



United States of America

- Population: 322.6 million
- GDP per capita (in US dollars): 54,629
- Presidential regime with a federal organization
- Human development index (HDI): 0.915 (8th rank among 187 countries)
- Gender inequality index (GII): 0.280 (55th rank among 147 countries)
- Corruption Perceptions Index (CPI): Score of 76 on a scale from 0 (highly corrupt) to 100 (very clean)

- No official national statistics on prostitution, but NGO estimates vary between 500,000 and 1 million prostituted persons.
- Prohibitionist country, except in 12 counties of Nevada, 8 of which have brothels. The rest of the States penalize prostitution, the purchase of sexual services, procuring and brothels. Each State defines its own punishments.
- In Nevada, around 500 women work officially in 30 brothels. (*Fondation Scelles*, 2013)
- There are around 100,000 children who are prostituted each year in the United States.
- According to the U.S. Department of State Report, the average age to enter into prostitution is between 12 and 14 years of age
- The trafficking of human beings is punishable by life imprisonment.
- In 2014, there were 208 federal pursuits for trafficking, 190 of which were cases of sexual exploitation. Out of the 225 individuals who were implicated in this trafficking, 184 were convicted, including 157 of them convicted for sexual exploitation. Prison sentences range between 5 years to life imprisonment. 4 local officials were sentenced for their implication in sexual trafficking, compared to 2 in 2013.
- Problems of domestic trafficking affect people from economically impoverished areas, young homosexuals and transsexuals, and native and Inuit people minorities.
- Destination country for victims of human trafficking (approximately 17,500 each year) (*Fondation Scelles*, 2012).
- Victims originating from Mexico, the Philippines, Central America, Eastern Europe, and other Asian countries.

As in previous years, the 2015 U.S. Department of State Report on Trafficking in Persons classified the United States in Tier 1. Since 2012, the U.S. government has made some legal advancements to better protect victims of sexual exploitation, as well as to identify and stop clients and procurers. In the United States, Nevada remains the only American state where prostitution is protected by the law in 12 of its 17 rural counties. The discordance between the laws of each American state and the federal laws explains this phenomenon; there does not exist any federal laws that apply to all American states and therefore federal laws do not have the power to make prostitution illegal in all forms throughout the country. Like each year, the sex industry largely profited from the Super Bowl. Sex trafficking during the Super Bowl, however, has been made more difficult in light of new, stricter laws, which has caused a debate on the legalization of prostitution in the United States. The Prostitutes' Education Network declared in 2013 on the site Procon.org: *"It is difficult to evaluate the number of people that currently work or who have worked as prostituted persons for several reasons, particularly, the different definitions given to prostitution. The official number is estimated to be around 100,000. The National Commission on Prostitution estimates that more than a million people were prostituted in the United State"*. According to the Secretary of State, John Kerry, this is a prudent estimation (U.S Department of State, 2014)

Sexual exploitation varies in a territory as vast, diversified and decentralized as the United States of America. Major events, such as the Super Bowl, as well as the emergence of the digital age, have transformed the most obvious aspect of prostitution. There are continual debates and proposals for legislation that affect the way society and authorities deal with this phenomenon.

Sexual Trafficking and the Super Bowl

While the Super Bowl is one of the most important sporting events of the country, it is also unfortunately a massive hot spot for sexual exploitation in the United States. In February 2014, the Super Bowl was held in New York where 400,000 supporters turned out for the event. In an effort to stop prostitution from tainting the reputation of the Super Bowl and of New York, public officials deployed 3 000 police and civil servants specialized in the detection of victims of trafficking. As a result of these efforts, 45 arrests were made for sexual exploitation and 16 children were saved (Reuters, February 4th, 2014). In February 2015, the Super Bowl was held in Glendale, Arizona. As the years pass, and the challenge to control sex trafficking in Super Bowl host cities is taken up, the Super Bowl has evolved to be a symbol for the fight against trafficking. From January 15th to February 1st 2015, an important raid was made in 17 American states and in 70 different jurisdictions. The fact that these initiatives took place right before the Super Bowl is extremely symbolic. This operation, called National day of Johns Arrests was organized by an emblematic figure in the fight against sexual exploitation, Tom Dart, the sheriff of County Cook in Illinois. The operation, which began in 2011, has been reinforced with each following year. In 2015, 570 clients of prostitution and 23 procurers were detained. 68 victims of sexual exploitation were freed, 14 of whom were children (Huffington Post, February 2nd, 2015). 64% of the clients were caught through false

prostitution advertisements posted in the “for adult” section on the website *Backpage*. 7% of them were caught in the same way, but through the website *Craigslist*.¹

The next Super Bowl, scheduled for February 2016, will be held in San Francisco in California. Even though we do not yet know which teams will be the winners, we can already predict that massive campaigns to prevent sexual exploitation will take place, and that police operations against procurers and clients will be planned.

Rachel Lloyd, the founder of the NGO Girls Educational & Mentoring Services (GEMS) in New York, which supports female survivors of sexual exploitation, believes that the main part of prostitution related criminality does not occur during important sporting events like the Super Bowl. Lloyd states, “the real criminal phenomenon occurs when no one is looking and no one is paying attention; not while all media organizations, militants and the police forces have their eyes on prostitution” (*Huffington Post*, February 3rd 2014). This observation is accurate: prostitution is part of everyday life in the United States. Each of its occurrences, under whatever particularities, should trigger a reaction.

A big part of the prostitution offer during the Super Bowl happens on line, which is now where police are focusing their attention, rather than on streets and areas known for prostitution. This relatively new phenomenon complicates the fight against sexual exploitation. Procurers have a capacity to adapt and to move locations, which allows them to seize every opportunity to traffic human beings. The Super Bowl is simply one example of this phenomenon.

Cyber Prostitution: The Hidden Iceberg

According to Ronald Weitzer, a sociologist at George Washington University, only 10 to 20% of prostituted persons still work on the streets. This is due to increased access to the Internet, which serves as a marketing tool for sexual services, and makes prostitution even more hidden from authorities. While in the United States, online prostitution promotion is prohibited everywhere except in Nevada the marketing and organization of paid for sex activities do not cease to evolve and to grow (*The B.E. Journal of Economic Analysis and Policy*, 2011). To escape the laws, online services work abroad and the owners of websites, as well as their users, hide behind pen names. It is also mentioned on these sites that they are simply trying to propose innocent “entertainments” and that their content is “fictional.” It is impossible to have information about the “freelance” prostituted persons online, the number of those who prostitute themselves occasionally, or the number of those coerced into prostitution.

Authorities occasionally succeed at shutting down some websites advertising prostitution. This occurred in June 2014, when the FBI shut down the site, *MyRedBook*. The owners of these websites were prosecuted for money laundering and the facilitation of prostitution. The police occasionally use these websites to trap prostituted persons, appearing as potential

¹ See chapters “United States of America”, in Fondation Scelles, Charpenel Y. (under the direction of), *Rapport mondial sur l’exploitation sexuelle - La prostitution au cœur du crime organisé*, Economica Ed., 2011; in Fondation Scelles, Charpenel Y. (under the direction of), *Sexual Exploitation - Prostitution and Organized Crime*, Economica Ed., 2012 ; in: Fondation Scelles, Charpenel Y. (under the direction of), *Sexual Exploitation – A growing menace*, Economica Ed., 2013.

clients. According to one prostituted person, detecting violent clients is no longer a priority for individuals' using this site to prostitute themselves, because their priority before all else is to detect the police (*The Economist*, August 9th 2014).

Other websites are for clients of prostituted persons, who comment, recommend, or advise against the prostituted persons they "used". While these "rating" websites are degrading and dangerous, they are never pursued. As in all countries, the American authorities seem to have a delayed reaction, and face many difficulties, due to the way the Internet has changed prostitution. Each site shut down can easily recreate itself abroad, and therefore, out of reach of jurisdictions that condemn its activities. In light of state authorities' failure to regulate online prostitution, it is important to highlight the role of non-state actors in a particular event of the fight against online prostitution.

In July 2015, the decision of *Visa* and *Mastercard* to prohibit their services to one of the most important prostitution websites was an advance that was both decisive, and symbolic, in the fight against sexual exploitation. In April 2015, 1.4 million announcements were published under the section "for adults" on the website *Backpage*, which made 9 million US\$ (8.3 million €) each month. *Backpage* accounts for 70% of the online prostitution market, and probably makes an average 22 million US\$ (20.3 million €) profit each year (*USA Today*, July 1st 2015). The problem resides in the fact that, while some prostituted persons propose their services online and are not victims of trafficking, some are trafficked and are often underage. Their exploiters sell them online as objects averaging 5 to 17 US\$ (4,62 to 15,70 €), which is paid to the website for publishing their advertisement (*The Guardian*, July 1st 2015).

The sheriff T. Dart, who was infuriated that 800 arrests had been linked directly to the "for adults" section on this website since 2009, began to look for alternative solutions to the ineffective judicial pursuits (*The New York Times*, August 6th 2015). According to the federal law, the website could not be held responsible for the acts of its users because of a judicial void in the Communication Decency Act. The sheriff T. Dart therefore wrote to *Visa* and *MasterCard* to ask them to no longer permit users on the website to use their cards to pay for sexual services. *Mastercard* and *Visa* responded positively to this request, maintaining that the ethical standards of their companies prohibited them from supporting illegal activity, and that news of this could ruin their reputations.

Given that *American Express* had already taken this decision in April 2015 (in response also to the request of this sheriff), the website now finds itself in trouble. The only means of payment that is available to its users is bit coin (virtual money that is exchanged from person to person on the internet outside of traditional bank circuits). The site executives decided to make online advertisements temporarily free, which is not financially viable for their company in the long term and to bring an action against the sheriff. This decision proves that private actors can act firmly and ethically, in circumstances where state authorities are powerless.

It should also be noted that while there are websites specifically for the publicity of prostitution, dating websites that can appear to be harmless, sometimes serve as platforms for prostitution promotion. After several warnings, Impact Team, a group of anonymous hackers, pirated these "dating" websites in July 2015, and revealed the identity of 33 million accounts created on the dating website Ashley Madison of users coming from over 46 different countries. Ashley Madison is one of many dating sites created by the Canadian company,

Avid Life Media (ALM), and accounts for 65% of ALM's profits. The hackers group stole more than 197,000 private emails of Noel Biderman, the CEO of Avid Life Media (ALM), and exposed them on the Web. The hacker's main goal was to destroy the site, whose slogan is "life is short, have an affair" and to prove to surfers of the site that their anonymity is precarious and that they are still responsible for their acts. Additionally, the group wanted the closure of the website *Established Men*, another dating site owned by Ashley Madison that pretended to aim to "connect young, ambitious, and attractive girls with generous, successful benefactors," but in reality was a prostitution platform. The hackers also shed light on the fact that the model of the site was a scam that was extremely lucrative for the business: the site asked for 20 US\$ (18,47 €) from its users to erase their personal information, despite the fact that their information was stocked in the system. The economic model of the website required that the male users spent 199 US\$ (184 €) every trimester, in order to profit from the tools that allowed them to communicate with their female counterparts.

Additionally, Ashley Madison created thousand of fake female profiles using software that allows a typical conversation. While there were certainly real women signed up on the site, many male users noted they met mainly prostituted females. According to Robert Graham, a researcher on security who analyzed the pirated data: "Ashley Madison is a prostitution website, not an adultery website. "Adulterer" is simply a hook to extract users in the idea of having sex, they should not expect a long-term relationship. This website is very clear in stating that you are paying for this, and not for anything else" (*TV5 Monde*, August 28th 2015). This scandal, which caused many suicides and a massive amount of divorces, led to the resignation of Ashley Madison's CEO and Ashley Madison announced that it was ready to offer compensation of 377,000 US\$ (348,084 €) for any information on Impact Team.

This event illustrates the fact that cyber prostitution is not restricted simply to prostitution advertisements. In the case of *Backpage*, it was private economic agents that were able to remedy a situation where the State was powerless. In the case of *Ashley Madison*, it was anonymous, civil society that exposed them.

The Difference Between State Laws and Federal Laws

In the United States, 49 states out of 50 consider prostitution as an offense. Prostitution is only legal in the state of Nevada. It is possible to obtain a license for a brothel in 12 out of 17 rural counties. The counties of Clark (Las Vegas) and of Washoe (Reno) are not part of these 12. The simple fact that prostitution is legal in certain parts of the US demonstrates that there is a contradiction between laws of American states and the federal laws. If these prostitution establishments function legally, it is because there are no enforced federal laws that prohibit the state of Nevada from authorizing these activities. Therefore, it is difficult to make prostitution illegal in whole country, as each state is sovereign and can decide its legislation on criminality and prostitution.

All the states, however, are conscious of the existence and the impact of prostitution. All the states have laws that permit the punishing of prostituted persons and their clients' obvious offenses. For first time offenders, they are punishable by up to one-year imprisonment or a fine of 5,000 US\$ (4,616 €). The states, however, also have laws that allow to charge procurers, managers of illegal brothels, with major offences or minor crimes that are

punishable by up to 10 years of imprisonment or a fine of up to 150,000 US\$ (138,495 €) for first time offenders.

Even though the federal government voted in laws that prohibit the majority of forms of prostitution, the state of Nevada found ways to authorize brothels. There are 9 federal laws that characterize prostitution as an illegal activity. Even though Nevada has strict laws on prostitution in these establishments, the prostituted persons, the majority of whom are women, are regularly subject to physical and moral abuse. Stella Marr, the founder of Survivors Connect, an international network for survivors of trafficking and prostitution, states: *“the majority of women that I have met in brothels or in escort services in Nevada had traumatizing and violent pasts.... ‘I did not have a home when I began this type of life and I was suffering of multiple sclerosis. This vulnerability made me an even bigger target for procurers’... Procurers do not stop being procurers when society legalizes their activity. If they legalize brothels, we will do nothing but give more power to these predators, all the while helping them make money”* (The New York Time, April 20th 2012).

Legislative Advancements

The United States recently made some positive progress in creating an ensemble of laws to combat human trafficking. In 2013, the United States reestablished the Trafficking Victims Protection Act (TVPA) which trains groups of individuals to fight against human trafficking (U.S. Department of State, 2014). These laws specifically concern the rights of women and their protection. President Obama declared, at an annual reunion of the Clinton Global Initiative: *“It (these laws) ought to concern every person, because it is a debasement of our common humanity. It ought to concern every community because it tears at our social fabric. It ought to concern every business because it distorts markets. It ought to concern every nation because it endangers public health and fuels violence and organized crime. I’m talking about the injustice, the outrage, of human trafficking, which must be called by its true name - modern slavery”*. In September 2014, the Preventing Sex Trafficking and Strengthening Families Act was published. This text, which has legal force, amended the Social Security Act and incentivizes American households to be host families for children vulnerable to exploitation, in order to reduce the vulnerability of children without families. Giving these children access to host families would allow them better protection from sexual exploitation.

Under the Obama Administration, *“the federal government has extended measures to protect and improve the identification of victims and has augmented the funds allocated to services for victims non-identified”* (U.S. Department of State, 2014). The government provides the financing of several emergency hotlines and is also financing several NGOs who provide shelter and support to victims of trafficking.

Prostitution and Vulnerability

It is largely recognized that lesbian, gay, bisexual, trans and intersexual (LGBTI) individuals are particularly vulnerable to sexual exploitation. The majority of NGOs present in the United States estimate that young LGBTI individuals represent 20 to 40% of the

population of teenagers living on the streets. Many of them have been repudiated by their families because of their sexual orientation. They are thus faced with many risks of finding themselves coerced into prostitution. Under the Obama administration, the United States has had as its goal to double the efforts to suppress all forms of trafficking. The LGBTI community is currently a vulnerable minority, where traffickers are more likely to strike.

Other groups are over represented in the statistics on prostitution and sexual exploitation, such as Native Americans and indigenous Alaskans. In Hennepin County in Minnesota, around 25% of the women detained for prostitution belong to indigenous communities, even though they only represent 2.2 % of the total population. Similarly, in Anchorage, Alaska, 33% of women detained for prostitution are autochthones, even though this group only constitutes 7.9% of the population (*Indian Country Today*, May 24th 2015).

Prostitution and Clandestine Migrants

Due to the geographic proximity of the United States to poor countries, the importation of clandestine people with prostitution purposes is yet another problem the United States faces. As a result, the Short-term continued presence status and the Long-term T-non migrant status (or T-visas) were instituted. These two statuses permit people to work legally in the United States. *“The applicants for the T-visa have to be cooperative with the law, unless they are under 18 years of age or are incapable to cooperate due to trauma experienced. At the end of 3 years or at the end of the investigation, victims with T-visas are eligible to permanent resident status and then to citizenship”* (U.S. Department of State, 2015). The American government also allows victims in possession of a T-visa to bring their families to America during their stay on the American territory.

The numbers have been declining for several years since the fiscal year 2014 when the Short-term continued presence status was given to 130 victims of trafficking and the Longer-term T-non-migrant status was given to 613 victims with 788 eligible family members (as opposed to 171 Short-term continued presence status and 848 Longer-term T-non migrant status with 975 members of their family in 2013) (U.S. Department of State, 2015). The U-nonimmigrant status is the third status reserved for all people who *“help, have helped, or will contribute to help force authorities”*. As it is a hard status to obtain, only 17 victims identified were eligible for this status in 2014. These three statuses give victims legal support. Effectively, once they have obtained legal status, which justifies their presence on the territory, victims have access to more specific forms of aid (sanitary resources, physiological help and housing). In the 2015 fiscal year, the federal government provided the Department of Justice with 43 million US\$ (38.79 million €) and the Health and Human Services provided 15 million US\$ (13.84 million €) to finance aid to identified trafficking victims.

Child Prostitution

In 2013, the Immigration and Customs Enforcement—Homeland Security Investigations agency declared that they had opened 1,025 investigations for cases of human trafficking where 514 children were involved. Thanks to the Trafficking Victims Protection Act passed in 2000, all purchasing of sexual services where a minor is involved, whatever the form of

coercion, is considered to be human trafficking. This includes the trafficking of children for sexual purposes, as well as all other forms of work, at both the national and international level. The 2015 U.S. Department of State Report on Trafficking in Persons affirmed that “NGOs report more cases of sexual trafficking of children by gangs than in previous years, and that traffickers use media more and more to control and recruit victims”. It is also estimated that the trafficking of children for sexual purposes can make 650,000 US\$ (600,145 €) per year for a trafficker with 4 victims under his control (Walker, January 2013). These exploited children generally come from broken households or are orphans of the state. It is estimated that at least 100,000 children are prostituted each year in the United States (Think Progress, July 9th 2013). This number, which is constantly increasing, illustrates the gravity of the problem of underage prostitution of children in the United States. Once they are constrained to prostitution, the children are stuck and have little chance of improving their lives.

The prostitution phenomenon is omnipresent in the United States, only its visibility varies. These victims come mainly from fragile categories of the population. Only federal laws, that criminalize prostitution, would have the power to put an end to the judicial contradictions that result in sexual exploitation being seen as acceptable in certain parts of the country.

It is possible that federal laws criminalizing prostitution will not resolve the ensemble of problems associated with prostitution, but at least, they will start a process of eradication of what we can rightly call, slavery.

“Our lives begin to end the day we become silent about things that matter” - Martin Luther King Junior.

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