

Exploited kids aren't criminals

By Lael E.h. Chester | Wednesday, June 29, 2011 | <http://www.bostonherald.com> | [Op-Ed](#)

Nobody's going to believe you. Nobody's going to care. Nobody's going to help you.

Those words are a powerful weapon used by pimps who make their living selling children — sometimes even more powerful than the beatings and the rapes which survivors recount. Everything about the sexual exploitation of children is an outrage to our values. Perhaps the single most outrageous point is this: Our laws reinforce the lessons of hopelessness that pimps drill into their young victims. In Massachusetts, we do not help youths coerced into prostitution. We prosecute them.

Trafficked children are victims, not criminals. The Safe Harbor Bill currently before the Legislature is a step toward recognizing that. The measure would reduce the prosecution of girls and boys under 18 on charges of prostitution and instead direct these exploited young people toward services that would help them repair their lives. The bill also lays out more severe penalties for pimps and johns, the true criminals in these cases. Massachusetts would join 46 other states in having anti-trafficking laws on the books.

Research tells us that the average age girls and boys enter the commercial sex trade is 12 to 15. The law and common sense generally recognize that people under 18 are minors and still in need of adult protection. That is why no one under 18 may enter into a contract. We recognize that 17-year-olds lack the maturity to serve on a jury, but kids even younger may stand trial for acts that they were forced to commit.

Not only are the children involved in trafficking just that — children — they are also among the most vulnerable. Exploiters target group homes, bus stations and the like. They look to lure or sometimes forcibly kidnap kids who lack the protection of a stable home. Our resources would be far better spent pursuing these predators than prosecuting the children they intimidate and abuse.

We cannot currently measure the extent of trafficking in Massachusetts. One of the advantages of the law is that it would require better reporting and sharing of information among state agencies so that we can determine the scale of this heinous industry. Then we can better deploy law enforcement against the perpetrators and plan appropriate services for their young victims.

While Safe Harbor is a step forward, the bill should be amended to offer stronger protections. In its current form, Safe Harbor provides that if a child “fails to comply with the guidance and services of the [Department of Children and Families] or any designated non-governmental service provider, the court may, in its discretion, vacate the dismissal of the delinquency or criminal proceeding and restore that proceeding to the docket for trial . . .” In other words, we will not harm you if you do exactly as you are told. If you do not, you can still be prosecuted.

And so a child who has survived countless threats from a pimp endures one more from a court of law. It is difficult to imagine treating an adult victim in such a destructive and callous way. Why in the world would we do it to a child?

This provision speaks of a lingering reluctance to fully recognize that these young people are victims of sexual assault. As it currently stands, Safe Harbor is sending a mixed message. Massachusetts should be crystal clear in the way it addresses trafficked children: We believe you. We care. We are going to help you.

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