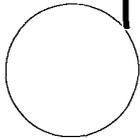


Prostitution of Children and Child-Sex Tourism:

An Analysis of Domestic and International Responses



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The sexual exploitation of children through prostitution is an insidious form of commercialized violence against the world's most vulnerable citizens.¹ A childhood spent in prostitution can have serious, lifelong, even life-threatening consequences for the physical, psychological, spiritual, and social development of children.² The prostitution of children also presents substantial challenges to the justice and social-service systems charged with the responsibility of holding offenders accountable and treating children's present harm, while also preventing future exploitation.

In the United States, law enforcement, prosecutors, and social-service providers face many obstacles in responding to this challenging problem. Some jurisdictions have, however, developed innovative programs and initiatives, based on multidisciplinary and multijurisdictional models, to address the sexual exploitation of youth living on the streets and provide the specialized services these children need.

The United States is not alone in facing this challenge. Over the past decade, countries and international organizations around the world have also focused substantial attention on the destructive effects of child-sex tourism—travel to regions where child-abuse laws are weak or poorly enforced in an attempt to circumvent domestic prohibitions, or the opportunistic use of prostituted children while traveling in such regions.

This monograph addresses both domestic and international responses to the prostitution of children within the United States and abroad. The first section describes the nature and scope of the problem in the United States, including why and how children become entangled in prostitution, and what the consequences can be for them. It then describes state and federal statutes and selected law-enforcement initiatives combating this form of sexual exploitation. The second section takes a broader look at the commercial-sexual exploitation of children through prostitution and child-sex tourism on a global level. Both sections highlight policy and practice issues regarding the legal system and social-service responses to prostituted children.

Prostitution of Children in the United States

Child-sexual exploitation in the United States takes many forms, and a number of approaches, both legal and social service, attempt to address and ameliorate its devastating effects. But the sexual exploitation of children through prostitution is perhaps one of the most complex and least understood forms of abuse. The children who become involved in prostitution have often suffered previous physical or sexual abuse and may be dealing with the attendant anger and low self-esteem. They may engage in delinquent or criminal activity, causing others to view them more as offenders than victims. And they very likely, and often with good reason, have a distrust of adults, even those who want to help them.

Understanding the scope of sexual exploitation through prostitution—its incidence, dynamics, and consequences for children—is vital to establishing effective legal and social-service responses. Who are these children? How did they become involved with prostitution? What are the consequences for them both in the long and short term?

Nature and Scope of the Problem

In trying to understand the scope of the problem of youth who engage in prostitution, it is important to recognize that the often hidden population of homeless and runaway youth—from which many prostituted children are drawn—is difficult to study.³ Data from service providers may reflect only a small segment of homeless youth, and the small sample sizes of some studies cannot be generalized to a larger population.⁴ In addition, no reliable estimates of the number of children engaging in prostitution in the United States exist because no one has defined the concept in measurable terms.⁵ Nevertheless, while caution regarding some statistics may be warranted, they provide an indication of the extent of the problem that is helpful to a basic understanding of the current situation.

According to one US Department of Health and Human Services report, up to 300,000 prostituted children may live on the streets in the United States.⁶ Many are only 11 or 12 years old, and some are as young as 9.⁷ The average age at which they enter prostitution is reported as 14,⁸ and the median age of involved youth is 15.5 years.⁹ These children come from inner cities, suburbs, and small towns,¹⁰ and there appears to be an increase in recruitment of middle-class youth from schools and shopping malls in the suburbs.¹¹

The vast majority of youth involved in prostitution are girls,¹² although some service providers see an increase in the number of boys. Some attribute this to a greater willingness by the boys to disclose their sexual activities.¹³ Larger cities are more likely to have a higher proportion of boys involved in prostitution; however, service providers in smaller cities report seeing an increase in prostitution activities. This possibly suggests a migration to smaller urban areas, an increase in visibility due to heightened awareness, or the greater willingness of boys to use services.¹⁴

Prostitution of children is closely tied to life on the streets. Many youth run away from difficult situations at home. They may become involved in prostitution through loneliness and emotional vulnerability as well as homelessness and the need to survive.¹⁵ The children's "young age, lack of education[,] and lack of the necessary street sense to survive alone"¹⁶ contribute to their need to engage in "survival sex," or the exchange of sex for food, money, shelter, drugs, or protection that defines many of these young people's lives.¹⁷ With few marketable job skills for legitimate occupations, many turn to prostitution as a means of surviving on the streets.¹⁸

The involvement of adolescents in prostitution activities can be viewed on a continuum, with the definition of prostitution as the provision of sexual activities for food, shelter, or money (survival sex) at one end and the provision of sexual activities for approval, attention, or affection at the other.¹⁹ While money is often cited as a primary reason for engaging in prostitution, some youth report their involvement was an escape from family problems, a need to support a drug habit, or the result of a romantic relationship.²⁰ Even if children first begin to prostitute for money to survive, once in prostitution they may find themselves working to support a pimp rather than themselves. Young girls are especially vulnerable to pimps who befriend them and shower them with the attention and affection (although feigned) that they did not receive at home.

The decision by children to engage in prostitution should be examined in the context of circumstances that isolate these youth from mainstream society and the developing pressures of life on the street when the social supports and safety net of family and community have failed them.²¹

Precipitating Factors: Why Children Become Involved

Children may encounter numerous difficulties in their lives that make them more vulnerable to sexual exploitation through prostitution. Homelessness, poverty, and intolerance of their sexual orientation may all affect children who either are or have been prostituted.²² General psychological and emotional problems,²³ housing instability,²⁴ substance abuse, educational and vocational failure,²⁵ and major problems at home²⁶ have all been cited as common precipitating factors in the lives of prostituted children.

Running Away from Home

Prostitution-involved children often have extensive runaway histories. They are much more likely to have histories of drug and alcohol abuse or to have contact with the juvenile-justice system.²⁷ Many children who are prostituted are socially isolated and unsuccessful in school and with peers, and this often leads them to drop out of school.²⁸ They also experience more frequent school expulsions and discipline, resulting in lower levels of completed education.²⁹ Associated problems include parental harassment and fighting,³⁰ as well as parental drug and alcohol abuse.³¹ This dysfunctional family life, combined with an unstructured and unsupervised childhood,³² characterizes many of the lives of prostituted children and provides greater incentive for them to leave home.

The *National Incidence Studies on Missing, Runaway, and Thrownaway Children in America* estimated that 446,700 children left home without permission and stayed away at least overnight in 1988. An additional 127,100 children, identified as “thrownaways,” were either told directly to leave home, were away and the caretaker refused to allow them to return or made no effort to find the child, or were deserted or abandoned.³³

Among runaway and homeless youth, up to one-third report engaging in street prostitution—or survival sex—to achieve the basic necessities of life.³⁴ Among prostitution-involved youth, up to 77 percent report running away at least once.³⁵ Surprisingly, one study showed that more than half of the interviewed prostitution-involved youth were living with their parents or families at the time of their most recent experience, and about 30 percent were living on the streets or in a shelter.³⁶ Others were staying with friends or in another unspecified arrangement. Other studies, however, show that prostitution-involved youth were less likely to live in a relative’s home or shelter. If they were not on the streets, they were more likely to live with unrelated roommates, including other prostituted children or their pimps, who often demanded sexual favors in lieu of rent.³⁷

Child Abuse and Neglect

The homes children run away from are often marked by emotional, physical, or sexual abuse, neglect,³⁸ and regular violence between the parents. Sexual abuse has a significant impact on the probability that a runaway will become involved with prostitution.³⁹ Early childhood abuse or neglect is a strong predictor of prostitution for girls, although it does not seem to have the same impact on boys.⁴⁰ Sex abuse appears to indirectly increase the chance of prostitution by increasing the risk of running away⁴¹—“It is not so much that sexual abuse leads to prostitution as it is that running away leads to prostitution.”⁴²

While a majority of girls who enter prostitution appear to have suffered prior childhood sexual abuse, not every child who suffers such abuse will become a runaway or prostituted child. But the sexual exploitation of children, combined with other family tensions or emotional deficiencies, increases the probability that an adolescent runaway will engage in prostitution.⁴³

Psychological and Emotional Difficulties

Whether caused by problems in the home, or some other contributing factor, girls often experience psychological and emotional difficulties before they enter prostitution. Many children who are later prostituted are socially isolated and become entangled in a delinquent lifestyle.⁴⁴ On the streets, these children seek the emotional attachments that they could not find at home, making them vulnerable to those who would exploit them. In addition, fear of familial rejection or ostracism based on sexual orientation may increase the likelihood that a teenager will run away, thus increasing the likelihood that the child will engage in prostitution.⁴⁵

Given all of these potential difficulties, it is not surprising that the vast majority of children who enter prostitution have low self-esteem and negative feelings about themselves just prior to doing so.⁴⁶ In an attempt to escape circumstances that they consider unbearable, many youth, once on the street, land in situations that may equal or exceed the traumas they experienced in their homes.

Modes of Entrance: How Children Become Involved in Prostitution

Understanding the precipitating factors that make children vulnerable to prostitution does not fully explain how they actually get drawn into “the life.” Several patterns emerge including peer exchange of information on how to make money to survive and even arrangement of sexual encounters by other youth, frequently other girls.⁴⁷ Not all youth become involved for the same reasons, and the reasons may vary by location and gender. Some youth engage in prostitution activity explicitly for money and operate independently of pimps. Others are chronic runaways, frequently with histories of delinquency.⁴⁸ One of the most common modes of entrance for young, vulnerable girls involves the search for love and acceptance on the streets.

Often a pimp, or someone working for a pimp, will approach a young girl who looks vulnerable. Pimps and their procurers frequent areas where young kids hang out—shopping malls, video game arcades, or bus stations—and target isolated girls.⁴⁹ They look for young girls who are lonely or rebellious, with low self-esteem—girls who are likely to be without money or job skills.⁵⁰ They prey disproportionately on young runaways because the girls are naive and easy to control.⁵¹

The pimp’s initial approach may be to just gather information about the girl’s circumstances. The pimp will befriend her, sweet-talk her, and provide companionship and intimacy.⁵² He may try to impress her with promises of money and a comfortable lifestyle. Runaways with problems at home are especially vulnerable to these tactics, because all they really want is to belong.⁵³ The pimp makes the girl feel special and important, lavishing attention on her, buying her clothes and jewelry, and creating a facade of friendship and romance.⁵⁴ He may promise to marry her or make a lifetime commitment.⁵⁵

The pimp may then initiate a sexual relationship with the girl, continuing to become the primary person in her life. This pretense of love lulls the girl into thinking theirs is a mutually developing relationship, making her emotionally and psychologically dependent on the pimp as a substitute for the family that abused her or turned her away.⁵⁶

At this point the pimp may demand that she have sex with someone else, often a “friend” of the pimp, to prove her love for him. Next, she must have sex with a stranger for money.⁵⁷ Soon she finds herself prostituted as a condition of her love for him. The young girl, however, continues to think of the pimp as her boyfriend, and this perception of the relationship sustains the control and abuse. After creating this dependency, the pimp begins to dominate and become an integral part of her life.⁵⁸

Seasoning Techniques and Tactics of Power and Control

Once a girl has been “turned out,” the pimp may “season” her for life as a prostitute with physical and verbal abuse.⁵⁹ Seasoning is meant to break her will and separate her from her previous life so that she does not know where to turn for help.⁶⁰ He may change her identity and move her around because constant mobility breaks any personal ties she may have developed and ensures new ties are only temporary.⁶¹ The demoralizing and dehumanizing experience of prostitution confirms the child’s poor self-image and provides another tool for manipulation by the pimp.⁶²

The pimp may withhold love and affection, or use verbal abuse, fear, and violence to control her.⁶³ By that time, the girl is completely under his control.

I was so much in love with him it really didn’t matter as long as he was there. . . .
When he told me he loved me I believed everything would work out all right. I had been alone for so long and he’d told me I’d be with him for the rest of my life.⁶⁴

The pimp’s relationship to the young girl closely parallels the dynamics of a battering relationship.⁶⁵ The pimp first isolates the girl from family and friends and minimizes the exploitative nature of prostitution.⁶⁶ He then uses threats and intimidation to control her. Such tactics invariably involve emotional, sexual, and physical abuse. He may beat her up or threaten to leave her.⁶⁷ The pimp creates an environment of total emotional deprivation. And most like a batterer, he uses random acts of violence to establish power.⁶⁸

Physical abuse occurs in over half of pimp-prostitute relationships.⁶⁹ When violence is no longer effective in controlling the girl, the pimp may use drugs or threats against her family or friends.⁷⁰ If she becomes pregnant, the pimp uses the baby as leverage to manipulate her.⁷¹ The prostituted child is expected to turn over all of her earnings to the pimp and is punished if she fails to do so.⁷² Because the child becomes financially dependent on the pimp,⁷³ she must rely on him for all necessities, and this places her even more in his “debt.”⁷⁴

Pimps control 80 to 95 percent of prostitution⁷⁵ and can be men or women.⁷⁶ Female pimps are often former prostitutes who recruit younger girls to work for them. An overwhelming majority of prostituted adolescent girls have pimps, but only a minority of juvenile boys do.⁷⁷ Boys are significantly more likely to have arranged their own encounters.⁷⁸

A young girl may also have a tendency to deny she is controlled by a pimp and may very well consider the pimp to be her boyfriend. Also, once a girl is working for a pimp, he does not want to lose her as a source of income. If she wants to leave him, her new pimp often requires her to pay a fee (“choosing money”) to ensure her safety, because her former pimp may use a “tracker” or bounty hunter to get her back.⁷⁹

Prostitution's Connection to Pornography

Forcing performance in pornography is another means by which pimps achieve control over the girls they prostitute. They may take photographs of the nude girl in the context of their relationship and then threaten to send them to the girl's family or school.⁸⁰ By learning about the girl's family and friends, the pimp gets her home address and other personal information,⁸¹ then blackmails her. Pimps also use the pornography to control and humiliate the girl and break her resistance.⁸² Pornography is often used to normalize the practice of prostitution during the "seasoning" process by weakening the child's resistance.⁸³

Pimps may also show pornographic pictures to advertise their women, while customers often want to take pictures for their later gratification. Customers may also use pornography to describe the sexual act they want and to rationalize their behavior and their demands of the child.⁸⁴

Sex for Crack

Given the high rate of substance abuse among runaway and homeless youth, the "sex for crack" phenomenon is not surprising, but the devastation it causes is considerable. The presence of crack in many poor urban neighborhoods has increased the amount of street-level prostitution.⁸⁵ Crack houses are also centers for sex-for-drugs exchanges. The owner of a crack house may be a dealer or pimp who facilitates the sex-for-drugs exchange by which "the prostitute is a house girl who receives payment from the house man in the form of crack, room[,] and board."⁸⁶

Prostituted women and girls in crack houses are "little more than indentured servants, if not outright slaves."⁸⁷ The description of one young victim seen in a crack house illustrates the devastation such exploitation can create: the house man gave an "emaciated, seeming comatose" child of 14 "food, a place to sleep, and all the crack she wanted in return for her providing sex—any type and amount of sex—to his crack-house customers."⁸⁸ Some prostitutes describe crack as the new pimp, and younger girls who get crack from their pimps are seen as willing to do anything to feed their habits.⁸⁹ The addiction is sometimes encouraged by the pimp as a means of control over the girl.⁹⁰

Gang Activity

With crack and other drugs comes gang activity, and gangs and criminal networks are becoming increasingly involved in the prostitution of youth. Like other illicit activities, the control of prostitution can be very profitable and therefore attractive to criminal networks and gangs.

Consequences:

What a Life In Prostitution Does to Children

Victimization on the Streets: Beatings, Rape, and Murder

Runaway adolescents are particularly vulnerable to criminal victimization. They stay on the streets at all hours of the night and engage in risky or delinquent behaviors.⁹¹ Their involvement in prostitution exposes these children to dangerous pimps and other exploiters, as well as dangerous situations and criminal activity. This increases their risk of victimization.⁹²

Living on the streets also exposes children to greater danger of sexual victimization beyond exploitation through prostitution. Girls are much more likely to be sexually assaulted on the streets than boys.⁹³ For girls, simply spending time on the streets increases their chance of being victimized⁹⁴—“[t]he children who have the most from which to run appear to be those who are also most at risk when they run.”⁹⁵

Not only are prostituted children in danger from street life and the pimps who prey on them, but the customers who purchase their sexual favors also pose great risks including forced perversion, rape, and physical abuse and beatings.⁹⁶ At least two-thirds are victimized by both customers and pimps⁹⁷—violence from pimps tends to be more frequent, and violence by customers is more dangerous but sporadic.⁹⁸ Prostituted children are often afraid to report these crimes to the police because they are embarrassed and fearful that the charges would not be taken seriously⁹⁹ or that they may be arrested themselves.¹⁰⁰ The children’s lives may often also be in danger from murderers who target prostitutes.¹⁰¹

Delinquency and Contact with the Juvenile-Justice System

Runaway and homeless adolescents seek to replace the love and affection they lost or never received from their families. Their own feelings of inferiority and insecurity often lead to development of a delinquent orientation. Many mistakenly see prostitution as a solution to their problems.¹⁰² The isolation and lack of positive social supports that start at a very young age for many of these children make them highly vulnerable to delinquency.¹⁰³

As noted earlier, early sexual abuse elevates the risk of running away and other forms of delinquent or criminal behavior.¹⁰⁴ Previously abused runaways are equally likely to shoplift or deal drugs as enter prostitution,¹⁰⁵ suggesting that sexual abuse may indirectly affect a child’s entrance into prostitution through involvement in other criminal activities.¹⁰⁶

Sexually-abused girls who run away are significantly more likely than nonabused runaway girls to engage in delinquent or criminal activities including substance abuse, petty theft, and prostitution.¹⁰⁷ A correlation between physical abuse and criminal activity also exists, suggesting dysfunctional parenting in general may lead to increased delinquent behavior and prostitution.¹⁰⁸

Health Concerns

Involvement in prostitution by homeless youth places them at greater risk for a wide variety of medical problems and health-compromising behaviors including drug abuse, risk of suicide, and depression.¹⁰⁹ Girls also experience a high rate of pregnancy.¹¹⁰ Needs as basic as getting enough to eat and proper nutritional balance present challenges to homeless youth. They tend to obtain food randomly and sporadically.¹¹¹ The food they eat may be deficient in vital nutrients while flush with caffeine, fats, and carbohydrates. Furthermore, their use of alcohol, cigarettes, or drugs compromises their health—even more so when money that would otherwise be used for food is spent on drugs. Drug use, particularly marijuana, may stimulate appetite, causing the children to eat more junk food.¹¹²

The health-related choices of homeless youth can easily be undermined by the immediacy of their need for food, shelter, and relief from drug or alcohol dependencies.¹¹³ Uninsured homeless adolescents involved in prostitution very often do not have access to the health services they need. Barriers to obtaining care include confidentiality issues, their status as minors, and a general distrust of adults and the institutions created to help them.¹¹⁴

Psychological Disorders Including Depression and Risk of Suicide

When compared with other homeless youth, teenagers involved in street sex are twice as likely to have a mental-health problem, thought disorder, or personality disorder.¹¹⁵ Mental-health disorders can stem from many issues including the young girls' need to create different identities on the street. The girls assume various aliases to attract new customers and also as an attempt to avoid building long criminal records. This leads them to use distancing and dissociative behaviors as a survival technique.¹¹⁶ Separated from friends, family, home, and "legitimate" society, they distance themselves from the prostitution act in the way many victims of incest report dissociating from the abuse.¹¹⁷

Children on the streets are not only more likely to be clinically depressed, but they are also twice as likely to have a serious mental-health problem and almost twice as likely to be actively suicidal or to have previously attempted suicide.¹¹⁸ In one group of youth involved in prostitution, who were interviewed in shelters, 71 percent reported suicidal ideation, 33 percent had a lethal plan, and 14 percent reported a previous attempt at suicide.¹¹⁹ Many homeless and runaway street youth come from dysfunctional, abusive homes, and they may see suicide as a solution to their pain.¹²⁰

HIV Infection and Other Sexually-Transmitted Diseases

Runaway and homeless youth tend to initiate sexual activities at an early age, have multiple sexual partners,¹²¹ participate in a variety of risky behaviors including prostitution, and practice safer-sex techniques less frequently.¹²² For these reasons, they are at high risk of contracting various sexually-transmitted diseases including human immunodeficiency virus (HIV).

Involvement in prostitution and the greater likelihood of a gay or bisexual lifestyle, combined with a high level of multiple drug use, including intravenous drug use, places runaway street youth in the highest risk categories for contracting and transmitting HIV.¹²³ A substantial majority of all homeless youth—83.7 percent—engage in at least one acquired immune deficiency syndrome (AIDS) risk behavior.¹²⁴ Furthermore, youth who engage in homosexual sex with multiple, often anonymous partners are "in a high-risk subgroup among high-risk groups."¹²⁵ Studies show that many tend to minimize or deny their involvement in these high-risk activities. While one-third of homeless adolescent boys in one study reported involvement in prostitution, their responses to questions regarding sexual behaviors and number of partners indicated this figure underestimated how many were actually involved in the exchange of sex for money, drugs, food, or shelter.¹²⁶

For young girls involved in prostitution, client resistance presents the greatest obstacle to practicing safer sex. The children's youth limits their capacity to manage potentially violent situations or the risk of sexually-transmitted diseases. Young girls are often "disturbingly passive in negotiating the sexual encounter."¹²⁷ In addition to increased risk of HIV and other sexually-transmitted diseases, prostitution-involved girls tend to suffer more from pelvic inflammatory disease and other infectious diseases.¹²⁸ They may be more likely to have multiple sexual partners, either sequential or concurrent, and they may have partners who are themselves at higher risk. As adolescents they may also have an increased physiological susceptibility to infection.¹²⁹

Substance Abuse

Many prostituted children have substance-abuse problems. While almost all admit to using drugs or alcohol,¹³⁰ more than three-quarters are diagnosed as abusing such substances.¹³¹ The most commonly used drugs are alcohol and marijuana, although smaller numbers are frequent users of cocaine, amphetamines, crack, and heroin, and some use inhalants or lysergic acid diethylamide (LSD).¹³² The high rate of substance abuse also poses additional problems, specifically its effect on judgment with respect to high-risk sexual contact.¹³³

In 1994 the California legislature, in establishing an outreach program for substance-abusing homeless youth, found that

- In 1989, the County of Los Angeles calculated that out of all runaway youths seeking medical assistance, 75 percent of those engaged in prostitution had a substance-abuse problem compared to 36 percent of those not engaged in prostitution.
- Sixty-three percent of those juvenile prostitutes with substance-abuse problems do not believe that they have a substance-abuse problem. As a result, they do not seek help. For this reason, an outreach program is vital to ensure that these youths are treated for substance-abuse problems.
- Juvenile prostitutes not only have higher rates of alcohol and drug abuse, but also have a higher rate of suicide, criminal activity, HIV infection, and mental-health disorders. Juvenile prostitutes also have the lowest rate of successful reunification with their families.¹³⁴

The existence of a drug culture in street life is truly a double-edged sword. Being sexually exploited through prostitution may result in a higher risk of substance abuse, and abusing substances places children and adolescents at higher risk for prostitution.

Legal Analysis

How does the legal system address the problem of children engaging in prostitution? The section below discusses the various state and federal statutes designed to combat this challenging issue through the criminal-justice system. It also describes promising law-enforcement approaches and sets forth some general principles of successful programs. The legal analysis does not address the theories behind regulation, decriminalization, or prohibition of prostitution.¹³⁵ Under any of these systems, the prostitution of children should and would remain illegal. This section therefore focuses on what the laws currently are and how they are applied.

State Law

Definition of Prostitution

Although state definitions vary, prostitution is generally defined as performing, offering, or agreeing to perform any act of sexual penetration as defined by state statute or any touching or fondling of the sex organs of one person by another person, for any money, property, token, object, or article or anything of value, for the purpose of sexual arousal or gratification.¹³⁶

Under some more general definitions of the prostitution of children, such as that used by the United Nations (“the act of engaging or offering the services of a child to perform sexual acts for money or other consideration”), prostitution is not committed by the child, but by the

person who purchases the sexual services of the child.¹³⁷ This definition, however, may not be sufficiently broad enough to bring the full weight of the criminal-justice system to bear on the acts of pimps, procurers, and traffickers.

The definition is significant because so many prostituted youth engage in survival sex and often exchange sexual activities for things other than money—especially food, shelter, drugs, or clothing. While this may bring the children within the jurisdiction of the criminal-justice system, it is necessary to establish that the children fall under the statutory definition in order to successfully prosecute pimps and others for violations such as pandering, soliciting, or promoting prostitution.

One state, Colorado, also differentiates between “prostitution by a child” and “prostitution of a child.” Prostitution by a child means the child performing or offering or agreeing to perform sexual acts, or any person performing or offering or agreeing to perform such acts with a child, in exchange for money or something of value.¹³⁸ Prostitution of a child means inducing a child to perform sexual acts by coercion, threat, or intimidation or inducing the child to allow others to perform such acts.¹³⁹ Most states, however, do not make such distinctions.

Prostituted Children in the Juvenile Court

What should be the state’s response to children arrested or detained for prostitution? Should prostituted children—the victims of sexual exploitation by adults—be treated as offenders? These questions raise the dilemma of the dual status of these children as both offenders and victims and how best to meet their special needs through services addressing the physical, medical, or psychological results of their victimization.¹⁴⁰

There were an estimated 1,300 juveniles arrested for prostitution in 1995,¹⁴¹ although this number does not encompass adolescents who may have been detained or sent into the juvenile-dependency system. While juveniles are generally arrested for prostitution under the same statutes that apply to adult prostitutes,¹⁴² their sentences are more likely to involve commitment to a state agency. And many of these children already have extensive histories with child-welfare agencies, out-of-home care, treatment programs, or the juvenile-justice system.¹⁴³

In a study of the criminal-justice-system response to child-sexual exploitation, most police departments arrested or detained juveniles for prostitution activity; however, only one-third limited their intervention to traditional arrest. The remainder offered non-punitive measures including diversion to services, remand to juvenile authorities, and release to parents. Most of these law-enforcement agencies worked with shelters or outreach programs serving runaway or homeless youth in their communities.¹⁴⁴

Many law-enforcement officers view arrest as the only leverage they have to help the children out of their exploitative circumstances. In some police departments, arrest is seen as an effective tool to obtain needed services for youth involved in prostitution.¹⁴⁵ Often the child is at first reluctant to leave her pimp, and justice-system intervention separates her from his influence and allows her to receive the services she needs.

The jurisdiction of the juvenile or family court is often invoked to facilitate provision of such services and remove children from the streets. In one case involving a 13-year-old girl with 14 previous convictions related to prostitution, a New York family court rued its inability under the delinquency statute to intervene on her behalf. Without the ability of the court to hold the girl, she fled and could not be found. The court criticized a statutory framework that “empowers cynical pimps to exploit children knowing that they will not be removed from the streets because the [f]amily [c]ourt lacks jurisdiction.”¹⁴⁶

More attention needs to be focused on determining whether arresting or detaining adolescent prostitutes assists in helping them leave prostitution and escape their pimps. Are the juvenile courts best able to provide the needed services, or does arrest create an adversarial rather than rehabilitative relationship with the court system? Identifying prostituted children as offenders rather than victims or children in need of assistance may limit their ability to take advantage of criminal, court-based victim services, and some shelters refuse to accept children with pending criminal charges. Other shelters or child-protective services may be reluctant or lack the resources to work with older youth, leaving these children without the services they need.¹⁴⁷ The justice system needs to devise an approach that ensures adequate services are available through whichever avenue is most appropriate.

State Criminal Laws¹⁴⁸

In addition to laws against prostitution itself, virtually all states have specific statutes that address the criminal behavior of adults in prostituting children. Tennessee is the only state that does not have any special provisions in its criminal statutes that differentiate based on the minor status of the prostitute, although it does address the prostitution of children in its juvenile code.¹⁴⁹ The remaining states' statutory schemes vary considerably. A few address patrons of prostituted children, but the vast majority do not. Most cover pimping and procuring activities but break down the conduct into separate statutes. The analysis below is intended to describe how states have organized the criminal law around the special circumstances of prostituted children.

Statutes Aimed at the Patrons of Prostituted Children As mentioned before, the vast majority of states do not have specific crimes for patronizing a prostituted child, but rather their general "patronizing prostitution" statutes should apply regardless of the age of the prostitute. For example, Tennessee's statute sets out the definition of patronizing a prostitute as "soliciting or hiring another person with the intent that [the] other person engage in prostitution, or entering or remaining in a house of prostitution for the purpose of engaging in sexual activity."¹⁵⁰ The grade of the patronizing offense in most states is generally a misdemeanor and carries only minimal penalties.

Several states, however, have specifically identified the patronizing of an underage prostitute as a separate offense.¹⁵¹ Colorado's "patronizing a prostituted child" statute prohibits engaging in an act of prostitution by or of a child or entering or remaining in a house of prostitution with the intent to engage in an act of prostitution of or by a child who is younger than the age of 18.¹⁵² New York has three "patronizing" statutes that increase in grade according to the child's age. Patronizing a prostituted child who is younger than 17 years of age is a class A misdemeanor,¹⁵³ patronizing a prostituted child who is younger than 14 is a class E felony,¹⁵⁴ and patronizing a prostituted child who is younger than 11 is a class D felony.¹⁵⁵

New York's statute also requires at least four years age difference between the patron and the prostituted child. Thus, for a person to be charged under these statutes, the person who patronizes a prostituted child who is younger than 17 years of age must be at least 21 years old, and the patron of a prostituted child who is younger than 14 must be at least 17. Anyone who patronizes a prostituted child who is younger than 11 may be charged.

The child's age that triggers a particular statute is important. Most states protect children who are younger than 18,¹⁵⁶ and some also raise offense grades and penalties for younger children.¹⁵⁷ Seven states only protect children who are younger than 17,¹⁵⁸ while 14 states

only protect children who are younger than 16.¹⁵⁹ Mississippi's prohibition against enticing a child into prostitution only protects children who are younger than 14.¹⁶⁰ Such distinctions are important because statutory rape statutes could also be applied to patrons; however, the age of consent in statutory rape statutes varies, and it may be lower than that for patronizing a juvenile prostitute.¹⁶¹

Some advocates suggest that the age of protection should be raised to 21 because even persons 18 years of age and older lack the maturity to extricate themselves from street life and face substantial challenges in finding alternative employment.¹⁶² At least part of Louisiana's approach responds to this need—its "enticing persons into prostitution" statute applies to any person older than 17 years of age who entices, places, persuades, encourages, or causes someone who is younger than 21 to enter prostitution.¹⁶³

Statutes Aimed at Those Who Prostitute Children Several offenses are aimed at those who prostitute children, profit from or promote their prostitution, or operate or manage prostitution enterprises. These include pimping; pandering; procuring, compelling, or inducing prostitution; promoting prostitution; advancing, profiting, or deriving support from prostitution; and soliciting. Each state's terminology varies according to its statutory scheme, but most are aimed at pimping activities.

Pimping. Only four states specifically address the pimping of children as prostitutes—California, Colorado, Illinois, and West Virginia.¹⁶⁴ Colorado's statute applies to anyone who "knowingly lives on or is supported or maintained in whole or in part by money or any other thing of value earned, received, procured[,] or realized by a child [who is younger than] 18 through prostitution."¹⁶⁵ The Illinois statute applies to anyone who "receives money, property, token, object[,] or article or anything of value from a prostitute [who is younger than] 16 years of age knowing it was earned in whole or part from prostitution."¹⁶⁶ These statutes basically cover activities related to deriving support from prostitution. Other states may cover this activity under separate statutes described below.

Pandering. Pandering is a related crime to pimping but encompasses additional activities such as causing a minor to become a prostitute. Iowa does not have a pimping offense, but the pandering statute applies to anyone who "persuades, arranges, coerces[,] or otherwise causes a minor to become a prostitute or return to the practice of prostitution, or keeps or maintains premises for the purpose of prostitution of minors or knowingly shares in the income from such premises."¹⁶⁷

For a defendant to be convicted of causing prostitution, or pandering, he does not have to receive money or something of value for the minor's prostitution activities. In *State v. Steer*,¹⁶⁸ the court held that the provision requiring consideration was limited to the person engaged in the proscribed sexual conduct, not to the person who causes another to engage in prostitution.

Other courts have also applied a broad definition of pandering statutes. The court in *People v. Bell* found the statute broad enough to cover situations in which one adult offers money to another to induce a child to engage in sexual activities.¹⁶⁹ It also found that such a broad interpretation "clearly promotes" the statute's goal to "discourage prostitution by discouraging persons other than the prostitute from augmenting and expanding a prostitute's operation or increasing the supply of available prostitutes."¹⁷⁰

Procuring, Compelling, Inducing Prostitution. As with pandering, this category of offenses focuses on the process by which children are brought into prostitution. Statutes often include procuring,¹⁷¹ compelling,¹⁷² or inducing¹⁷³ language, and may include several different means of bringing a child into prostitution. Colorado prohibits the procurement of a child (*i.e.*, intentionally giving, transporting, providing, or making a child who is younger than 18 available, or offering to do so, to another person for the purpose of prostitution of the child).¹⁷⁴ Colorado also has a separate offense for inducing a child by word or action to engage in prostitution.¹⁷⁵

Oregon prohibits compelling prostitution (*i.e.*, knowingly inducing or causing a person who is younger than 18 to engage in prostitution).¹⁷⁶ The state's courts have found that the minor's acquiescence in the prostitution is not a defense to compelling prostitution, stating that the purpose of the statutes is to protect "minors from the harmful, cumulative effects of a life of prostitution" based on the "legislature's recognition that involvement in prostitution at an early age makes reform and rehabilitation more difficult."¹⁷⁷ A person who provides the opportunity for a minor to engage in prostitution and influences, persuades, or prevails upon her to do so has "induced or caused" her prostitution, regardless of her consent.¹⁷⁸

Advancing or Profiting from Prostitution. Advancing or profiting from prostitution offenses often encompass some of the activities identified as inducing, procuring, or compelling. They may also include managerial or operational aspects of running a prostitution enterprise. Under Alabama law, a person advances prostitution if he or she

knowingly causes or aids a person to commit or engage in prostitution, procures or solicits patrons for prostitution, provides persons or premises for prostitution purposes, operates or assists in the operation of a house of prostitution or a prostitution enterprise.¹⁷⁹

Profiting-from-prostitution offenses generally focus on a pecuniary benefit from the prostitution activities. A person profits from prostitution if he or she

accepts or receives money or other property pursuant to a prior agreement with any person whereby he [or she] participates or is to participate in the proceeds of prostitution activity.¹⁸⁰

As with "patronizing" statutes, the grade of the offense generally increases according to the age of the child. Advancing and profiting from prostitution are often elements of what some states categorize as promoting prostitution.¹⁸¹

Promoting, Managing, or Deriving Support from a Prostitution Enterprise. Promoting prostitution is perhaps the most common nomenclature among the states for addressing the business aspects of prostitution.¹⁸² A promoting offense may cover only enticing or compelling a person to become a prostitute,¹⁸³ or it may include an extensive list of prohibited activities. Kansas has a detailed "promoting prostitution" statute that prohibits

- Establishing, owning, maintaining or managing a house of prostitution, or participating in the establishment, ownership, maintenance, or management thereof

- Permitting any place partially or wholly owned or controlled by the defendant to be used as a house of prostitution
- Procuring a prostitute for a house of prostitution
- Inducing another to become a prostitute
- Soliciting a patron for a prostitute or for a house of prostitution
- Procuring a prostitute for a patron
- Procuring transportation for, paying for the transportation of, or transporting a person within this state with the intention of assisting or promoting that person's engaging in prostitution or
- Being employed to perform any act which is prohibited by this section¹⁸⁴

The Kansas statute is comprehensive and includes activities that may be covered under different sections in other states' laws. It illustrates how "promoting prostitution" often serves as a "catch-all" for the supportive, business-related activities that enable pimps to operate their enterprises. Of particular note are the first two provisions aimed at those who profit from prostitution without getting directly involved in the operational aspects and only derive pecuniary benefit from renting, owning, or leasing out the premises. Provisions such as the last one can be applied to "runners" or others who are hired to perform tasks on behalf of the pimp.

Promoting prostitution also often includes advancing and profiting from prostitution,¹⁸⁵ as well as more specifics about how the person advanced or profited—for instance, "by managing, supervising, controlling[,] or owning a house of prostitution by two or more prostitutes."¹⁸⁶ Evidence that a defendant maintained a place of prostitution and received earnings from a prostitute directly proves the crime of promoting prostitution.¹⁸⁷

In *State v. Modest*,¹⁸⁸ the court upheld the conviction of a defendant who directed a prostitution ring from jail based on evidence that he frequently called on the telephone and directed the running of the prostitution ring by ordering the young prostitutes to go to the mall and recruit more young women and directing them to charge certain fees for certain acts. He also directed the amount of money to be deposited into his jail account. The court stated that one can promote the commission of a crime without being physically present.¹⁸⁹

The states frequently differentiate between promoting prostitution in the first or second degree. Often, the difference will be in the age of the child. In Delaware, for example, promoting prostitution in the second degree includes knowingly advancing from the prostitution of a person who is younger than 18 years of age.¹⁹⁰ A first degree offense involves promoting prostitution of a person who is younger than 16 years of age.¹⁹¹

Soliciting for a Prostitute. Solicitation offenses can be separated into three categories.

- Solicitation of a child to become a prostitute
- Soliciting patrons for a prostituted child or
- Soliciting a child to perform sexual acts with that person

The first, solicitation of a child, covers someone who "intentionally solicits or causes a child to practice prostitution or establishes a child in a place of prostitution."¹⁹²

The second type—soliciting patrons for a prostituted child—is the most common of the three statutory approaches to solicitation.¹⁹³ It often falls under a "promoting or advancing prostitution"¹⁹⁴ or "pimping"¹⁹⁵ statute and may include "soliciting another for the purpose of prostitution of or by a child"¹⁹⁶ and "soliciting for a juvenile prostitute."¹⁹⁷ Courts have

distinguished soliciting on behalf of a juvenile prostitute from the first type of solicitation of the child herself. Under some statutory schemes this would fall under “pandering.”¹⁹⁸ For example, the court in *People v. Harris*¹⁹⁹ ruled that the offense of soliciting for a juvenile prostitute does not cover the defendant’s solicitation or recruitment of a child into prostitution.

This second type of solicitation is often aimed at the “runner” or “middleman” who procures customers to patronize a prostituted child. The official committee comments accompanying Illinois’ “soliciting for a juvenile prostitute” statute state

The section . . . is broadly drafted to insure coverage of all acts by the ‘runner’ or the ‘middleman’ in arranging business for a working prostitute. . . . Subsection (a)(1) . . . envisions one who actively seeks out customers for the prostitute, those who initiate the suggestions to the prospective patron. . . . The following two subsections then expand the concept of solicitation to include the essential activities of a middleman who might not initiate the suggestion—but whose participation in arranging the activity is such as to be vital to the engagement. . . . Subsections (a)(2) and (a)(3) do not impose an active duty upon cabdrivers, bellhops, elevator operators, hotel clerks[,] and the like to suppress the practice of prostitution—but it does impose upon them a duty not to cooperate either actively or passively in the practice of the trade beyond the lawful duties imposed by their employment.²⁰⁰

The comments go on to state that “[t]he middleman who has only a casual connection with the trade is nevertheless essential to its successful operations in many quarters. Thus, effective control of prostitution requires concern beyond the traditional public nuisance concept of the common law to deter passive cooperation by persons who have, perhaps only an indirect connection with the trade.”²⁰¹

The third type of solicitation offense addresses the patron who solicits a child to perform a sexual act with him- or herself.²⁰² The court in *People v. Emerterio*²⁰³ rejected the defendant’s argument that a person who seeks a sexual act cannot be guilty of solicitation for prostitution. The court stated that the focus of the crime is the initial solicitation, not the ultimate sexual act that might occur. This type of statute may also apply to a defendant who solicits a third party to procure a child to engage in sexual activity with the defendant.²⁰⁴

Otherwise, patrons are often exempt from “advancing,”²⁰⁵ “promoting,”²⁰⁶ and other types of solicitation offenses.²⁰⁷ For instance, Minnesota’s statute prohibiting receipt of profit from prostitution or the promotion of prostitution applies only to those who receive profit “while acting other than as a prostitute or patron.”²⁰⁸

Those who solicit children to engage in sexual acts with themselves or others, including patrons, pimps, or procurers, may also be subject to child enticement laws criminalizing the act of enticing, soliciting, or luring a child to commit unlawful sexual intercourse or other prohibited sexual acts.²⁰⁹

Criminal Liability of Parents. Several states have passed statutes that include criminal liability of parents for permitting their own children to engage in prostitution or failing to take reasonable steps to prevent them from doing so.²¹⁰ Louisiana holds parents or tutors liable for knowingly consenting to the entrance or detention of their children in prostitution.²¹¹ Montana also holds parents liable for promoting the prostitution of their own children or wards.²¹² While these states

choose to specifically assert the liability of parents, there is nothing in the other states' statutes to prevent enforcement of other prostitution laws against parents.

Minnesota has also tied its criminal statute to a parent's right to custody of his or her own child. If a parent in Minnesota is convicted of promoting or profiting from prostitution of a minor and has custody of or visitation rights with a child, the sentencing court must refer the case to the appropriate family court, where action will be taken including the granting of temporary custody to the noncustodial parent or suspension of visitation rights.²¹³ The defendant has the burden of proving that continued custody or visitation is in the best interest of the child. This statute applies regardless of whether the victim was the defendant's child, but if the victim was a family or household member, the defendant must prove continued custody or visitation would be in the child's best interests by clear and convincing evidence.²¹⁴

Aiding and Abetting or Accomplice Liability. Charges of aiding or abetting or being an accomplice to a crime are also available to law enforcement. Presumably in an attempt to capture all the criminal activities engaged in by pimps and their middlemen or runners, several state statutes are broad enough to cover a variety of activities that support or "promote" prostitution. Some states have included "aiding and abetting" or "assisting" language in their statutes. The Massachusetts statute, for instance, applies to an individual who "knowingly aids or assists" in the inducement of a minor into prostitution.²¹⁵ Oklahoma prohibits aiding and abetting or participating in the solicitation or procurement of a minor,²¹⁶ while Maryland holds liable accessories to the abduction, enticement, or secretion of a child for the purpose of prostitution.²¹⁷

In addition, a person can be charged as an accomplice if he or she knowingly participates in a crime. Accomplice liability requires only a state of knowledge rather than intent to commit the crime, but it requires a completed crime rather than just a substantial step toward commission of the crime. A defendant can therefore be convicted as an accomplice in the promotion of prostitution if he solicited, commanded, or encouraged another to commit the crime.²¹⁸

Attempted Crimes and Lesser Included Offenses Some states, such as California, include "attempting to procure" or similar provisions in their statutory language.²¹⁹ Defendants, however, can be charged with attempted crimes regardless of whether they are expressly stated in the statute. For instance, the crime of attempting to induce child prostitution is a lesser included offense of the crime of inducing child prostitution.²²⁰ An attempt merely requires some overt action beyond preparation.²²¹

Multiple Charges Several offenses may apply to a single defendant, depending on the nature of his or her activities. Whether multiple charges should be filed depends on whether the same body of evidence supports both charges. For instance, managing a prostitution business involves the element of management and requires proof of an enterprise, neither of which is required to prove a charge of inducing a minor to engage in prostitution. When the defendant's intent and conduct differ on the two charges, bringing both does not violate constitutional prohibitions against double jeopardy.²²²

Likewise, the court in *State v. Funches*²²³ held that a charge of compelling a victim to live in a brothel, combined with a charge of receiving earnings from the prostituted child, is not necessarily duplicative. The court found that the gravamen of the offense of compelling prostitution is the placing of a minor in a prostitution-inducing situation, while that of accepting

earnings from her prostitution is the accepting of the earnings, unrelated to compelling the child to prostitute.

If the same evidence is used to prove two separate charges, however, the prosecution may be forced to elect on which charge the defendant should be tried. This situation seems to arise when both promoting and compelling prostitution are charged and the evidence that supports one charge is just part of the larger body of evidence supporting the other.²²⁴

Age-Related Defenses In addition to affecting the grade of the offense charged, the child's age also becomes significant when a defendant asserts that he did not know the child was a minor. A "mistake of age" defense relies on whether the defendant knew or had reason to know the child was under the prescribed age in the statute. The prosecution must prove the defendant knew the child's age when the modifier "knowingly" is included in the statute and refers to all elements of the offense.²²⁵

In *Commonwealth v. Baker*,²²⁶ however, the court found that the prosecution did not need to offer evidence that the defendant knew or should have known the age of the child because the defendant must have known it was a criminal offense to live off the earnings of a prostitute regardless of her age, and the prosecution has not been required to offer evidence of the victim's age in other sex offenses against minors.

For the states that mention a mistake-of-age defense in their statutes, they are split between providing such a defense and precluding it altogether. A typical mistake-of-age defense is set out in New York's statutes against "patronizing a prostitute." It states, "[i]n any prosecution for patronizing a prostitute in the first, second[,] or third degrees, it is a defense that the defendant did not have reasonable grounds to believe that the person was [younger] than the age specified."²²⁷ Illinois provides an affirmative defense to the charges of soliciting for a juvenile prostitute or keeping a place of juvenile prostitution and juvenile pimping that the "accused reasonably believed the person was of the age of 16 years or [older]."²²⁸ An affirmative defense requires the defendant to assert the defense in pleadings.²²⁹

Other states, however, expressly preclude mistake-of-age defenses, creating strict liability as to that element of the offense.²³⁰ Colorado passed a specific section titled "criminality of conduct" that states, "[i]n any criminal proceeding under sections [related to prostitution of children], it shall be *no* defense that the defendant did not know the child's age or that he reasonably believed the child to be [18] years of age or older."²³¹ At least seven states have joined Colorado in precluding a mistake-of-age defense to charges of compelling, promoting, profiting from, and other related prostitution offenses involving children.²³²

Prostituted Children as Witnesses One possible obstacle to prosecution is that the child victims are often reluctant to come forward out of fear they will be harmed by the offender or that, due to their juvenile record, their charges will not be believed.²³³ Their experience with the justice system, especially law enforcement, has not always been positive.

As victims, prostituted youth can be noncompliant and uncooperative, and they are often unwilling to use services or actively assist with the investigation or prosecution.²³⁴ They tend to be streetwise and resistant to adult interventions, and they are distrustful of adults, even those who desire to help them. Furthermore, many young girls genuinely desire to protect their pimp and may view him as a boyfriend. The past life choices of children who have been involved in prostitution, and their possible criminal records, may make judges and juries less likely to consider them credible witnesses or victims.²³⁵

In some cases, prosecutors may be able to use rape-shield statutes to prevent the defense from using a child's previous sexual exploitation, or prostitution, from being used to undermine the victim's credibility. Rape-shield statutes are designed to limit questioning about a victim's past sexual behavior. The federal rape-shield statute, found in Federal Rule of Evidence 412, states that evidence offered to prove a victim engaged in "other sexual behavior" or to prove an alleged victim's sexual predisposition is generally inadmissible except under certain circumstances.²³⁶ In addition, character witnesses testifying about reputation or opinion about the victim's sexual behavior is always excluded.²³⁷ Many state versions of the rape-shield statute are similar.²³⁸

Unfortunately, at least one state continues to require corroborating evidence supporting the testimony of a victim who is younger than 18 who has been "inveigled, enticed[,] or taken away" for the purpose of prostitution.²³⁹ But, with appropriate intervention by skilled professionals and specially trained interviewers, prostituted children can be credible witnesses in court.

To protect the victim from the offender, prosecutors should also consider asking the court to restrict the defendant's contact with the victim as a condition of pre-trial release or as a condition of probation at the sentencing phase.²⁴⁰ Minnesota has implemented an innovative civil-protection statute aimed at safeguarding prostituted children from their pimps and procurers. The state has authorized parents to seek an order of protection on behalf of their children when they "know or have reason to believe that a person . . . is inducing, coercing, soliciting, or promoting the prostitution of the parent or guardian's minor child, or is offering or providing food, shelter, or other subsistence for the purpose of enabling the . . . child to engage in prostitution."²⁴¹ The court may order the respondent to return the child to the parent's residence or to cease and desist from committing further acts promoting the child's prostitution.

Sentencing As mentioned earlier, many states increase the grade or degree of the offense as the involved child's age decreases (*i.e.*, the younger the child, the greater the offense). While "patronizing" statutes are generally considered misdemeanors, many states increase the grade of the offense when a child is involved.²⁴² Charging higher grade offenses increases the available sentence.

Sentencing issues that arise after conviction include calculating offender scores under state sentencing guidelines and whether separate offenses were part of the same criminal conduct.²⁴³ The court also needs to determine whether aggravating factors such as multiple victims or the young age and vulnerability of the victims apply.²⁴⁴ Defendants convicted of prostitution offenses against children also may be subject to sex-offender registration or community-notification laws.²⁴⁵

Forfeiture Prosecutors should look at state forfeiture statutes allowing seizure of property—such as vehicles, houses, or buildings—used in criminal activities, especially for cases involving owning, managing, or permitting the use of premises for the purpose of prostitution. At least one state expressly subjects convicted defendants to forfeiture provisions under its prostitution statutes;²⁴⁶ however, general forfeiture statutes may apply.

Restitution Restitution to the victim is often part of sentencing. Prosecutors can recommend that the defendant, as part of the sentence, pay the victim's medical or counseling expenses.²⁴⁷ Victims also should be encouraged to take advantage of victim-assistance services available through the court. And where applicable, they should be made aware of civil causes of action that they can file to recover for damages suffered as a result of their victimization. For instance,

Georgia has a statute establishing a cause of action for childhood sexual abuse suffered as a result of acts committed by the defendant relating to pandering and pandering by compulsion.²⁴⁸

Federal Law

In addition to state criminal laws directed at the prostitution of children, several federal statutes address child-sexual exploitation. In order for these statutes to apply, the conduct must fall under federal jurisdiction. This includes interstate or foreign commerce, conduct in any territory or possession of the United States, and other categories such as the special maritime jurisdiction of the United States. As a result of this limited federal jurisdiction, there are fewer federal cases prosecuted than in the states; however, the federal crimes can carry greater penalties, and law enforcement should work collaboratively with federal officials when charges under both state and federal statutes may be possible.

The Mann Act

The antecedent to the group of federal statutes addressing child-sexual exploitation through prostitution is the White-Slave Traffic Act, known as the Mann Act. It was implemented in 1910 to fight forced prostitution and the sale of girls and women into prostitution.²⁴⁹ The Mann Act made transportation of any girl or woman across state lines for prostitution or “any immoral practice” a federal crime, along with persuading, inducing, or coercing a woman to make such a trip using a “common carrier” or transporting a girl who is younger than 18 for prostitution or “immoral practice.”

Congress substantially revised the Mann Act in 1986²⁵⁰ by making the Mann Act gender-neutral and clarifying the statute’s coverage by changing “immoral practice” to “any sexual activity for which any person can be charged with a criminal offense.” The 1986 revisions also removed the requirement that transportation of a minor be for a “commercial” motive. This allows for prosecution of those who take minors across state lines for noncommercial but illegal sexual activity. More recently, the Protection of Children from Sexual Predators Act of 1998 clarified some of the language, added attempt provisions, and increased penalties under the Mann Act.²⁵¹

The first statute under the Mann Act, Section 2421, prohibits the transportation of an individual in interstate or foreign commerce, or an attempt to do so, with the intent such individual engage in prostitution or in any sexual activity for which any person can be charged with a criminal offense.²⁵² While this section can be invoked in cases involving minors, the more specific statute carries greater penalties—the possibility of 15 rather than 10 years imprisonment.

The “coercion and enticement” section of the Mann Act, Section 2422, also prohibits the inducement, enticement, or coercion of any individual, or attempt to do so, to engage in prostitution or any criminal-sexual activity, and carries a penalty of up to 10 years. More specific to juvenile prostitution, Section 2422(b) prohibits the persuasion, inducement, enticement, or coercion of any individual who has not yet reached 18 years of age to engage in prostitution or criminal-sexual activity, or any attempt to do so, and carries a penalty of up to 15 years.²⁵³ The court in *United States v. Kufrovich* stated that because it is the use of the means of interstate commerce to persuade or attempt to persuade a minor to engage in criminal-sexual activity that is the crime, the sexual act need never actually have occurred.²⁵⁴

The most important section covering the prostitution of minors under the Mann Act is Section 2423, which prohibits

(a) Transportation with intent to engage in criminal[-]sexual activity.—A person who knowingly transports an individual who has not attained the age of 18 years in interstate or foreign commerce, or in any commonwealth, territory[,] or possession of the United States, with intent that the individual engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title, imprisoned not more than 15 years, or both.

(b) Travel with intent to engage in sexual act with juvenile.—A person who travels in interstate commerce, or conspires to do so, or a United States citizen or an alien admitted for permanent residence in the United States who travels in foreign commerce, or conspires to do so, for the purpose of engaging in any sexual act (as defined in section 2246) with a person [who is younger than] 18 years of age that would be in violation of chapter 109A if the sexual act occurred in the special maritime and territorial jurisdiction of the United States shall be fined under this title, imprisoned not more than 15 years, or both.²⁵⁵

The federal government can bring an action under Section 2423(a) when the offender knowingly transports a minor across state lines with the intent that the minor engage in prostitution. This section is important in combating pimps who bring girls across state lines, because pimps often do this in an attempt to break the girl's ties with family or friends or to find a more lucrative base of operations. The section does not, however, specifically prohibit pimps and procurers from traveling across state lines themselves in pursuit of their prostitution enterprises.

Section 2423(b), however, punishes mere travel in interstate commerce, even if no transportation of a minor was involved, if the defendant traveled “for the purpose of engaging in any sexual act” with a minor.²⁵⁶ Merely crossing state lines qualifies as interstate travel.²⁵⁷ While the right to interstate travel is well established, there is no fundamental right to travel for illicit purposes.²⁵⁸ Patrons, therefore, are covered if they cross the state line for the purpose of engaging in prostitution with a minor, regardless of travel by the minor. While patrons cannot be implicated in the minor's interstate transportation unless they transport the child themselves,²⁵⁹ they could be charged with conspiring or soliciting to transport the minor. The foreign travel component of this statute is discussed at greater length in the second section of this monograph.

In addition, the Protection of Children from Sexual Predators Act of 1998 also added Section 2425 to Title 18 of the United State Code.²⁶⁰ Section 2425 prohibits the use of interstate facilities, including mail or interstate or foreign commerce, to transmit certain information about a person who is younger than 16 years of age with the intent to entice, encourage, offer, or solicit any person to engage in criminal-sexual activity. A violation of this section carries a penalty of 5 years in prison, a fine, or both. Section 2425 may prove useful in fighting some of the activities that support interstate pimping enterprises.

Challenges to prosecution under the Mann Act have focused on several issues including the defendant's intent to engage in sexual activity, the purpose of the interstate travel, and the defendant's knowledge of the minor victim's age. The Court in *United States v. Brockdorff*²⁶¹ upheld the constitutionality of Section 2423(b), travel with intent to engage in a sexual act with a minor, finding that the statute is a valid exercise of Congress' power to regulate interstate commerce. The defendant need only cross state lines with the purpose of committing the illegal act; no overt act in furtherance of the intent is required.²⁶²

In addition, case law is well settled that engaging in sexual activity or prostitution need not be the “dominant” purpose of interstate travel under the Mann Act. The Fifth Circuit in *United States v. Campbell*²⁶³ stated that “[m]any purposes for traveling may exist, but, as long as one motivating purpose is to engage in prostitution, criminal liability may be imposed under the Act.”²⁶⁴ In a prosecution under Section 2423(b) in *United States v. Vang*,²⁶⁵ the court found that the government need only prove prostitution activities were “a” purpose of the defendant’s travel, stating that Congress did not include the word “dominant” and the court was not prepared to read such a requirement into the statute. Furthermore, the Seventh Circuit in *United States v. Snow* ruled that prostitution need not be the sole reason for transportation under Section 2421, “the Act may be violated if prostitution is a dominant or a compelling and efficient purpose.”²⁶⁶

Prosecution under various sections of the Mann Act has also been challenged based on whether the defendant had to have knowledge that the victim was a minor. The Supreme Court in *United States v. X-Citement Video*²⁶⁷ found a presumption exists that a criminal statute requires some form of scienter. Based on that decision, the court in *United States v. Kufrovich*²⁶⁸ held that Section 2422(b) requires knowledge of the minority status of an alleged victim. Since “knowingly” applies to the purpose of the traveler, which is to engage in a sexual act with a minor, the traveler must know the person is a minor in order to have that purpose;²⁶⁹ however, at least one Circuit has held that section 2423(b), which does not include “knowingly” in its language, does not require knowledge of the alleged victim’s minority status.²⁷⁰

Other Applicable Federal Statutes

Charges under other statutes not specifically addressing prostitution offenses are also available to prosecutors when the offenses occur under federal jurisdiction. For instance, prosecutors can consider charges under the statute regarding aggravated-sexual abuse that prohibits crossing a state line with the intent to engage in a sexual act with a person who is younger than 12 years of age, as well as knowingly engaging in a sexual act with another person who is younger than 12 or knowingly engaging in a sexual act by force, threat, or other means with someone 12 to 16 years of age (with at least a four-year age difference).²⁷¹ Charges under the statute regarding “sexual abuse of a minor or ward” statute can also be brought if the defendant knowingly engaged in a sexual act with a person not yet 12 years of age or knowingly engaged in a sexual act with a minor who is older than 12 but not yet 16 years of age (with at least a four-year difference in age).²⁷²

The statute on aggravated-sexual abuse may apply to patrons or pimps, and may be especially relevant in cases in which violence is used against the prostituted child. The court in *United States v. Fulton*²⁷³ found that the statute’s required showing of actual force can be satisfied by a showing of such physical force as is sufficient to overcome, restrain, or injure a person. Also, the rape-shield statute can be used to prohibit the defendant from introducing evidence that the victim had intercourse with several other people prior to the alleged incident.²⁷⁴ When the victim’s credibility is at issue, *United States v. E.R.B.*²⁷⁵ illustrates that a 14-year-old victim’s testimony that she was forcibly raped and that she and the defendant had not had a prior sexual relationship can be found credible.

Furthermore, the mistake-of-age defense is a specified defense only for Section 2243, sexual abuse of a minor or ward. The court in *United States v. Yazzie*²⁷⁶ found reversible error in the trial court’s exclusion of witnesses who supported the defendant’s assertion that he reasonably believed the child was older than 16. The mistake-of-age defense is not necessarily

permissible with other federal sexual offenses, and under *United States v. Ransom*²⁷⁷ the court has discretion whether to allow such a defense. Under neither statute is the prosecution required to prove that the defendant knew the age of the minor.²⁷⁸

Related Pornography Offenses

Given the established relationship between prostitution and pornography, federal statutes that address visual depictions involving the sexual exploitation of minors can provide additional charges against pimps and procurers who photograph prostituted children. These statutes include Section 2251 on the sexual exploitation of children and Section 2252 on certain activities relating to material involving the sexual exploitation of children of Title 18 of the United States Code.

For instance, Section 2251(a) may apply when a pimp transports a minor with the intent that she engage in any sexually explicit conduct for the purpose of producing any visual depiction of such conduct. The statutes' other prohibitions include transporting or shipping in interstate or foreign commerce by any means—including mail and computer—or receiving or distributing any visual depiction involving use of a minor in sexually explicit conduct, and the production of sexually explicit depictions of a minor for importation into the United States.²⁷⁹ Neither statute requires a showing that the defendant intended to distribute the child pornography.²⁸⁰

A test to determine whether a visual depiction is lascivious and merits prosecution was set forth in *United States v. Dost*²⁸¹ and further developed in *United States v. Knox*.²⁸² In *Knox*, the court found that the statute does not require full or partial nudity but rather requires only that the material depict some sexually explicit conduct by the minor subject that appeals to the lascivious interest of the intended audience.

The Child Protection, Restoration and Penalties Enhancement Act of 1990²⁸³ strengthened the prohibitions of Section 2252, and the Protection of Children from Sexual Predators Act of 1998 added a jurisdictional basis for prosecution if the visual depiction was produced using materials that were mailed, shipped, or transported in interstate or foreign commerce including by computer.²⁸⁴ Furthermore, the Child Protection and Obscenity Enforcement Act, which requires producers of pornography to secure proof of a performer's age and keep a record of it, withstood constitution challenge in *American Library Association v. Reno*.²⁸⁵ The court ruled that the requirement was sufficiently narrowly tailored and furthered a governmental interest in abating child pornography to withstand scrutiny.

In addition, the Child Pornography Prevention Act of 1996 (CPPA)²⁸⁶ amended the language of Section 2256, which sets out the applicable definitions, to include situations in which a visual depiction is, or appears to be, of a minor engaging in sexually explicit conduct. Among Congress' findings accompanying the CPPA was that new photographic and computer-imaging technologies make it possible to produce visual depictions of what appear to be children engaging in sexual conduct that are virtually indistinguishable from photographic images of actual children engaging in sexually explicit conduct. Congress noted that this technology can be used to alter innocent pictures of children to create visual depictions of those children engaging in sexual conduct.

Two courts have upheld the constitutionality of the CPPA. In *United States v. Hilton*,²⁸⁷ the First Circuit Court of Appeals overturned a lower court ruling that the statute was impermissibly vague and overbroad. The First Circuit Court found that the CPPA "neither impinges

substantially on protected expression nor is so vague as to offend due process.” Likewise, a United States District Court in *The Free Speech Coalition v. Reno* ruled that the CPPA meets constitutional standards and is therefore constitutional as written.²⁸⁸

Racketeer Influenced and Corrupt Organizations Act (RICO)

The Racketeer Influenced and Corrupt Organizations Act makes it a federal crime to participate in an “enterprise” that “affects” interstate commerce and involves a “pattern” of “racketeering activity.”²⁸⁹ Violations of the Mann Act are listed among the crimes defined as “racketeering activity” under the statute. RICO provides for strict penalties, allows federal prosecutors to seek injunctive relief against violators, and allows victims to sue in federal court for treble damages.²⁹⁰

For a prosecution to succeed under the RICO statute, there must be proof of two or more violations constituting a “pattern” of such activity and that the activity is part of an ongoing enterprise, either legal or illegal.²⁹¹ The statute allows prosecutors to bring actions against those who only indirectly control or participate in an interstate prostitution ring and provides some relief to victims through its civil-remedy provisions.²⁹²

Sentencing

Under the federal sentencing guidelines, judges are to consider “all acts and omissions committed, aided, abetted, counseled, commanded, induced, procured, or willfully caused by the defendant . . . that occurred during the commission of the offense of conviction.”²⁹³ The court is not required to select a guideline based only on the conduct constituting the violation.²⁹⁴

The court can also impose stricter sentences through enhancements for coercion, vulnerable victims, and obstruction, among others.²⁹⁵ For example, if a defendant threatens or tries to bribe a victim, the court can impose an obstruction enhancement.²⁹⁶ Evidence of coercive conduct during the commission of the crime—or any conduct that negates the voluntariness of the behavior of the person who was transported—supports an enhancement as well.²⁹⁷ And the vulnerability of the victim (*e.g.*, the child’s youth or separation from family) can also support an enhancement.²⁹⁸

The Protection of Children from Sexual Predators Act also amended Title 18, Section 3559, the sentencing classification of offenses, to include life imprisonment (if death is not imposed) if the victim is younger than 14 years of age, the victim dies as a result of the offense, or the defendant engages in other behavior justifying imposition of a death sentence.²⁹⁹ Furthermore, the United States Sentencing Commission is to review and amend the Federal Sentencing Guidelines to provide certain enhancements including the defendant’s knowing misrepresentation of his or her identity under certain provisions of the Mann Act³⁰⁰ or a pattern of activity involving sexual abuse or exploitation of a minor.³⁰¹

Forfeiture

Defendants may also be subject to civil or criminal forfeiture of any property used or intended to be used to commit or promote commission of the offense. The Protection of Children from Sexual Predators Act includes certain sexual exploitation and Mann Act offenses under both Title 18, Section 2253, providing for criminal forfeiture for offenses against minors,³⁰² and Section 2254, providing for civil forfeiture.³⁰³ Forfeiture may include loss of property or businesses used as fronts for prostitution enterprises, or any property traceable to gross profits or

other proceeds from the enterprise. The Mann Act also allows victims of sexual abuse, sexual exploitation, and Mann Act violations to recover actual damages and the cost of the lawsuit, including reasonable attorney fees, of no less than \$50,000.³⁰⁴

Restitution

Restitution can also be part of the sentence imposed, and may include medical services relating to physical or mental health, occupational therapy or rehabilitation, transportation or temporary housing, lost income, and other losses suffered by the victim as a proximate cause of the criminal offense.³⁰⁵

The sentencing court can also order restitution for victims under the Victim and Witness Protection Act.³⁰⁶ When a defendant is convicted of a crime that includes scheme, conspiracy, or pattern of criminal activity as an element of the offense, the court can order restitution for losses resulting from any conduct that was part of that scheme, conspiracy, or pattern of criminal activity.³⁰⁷

Federal Statutes of Assistance to Parents of Missing Children

Several federal statutes assist parents in their efforts to locate missing children who may be engaging in prostitution on the streets. The Missing Children Act³⁰⁸ (MCA) and Missing Children's Assistance Act³⁰⁹ (MCAA) provide valuable support to parents who are searching for their runaway children. Under the MCA, the Federal Bureau of Investigation (FBI) can accept entries from parents regarding their missing children into the National Crime Information Center (NCIC) computer, even when local authorities fail to make the entries.

The MCAA created a national toll-free hotline to disseminate information to parents about programs to help locate their missing children. The definition of missing child under the Act includes a child who is younger than 18 whose whereabouts are unknown to his or her parent or legal guardian and who is at risk of abuse or sexual exploitation. The MCAA also mandated the creation of a national clearinghouse and resource center to provide technical assistance to government officials, private and public agencies, parents, and law enforcement. The National Center for Missing & Exploited Children fulfills the provisions of this mandate and maintains a toll-free Hotline (1-800-THE-LOST/1-800-843-5678) to facilitate the location of missing children and reunification with their families.³¹⁰ Law-enforcement officers can also contact the National Center for Missing & Exploited Children at this number for referrals and contact information on intervention strategies, law-enforcement initiatives, and training opportunities.

The Law-Enforcement Response

Barriers to Effective Intervention

While law enforcement has improved its response to the sexual exploitation of children in the past decade, fewer advances have been seen in the response to the prostitution of children.³¹¹ This may be explained by some of the unique obstacles to effective criminal-justice intervention in such cases.

Fragmentation of responsibility for child-sexual-exploitation cases exists in many law-enforcement agencies.³¹² Cases involving prostitution of children may fall under the jurisdiction of a unit other than the one that handles child-sex abuse. When juveniles are arrested, they may be handled by a juvenile division. In some large jurisdictions, misdemeanor cases may

be handled by a different division than felony cases. In cities with no centralized unit with responsibility for prostitution cases, they are generally handled by patrol officers assigned to that geographic district. Even when prostituted children are recognized as victims, the child-abuse unit may not handle the case because cases involving victims older than 13 years of age may go to the sexual-assault unit.³¹³ While this division of labor may not in itself prevent an effective response, departments without effective cross-training and collaboration may face a diffusion of resources and knowledge regarding prostitution cases.

In addition, prostitution of children is often a hidden crime. Most police departments report that they have very few cases,³¹⁴ although it is likely that many are being overlooked; are viewed as a nuisance crime; or receive low priority to street violence, gang activity, and drug trafficking.³¹⁵ Even when police conduct undercover sweeps, cases are more likely to result in arrest of the prostituted children than their customers or pimps.³¹⁶

Recently, much of the prostitution of children has moved underground, and prostituted youth are more likely to be found in massage parlors, modeling studios, or escort services, and this makes investigation even more time-intensive.³¹⁷ Investigations generally also tend to be labor-intensive and require proactive, undercover work.³¹⁸ Law enforcement may find it difficult to arrest adults for patronizing prostituted juveniles unless an officer directly overhears the transaction. The child therefore must testify, which many refuse to do. Furthermore, law enforcement cannot use minors as “bait” in sting operations.³¹⁹

Finally, some barriers stem from the nature of the victims themselves. Some juveniles can pass as adults, and when arrested, they know it is better to be booked as an adult because only a parent or family member can release them from a juvenile facility.³²⁰ Some police officers also have a hard time viewing streetwise, “seductively dressed” teenagers as victims, and have a harder time treating them as such.³²¹ Many sexually-exploited youth do not view themselves as victims. Furthermore, when they do report, many victims may be reluctant to reveal the full extent of their involvement in prostitution activities, making identification of offenders more difficult.³²²

Effective Intervention Models

Despite the challenges prostitution of children presents to law enforcement, several model programs have developed effective methods of addressing the problem. These are primarily based on multidisciplinary and multijurisdictional models.

Multijurisdictional Efforts

Successful models of intervention include multijurisdictional teams that consist of personnel from federal, state, and local law enforcement and both public- and private-service providers. With a combined effort, the resources of each individual agency can be maximized. The benefits of the team approach are many, but they vary slightly based on the type of team that is assembled. There is also a great likelihood in prostitution cases that both state and federal laws have been violated. If both are pursued, it becomes more likely that the defendant will receive the maximum sentence possible.³²³

In 1996 the federal Office of Victims of Crime released *Child Sexual Exploitation: Improving Investigations and Protecting Victims, A Blueprint for Action*. It describes three models of multijurisdictional teams—the task force, the strike force, and a network of professionals.³²⁴

Task Force The task-force model includes representatives from various disciplines and houses them together for a concentrated effort to combat exploitation.³²⁵ The Southern California Regional Sexual Assault and Exploitation Felony Enforcement (SAFE) Team serves as a model example of the task-force approach. The SAFE Team is a standing task force of federal, state, and local investigators and prosecutors who are detailed to the Team and physically located together.³²⁶ Each agency contributes important resources, such as investigative expertise or sophisticated technology, and members are also deputized as United States Marshals.³²⁷

Operating under a Memorandum of Understanding, the Team is organized on three basic principles.

- Criminal-justice agencies must overcome turf issues and work together as a true multidisciplinary task force
- Criminal-justice agencies and victim-service providers must recognize and attend to the needs of sexually-exploited children
- Effective intervention requires proactive identification of suspects and vulnerable children³²⁸

The SAFE Team meets biweekly and compiles monthly summaries of cases and activities, including any training received by the Team members. Based on these summaries, the Team keeps statistics on the number of investigations and their outcomes.³²⁹

Proactive street work and reverse stings are the primary means the Team uses to investigate the prostitution of children. Community-policing techniques also build rapport with runaway, homeless, or street youth, enabling law enforcement to work with the children to identify and apprehend pimps, customers, and others who exploit them.³³⁰

Victim-service providers participate on a case-by-case basis with the Team, and the Team works closely with child-protective services, children's advocacy centers, and youth shelters.³³¹ The Team makes referrals to the service providers for emergency placement, crisis intervention, medical attention, and other needs. The service providers also conduct cross-disciplinary training for the Team.³³²

Another model is the Law Enforcement Effort Against Child Harm (LEACH) Task Force in southern Florida, which is founded on a voluntary collaboration among law-enforcement agencies in the region. It also operates under a Memorandum of Understanding. The mission of the task force is "to identify, apprehend[,] and assist in the prosecution of pedophiles, child abusers, child molesters, and child pornographers involved in computer-related pornography activity."³³³ The LEACH Task Force also actively participates in community-education efforts to reduce the risk of child-sexual exploitation.³³⁴

The benefits of the task-force model include shared space, less duplication of efforts, a concentration of skills and expertise, enhanced teamwork, and interpersonal support among members.³³⁵

Strike Force Under the strike-force model of multijurisdictional collaboration, the team members are not dedicated exclusively to the work of the team, and they are not housed together in the same location, although they may periodically come together as a group.³³⁶ The strengths of a strike force are its capacity to quickly identify and mobilize sources of expertise on an as-needed basis, while the obstacles include the lack of dedicated financial support and the competing needs of the members' other duties.³³⁷

The Federal Child Exploitation Strike Force in Chicago, Illinois, was a successful example of a strike force that operated out of the US Postal Inspectors Office for 10 years. Although it currently has only two full-time investigators, the strike force maintains strong links with the Chicago Police Department, Illinois State Police, Federal Bureau of Investigation, and other local police departments.³³⁸

The strike force specialized in proactive, undercover investigations and devoted a great deal of time to identifying and arresting pimps and procurers. It also established a witness-protection program that enabled victimized youth to be placed out of state and given new identities if needed to protect them from pimps and other exploiters.³³⁹ The facility also provided intensive counseling and court advocacy services.³⁴⁰

Other agencies in the Chicago area also have specialized units handling child-sexual exploitation. The Chicago Police Department has a special unit—the Juvenile Court Group, Youth Division—and the Cook County Attorney’s Office has an exploitation unit within its Sex Crimes Division.³⁴¹

Network The network of professionals as a multijurisdictional model is the most loosely configured of the three approaches. Although members may come together as a strike force as cases are identified, the primary benefit of the network is its focus on raising awareness among professionals and recruiting them to join. The network is especially useful when cases have statewide implications; however, the absence of resources, its voluntary basis, and the difficulties of sustaining concentrated efforts without dedicated resources present obstacles.³⁴²

The Massachusetts Child Exploitation Network, a statewide network of investigators and victim-assistance professionals, began as an effort by a special agent in the US Customs Service to link investigators with similar skills and interests in exploitation cases.³⁴³ The Network has identified more than 200 members with an interest in child-sexual-exploitation cases. The Network’s steering committee guides its outreach and educational efforts. Among its goals are raising awareness of the special nature of exploitation cases among professionals, enhancing the expertise of law-enforcement and youth-serving professionals, and sharing information about specific cases and suspects among investigators statewide.³⁴⁴

Other successful law-enforcement efforts around the country share many of the attributes of the three approaches discussed above. In Pittsburgh, for instance, law enforcement and service providers collaborate well together. They also collaborate with victim-witness advocates working with the police department to place runaway youth in shelters. The police department also chairs monthly meetings of a Runaway and Homeless Youth Network.³⁴⁵

In Dallas, Texas, the Police Department’s Child Exploitation Unit has six detectives who investigate out-of-family prostitution and other offenses. Much of their work is self-generated through sting operations and other techniques. The unit operates under the philosophy that prostituted children should be treated as victims, not offenders, although it does arrest or detain juveniles to get them off the streets and into services. The unit also works with the juveniles, who are usually girls, to identify pimps, persuade the girls to testify, and identify others who may also have been exploited. Arrested youth are taken by police officers to a local 30-day residential center funded by the county. The department hopes to expand the center to allow prostitution-involved youth, who often try to recruit other children into prostitution while in the shelter, to be segregated and housed for 90 days.³⁴⁶

And in San Diego, California, the Police Department has written procedures for investigating prostitution cases and operates a juvenile-prostitution task force in the city. The program also works well with shelters to get youth off the streets and into services—it has a memorandum of agreement with a service provider that operates an emergency shelter, transitional-living program, street-outreach program, and education center.³⁴⁷

Multidisciplinary Efforts

Cooperative relationships between all disciplines working to help at-risk youth clearly benefit from the efforts to combat the problem of juvenile prostitution. Police departments in cities with formalized agreements with service providers are more likely to receive specialized training, although many work successfully with providers even without such an agreement.³⁴⁸ The experience of most law-enforcement agencies is that such training is integral to a successful response—those departments that receive specialized training in investigation of child-sexual exploitation report more arrests of adults for related offenses.³⁴⁹

Law-enforcement professionals should also participate in collaborative efforts to cross-train other disciplines involved in outreach efforts to understand the proper role of the judicial system including its advantages and limits. Training should be multidisciplinary and include federal, state, and local law enforcement. In 1997 the US Department of Justice, Office of Juvenile Justice and Delinquency Prevention, sponsored a national multidisciplinary, interjurisdictional conference on “Combating the Trafficking of Youth for Prostitution: Forming Partnerships for Prevention, Protection and Prosecution.” Similar efforts should be pursued in states and communities.

But the benefits of multidisciplinary efforts extend well beyond training. Police departments in communities where there are special services for youth involved in prostitution report a substantially higher level of arrest of adults for procuring or patronizing juveniles.³⁵⁰ They are also more likely to divert youth for services and less likely to remand them to juvenile authorities or release them to their parents. Victims are more likely to cooperate when they have the support of victim advocates and service providers.³⁵¹ Service providers can also work with law enforcement to identify adults who sexually exploit the youth who use their services.³⁵²

General Principles for Effective Intervention

Based on the success of the efforts described above, and other information on best practices in child-prostitution cases, the general principles noted below can help guide a more proactive, informed approach.³⁵³

- Law enforcement should recognize prostitution of children as a form of child-sexual exploitation and treat the children as victims.
- Law enforcement should make a commitment to identify the victimized children and work to provide them with services and other assistance to leave prostitution. Criminal-justice intervention can be the means by which the cycle of abuse is broken.
- Law enforcement should have strong working relationships with local runaway shelters and service providers to identify girls and boys involved in or at risk of prostitution. Law enforcement should support the development or increase of community treatment and services for at-risk youth including prevention and early intervention.

- Law enforcement should make a commitment to arrest and prosecute pimps, procurers, and patrons who engage in sexual activity with minors. When there is an increase in arrests, it is usually attributed to increased enforcement by the police.
- Law enforcement should use all investigative techniques available, including surveillance, videotaping, undercover investigations, and one-party consensual calls, to build strong cases against pimps and procurers.
- Law enforcement should provide adequate training for all investigators and officers who might come in contact with victims of prostitution including child-abuse, sex-crimes, vice, juvenile, and other units. Increased training can heighten the sensitivity of law enforcement to the plight of at-risk adolescents. To the extent resources allow, law enforcement should establish specialized units or identify specially trained staff to respond to and interview prostituted youth.
- The criminal-justice system should encourage cooperative multijurisdictional efforts among all disciplines responding to prostituted youth. Based on the availability of resources, law enforcement should participate in task or strike forces or networks of professionals that share information and collaborate on cases.
- The criminal-justice system should provide protection for youths testifying against pimps and other offenders in court. This may include working with social-service agencies to provide safe housing or long-term residential facilities that allow young victims to break free from the control of their exploiters.
- The criminal-justice system should work on strategies to overcome questions about victims' credibility including training in interviewing techniques that overcome their fear and distrust of adults and the use of rape-shield statutes.
- Parents, teachers, and professionals who come into contact with chronic runaways should receive training to recognize their potential for involvement in prostitution and intervene before the children become involved in more serious conduct such as other criminal activity.
- The criminal-justice system should pursue greater community involvement in developing prevention efforts to reduce recruitment into prostitution and address community responses to the dangers at-risk children face. As an example of such efforts, the Las Vegas (Nevada) Metropolitan Police Department developed a brochure intended to educate the general public about juvenile prostitution. It requests that the community assist the Department in locating and providing assistance to juvenile prostitutes and also identifying those who exploit them. The brochure identifies the characteristics of young prostitutes and asks citizens to contact the police if they believe that they know of underage children involved in prostitution.

Based on these principles, the criminal-justice system can employ innovative approaches that recognize the power of criminal sanctions to punish offenders to the fullest extent of the law while also appropriately responding to the special circumstances of prostituted children.

Policy and Practice Issues

Many difficult dilemmas surround the issue of prostituted children. The role of the juvenile court and the ability of the criminal-justice system to adequately respond to the social-service needs of at-risk youth are just two. Parental involvement, or disinterest, presents its own problems. Is return home to parents who are often part of the child's difficulties in his or her best interests?

Education programs can teach parents how to avoid many of the pitfalls that drive children away in search of family commitment on the streets. And family counseling may provide some solutions for those families that truly want to make the effort to reunite. But prostituted adolescents face a difficult struggle in rehabilitation, and many of the services they need are unavailable.

More Research on the Sexual Exploitation of Children

In order to best serve at-risk youth, more research is needed to understand how children are drawn into prostitution, who is exploiting them (especially pimps and patrons), what type of legal interventions are successful, and how their basic needs can be met. A systematic effort to estimate the number of youth involved in prostitution in the United States would also aid in establishing the level of current need for services.³⁵⁴ In the criminal-justice system, there should be an examination of the success of prosecution and whether sentences are appropriate and effective. Also, research needs to focus on the success or failure of intervention and prevention programs.

Coordinated Multidisciplinary and Multijurisdictional Approaches

While state and federal laws have been strengthened in some instances, there is still substantial room for improvement in enforcement and prosecution.³⁵⁵ Law enforcement and social services should work together to build multidisciplinary and multijurisdictional programs that identify and serve prostituted children and youth at risk of entering prostitution. Criminal-justice and social-service professionals need to foster understanding between their disciplines regarding the needs of prostituted youth including psychological and economic support for victims.

As an example, Minnesota's model approach under its multidisciplinary child-protection-team statute provides for development of an outreach services program for juveniles engaged in prostitution.³⁵⁶ In addition to the regular members of the team (including mental health, law enforcement, probation and parole, county attorney, health care, education, and others), at least one nonprofit agency serving youth in crisis must serve on the team. The statute also provides for the sharing of information between the multidisciplinary team and the local child-welfare agency, enabling the team to better serve troubled youth.

Increased Social-Service Programs for At-Risk Youth

Identifying the needs of at-risk youth is the first step to successful intervention.

Adolescent prostitution can be viewed as behavior that results from the necessities of street life—it is survival behavior more than it is sexual behavior. The focus must be upon meeting the child's survival needs, not upon the fact that he or she happens to meet these needs in a sexual way.³⁵⁷

But identifying the children's survival needs is not sufficient if adequate resources are not directed toward programs to improve their circumstances. The Runaway and Homeless Youth Act³⁵⁸ (RHYA) provides assistance to street children through federal funding of crisis intervention and outreach programs for runaway and homeless youth, but its resources are limited. Programs in need of additional resources to meet an ever-increasing demand include runaway- and homeless-youth programs, specialized residential-care facilities, outreach programs, health clinics, medical and mental-health services, substance-abuse programs, and missing children's programs.

Youth involved in prostitution are especially hard hit during cutbacks because many shelters do not accept them based on their more aggressive behavior and frequent attempts to recruit for their pimps.³⁵⁹ Youth involved in prostitution also require more comprehensive services for longer periods than most runaway programs are able to provide.³⁶⁰ Furthermore, services for youth involved in prostitution must often compete for limited funds with other programs or populations that are more visible or vocal.³⁶¹

There is therefore a need for safe housing that protects children who are vulnerable to the pimps they are trying to escape. Housing should be long-term in order to establish the distance these children need to separate from their pimps and restore their trust and self-esteem.³⁶² Service providers should be flexible and nonjudgmental about the youths' behavior choices and receive special training with this population to help them find healthier ways to handle the emotional, psychological, and physical consequences of their sexual and physical abuse.³⁶³ Intervention should provide long-term solutions, not merely stop-gap measures.

Strategies to Meet Adolescents' Medical Needs

A background of severe family conflict, rejection, and abuse makes comprehensive health services a necessity for youth on the street.³⁶⁴ Treatment efforts should focus on runaway prevention and provision of stable environmental and emotional supports that encourage development of life skills and the building of self-confidence.³⁶⁵ Youth involved in prostitution have multiple needs that must be met through counseling and medical and housing assistance.

There is also a great need for aggressive HIV outreach efforts directed at adolescents involved with drugs and prostitution, who pose a significant challenge to social-service providers in establishing and maintaining contact.³⁶⁶ For AIDS education with this group to be successful, it must be an integrated component of a coordinated effort that also addresses the immediate housing and other material and emotional needs of street youth.³⁶⁷

In line with this strategy, the Society for Adolescent Medicine set these priorities noted below in 1992 on its recommendations regarding homeless youth.

- Data collection and research
- Investigation of etiology or predisposing factors of homelessness
- Creation of accessible substance-abuse and mental-health-care services
- Support for existing outreach programs and transitional housing³⁶⁸

Increased Outreach Efforts

Services should include educational opportunities as well as counseling and psychological support. To succeed, programs for adolescents involved in prostitution must enhance self-confidence and skill acquisition in the areas of education and employment.³⁶⁹ One example, the "street school" experience, appears to succeed in reducing prostitution and symptoms of depression and in fostering more positive attitudes toward school attendance.³⁷⁰ Street school involves a nontraditional, drop-in, open-enrollment classroom and provides basic academic skills, computer-literacy training, a life-skills curriculum, and preparation for a high-school-equivalency exam.³⁷¹

Another model initiative is the outreach program established under California's Health and Welfare Code in 1995.³⁷² The statute provides funds to operate an outreach program targeted at substance-dependent homeless youth, including prostituted juveniles, in Los Angeles and San

Francisco. Prostitution-involved adolescents are clearly at risk of substance abuse and can profit tremendously from such outreach efforts. Youth on the street desperately need education on safer-sex practices, as it is “literally a matter of life and death.”³⁷³

Public social-service agencies must not carry the burden alone. Private agencies, as well as the faith community and other local organizations, should be invited to join collaborative intervention efforts. The public should also be educated about the dynamics of the commercial-sexual exploitation of children. This effort should include information on the devastating harm to children and society and how the public can help.

The prostitution of children in the United States demands a comprehensive response that includes major attention to prevention as well as interventions by the legal and social-service systems.

Child-Sex Tourism

The United States is not alone in grappling with the sexual exploitation of children through prostitution. Worldwide, prostituted children are exploited by both local and foreign patrons, trafficked across country borders to satisfy demand in the most popular sex-tourism destinations, and often held in virtual slavery or debt bondage³⁷⁴ by the brothel owners who purchase them.

Child prostitution has emerged in recent years as a global phenomenon of disquieting proportions. It is found in both developing and developed countries Despite attempts to counter the situation, it remains daunting and intractable. . . . The sexual exploitation of children has become more insidious because of its transfrontier nature. Children are increasingly sold and trafficked across frontiers—between developing and developed countries, among developing countries, and among developed countries. . . . [A]ll continents of the globe deserve attention.³⁷⁵

The global child-sex trade, including the growth of child-sex tourism and the trafficking of children, has over the past decade gained attention and deserved outrage. The expansion of child-sex tourism can be attributed in part to sex tourists seeking out alternative, less restrictive destinations as the countries first plagued by the child-sex trade take measures to eradicate it. Its worldwide growth demonstrates the need for national and international initiatives that form a comprehensive response to the prostitution of children.

Overview of the Problem

The United Nations defines child-sex tourism as “tourism organized with the primary purpose of facilitating the effecting of a commercial-sexual relationship with a child.”³⁷⁶ Child-sex tourism, however, may also include the opportunistic use of prostituted children in regions while traveling on business or for other purposes.

While much of the initial international attention on child-sex tourism focused on Thailand and other countries of Southeast Asia, there is no hemisphere, continent, or region unaffected by the child-sex trade. As countries develop their economies and tourism industries, child-sex tourism

seems to surface. Economic difficulties, civil unrest, poverty, and displacement of refugees all contribute to the growth of the child-sex industry.

In Africa many countries are faced with a rising child prostitution problem, partly due to poverty, migration from rural to urban areas, and...the advent of tourism.... In Zimbabwe, the problem is related to the sex trade near the border. The Sudan, Kenya[,] and Libya are all on the list of countries facing the challenge. Algeria has been reported as a place of transit for traffickers. In Mauritania there are reports of foreign pedophiles at work and an increase in boy prostitutes. In Ghana, young girls are tricked into prostitution in the belief they will be housemaids. Visible increases in sexual exploitation are noted in Cote d'Ivoire and Burkina Faso.³⁷⁷

It is difficult to precisely measure the exact number of children affected by sex tourism. Estimates by governments and non-governmental organizations (NGOs) vary widely, while unsubstantiated numbers are often recycled without attribution or confirmation.³⁷⁸ As the former United Nations Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography emphasizes, however, “even if one child is exploited sexually, it is a serious matter.”³⁷⁹

End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes, or ECPAT—one of the first groups organized to seek the end of the sex trade in children—monitors the child-sex trade around the world. The examples noted below from ECPAT’s *Country Reports* and similar sources provide an overview of the scope of the problem.³⁸⁰

- **Brazil.** Street kids in the tourist-resort areas of Brazil are being exploited in massage parlors and clubs.³⁸¹ In small, remote villages and mining towns in northern Brazil, young girls are brought in by traffickers with promises of employment in the restaurants and canteens. They are then held in indentured servitude and forced to work off their “debt” for their transport, upkeep, food, and malaria medicine through prostitution.³⁸²
- **Cambodia.** In February 1994, a survey by the Cambodian Women’s Development Association found nearly 35 percent of sex workers in Phnom Penh were younger than 18 years of age. In an April 1995 survey, the Human Rights Vigilance of Cambodia found that minors from 13 to 17 years of age comprised about 31 percent of sex workers. Although the surveyed establishments served mostly local patrons, there are reports of an increased demand for child prostitutes from visiting businessmen, developers, and tourists in a child-sex trade operating outside the local brothels.³⁸³
- **China.** Girls from villages of the minority tribes in Yunnan province in southwestern China are being tricked by false offers of jobs and then sold into prostitution in Thailand. The Chinese police report that about 5,000 Chinese girls have been lured across the border and sold as prostitutes since 1989. In addition, the Peking People’s Daily reported in 1994 “that more than 10,000 women and children are abducted and sold each year in Sichaun alone.”³⁸⁴
- **Colombia.** A study by the Bogota Chamber of Commerce suggests that the number of prostituted children in the streets has increased five-fold in the last seven years. In 1995, police found 52 girls between 10 and 12 years of age working as prostitutes in Bogota.³⁸⁵

- **Costa Rica.** The capital city of San Jose is home to more than 2,000 child prostitutes. Across the country, children are regularly sold to foreign pedophiles as part of sex-tour “packages.”³⁸⁶
- **India.** Mostly local clients or West Asian businessmen patronize the majority of India’s prostituted children. According to the Human Rights Watch Report 1995, 20 percent of Bombay’s brothel population is composed of girls who are younger than 18, at least half of whom are HIV positive. Many are brought to India as virgins and returned to Nepal with HIV. Cases of child abuse and prostitution have also recently surfaced in two of India’s major beach resorts.³⁸⁷
- **Indonesia.** There is evidence of sex tourism and prostitution of children in both Bali and Java. A report on one hotel supplying prostitutes found the average age of girls to be between 17 and 20, yet a number were between 14 and 16 years old. Many of the older children had been working at the hotel for several years. Street children selling sex for survival is a more recent phenomenon. Boys mainly sell sex to tourists although some teenage boys are among transvestite groups servicing local men.³⁸⁸
- **Italy.** Children 5 to 14 years of age have been found prostituting in Sicily. Some were prostituted because their parents could not pay off their debts. About 10 percent of prostitution in Northern Italy involves girls between 10 to 15 years of age, with 30 percent between 16 to 18 years of age.³⁸⁹
- **Nepal.** Nepal has a growing child-sex trade. In many cases minor girls who are younger than 15 years of age work for pimps or in brothels. According to a 1995 *Asia Watch Report*, about half of Bombay’s 100,000 girl prostitutes are from Nepal. The average age of Nepalese girls trafficked to India has fallen in the last 10 years from between 14 to 16 years of age to the current 10 to 14.³⁹⁰
- **The Philippines.** Advocacy organizations estimate between 60,000 to 100,000 children are involved in the sex industry in the Philippines. Child prostitution increased during the 1970s and 1980s with the United States military presence, mass development of tourism, and increased sex tourism, all combined with increasing poverty and dislocation. Street children, both boys and girls, sell sex on the streets and beaches to tourists and locals.³⁹¹
- **South Africa.** In at least one central Johannesburg district, black underage street boys occasionally make their living through prostitution. There is visible prostitution of both black and white underage girls and boys. Young girls from Russia, Taiwan, and Thailand also reportedly work in brothels in the suburbs of Johannesburg.³⁹²
- **Sri Lanka.** Child-sexual exploitation in Sri Lanka is considered to be a recent development linked with the rapid growth of tourism since the 1970s, despite an existing local demand. Protecting Environment and Children Everywhere (PEACE), a local NGO, estimates around 100,000 children between the ages of 6 and 14 are kept in brothels and an additional 5,000 children between 10 and 18 are working in tourist areas.³⁹³
- **Taiwan.** ECPAT Taiwan estimates the number of children in the sex industry to be around 100,000. Most of the demand for child sex comes from local Taiwanese and visiting Asian businessmen. The country has been a sex-tourist destination for Japanese dating back to the Japanese military presence.³⁹⁴
- **Thailand.** Although statistics vary greatly, the number of children involved in the Thai commercial-sex industry range from the government’s estimate of 10,000 to an NGO’s estimate of 800,000. The demand for young girls has increased in recent years in response to the

growth of sex tourism and the large numbers of businessmen and other visitors coming into the country. The greatest number of child prostitutes working in the commercial-sex industry are girls who are younger than 16 years of age working in brothels patronized by locals and visitors from neighboring Asian countries. Commercial sex can be found on the streets, in tea houses, noodle shops, hotels, and throughout the service and tourist industry. Boy prostitution and the growing pedophile child-sex industry are considered imported social problems catering to foreign tourists.³⁹⁵

- **United States.** While the United States faces its own problems of prostitution of children within its borders, it is primarily viewed as a source of child-sex tourists abroad. In a sample collected by ECPAT of information about foreign child-sex tourists in Southeast Asia, tourists from the United States were the largest group.³⁹⁶
- **Vietnam.** Child advocates estimate that up to 20 percent of Vietnam's growing commercial-sex industry is composed of children who are younger than 18 years of age. The *Vietnam News* reports that "the development of tourism is one of the main causes of increased child prostitution. Many foreigners who come to Vietnam think that besides the favorable conditions for business and tourism, Vietnam will also provide cheap and safe" sex tours. Because some people mistakenly think that children pose a lesser danger of sexually-transmitted diseases such as HIV, an organized network or system to supply virgin prostitutes to foreigners has been uncovered in several hotels and tourist areas.³⁹⁷

Asia continues to be the primary destination for child-sex tourists. The United Nations Children's Education Fund (UNICEF) released a report in 1997 estimating commercial-sex workers in Asia could number more than 2 million, with about half being children.³⁹⁸ ECPAT, however, also reports increasing evidence of children being exploited in former Eastern Bloc countries. Reports of children entering prostitution, being exploited by foreigners and aid workers, and trafficked to Western European brothels are coming from the Czech Republic, Poland, Romania, and Russia.³⁹⁹ Evidence also shows foreign pedophiles are visiting these countries and establishing local networks. Children in orphanages and on the street appear especially vulnerable.⁴⁰⁰

The Impact on Children

The commercial-sexual exploitation of children through child-sex tourism violates their fundamental rights and prevents them from leading the "productive, rewarding[,] and dignified lives" to which they are entitled.⁴⁰¹ In addition, prostitution causes damaging health and psychological effects. Significant psychological effects associated with the prostitution of children include post-traumatic stress disorder, impairment of attachment, lowered self-esteem, and problems in interpersonal relationships.⁴⁰²

Clearly, prostituted children are at a high risk for sexually-transmitted diseases and related health concerns. In Mwanza, Tanzania, more than 7 percent of street children acquired a sexually-transmitted disease in the course of one year, while in Brazil some of the most prevalent risk factors for street children include high levels of previously contracted sexually-transmitted diseases and low and inconsistent use of condoms.⁴⁰³

There is also a high risk that young prostituted girls will become pregnant and give birth to premature newborns with low birth weights and other complications.⁴⁰⁴ In developing nations, access to pre-natal care is limited, especially for the population of sexually-exploited girls who

have little money and an unstable support system. Furthermore, children who are taken to foreign countries may not speak the local language and therefore have more difficulty negotiating safer-sex practices or escaping their captors.

The Causes

As in the United States, children in other countries enter prostitution through exploitation of their lack of emotional security and self-esteem, homelessness, unemployment, or abuse and neglect. Other contributing factors that exacerbate the vulnerability of children to commercial-sexual exploitation include inequitable socio-economic structures, dysfunctional families, lack of education, urban-rural migration, gender discrimination, and harmful traditional practices.⁴⁰⁵

Poverty and Other Economic Factors

Abject poverty often contributes to the sale of children for prostitution. In some villages in the rural north of Thailand, it has become commonplace for families to send their daughters into the sex trade.⁴⁰⁶ Networks of agents encourage impoverished parents to give up their children in return for financial support. Also on the increase is the illegal trafficking of children forced into prostitution after being stolen from their homes in poor communities and neighboring countries.⁴⁰⁷

Some advocates, however, claim poverty cannot be used as an explanation for the child-sex trade. Although poverty may contribute to an environment leading to the sexual exploitation of children,⁴⁰⁸ many poor societies do not have a high incidence of prostitution of children, so poverty alone cannot explain its occurrence.⁴⁰⁹ Rather, a greater level of family dysfunction and a cultural acceptance of prostitution of children may pose the greatest risks.⁴¹⁰ Growing consumerism and the commodification of sexuality⁴¹¹ may also be contributing to an increase in the prostitution of children.

Many countries also focused on tourism as a means for economic development. Thailand was encouraged by aid and development organizations, including the World Bank, to supplement its exports with tourism as part of its development strategy.⁴¹² The International Labor Organization (ILO) notes that development can be very disruptive, creating new and highly mobile and migration-prone communities resulting in breakdowns in traditional and community systems. In addition, Asia's previous rapid economic growth, and now recent slide, may exacerbate the problem.⁴¹³

Military Presence

Some observers attribute the root of the sex-tourism trade in Asia to the presence of the United States military in Thailand and elsewhere over the past several decades.⁴¹⁴ The sex trade flourished as a result of soldiers on leave from nearby bases, and young girls were inevitably caught up in meeting the demand.

Attitudes About HIV and Other Sexually-Transmitted Diseases

With the emergence of HIV and AIDS as a threat to world health, some offenders turn to young children because they believe children pose less risk of infection. Many sex tours advertise the youngest children as the safest, yet young children are actually at the greatest risk of infection due to their underdeveloped physiques and susceptibility to injury.⁴¹⁵

Young children lack the capacity to adequately negotiate for safer-sex practices and are less likely than adults to insist on the use of condoms, thereby putting themselves and their clients at much greater risk for HIV infection. In Thailand, the highest risk group for HIV infection (after newborns born to infected mothers) are the street children forced to work in brothels, bars, and restaurants.⁴¹⁶ Also at work in some cultures is the deadly fallacy that AIDS can be cured by having sex with a child.⁴¹⁷

Inadequate Laws and Enforcement

Other contributing factors include government “corruption and collusion, absence of or inadequate national laws, lax law-enforcement measures, and limited sensitization of law-enforcement personnel to the harmful impact of prostitution on children.”⁴¹⁸ In many countries, laws are not strenuously enforced and punishments are weak. Authorities have been known to accept bribes, especially in Western currency, and some are even part owners of brothels and prostitution enterprises.

By the 1990s many Asian governments claimed to be working towards the elimination of child prostitution. Yet their dependency on the industry for revenue has been evident in the lack of policy enforcement.⁴¹⁹ In fact, sex tourism is sometimes readily encouraged by the governments that depend on the sex industry for revenue. A recent report from ILO, *The Sex Sector: The Economic and Social Basis of Prostitution in Southeast Asia*, examined commercial-sex work in four countries—Indonesia, Malaysia, the Philippines, and Thailand. The report found that the sex sector accounts for anywhere from 2 to 14 percent of these countries’ Gross Domestic Product (GDP), and government authorities collect substantial revenues in areas where prostitution thrives, either illegally from bribes and corruption or legally from licensing fees and taxes on hotels, bars, and restaurants.⁴²⁰ The lucrative nature of the sex trade also attracts criminal syndicates and networks worldwide.

Furthermore, some travel agencies, Internet chat rooms and message boards, and organizations such as NAMBLA (North American Man Boy Love Association) not only encourage child-sex tourism, but give detailed instructions on how to partake in it.⁴²¹ The existence and encouragement of such groups in addition to the marked laissez-faire attitude of a number of governments greatly frustrates attempts at eliminating the child-prostitution industry.

The Sex Tourists

Child-sex tourists are generally men, although women have been known to employ foreign prostituted children as well. They are both homosexual and heterosexual.⁴²² Some sex tourists travel from their home country to another solely for the purpose of committing a sexual act with a child. Others travel for business or vacation, but then become tempted by the availability of prostituted children or attracted by offers from tour companies and local establishments. Some child-sex tourists are service men based away from home or expatriots who have taken up residence in a foreign country.⁴²³ Even United Nations peacekeepers have allegedly participated in the sexual exploitation of children, compromising many of the international legal mechanisms aimed at eradicating the practice.⁴²⁴

In general, child-sex tourists travel to poorer countries from economically developed ones. ECPAT compiled data from 1991 to 1996 on 240 foreigners who sexually abused children in Asia during the previous seven years and were arrested, imprisoned, deported, or escaped without penalty. From this group, 24-25 percent were from the United States, 16 percent were

German, 13 percent were British, 12 percent were Australian, and 7 percent each were French and Japanese.⁴²⁵

Child-sex tourists generally choose locations that combine widespread poverty with a well-developed and highly commercialized sex industry.⁴²⁶ There are some sex tourists, however, who travel from poorer countries such as Argentina, India, and Mexico, and a number of affluent sex-tourist destinations exist in places such as Amsterdam, Las Vegas, and New Orleans.⁴²⁷

Child-sex tourists often exhibit indifference or ignorance to the harmful consequences suffered by the prostituted children and perpetuate the view of children as economic commodities.⁴²⁸ They believe the women and children they exploit are a different class of human beings.⁴²⁹ They often describe foreign cultures as more “open,” “natural,” and “free” than Western culture. And even if they consider the damaging effects of adult-child sexual contact, they convince themselves that the harm has already been inflicted by someone else and their own acts of abuse are not, therefore, the real crime.⁴³⁰

Additional factors leading sex offenders to maintain a feeling of safety include the anonymity of visiting a foreign country and the ability to plead ignorance of local customs and language. Child-sex tourists often also benefit from local citizens’ reluctance to report crimes. There is frequently a perception that the criminal-justice system does not function effectively. Corrupt officials and judicial systems that lack true independence can discourage victims from coming forward.⁴³¹ Finally, local clientele of prostituted children exacerbate the problem of sexual exploitation and often comprise the majority of patrons of prostituted children. In Thailand, 86 percent of patrons are local.⁴³² As one advocate from Argentina stated, “We don’t need people to come from abroad to rape our children—we are raping them ourselves.”⁴³³

Legal Analysis

International Treaties, Conventions, and Programs

Numerous treaties, United Nations (UN) conventions and programs, and other international initiatives address the commercial-sexual exploitation of children through prostitution and sex tourism. All attest to the importance placed on eradication of child prostitution by the international community. Unfortunately, the international instruments have varying degrees of enforceability and often rely entirely on the voluntary cooperation of nations.

Treaties

Treaty-based mechanisms, which bind only those having ratified them, mostly address suppression of “white slave” trafficking. Among these are the International Agreement for the Suppression of the White Slave Traffic and the International Convention for the Suppression of White Slave Traffic. Also applicable are the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others,⁴³⁴ the Slavery Convention of 1926; and the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery.⁴³⁵

United Nations Charter-Based Mechanisms

United Nations Charter-based mechanisms, which bind all UN members,⁴³⁶ include the UN Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Working Group on Contemporary Forms of Slavery. The Working Group is mandated to review developments in the field of slavery and slavery-like practices. The main theme of the Working Group's 1991 session was "prevention of traffic in persons and the exploitation of the prostitution of others."⁴³⁷ Statements submitted to the Working Group by governments, however, suggest states often see trafficking in children as a social ill rather than a criminal problem,⁴³⁸ making them less likely to bring the force of criminal sanctions to bear on sexually-exploitative practices.

In 1989, the Working Group began an investigation into the sale of children, child prostitution, and child pornography. In 1990 the Commission on Human Rights appointed a Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography to monitor and assess the current status of nations regarding these matters worldwide and to make specific recommendations for action. The Special Rapporteur receives information from member countries and submits annual reports to the Commission on Human Rights containing general and specific recommendations for consideration by UN bodies, states, and national organizations.

These efforts culminated in a comprehensive international approach to child-sex tourism through the Programme for Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography, adopted by the UN Commission on Human Rights in 1992.⁴³⁹ The Programme calls for better cooperation among law-enforcement agencies including INTERPOL; information and education about prostitution of children; development programs to eradicate poverty; severe penalties for patrons and procurers; rehabilitation and reintegration programs; and increased international cooperation on all levels.⁴⁴⁰ In addition, the Commission on Human Rights in 1994 set up a special session of the Working Group to examine drafting a convention specifically on the sale of children, child prostitution, and child pornography.⁴⁴¹

International Conventions and Covenants

ILO has several conventions addressing forced labor including prostitution of children. These include the Forced Labor Convention (No. 29) of 1930, later reinforced by the Abolition of Forced Labor Convention (No. 105) of 1957.⁴⁴² Specifically, its Committee of Experts on the Application of Conventions and Recommendations has identified the use of children for prostitution as "one of the worst forms of forced labor."⁴⁴³ And the International Program on the Elimination of Child Labour (IPEC) includes efforts to end child prostitution in its mandate.⁴⁴⁴

The International Covenant on Civil and Political Rights (ICCPR) states that parties have an obligation to protect people against being trafficked for prostitution. Article 8(1) of the Covenant specifically asserts "no one shall be held in slavery; slavery and the slave trade in all their forms shall be prohibited."⁴⁴⁵

The UN Convention on the Elimination of All Forms of Discrimination Against Women also addresses sex tourism as "incompatible with the equal enjoyment of rights by women and with respect for their rights and dignity. [It puts] women at special risk of violence and abuse."⁴⁴⁶ The Committee on the Elimination of Discrimination Against Women addresses the prohibition on trafficking in women under the Women's Convention.⁴⁴⁷ And the UN Commission on Human

Rights can use resolutions regarding its sessions to publicly identify governments that consistently fail to fulfill their obligation to implement and enforce measures against trafficking.

The UN Convention on the Rights of the Child

The most significant of all international instruments is the 1989 United Nations Convention on the Rights of the Child (UNCRC). The Convention expressly condemns the sexual exploitation of minors in prostitution and illegal sexual practices.⁴⁴⁸ Despite the United States' failure to ratify the Convention (it became a signatory in 1995), the UNCRC enjoys universal support around the world—191 nations are parties to its terms.⁴⁴⁹

Under Article 1 of the UNCRC, a child is defined as every person who is younger than 18 years of age unless majority is obtained earlier under national law. Article 19 protects children from all forms of abuse, neglect, and exploitation by parents and others, and obligates states to undertake prevention and treatment programs to this end. Most importantly, Article 34 specifically requires states to protect children from sexual exploitation and abuse including prostitution and involvement in pornography. And Article 35 obligates states to prevent the abduction, sale, and trafficking of children.

The UNCRC established a Committee on the Rights of the Child for the purpose of monitoring the progress of the parties, who must make periodic reports to the Committee; however, the Committee lacks authority to receive petitions from states or individuals alleging violations of the Convention, and the Convention offers no remedies.⁴⁵⁰ Despite this limitation, the Committee is useful to NGOs working on children's rights as an international framework through which they can more effectively pursue their agenda, and the Convention helps establish a uniform international standard.⁴⁵¹

An Optional Draft Protocol to the UNCRC has been circulated among member states. The Draft Protocol deals specifically with the sexual exploitation of children and was adopted in late 1993 at the Second International Workshop on National Institutions for the Promotion of Human Rights. The Draft Protocol calls on party states to cooperate with other states to further the prevention, detection, prosecution, and punishment for crimes of sexual exploitation of or trafficking in children.⁴⁵²

Article 2(a) of the Draft Protocol provides that states will agree to pass national legislation making sexual exploitation of children a crime subject to universal criminal jurisdiction, giving all states jurisdiction over the crime regardless of where it was committed or the alleged offender's nationality.⁴⁵³ Article 2(c) obligates parties to enact extraterritorial jurisdiction that ensures their national legislation extends to crimes of sexual exploitation of or trafficking in children committed in other states by their own nationals, residents, corporations, or associations.⁴⁵⁴ While the Draft Protocol includes helpful measures against child-sex tourism, there is doubt that it will ever be formally adopted.⁴⁵⁵

First World Congress Against Commercial Sexual Exploitation of Children

Programs and initiatives under the auspices of international organizations help raise the level of awareness regarding child-sex tourism worldwide and promote action on both national and international levels. In 1996, the First World Congress Against Commercial Sexual Exploitation of Children was convened in Stockholm, Sweden, as a forum to develop strategies for an international response. The Congress was organized by ECPAT and hosted by the government of Sweden in collaboration with UNICEF and the Group for the Convention on the Rights of the Child, an NGO.

The World Congress adopted a Declaration and Agenda for Action that calls upon states to

- Accord high priority to action against the commercial-sexual exploitation of children and allocate adequate resources to the effort
- Promote stronger cooperation between States and all sectors of society and strengthen the role of families
- Criminalize the commercial-sexual exploitation of children by condemning and penalizing the offenders while ensuring the child victims are not penalized
- Review and revise laws, policies, programs, and practices
- Enforce laws, policies, and programs
- Promote adoption; implementation; and dissemination of laws, policies, and programs against the sexual exploitation of children
- Develop and implement comprehensive, gender-sensitive programs to protect and assist child victims and facilitate their recovery and reintegration into society
- Create a climate to ensure parents and others protect children
- Mobilize political and other partners, national and international communities, including NGOs and intergovernmental organizations, to assist other countries in elimination of commercial-sexual exploitation of children
- Enhance popular participation including that of children⁴⁵⁶

The Agenda for Action highlights existing international commitments, identifies priorities for action, and assists in the implementation of relevant international instruments. It calls for action from governments; all sectors of society; and national, regional, and international organizations against the commercial-sexual exploitation of children. It emphasizes cooperation, prevention, and protection of children; recovery; and rehabilitation. In addition, it promotes the participation of children in developing and implementing government programs designed to help them.

The World-Tourism Industry

The world-tourism industry has substantial influence and ability to discourage and act against child-sex tourism. The Tourism Bill of Rights and Tourist Code, adopted in 1985, established standards of conduct for states, tourism professionals, and tourists on the issue of sexual exploitation. One of the most important elements of this policy is a call to action for states and individuals to work to prevent the use of tourism for the exploitation of others through prostitution.⁴⁵⁷

The Universal Federation of Travel Agents' Associations has produced a Children's and Travel Agents' Charter that pledges to give assistance to various organizations concerned with the welfare of child victims of sex tourism "to help restore the dignity, physical[,] and mental health to such children."⁴⁵⁸ The tourism industry is actively working to eliminate sex tourism by distributing pamphlets and information discouraging sex with children, particularly in Asian countries. Below is a list that provides examples of these prevention strategies.

- In Asia the Tai Kaoshiung Hotel Association and the Taipei Hotel Association initiated campaigns to combat child prostitution in tourism in that region by disciplining any members known to encourage prostitution of children in their rooms. They also hung anti-child-prostitution plastic cards in front of the hotel reception.

- Australian customs agents have, at their counters, leaflets warning against child-sex tourism. The agents often directly hand the leaflets to male travelers who are bound for Asian sex-tourism destinations.
- The French travel industry and government ministries produced a leaflet warning against prostitution of children. More than 1 million had been distributed as of August 1996.
- The German government contracted with 12 tour operators who agreed to ensure there would be no prostitution of children in their partner hotels, inform their customers about the background and impact of prostitution on children, and train their hotel and tour guide staff accordingly.
- In Norway, Redd Barna and Den Norske Reisebransjeforeningen (Norwegian Tourist Agency) produced a brochure warning against the spread of AIDS and the prostitution of children.
- Beginning in the late 1970s and early 1980s, German Condor flights to Colombo, Sri Lanka, showed a 28-minute film on how tourists should behave including discouraging the hiring of prostituted children.
- In Sweden, the aid agency Radda Barnen produced an imaginative card inserted in airline tickets to Asia warning tourists against the sexual exploitation of children.
- In 1995 a pamphlet produced in Thailand was distributed to foreign tourists through hotels and shops carrying the message, "Sex with children is a crime."⁴⁵⁹

In 1992, a Swiss NGO took court action against a travel agency for arranging sex tours in developing countries, resulting in its exclusion from the Swiss Federation of Travel Agencies and eventual shut down.⁴⁶⁰

Unfortunately, there are still numerous small travel companies throughout the world that promote sex tourism by identifying resorts where prostitution is widespread. Because these companies are so small, they rarely draw attention from law enforcement.⁴⁶¹ Also, tourism bodies in the United States have done little to educate travelers about child-sex tourism. While the International Air Transport Association has passed a resolution against child-sex tourism, the US equivalent has not. ECPAT-USA, in an effort to increase such domestic efforts, has developed a brochure for travel agents to distribute to citizens of the United States who buy tickets to known sex-tour destinations. The brochure informs them of the reasons many children find themselves being prostituted and sets forth the penalties under the Mann Act of traveling abroad to engage in child-sex tourism.

The combination of these various international efforts aimed at ending the commercial-sexual exploitation of children brings increased attention to the issues, heightens public awareness, and places greater international pressure on governments to take definitive action.

The more trafficking is made the target of international disgrace, the better the chance of significant implementation and enforcement of the existing wealth of words against trafficking for prostitution.⁴⁶²

National Laws

In response to calls for improved laws to address the commercial-sexual exploitation of children and hold offenders accountable, many countries have passed new statutes or are considering amendments to their national laws.⁴⁶³ While offenders can be punished under the laws of the

country where an offense is committed, lax law enforcement, weak laws, and limited government resources in the destination countries often make attempts to prosecute offenders ineffective. Many offenders escape punishment by bribing local officials or simply leaving the country's jurisdiction.

Legislative Initiatives by Destination Countries

Several destination countries have recently strengthened their laws addressing the prostitution of children in an effort to stem the influx of sex tourists and protect their children from exploitation.

- **Philippines.** The Philippine government has increased attention on foreign child-sex tourists and promoted the Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act.⁴⁶⁴ The Act creates criminal offenses aimed at patrons, procurers, advertisers, pimps, and brothel owners.⁴⁶⁵ The child is considered the victim of exploitation, and the Act created a legally rebuttable presumption that an adult found with an unrelated child in a hotel room is engaging in sexual exploitation. Another section provides that convicted foreigners will be deported and banned from returning, but only after serving their sentences.⁴⁶⁶
- **Thailand.** The government of Thailand also recently increased its measure against child-sex tourism. While the Prohibition of Prostitution Act prohibits all forms of prostitution in Thailand and holds those involved in the criminal sex trade liable, it exempts customers and suffers from inconsistent enforcement.⁴⁶⁷ Thailand's statutory-rape law, however, allows for prosecution of customers who have sexual intercourse with a girl 15 years old or younger and subjects them to a 7- to 20-year sentence and fine. If the victim is younger than 13 years of age, the sentence is life imprisonment.⁴⁶⁸

Several other countries have also responded to the call for stricter national laws and increased penalties to fight sexual exploitation of children within their borders. The Czech Republic provides for prosecution of those who traffick in children,⁴⁶⁹ while the Portuguese government has moved to tighten laws that would make it a crime to profit from prostitution, either directly or indirectly, although prostitution itself has long been illegal.⁴⁷⁰

Legislative Initiatives by Sending Countries

The responsibility for curbing child-sex tourism cannot rest solely with the destination countries. Sending countries must also act to punish those who travel to sexually exploit children. More recent efforts, therefore, have turned to holding child-sex tourists accountable in their home countries. These statutes take several forms. One statutory approach is to extend the reach of domestic laws through extraterritorial jurisdiction (*i. e.*, to hold nationals accountable for actions committed abroad that would violate domestic laws if committed within the sending country). The German and Swedish laws are examples of this approach.

- **Germany.** The Criminal Code of Germany was amended in 1993 to allow prosecution of Germans who travel for child-sex tourism. The German law allows prosecution of citizens for engaging in sexual activity with a child who is younger than 14 years of age, regardless of where the act occurs, and may be applied to criminal acts abroad including "criminal acts against sexual self determination."⁴⁷¹ It also imposes stricter penalties; however, the law can

be applied only to citizens who reside in Germany. While the severity of Germany's penalties compares to other sending countries, the statutes do not encompass those who organize sex tours or procure children for others.⁴⁷²

■ **Sweden.** The Swedish criminal code allows for extraterritorial jurisdiction in criminal cases.

A person who has committed a crime outside the Realm shall be tried according to Swedish law and in a Swedish court if the person is

1. A Swedish citizen or an alien domiciled in Sweden
2. An alien who, after having committed the crime, has become a Swedish citizen or has acquired domicile in the Realm or who is a Danish, Finnish, Icelandic, or Norwegian citizen and is present here or
3. Some other alien, who is present in the Realm and the crime is punishable according to Swedish law by imprisonment for more than six months.

The first paragraph shall not apply if the act is not punishable under the law at the place it was committed.⁴⁷³

Although the statute imposes a double criminality requirement (*i.e.*, that the offense must also be a crime in the destination country), the requirement does not apply to prosecutions of "grave crimes" punishable under Swedish law by a minimum of four years incarceration.⁴⁷⁴ Under Swedish law, aggravated rape, which applies to rape of a child who is younger than 15 years of age, carries a punishment of 4 to 10 years.⁴⁷⁵ Rape of a child who is younger than 18, however, does not carry a 4-year minimum sentence, and the extraterritoriality statute therefore does not protect children between 15 and 18 years of age from abuse by Swedish nationals abroad.⁴⁷⁶ Sweden's criminal code also punishes those who promote prostitution.⁴⁷⁷

Another statutory approach is to directly outlaw travel to foreign countries to engage in sexual relations with children.

■ **Australia.** Australia's Crimes (Child-Sex Tourism) Amendment Act of 1994 criminalizes sexual intercourse with someone who is younger than 16 years of age while outside of Australia and applies to Australian citizens or residents of Australia.⁴⁷⁸ Australian corporations and other corporate bodies whose principal activities are carried out in Australia, as well as citizens or residents, can be charged under provisions that make it an offense to encourage, advertise, benefit from, or assist a person to travel in order to sexually exploit minors who are younger than 16 years of age.⁴⁷⁹ Both offenses carry a maximum penalty of 17 years imprisonment.

In comparison to Australia's statute prohibiting conduct abroad, the United States' statutory approach is to focus on the offender's intent.

■ **United States.** In 1994 Congress amended Section 2423 of Title 18 of the United States Code by adding subsection (b) to prohibit travel "in foreign commerce" with the "intent to engage in sexual acts with a juvenile." The section states

(b) Travel with [the] intent to engage in sexual act[s] with a juvenile.—A person who travels in interstate commerce, or conspires to do so, or a United States citizen or an alien admitted for permanent residence in the United States who travels in foreign commerce, or conspires to do so, for the purpose of engaging in any sexual act (as defined in section 2246) with a person

[who is younger than] 18 years of age that would be in violation of chapter 109A if the sexual act occurred in the special maritime and territorial jurisdiction of the United States shall be fined under this title, imprisoned not more than 15 years, or both.⁴⁸⁰

Proof of actual sexual acts is not required; only proof of travel with the intent to engage in sexual acts with a minor. The intent, however, must be formed prior to traveling, and such intent may be difficult to prove without direct evidence such as travel arrangements booked through obvious child-sex-tour networks or operations. There is also some question whether the statute could be applied to offenders who engage in opportunistic child-sex tourism (*i.e.*, those who travel abroad without the intent to engage in sexual acts with a child but then do so when presented with the opportunity).

In addition to Australia, Germany, Sweden, and the United States, several other countries have adopted variations on child-sex-tourism legislation, although this list is not exhaustive.

- **France.** A 1994 French law punishing sexual abuse of children by French citizens abroad was enforced for the first time when France jailed 7 pedophiles for 2 to 15 years on charges of sex tourism. It also banned most of the defendants from leaving France for 5 years. The child victims were from Romania and Thailand.⁴⁸¹
- **Ireland.** Ireland passed new laws in 1998 on child trafficking and pornography with life sentences for offenders who organize or knowingly facilitate child trafficking.⁴⁸²
- **Japan.** Japan has a draft bill before its legislature that would severely punish those caught engaging in sex with children and those who go on child-sex tours. The maximum penalty is a 5-year prison sentence or a fine of 1 million yen. Offenders who organize sex tours or deal in or display child pornography would be subject to a 3-year maximum sentence or fine of 3 million yen.⁴⁸³
- **New Zealand.** Under a 1995 New Zealand law, those who commit sex offenses abroad face the same penalties that apply to an offense committed in New Zealand.⁴⁸⁴ In addition, organizers or promoters of child-sex tours now face a maximum penalty of seven years in prison.⁴⁸⁵
- **The United Kingdom.** Part Two of the Sex Offenders Act 1997 gives courts in the United Kingdom jurisdiction to prosecute those who travel abroad to commit sexual offenses against children. The Sexual Offences (Conspiracy and Incitement) Act 1996 allows courts to prosecute those who organize trips abroad for child abusers.⁴⁸⁶

Suggested Elements

Countries that have tightened their national laws against child-sex tourism have taken different approaches. Combining these approaches can result in a comprehensive statute encompassing all potential activities supporting the sexual exploitation of children through prostitution. Such a law would include each of the provisions noted below.

- **Age of Protection.** The UN Convention on the Rights of the Child sets the age of protection at 18; however, many countries set the age of protection in their national laws between 13 and 17. As the Special Rapporteur on the Rights of the Child, Sale of Children, Child Prostitution and Child Pornography has noted, “[i]f there is a problem with national law, it is the question of the age of consent and its interrelationship with child prostitution.”⁴⁸⁷ A compre-

hensive child-sex-tourism statute should provide protection to all children up to 18 years of age.

In many cases of sexual exploitation, especially in underdeveloped countries without adequate registration and identification of all their citizens, it is difficult to determine the exact age of a child. One way of overcoming this obstacle can be found in Australia's Child Sex Tourism statute. It allows the court to use the child's appearance, medical or other scientific opinion, a document that is or appears to be an official or medical record from another country, or a document that is or appears to be a copy of such a record to establish the child's age.⁴⁸⁸

- **Extraterritorial and Universal Jurisdiction.** The Optional Draft Protocol for the UN Convention on the Rights of the Child obligates parties to enact extraterritorial jurisdiction to ensure that national legislation extends to crimes of sexual exploitation involving their own nationals, those resident or domiciled within the country, or corporations or associations operating within their borders.⁴⁸⁹ It also calls for provisions making the sexual exploitation of children a crime subject to universal criminal jurisdiction, giving all states jurisdiction regardless of the offender's nationality or the location of the offense.⁴⁹⁰
- **Comprehensive Domestic Laws.** National legislation addressing the sexual exploitation of minors within each country should be strengthened, especially in destination countries. All countries, however, should protect their own children from exploitation from abroad and at home through criminal penalties for child abuse, rape, sexual assault, and all forms of sexual exploitation.
- **Prohibitions Against Travel to Engage in Criminal-Sexual Acts with Minors.** The patrons of prostituted children should be targeted and punished for traveling abroad to engage in sexual activities with minors. Travel with the intent to commit such acts should be included to cover those offenders who embark on child-sex tours but through law enforcement or other intervention are not successful in their purpose.
- **Provisions Aimed At Sex-Tour Operators.** National legislation should be broad enough to encompass the activities of travel agents, sex-tour operators, advertisers, and pedophile networks.⁴⁹¹ Australia's Child Sex Tourism Act provides an example of language, to cover such individuals, stating that it is an offense to encourage, advertise, benefit from, or assist a person to travel in order to sexually exploit minors.⁴⁹²
- **Provisions Aimed At Traffickers and Procurers.** Comprehensive legislation should include provisions aimed at traffickers and criminal networks that operate prostitution rings, including racketeering activities. The provisions should protect children from being trafficked both within countries and across borders.⁴⁹³
- **Provisions for Children Who Testify.** The children who testify against their exploiters should be afforded the greatest protection and support possible. Their testimony should be facilitated with the least disruption to their lives and rehabilitation. States can look to the Australian child-sex-tourism statute, which provides for evidence given by video link.
 - The court may direct a witness to give evidence by video link if
 - (a) the witness will give the evidence from outside Australia and
 - (b) the witness is not a defendant in the proceedings and
 - (c) the facilities required by section 50C are available or can reasonably be made available and

- (d) the court is satisfied that attendance of the witness at court to give evidence would not
- (i) cause unreasonable expense or inconvenience or
 - (ii) cause the witness psychological harm or unreasonable distress or
 - (iii) cause the witness to become so intimidated or distressed that his or her reliability as a witness would be significantly reduced and
- (e) the court is satisfied that it is consistent with the interests of justice that evidence be taken by video link.⁴⁹⁴

Court-based, victim-assistance services should be available to the victim as well.

- **Strong Extradition Provisions.** National legislation should promote strong extradition agreements and other arrangements to ensure that a person who exploits a child for sexual purposes abroad is prosecuted in one or the other country.
- **Strict Sentences.** All violations under the legislation should carry strict sentences with true deterrent effect. Sentencing provisions should include aggravating factors and enhancements for the special youth and vulnerability of the victims. There should also be travel restrictions placed on convicted pedophiles.
- **Forfeiture.** Convicted defendants should be subject to forfeiture provisions that allow confiscation of property, proceeds, or assets that resulted from the prostitution activities.⁴⁹⁵ The confiscated funds could be used to support programs for formerly prostituted children, children at risk of being prostituted, and victims who need special care.⁴⁹⁶
- **Restitution for Victims.** Convicted defendants should be subject to restitution provisions that compensate the victim for losses incurred as a proximate result of the criminal activity. These provisions should apply in addition to forfeiture provisions. Prostituted children should at a minimum be entitled to medical or counseling expenses to help them resume a normal life.

Joint Law-Enforcement Efforts

In addition to improved national legislation and international agreements, child-sex tourism can be attacked through innovative and comprehensive law-enforcement initiatives that effectively enforce laws already in place. Because collaboration is essential to a comprehensive response, mutual cooperation between countries can aid in such enforcement. Law-enforcement agencies with greater experience in child-sexual exploitation can collaborate on investigations or provide expert training, especially on investigative techniques for sexual offenses against children and how to target foreigners. These efforts can also include a network of contacts for the gathering of evidence and monitoring mechanisms for the effective imposition of sanctions.

Thailand and the United Kingdom have entered a Treaty of Mutual Assistance on Criminal Matters to boost police cooperation in fighting traffickers and child-sex tourists.⁴⁹⁷ The United Kingdom has a similar agreement with the Philippines by which police from both countries exchange intelligence on known and suspected pedophiles.⁴⁹⁸ Australian federal police maintain a database of suspected or active pedophiles, including 330 potential offenders under the Child Sex Tourism Act and can share it with other police officials. Australia also recently entered into a Memorandum of Understanding with the Philippine government to cooperate in the exchange of information relating to child-sexual exploitation.⁴⁹⁹

Under Thailand's Extradition Act and Mutual Legal Assistance in Criminal Matters Act, the attorney general can provide assistance in criminal matters to foreign countries including taking

the testimony and statements of witnesses and providing documents, records, and evidence to the requesting state.⁵⁰⁰

The United States also participates in joint training efforts as requested by other countries, and in 1998 the President issued a White House Memorandum outlining “Steps to Combat Violence Against Women and Trafficking in Women and Girls.”⁵⁰¹ The Memorandum calls on various government agencies to increase their response to requests for partnerships, expert guidance, and technical assistance including increased services for victims and expanded public awareness of these issues. It also directs the agencies to examine existing laws and strengthen them when they are found lacking. Specific mention is made of joint efforts with the Ukraine, and the President’s Interagency Council on Women is directed to convene a group of governmental and non-governmental groups from around the world to develop strategies to combat trafficking. The United States has a similar initiative with Italy to combat trafficking.⁵⁰²

In 1992 the international police organization INTERPOL established a Standing Working Party on Offenses Against Minors that aims to improve transnational cooperation in preventing and combating child prostitution.⁵⁰³ The Standing Working Party understands the need for training and provides a “Pilot Training Program for Law Enforcement Officials: Juveniles, Human Rights and the Administration of Juvenile Justice” in selected destination countries to improve the justice-system response.⁵⁰⁴ It is also looking at legislation on child pornography and the prostitution of children, international cooperation efforts, development of a liaison network, and other general measures on victim assistance, police structure, missing children, free telephone help lines, prevention models, training, research, and statistics.⁵⁰⁵

Policy and Practice Issues

Cooperation Among Law-Enforcement Agencies

Greater cooperation and intelligence-sharing between police and other agencies is an important step toward combating the growing problem of child-sex tourism on a global scale. Law-enforcement agencies around the world should be encouraged to share relevant data and assist each other on investigations in an effort to crack down on child-sex tourism. When counter-measures are successful in one country, law enforcement will need to expand its activities to keep the problem from relocating to another.

The criminal-justice system needs to devote greater resources to combating the child-sex trade, provide child-friendly facilities, and train law-enforcement personnel on child development and related issues. Law enforcement should also look to innovative approaches that change some of the current practices regarding how prostituted children are treated—for instance, by treating prostituted children as victims of sex abuse rather than criminals and to target pimps and procurers instead. The quality of the criminal-justice-system response as a whole must be improved including holding corrupt government officials liable.⁵⁰⁶

Prevention, Rehabilitation, and Reintegration

Strong partnerships between governments, international organizations, and all sectors of society are essential.⁵⁰⁷ These include communities, NGOs, religious organizations, teachers, doctors, women’s groups, the media, and the business sector.⁵⁰⁸ This collaborative effort must address prevention, rehabilitation through counseling, temporary housing and protection, and, finally, reintegration through education and employment training.

The World Congress Against Commercial Sexual Exploitation of Children called upon the business sector, including the tourism industry, to mobilize, and encouraged media professionals to develop strategies to strengthen their role in combating the prostitution of children.⁵⁰⁹ The media has considerable power over how the prostitution of children is perceived. While coverage is often sensationalized, responsible media efforts can provide constructive help in emphasizing programs that provide education and care while championing public education campaigns that promote responsible tourism.⁵¹⁰

Other prevention measures include improved access to education, health services, vocational training, and supportive environments for at-risk children and their families.⁵¹¹ Governments and social-service agencies need to create safe havens for children, support recovery and reintegration programs, and promote alternative means of employment.⁵¹² They also need to tackle the cultural and traditional practices that predispose children to involvement in the sex trade.⁵¹³

Adequate support services for child victims and their families are integral to the prevention of further exploitation. Legal sanctions are insufficient without socio-medical and psychological interventions to create behavioral change,⁵¹⁴ including educational programs to help children fight against prostitution.⁵¹⁵ The point of intervention may sometimes even be the mothers of at-risk children.

If mothers are turning to prostitution, if they are victims of domestic sexual abuse and violence, or if they are victims of incest in their own childhoods . . . the necessary point of intervention must be in the state of women and the way in which they are perceived and treated within society.⁵¹⁶

Rehabilitation programs are also essential, and some are already under way in the countries with some of the greatest child-sex-tourism problems. In the Philippines, Childhope Asia Philippines attempts to put 25 - 30 formerly prostituted teenagers through a pre-employment skills training and rehabilitation program every 3 months. The program provides out-of-city secure housing; education; values clarification; family reunification; and appropriate vocational training including budgeting, accounting, and marketing skills.⁵¹⁷ The Thai government has also funded a project to rehabilitate 500 child victims of prostitution in 17 provinces; half of the funding will be spent on education programs for girls.⁵¹⁸

The Daughters Education Program (DEP) in Thailand also provides alternative-education programs, including leadership and skills training, for girls at risk who may come from families of former prostitutes, broken homes, or families with substance-abuse problems.⁵¹⁹ The three-fold goals of DEP are to

- Prevent girls at risk from being forced into the sex industry due to outside pressure and a lack of educational and employment alternatives
- Improve the material, social, and spiritual quality of life for these girls and their communities
- Encourage girls, especially those from hill tribe villages, to be proud of their cultures and customs⁵²⁰

The program also provides an information center and training and education for parents. Rehabilitation and reintegration programs such as these can serve as models for others, and governments should devote the necessary resources to recreate them wherever possible.

Conclusion

The responsibility to eliminate the sexual exploitation of children through prostitution rests with governments, parents, social and legal organizations, law enforcement, the criminal-justice system, and society as a whole. It is only with combined efforts that the goal of dignified, valued, and respected lives for all children, at home and abroad, can be achieved.

Criminal Statutes Within the United States Addressing the Prostitution of Children

STATE CODE	OFFENSE TITLE	OFFENSE DESCRIPTION
Alabama		
§ 13A-12-111 (1996)	Promoting prostitution: first degree	Knowingly advances or profits from prostitution (see § 13A-12-110 for definitions)
§ 13A-12-112 (1996)	Promoting prostitution: second degree	Knowingly advances or profits from prostitution (see § 13A-12-110 for definitions)
Alaska		
§ 11.66.110 (1996)	Promoting prostitution in first degree	Induces or causes to engage in prostitution
Arizona		
§ 13-3206 (1996)	Taking child for purpose of prostitution	Takes minor away from parent, guardian, or other person with legal custody for purpose of prostitution
§ 13-3212 (1996)	Child prostitution	Knowingly causing to engage in prostitution; using for purposes of prostitution; permitting minor under custody or control to engage in prostitution; receiving benefit for or on account of procuring or placing in any place or charge or custody of person for purpose of prostitution; receiving any benefit pursuant to agreement to participate in proceeds; financing, managing, supervising, controlling, or owning prostitution activity; transporting or financing transportation through or across state with intent minor engage in prostitution

“n/m” indicates the provision is not mentioned within the statute

- This chart is based on statutes provided by the National Center for Prosecution of Child Abuse and updated by the American Bar Association.
- The design is based on a chart prepared by Noy Davis for *Program to Increase Understanding of Child Sexual Exploitation, Assessment Report, Volume II* (Education Development Center, Inc., and the American Bar Association on Children and the Law 1994).

AGE	OFFENSE LEVEL	PATRON EXCEPTED	MISTAKE OF AGE DEFENSE
<16	class B felony	yes (advancing; see § 13A-12-110)	n/m
<18	class C felony	yes (advancing; see § 13A-12-110)	n/m
<16		yes	not allowed
minor	any minor = class 4 felony; minor < 15 = class 2 felony	n/m	n/m
minor	any minor = class 2 felony; minor < 15 = punishable pursuant to § 13-604.01	n/m	n/m

STATE CODE	OFFENSE TITLE	OFFENSE DESCRIPTION
<i>Arkansas</i>		
§ 5-70-101 (Michie 1995)	Definitions	<p>“Advances prostitution” if knowingly causes or aids a person to commit or engage in prostitution; procures or solicits patrons for prostitute; provides persons or premises; operates or assists in operation of house or enterprise; engages in any other conduct designed to institute, aid, or facilitate act or enterprise of prostitution</p> <p>“Profits from prostitution” if accepts or receives money or other property pursuant to agreement or understanding with any person whereby he participates or is to participate in proceeds of prostitution</p>
§ 5-70-104 (Michie 1995)	Promoting prostitution in first degree	Advances or profits from prostitution
<i>California</i>		
§ 266 (West 1995-1996)	Inveiglement or enticement	Inveigles or entices unmarried female of previous chaste character; aids or assists; under false or fraudulent means procures
§ 266a (West 1995-1996)	Abduction or procurement by fraudulent inducement for prostitution	Within the state, takes any person against will and without consent or with consent procured by fraudulent inducement or representation for purpose of prostitution
§ 266h (West 1995-1996)	Pimping	Knowing another person is a prostitute, lives, or derives support or maintenance in whole or part from earnings or proceeds or money loaned or advanced or charged against the person by any keeper, manager, or who solicits or receives compensation for soliciting
§ 266i (West 1995-1996)	Pandering	Procures or by promises, threats, violence or any devise or scheme, causes, induces, persuades, or encourages to become prostitute or remain in house or place of prostitution; by fraud or artifice or duress or by abuse of position of confidence or authority procures, receives, or gives or agrees to receive or give any money or thing of value for procuring or attempting to procure

AGE

OFFENSE
LEVELPATRON
EXCEPTEDMISTAKE
OF AGE
DEFENSE

n/m

n/m

yes

n/m

n/m

<18

class D felony

yes (advancing)

n/m

<18

imprisonment in state
prison or county jail <1
year, or fine <\$2,000, or both

n/m

n/m

any person

imprisonment in state
prison and fine <\$2,000

n/m

n/m

<16

felony
imprisonment in state
prison for 3, 6, or 8 years

n/m

n/m

<16

felony
imprisonment in state
prison for 3, 6, or 8 years

n/m

n/m

STATE CODE	OFFENSE TITLE	OFFENSE DESCRIPTION
§ 266j (West 1995-1996)	Procurement of child for lewd or lascivious acts	Intentionally gives, transports, provides, or makes available; or offers to do so, a child for purpose of lewd or lascivious act; or causes, induces, or persuades child to engage in such act
§ 267 (West 1997)	Abduction; person younger than 18 for purpose of prostitution	Takes away from parent or guardian without consent for purpose of prostitution
Colorado		
§ 18-7-401 (West 1997)	Definitions	“Prostitution by child” means either child performing or offering or agreeing to perform any act of sexual intercourse, fellatio, cunnilingus, masturbation, or anal intercourse in exchange for money or thing of value; or any person performing or offering or agreeing to perform any such act with any child in exchange for money or other thing of value; “prostitution of a child” means inducing a child to perform such acts by coercion or any threat or intimidation; or inducing a child by coercion or any threat or intimidation or in exchange for money or other thing of value to allow others to perform such acts with or upon child
§ 18-7-402 (West 1997)	Soliciting for child prostitute	Solicits another for purpose of prostitution of or by child; arranges or offers to arrange meeting; or directs another to a place knowing it to be for purpose of prostitution of or by child
§ 18-7-403 (West 1997)	Pandering of a child	For money or other thing of value induces child by menacing or criminal intimidation to commit prostitution; or knowingly arranges or offers to arrange situation in which child may practice prostitution
§ 18-7-403.5 (West 1997)	Procurement of child	Intentionally gives, transports, provides, or makes available or offers to do so, to another person a child for purpose of prostitution of the child
§ 18-7-404 (West 1997)	Keeping a place of child prostitution	Person who has or exercises control over use of any place offering seclusion or shelter for practice of prostitution; or knowingly grants or permits use of place for prostitution of child or permits continued use of such place after becoming aware of fact or circumstances from which he should reasonably know place is being used for such prostitution

AGE	OFFENSE LEVEL	PATRON EXCEPTED	MISTAKE OF AGE DEFENSE
<16	felony imprisonment for term of 3, 6, or 8 years and fine <\$15,000	n/m	n/m
<18	imprisonment in state prison and fine <\$2,000	n/m	n/m
<18	n/m	n/m	n/m
<18	class 3 felony	n/m	not allowed (§ 18-7-407)
<18	class 2 felony class 3 felony	n/m	not allowed (§ 18-7-407)
<18	class 3 felony	n/m	not allowed (§ 18-7-407)
<18	class 3 felony	n/m	not allowed (§ 18-7-407)

STATE CODE	OFFENSE TITLE	OFFENSE DESCRIPTION
§ 18-7-405 (West 1997)	Pimping of child	Knowingly lives on or is supported or maintained in whole or part by money or other thing of value earned, received, procured, or realized by child through prostitution
§ 18-7-405.5 (West 1997)	Inducement of child prostitution	By word or action induces child to engage in prostitution
§ 18-7-406 (West 1997)	Patronizing a prostituted child	Engages in act of prostitution of or by child or enters or remains in place of prostitution with intent to engage in act of prostitution of or by child
§ 18-7-407 (West 1997)	Criminality of conduct	No defense that defendant did not know child's age or reasonably believed the child to be 18
<i>Connecticut</i>		
§ 53a-86 (West 1997)	Promoting prostitution in first degree	Knowingly advances or profits from prostitution
§ 53a-87 (West 1997)	Promoting prostitution in second degree	Knowingly advances or profits from prostitution by managing, supervising, controlling, or owning a house of prostitution by two or more prostitutes
<i>Delaware</i>		
tit. 11, § 1352 (1996)	Promoting prostitution in second degree	Knowingly advances or profits from prostitution
tit. 11, § 1353 (1996)	Promoting prostitution in first degree	Knowingly advances or profits from prostitution
tit. § 1356 (1996)	Definitions	<p>Advancing: knowingly causes or aids person to commit or engage in prostitution; procures or solicits patrons for prostitution; provides persons or premises; operates or assists in operation of house or enterprise or engages in any conduct designed to institute, aid, or facilitate act or enterprise</p> <p>Profiting: accepts or receives money or other property pursuant to agreement or understanding whereby person participates or is to participate in proceeds of prostitution activity</p>
<i>District of Columbia</i>		
§ 22-2704 (1995-1996)	Abducting or enticing child from home for prostitution	Persuades, entices, forcibly abducts from home or from custody and control of parents or guardian; or knowingly secretes or harbors child so enticed, etc.

AGE	OFFENSE LEVEL	PATRON EXCEPTED	MISTAKE OF AGE DEFENSE
<18	class 3 felony	n/m	not allowed (§ 18-7-407)
<18	class 3 felony	n/m	not allowed (§ 18-7-407)
<18	class 3 felony	no	not allowed (§ 18-7-407)
<18	n/m	n/m	not allowed
<16	class B felony	n/m	n/m
<18	class C felony	n/m	n/m
<18	class E felony	yes (advancing; see § 1356)	n/m
<16	class C felony	yes (advancing; see § 1356)	n/m
n/m	n/m	yes (advancing)	n/m
<16	imprisonment >2 but <20 years; < 8 years	n/m	n/m

STATE CODE	OFFENSE TITLE	OFFENSE DESCRIPTION
Florida		
§ 796.03 (West 1996 & Supp. 1997)	Procuring for prostitution	Procures for prostitution or causes to be prostituted
Georgia		
§ 16-6-13 (1997)	Penalties	Conviction for pandering when involves prostitution of person younger than 17
Hawaii		
§ 712-1202 (1997)	Promoting in first degree	Knowingly advances or profits
§ 712-1203 (1996)	Promoting prostitution in second degree	Knowingly advances or profits by managing, supervising, controlling, or owning a house of prostitution or a prostitution business or enterprise
Idaho		
§ 18-5609 (1997)	Inducing into prostitution	Induces or attempts to induce to engage in prostitution
§ 18-5611 (1997)	Inducing to patronize a prostitute	Induces or attempts to induce a person younger than 18 to patronize a prostitute
§ 19-307 (1997)	Kidnapping and similar offenses	Inveigles or entices unmarried person of previous chaste character for purpose of prostitution; or aids and abets; or takes away from parent or guardian
Illinois		
ch. 720, ¶ 5/11-15.1 (Smith-Hurd 1997)	Soliciting for a juvenile prostitute	Violation of § 5/11-15(a) when prostitute for whom soliciting is younger than 16
ch. 720, ¶ 5/11-17.1 (Smith-Hurd 1997)	Keeping place of juvenile prostitution	Knowingly violates § 5/11-15(a) (keeping place of prostitution) when any prostitute in place is younger than 16
ch. 720, ¶ 5/11-19.1 (Smith-Hurd 1997)	Juvenile pimping	Receives any money, property, token, object, or article or anything of value from prostitute younger than 16 knowing it was earned in whole or part from prostitution

AGE	OFFENSE LEVEL	PATRON EXCEPTED	MISTAKE OF AGE DEFENSE
<18	felony of second degree	n/m	n/m
<17	felony; fine >\$1,000 but <\$5,000; or imprisonment >1 but <5 years; or both; on second conviction not suspended, probated, deferred, or withheld	n/m	n/m
<16	class B felony	yes (advancing) (§ 712-1201)	n/m
<18	class C felony	yes (advancing) (§ 712-1201)	n/m
<18	felony; imprisonment not <2 years; may be extended to life or fine >\$50,000; or both	n/m	n/m
n/m	felony	n/m	n/m
<18	n/m	n/m	n/m
<16	class 1 felony	n/m	affirmative defense; reasonably believed >16
<16	class 1 felony 2nd conviction: class X felony; subject to forfeiture	n/m	affirmative defense; reasonably believed >16
<16	class 1 felony	n/m	affirmative defense; reasonably believed >16

STATE CODE	OFFENSE TITLE	OFFENSE DESCRIPTION
ch. 720, ¶ 5/11-19.2 (Smith-Hurd 1997)	Exploitation of child	Confines child and compels to become prostitute; or arranges situation in which child may practice prostitution; or receives money, property, token, object, or article or anything of value from child knowing it was obtained in whole or part from prostitution
ch. 720, ¶ 150/5.1 (Smith-Hurd 1997)	Permitting sexual abuse of child	Knowingly permits, induces, promotes, or arranges for own child to engage in prostitution and fails to take reasonable steps to prevent such
Indiana		
§ 35-45-4-4 (West 1997)	Promoting prostitution	Knowingly or intentionally entices or compels person to become a prostitute
Iowa		
§ 725.3 (West 1997)	Pandering	Persuades, arranges, coerces, or otherwise causes minor to become prostitute or return to practice, or keeps or maintains premises for purpose of prostitution of minors or knowingly shares in income from such premises
Kansas		
§ 21-3513 (1996)	Promoting prostitution	Establishing, owning, maintaining, or managing house of prostitution or participating in such; permitting any place partially or wholly owned or controlled to be used as such; procuring; inducing another to become; soliciting or procuring a patron for prostitute; procuring or paying for transportation of person within state with intention of assisting or promoting that person's prostitution; being employed to perform any act prohibited by this section
Kentucky		
§ 529.030 (Baldwin 1995)	Promoting prostitution in first degree	Compelling by force or intimidation to engage in prostitution or profits from such coercive conduct by another; or advances or profits from prostitution of person younger than 18
Louisiana		
§ 14:82.1 (West 1996)	Prostitution, persons younger than 17	Person older than 17 engaging in sexual intercourse with person younger than 17 who is practicing prostitution with age difference less than 2 years; parent or tutor knowingly consenting to entrance or detention in prostitution

AGE	OFFENSE LEVEL	PATRON EXCEPTED	MISTAKE OF AGE DEFENSE
<16	class X felony subject to forfeiture	n/m	n/m
<17	class 1 felony	n/m	n/m
<18	class B felony	n/m	n/m
minor	class C felony	n/m	n/m
<16	severity level 6, person felony	n/m	n/m
<18 <16	class C felony class B felony class A if incurs physical injury	n/m	n/m
<17	fine <\$5,000; or imprisoned >2 but <10 years; or both	no	not allowed

STATE CODE	OFFENSE TITLE	OFFENSE DESCRIPTION
§ 14:86 (West 1996)	Enticing persons into prostitution	Any person older than 17 who entices, places, persuades, encourages, or causes entrance of person younger than 21 into prostitution
Maine		
tit. 17-A, § 852 (West 1996)	Aggravated promotion of prostitution	Promotes prostitution of person younger than 18
tit. 17-A, § 855 (West 1997)	Patronizing prostitution of minor	In return for another's prostitution gives or agrees to give pecuniary benefit to person whose prostitution is sought or to third person
tit. 17-A, § 554 (West 1996)	Endangering welfare of child	Knowingly permits child to enter or remain in house of prostitution
Maryland		
art. 27, § 1 (1996)	Individual younger than 16	For purposes of prostitution, forcibly abducts from home or from custody of parents or guardian, or be accessory thereto or persuade or entice or knowingly secrete or harbor or be accessory thereto
Massachusetts		
ch. 272, § 4A (West 1996 & Supp. 1997)	Inducing minor into prostitution	Induces minor to become prostitute or knowingly aids or assists such inducement
ch. 272, § 4B (West 1996 & Supp. 1997)	Living off or sharing earnings of minor prostitute	Knowingly lives or derives support or maintenance, in whole or part, from earnings or proceeds
Michigan		
§ 750.13 (West 1997)	Enticing away female younger than 16	Taking or enticing away female from parent or guardian without consent for prostitution
§ 750.462 (West 1997)	Female younger than 17 in house of prostitution	Taking, conveying, employing, receiving, detaining, or suffering to remain in any house or place of prostitution any female younger than 17 for any purpose <i>other than prostitution</i>
Minnesota		
§ 609.322 (West 1996 & Supp. 1997)	Solicitation; inducement and promotion of prostitution	Intentionally solicits or induces or promotes prostitution Intentionally solicits or induces to practice prostitution; or does so by means of force; or uses position of authority to solicit or induce; or promotes prostitution

AGE	OFFENSE LEVEL	PATRON EXCEPTED	MISTAKE OF AGE DEFENSE
<21	imprisoned >2 but <10 years	n/m	not allowed
<18	class B crime	n/m	n/m
<18	class D crime	no	n/m
<16	class D crime	n/m	n/m
<16	misdemeanor imprisonment <8 years	n/m	n/m
minor	imprisonment for <5 but >3 years; and fined \$5,000; no probation or parole until served 3 years	n/m	n/m
minor	imprisonment for >5 years and fined \$5,000; no reduction, probation, or parole until served 5 years	n/m	n/m
<16	felony imprisonment in state prison for <10 years	n/m	n/m
<17	misdemeanor	n/m	n/m
<16	imprisonment <20 years; or fine <\$40,000; or both	yes	n/m
>16 but <18	imprisonment <10 years; or fine <\$20,000; or both	yes	n/m

STATE CODE	OFFENSE TITLE	OFFENSE DESCRIPTION
609.323 (West 1996 & Supp. 1997)	Receiving profit derived from prostitution	Intentionally receives profit knowing it is derived from prostitution or the promotion of prostitution Intentionally receives profit knowing it is derived from prostitution or the promotion of prostitution
§ 609.324 (West 1996 & Supp. 1997)	Other prohibited acts	Subd. 1(a): engages in prostitution with individual younger than 13 or hires or offers or agrees to hire such individual to engage in sexual penetration or sexual contact Subd. 1(b): engages in prostitution with individual younger than 16 but older than 13 or hires or offers or agrees to hire such individual to engage in sexual penetration or sexual contact Subd. 1(c): engages in prostitution with individual younger than 18 but older than 16 or hires or offers or agrees to hire such individual to engage in sexual penetration or sexual contact Subd. 1a: allows minor to reside in dwelling knowing minor is engaging in prostitution
Mississippi		
§ 97-5-5 (1996)	Enticing child for prostitution	Maliciously, willfully, or fraudulently lead, take, carry away, decoy, or entice away child for purpose of prostitution
Missouri		
§ 567.050 (Vernon 1996)	Promoting prostitution in first degree	Knowingly promotes prostitution by compelling person to enter, engage, or remain; compelling includes use of forcible compulsion or intoxicating substance or withholding dangerous drugs or narcotic from drug-dependent person or threatening to do so
Montana		
§ 45-5-603 (1996)	Aggravated promotion of prostitution	Knowingly or purposely promotes prostitution of child or promotes the prostitution of one's own child or ward
Nebraska		
§ 28-805 (1996)	Debauching a minor	Lewdly introducing carnal knowledge with any other person; soliciting minor to visit house of prostitution for purpose of prostitution; arranging or assisting in arranging meeting for such purpose

AGE	OFFENSE LEVEL	PATRON EXCEPTED	MISTAKE OF AGE DEFENSE
<16	imprisonment <15 years; or fine <\$30,000; or both	yes	n/m
>16 but <18	imprisonment <5 years; or fine <\$10,000; or both	yes	n/m
<13	imprisonment <20 years; or fined <\$40,000; or both	no	n/m
<16 but >13	imprisonment <10 years; or fined <\$20,000; or both	no	n/m
<18 but >16	imprisonment <5 years; or fined <\$10,000; or both	no	n/m
minor	imprisonment <1 year; or fined <\$3,000; or both	n/m	n/m
<14	prison <10 years; or jail >1 year; or fined <\$1,000; or both	n/m	n/m
<16	class B felony	n/m	n/m
<18	imprisonment <20 years; or fine <\$50,000; or both	n/m	not allowed
<17	class I misdemeanor	n/m	n/m

STATE CODE	OFFENSE TITLE	OFFENSE DESCRIPTION
<i>Nevada</i>		
§ 201.360(1995)	Placing person in house of prostitution	As parent or guardian of person younger than 18 permits, conveys, or consents to minor being or remaining at house of prostitution; or decoys, entices, procures, or induces person younger than 21 to go into or visit, on any pretext or for any purpose, any place or room used for prostitution
<i>New Hampshire</i>		
§ 645:2 (1995 & Supp. 1996)	Prostitution and related offenses	Induces or purposely causes another to violate § 632-A:1, IV and V in return for consideration; transports into or within state with purpose of promoting or facilitating such; knowingly is supported in whole or part from proceeds of such, knowingly allows place under control to be used for such
<i>New Jersey</i>		
§ 2C:34-1 (West 1997)	Prostitution and related offenses	Knowingly promotes prostitution of a child or own child or ward; knowingly engages in prostitution with minor, enters house of prostitution with such intent, or solicits or requests child to engage in sexual activity
<i>New Mexico</i>		
§ 30-6A-4 (Michie 1997)	Sexual exploitation of children by prostitution	Knowingly receiving pecuniary profit; hiring or offering to hire Hiring or offering to hire a child to engage in any prohibited sexual act
<i>New York</i>		
§ 230.04 (McKinney 1997)	Patronizing prostitute in third degree	Person older than 21 patronizing prostitute younger than 17
§ 230.05 (McKinney 1997)	Patronizing prostitute in second degree	Person older than 18 patronizing prostitute younger than 14
§ 230.06 (McKinney 1997)	Patronizing prostitute in first degree	Patronizing prostitute younger than 11
§ 230.07 (McKinney 1997)	Patronizing prostitute; defense	In prosecution for patronizing a prostitute, defense that defendant did not have reasonable grounds to believe the person was younger than the age specified

AGE	OFFENSE LEVEL	PATRON EXCEPTED	MISTAKE OF AGE DEFENSE
<18 <21	felony	n/m	n/m
<18	class B felony	n/m	n/m
<18	crime of second degree or third degree (see statute)	no	not allowed
<16 >13 but <16	<16 = second degree felony <13 = first degree felony second degree felony	n/m	n/m
<17	class A misdemeanor	no	yes (§ 230.07)
<14	class E felony	no	yes (§ 230.07)
<11	class D felony	no	yes (§ 230.07)
n/m	n/m	n/m	yes

STATE CODE	OFFENSE TITLE	OFFENSE DESCRIPTION
§ 230.25 (McKinney 1996)	Promoting prostitution in the third degree	Knowingly advances or profits from prostitution by managing, supervising, controlling, or owning, either alone or in association with others, a house of prostitution or such business or enterprise involving activity by two or more prostitutes; or advances or profits from prostitution of person younger than 19
§ 230.30 (McKinney 1997)	Promoting prostitution in second degree	Knowingly advances prostitution by compelling person by force or intimidation or profits from such coercive conduct by another; or advances or profits from prostitution of person younger than 16
§ 230.32 (McKinney 1996)	Promoting prostitution in first degree	Knowingly advances or profits from prostitution of person younger than 11
§ 230.35 (McKinney 1997)	Promoting prostitution; accomplice	Person younger than 17 from whose prostitution activity another person is alleged to have advanced or attempted to advance or profited or attempted to profit shall not be deemed an accomplice
<i>North Carolina</i>		
§ 14-190.18 (1996)	Promoting prostitution of a minor	Knowingly entices, forces, encourages, or facilitates minor's participation; supervises, advises, or protects prostitution of or by minor
§ 14-190.19 (1996)	Participating in prostitution of a minor	Person not a minor who solicits or requests minor to participate, pays or agrees to pay directly or through agent to participant; pays minor or agent for having participated
§ 14-318.4 (1996)	Child abuse	Parent or person providing care or supervision who commits, permits, or encourages act of prostitution with or by juvenile
<i>North Dakota</i>		
§ 12.1-29-02 (1997)	Facilitating prostitution	Knowingly solicits, procures, leases, or permits place to be regularly used for prostitution (or fails to abate use), induces or intentionally causes another to remain prostitute (is supported in whole or part by proceeds)
<i>Ohio</i>		
§ 2907.21 (Baldwin 1997)	Compelling prostitution	Compel to engage in sexual activity for hire, induce, procure, encourage, solicit, request, or otherwise facilitate, pay or agree to pay minor or agent to have or for having sexual activity for hire, allow own child or ward to engage in sexual activity for hire

AGE	OFFENSE LEVEL	PATRON EXCEPTED	MISTAKE OF AGE DEFENSE
<19	class D felony	n/m	n/m
<16	class C felony	n/m	n/m
<11	class B felony	n/m	n/m
<17	n/m	n/m	n/m
minor	class D felony	n/m	not allowed
minor	class F felony	no	not allowed
<16	class E felony	no	n/m
<16	class C felony	n/m	n/m
<16	felony of third degree, except under (A)(1), then felony of second degree	no	not allowed

STATE CODE	OFFENSE TITLE	OFFENSE DESCRIPTION
§ 2907.22 (Baldwin 1997)	Promoting prostitution	Establish, maintain, operate, manage, supervise, control, or have interest in brothel; supervise, manage, or control activities; transport or cause to be transported to facilitate sexual activity for hire
Oklahoma		
tit. 21, § 1029 (West 1997)	Soliciting or procuring; residing or being in place for prohibited purpose; aiding, abetting, or participating; child prostitution	Engaging in prostitution; soliciting, inducing, enticing, or procuring another to commit act of prostitution with him- or herself; residing in, entering, or remaining in any house or place or structure, vehicle, etc., with intent to commit act of prostitution; aiding and abetting or participating in doing any such acts
tit. 21, § 1030 (West 1997)	Definitions	"Child prostitution" means prostitution or lewdness as defined in this section with person younger than 16 years of age in exchange for money or any other thing of value
tit. 21, § 1087 (West 1996 & Supp. 1997)	Procuring for prostitution lewdness or other indecent act	Offering or offering to secure; receiving or offering or agreeing to receive into place prostitution; directing, taking, transporting, or offering or aiding or assisting in transporting Owning, keeping, managing, etc., knowingly permitting violation of this section in house, building, room, or other premises under his control or possession
tit. 21, § 1088 (West 1996 & Supp. 1997)	Inducing, keeping, detaining, or restraining for prostitution	Causing, inducing, persuading, or encouraging; keeping, holding, detaining, restraining, or compelling against will to engage in prostitution or house of prostitution for purpose of compelling child to pay, liquidate or cancel debt, dues, or obligations incurred or said to be incurred
Oregon		
§ 167.017 (1995)	Compelling prostitution	Knowingly uses force or intimidation to compel; induces or causes person younger than 18 or own child to engage in prostitution
Pennsylvania		
tit. 18, § 5902 (1996)	Prostitution and related offenses	Promoting prostitution (owning, controlling, managing, etc.), procuring, soliciting, transporting

AGE	OFFENSE LEVEL	PATRON EXCEPTED	MISTAKE OF AGE DEFENSE
minor	felony of third degree	n/m	not allowed
<16	punishable under § 1031	no	n/m
<16	n/m	n/m	n/m
<18	felony; imprisonment >1 but <10 years	n/m	n/m
	1st offense: misdemeanor jail >6 months but <1 year, and fine >\$500 but <\$5,000	n/m	n/m
	2nd offense: felony prison >1 but <10 years, or fine >\$5,000 but <\$25,000; or both		
<18	felony; imprisonment >1 but <25 years and fine >\$5,000 but <\$25,000	n/m	n/m
<18	class B felony	n/m	n/m
<16	felony of third degree	no	not allowed

STATE CODE	OFFENSE TITLE	OFFENSE DESCRIPTION
<i>Rhode Island</i>		
§ 11-9-1 (1996)	Exploitation for commercial or immoral purposes	Exhibit, use, employ any child younger than 18 to any person for purposes of prostitution or any lewd or indecent act
<i>South Carolina</i>		
§ 16-15-415 (Law. Co-op. 1996)	Promoting prostitution of a minor	Knowingly entices, forces, encourages, or otherwise facilitates; supervises, advises, or promotes
§ 16-15-425 (Law. Co-op. 1996)	Participating in prostitution of minor	Patronizing a minor prostitute (soliciting, requesting, paying, or agreeing to pay)
<i>South Dakota</i>		
§ 22-23-2 (1997)	Procuring or promoting prostitution	Encourages, induces, procures, or purposely causes another to become or remain a prostitute; promotes prostitution of minor or own child
<i>Tennessee</i>		
§ 39-13-512 (1996) Tennessee does not differentiate conduct in its criminal statutes based on the minority status of the prostitute, although it does address the issue in its juvenile code.	Prostitution; definitions	<p>“Patronizing prostitute” means soliciting or hiring another person with intent that other person engage in prostitution; or entering or remaining in house of prostitution for purpose of engaging in sexual activity</p> <p>“Promoting prostitution” means owning, controlling, managing, supervising, or in any way keeping, alone or with others, business or house for that purpose; procuring inmate for house of prostitution; encouraging, inducing, or otherwise purposely causing another to become prostitute; procuring prostitute for patron; or soliciting, receiving, or agreeing to receive any benefit for engaging in any of these activities</p>
<i>Texas</i>		
§ 43.05 (West 1995)	Compelling prostitution	Knowingly causes by any means to commit prostitution
<i>Utah</i>		
§ 76-10-1306 (1997)	Aggravated exploitation of prostitution	Procures, transports, or persuades or shares proceeds of prostitution (see § 76-10-1305)
<i>Virginia</i>		
§ 18.2-48 (Michie 1997)	Abduction with intent for immoral purpose	Abduction of any child for the purpose of prostitution
§ 18.2-49 (Michie 1997)	Threatening, attempting, or assisting in abduction	Assists or aids in abduction of, or threatens to abduct, any female younger than 16 for purposes of prostitution
<i>Washington</i>		
§ 9.68A.100 (West 1996 & Supp. 1997)	Patronizing juvenile prostitute	Engages or agrees or offers to engage in sexual conduct with minor for fee

AGE	OFFENSE LEVEL	PATRON EXCEPTED	MISTAKE OF AGE DEFENSE
<18	imprisonment <20 years; or fined <\$20,000; or both	n/m	n/m
minor	felony imprisoned >3 but <10 years	n/m	not allowed
minor	felony imprisoned >2 but <5 years	no	not allowed
minor	class 5 felony	n/m	n/m
n/m	n/m	no n/m	n/m
<17	felony of second degree	n/m	n/m
<18	felony of second degree	n/m	n/m
<16	class 2 felony	n/m	n/m
<16	class 5 felony	n/m	n/m
minor	class C felony	no	n/m

STATE CODE	OFFENSE TITLE	OFFENSE DESCRIPTION
§ 9A.88.070 (West 1996)	Promoting prostitution in first degree	Knowingly advances prostitution by compelling person by threat or force to engage in prostitution or profits therefrom; advances or profits from prostitution of person younger than 18
<i>West Virginia</i>		
§ 61-2-14 (1997)	Abduction of person, kidnapping, or concealing child	Taking away child from person with lawful custody for purpose of prostitution
§ 61-8-7 (1997)	Procuring for house of prostitution	Procuring an inmate for house of prostitution; causing, inducing, persuading, or encouraging; procuring person to come into state or leave for purpose of prostitution; pandering
§ 61-8-8 (1996)	Receiving support from prostitution; pimping	Living or deriving support or maintenance; touting or receiving compensation for touting such prostitution
<i>Wisconsin</i>		
§ 948.07 (West 1997)	Child enticement	Causes or attempts to cause child to engage in prostitution
§ 948.08 (West 1997)	Soliciting a child for prostitution	Intentionally solicits or causes child to practice prostitution or establishes child in place of prostitution
<i>Wyoming</i>		
§ 6-4-103 (1997)	Promoting prostitution	Knowingly or intentionally entices or compels another to become a prostitute
<i>United States</i>		
18 U.S.C. § 2423 (West 1998)	Transportation of minors	Knowingly transports with intent that person engage in prostitution or criminal sexual activity, or attempts to do so; travels in foreign commerce with intent to engage in sexual act with juvenile or conspires to do so (see § 2246)
18 U.S.C. § 2422 (West 1998)	Coercion and enticement	Using facility or means of interstate or foreign commerce; knowingly persuades, induces, entices, or coerces to engage in prostitution or criminal sexual activity or attempts to do so
18 U.S.C. § 2241 (West 1998)	Aggravated sexual abuse	Crosses state line with intent to engage in sexual act with minor or knowingly engages in sexual act or attempts to do so Knowingly engages in sexual act by force or threat or other means (as defined in paragraph (a) of this section) or attempts to do so

AGE	OFFENSE LEVEL	PATRON EXCEPTED	MISTAKE OF AGE DEFENSE
<18	class B felony	n/m	n/m
<16	felony; confinement >3 but <10 years	n/m	n/m
minor	felony imprisonment >2 but <5 years; fine <\$5,000; or both	n/m	n/m
minor	felony imprisonment >2 years; fine <\$5,000; or both	n/m	n/m
<18	class BC felony	n/m	n/m
child	class BC felony	n/m	n/m
<18	felony imprisonment <5 years; fine <\$5,000; or both	n/m	n/m
<18	imprisoned <15 years; or fined; or both	no	n/m
<18	imprisoned <15 years; or fined; or both	n/m	n/m
<12 >12 but <16 (with 4 year diff.)	any term of years or life; if previously convicted, under this subsection, life in prison if death penalty not imposed	no	government need not prove defendant knew age

STATE CODE	OFFENSE TITLE	OFFENSE DESCRIPTION
U.S.C. § 2243 (West 1998)	Sexual abuse of minor	Knowingly engages in sexual act or attempts to do so
<i>Guam</i>		
tit. 9, § 28.30 (1995)	Compelling prostitution	By force, threat, or duress compels another to engage in, promote, or abet prostitution, or causes or aids a person younger than 18 to commit, engage in, or promote or abet prostitution
<i>Puerto Rico</i>		
tit. 33, § 4246 (1997)	Perversion of minors	Proprietor, manager, director, or person in charge of house of prostitution or sodomy who admits or retains therein minor; and every parent or guardian who admits or retains, tolerates such admission or retention
<i>Virgin Islands</i>		
tit. 5, § 1625 (1997)	Pandering	Induces person younger than 18 into becoming prostitute or receives compensation for pandering for such minor: by promises, threats, violence, or any device or scheme, causes, induces, persuades, or encourages person to become inmate of house of prostitution, or procures person for such place; by fraud or artifice or duress or by abuse of position or authority, procures to become prostitute or enter house of prostitution; receives or gives, or agrees to receive or give, any money or thing of value for procuring or attempting to procure person or to come into or leave the Virgin Islands for purpose of prostitution; knowing a person to be a prostitute, lives or derives support or maintenance in whole or in part from earnings or proceeds of prostitution or from monies loaned or advanced or charged against such prostitute by any keeper or inmate; or touts or receives compensation for touting such prostitute

AGE	OFFENSE LEVEL	PATRON EXCEPTED	MISTAKE OF AGE DEFENSE
>12 but <16 (with 4 year diff.)	imprisoned <15 years, or fined, or both	no	yes government need not prove defendant knew age
<18	felony of third degree; third offense within 3 years: felony of first degree	n/m	n/m
<18	imprisonment <6 months, or fine <\$500, or both	n/m	n/m
<18	imprisonment >2 years, which shall not be suspended, neither probation, parole, or any other form of release granted for this minimum period of incarceration	n/m	n/m

International Treaties Addressing Prostitution and Trafficking of Women and Children

TREATY CITATION	DESCRIPTION
<i>International Agreement for the Suppression of White Slave Traffic</i>	
May 18, 1904, 35 Stat. 426. 1 L.N.T.S. 83.	First international treaty on trafficking in women. The goal was to halt the sale of women into prostitution in Europe. Provisions were aimed at protecting victims, not punishing procurers.
<i>International Convention for the Suppression of White Slave Traffic</i>	
May 4, 1910, III L.N.T.S. 278.	Ineffectiveness of the International Agreement for the Suppression of White Slave Traffic prompted the adoption of this agreement that punished procurers.
<i>Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others</i>	
Opened for signature, March 21, 1950, 96 U.N.T.S. 271. Amended by Protocol, open for signature or acceptance December 7, 1953.	Focuses on the punishment of procurers, persons exploiting prostitution, and brothel owners. Its enforcement clauses are weak.
<i>The Slavery Convention of 1926 (1926 Convention)</i>	
September 26, 1926, 46 Stat. 2183, T.S. No. 778, 60 L.N.T.S. 253.	State parties commit to the prevention and suppression of the slave trade and the complete abolition of slavery in all forms.
<i>The 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions Similar to Slavery</i>	
September 7, 1956, 266 U.N.T.S. 40. Entered into force April 30, 1957.	Requires states to impose domestic criminal sanctions on individuals who engage in, among other things, selling women, turning children over for exploitation, and debt bondage.

- Additional information on the listed treaties can be found in Stephanie Farrior, *The International Law on Trafficking in Women and Children for Prostitution: Making it Live Up to Its Potential*, 10 HARV. HUM. RTS. J. 213 (1992).
- Additional information on United Nations Treaties can be located on the World Wide Web at <http://www.un.org/Depts/Treaty/collection/series>.

US STATUS

Amended by Convention (see below)

Signatory to Amending Protocol, signed at Lake Success, New York, May 5, 1949.
Entered into force January 21, 1951.

Not a Participant

Not a Participant

Not a Participant

TREATY CITATION	DESCRIPTION
<i>International Labor Organization Forced Labor Convention (No. 29)</i>	
ILO Convention 29, June 28, 1930, 39 U.N.T.S. 55. Entered into force May 28, 1947.	State parties undertake to eliminate and penalize the practice of forced labor including all persons who are trafficked.
<i>International Labor Organization Abolition of Forced Labor Convention (No. 105)</i>	
June 25, 1957, 320 U.N.T.S. 291. Entered into force January 17, 1959.	State parties undertake to eliminate and penalize the practice of forced labor including all persons who are trafficked.
<i>The International Covenant on Civil and Political Rights</i>	
G.A. Res 2200A (XXI), U.N. GAOR, 21st Sess., Supp. No 16, at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171. Entered into force March 23, 1976.	The Covenant states that no one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.
<i>The United Nations Convention on the Elimination of All Forms of Discrimination Against Women (Women's Convention)</i>	
G.A. Res 34/180, U.N. GAOR, 34th Sess., Supp. No. 46 (1979). Entered into force September 3, 1981.	Requires State parties to take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.
<i>United Nations Convention on the Rights of the Child</i>	
G.A. Res. 44/25, U.N. GAOR, 44th Sess., Supp. No. 49 at 1, U.N. Doc. A/44/736 (1989), 29 I.L.M. 1448 (1989).	Contains several provisions applicable to trafficking in children for prostitution, particularly in its provisions regarding child labor and sexual exploitation. While the United States is a signatory, it is the only country that has not ratified this convention.

US STATUS

Not a Participant

Not a Participant

Signatory May 10, 1977

Signatory July 17, 1980

Signatory February 16, 1995

Endnotes

1. *Draft Declaration and Agenda for Action*, World Congress Against Commercial Sexual Exploitation of Children at 2, Stockholm, Sweden (August 27-31, 1996) [hereinafter *Draft Declaration*].
2. *Id.*
3. Beth E. Molnar et al., *Suicidal Behavior and Sexual/Physical Abuse Among Street Youth*, 22 CHILD ABUSE & NEGLECT 213, 214 (1998); O'Neill, *Prostitute Women Now*, in RETHINKING PROSTITUTION: PURCHASING SEX IN THE 1990s at 19 (Scambler & Scambler eds., London: Routledge 1997); Debra Whitcomb & Julie Eastin, *Joining Forces Against Child Sexual Exploitation: Models for a Multijurisdictional Team Approach* (Office of Juvenile Justice and Delinquency Prevention 1998).
4. See Debra Whitcomb, Edward De Vos & Barbara E. Smith, *Program to Increase Understanding of Child Sexual Exploitation, Final Report* at 3 (Education Development Center, Inc., & ABA Center on Children and the Law 1998) (since much of the literature is "based on the same (or related) research efforts by the same (or collaborating) authors, the actual research base is even smaller. Many of these studies lack scientific rigor and are based on extremely small sample sizes.>").
5. *Id.*
6. *Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography*, United Nations Economic and Social Council, Commission on Human Rights, 52d Sess., Agenda Item 20, ¶35, U.N. Doc. E/CN.4/1996/100 (1996) [hereinafter *Report of the Special Rapporteur*].
7. In one study of 200 prostitutes in San Francisco, about 60 percent were 16 and younger, many were 10, 11, and 12 years old. Mimi H. Silbert & Ayala M. Pines, *Entrance into Prostitution*, 13 YOUTH & SOCIETY 471, 473 (1982). A more recent sample of 83 sexually-exploited youth interviewed in shelters in Dallas, Pittsburgh, and San Diego showed a majority (62 percent) between the ages of 14 and 17, and 12 percent between 10 and 13. Twenty-six percent were older than 18. Whitcomb, De Vos & Smith, *supra* note 4, at 66.
8. Whitcomb & Eastin, *supra* note 3, at 36 (citing *Community Consultation on Prostitution in British Columbia, Overview of Results* (March 1996)); Mimi H. Silbert & Ayala M. Pines, *Occupational Hazards of Street Prostitutes*, 8 CRIM. JUST. & BEHAV. 397 (1981).
9. *Program to Increase Understanding of Child Sexual Exploitation, Assessment Report, Volume II* (Education Development Center, Inc., & ABA Center on Children and the Law 1994) [hereinafter *Assessment Report*].
10. Byron Fassett & Bill Walsh, *Juvenile Prostitution: An Overlooked Form of Child Sexual Abuse*, 7(1) THE APSAC ADVISOR 9, 10 (American Professional Society on the Abuse of Children 1994).
11. Whitcomb & Eastin, *supra* note 3, at 36 (citing *Community Consultation on Prostitution in British Columbia, Overview of Results* (March 1996)).
12. Whitcomb, De Vos & Smith, *supra* note 4, at 65 (76 percent of exploited youth interviewed in shelters were girls).
13. *Assessment Report*, *supra* note 9. Some service providers also mentioned an increase in the number of homeless boys, which they sometimes linked to cutbacks in other community services.
14. *Assessment Report*, *supra* note 9.
15. O'Neill, *supra* note 3, at 14.
16. Silbert & Pines, *supra* note 7, at 489.
17. Richard T. Sullivan, *The Challenge of HIV Prevention Among High-Risk Adolescents*, 21 HEALTH & SOCIAL WORK 58, 60 (1996); Whitcomb, De Vos & Smith, *supra* note 4, at 37, 70-72 (87 percent of interviewed youth admitted that they had exchanged sex with an adult for money or other consideration).
18. See Kral, Molnar, Booth & Watters, *Prevalence of Sexual Risk Behavior and Substance Use Among Runaway and Homeless Adolescents in San Francisco, Denver and New York City*, 8 INT'L J. STD & AIDS 109, 113-114 (1997); Johnson, Aschkenasy, Herbers & Gillenwater, *Self-Reported Risk Factors for AIDS Among Homeless Youth*, 8 AIDS EDUC. & PREV. 308, 318 (1996); Barrett & Beckett, *Child Prostitution: Reaching Out to Children Who Sell Sex to Survive*, Children's Nursing (1996); Morey & Friedman, *Health Care Needs of Homeless Adolescents*, 5 CURRENT OPINION IN PEDIATRICS 395, 395-96 (1993); Yates, MacKenzie, Pennbridge & Cohen, *A Risk Profile Comparison of Runaway and Non-Runaway Youth*, 78 AM. J. PUBLIC HEALTH 820, 821 (1988); Molnar, *supra* note 3, at 214.

19. Brannigan & Gibbs van Brunschott, *Youthful Prostitution and Child Sexual Trauma*, 20 INT'L J LAW & PSYCHIATRY 337, 345 (1997).
20. Whitcomb & Eastin, *supra* note 3, at 36 (citing *Community Consultation on Prostitution in British Columbia, Overview of Results* (March 1996)). A disturbing finding was that some youth reported they engaged in prostitution "just for fun."
21. Brannigan & Gibbs van Brunschott, *supra* note 19, at 348.
22. Barrett & Beckett, *supra* note 18.
23. Silbert & Pines, *supra* note 7, at 485.
24. Kral, *supra* note 18, at 109.
25. Kathryn V. Wurzbacher et al., *Effects of Alternative Street School on Youth Involved in Prostitution*, 12 J. ADOLESCENT HEALTH 549, 549 (1991).
26. Silbert & Pines, *supra* note 7, at 490.
27. Magnus J. Seng, *Child Sexual Abuse and Adolescent Prostitution: A Comparative Analysis*, 24 ADOLESCENCE 665, 671 (1989).
28. Wurzbacher et al., *supra* note 25, at 549. *See also* Whitcomb, De Vos & Smith, *supra* note 4, at 21 (of sexually-exploited youth interviewed in a Dallas shelter, 81 percent had been truants, 34 percent had been suspended or expelled, and 12 percent were drop-outs).
29. Brannigan & Gibbs van Brunschott, *supra* note 19, at 350.
30. Silbert & Pines, *supra* note 7, at 490.
31. Brannigan & Gibbs van Brunschott, *supra* note 19, at 350.
32. Wurzbacher et al., *supra* note 25, at 549.
33. Finkelhor et al., *National Incidence Studies on Missing, Abducted, Runaway, and Thrownaway Children in America* (Office of Juvenile Justice and Delinquency Prevention 1990). Previous studies by the Department of Health and Human Services estimated that 730,000 to 1.3 million youth ran away in 1984 and projected that 500,000 of these were homeless. Les B. Whitbeck & Ronald L. Simons, *Life on the Streets: The Victimization of Runaway and Homeless Adolescents*, 22 YOUTH & SOCIETY 108, 108 (1990).
34. Among girls, 14 percent reported exchanging sex for money; 11 percent for drugs or alcohol; and 10 percent for food, shelter, or clothing. Among boys, 23 percent reported exchanging sex for money; 7 percent for drugs or alcohol; and 10 percent for food, shelter, or clothing. Kral et al., *supra* note 18, at 113. Various studies have found that 22 percent of boys and 7 percent of girls on New York City streets had engaged in prostitution at some time, while 26-28 percent of boys and 26-31 percent of girls in Los Angeles did so. Mary Jane Rotheram-Borus et al., *Sexual Abuse History and Associated Multiple Risk Behavior in Adolescent Runaways*, 66 AM. J. ORTHOPSYCH. 390, 391 (1996). Although less than 1 percent of minority nonhomeless youth at a medical clinic in a New York City public high school reported using sex to obtain money or drugs, 13 percent of homeless youth in Chicago had recently engaged in prostitution. Prostitution was also reported by 54 percent of street youth in Toronto, 26.4 percent of a sample of runaways in Los Angeles, and 19 percent of runaway and homeless youth in Houston. Johnson et al., *supra* note 18, at 318 (citing numerous studies). *See also* Yates et al., *supra* note 18.
35. Seng, *supra* note 27, at 671.
36. Whitcomb, De Vos & Smith, *supra* note 4, at 74.
37. Gary L. Yates et al., *A Risk Profile Comparison of Homeless Youth Involved in Prostitution and Homeless Youth Not Involved*, 12 J. ADOLESCENT HEALTH 545, 547 (1991).
38. Seventy percent of prostitutes in the Silbert and Pines study reported emotional abuse, 62 percent physical abuse, and 60 percent sexual abuse. Silbert & Pines, *supra* note 7, at 479-480. Victimization occurred between the ages of 3 to 16, with the average age of victimization at 10. *Id.* at 478-79.
39. Ronald Simons & Les B. Whitbeck, *Sexual Abuse as a Precursor to Prostitution and Victimization Among Adolescent and Adult Homeless Women*, 12 J. FAMILY ISSUES 361, 373-374 (1991). One study of 144 adolescent runaways found 38 percent of boys and 73 percent of girls report having been sexually abused. Arlene McCormack et al., *Runaway Youths and Sexual Victimization: Gender Differences in an Adolescent Runaway Population*, 10 CHILD ABUSE & NEGLECT 387, 390 (1986).
40. For boys, such abuse "approached but did not reach the conventional level of significance." Even for girls, however, sexual abuse and neglect were associated with prostitution, but physical abuse was only marginally associated. Cathy Spatz Widom & Joseph B. Kuhns, *Childhood Victimization and Subsequent Risk for Promiscuity, Prostitution and Teenage Pregnancy: A Prospective Study*, 86 AM J. PUBLIC HEALTH 1607, 1609-1610 (1996).

41. Simons & Whitbeck, *supra* note 39, at 375.
42. Seng, *supra* note 27, at 673.
43. Gitta Sereny, *THE INVISIBLE CHILDREN: CHILD PROSTITUTION IN AMERICA, WEST GERMANY AND GREAT BRITAIN* 27-28 (New York: Alfred A. Knopf 1985). Seventy percent of prostitutes in the Silbert and Pines study felt their juvenile sexual abuse definitely affected their decision to become a prostitute. Silbert & Pines, *supra* note 7.
44. Silbert & Pines, *supra* note 7, at 481. After leaving school and before getting into prostitution, the vast majority of young women in the study reported being either isolated, with no friends (40 percent), or deeply involved with friends exhibiting deviant behavior (80 percent).
45. Morey & Friedman, *supra* note 18, at 397. Self-identified homosexual or bisexual homeless teenagers are five times more likely to engage in survival sex than heterosexual homeless youth. *Id.*
46. Silbert & Pines, *supra* note 7, at 485.
47. Whitcomb, De Vos & Smith, *supra* note 4, at 78, 94.
48. *Id.* at 95. This study also describes “designer runaways,” who live with their parents and attend school during the week and go to the streets on the weekends. Some of these children reported they “deliberately engaged in prostitution to raise money for expensive sneakers.” The study identified four types of sexually-exploited youth: “entrepreneurial youth” (who participate for the money), “designer runaways,” “systems kids” (with chronic runaway and child-protective services histories), and “vulnerable young girls.” The categories are not mutually exclusive and a child may fall within more than one type. *Id.* at 99.
49. Evelina Giobbe, *Juvenile Prostitution: Profile of Recruitment*, in *CHILD TRAUMA I: ISSUES AND RESEARCH* at 117 (Ann Wolbert Burgess ed., New York: Garland Publishing, Inc. 1992).
50. Kathleen Barry, *THE PROSTITUTION OF SEXUALITY* 204 (New York: New York University Press 1995).
51. Gregory A. Loken, *Child Prostitution*, in *CHILD PORNOGRAPHY AND PROSTITUTION: BACKGROUND AND LEGAL ANALYSIS* 54 (National Center for Missing & Exploited Children 1987).
52. Giobbe, *supra* note 49, at 118.
53. O’Neill, *supra* note 3, at 14.
54. Children of the Night, *Training Manual* 11 (February 1993).
55. Fassett & Walsh, *supra* note 10, at 30.
56. *Assessment Report*, *supra* note 9, at 162; Barry, *supra* note 50, at 208.
57. Barry, *supra* note 50, at 106.
58. Jean Faugier & Mary Sargeant, *Boyfriends, “Pimps” and Clients*, in *RETHINKING PROSTITUTION: PURCHASING SEX IN THE 1990s* at 123 (Scambler & Scambler eds., London: Routledge 1997).
59. Katyal, Note, *Men Who Own Women: A Thirteenth Amendment Critique of Forced Prostitution*, 103 *YALE L.J.* 791, 793 (1993).
60. Barry, *supra* note 50, at 208.
61. Annette U. Rickel & Marie C. Hendren, *Aberrant Sexual Experiences*, in *ADOLESCENT SEXUALITY* (Gullotta, Adams & Montemayor eds., Newbury Park, CA: Sage Publications 1993).
62. *Id.* at 153.
63. Fassett & Walsh, *supra* note 10, at 30.
64. Barry, *supra* note 50, at 200.
65. Evelina Giobbe, *An Analysis of Individual, Institutional and Cultural Pimping*, 1 *MICH. J. GENDER & L.* 33, 46 (1993). Others have also come to this conclusion: “By listening to survivors describe the tactics of control that kept them trapped in the sex industry and comparing this to our knowledge about battering, we’ve come to recognize that prostitution is violence against women.” Holly B. Fechner, *Three Stories of Prostitution in the West: Prostitutes’ Groups, Law and Feminist “Truth”*, 4 *COLUM. J. GENDER & L.* 26, 36-37 (1994) (citing WHISPER Progress Report 1985-1989 at 1 (WHISPER, Minneapolis, MN)). WHISPER endorses abolition of all laws that penalize women and children in prostitution and seeks enhanced penalties for pimps and customers as well as increased enforcement of existing laws. *Id.*
66. Giobbe, *supra* note 65, at 47.
67. *Id.* at 48.
68. *Id.* at 50.
69. Minouche Kandel, *Whores in Court: Judicial Processing of Prostitutes in the Boston Municipal Court in 1990*, 4 *YALE J.L. & FEMINISM* 329 (1992). The Council for Prostitution Alternatives found that 53 percent of prostitutes they interviewed were “horribly” beaten by pimps an average of 58 times per year. Barry, *supra* note 50, at 202.

70. Fassett & Walsh, *supra* note 10, at 30; Giobbe, *supra* note 65, at 48.
71. Fassett & Walsh, *supra* note 10, at 30.
72. See expert testimony presented in *State v. Simon*, 831 P.2d 139 (Wash. 1992).
73. *Id.*
74. *Pierce v. United States*, 146 F.2d 84 (5th Cir. 1944); *People v. Kent*, 96 Cal. App. 3d 130 (1979) (prostitute beaten for not bringing in enough money).
75. Barry, *supra* note 50, at 198.
76. See Whitcomb, De Vos & Smith, *supra* note 4, at 79.
77. *Assessment Report*, *supra* note 9, at 158. In an older study, over three-quarters of juveniles involved in prostitution reported they had a pimp. Silbert & Pines, *supra* note 7, at 498. Another study of prostituted juveniles found that only 10 percent had never worked for a pimp, compared to 28 percent of adults. Kandel, *supra* note 69, at 347 (citing Dorothy H. Brace, "Baby-Pros": *Preliminary Profiles of Juvenile Prostitutes* 37 (1979)).
78. Whitcomb, De Vos & Smith, *supra* note 4, at 92.
79. Giobbe, *supra* note 65, at 48.
80. *Id.* See also Giobbe, *supra* note 49, at 124.
81. Margaret A. Baldwin, *Pornography and the Traffic in Women: Brief on Behalf of Trudee Able-Peterson, et al. Amici Curiae in Support of Defendant and Intervenor-Defendants, Village Books v. City of Bellingham*, 1 YALE J.L. & FEMINISM 111, 130 (1989).
82. *Id.* at 128. See also Rickel & Hendren, *supra* note 61, at 151.
83. Baldwin, *supra* note 81, at 140.
84. *Id.* at 132. Runaways who "come under the control of pornographers and pimps become susceptible to subsequent physical and sexual victimization by pimps and customers." Widom & Kuhns, *supra* note 40, at 1611.
85. Barry, *supra* note 50, at 41.
86. Giobbe, *supra* note 65, at n.72 (citing James A. Inciardi, *Kingrats, Chicken Heads, Slow Necks Freaks and Blood Suckers: A Glimpse at the Miami Sex-for-Crack Market*, in *CRACK PIPE AS PIMP: AN ETHNOGRAPHIC INVESTIGATION OF SEX-FOR-CRACK EXCHANGES* 37 (Mitchell S. Ratner ed., 1993)).
87. Giobbe, *supra* note 65, at 43. Another commentator analyzes forced prostitution as slavery under the 13th Amendment's prohibition against slavery and involuntary servitude, advocating that government officials act unconstitutionally under the 13th Amendment if they fail to enforce laws against pimps. Katyal, *supra* note 59.
88. Giobbe, *supra* note 65, at 44 (citing Inciardi, *supra* note 86).
89. Faugier & Sargeant, *supra* note 58, at 125-26.
90. Rickel & Hendren, *supra* note 61, at 154.
91. Whitbeck & Simons, *supra* note 33, at 111.
92. Simons & Whitbeck, *supra* note 39, at 376; Whitbeck & Simons, *supra* note 33, at 110.
93. Whitbeck & Simons, *supra* note 33, at 119. More than 40 percent of girls and almost 10 percent of boys report such victimization.
94. *Id.* at 123.
95. *Id.* at 124.
96. One study of street prostitutes reported high rates of victimization by customers: 78 percent reported customer forced perversion, an average of 17 times per woman; 70 percent reported customer rape or similar behavior, an average of 32 times per woman; and 65 percent reported physical abuse and beatings by customers, an average of 4 times per woman. Silbert & Pines, *supra* note 8. See also *Council for Prostitution Alternatives, 1991 Annual Report* at 4 (48 percent of prostitutes raped by pimps; 79 percent by patrons); Dorchen Leidholdt, *Prostitution: A Violation of Women's Human Rights*, 1 CARDOZO WOMEN'S L.J. 133, 138 (1993).
97. Faugier & Sargeant, *supra* note 58, at 124 (citing Hardesty & Greif (1994)).
98. Whitcomb & Eastin, *supra* note 3, at 37 (citing *Community Consultation on Prostitution in British Columbia, Overview of Results* (March 1996)).
99. Eighty-one percent who had been raped did not report the offense to the police. Silbert & Pines, *supra* note 8.
100. Kandel, *supra* note 69, at 346. They also may not call for help from the police because they have juvenile records themselves. Fassett & Walsh, *supra* note 10, at 30.

101. Fechner, *supra* note 65, at 64-65. *See also* Barry, *supra* note 50, at 44-48.
102. Jim A. Cates, *Adolescent Male Prostitution by Choice*, 6 *CHILD & ADOLESCENT SOCIAL WORK* 151, 155 (1989).
103. Silbert & Pines, *supra* note 7, at 495; Brannigan & Gibbs van Brunschott, *supra* note 19.
104. Simons & Whitbeck, *supra* note 39, at 370; Whitbeck & Simons, *supra* note 33, at 113.
105. Brannigan & Gibbs van Brunschott, *supra* note 19, at 344.
106. Simons & Whitbeck, *supra* note 39, at 370.
107. McCormack et al., *supra* note 39, at 392-393.
108. Simons & Whitbeck, *supra* note 39, at 370-371. Being abused or neglected placed children at increased risk for an arrest as a juvenile. Neglected children are at increased risk for arrest for prostitution, and childhood sexual abuse victims are at particular increased risk of arrest for prostitution. Cathy S. Widom & M. Ashley Ames, *Criminal Consequences of Childhood Sexual Victimization*, 18 *CHILD ABUSE & NEGLECT* 303, 310, 312 (1994).
109. Yates et al., *supra* note 37, at 545.
110. *Id.* at 548.
111. Morey & Friedman, *supra* note 18, at 396.
112. *Id.*
113. Sullivan, *supra* note 17, at 64.
114. Morey & Friedman, *supra* note 18, at 395.
115. *Id.* at 397.
116. Giobbe, *supra* note 49, at 127.
117. Barry, *supra* note 50, at 30-31.
118. Yates et al., *supra* note 37, at 547. Overall, street youth who were sexually or physically abused had odds of attempting suicide that were 1.9 to 4.3 times the odds of their nonabused peers. Molnar et al., *supra* note 3, at 219.
119. Whitcomb, De Vos & Smith, *supra* note 4, at 21.
120. Molnar, *supra* note 3, at 220.
121. In a New York clinic of mostly African American and Hispanic runaways practicing survival sex, 20 percent reported 100 or more lifetime sexual encounters. Interviews with runaways in Los Angeles found nearly a third involved with survival sex. Morey & Friedman, *supra* note 18, at 396-397.
122. Kral et al., *supra* note 18, at 114.
123. After IV drug users, youth engaged in prostitution and youth with high-risk sexual partners had the next greatest overall AIDS risk. Johnson et al., *supra* note 18, at 309, 318. *See also* Yates et al., *supra* note 37.
124. Johnson et al., *supra* note 18, at 317.
125. Cates, *supra* note 102, at 155-56.
126. Sullivan, note 17, at 62.
127. P.M. Pyett & D.J. Warr, *Vulnerability on the Streets: Female Sex Workers and HIV Risk*, 9 *AIDS CARE* 539, 543 (1997).
128. Pelvic inflammatory disease was more than 14 times more likely; diagnosis of rape nearly 3 times as likely; and diagnoses such as infectious disease and uncontrolled asthma were found more often in involved youth than noninvolved peers. Yates et al., *supra* note 37, at 547.
129. Massachusetts Department of Public Health, Bureau of Communicable Disease Control, *1996 Adolescent Sexually Transmitted Disease in Massachusetts*, <http://www.magnet.state.ma.us/dph/dphhome.htm> (March 13, 1998).
130. Yates et al., *supra* note 37, at 547 (reporting 97 percent used drugs or alcohol).
131. *Id.*
132. *Assessment Report*, *supra* note 9.
133. Sullivan, *supra* note 17, at 64.
134. Findings accompanying CAL. HEALTH & WEL. CODE § 11755.4 (West 1997).
135. *See* Barry, *supra* note 50, at 220; Katyal, *supra* note 59. All these approaches fail to provide special protection for minors: regulation forces prostitution of juveniles underground to brothels or under false identification on the street; decriminalization tends to expand the amount of prostitution, juvenile prostitution in particular, and fails to address exploitation by pimps; and prohibition reduces the overall amount of prostitution but is not as successful in combating the prostitution of juveniles. Loken, *supra* note 51, at 45.
136. *See generally* ILL. ANN. STAT. ch. 720, para. 11-14.

137. *Report of the Special Rapporteur, supra* note 6.
138. COLO. REV. STAT. ANN. § 18-7-401.
139. *Id.*
140. Whitcomb & Eastin, *supra* note 3, at 3.
141. *Juvenile Offenders and Victims: 1997 Update on Violence* (Office of Juvenile Justice and Delinquency Prevention 1997). Girls are more likely to be arrested for their sexual behavior than boys. Girls Incorporated, *Prevention and Parity: Girls in Juvenile Justice* 14 (Office of Juvenile Justice and Delinquency Prevention 1996). Comparisons of juvenile male and female prostitution reveal that 63 percent of girls but only 5 percent of boys are arrested for prostitution. Barry, *supra* note 50, at 226 (citing Weisberg, CHILDREN OF THE NIGHT).
142. See MICH. COMP. LAWS ANN. § 244.345; ME. REV. STAT. ANN. tit. 17A, § 851.
143. Whitcomb & Eastin, *supra* note 3, at 4.
144. *Assessment Report, supra* note 9.
145. *Id.*
146. In the Matter of C.S. a/k/a L.A., A Person Alleged to be a Juvenile Delinquent, 591 N.Y.S.2d 691, 693 (N.Y. Fam. Ct. 1992).
147. Whitcomb, De Vos & Smith, *supra* note 4, at 30.
148. See chart titled “Criminal Statutes Within the United States Addressing the Prostitution of Children,” page 50. This chart sets out the various state statutes of adult crimes relating to the prostitution of children. The dates of statutes are not included in the footnotes accompanying this text, but are referenced in the chart.
149. TENN. CODE ANN. § 37-5-103 (1997).
150. TENN. CODE ANN. § 39-13-512. Solicitation statutes may also apply to patrons. This type of solicitation prohibition is described in the text, *infra*, accompanying footnotes 192-209.
151. COLO. REV. STAT. ANN. § 18-7-406; ME. REV. STAT. ANN. tit. 17-A, § 855; MINN. STAT. ANN. § 609.324; N.J. STAT. ANN. § 2C:34-1 (knowingly engages in prostitution with minor); N.M. STAT. ANN. § 30-6A-4 (hiring or offering to hire child to engage in prostitution); N.Y. PENAL LAW §§ 230.04, 230.05, 230.06; N.C. GEN. STAT. § 14-190.19; S.C. CODE ANN. § 16-15-425; WASH. REV. CODE ANN. § 9.68A.100. See also IDAHO CODE § 18-5611 (inducing or attempting to induce person younger than 18 to patronize prostitute).
152. COLO. REV. STAT. ANN. § 18-7-406; see also WASH. REV. CODE ANN. § 9.68A.100. See generally, *State v. Farmer*, 805 P.2d 200 (Wash. 1991) (individual soliciting the prostitute or the payor of the fee violates the statute).
153. N.Y. PENAL CODE § 230.04.
154. N.Y. PENAL CODE § 230.05.
155. N.Y. PENAL CODE § 230.06.
156. ALA. CODE §§ 13A-12-111, 13A-12-112; ALASKA STAT. § 11.66.110; ARIZ. REV. STAT. ANN. §§ 13-3206, 13-3212; CAL. PENAL CODE §§ 266, 266a, 267; COLO. REV. STAT. ANN. §§ 18-7-401, 18-7-402 to 18-7-407; CONN. GEN. STAT. ANN. §§ 53a-86, 53a-87; DEL. CODE ANN. tit. 11, §§ 1353, 1356; FLA. STAT. ANN. § 796.03; HAW. REV. STAT. §§ 712-1202, -1203; IDAHO CODE §§ 18-5609, 18-5611, 19-307; IND. CODE ANN. § 35-45-4-4; IOWA CODE ANN. § 725.3; KY. REV. STAT. ANN. § 529.030; ME. REV. STAT. ANN. tit. 17-A, §§ 852, 855; MASS. GEN. LAWS ANN. ch. 272, §§ 4A, 4B; MINN. STAT. ANN. § 609.322 -324; MONT. CODE ANN. § 45-5-603; NEV. REV. STAT. § 201.360; N.H. REV. STAT. ANN. § 645:2; N.J. STAT. ANN. § 2C:34-1; N.Y. PENAL LAW §§ 230.25, 230.30, 230.32, 230.35; N.C. GEN. STAT. §§ 14-190.18, 14-190.19, 14-138.4; OHIO REV. CODE ANN. § 2907.21; OR. REV. STAT. § 167.017; R.I. GEN. LAWS § 11-9-1; S.C. CODE ANN. §§ 16-15-415, -425; S.D. CODIFIED LAWS ANN. § 22-23-2; UTAH CODE ANN. § 76-10-1306; WASH. REV. CODE ANN. §§ 9.68A.100, 9A.88.070; W. VA. CODE §§ 61-8-7, 61-8-8; WIS. STAT. ANN. §§ 948.07, 948.08; WYO. STAT. § 6-4-103.
157. ALA. CODE §§ 13A-12-111, 13A-12-112; ARIZ. REV. STAT. ANN. §§ 13-3206, 13-3212; CONN. GEN. STAT. ANN. §§ 53a-86, 53a-87; DEL. CODE ANN. tit. 11, §§ 1353, 1356; HAW. REV. STAT. §§ 712-1202, -1203; KY. REV. STAT. ANN. § 529.030; MINN. STAT. ANN. § 609.322 -324; N.Y. PENAL LAW §§ 230.25, 230.30, 230.32, 230.35; OHIO REV. CODE ANN. § 2907.21.
158. GA. CODE ANN. § 16-6-13; ILL. ANN. STAT. ch. 720, para. 150/5.1; LA. REV. STAT. ANN. § 14:82.1; MICH. COMP. LAWS ANN. § 750.462; NEB. REV. STAT. § 28-805; N.M. STAT. ANN. § 30-6A-4 (also enhances penalties for children younger than 13); TEX. PENAL CODE ANN. § 43.05.
159. ARK. CODE ANN. §§ 5-70-101, -104; CAL. PENAL CODE §§ 266h, 266i, 266j; D.C. CODE ANN. § 22-2704; ILL. ANN. STAT. ch. 720, para. 5/11-15.1, 5/11-17.1, 5/11-19.1, 5/11-19.2; KAN. STAT. ANN. § 21-3513; ME. REV. STAT.

ANN. tit. 17-A, § 554; MD. ANN. CODE art. 27, § 1; MICH. COMP. LAWS ANN. § 750.13; MO. ANN. STAT. § 567.050; N.D. CENT. CODE § 12.1-29-02; OKLA. STAT. ANN. tit. 21, §§ 1029, 1030, 1087, 108); PA. STAT. ANN. tit. 18, § 5902; VA. CODE ANN. § 18.2-48, -49; W. VA. CODE § 61-2-14.

160. MISS. CODE ANN. § 97-5-5.

161. *Assessment Report*, *supra* note 9; *see also* Sharon G. Elstein & Noy Davis, *Sexual Relationships Between Adult Males and Young Teen Girls: Exploring the Legal and Social Responses* (American Bar Association Center on Children and the Law 1997).

162. Loken, *supra* note 51, at 75.

163. LA. REV. STAT. ANN. § 14:86; *see also* NEV. REV. STAT. § 201.360 (applying to anyone who decoys, entices, procures, or induces person younger than 21 to go into or visit, on any pretext or for any purpose, any place or room used for prostitution).

164. CAL. PENAL CODE § 266h; COLO. REV. STAT. ANN. § 18-7-405; ILL. ANN. STAT. ch. 720, para. 5/11-19.1; W. VA. CODE § 61-8-8.

165. COLO. REV. STAT. ANN. § 18-7-40.

166. ILL. ANN. STAT. ch. 720, para. 5/11-19.1.

167. IOWA CODE ANN. § 725.3.

168. Defendant orchestrated a juvenile-prostitution ring involving four runaway girls. They testified that he thought up the scheme, encouraged them to prostitute themselves, arranged sexual encounters, and told them to make their patrons feel good. *State v. Steer*, 517 A.2d 797 (N.H. 1986).

169. *People v. Bell*, 201 Cal. App. 3d 1396 (1988) (person who agrees to give money or thing of value for procuring or attempting to procure another person for prostitution is guilty of pandering).

170. *Id.* at 1400.

171. ARK. CODE ANN. § 5-70-104; CAL. PENAL CODE § 266j; COLO. REV. STAT. ANN. § 18-7-403.5; FLA. STAT. ANN. § 796.03; OKLA. STAT. ANN. tit. 21, § 1029; PA. STAT. ANN. tit. 18, § 5902; S.D. CODIFIED LAWS ANN. § 22-23-2; UTAH CODE ANN. § 76-10-1306; W. VA. CODE § 61-8-7.

172. ILL. ANN. STAT. ch. 720, para. 5/11-19.2; IND. CODE ANN. § 35-45-4-4; KY. REV. STAT. ANN. § 529.030; MO. ANN. STAT. § 567.050; OHIO REV. CODE ANN. § 2907.21; OR. REV. STAT. § 167.017; TEX. PENAL CODE ANN. § 43.05; WYO. STAT. § 6-4-103.

173. ALASKA STAT. § 11.66.110; ARIZ. REV. STAT. ANN. § 13-3212; COLO. REV. STAT. ANN. § 18-7-405.5; IDAHO CODE § 18-5609; KAN. STAT. ANN. § 21-3513; MINN. STAT. ANN. § 609.322; MISS. CODE ANN. § 97-5-5; NEV. REV. STAT. § 201.360; N.H. REV. STAT. ANN. § 645:2; OKLA. STAT. ANN. tit. 21, § 1029; OR. REV. STAT. § 167.017; TEX. PENAL CODE ANN. § 43.05; WYO. STAT. § 6-4-103.

174. COLO. REV. STAT. ANN. § 18-7-403.5; *see also* CAL. PENAL CODE § 266j.

175. COLO. REV. STAT. ANN. § 18-7-405.5. *See also* *People v. Young*, 694 P.2d 841 (Colo. 1985) (offering victim money to masturbate in defendant's presence constituted one type of conduct intended to be punished under the inducement of child prostitution statute, which demonstrates a clear legislative intent to prohibit the sexual exploitation of children by monetary or other economic inducement).

176. OR. REV. STAT. § 167.017; *see also* OHIO REV. CODE ANN. § 2907.21; TEX. PENAL CODE ANN. § 43.05.

177. *State v. Wood*, 579 P.2d 294, 296 (Or. 1978). The court contrasted the section prohibiting coercion of an adult with the applicable section, which is "intended to prohibit 'conduct that exploits the immature' regardless of coercion." *Id.*

178. *Id.*

179. ALA. CODE § 13A-12-110(1); *see also* ARK. CODE ANN. § 5-70-101.

180. ALA. CODE § 13A-12-110(2); *see also* DEL. CODE ANN. tit. 11, § 1352, 1353; MINN. STAT. ANN. § 609.322.

181. ALA. CODE §§ 13A-12-111, 13A-12-112; ARK. CODE ANN. §§ 5-70-101, -104; CONN. GEN. STAT. ANN. § 53a-86, -87; DEL. CODE ANN. tit. 11, §§ 1352, 1353, 1356; HAW. REV. STAT. §§ 712-1202, -1203; N.Y. PENAL LAW §§ 230.25, 230.30, 230.32, 230.35; WASH. REV. CODE ANN. § 9A.88.070.

182. ALA. CODE §§ 13A-12-111, 13A-12-112; ALASKA STAT. § 11.66.110; ARK. CODE ANN. § 5-70-101, -104; CONN. GEN. STAT. ANN. §§ 53a-86, 53a-87; DEL. CODE ANN. tit. 11, §§ 1352, 1353; HAW. REV. STAT. § 712-1202, -1203; IND. CODE ANN. § 35-45-4-4; KAN. STAT. ANN. § 21-3513; KY. REV. STAT. ANN. § 529.030; MINN. STAT. ANN. § 609.322; ME. REV. STAT. ANN. tit. 17-A, § 852; MINN. STAT. ANN. § 609.323; MO. ANN. STAT. § 567.050; MONT. CODE ANN. § 45-5-603; N.J. STAT. ANN. § 2C:34-1; N.Y. PENAL LAW §§ 230.25, 230.30, 230.32, 230.35; N.C. GEN. STAT. § 14-190.18; OHIO REV. CODE ANN. § 2907.22; PA. STAT. ANN. tit. 18, § 5902; S.C. CODE ANN. § 16-15-425; S.D. CODIFIED LAWS ANN. § 22-23-2; WASH. REV. CODE ANN. § 9A.88.070.

183. IND. CODE ANN. § 35-45-4-4; *see also* ALASKA STAT. § 11.66.110; MONT. CODE ANN. § 45-5-603.
184. KAN. STAT. ANN. § 21-3513; *see also* OHIO REV. CODE ANN. § 2907.22; S.C. CODE ANN. § 22-23-2.
185. *See* ARK. CODE ANN. § 5-70-101; DEL. CODE ANN. tit. 11, § 1352, 1353.
186. CONN. GEN. STAT. ANN. § 53a-87. *See also* Commonwealth v. Herriott, 401 A.2d 841 (Pa. 1979) (juveniles at two apartments under direct control and management of another person who explained terms, dictated procedure, and determined fee to be charged and collected, customers were solicited by someone else and all monies were controlled by women who supervised juveniles' activities, was organized operation and not merely a casual operation for purposes of promoting prostitution statute).
187. State v. Williams, 594 P.2d 1281 (Or. 1979).
188. State v. Modest, 944 P.2d 417 (Wash. 1997).
189. *Id.* *See also* Bell v. State, 668 P.2d 829 (Alaska 1983) (defendant convicted of managing, supervising, controlling, or owning a prostitution enterprise other than a house of prostitution).
190. DEL. CODE ANN. tit. 11, § 1352.
191. DEL. CODE ANN. tit. 11, § 1353.
192. WIS. STAT. ANN. § 948.08. *See also* NEB. REV. STAT. § 28-805; OHIO REV. CODE ANN. § 2907.21; S.C. CODE ANN. § 16-15-425.
193. ARK. CODE ANN. §§ 5-70-101, -104; CAL. PENAL CODE § 266h; DEL. CODE ANN. tit. 11, § 1356; ILL. ANN. STAT. ch. 720, para. 5/11-15.1; KAN. STAT. ANN. § 21-3513; N.D. CENT. CODE § 12.1-29-02; OHIO REV. CODE ANN. § 2907.21; PA. STAT. ANN. tit. 18, § 5902; TENN. CODE ANN. § 39-13-512.
194. *See, e.g.*, ARK. CODE ANN. §§ 5-70-101, -104; KAN. STAT. ANN. § 21-3513; N.D. CENT. CODE § 12.1-29-02.
195. *See, e.g.*, CAL. PENAL CODE § 266h.
196. *See, e.g.*, COLO. REV. STAT. ANN. § 18-7-402.
197. *See, e.g.*, ILL. ANN. STAT. ch. 720, para. 5/11-15.1.
198. The person to be charged under the soliciting for a juvenile-prostitute statute is one who acts on behalf of the juvenile prostitute in procuring customers. In this case the court decided the defendant's conduct in directing the minor to a known area for prostitution falls under the pandering statute. People v. Anderson, 493 N.E.2d 410 (Ill. 1986) (distinguishing People v. Blair, 449 N.E.2d 172 (Ill. 1983), which held that the solicitation statute proscribed both soliciting a prostitute and soliciting another on behalf of a prostitute, because it did not involve application of the statute regarding solicitation for a juvenile prostitute).
199. 510 N.E.2d 107 (Ill. 1987).
200. *See* People v. Jones, 615 N.E.2d 391, 394 (Ill. 1993).
201. *Id.*
202. MINN. STAT. ANN. § 609.322; NEB. REV. STAT. § 28-805; N.J. STAT. ANN. § 2C:34-1; N.C. GEN. STAT. § 14-190.19; OKLA. STAT. ANN. tit. 21, § 1029; S.C. CODE ANN. § 16-15-425; TENN. CODE ANN. § 39-13-512.
203. 819 P.2d 516 (Colo. 1991), *rev'd on other grounds*, 839 P.2d 1161 (Colo. 1992).
204. People v. Bell, 201 Cal. App. 3d 1396 (1988) (sufficient that the purpose of the solicitation be to facilitate the actor's own commission of the offense) (citing People v. Cook, 151 Cal. App. 3d 1142 (1984)).
205. *See* ALA. CODE § 13A-12-110; ARK. CODE ANN. § 5-70-101; DEL. CODE ANN. tit. 11, §§ 1352, 1353.
206. *See* ALASKA STAT. § 11.66.110; ARK. CODE ANN. § 5-70-104.
207. MINN. STAT. ANN. § 609.322 (soliciting or inducing a child to practice prostitution).
208. MINN. STAT. ANN. § 609.323.
209. At least 18 states and the District of Columbia have such laws. *See, e.g.*, ARK. CODE ANN. § 5-14-110; IDAHO CODE § 18-1509; N.M. STAT. ANN. § 30-9-1. Some of these statutes specify the venues covered (*e.g.*, vehicles, buildings, secluded places, or isolated areas), while others are more general often referring to "any place." Not all cover children up to age 18 (*i.e.*, they may set a younger age of 16 or even 12). A few states have also enacted separate offenses for using a computer for the purpose of enticing a child to commit an unlawful sexual act (*e.g.*, encouraging the child, "online," to meet the adult when the adult intends to have an unlawful sexual encounter with the child). *See, e.g.*, ILL. ANN. STAT. ch. 720, para. § 11-6. *See also* Protection of Children from Sexual Predators Act of 1998, Pub. L. No. 105-314, § 101, 112 Stat. 2974 (1998) (creating 18 U.S.C. § 2425, Use of Interstate Facilities to Transmit Information about a Minor).
210. ARIZ. REV. STAT. ANN. § 13-3212; MONT. CODE ANN. § 45-5-603; NEV. REV. STAT. § 201.360; N.J. STAT. ANN. § 2C:34-1; N.C. GEN. STAT. § 14-318.4; OHIO REV. CODE ANN. § 2907.21; OR. REV. STAT. § 167.017; S.D. CODIFIED LAWS ANN. § 22-23-2.
211. LA. REV. STAT. ANN. § 14:82.1.

212. MONT. CODE ANN. § 45-5-603.
213. MINN. STAT. ANN. § 631.52.
214. *Id.*
215. MASS. GEN LAWS ANN. ch. 272, § 4A.
216. OKLA. STAT. ANN. tit. 21, § 1029.
217. MD. ANN. CODE art. 27, § 1.
218. *State v. Modest*, 944 P.2d 417 (Wash. 1997).
219. CAL. PENAL CODE § 266i.
220. *People v. Hansen*, 708 P.2d 468 (Colo. 1985).
221. *People v. Young*, 694 P.2d 841 (Colo. 1985) (defendant made overt attempt to persuade victim to masturbate for money in violation of the statute).
222. *Bell v. State*, 668 P.2d 829 (Alaska 1983).
223. 487 P.2d 793 (Wash. 1971).
224. *State v. Barnett*, 600 P.2d 877 (Or. 1979) (evidence directly proving promoting charge was just part of larger body of evidence proving attempted compelling prostitution charge); *State v. Williams*, 594 P.2d 1281 (Or. 1979) (evidence that defendant maintained place of prostitution and received earnings from prostitute directly proved crime of promoting prostitution, and same evidence indirectly proved charge of compelling prostitution by being basis of inference that defendant used two girls to engage in prostitution, which could not be sustained without such evidence; charge of promoting prostitution should have been merged with two charges of compelling prostitution).
225. In *State v. Simon*, 831 P.2d 139 (Wash. 1992), the court ruled that the information used to charge the defendant was constitutionally insufficient because it failed to allege an essential element of one of the charged means of committing the crime, specifically, knowledge that the person prostituted was younger than 18. It therefore failed to state an offense. Because a colon follows “knowingly” in the statute, it requires knowledge as to both means of promoting prostitution (by threat and force or person younger than 18). Because it was impossible to determine from the single verdict whether the jury was unanimous that defendant promoted prostitution by use of threat and force, the court remanded for a new trial. *See also* *People v. Bath*, 890 P.2d 269 (Colo. 1994) (affirmative defense provision eliminates culpable mental state of “knowingly” and replaces it with “reasonable belief”).
226. 455 N.E.2d 642 (Mass. 1983).
227. N.Y. PENAL LAW § 230.07. New York increases the grade of the “patronizing” offense according to the age of the child.
228. ILL. ANN. STAT. ch. 720, para. 5/11-19.1.
229. *See generally* National Center for Prosecution of Child Abuse, INVESTIGATION AND PROSECUTION OF CHILD ABUSE (S. Marx & P. Toth, eds., 2d ed., American Prosecutors Research Institute 1993).
230. *Bell v. State*, 668 P.2d 829 (Alaska 1983) (legislature may, consistent with due process requirements, preclude mistake of age as defense to promoting prostitution in the first degree (person younger than 16 years of age)).
231. COLO. REV. STAT. ANN. § 18-7-407 (emphasis added).
232. ALASKA STAT. § 11.66.110; LA. REV. STAT. ANN. §§ 14:82.1, 86; MONT. CODE ANN. § 45-5-603; N.C. GEN. STAT. §§ 14-190.18, 190.19; OHIO REV. CODE ANN. §§ 2907.21, 2907.22; PA. STAT. ANN. tit. 18, § 5902; S.C. CODE ANN. §§ 16-15-415, -425.
233. Fassett & Walsh, *supra* note 10, at 30.
234. Whitcomb & Eastin, *supra* note 3, at 4; Whitcomb, De Vos & Smith, *supra* note 4, at 16.
235. Fassett & Walsh, *supra* note 10, at 30.
236. Fed. R. Evid. 412. The exceptions include evidence of specific instances of sexual behavior by the alleged victim offered to prove that someone other than the defendant was the source of semen, injury, or other physical evidence; evidence of specific instances of sexual behavior by the alleged victim with respect to the defendant offered by the accused to prove consent or by the prosecution; or evidence that would violate the Constitution to exclude.
237. John E.B. Myers, EVIDENCE IN CHILD ABUSE AND NEGLECT CASES (3d ed., New York: John Wiley & Sons, Inc., 1997); INVESTIGATION AND PROSECUTION OF CHILD ABUSE, *supra* note 229, at 270.
238. *See, e.g.*, ALA. CODE § 12-21-203; GA. CODE ANN. § 24-2-3; ILL. ANN. STAT. ch. 725, para. 5/115-7; KAN. STAT. ANN. § 21-3525; MICH. COMP. LAWS ANN. § 750.520j; N.J. STAT. ANN. § 2A:84A-32.1; R.I. GEN. LAWS § 11-37-13.

239. IDAHO CODE § 19-2115.
240. INVESTIGATION AND PROSECUTION OF CHILD ABUSE, *supra* note 229, at 233.
241. MINN. STAT. ANN. § 609.3232.
242. Whether “patronizing” statutes are actually enforced is a separate issue. In a study of the Boston Municipal Court, computer-generated lists of all prostitution related offenses did not include a single act of a client being arraigned despite assertions that the police periodically conduct “sweeps for prostitution customers, arresting 40 to 50 at a time, a few times a year.” In addition, the use of undercover vice officers as “decoys” may result in fewer arrests of patrons. Since most of the officers are male, it is mainly women and a few male prostitutes who get arrested. Kandel, *supra* note 69, at 335-36.
243. *State v. Farmer*, 805 P.2d 200 (Wash. 1991) (defendant’s intent in each crime was different, namely for sexual gratification and to photograph the minors engaged in sexually explicit conduct; one crime did not further the other and therefore did not encompass same criminal conduct).
244. *State v. Modest*, 944 P.2d 417 (Wash. 1997) (sentencing court may not rely on multiple victims as aggravating factor when state filed charges for each victim; however, additional incidents of prostitution not considered in setting presumptive range could be considered aggravating factors in sentencing for direction of prostitution ring).
245. See National Center for Prosecution of Child Abuse, *Statutory Summaries* (American Prosecutors Research Institute 1998).
246. ILL. ANN. STAT. ch. 720, para. 5/11-17.1, 19.2.
247. INVESTIGATION AND PROSECUTION OF CHILD ABUSE, *supra* note 229, at 233.
248. GA. CODE ANN. § 9-3-33.1.
249. Act of June 25, 1910, ch. 395, 36 Stat. 825 (codified as amended at 18 U.S.C. §§ 2421-2424 (1998)).
250. Pub. L. No. 99-628, § 5 (1986) (repealing and recodifying 18 U.S.C. §§ 2421-2423).
251. Protection of Children from Sexual Predators Act of 1998, Pub. L. No. 105-314, 112 Stat. 2974 (1998).
252. The full text of Title 18, Section 2421, as amended by Section 106 of the Protection of Children from Sexual Predators Act, Pub. L. No. 105-314, 112 Stat. 2974, reads
- Whoever knowingly transports any individual in interstate or foreign commerce, or in any territory or possession of the United States, with intent that such individual engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title or imprisoned not more than 10 years, or both.
253. The full text of 18 U.S.C. § 2422, as amended by Section 102 of the Protection of Children from Sexual Predators Act, Pub. L. No. 105-314, 112 Stat. 2974, states
- (a) Whoever knowingly persuades, induces, entices, or coerces any individual to travel in interstate or foreign commerce, or in any Territory or Possession of the United States, to engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title or imprisoned not more than 10 years, or both.
- (b) Whoever, using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States knowingly persuades, induces, entices, or coerces any individual who has not attained the age of 18 years, to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title, imprisoned not more than 15 years, or both.
254. 997 F.Supp. 246 (D.Conn. 1997).
255. 18 U.S.C. § 2423, as amended by Protection of Children from Sexual Predators Act, § 103, Pub. L. No. 105-314, 112 Stat. 2974 (1998). “Sexual act” is defined as (A) contact between the penis and the vulva or the penis and the anus, and for purposes of the subparagraph contact involving the penis occurs upon penetration, however slight; (B) contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus; (C) the penetration, however, slight, of the anal or genital opening of another by a hand or finger or object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; or (D) the intentional touching, not through clothing, of the genitalia of another person who has not attained the age of 16 years with the intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person. “Sexual contact” means the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person. 18 U.S.C. § 2246 (West 1998). The PCSPA also adds offenses relating to child pornography in the definition of sexual activity

for which a person can be charged with a criminal offense. Pub. L. No. 105-314, § 105, 112 Stat. 2974 (1998).
 256. A drafting error that caused the statute to define “sexual act” by reference to a statute punishing only criminal sexual abuse resulting in death was corrected by Congress in Pub. L. No. 104-71, § 5, 109 Stat. 774 (1995). *See* United States v. Moore, 1998 WL 81287 (9th Cir. (Cal.)); United States v. Childress, 104 F.3d 47 (4th Cir. 1996).

257. United States v. Wright, 128 F.3d 1274 (8th Cir. 1997) (noting that Supreme Court has repeatedly said crossing state lines is interstate commerce regardless of whether any commercial activity is involved).

258. United States v. Brockdorff, 992 F.Supp. 22 (D.D.C. 1997) (upholding constitutionality of § 2423(b)); United States v. Kufrovich, 997 F.Supp. 246 (D.Conn. 1997).

259. Loken, *supra* note 51, at 68. Loken also notes that it would technically be possible for a prostitute to be charged as an accomplice to her own transportation by purchasing a ticket for interstate travel by a pimp or patron. *Id.*

260. Protection of Children from Sexual Predators Act of 1998, Pub. L. No. 105-314, § 101, 112 Stat. 2974 (1998).

§ 2425. Use of interstate facilities to transmit information about a minor. Whoever, using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States, knowingly initiates the transmission of the name, address, telephone number, social security number or electronic-mail address of another individual, knowing that such other individual has not attained the age of 16 years, with the intent to entice, encourage, offer, or solicit any person to engage in any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title, imprisoned not more than 5 years, or both.

261. 992 F.Supp. 22 (D.D.C. 1997).

262. *Id.*

263. 49 F.3d 1079 (5th Cir.), *cert. denied*, 116 S.Ct. 201 (1995).

264. *Id.* at 1083.

265. United States v. Vang, 128 F.3d 1065 (7th Cir. 1997); United States v. Kinslow, 860 F.2d 963, 967 (9th Cir. 1988), *cert. denied*, 493 U.S. 829 (1989).

266. 507 F.2d 22, 24 (7th Cir. 1974); *see also* United States v. Ellis, 935 F.2d 385, 389 (1st Cir.) (approving jury instruction requiring government to “prove that the defendant’s immoral purpose was not a mere incident of the trip or trips but was at least one of the defendant’s motivations for taking the trip in the first place”), *cert. denied*, 502 U.S. 869 (1991).

267. 513 U.S. 64 (1994).

268. 997 F.Supp. 246 (D. Conn. 1997).

269. *Id.*

270. United States v. Hamilton, 456 F.2d 171 (3d Cir. 1972), *cert. denied*, 406 U.S. 947 (1972).

271. 18 U.S.C. § 2241, *as amended by* Protection of Children from Sexual Predators Act, Pub. L. No. 105-314, § 301(a), 112 Stat. 2974 (1998), reads

(a) By force or threat.—Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, knowingly causes another person to engage in a sexual act—

(1) by using force against the other person; or

(2) by threatening or placing that other person in fear that any person will be subjected to death, serious bodily injury, or kidnapping;

or attempts to do so, shall be fined under this title, imprisoned for any term of years or life, or both.

(b) By other means.—Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, knowingly—

(1) renders another person unconscious and thereby engages in a sexual act with that other person; or

(2) administers to another person by force or threat of force, or without the knowledge or permission of that person, a drug, intoxicant, or other similar substance and thereby—

(A) substantially impairs the ability of that other person to appraise or control conduct; and

(B) engages in a sexual act with that other person; or attempts to do so, shall be fined under this title, imprisoned for any term of years or life, or both.

(c) With children.—Whoever crosses a State line with intent to engage in a sexual act with a person who has not attained the age of 12 years, or in the special maritime and territorial jurisdiction of the United States or in a Federal prison, knowingly engages in a sexual act with another person who has not attained the age of 12 years, or knowingly engages in a sexual act under the circumstance described in subsections (a) and (b) with another person who has attained the age of 12 years but has not attained the age of 16 years (and is at least 4 years younger than the person so engaging), or attempts to do so, shall be fined under this title, imprisoned for any term of years or life, or both. If the defendant has previously been convicted of another Federal offense under this subsection, or of a State offense that would have been an offense under either such provision had the offense occurred in a Federal prison, unless the death penalty is imposed, the defendant shall be sentenced to life in prison.

(d) State of mind proof requirement.—In a prosecution under subsection (c) of this section, the Government need not prove that the defendant knew that the other person engaging in the sexual act had not attained the age of 12 years.

272. 18 U.S.C. § 2243, as amended by Protection of Children from Sexual Predators Act, Pub. L. No. 105-314, § 301(b), 112 Stat. 2974 (1998) reads

(a) Of a minor.—Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, knowingly engages in a sexual act with another person who—

(1) has attained the age of 12 years but has not attained the age of 16 years; and

(2) is at least four years younger than the person so engaging;

or attempts to do so, shall be fined under this title, imprisoned not more than 15 years, or both.

(b) Of a ward.—Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, knowingly engages in a sexual act with another person who is—

(1) in official detention; and

(2) under the custodial, supervisory, or disciplinary authority of the person so engaging;

or attempts to do so, shall be fined under this title, imprisoned not more than one year, or both.

(c) Defenses.—(1) In a prosecution under subsection (a) of this section, it is a defense, which the defendant must establish by a preponderance of the evidence, that the defendant reasonably believed that the other person had attained the age of 16 years.

(2) In a prosecution under this section, it is a defense, which the defendant must establish by a preponderance of the evidence, that the persons engaging in the sexual act were at that time married to each other.

(d) State of mind proof requirement.—In a prosecution under subsection (a) of this section, the Government need not prove that the defendant knew—

(1) the age of the other person engaging in the sexual act; or

(2) that the requisite age difference existed between the persons so engaging.

See also 18 U.S.C. § 2244(c), as amended by Protection of Children from Sexual Predators Act, Pub. L. No. 105-314, § 302, 112 Stat. 2974 (1998) (abusive sexual contact offenses involving young children).

273. 987 F.2d 631 (9th Cir. 1993).

274. *United States v. Richards*, 118 F.3d 622 (8th Cir. 1997).

275. 86 F.3d 129 (8th Cir. 1996).

276. 976 F.2d 1252 (9th Cir. 1992).

277. 942 F.2d 775 (10th Cir. 1991), *cert. denied*, 502 U.S. 1042 (1992). *But see* *Arcoren v. United States*, 929 F.2d 1235 (8th Cir.), *cert. denied*, 502 U.S. 913 (1991) (reversible error to preclude defendant from introducing mistake of age evidence under §§ 2242 and 2244).

278. 18 U.S.C. § 2241(d); 18 U.S.C. § 2243(d).

279. 18 U.S.C. § 2251 et seq., as amended by Protection of Children from Sexual Predators Act, Pub. L. No. 105-314, §§ 201-02, 112 Stat. 2974 (1998). See also *United States v. Smith*, 795 F.2d 841 (9th Cir. 1986), *cert. denied*, 481 U.S. 1032 (1987) (unprocessed film constitutes a “visual depiction” for the purposes of 18 U.S.C. § 2252(a)).

280. *United States v. Smith*, 795 F.2d 841 (9th Cir. 1986), *cert. denied*, 481 U.S. 1032 (1987).

281. 636 F. Supp. 828 (S.D. Cal. 1986), *aff'd sub. nom.* United States v. Weigand, 812 F.2d 1239 (9th Cir.), *cert. denied*, 484 U.S. 856 (1987).
282. 32 F.3d 733 (3d Cir. 1994), *cert. denied*, 513 U.S. 1109 (1995).
283. Pub. L. No. 101-647, § 323, 104 Stat. 4789, 4818 (1990).
284. 18 U.S.C. § 2251(a), *as amended by* Protection of Children from Sexual Predators Act, § 201.
285. 33 F.3d 78 (D.C.C. 1994), *rehearing denied*, 47 F.3d 1215 (1995), *cert. denied*, 515 U.S. 1158 (1995). *See also* Connection Distributing Co. v. Reno, 154 F.3d 281 (6th Cir. 1998) (Child Protection Restoration and Penalties Enhancement Act was narrowly tailored and did not violate First Amendment, did not act as unconstitutional prior restraint and did not violate readers' free association rights).
286. Pub. L. No. 104-208, § 121, 110 Stat. 3009, 3009-26 (1996).
287. United States v. Hilton, No. 98-513, slip op. at 3 (1st Cir. Jan. 27, 1999), *rev'g* 999 F. Supp. 131 (D. Maine 1998).
288. 1997 WL 487758 (N.D. Cal.).
289. 18 U.S.C. § 1962 (1982).
290. Loken, *supra* note 51, at 68.
291. *Id.*
292. *Id.*
293. U.S.S.G. § 1B1.3(a)(1)(A) (1997).
294. *See* United States v. Matthews, 116 F.3d 305, 307 (7th Cir. 1997); United States v. Vang, 128 F.3d 1065 (7th Cir. 1997).
295. United States v. Somner, 127 F.3d 405 (5th Cir. 1997) (upholding enhancements for "coercion," "vulnerable victim," and "obstruction" in prosecution under § 2423).
296. United States v. Robinzine, 80 F.3d 246 (7th Cir. 1996) (defendant subject to two-level enhancement under Sentencing Guidelines for obstruction of justice based upon victim's testimony that defendant threatened her when being arrested and friend of defendant bribed her and threatened her not to cooperate).
297. United States v. Anderson, 1998 WL 130158 (1st Cir. (Mass.)).
298. United States v. Johnson, 132 F.2d 1279 (9th Cir. 1997) ("vulnerable victim" enhancement appropriate under U.S.S.G. § 3A1.1 when victim was 17 years old, had no family or friends in town).
299. Pub. L. No. 105-314, § 501, 112 Stat. 2974 (1998).
300. *Id.* § 504.
301. *Id.* § 505.
302. *Id.* § 602.
303. *Id.* § 603.
304. *Id.* § 605.
305. *See* 18 U.S.C. § 2259 (West 1998).
306. 18 U.S.C. § 3663(a)(2).
307. United States v. Johnson, 132 F.3d 1279 (9th Cir. 1997).
308. 28 U.S.C.S. § 534 (a) (Law. Co-op. 1996).
309. 42 U.S.C.S. §§ 5771-777 (Law. Co-op. 1996).
310. The National Center for Missing & Exploited Children offers these services per 42 U.S.C. § 5771 and 42 U.S.C. § 290.
311. Fassett & Walsh, *supra* note 10, at 9.
312. *Assessment Report*, *supra* note 9.
313. *Id.*
314. *Id.* Child-sexual exploitation cases comprise less than 5 percent of cases that come into prosecutors' offices. *Id.* *See also* Whitcomb, De Vos & Smith, *supra* note 4, at 5.
315. Fassett & Walsh, *supra* note 10, at 9; Whitcomb, De Vos & Smith, *supra* note 4, at 14, 43.
316. *Assessment Report*, *supra* note 9.
317. Whitcomb & Eastin, *supra* note 3, at 28, 42; Whitcomb, De Vos & Smith, *supra* note 4, at 14.
318. Whitcomb, De Vos & Smith, *supra* note 4, at 4.
319. *Assessment Report*, *supra* note 9.
320. Fassett & Walsh, *supra* note 10, at 9.
321. *Id.*

322. Whitcomb, De Vos & Smith, *supra* note 4, at 16, 40.
323. Whitcomb & Eastin, *supra* note 3, at 5.
324. *Id.* at 21 (citing *Child Sexual Exploitation: Improving Investigations and Protecting Victims, A Blueprint for Action* (Office of Victims of Crime 1996)).
325. *Id.*
326. *Id.* at 9. The agencies involved in the SAFE Team are the US Attorney's Office, Federal Bureau of Investigation, Naval Criminal Investigative Service, US Customs Service, US Postal Inspection Service, California Department of Justice, Los Angeles County Sheriff's Department, Los Angeles Police Department, Los Angeles County District Attorney's Office, California Department of Corrections (Parole and Community Service Division), and Huntington Beach Police Department (Orange County). *Id.* at 10.
327. *Id.*
328. *Id.* at 9-10.
329. *Id.*
330. *Id.* at 46.
331. *Id.* at 13.
332. *Id.*
333. *Id.* at 19.
334. *Id.* at 20.
335. *Id.*
336. *Id.*
337. *Id.* at 23.
338. *Id.* at 15; Whitcomb, De Vos & Smith, *supra* note 4, at 10-17.
339. *Assessment Report, supra* note 9.
340. Whitcomb & Eastin, *supra* note 3, at 16.
341. *Assessment Report, supra* note 9.
342. Whitcomb & Eastin, *supra* note 3, at 24.
343. *Id.* at 17.
344. *Id.* at 18.
345. *Assessment Report, supra* note 9; Whitcomb, De Vos & Smith, *supra* note 4, at 25-33.
346. *Assessment Report, supra* note 9; Whitcomb, De Vos & Smith, *supra* note 4, at 17-24.
347. *Assessment Report, supra* note 9; Whitcomb, De Vos & Smith, *supra* note 4, at 33-43.
348. *Assessment Report, supra* note 9, at 167.
349. *Id.*
350. *Id.* at 164.
351. Whitcomb & Eastin, *supra* note 3, at 5.
352. *Assessment Report, supra* note 9.
353. Fassett & Walsh, *supra* note 10, at 30; Whitcomb & Eastin, *supra* note 3, at 38; *Assessment Report, supra* note 9; Whitcomb, De Vos & Smith, *supra* note 4.
354. *See* Whitcomb, De Vos & Smith, *supra* note 4, at 103.
355. Whitcomb & Eastin, *supra* note 3, at 4.
356. MINN. STAT. ANN. § 626.558 (West 1997).
357. Seng, *supra* note 27, at 674.
358. Title III of the Juvenile Justice and Delinquency Prevention Act of 1974, Pub. L. No. 93-415, 88 Stat. 1109 (1974).
359. *Assessment Report, supra* note 9.
360. *Id.*
361. Whitcomb, De Vos & Smith, *supra* note 4, at 17.
362. Fassett & Walsh, *supra* note 10, at 31; *Assessment Report, supra* note 9, at 162; Whitcomb, De Vos & Smith, *supra* note 4, at 104 (the prostitution-involved youth/pimp relationship "resembles a cult phenomenon—suggesting that 'de-programming' techniques may apply").
363. Molnar, *supra* note 3, at 220-21.
364. Morey & Friedman, *supra* note 18, at 397.
365. Seng, *supra* note 27, at 674.
366. Sullivan, *supra* note 17, at 60.

367. Johnson et al., *supra* note 18, at 320.
368. Morey & Friedman, *supra* note 18, at 398.
369. Wurzbacher et al., *supra* note 25, at 550. *See also* Whitcomb, De Vos & Smith, *supra* note 4, at 102 (because many prostitution-involved youth retain some connection to school, well-trained teachers and school staff could recognize signs of exploitation and provide early intervention).
370. School attenders showed less depression, improved school sentiment, improved self-esteem, and reduced prostitution activity after fewer than 2 months of street school. Wurzbacher et al., *supra* note 25, at 553.
371. *Id.* at 550.
372. CAL. HEALTH & WEL. CODE § 11755.4 (West 1997).
373. Cates, *supra* note 102, at 156.
374. Many children are forced into the sex trade under “conditions that are indistinguishable from slavery.” *Report of the Special Rapporteur, supra* note 6, ¶ 34.
375. Muntarhorn, *International Perspectives and Child Prostitution in Asia*, in FORCED LABOR: THE PROSTITUTION OF CHILDREN at 9 (Jaffee & Rosen, eds., US Department of Labor 1996).
376. *Report of the Special Rapporteur, supra* note 6, ¶ 56.
377. End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT), *Country Reports* (last modified Aug. 21, 1996) <<http://www.rb.se/ecpat/country.htm>> (quoting Vitit Muntarhorn, Washington, 1995) [hereinafter *Country Reports*].
378. *See* Ennew et al., *Children and Prostitution: How Can We Measure and Monitor the Commercial Sexual Exploitation of Children? Literature Review and Annotated Bibliography* (Centre for Family Research & Childwatch International 1996).
379. Muntarhorn, *supra* note 375, at 11.
380. *Country Reports, supra* note 377.
381. *Id.*
382. Dorianne Beyer, *Child Prostitution in Latin America*, in FORCED LABOR: THE PROSTITUTION OF CHILDREN 32, 37 (Jaffee & Rosen, eds., US Department of Labor 1996).
383. *Country Reports, supra* note 377.
384. *Id.*
385. *Id. See also* Beyer, *supra* note 382, at 37.
386. Beyer, *supra* note 382, at 39.
387. *Id. See also* Barry, *supra* note 50, at 173; Douglas Hodgson, *Sex Tourism and Child Prostitution in Asia: Legal Responses and Strategies*, 19 MELB. U. L. REV. 512, 515 (1994).
388. *Country Reports, supra* note 377.
389. *Id.*
390. *Id.*
391. *Id.*; Hodgson, *supra* note 387, at 515.
392. *Country Reports, supra* note 377.
393. *Id. See also* Hodgson, *supra* note 387, at 514.
394. *Country Reports, supra* note 377.
395. *Id. See also* Hodgson, *supra* note 387, at 514; Vicki F. Li, Comment, *Child Sex Tourism to Thailand: The Role of the United States as a Consumer Country*, 4 PAC. RIM L. & POL’Y J. 505 (1995).
396. *The Paedo File*, ECPAT Newsletter (ECPAT International, Bangkok, Thailand), Aug. 1996, at 4, 4.
397. *Country Reports, supra* note 377.
398. Charlotte Bunch, *The Intolerable Status Quo: Violence Against Women and Girls*, in *The Progress of Nations 1997* (visited Sept. 28, 1998) <<http://www.unicef.org/pon97/women1.htm>>.
399. Helena Karlén & Christina Hagner, *Commercial Sexual Exploitation of Children in Some Eastern European Countries* (End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes 1996). *See also* *Crime and Servitude: An Exposé of the Traffic in Women for Prostitution from the Newly Independent States* (Global Survival Network & International League for Human Rights 1997).
400. *Country Reports, supra* note 377.
401. *Draft Declaration, supra* note 1, at 2.

402. World Health Organization, *Commercial Sexual Exploitation of Children: The Health and Psychological Dimensions*, at 23, World Congress Against Commercial Sexual Exploitation of Children, Stockholm, Sweden (August 27-31, 1996).
403. *Id.* at 15.
404. *Id.* at 27.
405. *Draft Declaration*, *supra* note 1, at 2.
406. Seventy percent of young women working in the sex industry migrate from rural areas. Patricia D. Levan, Note, *Curtailing Thailand's Child Prostitution Through an International Conscience*, 9 AM. U. J. INT'L L. & POL'Y 869, 873 (1994) (citing Thanh-Dam Truong, *Virtue, Order, Health and Money: Towards a Comprehensive Perspective on Female Prostitution in Asia* 17-21, U.N. Economic and Social Commission for Asia and the Pacific, U.N. Doc. ST/ESCAP/388 (1985)); *see also* Hodgson, *supra* note 387, at 516-17.
407. Jane Cassidy, *The Unseen Menace*, 92 NURSING TIMES 50, 51 (1996).
408. *Draft Declaration*, *supra* note 1, ¶ 6.
409. Muntarbhorn, *supra* note 375, at 11.
410. Ladda Saikaew, *A Non-Governmental Organization Perspective*, in FORCED LABOR: THE PROSTITUTION OF CHILDREN at 68 (Jaffee & Rosen, eds., US Department of Labor 1996).
411. *Draft Declaration*, *supra* note 1, ¶ 6; Hodgson, *supra* note 387, at 520-21.
412. Li, *supra* note 395, at 507.
413. John Grafilo, Sexual Exploitation of Children, Women Rises in Asia, COMTEX Newswire (Manila), Nov. 7, 1997 (comments at International Conference on the Trafficking and Commercial Sexual Exploitation of Women and Children).
414. Li, *supra* note 395, at 508. Patrons of "casa girls" in Angeles City are primarily men from the United States who are stationed at Clark Air Force Base and in Olongopo City from Subic Naval Base. Susan Edwards, *The Legal Regulation of Prostitution: A Human Rights Issue*, in RETHINKING PROSTITUTION: PURCHASING SEX IN THE 1990s at 72 (Scambler & Scambler eds., London: Routledge 1997).
415. *See* Hodgson, *supra* note 387, at 520-21.
416. Cassidy, *supra* note 407, at 51.
417. *Report of the Asia-Pacific Regional Preparatory Consultation for the World Congress Against Commercial Sexual Exploitation of Children* at 72, Bangkok, Thailand (April 2-5, 1996); World Congress Against Commercial Sexual Exploitation of Children, *Backgrounder 1: Prostitution of Children* (visited Sept. 9, 1998) <<http://www.usis.usemb.se/children/csec/2262.htm>>.
418. *Draft Declaration*, *supra* note 1, ¶ 7.
419. ECPAT Bulletin (ECPAT International, Bangkok, Thailand), Feb. 1993, at 9 (citing *Rights Activist: Flesh Trade Still Flourishing*, Bangkok Post, Feb. 17, 1993).
420. *The Sex Sector: The Economic and Social Bases of Prostitution in Southeast Asia* (Lin Lean, ed., International Labor Office, Geneva: 1998).
421. One NAMBLA Bulletin article advised members to "weigh the pros and cons of becoming involved yourself in sex tourism overseas. Seek and find love from...boys [in the United States] on a platonic, purely emotional level. For sexual satisfaction, travel once or twice yearly overseas. You might get arrested overseas for patronizing a boy prostitute. But the legal consequences of being caught patronizing a boy prostitute in a friendly place overseas will be less severe." David Hechler, *Child Sex Tourism, afterward* to ANDREW VACCHS, *BATMAN: THE ULTIMATE EVIL* (Warner Books 1995).
422. Julia O'Connell Davidson, *The Sex Exploiter*, World Congress Against the Sexual Exploitation of Children at 6, Stockholm, Sweden (August 27-31, 1996).
423. For example, it is estimated that more than 30,000 people from the United States and several thousand Canadians have retired to Costa Rica for the pleasant climate, tax advantages, and low cost of living; however, some of these retirees are preferential sex offenders attracted by the easy access to children. Child Prostitution and Sex Tourism: An ECPAT Research Project, ECPAT Newsletter (ECPAT International, Bangkok, Thailand), Aug. 1996, at 6, 7. *See also* Kenneth V. Lanning, *Child Molesters: A Behavioral Analysis for Law Enforcement Officers Investigating Cases of Child Sexual Exploitation* (3d ed., National Center for Missing & Exploited Children 1992).
424. Stephanie Fariior, *The International Law on Trafficking in Women and Children for Prostitution: Making It Live Up to Its Potential*, 10 HARV. HUM. RTS. J. 213, 215 (1997).

425. *The Paedo File*, *supra* note 396, at 4-5. Thirty-three percent of these child-sex abusers were between the ages of 40-50, 24 percent between the ages of 50 and 60, 18 percent between the ages of 30 and 40, 15 percent between the ages of 60 and 70, 7 percent between the ages of 20 and 30, and 3 percent were older than 70. *Id.*
426. O'Connell Davidson, *supra* note 422.
427. Martin Staebler, *Tourism and Children in Prostitution*, World Congress Against the Sexual Exploitation of Children at 6, Stockholm, Sweden (August 27-31, 1996).
428. *Draft Declaration*, *supra* note 1, at 2.
429. O'Connell Davidson, *supra* note 422.
430. *Id.*
431. *Report of the Special Rapporteur*, *supra* note 6, ¶ 101.
432. Barry, *supra* note 50, at 145.
433. Ariel Said, Argentina Fights Home-Grown Child Sex Problem, Reuters World Report (Buenos Aires), September 23, 1997 (comment of Atilio Alvarez, head of National Child and Family Council).
434. Muntarbhorn, *supra* note 375, at 14.
435. See Farrior, *supra* note 424.
436. *Id.*
437. *Id.* at 243 (citing *Prevention of Traffic in Persons and the Exploitation of the Prostitution of Others, Review of Developments in Other Fields of Contemporary Forms of Slavery, Information Submitted by Governments, United Nations Organs, Specialized Agencies and Intergovernmental Organizations*, U.N. Doc. E/CN.4/Sub.2/AC.2/1991/5/Add.1 (1991)).
438. *Id.*
439. *Id.* at 251 (citing Commission on Human Rights, Report on the Forty-Eighth Session (27 January-6 March 1992), C.H.R. Res. 1992/74, U.N. ESCOR, 48th Sess., Annex, Supp. No. 2, at 174-85, U.N. Doc. E/CN.4/1992/84); Margaret A. Healy, Note, *Prosecuting Child Sex Tourists at Home: Do Laws in Sweden, Australia, and the United States Safeguard the Rights of Children as Mandated by International Law?*, 18 *FORDHAM INT'L L.J.* 1852, 1882 (1995) (citing *Programme for Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography: Report of the Working Group on Contemporary Forms of Slavery Pursuant to Paragraph 6 of Sub-Commission Resolution 1992/2*, U.N. Commission on Human Rights, 45th Sess. Prov. Agenda Item 15, U.N. Doc E/CN.4/Sub.2/1993/31 (1993)); Hodgson, *supra* note 387, at 525.
440. Muntarbhorn, *supra* note 375, at 16.
441. Farrior, *supra* note 424, at 244 (citing *Annotations to the Provisional Agenda*, U.N. ESCOR, Commission on Human Rights, Sub-Commission on Prevention of Discrimination and Protection of Minorities, 19th Sess., at 6, U.N. Doc. E/CN.4/Sub.2/AC.2/1994/1/Add.1 (1994)).
442. Muntarbhorn, *supra* note 375, at 14.
443. Panudda Boonpala, *The Role of the International Labor Organization, in FORCED LABOR: THE PROSTITUTION OF CHILDREN* 53, 55 (Jaffee & Rosen, eds., US Department of Labor 1996).
444. *Id.* at 56.
445. Farrior, *supra* note 424, at 225.
446. *Id.* at 230 (citing *Report of the Committee on the Elimination of Discrimination Against Women*, U.N. GAOR, 38th Sess., Supp. No. 38, at 1, 2, U.N. Doc. A/47/38 (1993)).
447. *Id.* at 255. Women's advocates have also circulated a new proposed UN Convention Against Sexual Exploitation, developed to establish the minimum conditions for a new international law aimed at fighting the sexual exploitation of women. Barry, *supra* note 50, at 323.
448. Convention on the Rights of the Child, Nov. 20, 1989. G.A. Res. 44/25, U.N. GAOR, 44th Sess., Supp. No. 49, at 1, U.N. Doc. A/44/736 (1989), 28 *I.L.M.* 1448 (1989).
449. Oneworld, *The Rights of a Child* (last modified Sept. 27, 1998) <http://www.oneworld.org/child_rights/child_rights.html>.
450. Healy, *supra* note 439, at 1877.
451. Eric T. Berkman, Note, *Responses to the International Child Sex Tourism Trade*, 19 *B.C. INT'L & COMP. L. REV.* 397, 408 (1996).
452. Healy, *supra* note 439, at 1879; Hodgson, *supra* note 387, at 526.
453. *Draft Optional Protocol to the United Nations Convention on the Rights of the Child Concerning the Elimination of Sexual Exploitation and Trafficking of Children*, art. 2(a).

454. *Id.* art. 2(c).
455. Healy, *supra* note 439, at 1881.
456. *Draft Declaration*, *supra* note 1, at 3.
457. *Report of the Special Rapporteur*, *supra* note 6.
458. Staebler, *supra* note 427, at 2.
459. *Id.* at 9-13.
460. Muntarhorn, *supra* note 375, at 25.
461. Staebler, *supra* note 427, at 7.
462. Farrior, *supra* note 424, at 255.
463. *See* Hodgson, *supra* note 387, at 527-29.
464. An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, Providing Penalties for its Violation, and for Other Purposes, Republic Act. No. 7610 § 31 (Phil.) (1992); Muntarhorn, *supra* note 375, at 23.
465. Hodgson, *supra* note 387, at 528.
466. *Id.* at 528; Healy, *supra* note 439, at 1921.
467. Levan, *supra* note 406, at 889 (citing The Prohibition of Prostitution Act of B.E. 2503 (1960)).
468. *Id.* at 890.
469. *Report of the Special Rapporteur*, *supra* note 6, ¶ 96 (criminal code section 216).
470. Portugal Tightens Law Against Child Pornography, Reuters World Report (Lisbon), January 8, 1998.
471. Strafgesetzbuch (Penal Code) § 5. The new section 176 reads
- (1) Whoever commits sex acts on a person [younger than 14] years of age (a child) or whoever permits a child to do the same to him, shall be punished by imprisonment from six to ten months or, in less serious cases, by up to five years imprisonment or fine.
 - (2) Similar punishment shall be imposed on anyone who induces a child to commit sex acts on a third person, or to permit a third person to do the same to the child.
 - (3) Imprisonment from one to ten years shall be deemed to exist if the offender
 1. Has sexual intercourse with the child or
 2. In committing the act grossly abuses the child.
 - (4) If, in committing the act, the offender recklessly caused the death of the child, not less than five years' imprisonment shall be imposed.
 - (5) Up to three years' imprisonment or fine shall be imposed on anyone who
 1. Commits sex acts in front of a child
 2. Induces a child to commit sex acts in front of him or a third person or
 3. Exerts influence on a child, by showing him pornographic illustrations or representation, by playing recordings or pornographic content, or by suggestive speech of the same nature in order to thereby sexually arouse himself, the child or a third person.
- Strafgesetzbuch (Penal Code) § 176 (Germ.).
472. Li, *supra* note 395, at 520.
473. Penal Code ch. 2, § 2 (Swed.).
474. "A person who has committed a crime outside the Realm shall be tried according to Swedish law and in a Swedish court . . . if the mildest penalty prescribed for the offense in Swedish law is imprisonment for four years or more." Penal Code ch. 2, § 3 (Swed.).
475. Penal Code ch. 6, § 1 (Swed.).
476. Healy, *supra* note 439, at 1915.
477. Li, *supra* note 395, at 520 (citing Swedish Penal Code).
478. Crimes (Child-Sex Tourism) Amendment Act 1994 § 50BA (Austl.) (amending Crimes Act 1914 (Austl.)). *See* Healy, *supra* note 439, and Hodgson, *supra* note 387, for a detailed examination of Australia's statute.
479. Crimes Amendment Act §§ 50DA, 50DB.
480. 18 U.S.C. § 2423(b), *as amended by* Protection of Children from Sexual Predators Act, Pub. L. No. 105-314, § 103, 112 Stat. 2974 (1998). *See* United States v. Thomas, 893 F.2d 1066 (9th Cir.) (upholding extraterritorial jurisdiction based on nationality).
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483. Japan: Draft Bill Seeks Crackdown on Sexual Acts with Children, Asia Intelligence Wire, The Yomiuri Shimbun/Daily Yomiuri (Yomiuri Shimbun), March 19, 1998.
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485. *Id.* at 14.
486. Home Office: Sex Tourists to be Sent Packing, COMTEX Newswire (M2 Communications), November 17, 1997.
487. *Rights of the Child, Sale of Children, Child Prostitution and Child Pornography*, Report Submitted by Mr. Vitit Muntarbhorn, Special Rapporteur, In Accordance with Commission Resolution 1990/68, U.N. ESCOR, Commission on Human Rights, 48th Sess., at 28, U.N. Doc. E/CN.4/1992/55 (1992) [hereinafter *Rights of the Child*].
488. Crimes Amendment Act § 50FA.
489. Draft Optional Protocol to the United Nations Convention on the Rights of the Child Concerning the Elimination of Sexual Exploitation and Trafficking of Children, art. 2(c).
490. *Id.* at art. 2(c).
491. See Healy, *supra* note 439, at 1898.
492. Crimes Amendment Act §§ 50DA, 50DB.
493. *Draft Declaration*, *supra* note 1.
494. Crimes Amendment Act § 50EC. Section 50EC sets forth the technical requirements for the video link. A witness can give evidence by video if both the Australian point and overseas point are equipped with the video facilities that allow appropriate persons at both points (including the witness) to see and hear each other.
495. See Proceeds of Crime Act 1987 § 14 (Austl.).
496. See Schulz, Report to the European Union Parliament, Committee on Civil Liberties, adopted 8 October 1997.
497. Charles Miller, British-Thai Police Join in Child Sex Crackdown, PA News, September 10, 1997.
498. Top British Policeman Confident Over Child Sex Law, Reuters World Report (Manila), October 3, 1997.
499. Mitchell, 1800 Names on Secret Paedophile Database, John Fairfax Holdings Limited, Age (Melbourne), March 4, 1998, p. 6.
500. *Report of the Special Rapporteur*, *supra* note 6, ¶ 64.
501. White House Memorandum, *Steps to Combat Violence Against Women and Trafficking in Women and Girls* (March 11, 1998).
502. White House Fact Sheet on US-Italy Initiative to Combat Trafficking in Women and Children (May 6, 1998).
503. FORCED LABOR: THE PROSTITUTION OF CHILDREN, Appendix A: The International Law Enforcement Response Against Child Sexual Exploitation at 87 (Jaffee & Rosen, eds., US Department of Labor 1996).
504. *Id.* at 89.
505. *Rights of the Child*, *supra* note 487, at ¶ 141.
506. Muntarbhorn, *supra* note 375, at 29. Low pay and insufficient training can result in weak enforcement or corruption. *Id.*
507. *Draft Declaration*, *supra* note 1, at 3.
508. Muntarbhorn, *supra* note 375, at 29.
509. *Draft Declaration*, *supra* note 1, at 6-7.
510. *Id.* See also Gilberto Dimenstein, *The Role of the Media*, in FORCED LABOR: THE PROSTITUTION OF CHILDREN 72 (Jaffe & Rosen, eds., US Department of Labor 1996).
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513. Muntarbhorn, *supra* note 375, at 31.

514. *Draft Declaration*, *supra* note 1.
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Resource Organizations That Address the Issue of Child Prostitution

North America

Alliance for Speaking Truths on Prostitution
(ASTOP)
1901 Portland Avenue South
Minneapolis, MN 55404
612-872-0684

Breaking Free
1821 University Avenue West, Suite 2165
Saint Paul, MN 55104
612-645-6557

Children of the Night
14530 Sylvan Street
Van Nuys, CA 91411
818-908-4474 or 1-800-551-1300
<http://www.childrenofthenight.org>

Coalition Against Trafficking of Women
PO Box 9338
North Amherst, MA 01059
www.uri.edu/artsci/wms/hughes/catw

Covenant House
346 West 17th Street
New York, NY 10011-5002
212-727-4000

End Child Prostitution, Child Pornography and
Trafficking of Children for Sexual Purposes
ECPAT-USA
475 Riverside Drive
New York, NY 10115
212-870-2427

Federal Bureau of Investigation
Office of Crimes Against Children
FBI Headquarters
935 Pennsylvania Avenue, NW
Washington, DC 20535
202-324-2726

Federal Child Exploitation Strike Force, Chicago
Postal Inspector
433 West Harrison Street, 5th Floor
Chicago, IL 60669-2231
312-983-6225

Global Survival Network
PO Box 73214
Washington, DC 20009
202-387-0028
INGSN@igc.apc.org
<http://www.globalsurvival.net>

Helping Individual Prostitutes Survive (HIPS)
Zelma Joseph, Executive Director
651 Pennsylvania Avenue, SE
Washington, DC 20003
202-543-5262

Law Enforcement Effort Against Child Harm
(LEACH) Task Force, South Florida
Broward County Sheriff's Department
200 NW 27th Avenue
Fort Lauderdale, FL 33312
954-321-4114 or
Florida Department of Law Enforcement
Broward Field Office
1475 NW 62nd Street, Suite 203
Fort Lauderdale, FL 33309
954-958-5417 or 1-800-226-3024

Letot Center
10505 Denton Drive
Dallas, TX 75220
214-357-0391

Massachusetts Child Exploitation Network
 United States Attorney's Office
 1550 Main Street, Room 310
 Springfield, MA 01103
 413-785-0235 or
 Massachusetts State Police
 19 Mid-State Drive
 Auburn, MA 01501
 508-832-9124

The Missing and Exploited Children Task Force
 (MECTF)
 FBI Academy
 Quantico, VA 22135
 540-720-4700

National Center for Missing & Exploited Children
 1-800-THE-LOST (1-800-843-5678)
 703-235-3900
 703-235-4067 Fax
<http://www.missingkids.com>

National Center for Prosecution of Child Abuse
 99 Canal Center Plaza, Suite 510
 Alexandria, VA 22314
 703-739-0321

National Clearinghouse on Child Abuse and
 Neglect Information
 330 C Street, SW
 Washington, DC 20447
 1-800-FYI-3366

National Clearinghouse on Families and Youth
 PO Box 13505
 Silver Spring, MD 20911-3505
 301-608-8098

National Law Center on Homelessness and Poverty
 918 F Street, NW, Room 412
 Washington, DC 20004
 202-638-2535

National Resource Center for Youth Services
 202 West 8th Street
 Tulsa, OK 74119-1419
 918-585-2986

National Children's Advocacy Center
 200 Westside Square, Suite 700
 Huntsville, AL 35801
 205-534-6868

National Runaway Switchboard
 3080 North Lincoln Avenue
 Chicago, IL 60657
 773-880-9860

Paul and Lisa Program, Inc.
 258 Essex Plaza
 Essex, CT 06498
 860-767-7660

PRIDE
 (from Prostitution to Independence and Equality)
 3125 East Lake Street
 Minneapolis, MN 55406
 612-728-2062

PROMISE for Women Escaping Prostitution
 1095 Market Street, Suite 417
 San Francisco, CA 94103
 415-522-6659
<http://www.sirius.com/~promise>

Provincial Prostitution Unit
 Vancouver, British Columbia
 Community Coordinator
 815 Hornby Street, Room 207
 Vancouver, BC V6Z 2E6
 604-775-2673

Sexual Assault and Exploitation Felony
 Enforcement (SAFE) Team
 Central District of California
 Federal Bureau of Investigation
 11000 Wilshire Boulevard, 9th Floor
 Los Angeles, CA 90024
 310-966-4027 or 966-3305

Sexuality Information and Education Council
 of the United States
 130 West 42nd Street
 New York, NY 10036
 212-819-9770

Sisters Offering Support (SOS)
 PO Box 75642
 Honolulu, HI 96836
 808-941-5554
 1-808-220-1501 Crisis Line

Standing Against Global Exploitation (SAGE)
 965 Mission Street, Suite 409
 San Francisco, CA 94103
 415-905-5050

Streetkid-L Resource Page
 "Street Children" Online Information and
 Organizational Links
<http://www.jbu.edu/business/sk.html>

Street Teams Society
 PO Box 187, Station J
 Calgary, Alberta T2A 4X5
 Canada
 403-228-3390

UNICEF, Children in Especially Difficult
 Circumstances Section
 633 Third Avenue, T26A
 New York, NY 10017
 212-824-6633

United States Delegation to the
 World Congress Against the Commercial
 Sexual Exploitation of Children
 Laurie O. Robinson, Assistant Attorney General
 Office of Justice Programs
 United States Department of Justice
 810 - 7th Street, NW
 Washington, DC 20001

United States Department of Justice
 Child Exploitation and Obscenity Section
 1331 F Street, NW, 6th Floor
 Washington, DC 20530-0001
 202-514-5780

United States Department of Justice
 Office of Victims of Crime
 810 - 7th Street, NW
 Washington, DC 20531
 202-307-5983

United States National Central Bureau
 (INTERPOL)
 Bicentennial Building, Room 600
 600 E Street, NW
 Washington, DC 20530
 202-616-9000

US Committee for UNICEF
 333 East 38th Street
 New York, NY 10016
 1-800-FOR-KIDS

Youth Advocate Program International
 4545 - 42nd Street, NW, Suite 209
 Washington, DC 20016
 202-244-1986
 yapi@igc.org
<http://www.yapi.org>

International

Casa Alianza/Covenant House Latin America
 SJO 1039
 PO Box 025216
 Miami, FL 33102-5216
 506-253-5439 (Costa Rica)
 506-224-5689 (Costa Rica) Fax
 info@casa-alianza.org
<http://www.casa-alianza.org>

ChildHope
 c/o US Committee for UNICEF
 333 East 38th Street, 6th Floor
 New York, NY 10016
 212-983-1422

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 Office of the Permanent Secretary
 Prime Minister's Office
 Government House
 Nalcom Pothom Road
 Bangkok 10200
 Thailand
 (66-2) 282-3608

Daughters Education Program
 PO Box 10
 Mae Sai
 Chiang Rai 57130
 Thailand
 (053) 733186
 (053) 642415 Fax
 depdc@cm.ksc.co.th

Defense for Children International
 42, Aza Street
 PO Box 8028
 Jerusalem 92384
 Israel
 972-2-5633003
 972-2-5631241 Fax
 dci_il@alternat.com
 http://www.alternat.com/dci il

ECPAT International
 (End Child Prostitution, Child Pornography and
 Trafficking of Children for Sexual Purposes)
 328, Phayathai Road
 Bangkok 10400
 Thailand
 (662) 215-3388/(662) 611-0972
 (662) 215-8272 Fax
 ecpatbkk@ksc15.th.com
 http://www.ecpat.net

International Save the Children Alliance
 275-281 King Street
 London W6 9LZ
 United Kingdom
 +44 181 748 2554
 +44 181 237 8000 Fax
 info@save-children-alliance.org

Krousar Thmey
 4, rue 257
 Kampuchea Krom Avenue
 Phnom Penh
 Cambodia
 (885-23) 366-184
 (885-23) 428-946 Fax
 krousar_thmey@bigpond.com.kh
 http://www.krousar-thmey.org

Let the Children Live!
 PO Box 11
 Walsingham, Norfolk
 NR22 6EH
 England
 +44 01328 823456 Telephone/Fax
 funvini@epm.net.co

New Life Center
 Reverend Lauran Bethell, Director
 PO Box 29
 Chiang Mai 50000
 Thailand
 66-53-244-569 Telephone/Fax
 hptpnic@loxinfo.co.th or
 lauran@pobox.com

PREDAs Foundation Inc.
 Upper Kalaklan
 Olongapo City 2200
 Philippines
 63-47-222-4994
 63-47-223-9628 Fax
 preda@subictel.com or
 predair@subictel.com or
 predalex@subictel.com
 http://www.subinet.com/preda or
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National Criminal Justice Reference Service (NCJRS)
 Box 6000
 Rockville, MD 20849-6000

National Center for Missing & Exploited Children

The National Center for Missing & Exploited Children (NCMEC), established in 1984 as a private, nonprofit organization, serves as a clearinghouse of information on missing and exploited children; provides technical assistance to citizens and law enforcement agencies; offers training programs to law enforcement and social service professionals; distributes photographs and descriptions of missing children nationwide; coordinates child protection efforts with the private sector; networks with nonprofit service providers and state clearinghouses on missing person cases; and provides information on effective state legislation to ensure the protection of children per 42 USC §§ 5771 and 5780. NCMEC, in conjunction with the US Postal Inspection Service, US Customs Service, and US Department of Justice, serves as the **National Child Pornography Tipline (1-800-843-5678)**.

A 24-hour, toll-free telephone line is open for those who have information on missing and exploited children

1-800-THE-LOST/1-800-843-5678

This toll-free number is available throughout the United States and Canada. The toll-free number when dialing from Mexico is 001-800-843-5678, and the “phone free” number when dialing from Europe is 00-800-0843-5678. The CyberTipline is available for online reporting of these crimes at www.cybertipline.com. The TDD line is 1-800-826-7653. The NCMEC business number is 703-235-3900. The NCMEC facsimile number is 703-235-4067.

For information on the services offered by our NCMEC branches, please call them in California at 714-508-0150, Florida at 561-848-1900, Kansas City at 816-361-4554, New York at 716-242-0900, and South Carolina at 803-254-2326.

A number of publications addressing various aspects of the missing and exploited child issue are available free-of-charge in single copies by contacting

Publications Department
National Center for Missing & Exploited Children
Charles B. Wang International Children’s Building
699 Prince Street
Alexandria, Virginia 22314
ORI VA007019W



Prostitution of Children in the United States

Child-Sex Tourism

Conclusion

Criminal Statutes Within the United States Addressing the Prostitution of Children

**International Treaties Addressing Prostitution and Trafficking
of Women and Children**

Endnotes

References

Resource Organizations That Address the Issue of Child Prostitution