

# The Sexual Exploitation of Children: Suppressing the Global Demand and Domestic Options for Regulating Prostitution

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## I. INTRODUCTION

I’ve been living in a doss house since I ran away from home. I haven’t eaten since Sunday, but I’ve been taking heroin and speed. I’m on the game and see about 6 people each night—I work to pay for the drugs and use the drugs to get through the work. I want my life to finish, I want to not wake up again. I want it back to normal. I’ve been beaten up three times in the last two weeks.

Shane, aged fifteen<sup>1</sup>

Shane is a child prostitute, one of the aspects of the child sexual exploitation that plagues the world today. Child prostitution is “the act of engaging or offering the services of a child to perform sexual acts for

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1. U.K. HOME OFFICE, PAYING THE PRICE: A CONSULTATION PAPER ON PROSTITUTION 34 (2004), [http://www.homeoffice.gov.uk/docs3/paying\\_the\\_price.pdf](http://www.homeoffice.gov.uk/docs3/paying_the_price.pdf) [hereinafter PAYING THE PRICE] (quoting Shane, fifteen, caller to the ChildLine—freephone 0800 1111).

money or other consideration.”<sup>2</sup> At the end of 2000, there were around 600,000 children abused by prostitution in the United States alone<sup>3</sup> and more than a million such children in Asia.<sup>4</sup> In Lithuania, eleven-year-old children have been exploited in brothels.<sup>5</sup> The high demand of a multibillion-dollar sex industry has created an increasing supply of sexually exploited children.<sup>6</sup> More than “one million children enter the world sex trade each year.”<sup>7</sup> Children who are abused through prostitution “are often recruited under the false pretense of marriage or a good job in the city.”<sup>8</sup> While sexually exploiting a child is universally condemned,<sup>9</sup> combative measures at the international level have not been successful.<sup>10</sup>

An examination of the reasons for the demand for children in the sex industry coupled with a look at how decriminalizing prostitution interplays with child sexual exploitation is necessary to develop a workable plan to stop the ever-increasing sexual abuse of children. This Comment examines two different issues related to the sexual exploitation of children. The first is sex tourism and the trafficking of young children in developing countries. Of crucial importance are the protective measures made necessary in the wake of the December 26, 2004, tsunami, which left thousands of orphaned children particularly vulnerable to trafficking.<sup>11</sup> The second aspect of child sexual exploitation addressed here is the manipulation by pimps or criminal organizations that coerces minors to enter into prostitution.

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2. Susan S. Kreston, *Prostituted Children: Not an Innocent Image*, 34 DEC. PROSECUTOR 37, 37 (2000).

3. *Id.*

4. Jonathan Todres, *Prosecuting Sex Tour Operators in U.S. Courts in an Effort to Reduce the Sexual Exploitation of Children Globally*, 9 B.U. PUB. INT. L.J. 1, 2 (1999).

5. UNICEF Fact Sheet: Commercial Sexual Exploitation, available at <http://unicef.org/protection/files/sexex2.pdf> (last visited Apr. 26, 2005).

6. Norma Hotaling & Leslie Levitas-Martin, *Increased Demand Resulting in the Flourishing Recruitment and Trafficking of Women and Girls: Related Child Sexual Abuse and Violence Against Women*, 13 HASTINGS WOMEN'S L.J. 117, 118-19 (2002).

7. Todres, *supra* note 4, at 1.

8. *Id.* at 2 (quoting U.S. BUREAU OF INT'L LABOR AFFAIRS, 5 BY THE SWEAT AND TOIL OF CHILDREN: EFFORTS TO ELIMINATE CHILD LABOR 31 (1998)).

9. See, e.g., Convention on the Rights of the Child, Nov. 20, 1989, art. 19, U.N. Doc. A/RES/44/25 (1989), Corr. 1 (1990) (entered into force Sept. 2, 1990), <http://www.un.org/documents/ga/res/44/a44r025.htm> [hereinafter Convention].

10. See, e.g., Hotaling & Levitas-Martin, *supra* note 6, at 118 (noting that recruitment for child prostitution is increasing as global demand increases due to “criminal justice systems that focus on . . . prosecuting women and girls involved in prostitution but not their male customers,” among other factors).

11. U.N.: *Children Easy Prey for Traffickers*, Jan. 4, 2005, at <http://www.cnn.com/2005/WORLD/asiapcf/01/04/tsunami.children.ap/index.html> (on file with the *Tulane Journal of International and Comparative Law*).

Part II of this Comment looks at how transnational cooperation in implementing key articles of the United Nations Convention on the Rights of the Child is necessary to ensure compliance with these universally obligatory measures.<sup>12</sup> This Part concludes with special attention to the effect of the tsunami in December 2004 on this arena. Part III then examines the manipulation issue through a 2004 Consultation Paper of the United Kingdom (Consultation Paper).<sup>13</sup> Part IV addresses how the fear of sexually transmitted diseases may be driving up the demand for children.<sup>14</sup> It explores decriminalization of adult prostitution as a way to alleviate this fear and as a way to cease the abuse of children. Finally, Part V examines domestic options for decriminalizing adult prostitution as part of a preventive solution for children.<sup>15</sup>

## II. EXPLOITATION: SEX TOURISM AND TRAFFICKING

The trafficking of children for sexual exploitation is escalating to feed the demand of a multibillion-dollar sex industry.<sup>16</sup> It is estimated that thirty million women and children have been sold internationally in the past thirty years.<sup>17</sup> Around 50,000 individuals are trafficked into the United States every year.<sup>18</sup> The majority of child sexual exploitation does, however, occur in developing nations.<sup>19</sup> Unfortunately, the highly lucrative nature of the sex industry provides an enormous economic incentive to such nations not only to continue, but to increase the use of children in such fashion.<sup>20</sup> For example, the sex industry in Indonesia has been estimated to generate “between \$1.2 and \$3.3 billion annually.”<sup>21</sup> Unable to meet this demand with willing sex workers, the industry has been encouraged to use methods of force such as kidnapping and physical violence to maintain an adequate supply of prostitutes.<sup>22</sup>

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12. See Convention, *supra* note 9, arts. 19, 34, 39; *infra* Part III.

13. See PAYING THE PRICE, *supra* note 1, at 81-87 (discussing the different approaches of Sweden, the Netherlands, Australia, and Austria); *infra* Part II.

14. See *infra* Part IV.

15. See *infra* Part V.

16. See Hotaling & Levitas-Martin, *supra* note 6, at 118-19.

17. *Id.* at 119.

18. Beverly Balos, *The Wrong Way to Equality: Privileging Consent in the Trafficking of Women for Sexual Exploitation*, 27 HARV. WOMEN'S L.J. 137, 138 (2004).

19. Todres, *supra* note 4, at 3.

20. See *id.*

21. *Id.* An International Labour Organization report found sex tourism comprises up to fourteen percent of the Philippines', Indonesia's, Malaysia's, and Thailand's gross domestic product. *Id.* (citing study).

22. Balos, *supra* note 18, at 137-38. Indeed, a study examining prostitutes in South Africa, Thailand, Turkey, the United States, and Zambia found that “81 percent [of the prostitutes]

While the abuse largely occurs in developing countries, “sending countries,” such as the United States and other Western nations, are large contributors to the problem.<sup>23</sup> Sex tourists, that is, consumers, to Southeast Asia mainly travel from industrialized nations.<sup>24</sup> In fact, of the individuals arrested in Southeast Asia for sexual child abuse during the 1980s and 1990s, “24% were Americans, 16% were Germans, 13% were British, and 13% were Australian.”<sup>25</sup> Sex tourism operations in sending countries may even advertise via brochures and offer all-inclusive packages to developing nations with promises of sexual gratification.<sup>26</sup> By supplying the consumers of the sex tourism industry, these nations are infusing their wealth into struggling economies.<sup>27</sup> Sending countries need to be aware that they are helping to create the demand for something which individuals in developing countries feel that, economically, they have no choice but to supply.<sup>28</sup> Thus, many sending countries have passed legislation with an eye toward becoming part of the solution.<sup>29</sup> Typically, such legislation makes it a criminal offense to travel internationally with the intention of having sexual relations with children.<sup>30</sup> However, such legislation utilizes a case-by-case approach and fails to tackle the problem of sex tourism operators located within the sending country.<sup>31</sup> To curb this problem, access to such operations must be limited and the operations themselves targeted.<sup>32</sup> Governments have the power to fulfill such aims by enacting harsh laws in hopes of destroying the sex tourism industry and those who seek to profit from sexually exploiting children.<sup>33</sup> Private groups advocating children’s rights

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reported being physically threatened in prostitution; 73 percent had been physically assaulted in prostitution; and 68 percent had been threatened with a weapon.” *Id.* (quoting Melissa Farley et al., *Prostitution in Five Countries: Violence and Post-Traumatic Stress Disorder*, 8 FEMINISM & PSYCHOL. 405, 413, 415 (1998), <http://www.prostitutionresearch.com/fempsy1.html>).

23. Todres, *supra* note 4, at 3.

24. *Id.*

25. *Id.*

26. *Id.* at 4.

27. *See id.* at 3-4.

28. *See id.*

29. Additionally, more than forty companies globally have adopted standards to protect children in sex tourist countries. Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism, *Background and Implementation Examples*, 3, at [http://www.thecode.org/document/images/downloads/code\\_summary\\_english\\_4.pdf](http://www.thecode.org/document/images/downloads/code_summary_english_4.pdf) [hereinafter *The Code*]. Such measures include contractual obligations to refrain from exploiting children, training employees on destination countries, and annual reporting. *Id.*

30. Todres, *supra* note 4, at 4.

31. *Id.*

32. *Id.* at 4-5.

33. *Id.* at 16.

are also key to increasing public and government attention to and awareness of the problem of the sex tourism industry.<sup>34</sup>

A. *The United Nations Convention on the Rights of the Child*

The United Nations Convention on the Rights of the Child was the “first legally binding international agreement that protects children from sexual exploitation.”<sup>35</sup> The Convention entered into force on September 2, 1990,<sup>36</sup> and 191 countries have since adopted it.<sup>37</sup> There are three important provisions relative to child prostitution: articles 19, 34, and 39.<sup>38</sup> Article 34 states in pertinent part that State Parties shall strive to prevent: “(a) The inducement or coercion of a child to engage in any unlawful sexual activity; (b) [t]he exploitative use of children in prostitution or other unlawful sexual practices; (c) [t]he exploitative use of children in pornographic performances and materials.”<sup>39</sup> The World Tourism Organization has proclaimed sex tourism a violation of article 34 of the Convention.<sup>40</sup> Article 19 additionally requires State Parties to enact legislation to curb the sexual exploitation of children.<sup>41</sup> Recovery methods for victims are provided in article 39, which requires State Parties to implement plans to aid the “psychological recovery and social reintegration” of children who have been sexually exploited.<sup>42</sup>

As some commentators have noticed, one problem with the Convention is enforcement.<sup>43</sup> An agreement such as the Convention does not regulate private individual action.<sup>44</sup> Thus, prosecution and policing is left up to the individual State Parties.<sup>45</sup> It logically follows that if certain State Parties fail to comply with the Convention’s mandates, then a transnational effort would be necessary to ensure the safety of children worldwide.

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34. *Id.* at 19.

35. Thomas Berkman, *Responses to the International Child Sex Tourism Trade*, 19 B.C. INT’L & COMP. L. REV. 397, 405 (1996) (citing Convention, *supra* note 9).

36. Convention, *supra* note 9; Berkman, *supra* note 35, at 405.

37. The Code, *supra* note 29, at 5.

38. Convention, *supra* note 9, arts. 19, 34, 39; Berkman *supra* note 35, at 405.

39. *Id.* art. 34.

40. World Tourism Org., G.A. Res. 338, 11th Sess., World Tourism Org. Doc. A/RES/338 (1995).

41. *Id.* art. 19.

42. *Id.* art. 39.

43. *See, e.g.*, Todres, *supra* note 4, at 18.

44. *See id.*

45. *See id.*

Implementing the Convention requires State Parties to monitor and report activities regarding child sexual exploitation.<sup>46</sup> Regular reports are submitted to the Committee of Rapporteur.<sup>47</sup> By monitoring activities of State Parties, the Convention seeks to ensure that countries are in compliance with its mandates.<sup>48</sup> One problem with ensuring such compliance, as the United Kingdom has noted in the Consultation Paper, is that much of child prostitution occurs in off-street premises rather than the more easily visible street-based prostitution.<sup>49</sup> Therefore, an effective monitoring initiative is essential to protect such children. Nongovernmental Organizations (NGOs) are instrumental in both monitoring compliance and, perhaps, assisting those countries that may need help complying.<sup>50</sup> Some countries, such as the United States, have extraterritorial laws that apply when their citizens travel abroad to engage in this illicit conduct.<sup>51</sup> The NGOs, when dealing with countries that are having trouble complying, do not always wait for countries to enact such extraterritorial laws.<sup>52</sup> For example, End Child Prostitution in Asian Tourism tackles the problem from both the supply and demand sides.<sup>53</sup> The organization not only educates on an international level to prevent child prostitution, but it also works toward enacting legislation to curb the sex tourism market.<sup>54</sup> Other NGOs focus on uncovering criminal organizations that operate underground child prostitution rings.<sup>55</sup>

Finally, article 39 of the Convention provides victimized children with recovery mechanisms.<sup>56</sup> Article 39 of the Convention provides that State Parties to the Convention must take “measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse.”<sup>57</sup> Whether such recovery methods have been successful has yet to be discovered.<sup>58</sup> To fulfill the mandates of article 39, countries should provide psychiatric treatment to

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46. Laurie N. Robinson, *The Globalization of Female Child Prostitution: A Call for Reintegration and Recovery Measures Via Article 39 of the United Nations Convention on the Rights of the Child*, 5 *IND. J. GLOBAL LEGAL STUD.* 239, 239 (1997).

47. *Id.*

48. *Id.*

49. PAYING THE PRICE, *supra* note 1, at 84.

50. *See* Robinson, *supra* note 46, at 254.

51. *Id.* at 255.

52. *Id.*

53. *Id.* at 255-56.

54. *Id.* at 256.

55. *Id.*

56. Convention, *supra* note 9, art. 39.

57. *Id.*

58. *See* Robinson, *supra* note 46, at 239 n.1 (“[A] need is created for international legislation and recovery measures.”).

victimized children.<sup>59</sup> Medical treatment and sexual health education programs should also be an integral part of any country's compliance plan.<sup>60</sup>

Since much of the exploitation occurs in developing countries, an international commitment to educate children who otherwise would not have access to education is also vital.<sup>61</sup> When dealing with these human rights violations, victimized children should have access to article 39 measures regardless of their financial ability to pay for the services.<sup>62</sup> Wealthier nations, as part of the international effort, could possibly provide funding for educational and counseling programs to help alleviate the costs of services.<sup>63</sup> It is essential that children abused through prostitution have access to such programs to ensure that their psychological and medical recovery from exploitation is successful.<sup>64</sup> Only by both prosecuting child exploiters and aiding victims will the mandates of the Convention be satisfied.

#### *B. Combative Measures*

The trafficking of individuals for sexual exploitation constitutes a human rights violation and is thus condemned by international law.<sup>65</sup> A 1998 International Labour Organization (ILO) study on prostitution shed light on this problem, noting the economic reliance on prostitution in developing nations such as Indonesia and Malaysia.<sup>66</sup> The ILO, an agency of the United Nations, acknowledged the need to implement preventive measures to counter economic incentives for child prostitution.<sup>67</sup> However, another obstacle is that many trafficked women and children are sometimes viewed by state authorities as criminals because they do not possess the appropriate paperwork to legally be in the country into which they were trafficked.<sup>68</sup> Thus, these individuals fear not only those who force them into prostitution, but also police officers who might fine or imprison them.<sup>69</sup> The 2001 United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons,

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59. *Id.* at 258.

60. *Id.* at 258-59.

61. *Id.* at 259-60.

62. *Id.*

63. *Id.* at 260.

64. *See id.* at 256-60.

65. *See* Balos, *supra* note 18, at 144.

66. *Id.* at 147; *see also* Todres, *supra* note 4, at 3 (noting that the sex industry nets Indonesia between \$1.2 billion and \$3.3 billion each year).

67. Balos, *supra* note 18, at 147.

68. *Id.* at 139.

69. *Id.*

Especially Women and Children (Protocol), tried to counter this by stating that trafficked individuals are not criminals, but victims.<sup>70</sup> The Protocol also set out obligations that State Parties are required to fulfill as part of their efforts to tackle trafficking.<sup>71</sup> Under article 9 of the Protocol, such combative measures must include policies and programs designed to prevent the trafficking of individuals.<sup>72</sup>

It is useful to examine the United Kingdom as an example of one domestic approach to curbing trafficking globally. The United Kingdom's response to trafficking was first stated in the White Paper, *Secure Borders, Safe Haven*.<sup>73</sup> The multifaceted approach included "legislation, enforcement, victim protection and preventive work in an international context."<sup>74</sup> The legislation consisted of the Nationality, Immigration and Asylum Act 2002 and the Sexual Offences Act 2003.<sup>75</sup> The Nationality, Immigration and Asylum Act 2002 amended the Proceeds of Crime Act 2002 to include trafficking among its offenses.<sup>76</sup> The Sexual Offences Act 2003 covers trafficking into, out of, and within the United Kingdom of both children and adults.<sup>77</sup> These new laws enable the British government to deal with both domestic and international trafficking.<sup>78</sup> Thus, cooperative intelligence allows police and immigration services to work together to better combat trafficking.<sup>79</sup> Since 2003, one such initiative, Reflex, has made sixty-seven arrests and twenty-eight convictions for these crimes.<sup>80</sup>

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70. See Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime, U.N. Doc. A/55/383 (2000) arts. 2, 5 (entered into force Dec. 25, 2003), [http://www.unodc.org/unodc/en/crime\\_cicp\\_signatures\\_trafficking.html](http://www.unodc.org/unodc/en/crime_cicp_signatures_trafficking.html) [hereinafter Protocol]; Balos, *supra* note 18, at 147-48.

71. See Protocol, *supra* note 70, art. 5.

72. *Id.* art. 9.

73. PAYING THE PRICE, *supra* note 1, at 76 (citing SEC'Y OF STATE, HOME DEP'T, SECURE BORDERS, SAFE HAVEN: INTEGRATION WITH DIVERSITY IN MODERN BRITAIN (2001)).

74. *Id.*

75. *Id.* (citing the Nationality, Immigration and Asylum Act 2002, ch. 41 (U.K.), <http://www.legislation.hmso.gov.uk/acts/acts2003/20020041.htm>; Sexual Offences Act, 2003, ch. 42 (U.K.), <http://www.legislation.hmso.gov.uk/acts/acts2003/20030042.htm>).

76. *Id.*

77. See *id.* at 55, 75. The Sexual Offences Act 2003 punishes these crimes with a fine and/or up to fourteen years imprisonment. *Id.*

78. *Id.* at 76.

79. See *id.* at 77.

80. *Id.* Reflex combined the Immigration Service, the National Criminal Intelligence Service, other intelligence agencies, police forces, and others to combat organized immigration crime. *Id.*



Another measure the United Kingdom has used to protect trafficking victims is the POPPY Project.<sup>81</sup> The POPPY Project provides the victims with a safe living arrangement and access to healthcare.<sup>82</sup> In exchange, victims work with authorities in prosecutions through such means as testifying at trials.<sup>83</sup> In addition, the Voluntary Assisted Returns Programme helps victims return to their home countries by providing “advice, travel documents, transport arrangements and help once people arrive home.”<sup>84</sup>

### C. *The Tsunami: New Challenges in Protecting Children*

On December 26, 2004, a 9.0 earthquake off the coast of the Indonesian island of Sumatra sent forty-foot high waves with speeds ranging more than 500 miles per hour into the coasts of several Asian countries, including India, Indonesia, Sri Lanka, Thailand, and Malaysia.<sup>85</sup> The tsunami demolished homes, schools, and “thousands of kilometers of roads.”<sup>86</sup> As of January 20, 2005, an estimated 162,270 people had been killed by the tsunami, 26,506 were missing, and 1,139,859 were displaced.<sup>87</sup> According to the United Nations Children’s Fund (UNICEF), “[i]n Indonesia alone, about 35,000 children have lost one or both parents.”<sup>88</sup>

In the wake of the tsunami, there is fear that orphaned or lost children will be sold into the sex industry.<sup>89</sup> Many of the affected countries were already known as sex tourism countries.<sup>90</sup> Additionally,

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81. *Id.* at 79.

82. *Id.*

83. *Id.*

84. *Id.* The Voluntary Assisted Returns Programme helps victims achieve this in a cost-effective manner. *Id.*

85. Amy Waldman, *Asia’s Deadly Waves: Disaster; Thousands Die as Quake-Spawled Waves Crash onto Coastlines Across Southern Asia*, N.Y. TIMES, Dec. 27, 2004, at A1.

86. UNICEF Response to the Indian Ocean Emergency, Jan. 17, 2005, at 1, available at <http://www.unicef.org/media/files/UNICEFResponse17January05.pdf> [hereinafter UNICEF Response].

87. Office of U.S. Foreign Disaster Assistance, Indian Ocean-Earthquake and Tsunamis, U.S. Agency for Int’l Dev., Fact Sheet No. 23, Jan. 20, 2005, at 1, available at <http://reliefweb.int/library/documents/2005/usaid-asi-20jan.pdf> (on file with the *Tulane Journal of International and Comparative Law*).

88. Lynne O’Donnell, *Youngest Victims of Tsunami Face a New Peril: Child Traffickers Active in Region Where Many Records Destroyed*, Jan. 16, 2005, available at <http://www.sfgate.com/cgi-bin/article.cgi?file=/chronicle/archive/2005/01/16/MNG00AR76PI.DTL> (on file with the *Tulane Journal of International and Comparative Law*).

89. See, e.g., *Sri Lanka Tsunami Child Sale Probe*, Jan. 12, 2005, available at <http://www.cnn.com/2005/WORLD/asiapcf/01/12/tsunami.trafficking.ap/index.html> (on file with the *Tulane Journal of International and Comparative Law*) [hereinafter *Tsunami Child Sale*].

90. Todres, *supra* note 4, at 3.

Aceh, one of the areas in Indonesia that was hardest hit by the tsunami, is close to “well-known transit points for gangs shipping children and teenagers out of Indonesia.”<sup>91</sup> This leaves orphaned children and those displaced from their families particularly vulnerable to predators.<sup>92</sup> For example, a Sri Lankan grandfather whose home was destroyed by the tsunami was arrested for attempting to sell his two granddaughters, aged nine and seven.<sup>93</sup> Additionally, of major concern is that many records of children have been destroyed.<sup>94</sup> Thus, officials are also monitoring adoptions, fearing that children will become victims of sexual exploitation through illegal overseas adoptions.<sup>95</sup> UNICEF “has seen cell phone text messages offering child tsunami victims for sale in Malaysia.”<sup>96</sup> There are also reports that predators “have been posing as aid workers or parents.”<sup>97</sup>

In response to the heightened susceptibility of children affected by the tsunami, the urgency of implementing protective measures against trafficking has come to the forefront of global concern. UNICEF announced “five key steps” for protecting vulnerable children from exploitation.<sup>98</sup> The first step is that all displaced children must be registered because knowing who the children are and where the children are located is essential before any protection can begin.<sup>99</sup> Such registration has begun in key areas such as Aceh, where around twenty registration camps have been opened.<sup>100</sup> According to End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT), such stations should be in “communities so children can be returned to their proper surroundings and kin as quickly as possible.”<sup>101</sup> UNICEF’s second step is to “[p]rovide immediate safe care”

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91. *U.N.: Children Easy Prey for Traffickers*, *supra* note 11.

92. *Id.*

93. *Tsunami Child Sale*, *supra* note 89.

94. O'Donnell, *supra* note 88.

95. *Id.* (noting that particularly worrisome are parents adopting children to replace their own lost children).

96. *Id.* E-mail messages are also being received. *Traffickers Threaten Aceh Orphans*, Jan. 7, 2005, available at <http://www.cnn.com/2005/WORLD/asiapcf/01/04/Indonesia.children/index.html> (on file with the *Tulane Journal of International and Comparative Law*) (noting that one e-mail message “offered 300 orphans for adoption”).

97. *Traffickers Threaten Aceh Orphans*, *supra* note 96.

98. UNICEF, *How to Protect Children in the Tsunami Zone*, Jan. 8, 2005, available at [http://unicef.org/media/media\\_24771.html](http://unicef.org/media/media_24771.html) [hereinafter *How to Protect Children*].

99. *Id.*

100. *Id.*

101. ECPAT Int'l, *Tsunami Emergency Information*, available at [http://ecpat.net/eng/ECPAT\\_news/tsunami.htm](http://ecpat.net/eng/ECPAT_news/tsunami.htm) (last visited Apr. 26, 2005).

to children who are alone.<sup>102</sup> Displacement camps place children in “community-based children’s homes until their families can be located.”<sup>103</sup> Third, locating the relatives of registered children will help reunite displaced families.<sup>104</sup> Fourth, authorities such as the police need to be alerted to the threat of exploitation so that they may look for and protect unaccompanied children.<sup>105</sup> For example, in Thailand, 6000 booklets on tips for helping affected children have been distributed to schools by UNICEF.<sup>106</sup> Finally, UNICEF has suggested that national measures, such as issuing a temporary ban on allowing children under the age of sixteen to leave Aceh, will allow children to be protected while they are identified and their families are located.<sup>107</sup> It is pressing that such protective measures be implemented quickly to protect children from exploitation.

The devastating effects of the tsunami have highlighted the need for an effective global effort to combat the trafficking of children for sexual exploitation. Only through suppressing the demand, and thus the economic incentive, will traffickers be deterred from preying on children. Long-term transnational measures must be stringently enforced by all countries to ensure children are not victimized.

### III. MANIPULATION: PREVENTING YOUTH FROM ENTERING PROSTITUTION

In addition to protecting children from traffickers and forced entry into the sex trade, young individuals must also be protected from being manipulated to “consensually” enter prostitution while they are at an impressionable age. Examining prostitution-entry factors is important, as eighty percent of the prostitutes in the United States, for example, began before they were eighteen years old.<sup>108</sup> In July 2004, the Home Office of the United Kingdom issued a Consultation Paper that addressed this subcategory of child sexual exploitation.<sup>109</sup> The United Kingdom’s Home Secretary, David Blunkett, stated the Consultation Paper was supposed to be the “starting point for the development of a realistic and coherent strategy to deal with prostitution and its serious

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102. *How to Protect Children*, *supra* note 98.

103. *Id.*

104. *Id.*

105. *Id.*

106. UNICEF Response, *supra* note 86, at 8.

107. *Id.*

108. Kreston, *supra* note 2, at 38.

109. PAYING THE PRICE, *supra* note 1; see *Prostitution Laws Facing Overhaul*, BBC, July 16, 2004, <http://news.bbc.co.uk/1/hi/uk/3898009.stm>.

detrimental consequences for individuals and communities.”<sup>110</sup> It aimed to address some of the key problems caused by prostitution, including the spread of sexually transmitted diseases, the economic impact on neighborhoods, the stigmatization of those involved in prostitution, the abuse of children by prostitution, and the trafficking of people for “commercial sexual exploitation.”<sup>111</sup> The Consultation Paper primarily focused on the prevention of entry into prostitution, the protection of those already engaged in it, and bringing exploiters to justice while delivering justice to the exploited.<sup>112</sup> It concluded by examining other countries’ prostitution laws as the United Kingdom itself considers the possibility of decriminalizing prostitution<sup>113</sup> in England and Wales.<sup>114</sup>

The Consultation Paper defined prostitution as “the exchange of sexual services for some form of payment—usually money or drugs.”<sup>115</sup> This definition does not include activities not involving intimate contact.<sup>116</sup> Prostitution alone is not illegal in the United Kingdom, but related activities such as solicitation are criminally proscribed.<sup>117</sup> Estimates place as many as 80,000 individuals involved in prostitution in the United Kingdom.<sup>118</sup> This figure may include 5000 young individuals, and thus the focus of the Consultation Paper is on child abuse through sexual exploitation.<sup>119</sup> However, not only must the developed strategy address those involved in the supply of prostitution; it must also examine those that encourage the demand.<sup>120</sup> For example, most laws in the

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110. PAYING THE PRICE, *supra* note 1, at 5. The report heavily relies on the Home Office Research Study report *Tackling Street Prostitution: Towards an Holistic Approach*. *Id.* at 11 (citing MARIANNE HESTER & NICOLE WESTMARLAND, HOME OFFICE RESEARCH STUDY 279: TACKLING STREET PROSTITUTION: TOWARDS AN HOLISTIC APPROACH (2004)).

111. *Id.* at 17. The Sexual Offences Act 2003, which came into effect on May 1, 2004, established new crimes against “those who sexually exploit children, and those who traffick both adults and children for the purposes of committing any sexual offence.” *Id.* at 19 (citing Sexual Offences Act 2003, ch. 42, §§ 47-60 (U.K.), <http://www.legislation.hmso.gov.uk/acts/acts2003/20030042.htm>).

112. *Id.* at 7.

113. *See id.* at 81-87 (examining Sweden, the Netherlands, Australia, and Austria).

114. *Id.* at 11.

115. *Id.* at 14.

116. *Id.* (“[T]he definition excludes activities where no physical or intimate contact takes place, such as telephone sex.”).

117. *Id.* Other prostitution-related illegal activities in the United Kingdom include “kerb crawling” and advertising sexual services through cards in telephone booths. *Id.*

118. *Id.* at 15 (“The often-quoted figure of 80,000 comes from a 1999 Europap-UK survey of 17 well-established projects in larger conurbations.”).

119. *Id.* Children engaged in prostitution “are described as ‘abused through prostitution.’” *Id.* at 12.

120. *Id.* at 12.

United States target the pimp but not the consumer of prostitution.<sup>121</sup> Perhaps some governments feel prostitution users are hard to target given that they generally are productive citizens. Users are typically men “of around 30 years of age, married, in full time employment, and with no criminal convictions.”<sup>122</sup> According to the National Survey of Sexual Attitudes and Lifestyles, 8.9% of London men between the ages of sixteen and forty-four “reported having paid for sex in the past 5 years.”<sup>123</sup> Regardless of the demographics of a prostitution user, the demand only feeds a supply that, in a criminalized prostitution context, preys on vulnerable individuals and places them in less than ideal environments.<sup>124</sup> Thus, the Consultation Paper sought a coordinated approach to deter the creation of demand which will, in turn, decrease a supply that is fueled by the financial incentive of that demand.<sup>125</sup> Thus, only by examining both ends of the sex industry’s economic spectrum can a successful approach toward ceasing sexual exploitation be obtained.

The Consultation Paper suggests that survival is a key motivator for “people involved in prostitution”—the term the Consultation Paper uses to describe those individuals engaged in prostitution.<sup>126</sup> Of the people involved in prostitution, there are reported “[h]igh levels of childhood abuse, homelessness, problematic drug use and poverty.”<sup>127</sup> The childhood abuse reported included rape and domestic violence.<sup>128</sup> Many people involved in prostitution also have criminal records.<sup>129</sup> Although prostitution involves both men and women, research into male prostitution has been sparse.<sup>130</sup> Nonetheless, because drug use is a highly

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121. *See, e.g.*, Kreston, *supra* note 2, at 37 (“In most cases, these laws target the conduct of the economic exploiter/pimp, but ignore the culpability of the sexual molester/john. . . . Even when included, the penalty generally pales in comparison to that of the molester prosecuted under traditional child sexual abuse laws.”).

122. *PAYING THE PRICE*, *supra* note 1, at 17.

123. *Id.* (citing JOHNSON ET AL., NATIONAL SURVEY OF SEXUAL ATTITUDES AND LIFESTYLES (2001), <http://qb.soc.surrey.ac.uk/surveys/nssal/nssalintro.htm>).

124. *See, e.g., id.* at 15-16 (describing “continuing vulnerabilities which act[] as significant barriers” to leaving prostitution).

125. *Id.* at 12.

126. *Id.*

127. *Id.*

128. *Id.* at 15.

129. *Id.* at 16.

130. *Id.* at 15-16. For example, the female-to-male ratio of the 5000 young individuals engaged in prostitution in England is 4:1. *Id.* at 15.

reported factor for entry into prostitution, drug treatment is a key exit factor for both males and females.<sup>131</sup>

The control exerted by pimps over vulnerable individuals is also a problem in illegal prostitution. Many “classic pimps” have a heavy drug habit and spend a large portion of their income on drugs.<sup>132</sup> Pimps typically inflict abuse on prostitutes in the same way that many of them were abused as children in their home-lives.<sup>133</sup> “Classic pimps” tend to begin pimping at age twenty-two, and eleven of nineteen pimps surveyed in the United Kingdom in 2000 said they had pimped children.<sup>134</sup> Unfortunately, vulnerable children who may have run away from an abusive home-life are targeted by pimps.<sup>135</sup> Since a large number of prostitutes begin prostituting while children,<sup>136</sup> it is essential to examine both risk factors of vulnerable children as well as preventive solutions.

#### A. *At-Risk Children and Abuse Through Prostitution*

In the United Kingdom, between fifty and seventy-five percent of prostitutes entered the occupation before they were eighteen years old.<sup>137</sup> Pimps tend to use coercive methods to manipulate and induce children into prostitution.<sup>138</sup> One such coercive method is for a pimp to pose as the young individual’s boyfriend and then manipulate and groom that individual to become dependant upon the pimp.<sup>139</sup> Crucial to preventing this type of manipulation is the ability of health and education professionals to identify those children who may be at risk.<sup>140</sup> These professionals must be informed of the warning signs since they are typically in the best position to observe a struggling child.<sup>141</sup> Thus, the Consultation Paper focused on risk factors of vulnerable children and

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131. See *id.* at 15-16. Thus, the “Updated Drugs Strategy for England [is an initiative that] focuses on the most damaged communities to provide that treatment and support to all who need it and to protect communities from the harmful effects of drugs on the streets.” *Id.* at 19.

132. *Id.* (citing TIGGEY MAY ET AL., HOME OFFICE, FOR LOVE OR MONEY: PIMPS AND THE MANAGEMENT OF SEX WORK 10-14 (2000)). The majority of the nineteen pimps studied spent an average of UK£550 on drugs each week. *Id.*

133. Kreston, *supra* note 2, at 38.

134. See PAYING THE PRICE, *supra* note 1, at 16.

135. *Id.* at 21 (noting that “those with a background of abuse and isolation, the sophisticated methods of coercion and manipulation used by pimps make them easy prey”).

136. Kreston, *supra* note 2, at 38 (noting that eighty percent of U.S. prostitutes began the trade before the age of eighteen).

137. PAYING THE PRICE, *supra* note 1, at 21.

138. See *id.* (discussing “[d]ealing with coercion”).

139. *Id.*

140. *Id.*

141. *Id.*

noted prevention programs that had been implemented in various parts of the United Kingdom.<sup>142</sup>

The risk factors that make children vulnerable and thus more likely to engage in prostitution include: abuse, truancy, running away, living in the care of foster homes and governmental services, homelessness, drug use, alcohol abuse, and debt.<sup>143</sup> Witnessing domestic violence, even if the child is not a direct victim of such violence, also increases the vulnerability of a child.<sup>144</sup> Because of their vulnerability, children exposed to domestic violence “are likely to be over-represented among children abused through prostitution.”<sup>145</sup> Therefore, the Consultation Paper acknowledged that tackling domestic violence is instrumental to the prevention of children being abused by prostitution.<sup>146</sup>

Education is also a key factor to prevention, as research shows that seventy-five percent of children abused through prostitution had been truants.<sup>147</sup> Programs focused on increasing school attendance would not only help to prevent children from entering prostitution, but they would also aid students at risk for other crimes.<sup>148</sup> One such service provided in England is Connexions.<sup>149</sup> This service provides teenagers with access to various agencies with an eye toward reducing the number of young individuals who are not in school or employed.<sup>150</sup>

Runaways also are vulnerable to manipulation.<sup>151</sup> A recent “study found that 67% of young runaways will stay with a stranger and get hurt, 25% will sleep rough and 21% will be physically or sexually assaulted.”<sup>152</sup> Initiatives, such as the Young Runaways at Risk of Sexual Exploitation Project, are researching the reasons that increase the probability for running away to provide advice and support to

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142. See *id.* at 24-33 (examining programs in Norfolk, England; Glasgow, Scotland; Manchester, England; Camden, England; Bristol, England; Wales; and England and Europe in general).

143. *Id.* at 24.

144. *Id.* at 25.

145. *Id.*

146. *Id.*

147. *Id.* at 26. In the United Kingdom, the Anti-social Behaviour Act 2003 provides “penalty notices and parenting contracts to reinforce the importance of parental responsibility” regarding school attendance. *Id.* (citing Anti-social Behaviour Act, 2003, ch. 38 (U.K.), <http://www.legislation.hmso.gov.uk/acts/acts2003/20030038.htm>).

148. *Id.* The English Government has spent UK£470 million on such educational programs. *Id.*

149. *Id.* at 23.

150. *Id.* Through Connexions, teenagers can obtain personal advisers to aid them in learning and development. *Id.*

151. *Id.* at 25-26.

152. *Id.* (citing GWYTHYR REES, WORKING WITH RUNAWAYS: LEARNING FROM PRACTICE (2001)).

runaways.<sup>153</sup> Prevention measures should not stop at runaways, however. Research indicates that young individuals who are living in the care of foster homes and governmental services are also susceptible to being abused by prostitution.<sup>154</sup> Generally, those who were cared for by the authorities “became involved in prostitution three years earlier than those who had not.”<sup>155</sup> This vulnerability has been noted by predators, who frequently target children’s homes.<sup>156</sup> Thus, efforts such as “pathway plans” are being used to create a smooth transition from living under a care facility to being on one’s own.<sup>157</sup> Such plans also may require the authority to remain in contact with the individual until the age of twenty-one to ensure they make “a successful transition to independent living.”<sup>158</sup>

Additionally, drug and alcohol abuse are also contributing factors to a child’s vulnerability to being abused by prostitution.<sup>159</sup> It is believed the “apparent lack of life choices” that leads one to prostitution also encourages drug abuse.<sup>160</sup> Predators take advantage of the addicted, and they use drugs to coerce individuals to engage in prostitution and to develop dependency.<sup>161</sup> Once dependent, these individuals become easily controlled by pimps.

Given that a large number of individuals involved in prostitution began as children, responding to these recently identified risk factors is instrumental to the prevention of the abuse of children by prostitution.<sup>162</sup> If at-risk youth can be found by predators, then, likewise, they also can be found by protective entities.<sup>163</sup> The Consultation Paper believes creating awareness and educating professionals to see the warning signs

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153. *Id.* at 27. This project is used by the Camden, England, Social Services Department to assess young, sexually exploited females and to help them out of their dangerous situations. *Id.*

154. *Id.* at 28.

155. *Id.* (citing J. PEARCE ET AL., *IT’S SOMEONE TAKING A PART OF YOU: A STUDY OF YOUNG WOMEN AND SEXUAL EXPLOITATION* (2003)).

156. *Id.*

157. *Id.* at 29. Pathway plans largely have been the result of the Children (Leaving Care) Act 2000, which requires authorities to plan for those individuals leaving care and to support them during the transition to independent living. *Id.* (citing Children (Leaving Care) Act, 2000, ch. 35 (U.K.), <http://www.legislation.hsmo.gov.uk/acts/acts2000/20000035.htm>).

158. *Id.*

159. *Id.* at 29-31.

160. *Id.* at 29. The Consultation Paper noted a U.S. study “where 10% of men and 43% of women in alcohol treatment programmes reported having sold sex for money or drugs.” *Id.* at 30 (citing NATIONAL CENTER ON ADDICTION AND SUBSTANCE ABUSE AT COLUMBIA UNIVERSITY, *DANGEROUS LIAISONS: SUBSTANCE ABUSE AND SEX* (1999), [http://www.casacolumbia.org/pdshopprov/files/Dangerous\\_Liaisons\\_12\\_7\\_99.pdf](http://www.casacolumbia.org/pdshopprov/files/Dangerous_Liaisons_12_7_99.pdf)).

161. *Id.* at 29.

162. *See id.* at 31 (“We need to ensure that what works to identify the risk factors, and to prevent exploitation, is understood and becomes common practice.”).

163. *Id.* at 34.



of those at risk is vital.<sup>164</sup> In fact, research has found that children “abused through prostitution will actively seek protection if they are aware of a local project offering support.”<sup>165</sup> The support that is then given must be “culturally appropriate and sensitive to the backgrounds of the children and young people.”<sup>166</sup> “Building trust” is instrumental in providing this support.<sup>167</sup> However, drug abuse and “fear of reprisals from pimps” are obstacles that must be overcome before adequate support can be given.<sup>168</sup> Thus, support “may need to include drug treatment, healthcare services and emotional support, and re-engagement in education.”<sup>169</sup> One-to-one support offered from a variety of areas is essential to truly aid vulnerable youth.<sup>170</sup>

### *B. The United Kingdom’s Sexual Offences Act 2003*

At-risk children can also be protected by broad legislation. The Sexual Offences Act 2003, which came into effect in May 2004, recognizes that although the legal age for consensual sex is sixteen, sixteen is too young for someone to be classified as a prostitute.<sup>171</sup> Protection for the young must continue until the age of eighteen.<sup>172</sup> Thus, under the Act, abusing a child who is between the ages of sixteen and seventeen can be punished by a penalty of seven years imprisonment.<sup>173</sup> All sexual-exploitation crimes listed under the Act are “gender neutral.”<sup>174</sup>

One problem with convicting those who sexually exploit children, however, is collecting the necessary evidence to convict without endangering the child.<sup>175</sup> Many children do not wish to testify out of fear of the exploiter.<sup>176</sup> A multiagency approach is necessary not only to

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164. *Id.* at 31. Materials such as *Safeguarding Children Involved in Prostitution* contain information for professionals to assist them in seeing the signs in at-risk children of abuse through prostitution. *Id.*

165. *Id.* at 34.

166. *Id.* at 38.

167. *Id.* at 36.

168. *Id.* at 35.

169. *Id.* at 36.

170. *Id.*

171. *Id.* at 54 (citing Sexual Offences Act, 2003, ch. 42 (U.K.), <http://www.legislation.hmso.gov.uk/acts/acts2003/20030042.htm>).

172. *Id.*

173. *Id.* at 55 (citing Sexual Offences Act 2003, § 47(5) (U.K.)). The Sexual Offences Act also punishes acts related to child pornography and the trafficking of a child for sexual exploitation. *Id.* (citing Sexual Offences Act, 2003, ch. 42 (U.K.)).

174. *Id.*

175. *Id.* at 56.

176. *Id.* The Consultation Paper noted the Nottinghamshire, England, approach where successful convictions were obtained without requiring the children to give evidence in court. *Id.*

prosecute exploiters criminally, but also to provide support and exit strategies for the children involved.<sup>177</sup> For example, the Wolverhampton Project prepared victimized children to testify by uniting police, social workers, and agencies behind the effort.<sup>178</sup> Another measure that can be taken to protect child witnesses is allowing children to testify from behind screens or using live television links to the courtroom so the child never has to face the defendant in person.<sup>179</sup> Some potential witnesses may not wish for the defendant to see them; therefore, a protective screen to shield viewing the child by the defendant is another alternative.<sup>180</sup> Protecting the child witness is an important building block in repairing a victimized child's psyche.<sup>181</sup> By supporting the child through the multiagency approach, children abused through prostitution are assured that they are not to blame.<sup>182</sup>

On the supply end of the spectrum, individuals under the age of eighteen can be arrested for loitering or solicitation in the United Kingdom.<sup>183</sup> Opponents argue that victims of abuse should not be criminally prosecuted in any manner, but the Consultation Paper slightly disagreed.<sup>184</sup> The Consultation Paper acknowledged that child prostitutes should be viewed primarily as victims; however, it stated that by keeping these criminal offenses, a clear message is sent that child prostitution is criminally wrong.<sup>185</sup> However, it said that these arrests should be "a last resort" used only for the persistent youth who engage in street prostitution.<sup>186</sup>

#### IV. SEXUALLY TRANSMITTED DISEASES

Part of the reason for the increased demand for children to abuse through prostitution is the fear of contracting a sexually transmitted disease.<sup>187</sup> Demand for "virgins" in the sex industry has increased

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177. *Id.*

178. *Id.* at 57. The Wolverhampton Project took place between August 1997 and February 1998 in Wolverhampton, England. *Id.*

179. *Id.* at 57.

180. *Id.*

181. *See id.* at 58 ("Successful prosecutions . . . also serve to reinforce the message to the young person that they are not to blame.").

182. *Id.*

183. *Id.* at 68.

184. *See id.* ("[W]e believe there are compelling arguments for retaining this offence in respect of those under 18 to underline the message that prostitution involving children . . . is wholly unacceptable.").

185. *Id.*

186. *Id.*

187. Kreston, *supra* note 2, at 37.

because of this fear.<sup>188</sup> Thus, users are asking for younger prostitutes, thinking that they are more likely to be clean.<sup>189</sup> However, many children abused through prostitution have a history of sexual abuse either by parents or others before entry into the sex trade.<sup>190</sup> Additionally, children are a high-risk group for contracting sexual diseases because of the increased likelihood of genital tearing during intercourse.<sup>191</sup> In fact, more than fifty percent of children are infected with HIV in certain parts of the world.<sup>192</sup> Thus, to the contrary of sex industry consumers' expectations, children being abused through prostitution are highly likely to be infected and thereby create a greater risk to those who demand them.<sup>193</sup>

The criminalization of prostitution has a trickle-down effect in terms of disease.<sup>194</sup> In the absence of any form of government regulation, prostitutes have no guarantee that their services will be provided in a safe manner. Criminalizing prostitution in all contexts only makes "sex workers chronically powerless against the demands of pimps, madams, and customers, as well as to subject them to a relentless stigma that has barred them from health and social services."<sup>195</sup> Indeed, many pimps and crime organizations will force prostitutes to perform unsafe sex, thereby increasing the spread of infectious diseases.<sup>196</sup> Additionally, some brothel owners will threaten to fire their prostitutes if the prostitutes do not comply with client demands, regardless of how unsafe and risky the command might be to both the prostitute's and the user's health.<sup>197</sup>

The correlation between prostitution and drug abuse also increases the likelihood of a sex worker contracting a sexually transmitted disease.<sup>198</sup> The Consultation Paper noted that sixty-five percent of prostitutes who used crack in London had a sexually transmitted infection compared to forty-four percent of non-crack-using prostitutes.<sup>199</sup> Yet many prostitutes who abuse drugs do so to escape the reality of the daily activities they undertake.<sup>200</sup> Again, drug use and its role in the entry

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188. *Id.*

189. *Id.*

190. *Id.*

191. *Id.*

192. The Code, *supra* note 29, at 7.

193. Kreston, *supra* note 2, at 37.

194. *See, e.g.*, Scott Burris & Daniel Villena, *Adapting to the Reality of HIV: Difficult Policy Choices in Russia, China, and India*, 31 HUM. RTS. 10, 10 (2004).

195. *Id.*

196. *Id.*

197. *See* PAYING THE PRICE, *supra* note 1, at 85.

198. *See id.* at 42.

199. *Id.*

200. *See, e.g., id.* at 34 (quoting Shane, a child prostitute who uses "drugs to get through the work").

into prostitution is an issue in need of social awareness, which necessitates establishing preventive initiatives to reach vulnerable youth before they are victimized.<sup>201</sup>

One risk factor that makes individuals vulnerable to entry into prostitution is the apparent lack of other options in their lives.<sup>202</sup> Education and drug rehabilitation programs may help these high-risk individuals find alternative options to prostitution.<sup>203</sup> In fact, drug treatment is a key factor for leaving prostitution for many sex workers.<sup>204</sup> By finding exit methods and providing these individuals with help, the cycle hopefully can be broken. Thus, it is imperative that nations fund these types of programs.

#### V. DECRIMINALIZING ADULT PROSTITUTION AS A SOLUTION FOR CHILDREN<sup>205</sup>

Perhaps through creating legal venues for contractual sex, the demand for “clean” children will subside. Some tolerance of the sex industry may be necessary to ensure the health and safety of individuals engaged in prostitution.<sup>206</sup> One option to help curb street prostitution is to shift the focus from the prostitute to the prostitute-user, as seen in Sweden.<sup>207</sup> This is apparently the opposite of the approaches used by other countries such as the United States, whose laws tend to target the supply end of prostitution.<sup>208</sup> Another option is the creation of “managed areas” where proposed “red-light” districts would permit the trade of sex, subject to a high level of police regulation.<sup>209</sup> Perceived benefits of this approach are safety and the reduction of stigmatization for those who willingly engage in the occupation.<sup>210</sup> This approach is based on the Dutch model, where these managed areas must include places for solicitation, “working,” and “drop-in” shelters.<sup>211</sup> The drop-in shelters

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201. *Id.* at 24-32.

202. *Id.* at 29.

203. *Id.* at 34-35.

204. *Id.* at 16.

205. *See generally id.* ann. D, at 99-102. Prostitution is legal in varying degrees in Denmark, France, Finland, Germany, Greece, Italy, the Netherlands, Portugal, and Spain, among other countries. *Id.* at 99-101. They differ in respect to legalization of on- or off-street prostitution, for example. *Id.*

206. *Id.* at 82.

207. *Id.* at 81-82. The Swedish model makes it a crime to pay or offer to pay for sexual services. *Id.* at 101.

208. *See, e.g.,* Kreston, *supra* note 2, at 37.

209. PAYING THE PRICE, *supra* note 1, at 82.

210. *Id.*

211. *Id.* at 82-83.

would predominantly provide healthcare services.<sup>212</sup> Another benefit of such sanctioned red-light areas is that the motivation for prostitutes to move to other parts of the city will be reduced.<sup>213</sup> Thus, places that are currently free of managed areas will not face the damaging effects of the introduction of prostitution into the community.<sup>214</sup> Difficulties of such managed areas, however, include finding a sanctioned place that is both safe to use and that residential and business community members can accept.<sup>215</sup>

The licensing of brothels is another option, as used in the Netherlands and Greece.<sup>216</sup> The benefits of a regulatory licensing scheme are fairly easy to see. By imposing licensing requirements such as mandatory health checks, both the community and prostitutes can be assured of safe sex and healthier practices.<sup>217</sup> As a means of protecting children from being abused through prostitution, age verification could also be mandated for brothels.<sup>218</sup> Also, licensing would ameliorate the problems of pimp and organized control of the sexual exploitation of individuals.<sup>219</sup>

However, despite the perceived benefits, the Consultation Paper noted evidence that such licensing schemes do not necessarily achieve these goals.<sup>220</sup> For example, in the Netherlands, research has shown that organized crime related to prostitution increased once the licensing scheme was instituted.<sup>221</sup> Regarding safer sex, evidence has also indicated that some brothel owners encourage unprotected sex and may even “threaten dismissal if there is reluctance to comply with a client’s wishes.”<sup>222</sup> Thus, these rogue brothels are negating the health benefits of regulatory licensing.<sup>223</sup> These discouraging results mainly occurred because the illegal prostitution sector continued to thrive in such areas despite the creation of legal avenues.<sup>224</sup> It is possible that police may not have the means to regulate brothels strictly enough to ensure compliance

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212. *Id.* at 82.

213. *Id.* at 83.

214. *Id.*

215. *Id.*

216. *Id.* at 84. Three states in Australia also have brothel licensing schemes. *Id.*

217. *Id.*

218. *Id.*

219. *Id.*

220. *See id.* at 85 (“[T]here are considerable difficulties with the licensing options.”).

221. *Id.*

222. *Id.*

223. *See id.* (“[T]here is evidence that some licensed brothel managers actively encourage sex without condoms.”).

224. *Id.* For example, it is estimated that unlicensed brothels in Melbourne, Australia, tripled in twelve months despite a licensing scheme. *Id.*

with the licensing requirements.<sup>225</sup> The licensing approach has potential and may simply need minor tweaking to encourage the use of legalized venues.

## VI. CONCLUSION

The sexual exploitation of children is a growing international problem that must be dealt with by transnational cooperation to curb both supply and demand.<sup>226</sup> Sending countries need to attack sex tourism operators and be stringent on the prosecution of their citizens who engage in sexual activities with minors outside their borders.<sup>227</sup> The exploitation of children is an international crisis that needs both preventive measures and recovery measures, as mandated by the United Nations Convention on the Rights of the Child.<sup>228</sup> On the manipulation of youth to enter prostitution, preventive efforts are essential, as the majority of prostitutes enter the practice as minors.<sup>229</sup> Through educational and drug treatment initiatives, at-risk young individuals will be less susceptible to coercive forces.<sup>230</sup> These measures would help ensure that adults, and not children, are prostituting by their own volition.

The decriminalization of prostitution may likely have positive effects on ending the sexual exploitation of children. If countries provided those who willingly entered the sex industry with safe conditions free from controlling agents such as pimps, then users would no longer resort to children out of fear of contracting diseases from adult prostitutes.<sup>231</sup> As safer contractual-sex avenues are created, the economic incentive to infuse children into the sex trade will likely dwindle. Thus, one reason for the demand for child prostitutes would fall to the wayside and, in turn, decrease the need for supply.<sup>232</sup>

Additionally, by mandating routine drug testing of those engaged in prostitution, a country could ensure that reliance on a drug habit is not the prime motivator for entry into the occupation. This would also help break ties from crime organizations that feed upon vulnerable individuals

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225. *Id.* at 86.

226. *See, e.g.,* Hotaling & Levitas-Martin, *supra* note 6, at 118.

227. Todres, *supra* note 4, at 3-5.

228. *See* Convention, *supra* note 9.

229. Kreston, *supra* note 2, at 38 (noting that eighty percent of U.S. prostitutes began prostituting themselves as children).

230. PAYING THE PRICE, *supra* note 1, at 24-33.

231. Kreston, *supra* note 2, 38 at 37.

232. *See, e.g.,* Hotaling & Levitas-Martin, *supra* note 6, at 118 (noting that “[r]ecruitment into prostitution flourishes in proportion to . . . demand”).

at a young age and coerce them into prostitution.<sup>233</sup> Decriminalizing prostitution would also help reduce the stigmatization of the occupation and allow communities to become more accepting of a consensual, safe engagement.<sup>234</sup> Additionally, communities would be more likely to accept prostitution if solicitation did not occur on the streets in front of children and if their localities were not infiltrated by trickle-down effects such as drug sales.<sup>235</sup> Proper government regulation could achieve a healthy balance. Further, individuals involved in prostitution will likely have better access to adequate healthcare services.<sup>236</sup>

Governments need to understand that there will always be a supply and demand for a sex industry. With that realization, prostitution will begin to become decriminalized throughout the world and therefore highly regulated. Ignoring the problems of drug abuse and the spread of sexually transmitted diseases by entirely criminalizing the moral choice to engage in a meretricious relationship only exacerbates the entry of vulnerable children into prostitution.<sup>237</sup> By providing an avenue for safe, consensual—even though contractual—sex, governments could then focus their attentions to tackling the abuse of children through prostitution. Government regulation of prostitution will not only protect willing adult sex workers by ensuring safer contractual sex, but it also will help stop the sexual exploitation of children.

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233. See, e.g., PAYING THE PRICE, *supra* note 1, at 29 (noting that pimps commonly supply drugs to drug-addicted youth to create a dependency upon the pimp, thus giving the pimp control over the individual).

234. See, e.g., *id.* at 17 (noting that stigmatization of prostitutes is a key problem of prostitution).

235. *Id.* at 83.

236. See, e.g., Burris & Villena, *supra* note 194, at 10.

237. See *id.* (noting criminalized prostitution makes sex workers “powerless against the demands of pimps”).