Prostitution of Children and Child-Sex Tourism:

An Analysis of Domestic and International Responses
Prostitution of Children and Child-Sex Tourism:
An Analysis of Domestic and International Responses

Eva J. Klain, JD
American Bar Association Center on Children and the Law
for the
National Center for Missing & Exploited Children®

April 1999

Copyright © 1999 National Center for Missing & Exploited Children. All rights reserved.
Acknowledgments

This publication would not have been possible without the support and assistance of many staff members of the American Bar Association Center on Children and the Law. Diligent research and drafting by Katie Warwick Scrivner and meticulous citation and source checking by Deanna Peters added substantially to the final product. Thanks also to Janet Chiancone, Yolande Samerson, and Melissa Tidwell for their research support; Nefertari Johnson for her expertise on the statutory chart; and Howard Davidson for his review and comments.

The comments of many outside reviewers, who graciously gave of their limited time to question assumptions and provide suggestions for revisions, strengthened the information found in this monograph. Daniel Armagh of the National Center for Prosecution of Child Abuse, Lieutenant Bill Walsh and Detective Joe Canibano of the Dallas (Texas) Police Department, Carol Smolenski of End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes-USA, and Laura Lederer of the Women and Public Policy Program at the Kennedy School of Government, Harvard University, contributed tremendously to this effort.

The substantive assistance and support offered by John Rabun, Nancy Hammer, Ruben Rodriguez, and Terri Delaney of the National Center for Missing & Exploited Children (NCMEC) is gratefully acknowledged along with the editing assistance offered by NCMEC volunteers Sheila Chapman, Sue Carruthers, Catherine Delaney, and Suzanne Lappin.

The National Center for Missing & Exploited Children (NCMEC) is the national clearinghouse and resource center funded under Cooperative Agreement 98-MC-CX-K002 from the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, US Department of Justice.

Points of view or opinions in this work are those of the author and do not necessarily represent the official position or policies of the US Department of Justice nor the US Department of Treasury.

National Center for Missing & Exploited Children® is a registered service mark of the National Center for Missing & Exploited Children.
Table of Contents

Prostitution of Children in the United States...1
Nature and Scope of the Problem...2
Precipitating Factors: Why Children Become Involved...3
Running Away from Home...3
Child Abuse and Neglect...3
Psychological and Emotional Difficulties...4
Modes of Entrance: How Children Become Involved in Prostitution...4
Seasoning Techniques and Tactics of Power and Control...5
Prostitution's Connection to Pornography...6
Sex for Crack...6
Gang Activity...6
Consequences: What a Life In Prostitution Does to Children...6
Victimization on the Streets: Beatings, Rape, and Murder...6
Delinquency and Contact with the Juvenile-Justice System...7
Health Concerns...7
Psychological Disorders Including Depression and Risk of Suicide...8
HIV Infection and Other Sexually-Transmitted Diseases...8
Substance Abuse...9
Legal Analysis...9
State Law...9
Definition of Prostitution...9
Prostituted Children in the Juvenile Court...10
State Criminal Laws...11
Statutes Aimed at the Patrons of Prostituted Children...11
Statutes Aimed at Those Who Prostitute Children...12
Pimping...12
Pandering...12
Procuring, Compelling, Inducing Prostitution...13
Advancing or Profiting from Prostitution...13
Promoting, Managing, or Deriving Support from a Prostitution Enterprise...13
Soliciting for a Prostitute...14
Criminal Liability of Parents...15
Aiding and Abetting or Accomplice Liability...16
Attempted Crimes and Lesser Included Offenses...16
Multiple Charges...16
Age-Related Defenses...17
Prostituted Children as Witnesses...17
Sentencing...18
Forfeiture...18
Restitution...18
Federal Law...19
The Mann Act...19
Other Applicable Federal Statutes...21
Related Pornography Offenses...22
Racketeer Influenced and Corrupt Organizations Act (RICO)...23
Sentencing...23
Forfeiture...23
Restitution...24
Federal Statutes of Assistance to Parents of Missing Children...24
The sexual exploitation of children through prostitution is an insidious form of commercialized violence against the world's most vulnerable citizens. A childhood spent in prostitution can have serious, lifelong, even life-threatening consequences for the physical, psychological, spiritual, and social development of children. 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. 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. 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. 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. Many are only 11 or 12 years old, and some are as young as 9. The average age at which they enter prostitution is reported as 14, and the median age of involved youth is 15.5 years. These children come from inner cities, suburbs, and small towns, and there appears to be an increase in recruitment of middle-class youth from schools and shopping malls in the suburbs.

The vast majority of youth involved in prostitution are girls, 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. 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.

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. The children’s “young age, lack of education[,] and lack of the necessary street sense to survive alone” 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. With few marketable job skills for legitimate occupations, many turn to prostitution as a means of surviving on the streets.

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. 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. 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.
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. General psychological and emotional problems, housing instability, substance abuse, educational and vocational failure, and major problems at home 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. 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. They also experience more frequent school expulsions and discipline, resulting in lower levels of completed education. Associated problems include parental harassment and fighting, as well as parental drug and alcohol abuse. This dysfunctional family life, combined with an unstructured and unsupervised childhood, 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.

Among runaway and homeless youth, up to one-third report engaging in street prostitution—or survival sex—to achieve the basic necessities of life. Among prostitution-involved youth, up to 77 percent report running away at least once. 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. 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.

Child Abuse and Neglect

The homes children run away from are often marked by emotional, physical, or sexual abuse, neglect, and regular violence between the parents. Sexual abuse has a significant impact on the probability that a runaway will become involved with prostitution. 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. Sex abuse appears to indirectly increase the chance of prostitution by increasing the risk of running away—“It is not so much that sexual abuse leads to prostitution as it is that running away leads to prostitution.”
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.

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. 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.

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. 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. 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. 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. 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. They prey disproportionately on young runaways because the girls are naive and easy to control.

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. 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. 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. He may promise to marry her or make a lifetime commitment.

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.
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. 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.

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. 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. 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. The demoralizing and dehumanizing experience of prostitution confirms the child’s poor self-image and provides another tool for manipulation by the pimp.

The pimp may withhold love and affection, or use verbal abuse, fear, and violence to control her. 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.

The pimp’s relationship to the young girl closely parallels the dynamics of a battering relationship. The pimp first isolates the girl from family and friends and minimizes the exploitative nature of prostitution. 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. The pimp creates an environment of total emotional deprivation. And most like a batterer, he uses random acts of violence to establish power.

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

Pimps control 80 to 95 percent of prostitution and can be men or women. 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. Boys are significantly more likely to have arranged their own encounters.

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.
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. By learning about the girl's family and friends, the pimp gets her home address and other personal information, then blackmails her. Pimps also use the pornography to control and humiliate the girl and break her resistance. Pornography is often used to normalize the practice of prostitution during the "seasoning" process by weakening the child's resistance.

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.

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. 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." Prostituted women and girls in crack houses are "little more than indentured servants, if not outright slaves." 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." 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. The addiction is sometimes encouraged by the pimp as a means of control over the girl.

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. 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.
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. For girls, simply spending time on the streets increases their chance of being victimized—"[t]he children who have the most from which to run appear to be those who are also most at risk when they run."93

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. At least two-thirds are victimized by both customers and pimps—violence from pimps tends to be more frequent, and violence by customers is more dangerous but sporadic. 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 seriously or that they may be arrested themselves. The children’s lives may often also be in danger from murderers who target prostitutes.

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. 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.

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

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. A correlation between physical abuse and criminal activity also exists, suggesting dysfunctional parenting in general may lead to increased delinquent behavior and prostitution.

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. Girls also experience a high rate of pregnancy. 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. 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.

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. 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.
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. 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. 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.

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. 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. Many homeless and runaway street youth come from dysfunctional, abusive homes, and they may see suicide as a solution to their pain.

HIV Infection and Other Sexually-Transmitted Diseases
Runaway and homeless youth tend to initiate sexual activities at an early age, have multiple sexual partners, participate in a variety of risky behaviors including prostitution, and practice safer-sex techniques less frequently. 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. A substantial majority of all homeless youth—83.7 percent—engage in at least one acquired immune deficiency syndrome (AIDS) risk behavior. Furthermore, youth who engage in homosexual sex with multiple, often anonymous partners are “in a high-risk subgroup among high-risk groups.” 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.

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.” 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. 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.
Substance Abuse

Many prostituted children have substance-abuse problems. While almost all admit to using drugs or alcohol, more than three-quarters are diagnosed as abusing such substances. 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). The high rate of substance abuse also poses additional problems, specifically its effect on judgment with respect to high-risk sexual contact.

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.

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. 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.

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. 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. 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. 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.

There were an estimated 1,300 juveniles arrested for prostitution in 1995, 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, 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.

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.

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. 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 ruled 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.”
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. The justice system needs to devise an approach that ensures adequate services are available through whichever avenue is most appropriate.

**State Criminal Laws**

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. 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 breakdown 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.” 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. 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. 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, patronizing a prostituted child who is younger than 14 is a class E felony, and patronizing a prostituted child who is younger than 11 is a class D felony.

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, and some also raise offense grades and penalties for younger children. Seven states only protect children who are younger than 17, while 14 states
only protect children who are younger than 16. Mississippi's prohibition against enticing a child into prostitution only protects children who are younger than 14. 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.

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. 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.

**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. 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." 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." 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."

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*, 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. 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."
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,\textsuperscript{171} compelling,\textsuperscript{172} or inducing\textsuperscript{173} language, and may include several different means of bringing a child into prostitution. Colorado prohibits the procurement of a child (\textit{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).\textsuperscript{174} Colorado also has a separate offense for inducing a child by word or action to engage in prostitution.\textsuperscript{175}

Oregon prohibits compelling prostitution (\textit{i.e.,} knowingly inducing or causing a person who is younger than 18 to engage in prostitution).\textsuperscript{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.”\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{182} A promoting offense may cover only enticing or compelling a person to become a prostitute,\textsuperscript{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 section

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, 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." Evidence that a defendant maintained a place of prostitution and received earnings from a prostitute directly proves the crime of promoting prostitution.

In State v. Modest, 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.

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. A first degree offense involves promoting prostitution of a person who is younger than 16 years of age.

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." The second type—soliciting patrons for a prostituted child—is the most common of the three statutory approaches to solicitation. It often falls under a "promoting or advancing prostitution" or "pimping" statute and may include "soliciting another for the purpose of prostitution of or by a child" and "soliciting for a juvenile prostitute." 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." For example, the court in *People v. Harris* 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.

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."

The third type of solicitation offense addresses the patron who solicits a child to perform a sexual act with him- or herself. The court in *People v. Emeterio* 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.

Otherwise, patrons are often exempt from "advancing," "promoting," and other types of solicitation offenses. 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."

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.

**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. Louisiana holds parents or tutors liable for knowingly consenting to the entrance or detention of their children in prostitution. Montana also holds parents liable for promoting the prostitution of their own children or wards. 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. 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.

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. Oklahoma prohibits aiding and abetting or participating in the solicitation or procurement of a minor, while Maryland holds liable accessories to the abduction, enticement, or secretion of a child for the purpose of prostitution.

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.

Attempted Crimes and Lesser Included Offenses Some states, such as California, include "attempting to procure" or similar provisions in their statutory language. 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. An attempt merely requires some overt action beyond preparation.

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.

Likewise, the court in State v. Funches 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. In addition, character witnesses testifying about reputation or opinion about the victim’s sexual behavior is always excluded. Many state versions of the rape-shield statute are similar.

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. 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. 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.” 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. 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. The court also needs to determine whether aggravating factors such as multiple victims or the young age and vulnerability of the victims apply. Defendants convicted of prostitution offenses against children also may be subject to sex-offender registration or community-notification laws.

**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; 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. 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 1986 250 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. Brockdorff261 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* 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.” In a prosecution under Section 2423(b) in *United States v. Vang*, 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.”

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* found a presumption exists that a criminal statute requires some form of scienter. Based on that decision, the court in *United States v. Kafrovich* 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; 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.

**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). 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 age difference).

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* 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. When the victim’s credibility is at issue, *United States v. E.R.B.* 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* 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 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.

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. Neither statute requires a showing that the defendant intended to distribute the child pornography.

A test to determine whether a visual depiction is lascivious and merits prosecution was set forth in United States v. Dost and further developed in United States v. Knox. 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 1990 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. 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. 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) 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, 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.\textsuperscript{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.\textsuperscript{305}

The sentencing court can also order restitution for victims under the Victim and Witness Protection Act.\textsuperscript{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.\textsuperscript{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 Act\textsuperscript{308} (MCA) and Missing Children’s Assistance Act\textsuperscript{309} (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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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. 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, 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. Even when police conduct undercover sweeps, cases are more likely to result in arrest of the prostituted children than their customers or pimps.

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. Investigations generally also tend to be labor-intensive and require proactive, undercover work. 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.

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. Some police officers also have a hard time viewing streetwise, “seductively dressed” teenagers as victims, and have a harder time treating them as such. 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.

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.

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.
**Task Force** The task-force model includes representatives from various disciplines and houses them together for a concentrated effort to combat exploitation. 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. Each agency contributes important resources, such as investigative expertise or sophisticated technology, and members are also deputized as United States Marshals.

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 children

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.

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.

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. 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.

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.”

The LEACH Task Force also actively participates in community-education efforts to reduce the risk of child-sexual exploitation.

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.

**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. 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.
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. 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. The facility also provided intensive counseling and court advocacy services.

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.

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.

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. 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.

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.

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.
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.

**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. 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.

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. 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. Service providers can also work with law enforcement to identify adults who sexually exploit the youth who use their services.

**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.

- 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. 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. 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. 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.

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 Act (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. Youth involved in prostitution also require more comprehensive services for longer periods than most runaway programs are able to provide. Furthermore, services for youth involved in prostitution must often compete for limited funds with other programs or populations that are more visible or vocal.

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. 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.

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. 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. 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. 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.

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 housing

**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. 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. 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.

Another model initiative is the outreach program established under California’s Health and Welfare Code in 1995. 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." 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 bondage 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. [All] continents of the globe deserve attention.

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." 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

[Items listed individually with brief descriptions of child prostitution issues in various countries.]

- **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 Sichuan 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.”

- **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.

- **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.

- **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.

- **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.

- **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.

- **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.

- **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.

- **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.

- **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 condi-
tions 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 funda-
mental 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 sex-
ually-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 coun-
tries.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 con-
sumerism 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 supple-
ment 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 exac-
erbate 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.\(^4\) Also at work in some cultures is the deadly fallacy that AIDS can be cured by having sex with a child.\(^4\)

**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.”\(^4\) 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.\(^4\) 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.\(^4\) 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.\(^4\) 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.\(^4\) 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.\(^4\) 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.\(^4\)

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.\textsuperscript{425}

Child-sex tourists generally choose locations that combine widespread poverty with a well-developed and highly commercialized sex industry.\textsuperscript{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.\textsuperscript{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.\textsuperscript{428} They believe the women and children they exploit are a different class of human beings.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.”\textsuperscript{433}

\section*{Legal Analysis}

\section*{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.

\section*{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;\textsuperscript{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.\textsuperscript{435}
United Nations Charter-Based Mechanisms

United Nations Charter-based mechanisms, which bind all UN members, 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.” 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, 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. 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. 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.

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. 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.” The International Program on the Elimination of Child Labour (IPEC) includes efforts to end child prostitution in its mandate.

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.”

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.” The Committee on the Elimination of Discrimination Against Women addresses the prohibition on trafficking in women under the Women’s Convention. 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 children

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.

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.” 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.”

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.

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. 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.

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. 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. The Act creates criminal offenses aimed at patrons, procurers, advertisers, pimps, and brothel owners. 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.

- **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. 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.

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 traffic in children, 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.

**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.” 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. 48°

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. 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.” 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.

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. 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. 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.

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.

Prevention, Rehabilitation, and Reintegration
Strong partnerships between governments, international organizations, and all sectors of society are essential. These include communities, NGOs, religious organizations, teachers, doctors, women’s groups, the media, and the business sector. 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. 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.

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

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, including educational programs to help children fight against prostitution. 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.

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 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. 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.

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. 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 customs

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

<table>
<thead>
<tr>
<th>STATE CODE</th>
<th>OFFENSE TITLE</th>
<th>OFFENSE DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Alabama</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>§ 13A-12-111 (1996)</td>
<td>Promoting prostitution: first degree</td>
<td>Knowingly advances or profits from prostitution (see § 13A-12-110 for definitions)</td>
</tr>
<tr>
<td>§ 13A-12-112 (1996)</td>
<td>Promoting prostitution: second degree</td>
<td>Knowingly advances or profits from prostitution (see § 13A-12-110 for definitions)</td>
</tr>
<tr>
<td><strong>Alaska</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>§ 11.66.110(1996)</td>
<td>Promoting prostitution in first degree</td>
<td>Induces or causes to engage in prostitution</td>
</tr>
<tr>
<td><strong>Arizona</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>§ 13-3206 (1996)</td>
<td>Taking child for purpose of prostitution</td>
<td>Takes minor away from parent, guardian, or other person with legal custody for purpose of prostitution</td>
</tr>
<tr>
<td>§ 13-3212 (1996)</td>
<td>Child prostitution</td>
<td>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</td>
</tr>
</tbody>
</table>

“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).
<table>
<thead>
<tr>
<th>AGE</th>
<th>OFFENSE LEVEL</th>
<th>PATRON EXCEPTED</th>
<th>MISTAKE OF AGE DEFENSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt;16</td>
<td>class B felony</td>
<td>yes (advancing; see § 13A-12-110)</td>
<td>n/m</td>
</tr>
<tr>
<td>&lt;18</td>
<td>class C felony</td>
<td>yes (advancing; see § 13A-12-110)</td>
<td>n/m</td>
</tr>
<tr>
<td>&lt;16</td>
<td></td>
<td>yes</td>
<td>not allowed</td>
</tr>
<tr>
<td>minor</td>
<td>any minor = class 4 felony; minor &lt; 15 = class 2 felony</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td>minor</td>
<td>any minor = class 2 felony; minor &lt; 15 = punishable pursuant to § 13-604.01</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td>STATE CODE</td>
<td>OFFENSE TITLE</td>
<td>OFFENSE DESCRIPTION</td>
<td></td>
</tr>
<tr>
<td>------------</td>
<td>---------------</td>
<td>---------------------</td>
<td></td>
</tr>
<tr>
<td><strong>Arkansas</strong></td>
<td>§ 5-70-101 (Michie 1995)</td>
<td>Definitions</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>“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</td>
<td></td>
</tr>
<tr>
<td></td>
<td>§ 5-70-104 (Michie 1995)</td>
<td>Promoting prostitution in first degree</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Advances or profits from prostitution</td>
<td></td>
</tr>
<tr>
<td><strong>California</strong></td>
<td>§ 266 (West 1995-1996)</td>
<td>Inveiglement or enticement</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Inveigles or entices unmarried female of previous chaste character; aids or assists; under false or fraudulent means procures</td>
<td></td>
</tr>
<tr>
<td></td>
<td>§ 266a (West 1995-1996)</td>
<td>Abduction or procurement by fraudulent inducement for prostitution</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Within the state, takes any person against will and without consent or with consent procured by fraudulent inducement or representation for purpose of prostitution</td>
<td></td>
</tr>
<tr>
<td></td>
<td>§ 266h (West 1995-1996)</td>
<td>Pimping</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>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</td>
<td></td>
</tr>
<tr>
<td></td>
<td>§ 266i (West 1995-1996)</td>
<td>Pandering</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>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</td>
<td></td>
</tr>
<tr>
<td>AGE</td>
<td>OFFENSE LEVEL</td>
<td>PATRON EXCEPTED</td>
<td>MISTAKE OF AGE DEFENSE</td>
</tr>
<tr>
<td>-----------</td>
<td>------------------------------------</td>
<td>-----------------</td>
<td>------------------------</td>
</tr>
<tr>
<td>n/m</td>
<td>n/m</td>
<td>yes</td>
<td>n/m</td>
</tr>
<tr>
<td>&lt;18</td>
<td>class D felony</td>
<td>yes (advancing)</td>
<td>n/m</td>
</tr>
<tr>
<td>&lt;18</td>
<td>imprisonment in state prison or county jail &lt;1 year, or fine &lt;$2,000, or both</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td>any person</td>
<td>imprisonment in state prison and fine &lt;$2,000</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td>&lt;16</td>
<td>felony</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td></td>
<td>imprisonment in state prison for 3, 6, or 8 years</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td>&lt;16</td>
<td>felony</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td></td>
<td>imprisonment in state prison for 3, 6, or 8 years</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td>STATE CODE</td>
<td>OFFENSE TITLE</td>
<td>OFFENSE DESCRIPTION</td>
<td></td>
</tr>
<tr>
<td>---------------</td>
<td>----------------------------------------</td>
<td>----------------------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>§ 266j (West 1995-1996)</td>
<td>Procurement of child for lewd or lascivious acts</td>
<td>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</td>
<td></td>
</tr>
<tr>
<td>§ 267 (West 1997)</td>
<td>Abduction; person younger than 18 for purpose of prostitution</td>
<td>Takes away from parent or guardian without consent for purpose of prostitution</td>
<td></td>
</tr>
<tr>
<td><strong>Colorado</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>§ 18-7-401 (West 1997)</td>
<td>Definitions</td>
<td>“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</td>
<td></td>
</tr>
<tr>
<td>§ 18-7-402 (West 1997)</td>
<td>Soliciting for child prostitute</td>
<td>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</td>
<td></td>
</tr>
<tr>
<td>§ 18-7-403 (West 1997)</td>
<td>Pandering of a child</td>
<td>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</td>
<td></td>
</tr>
<tr>
<td>§ 18-7-403.5 (West 1997)</td>
<td>Procurement of child</td>
<td>Intentionally gives, transports, provides, or makes available or offers to do so, to another person a child for purpose of prostitution of the child</td>
<td></td>
</tr>
<tr>
<td>§ 18-7-404 (West 1997)</td>
<td>Keeping a place of child prostitution</td>
<td>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</td>
<td></td>
</tr>
<tr>
<td>AGE</td>
<td>OFFENSE LEVEL</td>
<td>PATRON EXCEPTED</td>
<td>MISTAKE OF AGE DEFENSE</td>
</tr>
<tr>
<td>-----</td>
<td>--------------</td>
<td>----------------</td>
<td>----------------------------</td>
</tr>
<tr>
<td>&lt;16</td>
<td>felony</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td></td>
<td>imprisonment for term of 3, 6, or 8 years and fine &lt;$15,000</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td>&lt;18</td>
<td>prison in state prison and fine &lt;$2,000</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td>&lt;18</td>
<td>n/m</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td>&lt;18</td>
<td>class 3 felony</td>
<td>n/m</td>
<td>not allowed (§ 18-7-407)</td>
</tr>
<tr>
<td></td>
<td>n/m</td>
<td>n/m</td>
<td>not allowed (§ 18-7-407)</td>
</tr>
<tr>
<td></td>
<td>class 2 felony</td>
<td>n/m</td>
<td>not allowed (§ 18-7-407)</td>
</tr>
<tr>
<td></td>
<td>class 3 felony</td>
<td>n/m</td>
<td>not allowed (§ 18-7-407)</td>
</tr>
<tr>
<td>&lt;18</td>
<td>class 3 felony</td>
<td>n/m</td>
<td>not allowed (§ 18-7-407)</td>
</tr>
<tr>
<td>&lt;18</td>
<td>class 3 felony</td>
<td>n/m</td>
<td>not allowed (§ 18-7-407)</td>
</tr>
<tr>
<td>STATE CODE</td>
<td>OFFENSE TITLE</td>
<td>OFFENSE DESCRIPTION</td>
<td></td>
</tr>
<tr>
<td>-----------------</td>
<td>------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>§ 18-7-405 (West 1997)</td>
<td>Pimping of child</td>
<td>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</td>
<td></td>
</tr>
<tr>
<td>§ 18-7-405.5 (West 1997)</td>
<td>Inducement of child prostitution</td>
<td>By word or action induces child to engage in prostitution</td>
<td></td>
</tr>
<tr>
<td>§ 18-7-406 (West 1997)</td>
<td>Patronizing a prostituted child</td>
<td>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</td>
<td></td>
</tr>
<tr>
<td>§ 18-7-407 (West 1997)</td>
<td>Criminality of conduct</td>
<td>No defense that defendant did not know child's age or reasonably believed the child to be 18</td>
<td></td>
</tr>
</tbody>
</table>

**Connecticut**

| § 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 |

**Delaware**

| 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                                   | 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 |
|                        |                                              | 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 |

**District of Columbia**

<p>| § 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. |</p>
<table>
<thead>
<tr>
<th>AGE</th>
<th>OFFENSE LEVEL</th>
<th>PATRON EXCEPTED</th>
<th>MISTAKE OF AGE DEFENSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt;18</td>
<td>class 3 felony</td>
<td>n/m</td>
<td>not allowed (§ 18-7-407)</td>
</tr>
<tr>
<td>&lt;18</td>
<td>class 3 felony</td>
<td>n/m</td>
<td>not allowed (§ 18-7-407)</td>
</tr>
<tr>
<td>&lt;18</td>
<td>class 3 felony</td>
<td>no</td>
<td>not allowed (§ 18-7-407)</td>
</tr>
<tr>
<td>&lt;18</td>
<td>n/m</td>
<td>n/m</td>
<td>not allowed</td>
</tr>
<tr>
<td>&lt;16</td>
<td>class B felony</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td>&lt;18</td>
<td>class C felony</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td>&lt;18</td>
<td>class E felony</td>
<td>yes (advancing; see § 1356)</td>
<td>n/m</td>
</tr>
<tr>
<td>&lt;16</td>
<td>class C felony</td>
<td>yes (advancing; see § 1356)</td>
<td>n/m</td>
</tr>
<tr>
<td>n/m</td>
<td>n/m</td>
<td>yes (advancing)</td>
<td>n/m</td>
</tr>
<tr>
<td>&lt;16</td>
<td>imprisonment &gt;2 but &lt;20 years; &lt; 8 years</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td>STATE CODE</td>
<td>OFFENSE TITLE</td>
<td>OFFENSE DESCRIPTION</td>
<td></td>
</tr>
<tr>
<td>------------</td>
<td>---------------</td>
<td>---------------------</td>
<td></td>
</tr>
<tr>
<td><strong>Florida</strong></td>
<td>§ 796.03 (West 1996 &amp; Supp. 1997)</td>
<td>Procuring for prostitution</td>
<td>Procures for prostitution or causes to be prostituted</td>
</tr>
<tr>
<td><strong>Georgia</strong></td>
<td>§ 16-6-13 (1997)</td>
<td>Penalties</td>
<td>Conviction for pandering when involves prostitution of person younger than 17</td>
</tr>
<tr>
<td><strong>Hawaii</strong></td>
<td>§ 712-1202 (1997)</td>
<td>Promoting in first degree</td>
<td>Knowingly advances or profits</td>
</tr>
<tr>
<td></td>
<td>§ 712-1203 (1996)</td>
<td>Promoting prostitution in second degree</td>
<td>Knowingly advances or profits by managing, supervising, controlling, or owning a house of prostitution or a prostitution business or enterprise</td>
</tr>
<tr>
<td><strong>Idaho</strong></td>
<td>§ 18-5609 (1997)</td>
<td>Inducing into prostitution</td>
<td>Induces or attempts to induce to engage in prostitution</td>
</tr>
<tr>
<td></td>
<td>§ 18-5611 (1997)</td>
<td>Inducing to patronize a prostitute</td>
<td>Induces or attempts to induce a person younger than 18 to patronize a prostitute</td>
</tr>
<tr>
<td></td>
<td>§ 19-307 (1997)</td>
<td>Kidnapping and similar offenses</td>
<td>Inveigles or entices unmarried person of previous chaste character for purpose of prostitution; or aids and abets; or takes away from parent or guardian</td>
</tr>
<tr>
<td><strong>Illinois</strong></td>
<td>ch. 720, ¶ 5/11-15.1 (Smith-Hurd 1997)</td>
<td>Soliciting for a juvenile prostitute</td>
<td>Violation of § 5/11-15(a) when prostitute for whom soliciting is younger than 16</td>
</tr>
<tr>
<td></td>
<td>ch. 720, ¶ 5/11-17.1 (Smith-Hurd 1997)</td>
<td>Keeping place of juvenile prostitution</td>
<td>Knowingly violates § 5/11-15(a) (keeping place of prostitution) when any prostitute in place is younger than 16</td>
</tr>
<tr>
<td></td>
<td>ch. 720, ¶ 5/11-19.1 (Smith-Hurd 1997)</td>
<td>Juvenile pimping</td>
<td>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</td>
</tr>
<tr>
<td>AGE</td>
<td>OFFENSE LEVEL</td>
<td>PATRON EXCEPTED</td>
<td>MISTAKE OF AGE DEFENSE</td>
</tr>
<tr>
<td>-----</td>
<td>---------------</td>
<td>----------------</td>
<td>-----------------------</td>
</tr>
<tr>
<td>&lt;18</td>
<td>felony of second degree</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td>&lt;17</td>
<td>felony; fine &gt;$1,000 but &lt;$5,000; or imprisonment &gt;1 but &lt;5 years; or both; on second conviction not suspended, probated, deferred, or withheld</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td>&lt;16</td>
<td>class B felony</td>
<td>yes (advancing) (§ 712-1201)</td>
<td>n/m</td>
</tr>
<tr>
<td>&lt;18</td>
<td>class C felony</td>
<td>yes (advancing) (§ 712-1201)</td>
<td>n/m</td>
</tr>
<tr>
<td>&lt;18</td>
<td>felony; imprisonment not &lt;2 years; may be extended to life or fine &gt;$50,000; or both</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td>n/m</td>
<td>felony</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td>&lt;18</td>
<td>n/m</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td>&lt;16</td>
<td>class 1 felony</td>
<td>n/m</td>
<td>affirmative defense; reasonably believed &gt;16</td>
</tr>
<tr>
<td>&lt;16</td>
<td>class 1 felony</td>
<td>n/m</td>
<td>affirmative defense; reasonably believed &gt;16</td>
</tr>
<tr>
<td>&lt;16</td>
<td>2nd conviction: class X felony; subject to forfeiture</td>
<td>n/m</td>
<td>affirmative defense; reasonably believed &gt;16</td>
</tr>
<tr>
<td>&lt;16</td>
<td>class 1 felony</td>
<td>n/m</td>
<td>affirmative defense; reasonably believed &gt;16</td>
</tr>
<tr>
<td>STATE CODE</td>
<td>OFFENSE TITLE</td>
<td>OFFENSE DESCRIPTION</td>
<td></td>
</tr>
<tr>
<td>------------</td>
<td>---------------</td>
<td>---------------------</td>
<td></td>
</tr>
<tr>
<td>ch. 720, ¶ 5/11-19.2 (Smith-Hurd 1997)</td>
<td>Exploitation of child</td>
<td>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</td>
<td></td>
</tr>
<tr>
<td>ch. 720, ¶ 150/5.1 (Smith-Hurd 1997)</td>
<td>Permitting sexual abuse of child</td>
<td>Knowingly permits, induces, promotes, or arranges for own child to engage in prostitution and fails to take reasonable steps to prevent such</td>
<td></td>
</tr>
<tr>
<td><strong>Indiana</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>§ 35-45-4-4 (West 1997)</td>
<td>Promoting prostitution</td>
<td>Knowingly or intentionally entices or compels person to become a prostitute</td>
<td></td>
</tr>
<tr>
<td><strong>Iowa</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>§ 725.3 (West 1997)</td>
<td>Pandering</td>
<td>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</td>
<td></td>
</tr>
<tr>
<td><strong>Kansas</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>§ 21-3513 (1996)</td>
<td>Promoting prostitution</td>
<td>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</td>
<td></td>
</tr>
<tr>
<td><strong>Kentucky</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>§ 529.030 (Baldwin 1995)</td>
<td>Promoting prostitution in first degree</td>
<td>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</td>
<td></td>
</tr>
<tr>
<td><strong>Louisiana</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>§ 14:82.1 (West 1996)</td>
<td>Prostitution, persons younger than 17</td>
<td>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</td>
<td></td>
</tr>
<tr>
<td>AGE</td>
<td>OFFENSE LEVEL</td>
<td>PATRON EXCEPTED</td>
<td>MISTAKE OF AGE DEFENSE</td>
</tr>
<tr>
<td>---------</td>
<td>---------------------</td>
<td>----------------</td>
<td>------------------------</td>
</tr>
<tr>
<td>&lt;16</td>
<td>class X felony</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td></td>
<td>subject to forfeiture</td>
<td></td>
<td></td>
</tr>
<tr>
<td>&lt;17</td>
<td>class 1 felony</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td>&lt;18</td>
<td>class B felony</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td>minor</td>
<td>class C felony</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td>&lt;16</td>
<td>severity level 6, person felony</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td>&lt;18</td>
<td>class C felony</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td>&lt;16</td>
<td>class B felony</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td>&lt;16</td>
<td>class A if incurs physical injury</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td>&lt;17</td>
<td>fine &lt;$5,000; or imprisoned &gt;2 but &lt;10 years; or both</td>
<td>no</td>
<td>not allowed</td>
</tr>
<tr>
<td>STATE CODE</td>
<td>OFFENSE TITLE</td>
<td>OFFENSE DESCRIPTION</td>
<td></td>
</tr>
<tr>
<td>------------</td>
<td>---------------</td>
<td>---------------------</td>
<td></td>
</tr>
<tr>
<td>§ 14:86 (West 1996)</td>
<td>Enticing persons into prostitution</td>
<td>Any person older than 17 who entices, places, persuades, encourages, or causes entrance of person younger than 21 into prostitution</td>
<td></td>
</tr>
<tr>
<td>Maine</td>
<td>Aggravated promotion of prostitution</td>
<td>Promotes prostitution of person younger than 18</td>
<td></td>
</tr>
<tr>
<td>tit. 17-A, § 855 (West 1997)</td>
<td>Patronizing prostitution of minor</td>
<td>In return for another’s prostitution gives or agrees to give pecuniary benefit to person whose prostitution is sought or to third person</td>
<td></td>
</tr>
<tr>
<td>tit. 17-A, § 554 (West 1996)</td>
<td>Endangering welfare of child</td>
<td>Knowingly permits child to enter or remain in house of prostitution</td>
<td></td>
</tr>
<tr>
<td>Maryland</td>
<td>Individual younger than 16</td>
<td>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</td>
<td></td>
</tr>
<tr>
<td>Massachusetts</td>
<td>Inducing minor into prostitution</td>
<td>Induces minor to become prostitute or knowingly aids or assists such inducement</td>
<td></td>
</tr>
<tr>
<td>ch. 272, § 4B (West 1996 &amp; Supp. 1997)</td>
<td>Living off or sharing earnings of minor prostitute</td>
<td>Knowingly lives or derives support or maintenance, in whole or part, from earnings or proceeds</td>
<td></td>
</tr>
<tr>
<td>Michigan</td>
<td>Enticing away female younger than 16</td>
<td>Taking or enticing away female from parent or guardian without consent for prostitution</td>
<td></td>
</tr>
<tr>
<td>§ 750.462 (West 1997)</td>
<td>Female younger than 17 in house of prostitution</td>
<td>Taking, conveying, employing, receiving, detaining, or suffering to remain in any house or place of prostitution any female younger than 17 for any purpose other than prostitution</td>
<td></td>
</tr>
<tr>
<td>Minnesota</td>
<td>Solicitation; inducement and promotion of prostitution</td>
<td>Intentionally solicits or induces or promotes prostitution</td>
<td></td>
</tr>
<tr>
<td>§ 609.322 (West 1996 &amp; Supp. 1997)</td>
<td></td>
<td>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</td>
<td></td>
</tr>
<tr>
<td>AGE</td>
<td>OFFENSE LEVEL</td>
<td>PATRON EXCEPTED</td>
<td>MISTAKE OF AGE DEFENSE</td>
</tr>
<tr>
<td>-----------</td>
<td>---------------------</td>
<td>-----------------</td>
<td>------------------------</td>
</tr>
<tr>
<td>&lt;21</td>
<td>imprisoned &gt;2 but &lt;10 years</td>
<td>n/m</td>
<td>not allowed</td>
</tr>
<tr>
<td>&lt;18</td>
<td>class B crime</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td>&lt;18</td>
<td>class D crime</td>
<td>no</td>
<td>n/m</td>
</tr>
<tr>
<td>&lt;16</td>
<td>class D crime</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td>&lt;16</td>
<td>misdemeanor</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td></td>
<td>imprisonment &lt;8 years</td>
<td></td>
<td></td>
</tr>
<tr>
<td>minor</td>
<td>imprisonment for &lt;5 but &gt;3 years; and fined $5,000; no probation or parole until served 3 years</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td>minor</td>
<td>imprisonment for &gt;5 years and fined $5,000; no reduction, probation, or parole until served 5 years</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td>&lt;16</td>
<td>felony imprisonment in state prison for &lt;10 years</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td>&lt;17</td>
<td>misdemeanor</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td>&lt;16</td>
<td>imprisonment &lt;20 years; or fine &lt;$40,000; or both</td>
<td>yes</td>
<td>n/m</td>
</tr>
<tr>
<td>&gt;16 but &lt;18</td>
<td>imprisonment &lt;10 years; or fine &lt;$20,000; or both</td>
<td>yes</td>
<td>n/m</td>
</tr>
<tr>
<td>STATE CODE</td>
<td>OFFENSE TITLE</td>
<td>OFFENSE DESCRIPTION</td>
<td></td>
</tr>
<tr>
<td>------------</td>
<td>---------------</td>
<td>---------------------</td>
<td></td>
</tr>
<tr>
<td>609.323 (West 1996 &amp; Supp. 1997)</td>
<td>Receiving profit derived from prostitution</td>
<td>Intentionally receives profit knowing it is derived from prostitution or the promotion of prostitution</td>
<td></td>
</tr>
<tr>
<td>§ 609.324 (West 1996 &amp; Supp. 1997)</td>
<td>Other prohibited acts</td>
<td>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</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>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</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>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</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Subd. 1a: allows minor to reside in dwelling knowing minor is engaging in prostitution</td>
<td></td>
</tr>
<tr>
<td>Mississippi</td>
<td>§ 97-5-5 (1996)</td>
<td>Enticing child for prostitution</td>
<td>Maliciously, willfully, or fraudulently lead, take, carry away, decoy, or entice away child for purpose of prostitution</td>
</tr>
<tr>
<td>Missouri</td>
<td>§ 567.050 (Vernon 1996)</td>
<td>Promoting prostitution in first degree</td>
<td>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</td>
</tr>
<tr>
<td>Montana</td>
<td>§ 45-5-603 (1996)</td>
<td>Aggravated promotion of prostitution</td>
<td>Knowingly or purposely promotes prostitution of child or promotes the prostitution of one’s own child or ward</td>
</tr>
<tr>
<td>Nebraska</td>
<td>§ 28-805 (1996)</td>
<td>Debauching a minor</td>
<td>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</td>
</tr>
<tr>
<td>AGE</td>
<td>OFFENSE LEVEL</td>
<td>PATRON EXCEPTED</td>
<td>MISTAKE OF AGE DEFENSE</td>
</tr>
<tr>
<td>-----------</td>
<td>----------------------------------------------------</td>
<td>-----------------</td>
<td>-------------------------</td>
</tr>
<tr>
<td>&lt;16</td>
<td>imprisonment &lt;15 years; or fine &lt;$30,000; or both</td>
<td>yes</td>
<td>n/m</td>
</tr>
<tr>
<td>&gt;16 but &lt;18</td>
<td>imprisonment &lt;5 years; or fine &lt;$10,000; or both</td>
<td>yes</td>
<td>n/m</td>
</tr>
<tr>
<td>&lt;13</td>
<td>imprisonment &lt;20 years; or fined &lt;$40,000; or both</td>
<td>no</td>
<td>n/m</td>
</tr>
<tr>
<td>&lt;16 but &gt;13</td>
<td>imprisonment &lt;10 years; or fined &lt;$20,000; or both</td>
<td>no</td>
<td>n/m</td>
</tr>
<tr>
<td>&lt;18 but &gt;16</td>
<td>imprisonment &lt;5 years; or fined &lt;$10,000; or both</td>
<td>no</td>
<td>n/m</td>
</tr>
<tr>
<td>minor</td>
<td>imprisonment &lt;1 year; or fined &lt;$3,000; or both</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td>&lt;14</td>
<td>prison &lt;10 years; or jail &gt;1 year; or fined &lt;$1,000; or both</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td>&lt;16</td>
<td>class B felony</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td>&lt;18</td>
<td>imprisonment &lt;20 years; or fine &lt;$50,000; or both</td>
<td>n/m</td>
<td>not allowed</td>
</tr>
<tr>
<td>&lt;17</td>
<td>class I misdemeanor</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td>STATE CODE</td>
<td>OFFENSE TITLE</td>
<td>OFFENSE DESCRIPTION</td>
<td></td>
</tr>
<tr>
<td>------------</td>
<td>---------------</td>
<td>---------------------</td>
<td></td>
</tr>
<tr>
<td><strong>Nevada</strong></td>
<td>§ 201.360(1995)</td>
<td>Placing person in house of prostitution&lt;br&gt;As parent or guardian of person younger than 18 permits, conveys, or consents to minor being or remaining at house of prostitution;&lt;br&gt;or decoys, entices, procure, 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</td>
<td></td>
</tr>
<tr>
<td><strong>New Hampshire</strong></td>
<td>§ 645:2&lt;br&gt;(1995 &amp; Supp. 1996)</td>
<td>Prostitution and related offenses&lt;br&gt;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</td>
<td></td>
</tr>
<tr>
<td><strong>New Jersey</strong></td>
<td>§ 2C:34-I (West 1997)</td>
<td>Prostitution and related offenses&lt;br&gt;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</td>
<td></td>
</tr>
<tr>
<td><strong>New Mexico</strong></td>
<td>§ 30-6A-4 (Michie 1997)</td>
<td>Sexual exploitation of children by prostitution&lt;br&gt;Knowingly receiving pecuniary profit; hiring or offering to hire&lt;br&gt;Hiring or offering to hire a child to engage in any prohibited sexual act</td>
<td></td>
</tr>
<tr>
<td><strong>New York</strong></td>
<td>§ 230.04&lt;br&gt;(McKinney 1997)</td>
<td>Patronizing prostitute in third degree&lt;br&gt;Person older than 21 patronizing prostitute younger than 17</td>
<td></td>
</tr>
<tr>
<td></td>
<td>§ 230.05&lt;br&gt;(McKinney 1997)</td>
<td>Patronizing prostitute in second degree&lt;br&gt;Person older than 18 patronizing prostitute younger than 14</td>
<td></td>
</tr>
<tr>
<td></td>
<td>§ 230.06&lt;br&gt;(McKinney 1997)</td>
<td>Patronizing prostitute in first degree&lt;br&gt;Patronizing prostitute younger than 11</td>
<td></td>
</tr>
<tr>
<td></td>
<td>§ 230.07&lt;br&gt;(McKinney 1997)</td>
<td>Patronizing prostitute; defense&lt;br&gt;In prosecution for patronizing a prostitute, defense that defendant did not have reasonable grounds to believe the person was younger than the age specified</td>
<td></td>
</tr>
<tr>
<td>AGE</td>
<td>OFFENSE LEVEL</td>
<td>PATRON EXPECTED</td>
<td>MISTAKE OF AGE DEFENSE</td>
</tr>
<tr>
<td>-----------</td>
<td>---------------</td>
<td>-----------------</td>
<td>------------------------</td>
</tr>
<tr>
<td>&lt;18</td>
<td>felony</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td>&lt;21</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>&lt;18</td>
<td>class B felony</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td>&lt;18</td>
<td>crime of second degree or third degree (see statute)</td>
<td>no</td>
<td>not allowed</td>
</tr>
<tr>
<td>&lt;16</td>
<td>&lt;16 = second degree felony&lt;br&gt;&lt;13 = first degree felony&lt;br&gt;second degree felony</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td>&gt;13 but &lt;16</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>&lt;17</td>
<td>class A misdemeanor</td>
<td>no</td>
<td>yes (§ 230.07)</td>
</tr>
<tr>
<td>&lt;14</td>
<td>class E felony</td>
<td>no</td>
<td>yes (§ 230.07)</td>
</tr>
<tr>
<td>&lt;11</td>
<td>class D felony</td>
<td>no</td>
<td>yes (§ 230.07)</td>
</tr>
<tr>
<td>n/m</td>
<td>n/m</td>
<td>n/m</td>
<td>yes</td>
</tr>
<tr>
<td>STATE CODE</td>
<td>OFFENSE TITLE</td>
<td>OFFENSE DESCRIPTION</td>
<td></td>
</tr>
<tr>
<td>------------</td>
<td>---------------</td>
<td>---------------------</td>
<td></td>
</tr>
<tr>
<td>§ 230.25</td>
<td>Promoting prostitution in the third degree</td>
<td>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</td>
<td></td>
</tr>
<tr>
<td>(McKinney 1996)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>§ 230.30</td>
<td>Promoting prostitution in second degree</td>
<td>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</td>
<td></td>
</tr>
<tr>
<td>(McKinney 1997)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>§ 230.32</td>
<td>Promoting prostitution in first degree</td>
<td>Knowingly advances or profits from prostitution of person younger than 11</td>
<td></td>
</tr>
<tr>
<td>(McKinney 1996)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>§ 230.35</td>
<td>Promoting prostitution; accomplice</td>
<td>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</td>
<td></td>
</tr>
<tr>
<td>(McKinney 1997)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>North Carolina</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>§ 14-190.18 (1996)</td>
<td>Promoting prostitution of a minor</td>
<td>Knowingly entices, forces, encourages, or facilitates minor's participation; supervises, advises, or protects prostitution of or by minor</td>
<td></td>
</tr>
<tr>
<td>§ 14-190.19 (1996)</td>
<td>Participating in prostitution of a minor</td>
<td>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</td>
<td></td>
</tr>
<tr>
<td>§ 14-318.4 (1996)</td>
<td>Child abuse</td>
<td>Parent or person providing care or supervision who commits, permits, or encourages act of prostitution with or by juvenile</td>
<td></td>
</tr>
<tr>
<td><strong>North Dakota</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>§ 12.1-29-02 (1997)</td>
<td>Facilitating prostitution</td>
<td>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)</td>
<td></td>
</tr>
<tr>
<td><strong>Ohio</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>§ 2907.21 (Baldwin 1997)</td>
<td>Compelling prostitution</td>
<td>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</td>
<td></td>
</tr>
<tr>
<td>AGE</td>
<td>OFFENSE LEVEL</td>
<td>PATRON EXCEPTED</td>
<td>MISTAKE OF AGE DEFÉNCE</td>
</tr>
<tr>
<td>----------</td>
<td>---------------</td>
<td>-----------------</td>
<td>------------------------</td>
</tr>
<tr>
<td>&lt;19</td>
<td>class D felony</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td>&lt;16</td>
<td>class C felony</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td>&lt;11</td>
<td>class B felony</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td>&lt;17</td>
<td>n/m</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td>minor</td>
<td>class D felony</td>
<td>n/m</td>
<td>not allowed</td>
</tr>
<tr>
<td>minor</td>
<td>class F felony</td>
<td>no</td>
<td>not allowed</td>
</tr>
<tr>
<td>&lt;16</td>
<td>class E felony</td>
<td>no</td>
<td>n/m</td>
</tr>
<tr>
<td>&lt;16</td>
<td>class C felony</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td>&lt;16</td>
<td>felony of third degree, except under (A)(1), then felony of second degree</td>
<td>no</td>
<td>not allowed</td>
</tr>
<tr>
<td>STATE CODE</td>
<td>OFFENSE TITLE</td>
<td>OFFENSE DESCRIPTION</td>
<td></td>
</tr>
<tr>
<td>-----------------</td>
<td>---------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>§2907.22 (Baldwin 1997)</td>
<td>Promoting prostitution</td>
<td>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</td>
<td></td>
</tr>
<tr>
<td><strong>Oklahoma</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>tit. 21, § 1029 (West 1997)</td>
<td>Soliciting or procuring; residing or being in place for prohibited purpose; aiding, abetting, or participating; child prostitution</td>
<td>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</td>
<td></td>
</tr>
<tr>
<td>tit. 21, § 1030 (West 1997)</td>
<td>Definitions</td>
<td>“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</td>
<td></td>
</tr>
<tr>
<td>tit. 21, § 1087 (West 1996 &amp; Supp. 1997)</td>
<td>Procuring for prostitution lewdness or other indecent act</td>
<td>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 own, keeping, managing, etc., knowingly permitting violation of this section in house, building, room, or other premises under his control or possession</td>
<td></td>
</tr>
<tr>
<td>tit. 21, § 1088 (West 1996 &amp; Supp. 1997)</td>
<td>Inducing, keeping, detaining, or restraining for prostitution</td>
<td>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</td>
<td></td>
</tr>
<tr>
<td><strong>Oregon</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>§167.017(1995)</td>
<td>Compelling prostitution</td>
<td>Knowingly uses force or intimidation to compel; induces or causes person younger than 18 or own child to engage in prostitution</td>
<td></td>
</tr>
<tr>
<td><strong>Pennsylvania</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>tit. 18, § 5902 (1996)</td>
<td>Prostitution and related offenses</td>
<td>Promoting prostitution (owning, controlling, managing, etc.), procuring, soliciting, transporting</td>
<td></td>
</tr>
<tr>
<td>AGE</td>
<td>OFFENSE LEVEL</td>
<td>PATRON EXCEPTED</td>
<td>MISTAKE OF AGE DEFENSE</td>
</tr>
<tr>
<td>------</td>
<td>--------------------------------------------------------</td>
<td>-----------------</td>
<td>------------------------</td>
</tr>
<tr>
<td>minor</td>
<td>felony of third degree</td>
<td>n/m</td>
<td>not allowed</td>
</tr>
<tr>
<td>&lt;16</td>
<td>punishable under § 1031</td>
<td>no</td>
<td>n/m</td>
</tr>
<tr>
<td>&lt;16</td>
<td>n/m</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td>&lt;18</td>
<td>felony; imprisonment &gt;1 but &lt;10 years</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td></td>
<td>1st offense: misdemeanor</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td></td>
<td>jail &gt;6 months but &lt;1 year, and fine &gt;$500 but &lt;$5,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>2nd offense: felony prison &gt;1 but &lt;10 years, or fine &gt;$5,000 but &lt;$25,000; or both</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td>&lt;18</td>
<td>felony; imprisonment &gt;1 but &lt;25 years and fine &gt;$5,000 but &lt;$25,000</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td>&lt;18</td>
<td>class B felony</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td>&lt;16</td>
<td>felony of third degree</td>
<td>no</td>
<td>not allowed</td>
</tr>
<tr>
<td>STATE CODE</td>
<td>OFFENSE TITLE</td>
<td>OFFENSE DESCRIPTION</td>
<td></td>
</tr>
<tr>
<td>-------------</td>
<td>--------------------------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td><strong>Rhode Island</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>§ 11-9-1 (1996)</td>
<td>Exploitation for commercial or immoral purposes</td>
<td>Exhibit, use, employ any child younger than 18 to any person for purposes of prostitution or any lewd or indecent act</td>
<td></td>
</tr>
<tr>
<td><strong>South Carolina</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>§ 16-15-415 (Law. Co-op. 1996)</td>
<td>Promoting prostitution of a minor</td>
<td>Knowingly entices, forces, encourages, or otherwise facilitates; supervises, advises, or promotes</td>
<td></td>
</tr>
<tr>
<td>§ 16-15-425 (Law. Co-op. 1996)</td>
<td>Participating in prostitution of minor</td>
<td>Patronizing a minor prostitute (soliciting, requesting, paying, or agreeing to pay)</td>
<td></td>
</tr>
<tr>
<td><strong>South Dakota</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>§ 22-23-2 (1997)</td>
<td>Procuring or promoting prostitution</td>
<td>Encourages, induces, procures, or purposely causes another to become or remain a prostitute; promotes prostitution of minor or own child</td>
<td></td>
</tr>
<tr>
<td><strong>Tennessee</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>§ 39-13-512 (1996)</td>
<td>Prostitution; definitions</td>
<td>“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.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>“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</td>
<td></td>
</tr>
<tr>
<td><strong>Texas</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>§ 43.05 (West 1995)</td>
<td>Compelling prostitution</td>
<td>Knowingly causes by any means to commit prostitution</td>
<td></td>
</tr>
<tr>
<td><strong>Utah</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>§ 76-10-1306 (1997)</td>
<td>Aggravated exploitation of prostitution</td>
<td>Procures, transports, or persuades or shares proceeds of prostitution (see § 76-10-1305)</td>
<td></td>
</tr>
<tr>
<td><strong>Virginia</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>§ 18.2-48 (Michie 1997)</td>
<td>Abduction with intent for immoral purpose</td>
<td>Abduction of any child for the purpose of prostitution</td>
<td></td>
</tr>
<tr>
<td>§ 18.2-49 (Michie 1997)</td>
<td>Threatening, attempting, or assisting in abduction</td>
<td>Assists or aids in abduction of, or threatens to abduct, any female younger than 16 for purposes of prostitution</td>
<td></td>
</tr>
<tr>
<td><strong>Washington</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>§ 9.68A.100 (West 1996 &amp; Supp. 1997)</td>
<td>Patronizing juvenile prostitute</td>
<td>Engages or agrees or offers to engage in sexual conduct with minor for fee</td>
<td></td>
</tr>
<tr>
<td>AGE</td>
<td>OFFENSE LEVEL</td>
<td>PATRON EXCEPTED</td>
<td>MISTAKE OF AGE DEFENSE</td>
</tr>
<tr>
<td>------</td>
<td>--------------------------------------</td>
<td>-----------------</td>
<td>------------------------</td>
</tr>
<tr>
<td>&lt;18</td>
<td>imprisonment &lt;20 years; or fined &lt;$20,000; or both</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td>minor</td>
<td>felony imprisoned &gt;3 but &lt;10 years</td>
<td>n/m</td>
<td>not allowed</td>
</tr>
<tr>
<td>minor</td>
<td>felony imprisoned &gt;2 but &lt;5 years</td>
<td>no</td>
<td>not allowed</td>
</tr>
<tr>
<td>minor</td>
<td>class 5 felony</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td>n/m</td>
<td>n/m</td>
<td>no</td>
<td>n/m</td>
</tr>
<tr>
<td>&lt;17</td>
<td>felony of second degree</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td>&lt;18</td>
<td>felony of second degree</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td>&lt;16</td>
<td>class 2 felony</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td>&lt;16</td>
<td>class 5 felony</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td>minor</td>
<td>class C felony</td>
<td>no</td>
<td>n/m</td>
</tr>
<tr>
<td>STATE CODE</td>
<td>OFFENSE TITLE</td>
<td>OFFENSE DESCRIPTION</td>
<td></td>
</tr>
<tr>
<td>------------</td>
<td>---------------</td>
<td>---------------------</td>
<td></td>
</tr>
<tr>
<td>§ 9A.88.070 (West 1996)</td>
<td>Promoting prostitution in first degree</td>
<td>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</td>
<td></td>
</tr>
<tr>
<td><strong>West Virginia</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>§ 61-2-14 (1997)</td>
<td>Abduction of person, kidnapping, or concealing child</td>
<td>Taking away child from person with lawful custody for purpose of prostitution</td>
<td></td>
</tr>
<tr>
<td>§ 61-8-7 (1997)</td>
<td>Procuring for house of prostitution</td>
<td>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</td>
<td></td>
</tr>
<tr>
<td>§ 61-8-8 (1996)</td>
<td>Receiving support from prostitution; pimping</td>
<td>Living or deriving support or maintenance; touting or receiving compensation for touting such prostitution</td>
<td></td>
</tr>
<tr>
<td><strong>Wisconsin</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>§ 948.07 (West 1997)</td>
<td>Child enticement</td>
<td>Causes or attempts to cause child to engage in prostitution</td>
<td></td>
</tr>
<tr>
<td>§ 948.08 (West 1997)</td>
<td>Soliciting a child for prostitution</td>
<td>Intentionally solicits or causes child to practice prostitution or establishes child in place of prostitution</td>
<td></td>
</tr>
<tr>
<td><strong>Wyoming</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>§ 6-4-103 (1997)</td>
<td>Promoting prostitution</td>
<td>Knowingly or intentionally entices or compels another to become a prostitute</td>
<td></td>
</tr>
<tr>
<td><strong>United States</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>18 U.S.C. § 2423 (West 1998)</td>
<td>Transportation of minors</td>
<td>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)</td>
<td></td>
</tr>
<tr>
<td>18 U.S.C. § 2422 (West 1998)</td>
<td>Coercion and enticement</td>
<td>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</td>
<td></td>
</tr>
<tr>
<td>18 U.S.C. § 2241 (West 1998)</td>
<td>Aggravated sexual abuse</td>
<td>Crosses state line with intent to engage in sexual act with minor or knowingly engages in sexual act or attempts to do so</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>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</td>
<td></td>
</tr>
<tr>
<td>AGE</td>
<td>OFFENSE LEVEL</td>
<td>PATRON EXCEPTED</td>
<td>MISTAKE OF AGE DEFENSE</td>
</tr>
<tr>
<td>---------------------</td>
<td>-------------------------------------------</td>
<td>----------------</td>
<td>------------------------</td>
</tr>
<tr>
<td>&lt;18</td>
<td>class B felony</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td>&lt;16</td>
<td>felony; confinement &gt;3 but &lt;10 years</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td>minor</td>
<td>felony imprisonment &gt;2 but &lt;5 years; fine &lt;$5,000; or both</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td>minor</td>
<td>felony imprisonment &gt;2 years; fine &lt;$5,000; or both</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td>&lt;18</td>
<td>class BC felony</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td>child</td>
<td>class BC felony</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td>&lt;18</td>
<td>felony imprisonment &lt;5 years; fine &lt;$5,000; or both</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td>&lt;18</td>
<td>imprisoned &lt;15 years; or fined; or both</td>
<td>no</td>
<td>n/m</td>
</tr>
<tr>
<td>&lt;18</td>
<td>imprisoned &lt;15 years; or fined; or both</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td>&lt;12</td>
<td>any term of years or life; if previously convicted, under this subsection, life in prison if death penalty not imposed</td>
<td>no</td>
<td>government need not prove defendant knew age</td>
</tr>
<tr>
<td>&gt;12 but &lt;16 (with 4 year diff.)</td>
<td>any term of years or life; if previously convicted, under this subsection, life in prison if death penalty not imposed</td>
<td>no</td>
<td>government need not prove defendant knew age</td>
</tr>
<tr>
<td>STATE CODE</td>
<td>OFFENSE TITLE</td>
<td>OFFENSE DESCRIPTION</td>
<td></td>
</tr>
<tr>
<td>------------</td>
<td>---------------</td>
<td>---------------------</td>
<td></td>
</tr>
<tr>
<td>U.S.C. § 2243 (West 1998)</td>
<td>Sexual abuse of minor</td>
<td>Knowingly engages in sexual act or attempts to do so</td>
<td></td>
</tr>
<tr>
<td>Guam</td>
<td>Compelling prostitution</td>
<td>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</td>
<td></td>
</tr>
<tr>
<td>Puerto Rico</td>
<td>Perversion of minors</td>
<td>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</td>
<td></td>
</tr>
<tr>
<td>Virgin Islands</td>
<td>Pandering</td>
<td>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</td>
<td></td>
</tr>
<tr>
<td>AGE</td>
<td>OFFENSE LEVEL</td>
<td>PATRON EXCEPTED</td>
<td>MISTAKE OF AGE DEFENSE</td>
</tr>
<tr>
<td>----------------------------</td>
<td>-------------------------------------------------------------------------------</td>
<td>----------------</td>
<td>------------------------</td>
</tr>
<tr>
<td>&gt;12 but &lt;16 (with 4 year diff.)</td>
<td>imprisoned &lt;15 years, or fined, or both</td>
<td>no</td>
<td>yes</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>government need not prove defendant knew age</td>
</tr>
<tr>
<td>&lt;18</td>
<td>felony of third degree; third offense within 3 years: felony of first degree</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td>&lt;18</td>
<td>imprisonment &lt;6 months, or fine &lt;$500, or both</td>
<td>n/m</td>
<td>n/m</td>
</tr>
<tr>
<td>&lt;18</td>
<td>imprisonment &gt;2 years, which shall not be suspended, neither probation, parole, or any other form of release granted for this minimum period of incarceration</td>
<td>n/m</td>
<td>n/m</td>
</tr>
</tbody>
</table>
## International Treaties Addressing Prostitution and Trafficking of Women and Children

<table>
<thead>
<tr>
<th>Treaty Citation</th>
<th>Description</th>
</tr>
</thead>
</table>
| **International Agreement for the Suppression of White Slave Traffic**  
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. |
| **International Convention for the Suppression of White Slave Traffic**  
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. |
| **Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others**  
| **The Slavery Convention of 1926 (1926 Convention)**  
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. |
| **The 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions Similar to Slavery**  

### US Status

Amended by Convention (see below)


Not a Participant

Not a Participant

Not a Participant
<table>
<thead>
<tr>
<th>TREATY CITATION</th>
<th>DESCRIPTION</th>
</tr>
</thead>
</table>
| **International Labor Organization Forced Labor Convention (No. 29)**  
| **International Labor Organization Abolition of Forced Labor Convention (No. 105)**  
| **The International Covenant on Civil and Political Rights**  
| **United Nations Convention on the Rights of the Child**  
<table>
<thead>
<tr>
<th>US STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not a Participant</td>
</tr>
<tr>
<td>Not a Participant</td>
</tr>
<tr>
<td>Signatory May 10, 1977</td>
</tr>
<tr>
<td>Signatory July 17, 1980</td>
</tr>
<tr>
<td>Signatory February 16, 1995</td>
</tr>
</tbody>
</table>
Endnotes

2. Id.
4. See Whitcomb, De Vos & Smith, supra note 4, at 66.
5. Id.
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.
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.
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).
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."
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.
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.
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.
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.
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.
52. Giobbe, supra note 49, at 118.
56. Assessment Report, supra note 9, at 162; Barry, supra note 50, at 208.
57. Barry, supra note 50, at 106.
60. Barry, supra note 50, at 208.
62. Id. at 153.
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.
70. Fassett & Walsh, supra note 10, at 30; Giobbe, supra note 65, at 48.
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. Bracey, “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.
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.
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.


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.


107. McCormack et al., supra note 39, at 392-393.


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.


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.


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.


130. Yates et al., supra note 37, at 547 (reporting 97 percent used drugs or alcohol).

131. Id.


133. Sullivan, supra note 17, at 64.


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.

139. Id.
140. Whitcomb & Eastin, supra note 3, at 3.
144. Assessment Report, supra note 9.
145. Id.
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.
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.
3~


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).


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.


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).


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.*


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 OHIO REV. CODE ANN. § 2907.22; S.C. CODE ANN. § 22-23-2.
189. See, e.g., ARK. CODE ANN. §§ 5-70-101, -104; DEL. CODE ANN. tit. 11, § 1353.
190. MONT. CODE ANN. § 45-5-603.
191. MONT. CODE ANN. § 45-5-603.
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.
195. See, e.g., CAL. PENAL CODE § 266h.
196. See, e.g., COLO. REV. STAT. ANN. § 18-7-402.
197. MINN. STAT. ANN. § 609.322.
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 (III. 1986) (distinguishing People v. Blair, 449 N.E.2d 172 (III. 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).
201. Id.
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).
211. LA. REV. STAT. ANN. § 14:82.1.
214. Id.
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).
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 E2d 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 E2d 269 (Colo. 1994) (affirmative defense provision eliminates culpable mental state of “knowingly” and replaces it with “reasonable belief”).
227. N.Y. Penal Law § 230.07. New York increases the grade of the “patronizing” offense according to the age of the child.
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)).
234. Whitcomb & Eastin, supra note 3, at 4; Whitcomb, De Vos & Smith, supra note 4, at 16.
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.
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).


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.


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.


> (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.


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.


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).


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.


§ 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.


262. Id.

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

264. Id. at 1083.


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).


269. Id.


(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.

(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.

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).
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).
288. 1997 WL 487758 (N.D. Cal.).
290. Loken, supra note 51, at 68.
291. Id.
292. Id.
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). United States v. Anderson, 1998 WL 130158 (1st Cir. (Mass.)).
297. 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).
300. Id. § 504.
301. Id. § 505.
302. Id. § 602.
303. Id. § 603.
304. Id. § 605.
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.
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.
343. Id. at 17.
344. Id. at 18.
345. Assessment Report, supra note 9; Whitcomb, De Vos & Smith, supra note 4, at 25-33.
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.
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.
356. MINN. STAT. ANN. § 626.558 (West 1997).
357. Seng, supra note 27, at 674.
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").
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.
376. Report of the Special Rapporteur, supra note 6, ¶ 56.
379. Muntarbhorn, supra note 375, at 11.
381. Id.
381. Id.
384. Id.
385. Id. See also Beyer, supra note 382, at 37.
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).
389. Id.
389. Id.
390. Id.; Hodgson, supra note 387, at 515.
393. Id. See also Hodgson, supra note 387, at 514.
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).
400. Country Reports, supra note 377.
401. Draft Declaration, supra note 1, at 2.
403. Id. at 15.
404. Id. at 27.
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 Vacchis, Batman: The Ultimate Evil* (Warner Books 1995).
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).
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.


429. O’Connell Davidson, *supra* note 422.

430. *Id.*


436. *Id.*


438. *Id.*


444. *Id.* at 56.


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.


454. *Id.* art. 2(c).
456. *Draft Declaration, supra* note 1, at 3.
459. *Id.* at 9-13.
466. *Id.* at 528; Healy, *supra* note 439, at 1921.
468. *Id.* at 889 (citing The Prohibition of Prostitution Act of B.E. 2503 (1960)).
469. *Id.* at 890.
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.).
479. Crimes Amendment Act §§ 50DA, 50DB.
482. Ireland Introduces Tough Laws on Child Abuse, Reuters Ltd. (Dublin), December 18, 1997.
485. Id. at 14.
486. Home Office: Sex Tourists to be Sent Packing, COMTEX Newswire (M2 Communications), November 17, 1997.
488. Crimes Amendment Act § 50FA.
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.).
500. Report of the Special Rapporteur, supra note 6, ¶ 64.
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.
511. Draft Declaration, supra note 1, at 6; Hodgson, supra note 387, at 537.
514. Draft Declaration, supra note 1.
515. Report of the Special Rapporteur, supra note 6, ¶ 140.
518. Id., ¶ 141.
519. Boonpala, supra note 443, at 59.
520. Saikaew, supra note 410, at 63.

References


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

Dr. Sai suree Chutikul
Advisor on Children, Youth, Women Education
and Social Development
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, Phyaithai 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
hptpine@loxinfo.co.th or lauran@pobox.com

PREDA 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 http://www.subinet.com/predafairtrading
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