforcement of the laws and male customers only constitute 10% of prostitution arrests.6

Between 75 and 95% of prostituted people were sexually abused as children. In addition, 65-75% of street prostituted women are victims of long-term incest. Many involved in prostitution are high school drop-outs, come from poor and abusive homes, move from place to place and are addicted to alcohol or drugs. Eighty-five percent (85%) of prostituted people in the US are addicted to crack, heroin, prescription drugs, or alcohol; 92% of women involved in prostitution said they wanted to leave prostitution, but couldn’t because they lacked basic necessities such as housing, job training, health care, counseling and treatment for drug or alcohol addiction. Females in prostitution have a mortality rate 40 times higher than the national average.7

(Continued on facing page)

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1 *Sexual Exploitation of Children*, United Nations, 1996, p2
2 UNICEF, 2005
3 *Coalition Against Trafficking of Women (CATW)*, 1997
4 *National Center for Children in Poverty*, 2005
5 Clayton, 1996
6 CATW, 1997
7 CATW, 1997

Contact Colleen Cox at WCADV (colleen@wcadv.org or 608/255-0539) for a complete bibliography of sources used to produce this article.
Sexual exploitation of children may be defined as the “use of children (under 18 years) for the sexual satisfaction of adults. The basis of the exploitation is the unequal power and economic relations between the child and the adult. The child is exploited for his/her youth and sexuality. Frequently, although not always, the exploitation is organized by a third party for profit.”

Child prostitution may be defined as “the sexual exploitation of a child for remuneration in cash or in kind, usually but not always organized by an intermediary (parent, family member, procurer, teacher, etc.).”

Research has shown that children who have fewer economic alternatives and who experience sexual abuse or incest are more vulnerable to sexual exploitation. Yet, our society often sees children in prostitution as having made that choice willingly. This belief permits society to demonize these children and to feel more comfortable writing them off as delinquent and immoral. However, it is our society that makes these children vulnerable to sexual exploitation by passively allowing poverty, abuse and trauma to continue to thrive in our communities. By doing nothing, we are contributing to the devastation of our children.

Common myths and stereotypes about prostitution do not consider the shared trauma that those working in prostitution have experienced. Many believe that juveniles choose prostitution as a way to rebel, because of sexual appetite or sexual perversion. Adults working in prostitution are judged as loose, morally depraved, and criminal. However, these adults were once likely child victims of sexual abuse, poverty, and violent homes.

Poverty plays a significant role in exploiting vulnerability. Research indicates that the risks posed by poverty are greatest among children who experience deep and persistent poverty, especially if it is experienced when they are young. The younger they are, the deeper the barriers are ingrained, and the harder it is for the child to recover. Families in poverty experience more stress than families in more stable economic situations. Families experiencing high levels of stress are more prone to child maltreatment. Children who have been maltreated show signs of anxiety, panic attacks, self-medication through drugs and alcohol, suicidal ideation and self-destructive behavior.

The Juvenile Justice System

Children who grow up in homes where they observe or experience considerable conflict, physical or sexual abuse, inadequate supervision, physical or emotional neglect, parental abandonment, criminal activity, or drug/alcohol abuse are at greater risk of becoming delinquents. Traumatized children develop a distrust of others and do not feel safe. They often develop alternative methods or environments to feel safe. Children may also feel shame when they are abused and are likely to attribute the rejection to something lacking in themselves. This can make a child desperate to please adults, or other children, from whom the child seeks love and attention. Traumatized children have a tendency to seek out people with whom they can reenact the same abusive patterns they experienced at home. Prostitution virtually replicates the sexual abuse suffered in the home. These children have a fear of being alone and a

(See CHILD VICTIMS, page 35)

8 Sexual Exploitation of Children, p1
9 Sexual Exploitation of Children, p7
11 National Center for Children in Poverty, 2005
12 The Pathways to Youth Violence, 2002, p11
13 Pathways to Youth Violence, 2000, p6
14 Pathways to Youth Violence, 2000, p8
15 Pathways to Youth Violence, 2000, p9
16 Silbert, Mimi H., “Sexual Assault of Prostitutes”, National Center for the Prevention and Control of Rape, National Institute for Mental Health, 1982
Prostitution is supported by a culture that tolerates sexual abuse, misogyny, and gender inequality. Women who are prostituted often have a history of sexual and physical abuse beginning in childhood and continuing throughout life. This history of abuse has a direct effect on an individual’s path into prostitution and makes it extremely difficult for individuals to leave prostitution.

An estimated one million women and girls are prostituted in the United States. (Miller, JoAnn L. “Prostitution in Contemporary American Society,” Sexual Coercion. Lexington Books, 1991.) People generally make assumptions that those involved in prostitution do so because it is a quick and easy way to make money or because they really like sex. Society dismisses prostituted women and girls as less than human and considers them to be nothing more than criminals. Average prostitution arrests illustrate this point: about 70% of those arrested are females, 20% are males and only 10% are customers. (Priscilla Alexander, Prostitution: A Difficult Issue for Feminists, in Frederique Delacoste and Priscilla Alexander, Sex Work: Writings by Women in the Sex Industry, San Francisco: Cleis Press, 1987.)

Those who were sexually abused as children are 27.7 times more likely than non-victims to be arrested for prostitution as adults. (Widom, C. Victims of Childhood Sexual Abuse: Later Criminal Consequences. Washington, D.C.: U.S. Department of Justice, National Institute of Justice, 1995.)

There is an obvious connection between experiencing child sexual abuse and engaging in prostitution. According to one study more than 90% of prostituted people suffered childhood sexual abuse, often incest. (Silbert, Mimi H. “Compounding Factors in the Rape of Street Prostitutes,” Rape and Sexual Assault II, ed. Ann W. Burgess. New York: Garland Publishing, 1988.) Another study found that men and women who were raped or forced into sexual activity as children or adolescents were four times more likely to engage in prostitution compared with non-victims. (Population Reports: Ending Violence Against Women, 2000.) A different study found that fifty-seven percent of the prostituted people they surveyed reported a history of childhood sexual abuse, by an average of three perpetrators. (Prostitution, Violence Against Women and Posttraumatic Stress Disorder by Melissa Farley, PhD and Howard Barkan, DrPH: Women & Health, 27 (3): 37-49. © 1998 by The Haworth Press, Inc.)

Despite the variance in these studies it is clear that the trauma from childhood sexual abuse is a huge factor in becoming involved in prostitution. Other findings include:

▪ Two thirds of prostituted people were sexually abused from the ages of 3-16. (The average age of victimization was 10.)
▪ Two thirds of the prostituted people abused in childhood were molested by natural, step- or foster fathers. Ten percent (10%) were sexually abused by strangers.
▪ More than 90% of prostituted people lost their virginity through sexual assault.
▪ More than 90% of the prostituted people sexually abused as children told no one. Only 1% received counseling for the effects of the abuse.

(Statistics are taken from Silbert, Mimi H. “Treatment of Prostitute Victims of Sexual Assault,” Victims of Sexual Aggression. Van Nostrand Reinhold, 1984.)

Sexual assault can have a devastating impact on survivors and our communities. Depression, anxiety, panic, isolation, self-hatred, pregnancy, sexually transmitted diseases, HIV and AIDS, alcohol and drug dependency, eating disorders and post traumatic stress disorder are just some of the possible effects on survivors of sexual assault. An individual’s sexuality is also often affected. Some people have trouble engaging in healthy consensual (Continued on facing page)
relationships because of issues related to trust, fear and shame. Others express themselves in overtly sexual ways. 70% of those involved in prostitution believed that being sexually abused as children influenced their decisions to become involved in prostitution. (Silbert, 1984). One report states that the sexuality of a child “is shaped in a developmentally inappropriate and interpersonally dysfunctional fashion as a result of sexual abuse” (Finkelhor & Browne, 1985, p. 53). The report found that child sexual abuse leads to feelings by the victim of betrayal, powerlessness, stigmatization, and the sense that sex is a commodity. These feelings often make children vulnerable to revictimization, including child prostitution. (Finkelhor, David & Browne, Angela. “The Traumatic Impact of Child Sexual Abuse,” American Journal of Orthopsychiatry, 55(4).)

There are an estimated 100,000 to 300,000 children sexually exploited through prostitution and pornography in the United States. (Source: End Child Prostitution, Child Pornography, and the Trafficking of Children for Sexual Exploitation [ECPAT], Europe and North America Regional Profile, issued by the World Congress Against Commercial Sexual Exploitation of Children, held in Stockholm, Sweden, August 1996, p.70.) These individuals are unable to consent to sexual activity and are victims of sexual assault. However, this is not always the perception of those involved in prostitution. One study found that a number of respondents reported having been recruited into prostitution at the age 12 or 13, but also denied having been molested as children. This denial is likely the result of persistent and extreme trauma that she has experienced for most of her life. (Prostitution, Violence Against Women and Posttraumatic Stress Disorder by Melissa Farley, PhD and Howard Barkan, DrPH, Women & Health, 27 (3): 37-49. © 1998 by The Haworth Press, Inc.)

Prostitution is not sexual liberation; it is humiliation; it is torture, it is rape; it is sexual exploitation and should be named as such. Consequently males who use women and girls in prostitution are sexual predators and rapists.

Monica O’Connor and Grainne Healy, The Link between Prostitution and Sex Trafficking: A Briefing Handbook, 2006

A juvenile victim’s actual role in a prostitution incident is not always clear, nor is the victim’s link to the prostitution offense. (Finkelhor and Ormrod, 2004.) This can make it difficult for systems to provide support or advocacy that these individuals may want or need. Preventing sexual abuse in childhood and throughout one’s lifespan and providing support to help individuals heal from abuse is essential in preventing prostitution. It is our hope that by educating people about the realities of prostitution that people will be more likely to provide the support and understanding to help individuals find their way out.

Juveniles who are prostituted may have a dual status of victim and offender in the criminal justice system (Finkelhor, D. and Ormrod, R. June, 2004. Prostitution of Juveniles: Patterns from NIBRS. U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.) According to the U.S Department of Justice, about 77% of juvenile victims of prostitution were 15 years old or younger. However, the same study found that 69% of 16 or 17 year olds were considered to be offenders of prostitution instead of crime victims. (Finkelhor and Ormrod 2004.) These individuals may be labeled as either a victim or a offender based on the age-of-consent laws, which, in some states, do not allow juveniles to be considered the victims of statutory sex crimes after the age of 15 (Klain, E.J. 1999. Prostitution of Children and Child-Sex Tourism: An Analysis of Domestic and International Responses. Alexandria, VA: National Center for Missing and Exploited Children). Juveniles may also be categorized as victims of a sex crime instead of victims of prostitution.
Throughout history, in times of war, violence against women has been used as a weapon. Women’s bodies are considered the rightful plunder of victorious armies. Women are captured, trafficked and sold into prostitution. Victory over an enemy has been interpreted as a license to rape. Still today, women’s bodies are treated as the spoils of war and used to conquer an enemy. Men and boys are also victims of sexual violence, but women and girls are the principal victims. The widespread use of sexual violence in situations of armed conflict reflects the devastating terror for women, the sense of power it gives the perpetrator, and the unique discrimination and disdain the victims face in their communities and cultures.

Violence against women is defined by the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women to include physical, sexual and psychological violence that occurs within the family, domestic unit or within any other interpersonal relationship, whether or not the perpetrator shares or has shared the same residence with the woman. This includes rape, battery, torture, trafficking in persons, forced prostitution, kidnapping and sexual harassment in the workplace, educational institutions, or health facilities.

Sexual violence against women often is used as an intentional strategy to terrorize, degrade and overpower an entire population; an attack on a woman can be seen as an attack on the entire community. Women are attacked as “the bearers of the next generation” by either destroying their reproductive capacity or forcibly impregnating them. As a weapon of war, and as a form of gender-based torture, sexual violence is used to extract information, punish, intimidate and humiliate.

The factors and circumstances which contribute to violence against women in situations of conflict and militarization have their roots in the persistent inequality and discrimination women face in peacetime as well as during and after conflict. “Conflict and militarization reinforce sexist stereotyping and rigid differentiation of gender roles. Weapons proliferate and violence becomes an everyday means of social interaction. Conflict often creates conditions of severe economic deprivation.

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where the civilian population – and in particular women – becomes almost totally dependent on certain authorities (whether occupation forces, peacekeepers or humanitarian workers) for survival, leaving them acutely vulnerable to sexual and other forms of exploitation.”

Evidence gathered by Amnesty International supports the view that “conflict reinforces and exacerbates existing patterns of discrimination and violence against women.”

The UN Security Council has recently recognized that “civilians, particularly women and children, account for the vast majority of those adversely affected by armed conflict, including as refugees and internally displaced persons, and increasingly are targeted by combatants and armed elements.”

Other studies have found that a country is more likely to become a source of trafficking victims after sudden political change, economic collapse, civil unrest, internal armed conflict or natural disaster.

Because of the economic damage caused by such upheavals, women and children may be one of the region’s few marketable resources.

“Methods that enable one human being to enslave another are remarkably similar. Methods of violence are: Systematic and repetitive infliction of psychological trauma; organized techniques of disempowerment and disconnection; constant inducement of fear by inconsistent and unpredictable bursts of violence; threats to family and others; convincing the victim that the perpetrator is omnipotent and destroying the victim’s sense of autonomy.”

Monica O’Connor and Grainne Healy, The Link between Prostitution and Sex Trafficking: A Briefing Handbook, 2006

The face of conflict has changed substantially over time. Today’s wars are fought between governments and armed groups, not international conflicts fought between professional national armies. The perpetrators of violence against women are soldiers of the state’s armed forces; pro-government paramilitary groups or militias; armed groups fighting the government or fighting an opposing armed group; the police, prison guards; private security or military personnel; peacekeeping forces; staff of humanitarian agencies; neighbors and (See WAR, page 17)

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9 Lives Blown Apart, Amnesty International
10 Lives Blown Apart, Amnesty International
11 Lives Blown Apart, Amnesty International
12 Issue Brief on Trafficking, Issue Briefing on Small Arms and Light Weapons, United Nations Development Fund for Women (UNIFEM), WomenWar-Peace.org, New York, 2005
13 Lives Blown Apart, Amnesty International
14 Issue Brief on Trafficking, UNIFEM
15 Issue Brief on Trafficking, UNIFEM; The US Victims of Trafficking and Violence Protection Act of 2000 defines sex trafficking as the “recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.”
relatives. Bringing these perpetrators to justice is often a difficult challenge, if not impossible. The perpetrators may not recognize any obligations under international law. Judicial mechanisms and legal systems may not be in place to convict these crimes, particularly in areas under armed groups’ control. Many countries have discriminatory laws that make it difficult for women to access justice. Even if they are able to access the legal system, it is likely that the laws are inadequate to deal with sexual violence in conflict. Even if the laws are in place, the community may be hesitant to enforce them based on social stigma or cultural traditions.

Refugee and internally displaced women and girls, especially in camp situations, are particularly vulnerable to trafficking and other forms of exploitation and abuse. Interviews with girls in refugee camps in Guinea, Liberia, and Sierra Leone reported being forced to exchange sex for food, medicine, and other basic needs. One young woman in Guinea explained, “I have to sleep with so many men...so that I can feed myself and my child. They pay me 300 each time, but if I am lucky, and I get an NGO worker he can pay me 1500.” The teen pregnancy rate in the camps was estimated at 50 per cent.

Women fleeing conflict may be forced to offer sex in return for safe passage, food, shelter or documentation.

According to international experts at the 2002 conference, held by UN Interregional Crime and Justice Institute, in post conflict situations, women and girls have been trafficked into areas under the mandate of international peacekeeping operations. There, international peacekeeping personnel have “purchased trafficked women and children for sex or domestic labor, have permitted trafficking rings to flourish, and have themselves engaged in trafficking persons.”

### International Law

The international community has traditionally treated sexual violence against women as an assault of a woman’s honor, not as a violation of her human rights. Progress has been made in recognizing sexual crimes as human rights violations.

The Universal Declaration of Human Rights was adopted by the United Nations General Assembly (General Assembly) in 1948. The international community came together to proclaim equality and dignity for all people.

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16 Lives Blown Apart, Amnesty International
17 Lives Blown Apart, Amnesty International
18 Lives Blown Apart, Amnesty International
19 Issue Brief on Trafficking, UNIFEM
20 Lives Blown Apart, Amnesty International
21 Casualties of War, Amnesty International
22 Lives Blown Apart, Amnesty International
23 Lives Blown Apart, Amnesty International
24 Issue Brief on Trafficking, UNIFEM

▪ The UN estimates that 80% of persons trafficked are trafficked for sexual exploitation. They are mostly women and children.

▪ The US Department of State estimates that 600,000-800,000 people are trafficked within and across boarders annually, of whom 80% are women and girls, 50% are minors.

▪ Researchers agree that internationally the median age for the entrance into prostitution is 14 years of age.

▪ It is estimated that the illegal sex industry turns $5-7 billion per year.

▪ The UN estimates that some 4 million individuals, principally girls and women are transported annually within and between countries for the purpose of trafficking.

▪ Up to 80% of the women and girls trafficked from Central, Eastern European and CIS countries to Western Europe are destined for the sex services market.

**O’Connor, Monica and Grainne Healy, The Links between Prostitution and Trafficking: A Briefing Handbook, joint project of the Coalition Against Trafficking in Women and the European Woman’s Lobby, 2006**
Declaration gives broad and general rights to the international community – everything from the “right to life, liberty and security”, to the right not to be held in slavery or be tortured, to the right to marry and found a family.\(^{25}\)

The following year, the General Assembly approved the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. The UN requested the international community take active steps in eliminating human trafficking and providing services for victims of trafficking. “The Parties to the present Convention agree to take or to encourage, though their public and private educational, health, social, economic and other related services, measures for the prevention of prostitution and for the rehabilitation and social adjustment of the victims of prostitution.”\(^{26}\) The drafters of this Convention recognized prostitution and trafficking as crimes with victims, and that the victims must be supported. This built the foundation for later progress in international law.

The Geneva Conventions were created in 1949 for the “purpose of establishing a Convention for the Protection of Civilian Persons in Time of War.”\(^{27}\) The 1949 Conventions included this specific protection for women: “Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault.”\(^{28}\) Treating rape and prostitution as only an attack on a woman’s honor implies the damage of the community, family, and most important, her potential husband is where the violation occurs. Perhaps it should be noted that of the 240 representatives to the Diplomatic Conference that adopted the Geneva Conventions, only 13 were women.\(^{29}\)

Not until 1977, when Protocol I was suggested as a supplement to the Geneva Conventions, was this approach amended in this internationally vital document. Article 76, Protection of Women, states: “Women shall be the object of special respect and shall be protected in particular against rape, forced prostitution and any other form of indecent assault.”\(^{30}\) Here it is the women themselves who are to be protected, not their honor.

Women and children were acknowledged as a particularly vulnerable class of civilians, in need of specific protections by the Declaration on the Protection of Women and Children in Emergency and Armed Conflict in 1974. “All efforts shall be made by States involved in armed conflicts, military operations in foreign territories or military operations in territories still under colonial domination to spare women and children from the ravages of war. All the necessary steps shall be taken to ensure the prohibition of measures such as persecution, torture, punitive measures, degrading treatment and violence, particularly against that part of the civilian population that consists of women and children.”\(^{31}\)


\(^{27}\) Geneva Conventions, Preamble, August 12, 1949

\(^{28}\) Geneva Conventions IV, Article 13, 1949

\(^{29}\) Lives Blown Apart, Amnesty International

\(^{30}\) Protocol I: Additional to the Geneva Conventions of 1949, Article 76, June 8, 1977.
Any “cruel and inhuman treatment” of women and children was considered a crime.

At the heart of protection against human rights abuses against women is the principle of non-discrimination. As societal attitudes evolved, so did international law. The UN began to confront the root causes of sexual exploitation of women with the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). In its preamble, CEDAW declares that discrimination against women continues to exist and that such discrimination “violates the principles of equality of rights and respect for human dignity.” CEDAW goes on to define ‘discrimination against women’ to mean “any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.”

Included in CEDAW’s statements is Article 6, which states: “Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.” Article 6 codifies prostitution and trafficking as an element in, or consequence of, discrimination against women – an extremely important advancement in human rights thinking. In 1992, the CEDAW Committee made further recommendations, focusing on the causes of women’s human rights abuses. The Committee targets war, armed conflict, poverty and unemployment as providing increased opportunities for prostitution and trafficking in women. Because women in prostitution are especially vulnerable to violence because their status, they need the equal protection of laws against rape and other forms of violence.

Under the Declaration on the Elimination of Violence Against Women of 1993, violence against women includes physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation; physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution; and physical, sexual and psychological violence perpetrated or condoned by the State.

The Declaration specifically gives women the right not to be subjected to torture (Article 3). Torture is defined as “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of the State.”
a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.”

No justification for torture will be permitted, “whether a state of war or a threat of war, internal political instability or any other public emergency.”

Sexual violence, as part of a “widespread or systematic attack directed against any civilian population,” became an official war crime in 1998 under the Rome Statute of the International Criminal Court. Only 97 states – not quite half of the international community – have ratified the Rome Statute.

Resolution 1325 is the first resolution passed by the Security Council that specifically addresses the impact of war on women. The resolution builds on the growing consciousness of the abuses suffered by women in armed conflict. In 2000, the Security Council asserted its “concern that civilians, particularly women and children, account for the vast majority of those adversely affected by armed conflict, including as refugees and internally displaced persons, and increasingly are targeted by combatants and armed elements, and recognizing the consequent impact this has on durable peace and reconciliation.”

Resolution 1325 recognizes not only the specific impact conflict has on women, but also addresses impact that sexual violence has on durable peace and conflict resolution. Perhaps the most significant stride Resolution 1325 made for women was to acknowledge the essential role women play in post-conflict resolution.

The recent decades have shown an impressive evolution of international legal thought and approach. The international community is becoming more comfortable confronting the issue of violence against women. However, the world population outside of the United Nations has to catch up.

Images of Conflict and Violence

Democratic Republic of Congo

The violence in the Democratic Republic of Congo (DRC) is extreme and devastating. The people of DRC have suffered so much for so long. As with any armed conflict situation, women and girls experience a heavy burden of sexual violence. “Perceived as a particularly effective weapon of war and used to subdue, punish, or take revenge upon entire communities, acts of sexual and gender-based violence increased concomitantly. Attacks have comprised individual rapes, sexual abuse, gang rapes, mutilation of genitalia, and rape-shooting and rape-stabbing combinations, at times undertaken after family members have been tied up and forced to watch. The perpetrators have come from among virtually all of the armies, militias and gangs implicated in the conflicts, including local bands and police forces that attacked their own communities.”

Social stigma has left large numbers of rape victims and children born of rape rejected by their families and communities.

It is not the individual acts alone that devastate a community, but the environment of on-going sexual violence and torture. A doctor who has treated countless victims of sexual violence at Panzi Hospital in DRC explained that rape is done to “destroy completely the social, family fabric of society.”

Rape, mutilation, and other acts of sexual violence have severe short- and long-term effects on the survivors, families, communities, ethnic groups, region, and the “ability of the nation to become

(See WAR, continued on page 30)

38 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Article 1, United Nations, February, 1985
39 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Article 2, United Nations, February, 1985
41 Lives Blown Apart, Amnesty International
44 Marion and Werchick, p6
45 Marion and Werchick, p8
The international “mail-order bride” industry has been proliferating in recent years, using the internet as a high-powered engine to reach an unprecedented number of clients. A Google search for “mail-order brides” results in 590,000 websites, including “The Mail-Order Bride Warehouse.” As this industry flourishes, however, the stories of women who come to the U.S. as mail-order brides only to suffer exploitation, abuse, or murder are coming to light. As a result, the industry is facing increased scrutiny from people concerned about the implications mail-order marriages have on the human rights of the women involved. This increased international attention will likely result in new regulations and restrictions.

Who Is Involved?

International marriage brokers (IMBs), also known as international matchmaking organizations or “mailorder bride” agencies, capitalize on increasing disparities between women in economically distressed countries and men in the wealthiest nations of the world. The men who use these websites are primarily from the most industrialized nations: United States, Australia, Canada, and Western Europe (particularly Germany, Sweden, and Norway) with an increasing number from Japan. In the literature, men who utilize these websites are referred to as consumer husbands. In the U.S., consumer husbands are overwhelmingly white, middle-class, middle-aged, and often divorced. The majority would like to father children, and many already have at least one child.¹

The testimonials of consumer husbands on IMB websites make it clear that they are looking for a “traditional” family. They often express a dislike for the increased equality that women in their home countries have seen in recent years. The testimonials also show that these men are seeking a relationship in which the woman’s sole identity is as an obedient wife and mother and there is deference to the man as “head of the household.” According to one consumer husband from the United States, “The women over there [in the former Soviet Union] are like they were here 50 years ago. For them, their family comes first. They appreciate what they’ve got more than American women.”² According to Gary Clark, author of Your Bride is In the Mail and a zealous advocate for the IMB industry, "The effects of feminism are perverse."³

Potential "mail-order brides" are typically young women from countries experiencing economic distress and widespread subordination of women. Most of these women are under intense pressure to marry. In the face of harsh stereotypes of “old maids” and a lack of education and employment opportunities, they are often seeking to both satisfy a social expectation and gain economic security. For example, facing a bleak economy, women from the former Soviet Union are increasingly represented on websites. A recent study found nearly 500 websites advertising women from former Soviet republics. Looking at less than half (219) of these international marriage brokers, a total of 119,649 women in the former Soviet Union were represented.⁴ Ironically, rampant sexism in home countries coupled with the pervasive image of a progressive West, leads these women to see marriage to one of the men described above as their best hope for liberation.

International marriage broker websites have been described as “part Playboy and part Sears Roebuck,”⁵ advertising women according to sexualized, ethnic stereotypes. In describing this stereotyping, Suzanne Jackson, associate clinical law professor at George Washington University, explains that these companies purport that “all Russian women are X, all Asian women are Y, all Latinas are Z” and emphasize that the women they

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offer (women who are in fact hoping to leave their home countries) will all be ‘home-oriented’ and ‘traditional’ wives.” For example, the “My Thai Bride” website begins its sales pitch this way: “In all the world the most beautiful women are oriental. For decades western men have appreciated the oriental femininity and beauty. The most beautiful and feminine oriental women are Thai. Their grace, elegance and feminine beauty is legendary. The teachings of the centuries old Thai culture creates Thai girls who have high moral values, a strong commitment to their families, and are supportive of their husbands. In Thailand, putting one’s own interests before those of others is unusual.”

While IMBs cater to consumer husbands, they treat the women being “advertised” as mere commodities. For example, these companies provide men with names, photos, explicit biographical data, and addresses of the women, but do not provide these women with similar information about consumer husbands. In addition, men are often instructed in wooing techniques, provided with sample letters, and, for an extra charge, can have the company do the letter-writing for them.

**Power Imbalances**

By matching their clients with women in difficult circumstances, the mail-order bride industry systematically creates marriages with massive power imbalances. This power disparity combined with these men's typical conceptions of an ideal marriage and mate often leads to servant-like conditions for wives. In fact, organizations working with women who have immigrated as mail-order brides report that many of their clients suffer domestic violence. Advocates have accumulated many disturbing examples of the abuse and murder of mail-order brides.

In the United States, the story of Anastasia King has been widely reported. Below is her story as told by the Tahirih Justice Center, a U.S.-based NGO working to “enable women and girls who face gender-based violence to access justice.”

At the age of 18, Anastasia King, a woman from Kyrgyzstan, married an American man who selected her out of a catalogue of prospective brides he received from an International Marriage Broker (IMB). Two years later, desiring a different wife and allegedly unwilling to pay for a divorce, Mr. King ordered a tenant in their Washington State home to kill Anastasia. Weighing nearly 300 pounds, Mr. King pinned his wife beneath him as the tenant strangled her to death with a necktie. King’s previous wife had left him because he was abusive.

Women, such as Anastasia, who are in a foreign country, face enormous obstacles in attempting to leave an abusive partner. All domestic violence survivors confront difficulties in seeking help, however, unfamiliarity with the culture and legal system, language barriers, and isolation make seeking help even more difficult, if not impossible, for recent immigrants. In addition, these women often fear retaliatory violence from their abuser as well as deportation. And, the need for resources for themselves and for family back home which often leads women to the IMB trade to begin with, can then serve to keep them in an abusive relationship.

**New Regulations**

Advocates around the world are working to create appropriate services for foreign-born women facing domestic violence and to provide prospective “mail-order brides” with information that may help them avoid abuse. As part of these efforts, advocates are drafting and implementing new regulations and legislation.

In the United States, the industry is responsible for about 4,000 to 6,000 marriages every year, meaning that approximately four to six percent of all women who receive residency via marriage are “mail-order brides.”

Cherry Blossoms, one of the oldest international marriage brokers, claims credit for 1,500 marriages each year, and expects to generate 2,000 marriages in 2004. To control this blooming industry, United States Senator Maria Cantwell (D-WA) and Congressman Rick Larsen (D-WA) introduced legislation in the U.S. Senate and House. The International Marriage Broker Regulation Act of 2003 would:

- Limit the number of fiancée visas an applicant may seek each year to one. Under current law, an American may file multiple fiancée visa requests simultaneously. Some consumer husbands file for visas for several different potential “brides” and simply choose to marry the first woman who is approved.
- Require international marriage brokers to obtain a foreign national client’s consent prior to releasing her contact information and to provide her with information, in her own language, on the rights of victims of domestic violence in the United States.
- Require international marriage brokers to ask American clients to provide information on any previous arrests, convictions, or court-ordered restrictions relating to crimes of violence along with their previous marital history. This information would also be made available to the foreign national.

(See MAIL ORDER BRIDE, page 23)
Introduced in July, the bills have been referred to the Senate Judiciary committee, the House Judiciary Committee's Sub-Committee on Immigration, and the House International Relations Committee. The Senate Foreign Relations Committee held a hearing in July entitled Human Trafficking: Mail-Order Bride Abuses that profiled the problem and highlighted the proposed legislation. Due to contentions surrounding all immigration-related issues, advocates expect no further action to be taken on the bills this term. Nonetheless legislators are buoyed by the momentum of the bills. Abbey Blake, a spokeswoman for Congressman Larsen (D-WA), expects the measure to be introduced again next year. “We’re really encouraged by the early support we’ve gotten,” Blake said.16

The international community as well as individual governments must take action to prevent the exploitation of women through the international "mail-order bride" industry. Because the industry is a transnational phenomenon, coordination on the international level is critical to successfully monitoring IMBs, preventing abuse, and providing appropriate services to the women victimized by the industry. In addition to addressing individual instances of abuse, the underlying system of globalized gender inequality upon which the industry relies must be addressed. The more the international community works to empower women in societies throughout the world, the less vulnerable they will be to exploitation.17

References:
6. Testimony of Suzanne H. Jackson, Associate Professor of Clinical law, George Washington University, Committee on Foreign Relations, United States Senate, July 13, 2004.
9. Letter from Tahirih Justice Center to organizations to solicit their support of the new bill to "end abuse of foreign-born women by international marriage," (Falls Church,VA:Tahirih Justice Center,April 2003).
13. Senate Bill #S. 1455; House Bill # H.R. 2949.
(CONVERSATION, continued from page 10)

choice to ask for services. She may fear stigmatization - people talk about how, if you legalize prostitution, everyone involved in prostitution would announce it to the world, but probably they would not because of the stigma attached to it – there is a great fear of being found out.

**Patti:** Some of the greatest barriers are the systems themselves. I think we have systems that are rife with judgments – and it is such a painful experience to have to go up against those judgments.

**Jan:** Sometimes the system itself can be traumatizing. You have someone who needs help, but whether obtaining community resources or obtaining justice, the whole process can be traumatizing. And if you have a woman who has a lifetime history of trauma and abuse, it is difficult for her to navigate through that process – the process is hard to navigate even for someone who hasn’t gone through that. This is one of the biggest challenges.

Prostitution is about the dehumanization of a person. A definition of slavery that I like, which I think prostitution can be like, is “making sport out of a person’s humanity.” The challenge for systems is to see the woman or the person in prostitution in his or her full humanity. Because I think that runs counter to what prostitution is all about: (prostitution is) to be treated not as a human, but as a body part.

**Linda:** Some of the big challenges are the myths that society holds. Society dehumanizes or forgets about these individuals—they are in a different world; we don’t have to care about them. It’s a huge task for our movements to overcome this.

**Patti:** It is hard to ask people in any helping profession to think about the whole history and context that led someone from point A to point B. Our lives are complicated and layered—a culmination of everything that has happened and what has been dumped on us along the way.

**Jan:** We get asked if Respect can end prostitution – and the answer to that is of course not. It takes everyone working together to look at society and decide to end exploitation, just like we decide to work to end rape and sexual assault and domestic violence. Kathleen Barry, the author of Prostitution of Sexuality says that “prostitution is an aspect, rather than a contradiction of the female sex role in our society.” What factors then determine the role a woman is going to play out?

**Annette:** Is prostitution a form of violence against women? And what is your response to the opinion that prostitution is a choice or sexually liberating?

**Linda:** I do think it is a form of violence against women.

It becomes a choice when you have such limited choices. Individuals choose it because it helps them survive, meet their needs where they are; it meets their physical or emotional needs right now. I think we become so wrapped up in our history; we are created by our history. If it is an abusive history that has been built by oppression or sexual violence or domestic violence, choosing somebody who is violating you is sometimes the choice you make because it feels right to you; you are comforted by it. Or it’s someone taking care of you – and I think sometimes that can feel sexually liberating too.

I don’t know how to answer that question with an “or” because I think every individual is every individual. I think sometimes people are pushed or trafficked into prostitution, but sometimes people turn to prostitution because they needed to make that choice for many different reasons – and if given different options, and if we can build healthier surroundings for them, healthier communities to support them, take care of their needs, would people make different choices? Yes, I think that they would.

**Jan:** Is it a choice? It is a choice out of a set of limited options. Force or coercion can come in all different forms. For her to do that because of limited options leads to the question “is it a real choice?”

**Patti:** They are such awful choices. Women get their backs up against a wall and are told they have two choices — and both of them are bad. Are these real choices? If that person was brought there because someone said “you do this or I’ll kill you,” that person is going to make the choice in which they’ll survive — and that is the context.

**Jan:** For some it is almost impossible to believe the trauma and violence in the lives of women who live the prostitution aspect of the female sex role in our society – it is impossible to believe that there is a demand for this. So they choose not to believe it. What does it mean for us as a society if we choose to believe it?

**Patti:** We have crimes against children (who are) abused or sexually assaulted; people are willing to forgive children. But as soon as you become an adult—or close to adulthood—suddenly you “chose” this relationship. There is a point where suddenly the victim becomes much more culpable.

**Linda:** I think at times people have a very limited ability to see other perspectives. They don’t have the capacity to see through the eyes of others.
The crime of human trafficking has plagued the United States for quite some time. However, it is only in recent years that U.S. policymakers have specifically addressed trafficking. The U.S. Congress passed the Trafficking Victims Protection Act (TVPA) in 2000. The TVPA was the first comprehensive federal law to provide protections for victims of trafficking and to criminalize human trafficking. The TVPA's passage was an important first step for U.S. policymakers to recognize and address the problem of human trafficking in the U.S. Much work still needs to be done on both the federal and state legislative levels in order to effectively address human trafficking and provide victims of trafficking with the protections they deserve. The TVPA has room for improvement, especially in the realm of victim protection. In addition, states must play a more active role in developing anti-trafficking policy measures.

This article will discuss the content and main policy objectives of the TVPA. This article will also discuss approaches taken by states to supplement the TVPA and pursue innovative anti-trafficking policy.

The Trafficking Victims Protection Act

The TVPA first passed in 2000 and has been reauthorized twice—in 2003 and 2005. The TVPA was a response to the increased awareness about the human rights violations associated with human trafficking. This landmark legislation accomplished several important goals: 1) defined a specific crime of human trafficking; 2) increased penalties for slavery and involuntary servitude; 3) created a new visa category that allows victims to receive benefits and services in the U.S.; 4) ordered a report which ranks countries based on their response to trafficking and specifies sanctions which can be applied to those countries whose governments have not taken adequate steps to prevent trafficking; and 5) provided significant funding for anti-trafficking provisions and assistance programs.¹

The two subsequent reauthorizations of the TVPA further expanded on these provisions. The reauthorizations increased criminal penalties for trafficking violations, allowed victims of trafficking to sue their trafficker in federal court, and created grant programs to fund state and local law enforcement investigations and prosecutions of trafficking.²

The TVPA significantly improved the federal response to human trafficking. It provided a framework through which the federal prosecutors could prosecute traffickers and provided some basic protections to victims. However, the TVPA was not envisioned to be a comprehensive or sufficient remedy for human trafficking in the U.S. While the TVPA did help enable federal prosecutions of trafficking, it is widely understood that the federal government is incapable of detecting and prosecuting all of the trafficking cases nationwide. State and local authorities are far more likely to encounter victims of trafficking in their own communities when conducting arrests, providing emergency medical services, or investigating allegations of child abuse. In addition, while the TVPA does provide some substantive protections to trafficking victims who cooperate with law enforcement, it does nothing to change that status.

Beyond eliminating discriminatory criminal laws and enforcing appropriate ones, it is time the law did something for women in prostitution. Getting the criminal law off their backs may keep the state from reinforcing their subordinate status but it does nothing to change that status. "Prostitution and Civil Rights” – Prostitution Research and Education, 2006

(Continued on facing page)

² See Id.
enforcement, the act does leave much room for additional victim protection measures. As a result, there is a need for state-level trafficking laws that enable local and state criminal justice systems to prosecute human trafficking and protect victims.

Model Anti-Trafficking Legislation and State Legislative Responses to Human Trafficking

Model Anti-Trafficking Legislation

Shortly after the passage of the TVPA, state legislators began to introduce anti-trafficking legislation. Texas was the first state to pass anti-trafficking legislation in 2003. Twenty-eight states now have some form of anti-trafficking legislation. Most of the state statutes are in part modeled on legislation provided by the U.S. Department of Justice (DOJ) and other anti-trafficking advocacy groups, such as the Polaris Project or the Freedom Network (USA). State anti-trafficking laws vary greatly depending on which model law(s) they employ and the individual state’s willingness to provide substantive protections for victims.

The DOJ model law focuses mainly on the criminalization of trafficking. The DOJ model prohibits both sex and labor trafficking and contains inclusive definitions of what constitutes sex trafficking—recognizing that victims are often forced or coerced in commercial sexual activity, such as performing at strip clubs. The DOJ model also prohibits any facilitation of child sex trafficking, regardless if the child victim was forced or coerced into the activity.

The primary weakness of the DOJ model is its failure to include strong victim service and protection provisions. The DOJ model also contains some definitional problems. In response to these weaknesses, the Polaris Project and Freedom Network (USA) created their own model legislation that contains robust victim services and protection provisions and improved definitions of legal terms. These models include a number of victim services provisions not contained in the DOJ model, such as access to state crime victim compensation programs, shelter, medical and mental health treatment, translation services, the right not to be housed in a prison or jail, and safety and privacy protections for victims. Both of these models also clean up the definitional problems contained in the DOJ model.

Three Primary Provisions of Current State Anti-Trafficking Laws

Criminal Prohibition Against Trafficking

The majority of state anti-trafficking legislation focuses on creating criminal provisions to specifically prohibit and punish human trafficking. Most of the state criminal anti-trafficking laws include a prohibition against forced labor that is the result of psychological coercion, such as when a trafficker threatens to destroy a victim’s immigration documents if she does not comply with the trafficker’s demands. Most of the statutes contain definitions of terms such as debt bondage, commercial sexual activity, forced labor or services, victim, and other relevant trafficking terms. The definitions of these terms vary between states.

Some of the state criminal provisions apply only to individuals, while others apply to both individuals and businesses that engage in trafficking. Sentencing structures for trafficking differ significantly from state to state. The DOJ model law suggests a 15-year maximum sentence for trafficking, but state penalties range from any number of years in prison to life imprisonment. Some states also follow the recommendations of all three of the model statutes by including sentencing enhancements based upon the vulnerability of the victim and/or the used of violence in the commission of the offense. Two state statutes, Illinois and Pennsylvania, contain provisions requiring asset forfeiture. These provisions require the trafficker to forfeit any profits he has acquired as result of trafficking.

Victim Protections and Benefits

An encouraging trend among states that recently passed anti-trafficking laws is the inclusion of substantive protections for victims and access to important public benefits and services. Ten states now have such provisions. The inclusion of such provisions illustrate that policymakers are beginning to understand

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5 See Ferrell at p. 11 and Illinois House Bill 1469, Section 10A-150.
Introduction

Prostituted people are sexually assaulted at higher rates than women in the general population. While heartbreaking and staggering, those who know victim dynamics and perpetrators are not surprised.

The Problem

Sexual assaults of people involved in prostitution are hard to prosecute for two primary reasons: 1) societal attitudes toward prostitution and 2) societal attitudes toward rape and sexual assault.

Many myths about prostitution exist in our society. Some believe that for prostituted people, rape is a part of a day’s work. By paying for sex, the perpetrator has a right to whatever degree of violent sex he wants. Prostitutes are so damaged already that they don’t mind rough sex. Prostitutes have no rights anyway. Prostitutes are drug addicts. Prostitutes are generally not good people. If a person decides to be a prostitute, they assume the risk of sexual assault. Prostitutes are willing to trade drugs for sex. All of these myths rest on underlying and offensive assumptions that devalue and dehumanize victims of prostitution.

Society holds many myths about rape: Rape is perpetrated by strangers. The victim brought on the assault by her actions, actions that might include her manner of dress, level of intoxication, interest or prior relationship or acquaintance with the perpetrator, flirtatious behavior, etc. Most women who make reports of rape have a motive to lie or make it up. A victim will fight back in a “real rape.” A victim will be hysterical in a “real rape.”

Combined, these myths lead to a perceived lack of credibility when the victim is a prostituted person that can be difficult to overcome for the jury.

Perpetrators who sexually assault prostituted people are no different than any other type of perpetrator. Understanding perpetrator psychology is key to understanding the sexual assault of those involved in prostitution. Perpetrators target victims who are perceived to be vulnerable. A vulnerable victim is easier to manipulate. It is easier to coerce her, blackmail her, or force her into submission or compliance. Perpetrators also hope to remain undetected. Therefore, perpetrators target victims who are unlikely to report the crime to law enforcement or won’t be believed if a report is made. Perpetrators also understand the economics of prostitution and use this to their advantage. Like domestic violence victims, prostituted people are often dependent upon, and taken advantage of by their pimps. Pimps want to avoid attention, keep business, and may actively discourage reporting. Perpetrators know this information.

Prostituted people, in this analysis, are very vulnerable. It is easy to use the act of prostitution itself as a way to physically get the victim into an isolated physical space. Because prostitution is a crime, many involved in prostitution fear the attention of law enforcement and are hesitant to report an assault. Further, the lack of empathy that many have for prostituted people means that few think that law enforcement, prosecutors, judges, or juries will believe them. Those engaged in prostitution know that society holds these myths and are therefore reluctant to come forward. Threats by the perpetrator, previous negative interactions with law enforcement, lack of a support system, and deterrents to reporting inherent in the pimp system make it that much more difficult for prostituted people to come forward.

Analysis of the Crime of Sexual Assault within the Context of Prostitution

In general, sexual assault involves a perpetrator who has sexual contact or sexual intercourse with the victim without the victim’s consent. Consent in Wisconsin is defined as “words or actions indicating freely given agreement.”

Prostitution in our criminal code refers to a person who, for anything of value—

• Has or offers to have or requests to have nonmarital sexual intercourse
• Commits or offers to commit or requests to commit an act of sexual gratification, in public or in private, involving the sex organ of one person and the mouth or anus of another,
• Masturbates a person or offers to masturbate a person or requests to be masturbated by a person or
• Commits or offers to commit or requests to commit an act of sexual contact

At first blush, consent seems complicated in these cases. If a
person has accepted or agreed to accept money or something else of value in exchange for some sort of sexual activity, does that constitute a word or action indicating freely given agreement?

However, by applying some universal principles about consent, the issue becomes less complicated. Consent, once given, can be withdrawn. Any sexual contact after consent is withdrawn constitutes assault. Consent for one activity is not consent for all. The onus is on the person seeking the sexual activity to determine whether consent has been given before proceeding and to stop once the sexual partner indicates that he or she no longer wants to go forward.

It is also important to remember that, although our legal system uses “consent” as critical element, it is not an appropriate element in the context of prostitution. Prostituted people are surviving in a state of oppression, a system designed for perpetrators, where fear and hopelessness produce compliance... in this context, consent is not a meaningful concept.

Focus on the Perpetrator
Show the jury that this perpetrator is no different than any other perpetrator. The perpetrator takes advantage of a vulnerable victim. The perpetrator intentionally sets up a situation in which he is unlikely to get caught. The perpetrator is engaging in the behavior to gain power and control. As with other sexual assaults, forensic evidence may not help. It may prove that sexual activity occurred, but may not show a sexual assault. The defense is most commonly a “consent defense” (or a “john defense” in these cases). The perpetrator knew that the victim would be unlikely to be believed and engaged in conduct the jurors would judge her for or consider ‘bad.’

Put the perpetrator under a microscope. Contact others involved in prostitution that may have had contact with the defendant. Ask previous girlfriends about their experiences. Find out about this perpetrator’s selection process. Look for previous criminal records or activities. Do everything you can to show that on the night of this assault, the actions of the perpetrator were premeditated and planned.

Pre-Trial Motions
Be aggressive about pre-trial motions. If a rape shield law hearing occurs, try to make sure that the victim does not have to testify. Bring other acts motions to put the focus on the perpetrator. Bring motions to protect the victim’s privacy. Make a motion to prohibit certain kinds of defenses, such as propensity defenses or the “john defense.”

Voir Dire
Use voir dire to your advantage. Make sure that starting in voir dire,

(See PROSECUTING SA, continued on page 38)
Victims of crime in Wisconsin are eligible for crime victim compensation if they:

- Suffer “personal injury” or death {Wis. Stat. sec 949.01(5)}
- Are the innocent victim of a compensable crime {Wis. Stat. sec 949.03(1)(b)}
- Report the crime within five days {Wis. Stat. sec. 948.08(1)} (This requirement may be waived in some situations.)
- Submit the application for Crime Victim Compensation within one year {Wis. Stat. sec. 949.08(1)} (This requirement may be waived in some situations.)
- Are innocent in the commission of the crime {Wis. Stat. sec. 949.08(2)}
- Have exhausted all other sources of assistance {Wis. Stat. sec. 948.08(1)}
- Cooperate with appropriate law enforcement agencies and personnel, including district attorneys, in the investigation of the crime {Wis. Stat. sec. 949.08(2)(d)}
- Cooperate with Department of Justice (DOJ) personnel in processing the application {Wis. Stat. sec. 949.08(2)(f)}
- Are not listed on the statewide lien docket as owing child support payments, unless a payment plan is in place {Wis. Stat. sec. 949.08(2)(g)}

Victims of Trafficking

A victim of trafficking is eligible for crime victim compensation under Wisconsin law if eligible according to the above criteria. Immigration status is not a factor for crime victim compensation eligibility. This means that individuals who are undocumented and/or have entered the US without papers are considered victims of crime and their crime victim compensation claims will not be denied based solely on immigration status.

Applicants should not be deterred from applying by the request for the victim’s social security number on the application form. This is used to determine if an individual is listed in the child support lien docket. It is not required to determine eligibility for compensation.

The Office of Crime Victim Services encourages victims of crime applying for Crime Victim Compensation to provide as much information as they can. Trafficked victims may be hesitant to provide their contact information for safety and confidentiality reasons. This information is necessary in order to allow the Office of Crime Victim Services to communicate with the applicant after a claim is filed. Applicants can provide an alternate address and phone number if they choose. Victims may want to use the contact information of a trusted individual or an advocacy agency that may be assisting the victim with filing a crime victim compensation claim. Applicants should make the Office of Crime Victim Services aware that they are providing alternative contact information.

Victims Involved in Prostitution

Prostituted individuals who are victims of crime are eligible for crime victim compensation if they meet the above criteria. However, many advocates and victims worry that prostituted individuals who are sexually assaulted will have their claims denied because prostitution might be considered contributory conduct.

The Office of Crime Victim Services recognizes that coercion, manipulation and violence are often used against individuals in prostitution and that prostitution is in and of itself a form of violence against women. The Crime Victim Compensation Program considers this information in determining eligibility. It encourages advocates and victims to point out these dynamics as related to the individual claim when submitting their applications.

The Right to Appeal

If the Crime Victim Compensation Program denies a claim, the victim has a right to appeal. The victim has 30 days to request in writing a reconsideration by the Crime Victim Compensation Program. When requesting a reconsideration, the victim must notify the program of disputed facts. If the program director does not change the decision, the victim may seek a hearing before an administrative hearings examiner. A final appeal may be made to the circuit court.

For more information on crime victim compensation visit www.doj.state.wi.us/cvs/
whole once again.” Durable peace is widely identified as a primary tool for prevention of violence against women. A culture of violence can only inspire more violence.

**South Korea**

The US has had troops in South Korea since 1945; today there are approximately 100 US military bases throughout South Korea with 37,000 troops. From the 1950s to 1970s, the US Forces in Korea (USFK) and the Republic of Korea cooperatively set up “rest and relaxation” centers for US troops. The official purpose for these centers was to “provide entertainment and improve the morale of the troops.” Prostitution thrived around these “rest and relaxation” centers. According to one estimate, over a million Korean women have been used in prostitution by US troops since World War II ended.

The economic turmoil, social and political unrest has made women in South Korea extremely vulnerable to sexual exploitation. However, as circumstances improve in the region, perpetrators are looking internationally for women to exploit. Demand for prostitution has led to transnational trafficking of women into South Korea. Women from Bolivia, Peru, Mongolia, China, Bangladesh, Kyrgyzstan, Uzbekistan, the Philippines, and the Russian Federation have been trafficked into South Korea.

US military bases have become an international hub for trafficking of women for prostitution and sexual exploitation. Trafficking in women is the third most lucrative moneymaker for transnational organized crime networks – right behind drug and arms trafficking. Thousands of Korean women are trafficked into the US and used in US massage parlors.

A common method of trafficking Korean women into the US for this purpose is through “sham marriages” with US military. Law enforcement officials name “sham marriages” with servicemen as one of the primary methods that traffickers use to get women into the United States.

A high proportion of the Korean women used in US massage parlors were originally married to US servicemen. Traffickers pay servicemen to bring Korean women into the US through sham marriages. In other cases, traffickers and pimps target Korean women who are abandoned or divorced by US military personnel. In the 1980s, the US Army reported that the decade produced 25,000 marriages between Korean women and US soldiers. Although many of these marriages start with good intentions, 80 percent of them end in divorce, leaving the Korean woman isolated and vulnerable to the traffickers or pimps that target them. In some cases, Korean women have reported being sold by their husband after arriving in the US. Many of the massage parlors with Korean women are located around military bases in the US.

**Conclusion**

International law has substantially evolved, but has yet to enforce safety for women and girls. Before we are able to create an effective system of protection for the victims and prosecution of perpetrators, the international community must confront the societal and cultural attitudes that make women and girls vulnerable to such abuse. In order for laws to be relevant to a community, the community must be willing to support those laws. The community must understand what is needed to protect women and girls from violence and how to prevent abuse in the future. Members of the community must also be willing to hold the perpetrators accountable – there can be no more hiding behind archaic attitudes of gender inequality and female submission.

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46 Marion and Werchick, p12  
47 Marion and Werchick, p19  
49 Hughes, Chon, Ellerman, p3  
50 Hughes, Chon, Ellerman, p3  
51 Hughes, Chon, Ellerman, p4  
52 Hughes, Chon, Ellerman, p5  
53 Hughes, Chon, Ellerman, p2  
54 Hughes, Chon, Ellerman, p2  
55 Hughes, Chon, Ellerman, p10  
56 Hughes, Chon, Ellerman, p9  
57 Hughes, Chon, Ellerman, p10  
58 Hughes, Chon, Ellerman, p10  
59 Hughes, Chon, Ellerman, p10  
60 Hughes, Chon, Ellerman, p12
A. OVERVIEW OF RESTRAINING ORDERS IN WISCONSIN

A restraining order is a court order prohibiting one person from having contact with or taking some other action toward or against another person. Most people in Wisconsin obtain a restraining order through a two-step process. The first step is to obtain a temporary restraining order (TRO). If the TRO is granted, the second step is to hold an injunction hearing at a later date. If the court finds that the petition meets the mandates of the law, the court will order the restraining order at the injunction hearing. By law, a court can order an injunction for no more than four years for a domestic abuse, harassment or individual at risk injunction, and two years or up to the age of 18 for a child abuse injunction. Wisconsin offers four types of restraining orders for individuals seeking personal protection.

1. Domestic Abuse Restraining Order §813.12

An adult can obtain a domestic abuse restraining order against another adult for one of five reasons:
- Intentional infliction of physical pain, physical injury or illness;
- Intentional impairment of physical condition;
- A violation of 1st, 2nd, 3rd or 4th degree sexual assault under 940.225
- Damage to the property of that person;
- A threat to engage in any of the conduct above.

Wisconsin law does not specify whether the party requesting the harassment order must be an adult or child. The practice varies from county to county. However, the law does say a person can get a harassment restraining order against a child.

2. Harassment Restraining Order §813.125

A person can obtain a harassment restraining order against another person if one of these circumstances occurs:
- Engaging in an act that would constitute abuse under 48.02(1) [see child abuse restraining order definition below];
- Sexual Assault under 940.225 [1st through 4th degree]
- Stalking under s. 940.32; or
- Attempting or threatening to do any of the above.

Wisconsin law does not specify whether the party requesting the harassment order must be an adult or child. The practice varies from county to county. However, the law does say a person can get a harassment restraining order against a child.

3. Child Abuse Restraining Order §813.122

A child abuse restraining order can be obtained by: a child victim; a parent; stepparent; a legal guardian or repeatedly committing acts which harass or intimidate another person and which serve no legitimate purpose;
of the child victim; or a guardian ad litem in matter involving a child found to be in need of protection or services.

A child abuse restraining order can be obtained for any of these reasons:
- Physical injury inflicted on a child by other than accidental means;
- Sexual intercourse or sexual contact under 940.225 or 948.02;
- Sexual exploitation of a child under 948.05;
- Permitting, allowing or encouraging a child to violate the prostitution statute, 944.30;
- Causing child to view or listen to sexual activity under 948.055;
- Causing a child to expose or exposing a child to one’s genitals or pubic area under 948.10.
- Emotional damage
- Manufacturing methamphetamine when the child is physically present, on the premises, or under any circumstances where the child can smell, hear or see.
- Threat to engage in any conduct above.

4. Individuals at Risk
Restraining Order §813.123

An individual at risk restraining order can be obtained by an individual at risk; any person acting on behalf of an individual at risk; an elder-adult-at-risk agency; or an adult-at-risk agency against an adult for any of these reasons:

Interference with, or based on prior conduct of the person may interfere with, an investigation of the individual at risk, the delivery of protective services to the individual at risk under s. 55.05, the delivery of protective placement under s. 55.06, or the delivery of services to an elder at risk under s. 49.90(5m); or

1. The interference complained of, if continued, would make it difficult to determine whether abuse, financial exploitation, neglect, or self-neglect has occurred, is occurring, or may recur; or
2. Abuse, financial exploitation, neglect, harassment, or stalking of an individual at risk or the mistreatment of an animal. Abuse includes the following: physical abuse, emotional abuse, sexual abuse, treatment without consent, and unreasonable confinement or restraint. See § 46.90(1).

B. POTENTIAL BARRIERS FOR WOMEN IN PROSTITUTION SEEKING A RESTRAINING ORDER

If your client is involved in prostitution, you should be sensitive to the barriers she may experience in filing a restraining order. While a restraining order may be a good course of action to protect her from further abuse or harassment, it may create problems or complications in other areas of her life. It is important to remember all of her reality.

**Talking to your client about getting a restraining order**

One way that you can help your client is to explain the potential advantages and disadvantages of filing a restraining order. It is your job to make sure that your client is fully informed and to keep the choice in her hands. There are several advantages to having a restraining order. Your client might wish to file a restraining order to protect herself from further abuse or harassment, to get more effective response from police, and to establish an official record of the abuse that may be useful at a later time.

However, filing a restraining order might also have disadvantages for your client. She may be reluctant to explore legal remedies if she has had negative past experiences with the legal system—especially the criminal justice system. You should notify your client that she must come to court and will probably have to testify. The victim might be reluctant to testify in court if she is ashamed or embarrassed to discuss the abuse, or if she fears that she will be blamed for the abuse. She may fear that the court system and the police will not believe her or will be unsympathetic to her, or that they will disregard or trivialize what has happened to her.

Not only might she fear being judged by the court system and police, there is the fear that filing a restraining order could disclose her involvement in prostitution to her friends and family. Once a restraining order petition is filed, it becomes public record. If she has divulged her involvement in prostitution in her restraining order and she has children, she may risk having her children taken away in family court.

As with any petitioner, notify your client that the abuser might come to court and deny her accusations. The abuser will get a copy of the petition and will read all the statements in it. Filing a restraining order might put her in greater danger if it makes the abuser more violent. In addition, she may be subject to peer or gang retaliation. Explore the tactics used by the abuser. These abusers are
described as exceptionally skillful and wily. Survivors of prostitution say, “if they know how to get you out on the streets, they know how to get around the system.” Often a pimp or trick abuser may use one or more third persons who they direct to perpetrate the abuse.

Furthermore, if she is involved in criminal activity, filing a restraining order could make her vulnerable to criminal prosecution. Unfortunately, it is difficult to predict how each court might react. Some judges may be sympathetic to your client’s situation. However, even if the judge is sympathetic, other members of the criminal justice system may seek to have charges filed against your client for engaging in prostitution.

Assisting to complete the petition

If your client decides she would like to pursue a restraining order, there are some things you can do to minimize her risks of getting in trouble. When filling out the restraining order petition, use language that does not implicate your client in criminal activity:

The domestic abuse restraining order petition requires that the victim mark a box indicating her relationship to the abuser. Your client must establish a relationship with the abuser that meets at least one of the criterion listed (see above restraining order summary). If she is being abused by a pimp or a john who she has seen on more than one occasion, she could check that the respondent is “a person with whom I have or have had a dating relationship.” She does not need to disclose that she is being abused by a pimp or a john. She can write, “When I was on a date with (name),” and then explain the abuse that occurred. Or she can simply state, “On (date), he (verbs such as hit, punched, strangled, etc...) me.” If they did not date, check to determine if they meet any other relationship criteria (see above restraining order summary).

If a dating relationship is not established and the abuser is not a spouse, former spouse, person currently or formerly living with her, or person with whom she has a child in common, then she is not eligible for a domestic abuse restraining order. However, she will likely be eligible for a harassment restraining order.

The harassment restraining order petition does not require that your client disclose her relationship to the abuser. While a context for the abuse may help the court, your client does not need to state that her abuser is her pimp or a john. If the abuse happened when she was prostituting, she does not need to state this in the petition.

If your client is an individual at risk (see above restraining order summary), the individual at risk petition does not require that your client list the relationship to her abuser. While the court may want some context for the abuse, she does not need to disclose that she knows the person as a result of prostitution.

Regardless of the type of restraining order your client chooses to file, she must establish the abuse that occurred. The abuse must meet at least one of the criterion listed for that type of restraining order (see above restraining order summary). For example, stalking is one form of abuse that would make your client eligible for a harassment restraining order. When describing the abuse on the petition, encourage her to focus on the abuser’s specific actions. If the abuse was physical, encourage her to use strong action verbs such as beat, punched, whipped, pummeled, burned, strangled, etc...

Attending the injunction hearing

During the hearing, the focus should be on the abuse your client is experiencing and why she needs a restraining order against her abuser. If the focus shifts to her relationship with the respondent, there are several objections which might apply.

If the judge or court commissioner tries to question her or the respondent about the nature of the relationship, she can object on the grounds of relevance (i.e., she tells the court the question is not relevant). If the pimp or john accuses your client of criminal behavior, such as exchanging money for sex or stealing money to buy drugs, she can object by saying “This testimony is not relevant” or simply “Objection. Relevance.”

If the pimp or john offers a statement that someone else told him outside of court to show her involvement in criminal activity, she can object and say, “Objection. Hearsay.” “Hearsay” is an out of court statement made by a third party. Bring the focus back to the abuse; the hearing is about the behavior which causes this person to seek protection—not about any of her alleged criminal behavior.
that victims cannot be expected to report with law enforcement and cooperate with prosecution unless states meet victims’ most basic needs for safety and services.

Several states make victims eligible for benefits and services such as shelters, legal assistance, translators, and certain public health and human services benefits. Some states also prohibit victims from being detained in criminal detention facilities. A small number of states also immunize victims of trafficking from criminal prosecutions for offenses that were a direct result of their victim status.

Some states also address the financial devastation endured by victims by creating strong restitution provisions. Such restitution provisions allow courts to order traffickers to pay victims for the amount of “wages” they are owed and for their labor, costs for physical and mental health treatment, compensation for emotional distress, and numerous other costs associated with victimization. Other states have also created a civil cause of action that allows victims to sue traffickers in civil court in order to recover damages incurred as a result of trafficking.

The Polaris Project and Freedom Network (USA) model laws suggest that states adopt several other protections for victims. While only a minority of states have adopted such protections and benefits provisions, the growing trend among states is to include at least some victim protections as awareness about victim dynamics in regard to trafficking increases, which is encouraging. In fact, several states that already passed criminalization statutes recently introduced or passed new legislation to further strengthen victim protection provisions.

**Data Collection and Statewide Planning**

Several states also require the creation of a taskforce to develop a statewide response to human trafficking and collect data about the extent of trafficking in the state. If no federal trafficking case has been prosecuted in a state, it is difficult for the public and policymakers to understand that trafficking affects their state. These taskforces generally consist of both governmental and non-governmental organizations that work together to study the nature and extent of trafficking in the state, the adequacy of available victim services, and law enforcement’s response to trafficking. Such taskforces also may develop a statewide plan to combat trafficking by coordinating efforts between law enforcement, victim service agencies, and governmental human service agencies. Some taskforces also are charged with creating training requirements specifically for human trafficking, usually for law enforcement.

**Conclusion**

An effective partnership between federal and state governments is essential in order to adequately combat human trafficking in our country. The majority of states have recognized that they have an important role to play in this struggle and have passed some form of human trafficking statute. These statutes vary in their breadth and quality. Many states have taken a conservative approach to trafficking legislation by focusing only on criminalization of trafficking without providing important provisions regarding victim protection, data collection, or statewide planning. Very little evidence currently exists to judge the efficacy of existing state trafficking laws, so much research and evaluation of these laws is needed in order to decide what the model response to trafficking is. Wisconsin currently does not have a human trafficking statute, but will hopefully join the growing trend of states to combat trafficking by passing trafficking legislation in the near future. The Wisconsin Coalition Against Sexual Assault and the Wisconsin Coalition Against Domestic Violence are committed to working with the state legislature to pass the most robust, victim-sensitive state trafficking legislation as possible.

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8 See Ferrell at pp. 26-27.
9 See Revised Code Washington sec. 7.68.350
constant need for external validation. Oftentimes, it is a pimp or another abusive adult that the child clings to for love and validation.

Since girls experience sexual abuse at a higher rate than boys, they are more likely to be vulnerable to prostitution. Many young girls end up in the system for minor offenses such as running away or abusing drugs and alcohol which they often commit to escape being victims of sexual and physical violence at home. Once on the street, they encounter sexual abuse from their pimps or tricks.

**Community Responsibility**

The United Nation's *Sexual Exploitation of Children* report discusses the “chain effect” of prostitution. The term “chain effect” is used to describe the “linkage between various forms of malpractice and the fact that one form may lead to another.” The chain effect is most evident in the case of child abuse, where the abused child may subsequently become an abuser. This is shown to cause family disintegration, which may compel children to run away and resort to prostitution as a means of survival. Children in this situation are more likely to abuse drugs or alcohol, which in turn leads to greater dependence on prostitution as a means of satisfying their addiction. Pimps use drug addiction to coerce children to stay in prostitution. The complex dynamics of childhood prostitution requires more than a legalistic approach.

In 1992, the Commission on Human Rights adopted the Programme of Action for the Prevention of the Sale of Children, Child Prostitution, and Child Pornography. The Programme’s approach focuses on improving information and education, rehabilitation and reintegration, and cooperation among law enforcement, government, local service organizations, and the legal system.

The proposals set forth by the Programme of Action can be used in most communities around the world. Informational and educational campaigns to increase awareness of abuse in our communities and the tragic effect it has on our children is a good place to start. Informing citizens of local programs and services for victims, how to report sexual or physical abuse, and making known the penalties for the perpetrators are all important strategies for a community to understand. Perhaps the most important information to clarify to our

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17 Child Abuse and Neglect Report, 2003
18 Pathways to Youth Violence, p9
19 Child Abuse and Neglect Report, 2003
20 Sexual Exploitation of Children, p4
21 Sexual Exploitation of Children, p4

(Continued on facing page.)
communities is that these children do not “choose” prostitution, but are abandoned to it by a culture that ignores the trauma and violence these children have survived. Many of the adults they grow up to become do not choose prostitution for any other reason than survival – prostitution does not define who they are; it is a behavior, a symptom of trauma and abuse.

The cycle will not be broken without proper treatment for children. Without support and treatment, a child may never come to know any other way of life. The specific needs of children who have been victims of sexual exploitation must be taken into account in developing these programs. If the trauma experienced as a child is not addressed, the child is more likely as an adult to repeat the abuse he or she suffered during childhood. Communities must call for the mobilization of law enforcement against the exploiters of children. “This is inevitably shaped by the need to examine factors conducive to behavioral change; criminal sanctions alone will not suffice if there are psychological and other reasons leading to certain types of behavior which cannot be cured by fines and prison sentences.”

The problem of child sexual exploitation is a complicated one that points to deeply rooted problems in individuals and society. Law enforcement cannot approach the issue as it would any other violation.

Prevention is crucial in addressing the problem of child sexual exploitation. Prevention policies are dependent on effective anti-poverty strategies, improved information, education, community consciousness-raising and mobilization, satisfaction of basic needs, and skills training. The Programme of Action suggests efforts should be made to improve the social, economic, and working conditions of parents whose children are victims of sexual exploitation. This requires all levels of government to confront poverty in their communities.

In many communities, law enforcement would prefer to send children in this situation to treatment for abuse, addiction, and job skill training – however, most communities lack these youth specific programs. Without proper treatment, the emotional trauma these young children experience will continue to perpetuate the cycle of incarceration. Programs designed to help children often lack the resources to get involved early enough. The lack of funding constrains services to react to crisis only, not to address prevention and the underlying issues.

The link between child sexual abuse and prostitution is overwhelming. The psychological and physical impact of the abuse forces children to run away from home seeking safety. Taking a child into custody will not stop the next sexual assault of a child from happening. It is our responsibility to ensure the safety of every child – and that means digging deeply into our culture to weed out the circumstances and behavior that makes a child vulnerable to sexual exploitation.

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22 Sexual Exploitation of Children, pp8-9
23 Sexual Exploitation of Children, p3
25 CATW, 1997
HUMAN TRAFFICKING:
SEXUAL EXPLOITATION, PROSTITUTION, AND BROKEDERED MARRIAGES

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you both put the focus on the perpetrator and help them feel empathy for the victim. Get a commitment from the jurors that every person in the community deserves the protection of law. Start helping the jury to understand that the perpetrator isn’t just some guy caught up in a misunderstanding. This guy receives sexual gratification through violence and that is unacceptable—period.

Start talking and asking questions about the nature of consent and the ability to set limits on sexual activity. Voir dire that rape is terrifying and that even women who have a tough veneer at the moment of the rape are terrified and helpless in the face of the assault.

**Use Experts at Trial**

Use experts to help the jury understand prostitution and victim affect. Prostitution victims may show high levels of counterintuitive victim behaviors. They may display little emotion, seem distant or numb, or express a lot of anger. For a woman involved in prostitution, this type of behavior is common when faced with a difficult situation. Many prostituted people come across as “tough” or jaded. It is up to the prosecutor to help the jury see the incredible pain that lies underneath. As with any counterintuitive victim reactions, this may require experts. The specific reporting barriers in a sexual assault of a prostituted person may also necessitate an expert in the dynamics of prostitution, if relevant to the case.

**Use Direct Examination to your Advantage**

The “bad” issues in the case should be addressed directly and used to create sympathy for the victim. Direct examination of the victim can help the jury see beyond her tough exterior and her history and instead see her pain and vulnerability.

For these cases, it is extremely important for the prosecutor to develop a great rapport with the victim. When you believe in the victim, you will be able to convey to a jury through direct examination that rape is never acceptable. It is not true that because the victim is involved in prostitution, her body isn’t sacred.
Each year, an estimated 14,500 to 17,500 foreign nationals are trafficked into the United States. The number of U.S. citizens trafficked within the country each year is even higher, with an estimated 200,000 American children at risk for trafficking into the sex industry.