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The Globalization of Female Child Prostitution:
A Call For Reintegration and Recovery Measures
Via Article 39 of the United Nations Convention on
the Rights of the Child

LAURIE NICOLE ROBINSON*

Female child prostitution is an epidemic that touches every corner of the world.1 The female child2 usually finds her way into prostitution by being bought, kidnapped, tricked, sold by her parents, or traded.3 Figures estimate that the child prostitution business employs approximately 1 million children in Asia,4 1.5 to 2 million children in India,5 100,000 children in the United States,6 and 500,000 children in Latin America.7 Statistics also estimate that in one year's time a child prostitute will service over 2,000 men.8

The globalization of economics is at the forefront of the prostitution problem. Economics perpetuates female child prostitution because it is

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1. Globalization in the context of this note refers to economic and cultural processes that perpetuate female child prostitution. Both processes work interchangeably in creating the supply and demand for female prostitutes. As a result, a need is created for international legislation and recovery measures to help the victims. See generally Alfred C. Aman, An Introduction, 1 IND. J. GLOBAL LEG. STUD. 1 (1993). Child prostitution encompasses the exploitation of both boys and girls. However, for the purpose of this note, I will focus specifically on female child prostitutes and they will be referred to as victims.

2. A child is defined as a person under the age of eighteen or such earlier age as applicable to the country concerned. Cynthia Price Cohen, Child Sexual Exploitation in Developing Countries, 44 REV. OF INT'L COMM'N OF JURISTS 36, 42 n.* (1990).


5. Cohen, supra note 2, at 43.


financially rewarding to those who participate in the activity. The globalization of culture also plays an integral part in the problem because it is generally the child's culture that compels her to be sexually exploited. In response to this global epidemic, the United Nations adopted the United Nations Convention on the Rights of the Child in 1989 (Convention). The Convention encompasses decades of global measures that address human rights of children, discrimination against women, and prostitution. The Convention is one of the United Nation's most important enactments because it is the "first legally binding international agreement that protects children from sexual exploitation." The Convention also recognizes the economic, social, and cultural rights of the child and the importance of providing the child with protection from neglect, cruelty, and economic exploitation.

9. To name a few, those who receive pecuniary gains include the child's parents, brothel owners, governments, the sex tourist industry, law enforcement officials, and the child pornography industry. See Ladda Saikaew, A Non-governmental Organization Perspective, in FORCED LABOR, supra note 6, at 67.

10. The child's involvement in prostitution is especially prevalent in developing countries because cultural beliefs typically view prostitution as an acceptable practice. See Serrill, supra note 6, at 53. Child prostitution is further globalized because the victims and patrons are found in both developed and developing countries. See Vitit Muntarbhorn, International Perspectives and Child Prostitution in Asia, in FORCED LABOR, supra note 6, at 9. Developing countries and continents that have victims and patrons include Asia, the Philippines, Sri Lanka, Taiwan, Laos, Cambodia, Vietnam, Russia, Central and South America, India, Dominican Republic, and Africa. Id. at 22-23. Developed countries and continents include Europe, the United States, Canada, Japan, Australia, New Zealand, Sweden, and Germany. See Philippines Ranks Second in Asian Child Prostitution, ASIAN POL. NEWS, Jan. 29, 1996, available in WL 7590743. See also Serrill, supra note 6, at 53.


12. See Cohen, supra note 2, at 37.


15. Berkman, supra note 11, at 405.

16. Articles 34 and 19 are key provisions of the Convention that explicitly address the sexual exploitation of children. See Convention, supra note 11, at art. 34. "States Parties should undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral, and multilateral measures to prevent: (a) the inducement or coercion of a child to engage in any unlawful sexual activity; (b) the exploitative use of children in prostitution or other unlawful sexual practices; (c) the exploitative use of children in
Despite the provisions, punishment for those who violate the Convention is not effectively enforced, and measures preventing millions of children from falling into prostitution come too late. As a result of prostitution, the child sustains physical and psychological abuse which, needless to say, receives very little attention.

This note advocates assertiveness in helping the victims of female child prostitution recover mentally and physically via Article 39 of the United Nations Convention on the Rights of the Child. Part I of this note provides an overview of the globalization of economics and cultures that encourage female child prostitution. Part II sets forth an assessment of the physical and psychological abuse that the victim endures, which in turn points to the need for reintegration, recovery measures, and treatment. Part III briefly discusses the forms of international intervention that attempt to prevent child prostitution. Finally, Part IV uses Article 39 to propose measures that can empower countries to develop effective support programs to help victims.

States Parties shall take all appropriate legislative, administrative, social, and educational measures to protect the child from all forms of physical or mental violence, injury, or abuse, neglect or negligent treatment, maltreatment or exploitation including sexual abuse while in the care of parent(s), legal guardian(s), or any other person who has care of the child. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have care of the child, as well as other forms of prevention and identification, reporting, referral, investigation, treatment, and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

17. Article 39 of the Convention addresses the physical and psychological well-being of the child. Article 39 provides that countries must establish "social programs to mentally and physically rehabilitate the victims of sexual exploitation once they have been removed from the exploitative environment." See Berkman, supra note 11, at 407. It also requires that countries take steps to reintegrate the victim into society. Id.
I. THE GLOBALIZATION OF FEMALE CHILD PROSTITUTION: HOW DO THEY BECOME VICTIMS?

Female child prostitution is fostered by the globalization of economics and the victim's country or culture. Assessing and understanding the various factors that lead to the sexual exploitation of the child will help to determine the physical and psychological measures needed under Article 39.18

A. Female Child Prostitution: The Globalization of Economic Forces

The globalization of economic forces is one of the main factors that contributes to female child prostitution. Because child prostitution is a multi-billion dollar industry,19 greed and money outweigh the best interests of the child.

1. Sex Tourism: Still A Lucrative Industry

Sex tourism is a lucrative industry and is a key element to the sexual exploitation of the child. Currently, the industry generates over a billion dollars a year.20 Its profitable origin is traceable to the Vietnam War, which facilitated sex between United States servicemen and young Asian girls.21 With the end of the War and the return of the servicemen to the United States, brothels were left without revenue,22 and Asian female prostitutes were left without paying customers. To compensate for the loss of revenues, the Asian governments made attempts to bolster their economies through sex tourism.23

18. I contend that culture has an impact on the physical and psychological damage that a child may sustain. See Robert Flores, Child Prostitution in the United States, in FORCED LABOR, supra note 6, at 41.
19. See Cohen, supra note 2, at 42; Children on the Altar, supra note 3.
20. Children on the Altar, supra note 3. In 1993, Germany's annual sales of "kiddie porn" were estimated at $250 million. See Serrill, supra note 6, at 53. The industry's revenues include contributions from pimps, madams, and organized crime. Id. The sex market for children under the age of sixteen has been asserted to be a five billion dollar industry. See Cohen, supra note 2, at 42.
21. In the 1970s, United States' military men were encouraged to visit brothels. See Healy, supra note 7, at 1865; Children on the Altar, supra note 3. Asia is still the main continent that employs an extensive participation in child prostitution. Id.
23. Id. at 880. See Healy, supra note 7, at 1865.
Countries in Asia continue to have a highly populated child prostitution industry. To date, patrons include American, German, Swedish, European, Australian, and Japanese men. Sex tourism remains so popular because it allows patrons to engage in illegal acts and escape without punishment. Because sex tourists can engage in sexual relations with children and avoid prosecution, tourists consider the sexual venture worth the payment.

2. Supply and Demand: A Global Ripple Effect of Female Child Prostitution

The high demand and limited supply of female child prostitutes create competition among countries and procurers. Because of the depletion of young victims in Asia, traffickers travel to other countries to seek young girls, thus, cross border trafficking occurs. In Thailand, trafficking is especially noticeable where victims have been abducted and transported to Burma, China, India, and other countries. Consequently, a global ripple effect of female child prostitution is created worldwide.

3. Poverty In Developing Countries: Desperate Times Call For Desperate Measures

The most commonly noted reason for child prostitution in developing countries is poverty. In an impoverished environment, families can barely
attain the basic necessities for survival. Often, they do not have enough money for food, clothes, or shelter. As a result of destitution, poor families are usually the most vulnerable to the sex procurement agents who are in search of young girls. As the economy declines in certain countries, poverty drives many families to the desperate measure of selling their children into prostitution.

In well-knit communities, families known to have financial hardships are targeted by agents and sex recruiters. Once the target is set, the recruiter promises the destitute family “much needed cash” in exchange for the female child’s services. In sum, because some poor families cannot support their children, they succumb to desperate alternatives in order to make ends meet.

4. The Female Child: “Cashing In On The Action”

The assistance in the recruitment process also helps contribute to the child’s exploitation. In some countries, recruitment creates an economic incentive by serving as a means to alleviate poverty. Individuals cash in on the child’s services by participating in the recruitment. Typically, the relatives, pimps, brothel owners, hotels, neighbors, friends, churches, travel agencies, teachers, parents, local police, and procurers are those who make a profit in the sex trade in order to pay off money lenders).

34. Id. at 43.
35. Healy, supra note 7, at 1869.
36. See Cohen, supra note 2, at 42 (discussing recruitment of poor village children by pimps). Brothel owners in Chiang Rai, Thailand have well-established networks and agents to target poor families. Saikaew, supra note 9, at 65.
37. Saikaew, supra note 9, at 65.
38. Muntarbhorn, supra note 10, at 11. Muntarbhorn suggests that a family’s poverty is instrumental in making them prey for the prostitution trade. However, he notes that poverty alone is not the sole cause of child prostitution. Id.
39. Berkman, supra note 11, at 400. Facilitators encourage the victimization process and reap the financial benefits from the child’s services. Id.
40. See Levan, supra note 22, at 875. Parents sometimes reap financial rewards by selling the child into forced labor. Forced labor is a form of debt and bonded labor that occurs when the parents borrow money at high interest rates. To pay back the loan, parents force the child to work the loan off through prostitution. Id. at 876. See generally Convention Concerning Forced or Compulsory Labour, June 28, 1930, 39 U.N.T.S. 55, 56 (prohibiting work that is involuntarily undertaken). See Cohen, supra note 2, at 44.
42. Procurers gain their financial reward through kidnaping and deception. Kidnappers either snatch
or use a child's services to pay off their debts. Governmental entities also make a profit. They take a laissez-faire attitude in stopping child prostitution because the industry helps to bolster their economies.43

B. Female Child Prostitution: The Globalization of Culture

As noted in the previous subsection, economic incentives introduce the child into prostitution; however, female child prostitution also manifests itself through cultural practices.44 Because of culture, some developed countries view prostitution as stigmatizing and wrong, while developing countries, in most instances consider it an acceptable practice.45

1. Imperialism: The Patriarchal Devaluation of the Female

Generally, in developing countries, the male establishes and maintains his power through the patriarchal devaluation of the female. The male accomplishes this feat by keeping the female both economically and educationally marginalized.46 This practice of subjugation is especially prevalent in developing countries through cultural values that allow only the male to attain status in the community.47 In addition, it is also found in instances where the child starts engaging in prostitution at an early age. The earlier the child starts, the more she is deprived of all forms of cognitive development. In effect, the deprivation of education ensures that the female child will remain both helpless and dependent on the male.

43. See Wallace, supra note 41, at A2. The Thai government has always condoned child prostitution. For example, during the 1970s, as a part of the National Plan for Tourist Development, the government did not object to the idea of using young girls' sexual services to attract tourists. Presently, the government still views prostitution as a key to regional development and foreign currency. Children on the Altar, supra note 3.

44. Levan, supra note 22, at 877.

45. It is my contention that the victim's cultural ideals on prostitution will determine the psychological impact she will sustain. In application, a victim may not feel a sense of stigmatization or shame if prostitution in her country is culturally accepted. In contrast, a victim may feel stigmatization if prostitution is culturally unacceptable in her country.

46. Healy, supra note 7, at 1872.

47. See Levan, supra note 22, at 877-78.
In many countries, the culture exemplifies the belief that females should be relegated to a societal status beneath that of men. A female is only allowed to acquire status based on her sexual prowess, body, and sexuality. For example, Thai history, culture, and custom provide the means for men to sexually exploit females. The culture accords "men the right to control and use female sexuality for their own ends" whether it be for financial gain or sexual pleasure.

The devadasi system is also a cultural practice that compels young females to engage in the sexual exploitation of their bodies. This religious custom is prevalent in Bombay, India where thousands of young girls participate in a religious practice that requires them to serve the sex goddess Yelamma. Once these girls reach the age of puberty, a temple ceremony is held for a crowd of men. The highest bidder in the crowd is rewarded with the prize of the female child serving as his mistress or concubine for life. This Indian culture also ingrains in the child that prostitution is her only purpose in life. Therefore, upon reaching adolescence, the child is sent to a brothel to continue her life as a prostitute.

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48. See id.
49. It is normal for some countries to use a woman's sexuality to define her honor. See Levan, supra note 22, at 877-78. For instance, Thailand's patriarchal society determines a woman's honor based solely on her production of pleasure for men (e.g., concubines and prostitutes) or solely by her production of labor (e.g., wife or care-giver). Id. at n.48. In contrast, Thai men's societal status is determined by their interaction in public affairs. Id. at 878. See The Convention on the Elimination of All Forms of Discrimination Against Women, supra note 13. This Convention concentrates on "eliminating discrimination against women in marriage, family, employment, health, and education," as well as the elimination of "gender stereotypes, inequality between men and women, and the suppression of the exploitation of women." Id. at n.153.
50. Levan, supra note 22, at 879.
51. See Cohen, supra note 2, at 45; Serrill, supra note 6. Devadasi means handmaiden of God.
52. Cohen, supra note 2, at 45. Girls as young as four and five years old are dedicated to the goddess Yelamma. Id. The devadasi system is a religious practice based on a 4,000 year-old ritual in which young girls are dedicated to temples for lives of dance and prayer. Serrill, supra note 6. Family members dedicate the child's body because they believe that they will be reincarnated to a higher caste for doing so. Cohen, supra note 2, at 45. This practice is viewed as a cult because young girls are brainwashed into believing that prostitution is the only way of life. Id.
53. Cohen, supra note 2, at 45.
54. In Bombay, parents have full knowledge that their child will be sent to work in a brothel upon reaching adolescence. Serrill, supra note 6. Statistics show that approximately 8,000 girls per year submit to this lifestyle. Children on the Altar, supra note 3.
2. Female Child Prostitution: To Some, A Culturally Accepted Practice

In other Asian countries, the cultural importance of family obligation forces the child to sell her body. In most cases, the child voluntarily engages in prostitution so that she can "strengthen ties within the family." The child voluntarily engages in prostitution so that she can use the money she earns to financially support her family. Often, the eldest daughter will sacrifice her body in order to improve the family's situation.

Moreover, parents believe that they have ownership rights over the child and thus sell the sexual services of their daughters. The parents use the child's body in order to obtain "modern comforts and luxury items." The impoverished family justifies its actions by considering prostitution a means to improve the family's life.

C. Female Child Prostitution: The Fear of AIDS

The fear of AIDS, to some extent, contributes to the demand for female child prostitutes. Worldwide, one of the reasons men seek female children is because of the belief that the child is free from AIDS. Because sex tourists are willing to pay more money for AIDS free victims, pimps and sex procurers economically capitalize by attempting to pass young females off as virgins. Thus, endeavors are made for the recruitment of girls as young as possible. This form of recruitment typically occurs in developing countries that have an extensive sex tourist clientele. The limited supply of young girls in some countries results in an expansion of the recruitment process covering every corner of the globe. Hence, the belief that young victims do not carry the HIV virus contributes to the AIDS epidemic. Male patrons who rely on the myth

55. Levan, supra note 22, at 876. Family ties are strengthened by sharing the profits the child makes from prostitution. The added income helps to improve the family's quality of life. See id.
56. Id. See Cohen, supra note 2, at 44.
57. Cohen, supra note 2, at 44; Philippines Ranks Second in Child Prostitution, supra note 10.
58. Cohen, supra note 2, at 43.
60. Id. See Berkman, supra note 11, at 399.
62. See Serrill, supra note 6, at 54.
to avoid using condoms pose a risk of spreading the deadly disease to the heterosexual community.63

D. Female Child Prostitution In Developed Countries: Some Cultural and Economic Variations From Developing Countries

In continents and developed countries such as the United States and Europe, the child’s introduction into prostitution differs in some respects from developing countries.64 For the most part, victims in developed countries enter into prostitution on a voluntary basis. Another difference is that children in developed countries sometimes start prostitution at a later age.65

Economic incentives are not the sole reason for prostitution; the role of the family is instrumental in contributing to the child’s engaging in the sexual exploitation of her body. In some instances, children in the developed countries end up in prostitution after running away from home.66 Children often run away from home to escape an abusive home environment.67 This environment often consists of a household where a parent is involved in prostitution or abuses drugs or alcohol.68 It may also consist of an environment where the victim is sexually abused or raped during childhood.69 To escape the uninhabitable conditions at home, the victim seeks refuge on the street.70 Unfortunately, once there, with no money or place to live, victims are easily preyed upon by pimps.71 Thus, victims are easily swindled by the fabricated promises of pimps and sex procurers to provide them with a better way of life.72 In contrast to family obligation in developing countries, some children in developed countries engage in prostitution to better themselves and not their families. Children are willing to do anything to obtain the material trappings

64. See Flores, supra note 18, at 42. U.S. children engage in prostitution to meet their own needs, whereas children in developing countries engage in prostitution to meet their families’ needs. See id.
65. Id. at 41.
66. Berkman, supra note 11, at 401.
67. See Serrill, supra note 6.
68. See Cohen, supra note 2, at 43.
69. See id. at 43.
70. See Serrill, supra note 6.
71. See id. at 53.
72. See id.
of life. Usually, the child will sell sexual favors to secure money to buy drugs, clothes, or jewelry.

II. WHAT ABOUT THE VICTIM?
EXPLORING THE ASPECTS OF NEGATIVE IMPACT

The lifestyle in which the child prostitute lives is usually not one in which she consents to engage. During the time of prostitution, the victim may be forced to endure physical abuse and psychological damage. For the purpose of this note, each incident that the victim encounters should be assessed separately in order to develop an effective program for her via Article 39.

A. The Victim: The Physical Ramifications of Abuse

The physical abuse that child prostitutes endure may vary from country to country. In developed countries the physical abuse a victim sustains may not be as severe in instances where the victim begins prostitution in her teens. However, in many cases, the abuse the child prostitute sustains can be compared with that suffered by children subjected to sexual child abuse. The wear and tear on the child’s body may be devastating. Victims of child sexual abuse may suffer from rectal fissures, lesions, lacerated vaginas, foreign penetration of the anus or vagina, chronic pelvic inflammatory disease, perforated anal and vaginal walls, body mutilation, infertility, and a ruptured uterus.

Victims of prostitution in developed and developing countries may both endure the same physical abuse to their bodies performing certain sexual acts for customers. They may be forced to endure forms of sexual abuse through...
torture and inhumane treatment. An aspect of physical abuse is illustrated in the example of a twelve year-old child prostitute, who one night during intercourse with a sex tourist had a vibrator forcibly inserted into her vagina. The vibrator was jammed so hard into her vagina, that it broke and the fragments were lodged and remained inside of her. Because of the lack of medical treatment and care, she had to carry the fragments of the vibrator in her vagina for seven months. “When she finally collapsed on the street, nothing could be done to save her.”

The child prostitute, in many respects, is treated similarly to the adult female prostitute. The child victim is expected and forced to engage in all forms of lewd sexual acts. A survey of adult prostitutes revealed that forms of sexual and physical abuse entail being slapped, burned, hanged, and bound. Victims also report abuse to include being deprived of sleep, penetrated with objects and by animals, and having their nipples, mouth, or labia pinched, clamped, or stapled. Others forms of abuse include being tied-up, gagged, whipped, paddled, raped, and engaging in acts involving urination and defecation.

In most instances, victims from developed and developing countries may suffer additional abuse by contracting venereal diseases and, worst of all, AIDS. The AIDS virus runs rampant among child prostitutes in developing countries because the child is typically so young. Other forms of abuse include malnutrition, untreated wounds, and tuberculosis.

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79. Healy, supra note 7, at 1852-53.
81. Id. at 94.
82. Giobbe & Gibel, supra note 8, at 10. When a woman is raped by two or more men in one sexual encounter, it is called “gang-rape.” In some instances, victims have been gang-raped to death by men. Children on the Altar, supra note 3. Statistics suggest that female child prostitutes are raped on an average of ten times a year. Hunter, supra note 80, at 92.
83. Cohen, supra note 2, at 46. The AIDS epidemic is so bad in Thailand that fifty percent of child prostitutes test positive for HIV. Serrill, supra note 6, at 54. See also Children on the Altar, supra note 3. It is possible that the statistics are so high because children in Thailand begin prostitution at such a young age. See id.
84. See O'BRIEN, supra note 78 and accompanying text.
B. The Victim: The Psychological Ramifications of Abuse

The child victim’s exposure to sexual exploitation may result in psychological harm. The psychological effects, which will differ on an individual basis, will depend on the totality of the abuse endured and the nature of the traumatic event. In developing countries, victims may be forced into prostitution between the early ages of four and ten. By starting at such an early age, the victim may be deprived of forms of cognitive and educational development.

In continents and in developed countries such as the United States and Europe, the child victim may not have the mental stamina to withstand abuse. During her enslavement, the victim is forced to endure constant degradation. Because prostitution in developed countries is not an acceptable norm, the victim may feel a “complete loss of dignity, self-esteem, and confidence.” As a result, her ability to grow emotionally is not only impaired, but may even be destroyed. Similar to child sexual abuse, the female child prostitute may experience the psychological feelings of “guilt, shame, anxiety, depression, and low self-esteem.” She may also commit suicide.

Judith Lewis Herman noted that survivors of prolonged sexual abuse suffer from complex post-traumatic stress disorder (CPTS). CPTS is the psychological alteration of consciousness, self-perception, and relationships with others. First, Herman notes that victims may have an alteration in consciousness which may include amnesia, blackouts, and transient disassociative episodes. Second, the victim’s exposure to continuous abuse leads to the alteration of self-perception. The victim may feel a sense of helplessness, shame, guilt, and a sense of defilement. Survivors of abuse are vulnerable to being subjected to additional hurt. For example, the alteration

85. Berkman, supra note 11, at 402.
86. See Judith Lewis Herman, Trauma and Recovery 58 (1992).
87. See Serrill, supra note 6. It should be noted that because of the patriarchal devaluation of women, some women will never have any form of education. Giobbe & Gibel, supra note 8, at 3 nn.7-8.
88. See Giobbe & Gibel, supra note 8, at 3.
89. See Healy, supra note 7, at 1873.
91. Serrill, supra note 6, at 53. See Berkman, supra note 11, at 402.
92. See Herman, supra note 86, at 119-21. CPTS is defined as the “history of subjection to totalitarian control over a prolonged period.” Id. at 121. Examples include survivors of domestic battering, childhood physical or sexual abuse, and organized sexual exploitation. Id.
93. Id.
in affect regulation is extremely dangerous because the child victim may suffer from chronic suicidal preoccupation and inflict self-injury. Self-injury has been characterized as a pathological soothing mechanism and can take the form of vomiting, purging, using drugs, and exposing oneself to danger.94 Furthermore, the long term effects on the child victim may result in her inability to integrate with society. Her alteration in relations with others may result in her being isolated, withdrawn, distrustful, and unable to sustain intimate relationships.95

As noted above, trauma depends on the individual involved and “on the degree of resilience of the affected person.”96 In response to being raped, some rape victims may suffer from lingering fear and may “spend a lifetime dealing with the trauma and lasting terror.”97 Additionally, the child may experience Rape Trauma Syndrome, which encompasses two phases. Phase one is the acute phase which may consist of “impact, somatic, and emotional responses.”98 During phase one, the victim may experience skeletal muscle tension and physical shock.99 Phase two is the reorganization phase, which may include frequent nightmares, flashbacks, depression, grief, and the inability to maintain close relationships.100 The long term effect may be that she develops problems with establishing sexual intimacy.101 Similar to rape, victims of battery will feel a decreased sense of self-worth. If battered, the victim may also experience nightmares, flashbacks, difficulty concentrating, and increased anger.102

94. Id. at 109.
95. See id. at 97.
96. Id. at 58.
97. Hunter, supra note 80, at 92.
99. Id.
100. Id.
101. Giobbe & Gibel, supra note 8, at 14.
III. INTERNATIONAL TREATIES AND RESPONSES: CURTAILING FEMALE CHILD PROSTITUTION

Regardless of the economic incentives and the victim's cultural, societal, or religious background, the female child should not be a participant in the sexual exploitative cycle. In response to the exploitation of the female child, various international measures have been enacted to protect the human rights of women and children. Specifically, these international treaties call for States Parties to assist in ending prostitution, preventing gender discrimination, and providing children with rights.

A. International Conventions: Protecting the Female From Exploitation and Discrimination

In an attempt to bring an end to prostitution, the United Nations adopted the 1950 Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others. This Convention was a supplement to the Conventions of 1904, 1910, 1921, and 1933. In effect, the 1950 Convention was designed to “punish owners, managers, and financiers of brothels, as well as those who rent spaces for the purpose of prostitution.” The 1950 Convention sets out to punish any person who “[p]rocures, entices or leads away for purposes of prostitution, another person, even with the consent of the person; [e]xploits the prostitution of another person, even with the consent of that person.”

Further, in addressing the exploitation of women, in 1981, the United Nations adopted the Convention of the Elimination of All Forms of

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103. As noted earlier, female child prostitution is a culturally accepted practice in some countries. See generally Serrill, supra note 6, at 53.
110. Id. at 172.
Discrimination Against Women. This Convention is designed to provide women with equal rights, and requires States Parties to take measures to eradicate all forms of discrimination based on the belief that women are inferior.


The United Nations Convention on the Rights of the Child establishes provisions for signatory countries to protect young children from being sexually exploited. Articles 34 and 19 are the key provisions that protect the child from sexual exploitation. Article 34 provides that countries have an obligation to eliminate "child prostitution and child pornography within their borders." Article 19 establishes measures for mandating that countries facilitate legislation against the sexual exploitation of the child. In application, both articles focus on punishment for patrons and parents of child prostitutes, as well as other measures to prevent child prostitution.

The implementation mechanism of the Convention entails the monitoring and reporting of activities. This implementation process is to be accomplished by requiring States Parties to submit a regular report to a Committee of Rapporteur. In effect, the reporting and monitoring mechanism provides a benchmark for assessing countries that are in compliance with the Convention and for assisting countries that are not. Nongovernmental organizations partake in the implementation process by monitoring governmental compliance with the provisions of the Convention.

114. Berkman, supra note 11, at 406.
115. See Cohen, supra note 2, at 40. The Committee is comprised of ten experts who advise States Parties on how to comply with the Convention. Id. at 48.

Because developed countries are the main consumers of child prostitution, some countries have taken measures to crack down on child sex tourism by holding patrons accountable for their actions abroad. Sweden, Australia, and the United States have attempted to combat this problem by setting forth an extra-territorial application of their own criminal laws.

Extra-territorial application of the law, in effect, applies to acts of citizens who travel abroad to engage in sexual acts with children. In the United States, the law providing an extra-territorial effect is the Violent Crime Control and Law Enforcement Act of 1994. The Act includes the Child Sexual Abuse Prevention Act of 1994 that criminalizes and imposes fines on those who travel to another country for the purpose of engaging in sexual intercourse with a minor. The Thai government has taken similar steps to punish those who engage in the sexual exploitation of children. Customers who engage in sexual activity with the victim may be forced to pay approximately 4,800 dollars (for victims under fifteen) or 2,500 dollars (for victims under eighteen). Furthermore, parents who sell their children into prostitution may have their guardianship revoked.

2. Monitoring States Parties' Compliance: Assistance From Non-Governmental Organizations (NGOs)

In response to the United Nations Convention on the Rights of the Child, some NGOs have taken matters into their own hands to assist in helping to end the sexual exploitation of children. One of the most instrumental organizations is End Child Prostitution in Asian Tourism (EDCAT). EDCAT's main goal

116. See Healy, supra note 7, at 1857.
117. Berkman, supra note 11, at 409. In using extra-territorial jurisdiction over sex tourism, problems may arise regarding the gathering of evidentiary material and standards. Also, if the victim is not available to testify, this may infringe upon the accused's procedural right to confront adverse individuals. Id. at 417-21.
119. Healy, supra note 7, at 1857.
120. Berkman, supra note 11, at 404. Although fines may be imposed, many parents in developing countries may be too poor to pay them.
is to help eliminate child prostitution by influencing signatory countries of the Convention to comply with its provisions. EDCAT also provides international educational services that will work to prevent female child prostitution and also provides legislation to prevent child sex tourism.

Development and Educational Programs for Daughter and Communities (DEP) is another NGO based in Thailand. Its goals include preventative measures that will keep at-risk girls from entering into prostitution. In order for prevention to be successful, DEP concentrates on helping areas that have patterns of the sale and trafficking of children. DEP attempts to rescue potential victims by providing educational alternatives and opportunities for personal development. DEP's programs also consist of providing educational sponsorship, vocational training, youth leadership training, nonformal school for young children, information centers, and education for parents.

Another organization working to end the child prostitution epidemic is the Task Force to End the Exploitation in Thailand (Task Force). This organization includes governmental and private agencies. The Task Force works to uncover underground links to child prostitution rings. As a result of its work, the Task Force has been able to expose a Swiss Air ticket agency that advertised specifically to attract pedophiles.

IV. HELPING THE VICTIMS:
REINTEGRATION AND RECOVERY MEASURES VIA ARTICLE 39

As noted in Part II, victims may suffer severe physical abuse, psychological disturbances, or both. Because States Parties are not actively enforcing the provisions of the Convention, it is not easy to ascertain the success and actual effectiveness of the programs designed via Article 39. This part of the note will suggest programs under the guise of Article 39 with the assumption that States Parties will enforce the Convention. Suggested programs can eventually be enhanced by individual countries in order to cater to the victims' specific needs.

121. See Healy, supra note 7, at 1856.
122. Id.
123. Saikaew, supra note 9, at 63.
124. Id. at 68-69.
125. Serrill, supra note 6, at 55.
126. There is limited data and literature on Article 39, suggesting that few programs have been implemented under this article of the Convention.
A. Recognizing the Problem

Thus far, countries have not dealt effectively with helping the victims. This treatment is typified in countries where prostitution is illegal and the victim is treated like the criminal.\(^{127}\) Law enforcement officers must realize that the cure to child prostitution is not putting the child in jail. Countries should also recognize that even though the victim is removed from the exploitative environment, the damage has already been done and must be dealt with accordingly. The victim deserves immediate medical attention and therapy.

The physical and mental health of the victim has been identified as an international problem through the United Nations Convention of the Rights of the Child. Article 39 provides the means for countries worldwide to adequately set forth programs to deal with the ill effects suffered by the victims. Under the guise of Article 39 of the Convention, the key factor for successful integration is rehabilitating the victim so that she can successfully overcome the abuse that she was forced to withstand. Another important factor for successful recovery is not to provide treatment to the victim in a "one-stop-shop" format, but to provide an array of treatments for each ailment she suffers.

B. Helping the Victims of Female Prostitution: How To Bring the Child to Safety

Article 39 establishes a pathway for countries to provide reintegration and recovery measures once the child is removed from the exploitative environment; however, to help the victim, countries must first rescue the child from the environment. Foreseeably, cross border trafficking and underground prostitution rings may hinder countries from helping victims. Although finding the victims may be difficult, countries can be proactive by concentrating on known high risk areas for child prostitution.\(^{128}\) By targeting

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\(^{127}\) See Chasing the Wrong Target: Child Prostitutes Need Protection, Not Punishment, THE GUARDIAN, Aug. 21, 1996. While victims are often placed in jail, their exploiters are rarely brought to justice. Cohen, supra note 2, at 47.

\(^{128}\) See Saikaew, supra note 9, at 67-68. Case studies show that young girls are usually at high risk for prostitution when an older sister or relative is already involved with prostitution, the child's parents are dead, she is living with a relatives or friend other than a parent, the child's family lives in a village where there is a tradition of children entering the sex industry, or the child lives in extensive poverty. Id.
known areas, police who suspect a child of being a prostitute can take the child to the designated rehabilitation shelter. Furthermore, law enforcement agents could actively employ sting operations to uncover underground prostitution rings.

C. The Next Step: Turning Punishment Into Recovery

Article 39 provides that "reintegration shall take place in an environment which fosters the health, self-respect, and dignity of the child." Article 39 can be read to accomplish two goals. First, law enforcement agents should be deterred from putting victims in jail. Second, countries should develop facilities that can rehabilitate the victims. Countries should establish special treatment facilities that are equipped with counselors and treatment specialists.

In addition, Article 39 sets forth that "appropriate measures should be taken to promote physical and psychological recovery . . . of a child victim." This provision provides a means for countries to give medical treatment for AIDS infected and drug dependent victims. It also provides a means for countries to provide psychiatric help to the victim. Article 39 clearly provides countries with the empowerment and responsibility to not overlook the needs of the victim.

1. Proposal for AIDS Treatment Under Article 39

As noted in Part II, victims in both developed and developing countries run a high risk of acquiring AIDS. Because AIDS is a deadly communicable disease, and prostitutes exacerbate the transportation of AIDS into the heterosexual community, countries need to employ methods to treat infected victims and measures to minimize the spread of the disease. Using Article 39, countries should provide medical treatment facilities that employ pediatricians, AIDS specialists, and AIDS counselors. Countries should also have medicine available that can treat the virus in its various stages. Furthermore, countries need to provide victims with information on how to prevent the spread of the disease.

130. Id.
virus to other individuals, such as education on the transmission of HIV and the use of condoms.


In developed countries, the victim who endures child abuse, rape, and degradation will need psychiatric help. In developing countries, psychological damage may not warrant extensive treatment because of the acceptance of child prostitution in the culture. It is important that countries provide facilities that can help the victim cope with the trauma that she has endured. Coping mechanisms are available by assuring the victim that the abuse she sustained was through no fault of her own. Facilities should also provide means for the victim to reconnect with people. This therapy will allow the child to relate to others who have also been abused. In effect, the child will see that she is not alone and will be able to discuss the trauma that she sustained with individuals who can similarly understand. The victim who suffers from alcohol and drug abuse will need substance abuse treatment. Countries need to appropriate adequate funding for drug and alcohol abuse treatment and counseling.

3. Proposals for Educational Rehabilitation Under Article 39

As mentioned earlier, because of cultural imperialism, the child prostitute in some instances is deprived of the opportunities to read, write, and think on her own. The need for educational programs for victims from both developing and developed countries will vary based on cultural and societal norms. In developed countries, the child usually starts prostitution in her teenage years, so she may possess basic educational skills that were acquired during grade school. In some developing countries, females are deprived of all forms of education. In application, countries need to set up educational programs based on the victim's country.

For developed countries, Article 39 should provide an avenue for an educational assessment of the victim's ability and programs for the victim's actual educational level. Programs for victims in developed countries should

132. Victims will especially need help in developed countries where rape, prostitution, and child abuse are not acceptable and are in some sense viewed as taboo.
133. See HERMAN, supra note 86, at 133.
provide instruction in the basic fundamentals of reading, writing, and arithmetic. Overall, these programs should put the victim at the point where she can find a basic job or allow her to continue with formal education. In developing countries, where the female child is not expected to have any forms of education, Article 39 can be used to educate the victim in trades other than female child prostitution. Programs can provide victims with knowledge on trades that in turn may allow her to go to other countries to utilize the skills taught.

C. A Question of Economics: Helping Countries That Cannot Afford Reintegration Measures Under Article 39

As discussed throughout the note, poverty plays a substantial role in female child prostitution. It is reasonable to expect that under Article 39 some developing countries may not be able to afford facilities, medical supplies, educational programs, physicians, counselors, or treatment programs to rehabilitate the victims. In response to this problem, developed signatory countries can augment the amount of fines imposed on sex tourists convicted of having sexual intercourse with children abroad. The developed countries can place the money from the increased fine in an international fund. The level of monetary allowance from the fund can be based upon the developing country's number of victims and financial need. In other words, the poorer the country and the higher the number of victims, the more the fiscal allowance. In order for this approach to be successful, more international commitment is needed. Countries must take the Convention seriously and find means and avenues to help the children.

D. Who's Right? Who's Wrong?: Cultural Imperialism and Attempts to Change Deeply Imbedded Traditions

As discussed throughout this note, some developing countries discriminate against women by depriving them of education, opportunity, and hope. Is it appropriate for parents in developing countries to allow the sexual exploitation of their child based on cultural notions of family obligation or religious

134. See Cohen, supra note 2, at 49.
135. These women can learn sewing, weaving, and gem cutting. Saikaew, supra note 9, at 68. Some of these skills can be marketed abroad, and the female can send some of her revenues back to her family.
practices? Recognizably, each society is unique in a sense of its own culture and heritage, but the relegation of the female child to prostitution should be universally condemned. The attempts to change cultural practices are not impossible and can be compared to the disdain expressed for female genital mutilation (FGM). \(^{136}\) FGM is viewed among its practitioners as "a traditional rite of passage that provides females with a sense of identity and tribal recognition." \(^{137}\) It is not expected that Article 39 will change centuries of custom, culture, practice, and treatment of women. However, if international communities, especially the States Parties, are vigilant in condemning female child prostitution, it is possible that some cultures may cease the practice.

V. CONCLUSION

It is evident that female child prostitution is a worldwide epidemic that is horrible and should be stopped. It is clear that churches, international legislatures, law enforcement agents, and nongovernmental entities need to unite in attempting to prevent female child prostitution. Legislators and law enforcement agents must recognize that the child should not be punished for her acts, but should be rehabilitated. Instead of putting the victim in jail, government entities should effectively enact measures that will punish the parents, pimps, and customers, and rehabilitate the child.

Developed countries especially need to make an aggressive effort to help the victim. It is unfortunate and unconscionable that the United States Congress has yet to ratify the United Nations Convention on the Rights of the Child. By not adequately dealing with the female child prostitution epidemic, developed countries give the impression of condoning child prostitution and turning their backs on the children. The children are the future and they should be treated as human beings. The Convention is a viable means to help curtail, if not alleviate, female child prostitution. Article 39 is a positive way to help the victims live productive lives. With planning and appropriate implementation via Article 39, countries can provide the means to assist victims in regaining the lives that were taken away at such an early age.

\(^{136}\) Female genital mutilation is prevalent in Middle Eastern and African countries. Patricia Dysart Rudolff, In Re Olulor: Risk of Female Genital Mutilation as "Extreme Hardship" in Immigration Proceedings, 26 St. Mary’s L.J. 877, 880 (1995). FGM is a painful procedure that requires the female to have her external genitalia removed. The physical effects may include "shock, intense pain, infections, hemorrhaging, and death." \(Id.\) at 883.

\(^{137}\) \(Id.\) at 884.