

Statement of

The Honorable Richard J. Durbin

United States Senator
Illinois
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Opening Statement for Sen. Dick Durbin
February 24, 2010
Senate Judiciary Committee
Subcommittee on Human Rights and the Law

Today's hearing is entitled "In Our Own Backyard: Child Prostitution and Sex Trafficking in the United States." The sexual exploitation of our children is a criminal problem; it is a social problem; and it is a human rights problem.

President Obama has called human trafficking "a debasement of our common humanity." President Bush said: "the trade in human beings for any purpose must not be allowed to thrive in our time."

Congress has worked on a bipartisan basis to combat human trafficking, both in the United States and in foreign lands. During the past decade, we have passed four major anti-trafficking laws with strong bipartisan support to advance our strategy known as the "3 P" approach: punishing traffickers, protecting victims, and preventing trafficking crimes.

But despite the efforts of Congress and the executive branch, the scourge of human trafficking continues to plague our nation and our world. There is no more heartbreaking part of this problem than the sexual exploitation of children.

Recently I saw a powerful documentary about this tragedy called "Playground," which was directed by a visionary filmmaker named Libby Spears. We are fortunate that Libby could be with us today.

I would like to show a short excerpt from this documentary to provide some context for our discussion. [Video showed.]

Thank you, Libby, for making this documentary and for opening our eyes to a human rights abuse that occurs not only in foreign lands, but here at home as well, in our own communities and neighborhoods. It is estimated that over 100,000 American children become sex trafficking victims each year. Studies indicate the average age of entry into prostitution is 13. Many child trafficking victims are chronic runaways who are fleeing sexual and physical abuse at home.

Americans tend to think of forced prostitution as the plight of women from other countries trafficked into the United States and locked up in brothels. Such trafficking is indeed a problem, but equally scandalous is the violence involving American teenage girls.

The "Playground" documentary forces us to confront this reality, and it raises another challenge we will discuss with our witnesses at today's hearing: the need to treat sexually exploited children as victims and survivors, not criminals. In many states, child trafficking victims are often arrested rather than assisted. These victims are badly in need of basic services like medical care, housing, and counseling, and a jail cell isn't the solution. We must change the way our criminal justice system treats these victims.

Congress has tried to help. When we passed the Trafficking Victims Protection Act a decade ago, we said that all children who were involved in commercial sex acts are victims and should be treated accordingly, entitled to protection, services, and restitution.

But at the state and local level, child sex trafficking victims are still considered criminals. Nearly every state in the nation allows children of any age to be prosecuted for prostitution -- even though children are too young to consent to sex with adults. By charging children with crimes, we compound the harm.

My friend and former colleague, the late Senator Paul Wellstone, was a great champion in the fight against human trafficking. He pointed out in a Senate floor speech in 2000: "The bitter, bitter, bitter irony, colleagues, is that quite often the victims are the ones who are punished, and these mobsters and criminals who are involved in the trafficking of these women and girls with this blatant exploitation get away with literally murder."

We have created a legal dichotomy in America in which the federal government views prostituted children as victims, yet most states treat them as criminals. If state laws treated child prostitution more like human trafficking, then state social service agencies would play a more important role in helping this vulnerable population.

The State of New York has been a leader in rising to this challenge. They recently passed a "safe harbor" law. Under these laws, trafficking victims are given services, not sentences. Safe harbor laws recognize that the sexual exploitation of children is a child welfare issue, not a criminal justice issue. One of our witnesses today, Rachel Lloyd, played an important role in advocating for passage of the New York law.

Congress should build on New York's fine work and make clear that children who are subjected to sex trafficking should not be treated like criminals. I hope to work with the Ranking Member of this Subcommittee, Senator Coburn, on legislation to accomplish this goal.

State and local governments will have to play the lead role in changing the way we look at child sex trafficking - because they are on the front line - but I believe there are additional steps Congress can take to help.