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THE WAR ON SYRIAN GIRLS:
SUPPORTING THE CRIMINALIZATION OF SEX-RELATED VIOLENCE AND TRAFFICKING OF MINOR REFUGEES

By Megan Rossman

INTRODUCTION

For the average American teenager, the most stressful parts of life revolve around education, including academic grades, upcoming finals, and college applications.1 American teens fight with their parents about various issues, including relationships with boyfriends and girlfriends, clothing choices, curfews, and the amount of time that they are allowed to spend on their phones, laptops, and other technological devices.2 In contrast, the average Syrian teenager's biggest stressor is staying alive. The ongoing armed conflict in Syria has caused rampant suffering and persecution of Syrian civilians, leading to many Syrian minors falling victim to sexual violence and human trafficking.3 The refugee crisis and Syrian civil war have caused horrible trauma to the millions of civilians not only stuck in the country, but also to those fleeing to other lands.4 Many children are ultimately lost in the mix, kidnapped and sold by human traffickers preying on their vulnerabilities.5 This article will examine the legal tools involved in prosecuting sex traffickers and preventing further minor sex trafficking of Syrian children. Inner corruption has prevented the Syrian government from working against trafficking to its full extent. This article will also highlight the increasing number of Syrian children trafficked for sex and expand upon ways to save current victims. The international community must take action to support the Syrian government, protect the lives of vulnerable children, and intervene in child sex trafficking.

Part I will discuss the definition of international minor sex trafficking, the third highest-grossing crime in the world.6 This Part will analyze the definition of human trafficking, including its causes and development throughout history. It will also specifically look in-depth into Syria's current, increasing role in the world of sex trafficking. Part I will introduce the Trafficking Victims Protection Act of 2000 ("TVPA"), and examine how the United Nations has worked to end trafficking. Part I will also describe the Islamic State's contribution to the sex trafficking of Syrian minors, including how they coerce Syrian girls into slavery through false promises of marriage.7 Lastly, this Part will show how Syrian minors that have sought refuge in other countries have still fallen victim to further trauma and suffering.

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2 Id.
4 Id.
7 Claire Davaine, Sex Trafficking and Hidden War on Women: The Neglected
Part II of this article will address the challenges of ending trafficking through Syrian laws and governmental actions. Several foreign countries have experimented with models of legalized sex work within government-regulated sectors to address the growing issue of sex trafficking. The Syrian government has made limited progress in protecting trafficking victims, and lacks any formal identification procedures to identify victims among vulnerable populations. The government does not provide any sort of anti-trafficking training to its law enforcement officers, and has not made any clear efforts to reduce the demand for commercial sex acts. Lastly, Part II will analyze the corruption of the Syrian government, and how this has led to a complete lack of efforts in the elimination of sex trafficking in the country.

Part III will highlight the current organizations aimed at addressing the Syrian minor sex trafficking problem, including UNICEF (United Nations International Children's Fund) and ECPAT (End Child Prostitution, Child Pornography, and Trafficking of Children for Sexual Persons). As governments become increasingly aware of child trafficking problems, most develop proactive efforts to rescue children from sites of commercial sexual exploitation and/or forced labor. Many governments have developed a system to address trafficking and continue victim protection while still trying to prevent further sexual crimes. Part III will also analyze the actions of both the United Nations and, specifically, the United States authorized for and against Syrian refugees. The United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children, has compelled states to enact laws targeting the demand for minor sexual exploitation, and has further spurred humanitarian intervention in Syria. The United States government has also intervened, however only in regard to the attacks by the Islamic State on Syria.

Finally, Part IV will detail recommendations to combat sex trafficking of Syrian minors. This includes guidelines of actions that the Syrian government and its law enforcement officers need to take against trafficking offenders, as well as ways to improve protection for victims of human trafficking. Part IV also outlines examples of laws and statutes that the Syrian government should enact against kidnapping, pimping, and sexual assault to prosecute human trafficking cases. This Part further includes possible options for other organizations and foreign governments to help Syrian children and hold sex traffickers liable for their crimes. This article concludes by emphasizing the responsibility of the United States to fight against and to try to prevent these horrible crimes against humanity.

To fully understand and resolve the Syrian trafficking crisis, a brief history of the conflict in Syria should be understood. The armed conflicts occurring in Syria began with an uprising in 2011. The conflict has since spread to neighboring countries and is still ongoing. The Islamic State of Iraq and Syria (ISIS) has also become involved in the conflict, which has further complicated the situation.

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9 Id. at 238.
10 Id.
that started in February to March of 2011.\textsuperscript{14} Hundreds of armed groups and militias have joined the conflict, including a number of foreign states that have directly intervened, either with or without governmental consent.\textsuperscript{15} The various confrontations between the Syrian government and these rebel forces have caused large-scale civilian casualties, leading to many Syrians seeking refuge in nearby countries.\textsuperscript{16} The international community attempted to step in through an intervention by the North Atlantic Treaty Organization ("NATO") and its forces.\textsuperscript{17} The Syrian rebellion then took hold and began killing civilians by the thousands, ultimately causing the United Nations Security Council to retract its NATO efforts.\textsuperscript{18} As of late October 2016, the Syrian government under President Bashar al-Assad was still in control of the Syrian capital, Damascus; the machinery of government armed forces; much of the western part of the country; and almost all of the coastal region.\textsuperscript{19} The President is supported within Syria by a large pro-government militia known as the National Defense Forces.\textsuperscript{20} Also, Iran and the Russian Federation both have active military forces in the conflict in support of President al-Assad's government.\textsuperscript{21}

The Syrian rebel opposition consists of a large number of disparate armed groups and local militias, which can roughly be divided into two main coalitions.\textsuperscript{22} These do not include either the Islamic State of Iraq and Syria ("ISIS", also referred to as ISIL), or the Kurdish opposition, both of which exist as separate entities.\textsuperscript{23} The first coalition is loosely composed of a mixture of secular and Islamist armed groups that together form the mainstream opposition.\textsuperscript{24} The secular groups include the Free Syrian Army ("FSA"), which was formed in the early stages of the anti-government movement in 2011 and contains former members of Syria's armed forces.\textsuperscript{25} The Islamist groups are organized into the "Islamic Front", the secular and Islamist groups cooperate as one against the Syrian government, and have each received a significant amount of support from foreign entities in the form of arms, training, and finances.\textsuperscript{26} Some of the opposition groups in this first coalition have clashed with one another; a number are represented in the Syrian National Coalition, which has been recognized by some eighty states and the European Union as the "legitimate representatives of the Syrian people."\textsuperscript{27}

The second coalition is made up of a variety of jihadist-armed groups associated with the Al-Qaida movement, the most significant of which is the Al-Nusra Front and its allies.\textsuperscript{28} The Al-Nusra Front is vehemently opposed to the government, and has taken control of areas formerly in

\textsuperscript{14} Terry D. Gill, Classifying the Conflict in Syria, 92 INT'L L. STUD. 353, 354 (2016).
\textsuperscript{15} Id. at 354-55.
\textsuperscript{16} Johnson et al., supra note 3.
\textsuperscript{18} Spencer Zifcak, The Responsibility to Protect after Libya and Syria, 13 MELB. J. INT'L L. 59, 80 (2012)
\textsuperscript{19} Gill, supra note 14, at 355.
\textsuperscript{20} Id.
\textsuperscript{21} Id. at 356.
\textsuperscript{22} Id. at 357.
\textsuperscript{23} Id.
\textsuperscript{24} Id.
\textsuperscript{25} Gill, supra note 14, at 357.
\textsuperscript{26} Id.
\textsuperscript{27} Id. at 357.
\textsuperscript{28} Id.
the hands of the other mainstream opposition in the northern part of Syria. 29 The various groups that make up the Islamic Front, part of the other coalition, are divided in their attitude toward Al-Nusra and ISIL; while some remained loyal to the secular opposition, some groups have terminated such cooperation and have subsequently aligned with the jihadist groups. 30 As of late 2015, the various opposition groups, including the Al-Nusra Front, controlled approximately twenty percent of Syrian territory. 31 The primary aim of the mainstream opposition is to overthrow the present government, while the jihadist Al-Nusra Front and some of the other more mainstream Islamist 'groups' goal is to establish an ultra-conservative, theocratic government, fundamentally focused on implementing Islamic law. 32

According to international law, when certain crimes are committed as part of a widespread or systematic attack against civilians, and the perpetrators know that their conduct is part of this attack, such offenses constitute crimes against humanity. 33 The Syrian government has failed to control the now-raging civil war in its country, as rebellion forces continue to terrorize civilians and dictate their everyday lives. 34 The United Nations found "reasonable grounds to believe that Government forces [...] committed crimes against humanity, war crimes, and violations of international humanitarian law, and thus authorized its Security Council to intervene." 35 The burden has thus shifted from the Syrian government to more stable foreign countries, including the United States, to intervene and save these victims' lives.

I. THE CAUSES OF MINOR SEX TRAFFICKING AND THE GROWING SEX TRADE IN SYRIA

The United States’ State Department's annual Trafficking in Persons Report defines human trafficking as "the act of recruiting, harboring, transporting, providing, or obtaining a person for compelled labor or commercial sex acts through the use of force, fraud, or coercion." 36 Sex trafficking is the third highest grossing crime in the world. 37 Sex trafficking falls under the umbrella of human trafficking, and can occur even without any physical transportation of the victim, as long as the individual is forced to act without their consent and against their will. 38 The Trafficking in Persons Report further defines severe sex trafficking as "trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age." 39 According to the International Labour Organization, around 20.9 million men, women, and children are currently

29 Id.  
30 Id.  
31 Gill, supra note 14, at 358.  
32 Id. at 358-59.  
33 Zifčak, supra note 18, at 80.  
35 Id. at 19.  
36 Lee, supra note 6, at 385.  
37 Id. at 383.  
38 U.S. DEP'T OF STATE, supra note 8, at 6.  
39 Id.
victims of forced labor. The United Nations Women Director, Michelle Bachelet, publicly stated that "80% of all trafficking victims are used and abused as sex slaves."41

A. Brief History of International Human Trafficking

Sex trafficking is different from other forms of human trafficking because of its complexity under the current international legal system and the controversial nature of the sale of sex for money.42 Victims of sex trafficking are often removed from their home countries and relocated to places where they do not speak the language and/or have no outside contacts.43 This also makes it difficult for law enforcement officers across the world to identify whether individuals are trafficking victims or sex workers. Sex work, in contrast, is defined as engaging in sexual acts for some form of payment.44 The issue in distinguishing a victim from a sex worker is the highly differential treatment of sex work as a legal profession across and even within nations.45 Even in the United States, minors under the age of eighteen are often arrested for prostitution and commercialized sex. In 2011, state and local law enforcement across the United States reported to the Federal Bureau of Investigation that they had arrested 190 males and 581 females under the age of eighteen for prostitution.46 This is clearly an error — a minor under the age of sixteen years cannot consent to sex as a matter of law anywhere in the United States,47 and thus cannot commit the crime of prostitution as a matter of law.48 Therefore, a minor cannot be charged with prostitution nor arrested for such. The fact that the United States has erred in arresting such victims does not bode well for foreign countries, who often have less enforcement of law and ethical policy.

Children are especially vulnerable to sexual abuse and exploitation when they are in unfamiliar and overcrowded conditions.49 The global sex trafficking of children, primarily girls, is organized and industrialized, operating within and across national borders.50 This encompasses a range of sexually exploitative activities, from stripping and pornography to prostitution, forced marriage, and sex slavery.51 The demand for sex trafficking is a multibillion-dollar industry; where there is demand for sexual slaves, there are traffickers that will capture children as victims and supply them to the individuals that purchase children for sex slavery, otherwise referred to as "Johns."52 Four components comprise the demand for sex trafficking: (1) "the men purchasing

40 Lec, supra note 6, at 385.
41 Id. at 386.
42 Id. at 386.
43 Id.
44 Id.
45 Id.
47 There are also a number of states in the United States that set the age of consent at seventeen years of age, thus rendering any minor under the age of seventeen in those states incapable of committing the crime of prostitution. Eugene Volokh, Statutory rape laws and ages of consent in the U.S., WASH. POST (May 1, 2015), https://www.washingtonpost.com/news/volokh-conspiracy/wp/2015/05/01/statutory-rape-laws-in-the-u-s/.
48 Hall, supra note 46.
49 Johnson et al., supra note 3.
51 Id.
52 George, supra note 12, at 295.
commercial sex acts," (2) "the exploiters, or traffickers, who create the sex industry and, in turn, profit from it," (3) "the states that serve as destination countries, where individuals can be sold as sex slaves," and (4) "the cultures and environments that tolerate and promote sexual slavery and exploitation."53

Men that often frequent "brothels, sex bars, strips clubs that offer sex for their customers, escort dating services, massage parlors, and similar types of establishments" desire access to a supply of girls from various countries, cultures, and backgrounds.54 Some perpetrators even believe that, by having sex with foreign children, they are helping them to survive and are contributing to the local foreign economy.55 One child sex tourist stated, "On this trip, I've had sex with a 14-year-old girl in Mexico and a 15-year-old in Colombia. I'm helping them financially. If they don't have sex with me, they may not have enough food. If someone has a problem with me doing this, let UNICEF feed them."56 Approximately two million children around the world are victims of commercial sexual exploitation.57 Many individuals, labeled "sex tourists," travel across the globe to engage in sexual activity with children.58 Some men will even explain away their involvement in the business of sex trafficking by believing they are the object of desire for their victims.59 Without this attitude of sexual entitement, the sex trade would likely collapse and disappear.60

In response to the rising level of human trafficking cases, the United States drafted the first human trafficking legislation in 2000, titled the Trafficking Victims Protection Act of 2000 ("TVPA").61 Congressional sponsors coined the "three P's" within the TVPA: prosecution, prevention, and protection. The "three P's" are representative of the legislature's intent to combat and prevent trafficking of children for sex.62 However, the TVPA has done little to end the "cyclical scheme" of repeated and interconnected occurrences that end with sexual exploitation.63 While the TVPA prescribes specific governmental actions that must be taken to educate, inform, assist, and finance efforts to combat human sex trafficking, child sex victims are often excluded from obtaining protected status due to certain classification obstacles.64 Even though child sex victims can receive benefits and services under the TVPA, they must first "obtain some form of protected status"; the certification of such a status is not available, however, to "persons who have not attained the age of 18," thus effectively excluding minor victims.65 At the United Nations World Summit in 2005, various global political leaders addressed the growing sex trade of minors in a new doctrine designed to govern international

53 Id. at 296.
54 Id. at 299.
56 Id.
57 Id.
58 Id.
59 George, supra note 12, at 300.
60 Id. at 299.
62 Id.
63 Id. at 317.
64 Id. at 334-38.
65 Id. at 334-35.
behavior, entitled the "Responsibility to Protect." The doctrine states that, if a state fails to exercise their responsibility to prevent mass atrocity crimes, the international community may assume a corresponding duty to protect the civilians from crimes against humanity. However, when the United Nations attempted to intervene in the fighting between government and rebel forces in Libya in 2011, the number of civilian casualties increasingly worsened. The United Nations’ Security Council and Human Rights Council condemned the human rights abuses being committed in Libya, and ultimately imposed a resolution that neutralized the Libyan air force and halted the rebel forces moving on Benghazi. However, the Security Council still faced difficulty in persuading different rebel groups to hand in their arms in Libya. The Responsibility to Protect doctrine is thus difficult to enforce in many countries during times of rebellion uprising and violence against civilians.

B. The Sex Trafficking Crisis in Syria and its Female Minor Victims

The United States Department of State classifies countries into three tiers based on the extent of government action to combat trafficking, ranked from full compliance at "Tier 1" to minimum compliance at "Tier 3." Among these types of countries, in which various forms of human trafficking often take place once rebellion forces cause chaos and attack the government, Syria falls into the category of "Tier 3" countries. These countries are classified as woefully inadequate in assisting with prosecuting traffickers and rescuing victims. Syrian children, specifically young girls, are currently targeted by predators and sex traffickers across the world as they attempt to escape the civil war occurring in their home country. Syrian civilians that could not escape the country have been subjected to horrible traumas at the hands of Syrian soldiers, ISIL, and, oftentimes, their own government officers. Women and girls are targeted by "both governmental and pro-government forces, as well as armed groups opposed to the government, such as extremist groups like [ISIL]." They are often violated in the form of sexual assault, torture, harassment, and sensory and physical deprivation. A recent Human Rights Watch report reveals that the absence of men in many areas of the country, who are either fighting against the rebellion or kidnapped by extremist groups, leaves their female family
members vulnerable to "abuse during household raids and search operations by armed groups." Syrian parents are also often tricked into giving their daughters away in the hopes that they will escape the country, but instead are almost always sold into sex slavery by traffickers.

Some Syrian girls even volunteer themselves to be sold into arranged marriages, in the hopes that the money will benefit their family and ensure their protection. One such individual is Fatima, a fifteen-year-old Syrian refugee, who entered her first marriage at the age of fourteen. Her family fled to Jordan in 2013 because of the Syrian war, and their financial problems grew increasingly overwhelming. Fatima entered into a marriage agreement at the behest of a Saudi Arabian businessman more than thirty years older. He was 46 years old and already had two wives, however, he sought after Fatima due to her young age and refugee status. Fatima married him, because she "felt like a burden" to her parents; in Syria, Fatima once had dreamed of marrying a "handsome, sweet young man like the ones [...] in Hollywood movies," after finishing her education. However, she dropped out of school when she was twelve years old, because her family began fleeing from city to city at that time. Fatima's first husband divorced her after only three months; she next married a 34-year-old man whom had already had five children with his first wife, and had previously married and divorced another woman. They consummated their marriage, but after just one night, Fatima's second husband called her father and requested a divorce. A month later, Fatima discovered she was pregnant; she decided to have an abortion by taking illegal pills. While her father treats her well, Fatima's mother has been acting strangely to her ever since, and sometimes snaps at her for no reason. Fatima stated that she "feels so alone and depressed, like my life is over.... And I never want to get married ever again, that's for sure." While Fatima's experience is far from happy, many Syrian girls are not as lucky, and often are sold by their husbands into sex slavery.

C. ISIL's Role in Syrian Minor Sex Trafficking

ISIL originated in Iraq as an affiliate of the Al-Qaida movement, and has been an active force in the Syrian conflict since 2013. Multiple sources report that ISIL continues to force local Syrian girls and women in ISIL-controlled areas into marriages with its fighters. ISIL has also enslaved "thousands of women, primarily younger women and also children, from the

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80 Id.
81 Bulut, supra note 5; Johnson et al., supra note 3.
83 Id.
84 Id.
85 Id.
86 Id.
87 Stoter, supra note 82.
88 Id.
89 Id.
90 Id.
91 Id.
92 Stoter, supra note 82.
93 Id.
94 Bulut, supra note 5; Johnson et al., supra note 3.
95 Gill, supra note 14, at 359.
96 Davaine, supra note 7.
The War on Syrian Girls

Yazidi community, who have been forcibly brought to Syria and sold into human trafficking rings or provided to fighters. These women and girls are then forced into marriages and/or domestic servitude, and experience systematic rape and sexual violence. ISIL has also created markets for selling women and children. They have also published "guidelines" to ISIL supporters and soldiers on how to "capture, forcibly hold, and sexually abuse female slaves.

D. The Plight of Syrian Refugees in Other Countries

While some Syrians have been able to seek refuge from their war-torn country in surrounding nations, many face equal or even worse trauma and suffering in these supposed places of refuge. Studies have shown that many Syrian children who have fled to foreign countries are often targeted due to their unawareness and vulnerability. These children are then sold and trafficked in the international sex trade. Victims of sex trafficking are often removed from their home countries, relocated to nations where they likely do not speak the language, and have no contacts from whom to seek help or protection. Victims are also isolated either psychologically or physically from the outside world, making it impractical for them to reach out for aid. This form of isolation is beneficial to the traffickers, as it makes their victims less likely to escape or even fight back.

Statelessness is the lack of legal status, citizenship, or recognition by any country. An estimated twelve million people are currently stateless, and these numbers are growing; many of them are young women and girls, whose lack of legal identity denies them access to the protections and rights of any individual country. Noha, a young woman who "says she is eighteen but looks even younger," possessed a meritorious claim to citizenship in her country of nationality, Syria. However, she was precluded from asserting her rights because conflict rendered Syria incapable of affording her any protection. Noha had fled Damascus with her family and was living in Jordan's Zaatari refugee camp for more than a year. The only way to escape her plight in the refugee camp was through an arranged marriage. Her family arranged for Noha to marry a man whom she had never met, to ensure a safe and protected home for her

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97 Id.
98 Id.
99 Id.
100 Id.
101 See generally Bulut, supra note 5 (discussing the various horrors refugees often face when seeking asylum in other countries, including forced marriages, polygamy, sexual harassment, and rape).
103 Id.
104 Lee, supra note 6, at 386.
105 Id.
107 Id. at 497.
108 Id. at 500-01.
109 Id.
110 Id.
111 Id.
away from the camp.\textsuperscript{112} While Noha seemed to give her consent to the marriage, it is clear that her forced migration from her Syrian home and issue of statelessness significantly influenced her choice.

III. ADDRESSING CHILD SEX TRAFFICKING THROUGH SYRIAN LAW

A. Challenges Within the Syrian Government

As previously discussed, a common issue in identifying victims of sex trafficking is the existence of prostitution across the world. Several countries have experimented with national models of legalized prostitution within government-regulated sectors to address the growing issue of human trafficking.\textsuperscript{113} These countries argue that regulation can provide standardized protection from disease and violence, prevent the involvement of organized crime, impose government oversight on a sector that previously existed beyond the law, and even help reduce sex trafficking.\textsuperscript{114} "Where there is legal prostitution, governments have found that they have to address ways that sex trafficking continues to flourish."\textsuperscript{115} The U.S. government opposes "prostitution and any related activities, including pimping, pandering, or maintaining brothels as contributing to the phenomenon of trafficking in persons."\textsuperscript{116} United States policy is that these activities are "inherently harmful and dehumanizing," and should not be regulated as a legitimate form of work for any human being.\textsuperscript{117} Similarly, Sweden chose to criminalize sex buying, pimping, and brothel keeping in 1999 instead of adopting a legal regulation model.\textsuperscript{118} However, unlike the United States, Sweden also chose to decriminalize the act of prostitution.\textsuperscript{119} Since the government's decision in 1999, there has been a "decrease in Sweden in known human trafficking cases, along with shrinkage of the commercial sex industry in the country."\textsuperscript{120}

While many countries choose to follow similar enforcement models to that of the United States and Sweden, the Syrian government has made limited progress in protecting its trafficking victims.\textsuperscript{121} The Syrian government does not have any form of shelter to protect victims and continues to lack formal victim identification procedures to identify potential trafficking victims among vulnerable populations.\textsuperscript{122} As a result, many victims in Syria are "arrested and charged with prostitution or with violating immigration laws."\textsuperscript{123} Anecdotal reports suggest that prison officials often "beat foreign women who are in prison on prostitution charges."\textsuperscript{124} Another source reported that "Syrian authorities will often release incarcerated Iraqi women and minors arrested for prostitution back to their traffickers."\textsuperscript{125}

\textsuperscript{112} Id.
\textsuperscript{113} U.S. DEP'T OF STATE, supra note 8, at 29.
\textsuperscript{114} Id.
\textsuperscript{115} Id.
\textsuperscript{116} Id.
\textsuperscript{117} Id.
\textsuperscript{118} Id.
\textsuperscript{119} U.S. DEP'T OF STATE, supra note 8, at 29..
\textsuperscript{120} Id.
\textsuperscript{121} Id. at 238.
\textsuperscript{122} Id.
\textsuperscript{123} Id.
\textsuperscript{124} Id.
\textsuperscript{125} U.S. DEP'T OF STATE, supra note 8, at 238.
The War on Syrian Girls

Syria does not "actively encourage victims to assist in investigations or prosecutions of their traffickers and does not provide foreign victims found in their country with legal alternatives to their removal to countries in which they may face hardship or retribution." The Syrian government also has yet to "fund anti-trafficking training for law enforcement officers," thus making it much more difficult for officers to spot a victim of trafficking in the first place. The 2008 Trafficking in Persons Report stated that eighty-six countries, including Syria, had made no efforts to reduce the demand for commercial sex acts. The United Nations reported that, as of August 2014, tens of thousands of Syrian civilians taken by the Syrian government have been subjected to ill-treatment and torture, including beatings, electrocution, and the hanging of prisoners by the wrists. If the Syrian government continues to kidnap and detain civilians without allowing them access to legal representation or contact with family, it could risk perpetrating policies that counter the Fourth Geneva Convention. This Convention was created to protect civilians during external and internal conflict in their country, and was ratified by more than 100 countries, including all United Nations member states. The Syrian Arab Republic has been a party to the Geneva Conventions since 1949. Article 3(1)(c) of the convention forbids "outrages upon personal dignity, in particular humiliating and degrading treatment of detained civilians during a time of war." Furthermore, Article 25 of the convention states that "all persons in the territory of a Party to the conflict, or in a territory occupied by it, shall be enabled to give news of a strictly personal nature to members of their families." To put an end to the trafficking of Syrian minors, both the country's laws and the doctrines of other countries must be used forcefully and continuously until all victims have been rescued and all minors are safe.

B. Lack of Action by the Syrian Government

The government of Syria does not "fully comply with the minimum standards for the elimination of trafficking and has failed to make any significant efforts to do so." Syria has failed to report any law enforcement efforts to punish trafficking offenses as of 2008; in addition, the Syrian government failed to offer "protection services to victims of trafficking and may have arrested, prosecuted, or deported some victims for prostitution or immigration violations." Syria does not specifically prohibit any form of trafficking in persons, but its government could use statutes against kidnapping, pimping, and sexual assault to prosecute some trafficking cases. Article 3 of Law 10 of 1961 prohibits prostituting a minor less than 16 years old, with a

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126 Id.
127 Id.
128 Hughes, supra note 50, at 44; U.S. DEP'T OF STATE, supra note 73.
130 Id.
132 Monahan, supra note 129.
133 Id.
134 Id.
135 U.S. DEP'T OF STATE, supra note 8, at 238.
136 Id.
137 Id.
prescribed penalty of imprisonment for one to seven years. Syria also has not conducted "any public awareness campaigns to educate employers and workers on the rights of domestic workers," as of 2008. Syria has not taken measures to "reduce the demand for commercial sex acts," nor had the government taken "any action to target citizens traveling to known child sex tourism destinations abroad." Syria has also not ratified the 2000 United Nations Trafficking in Persons Protocol, designed to "prevent, suppress, and punish trafficking in persons, especially women and children."

IV. Intervention By Foreign Governments and Volunteer Organizations

Another response to the problem of sex trafficking among Syrian minors is humanitarian aid from other governments. Humanitarian intervention is an "inherently complicated proposition," because it clearly implies both that "nation state 'A' is engaged in significant violations of the human rights of its own citizens, requiring that nation state 'B' and/or the international community to recognize that intervention is essential."  

A. Foreign Governmental Actions Taken Regarding to Syrian Refugees

The United Nations Protocol has compelled states to enact or supplement laws targeting the demand for the sexual exploitation of women and children that led to these victims being trafficked. The United Nations has not authorized military force against Syria; however, a high-level United Nations human rights team recently released a report finding systematic human rights violations by the Syrian government. These violations included summary executions, prisoner torture, and targeting children during the government's crackdown on opposition protestors.

The United States, in contrast, authorized air strikes by American military State forces against the Islamic State in August 2014. These were in response to the threat to the Yazidi minority, who were trapped in deplorable and life-threatening conditions on Mt. Sinjar. The United States continued the air strikes in strategically targeted Islamic State locations, destroying or damaging multiple Islamic State fighting positions and checkpoints, as well as numerous armed vehicles, armored personal carriers, and a vehicle-mounted anti-aircraft gun, amongst other things. Under the law of armed conflict, to pursue the Islamic State within the borders of Syria, the United States must either have the consent of Syria to enter its country, the authorization to use forces by the United Nations Security Council, or a legal basis under one of

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138 Id.
139 Id. at 239.
140 U.S. DEPT OF STATE, supra note 8, at 239.
141 Id. at 19, 239.
143 George, supra note 12, at 306.
144 Guiora, supra note 139, at 423.
145 Id.
146 Sliney, supra note 13, at 9-10.
147 Id.
148 Id.
the theories of self-defense under Article 51 of the U.N. Charter.  

149 Article 51 states that "nothing [...] shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a [member of the United Nations], until the Security Council has taken measures necessary to maintain international peace and security."  

150 Collective self-defense is applicable when a state requests the assistance of another state because the requesting state is unable or unwilling to exercise its inherent right of self-defense on its own."  

151 Many legal scholars have argued that both collective and preventive self-defense are bases for the legal justification to use force in Syria by the United States against the Islamic State.  

B. Current Organizations Working Toward Relief for the Syrian Minor Sex Trafficking Problem  

In the United States, an undocumented person who is a victim of a severe form of trafficking in persons is eligible to receive benefits and services under federal and state programs.  

152 As governments become increasingly aware of child trafficking problems, proactive efforts to rescue children from sites of commercial sexual exploitation or forced labor are on the rise."  

153 However, a "rescue is only the first step in a longer process of victim protection."  

154 The removal of children from these sites is often "not followed by efforts to adequately protect these vulnerable [minors]."  

155 Child victims are often subjected to additional exploitation after being "entrusted to an NGO or governmental agency for care."  

156 This often occurs when the children are released either on their own or given back to persons who are traffickers, including family members who were complicit in the child's trafficking.  

157 One example of such an inappropriate release occurred in January 2007, when over fifty child trafficking victims in Accra, Ghana were freed from a brothel by authorities.  

158 Only hours after the rescue, traffickers recaptured most of the victims by posing as boyfriends and family members at the government's shelter.  

159 A 2007 study conducted by ECPAT, a non-governmental organization dedicated to ending the commercial sexual exploitation of children, found that out of a sample of eighty child trafficking victims rescued by authorities and placed into government custody, fifty-two of these children disappeared; the study further indicates that the children were at a significant risk of further abuse and exploitation.  

160 Various non-governmental agencies aim to eliminate sex trafficking. Two of the most influential organizations include UNICEF and ECPAT.  

161 The UNICEF Guidelines on the Protection of the Rights of Child Victims of Trafficking provides a rights-based perspective on

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149 Id. at 12.  
150 Id. at 17.  
151 Id. at 19.  
152 Sliney, supra note 13, at 18.  
153 Green, supra note 61, at 329.  
155 Id.  
156 Id.  
157 Id.  
158 Id.  
159 Id.  
161 Id.  
162 Id. at 290.
dealing with child sex trafficking victims.\(^\text{163}\) UNICEF set a goal to reach 2.7 million of the 4.69 million Syrian civilians affected by the ongoing war and rebellion violence in Syria in the year 2016 alone.\(^\text{164}\) UNICEF has combined humanitarian response under the inter-agency Regional Refugee and Resilience Plan with efforts to build the medium- and long-term resilience of affected individuals, households, communities, and institutions in refugee hosting countries.\(^\text{165}\) UNICEF has also supported the coordination of the "No Lost Generation" initiative to improve the quality of education, child protection, and youth/adolescent programming across Egypt, Iraq, Jordan, Lebanon, and Turkey.\(^\text{166}\) UNICEF has implemented strategies to increase the supply of and access to services, improve service quality, increase demand and address barriers to access, and advocate for legal and policy reforms to strengthen national education and child protection services.\(^\text{167}\) Lastly, given the escalating vulnerabilities amongst refugees, UNICEF plans to reinforce nutritional screening and the provision of micronutrients and nutritional supplements for the most vulnerable children, youth, and their families across these regions.\(^\text{168}\)

Similarly, ECPAT released a monitoring report in 2015 to address the status of action against the sexual exploitation of children in regard to Turkey and Syrian refugees.\(^\text{169}\) The report urges Turkey to become aware of the international human rights standards regarding the rights of refugees from Syria.\(^\text{170}\) ECPAT specifically references Article 5(5) of the Council of Europe Convention on Action Against the Trafficking in Human Beings, which requires Turkey and other parties to "take specific measures to reduce children's vulnerability to trafficking, notably by creating a protective environment for them."\(^\text{171}\) ECPAT's preliminary recommendation to combat the sexual exploitation of child refugees requests that Turkey allow greater access to NGOs and more strictly enforce its laws against polygamy.\(^\text{172}\)

V. FUTURE ACTIONS TO COMBAT MINOR SEX TRAFFICKING OF SYRIAN REFUGEES

A. Recommendations for Syria to Combat Minor Sex Trafficking Once the Government is Stabilized

Syria needs to "significantly increase law enforcement action against trafficking offenders by prosecuting and punishing them with prison sentences."\(^\text{173}\) The Syrian government should also "improve protection for sex trafficking victims by providing shelter, medical, and psychological services or institute a formal referral system to ensure that victims receive such care from NGOs."\(^\text{174}\) Similarly, the government can provide "funding or in-kind assistance to

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\(^\text{163}\) Lee, supra note 6, at 401.
\(^\text{165}\) Id.
\(^\text{166}\) Id.
\(^\text{167}\) Id.
\(^\text{168}\) Id.
\(^\text{170}\) Id. at 14.
\(^\text{171}\) Id.
\(^\text{172}\) Id.
\(^\text{173}\) U.S. DEP’T OF STATE, supra note 8, at 238.
\(^\text{174}\) Id.
NGOs that offer protection services to victims of trafficking to ensure their help and support.  

Lastly, the Syrian government needs to "institute and apply a formal procedure to identify trafficking victims among individuals arrested for consensual prostitution or illegal immigration."  

Once Syria has improved its detection of sex trafficking offenders and victims, the government can use various legal statutes and tools against kidnapping, pimping, and sexual assault to prosecute trafficking cases. As referenced previously, Article 3 of Law 10 of 1961 prohibits prostituting a minor less than 16 years old, and enforces a sufficiently stringent penalty "commensurate with the penalty for other grave crimes, such as rape." Furthermore, Decree 81 sets guidelines for conditions of domestic workers, with prescribed penalties including imprisonment and fines. Ultimately, both the Syrian government and other foreign governments must take various legal measures to combat and prevent further sex trafficking of Syrian minors.

B. Intervention Guidelines for Foreign Governments

The Responsibility to Protect doctrine holds countries responsible to protect their individual civilians from genocide, war crimes, ethnic cleansing, and crimes against humanity. The international community must also provide assistance to states in capacity building so that they can protect their populations from these crimes; foreign governments must take "timely and decisive action to prevent and halt these crimes when a state is manifestly failing" to protect its population. Based on the fact that the Syrian crises are rapidly worsening and civilian casualties are on the rise, the international community must assume this duty to intervene and protect the Syrian population.

Under the law of armed conflict, to pursue the Islamic State within the borders of Syria, the United States must either have the consent of Syria to enter its country, the authorization to use force by the United Nations Security Council, or a legal basis under one of the theories of self-defense under Article 51 of the U.N. Charter. As of the summer of 2016, Syria had not expressly given the United States permission to go after the Islamic State within its borders. However, many legal scholars argue that the Syrian government has given the United States implied consent to enter its country due to multiple statements concerning stopping the Islamic State with its allies. Similarly, U.S. airstrikes against the Islamic State would benefit Syria because the Islamic State continues to be one of the Syrian government's most powerful opponents; it is thus reasonable to conclude that the Syrian government does not vehemently oppose the intervention of U.S. forces within its borders.

175 Id.
176 Id.
177 Id.
178 Id.
179 U.S. DEP'T OF STATE, supra note 8, at 238.
180 Nanda, supra note 34, at 27-28.
181 Id.
182 Slivey, supra note 13, at 12.
183 Id.
184 Id. at 13.
185 Id. at 14.
Along with the need to combat warfare and chaos in Syria, foreign governments must step in to protect Syrian refugees fleeing from their country. In the United States, an interim immigration status exists called "Temporary Protected Status" to immediately protect refugees from strife and violence in their home countries. Temporary Protected Status ("TPS") is based on the idea that sometimes the normal immigration policy should "be eclipsed in favor of the more immediate need to protect people." Thus, TPS is a tool that foreign governments can use to provide Syrian refugees with "safe harbor during the storm."  

In light of the challenges in combating human trafficking, broad consensus has emerged in the anti-trafficking community that improving state anti-trafficking policy is the most "pressing challenge in the fight against human trafficking" in the United States. Numerous NGOs and organizations have proposed model state anti-trafficking statutes and also reviewed and graded current human trafficking laws in hopes that "naming and shaming" could spur reform in laggard states. In July of 2010, the Uniform Law Commission created a uniform comprehensive anti-trafficking statute for state legislatures to adopt, named the Uniform Act on Prevention of and Remedies for Human Trafficking. The Uniform Act contains a straightforward safe harbor provision, providing total immunity from criminal and juvenile delinquency proceedings for any minor in prostitution and for any individual who was a minor at the time of their offense. The Act also incorporates various victim assistance provisions aimed at helping victims become survivors, ensuring all victims' eligibility for services regardless of their immigration status. Victims of trafficking may also bring civil suits under the Act against their traffickers for any sort of legal relief, as deemed appropriate by the court, which may also include punitive damages. Lastly, the Act allows trafficking victims to apply to the appropriate court to have his or her criminal records vacated upon a showing that his or her participation in the crime was a direct result of being a victim of human trafficking.

To further promote awareness and education about human trafficking, the Act requires posting of the phone number of the National Human Trafficking Resource Center at various locations around each state, including rest areas, transportation stations, strip clubs, sexually-oriented businesses, job recruitment centers, hospital and emergency care providers, and any entity found to be involved in prostitution of trafficking victims. The Act also requires that the state human trafficking council collect data on trafficking in the individual state and report its findings annually to the governor, legislature, or both; this is meant to remedy the lack of reliable data about the operations of human trafficking in the United States.

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186 Emily Smith, Stopgap Sanctuary: Temporary Protected Status and the Syrian Conflict, 52 Hous. L. 26, 26-27 (2014).
187 Id.
188 Id.
189 Hall, supra note 46, at 873.
190 Id.
191 Id. at 874.
192 Id. at 885-86.
193 Id. at 887.
194 Id. at 888.
195 Hall, supra note 46, at 889.
196 Id. at 890.
197 Id.
Finally, the Trafficking Victims Protection Act can be used to ensure criminal liability for sex traffickers. Both the forced labor and sex trafficking statutes extend culpability beyond traffickers who "personally engage in the prohibited activities" listed, to individuals "who benefit, financially or by receiving anything of value, from participation in a venture which has engaged in the prohibited activities." Known as the benefiter theory, such an individual can be convicted of a human trafficking crime even if they never recruited, transported, groomed, or coerced the victim; the "benefiter" must only have knowledge of, or reckless disregard for, the fact that the labor, services, or commercial sex act were compelled through prohibited means. In addition to the TVPA, the "Palermo Protocol" was established by the United Nations to address trafficking in persons. The protocol calls upon all U.N. member states to enact human trafficking laws that protect victims, prosecute perpetrators, and prevent future incidents of trafficking. Thus, foreign governments and volunteer organizations can employ a number of legal tools to intervene in the Syrian crises and prevent further sex trafficking of Syrian minors.

VI. CONCLUSION

The Syrian civil war and rebel-fueled violence has caused civilians within the country to endure horrible trauma and suffering. While many Syrians have sought refuge in foreign countries, they can still fall victim to human and sex trafficking in these supposed safe places. The most common trafficking involves Syrian minors, specifically girls, whom are sold repeatedly for sex and forced labor. Syrian minors are often tricked into the world of sex trafficking through false promises of marriage or a better life; some are even sold by their trusted family members in exchange for desperately needed money. ISIL has also played a significant role in capturing and selling Syrian girls as sex slaves to their soldiers. While many governments and NGOs have campaigns focused on combating sex trafficking, the Syrian government has failed to address child sex trafficking through its laws and governmental actions. The Syrian government lacks law enforcement training on the recognition and rescue of sex trafficking victims, one of the vital first steps in the fight against human trafficking. The United Nations and its member states, including the United States, have concentrated various efforts towards the Syrian refugee crises and the violation of civilian rights by both pro- and anti-government forces. However, to significantly impact the crises, protect Syrian minors, and prevent further child sex trafficking, Syria must increase law enforcement action against trafficking offenders and ensure that trafficking victims receive adequate care and support. The government also must take action to identify trafficking victims among individuals arrested for prostitution or illegal immigration. Foreign governments must use any and all legal tools available to combat the Syrian warfare and protect minor children from falling victim to the world of sex trafficking. These crimes against humanity must be stopped, and Syrian minors must be given the chance to live the life they deserve — a life without fear of sex slavery or sexual violence.

199 Id.
200 Id. at 8-9.
201 Id. at 10.
202 Id. at 10-11.