

RECOMMENDATIONS

RECOMMENDATIONS TO FIGHT DEMAND

Ending demand for commercial sex markets will reduce the exploitation of vulnerable women and children. Many recommendations for efforts to fight demand in the commercial sex markets apply to all four countries examined; however, specific recommendations apply to each country as they are at different points in the development of both the commercial sex markets and national efforts to combat trafficking.

GENERAL RECOMMENDATIONS

PUBLIC AWARENESS AND PREVENTION:

- Continue operation of hotlines and prevention campaigns in all locations and establish the same in places where not already in operation.
- Train teachers, religious leaders, medical care providers, and others who come in contact with vulnerable populations to identify trafficking victims, traffickers, sex tourists and buyers on how to respond to an actual or potential trafficking situation.
- Continue programs providing vocational education and skills training to vulnerable populations, like HEART training in Jamaica, in order to prevent trafficking and restore victims.
- Research findings about demand for commercial sexual exploitation should be disseminated to a broad audience to reveal the participation and facilitation of individuals, businesses and authorities.
- Diversion programs providing an opportunity for buyers of adult prostitution to choose participation in an educational deterrence program rather than being charged with solicitation should be evaluated for effectiveness in preventing recidivism of buyers of prostitution and, if effective, continued where established and instituted in other locations.
- Information regarding individual rights and emergency contacts should be provided by immigration and customs officials to all individuals entering a country in a language they can comprehend in order to alert them to services and assistance in the event they are victims of trafficking.

- Sex trafficking and sex tourism should be recognized as both local and international issues. Often crimes perpetrated by local buyers against local victims are not as widely recognized as those perpetrated internationally.
- Awareness campaigns should focus on the importance of labeling as a facilitator of sex trafficking and tourism; efforts should be made to remove terms like “lot lizard” and “child prostitute,” replacing them with “sex trafficking victim” or “prostituted woman/child.”
- Awareness and prevention initiatives led by men and directed to men as the primary buyers in commercial sex markets should be bolstered and encouraged, such as Shared Hope International’s project The Defenders USA, which educates men on the realities and harms of the commercial sex industry and its specific links to sex trafficking.
- Prevention efforts should be designed to target young men in order to prevent them from considering pimping as a viable job option.
- Tourist agencies and other businesses related to tourism, such as hotel chains and transportation outlets, must remain vigilant against facilitating sex trafficking and sex tourism; one way is to sign the ECPAT Code of Conduct. Its signatories commit to helping identify and report potential abusers.
- Owners of real estate used for commercial sex venues should be publicized as key facilitators of sex tourism and trafficking. In some instances, public shame may drive them to end their connections with exploitive business practices.

LEGISLATION:

- National and local anti-trafficking laws should be in place in all locations and regular monitoring and evaluating instituted to ensure accountability, honesty, and adherence to the laws.
- All anti-trafficking laws should contain provisions addressing the criminality of demand and authorizing funding for demand prevention activities.
- Prostitution should be illegal in all countries.
- Following the Netherlands’ model, legislation allowing the government to deny business licenses based on evidence of illegal activity, including connections with human trafficking, is recommended. Such legislation provides a tool for governments to prevent criminal activities from operating behind the veneer of legal businesses.
- Local and national anti-trafficking laws should be consistent to ensure the highest punishment for offenders.
- Victim-centered legislation removing criminal status from the prostituted minor or the trafficked foreign victim is critical. Proper resources for investigating the traffickers/pimps and buyers of illegal commercial sex services must be allocated.
- Regulation of the Internet to help prevent facilitation through technology should be implemented, including stricter regulations on registration of pornographic websites, escort agencies, and other sexual service websites.
- Commercial sex markets targeting advertisements to youth should be held legally liable for endangerment.

LAW ENFORCEMENT AND PROSECUTION:

- The full panoply of laws should be employed to prosecute buyers of illegal commercial sex, especially sex with minors.
- Efforts to investigate domestic sex trafficking of minors and adults should be continued and strengthened in all countries, as domestic trafficking was observed in each country.
- Inter-agency and multi-disciplinary task forces should be continued where existent and created in places where they are not already in place in order to more effectively gather information on the markets and the trafficking actors for increased law enforcement and assistance to rescued victims.
- Efforts to prosecute facilitators, such as advertisement agencies on the Internet advertising sex for sale, owners of real estate used for commercial sex venues, and mail-order bride agencies facilitating trafficking should be increased.
- Legitimately registered businesses such as strip clubs, massage parlors, and escort services, etc. must be monitored closely and prosecuted vigorously when found to be facilitators of commercial sexual services.
- Laws allowing for confiscation of assets from the traffickers should be enacted where not already in place, and used in all cases.
- Immigration laws, especially the regulations governing visas, must be monitored and enforced to prevent abuse by traffickers seeking legitimate pathways into countries for their trafficking victims.
- Encourage cooperation between service providers and law enforcement to provide victims with the necessary protection and services to assist in the pursuit of cases against their traffickers.
- Adopt special procedures and personal security measures for the protection of children who agree to testify in order to help develop better prosecutions.

VICTIM RESTORATION:

- Government funding for comprehensive, long-term and secure shelters for all victims of sex trafficking should be prioritized.
- Ensure safety and security of victims through witness protection programs for victims of sex trafficking and their families who testify against their traffickers in order to encourage such testimony and protect the victims from retaliation.
- Special visas, like the B-9 in the Netherlands and the T-Visa in the U.S., should be made available to victims in all countries. Where existent, visa procedures need to be regularized and streamlined to prevent the lengthy delay in processing and the resulting instability caused by the uncertain wait.
- An assessment of the T-visa regulation requiring cooperation with prosecution should be undertaken to determine its necessity in light of the burdens it might impose.

COUNTRY-SPECIFIC RECOMMENDATIONS

JAMAICA

Recommendations:

- Advocate for the law to criminalize the making, distribution, and sale of child pornography expected to be introduced to Parliament by September 2007.
- Assess the effect of the CARICOM common passport agreement in order to prevent potential abuse by traffickers.
- Ensure adequate training of border officials to identify trafficking particularly within regional populations as the CARICOM common passport agreement facilitates the movement of regional citizens.

THE NETHERLANDS

Recommendations:

- Reinstate the ban on brothels, making prostitution in all forms illegal.
- Create public awareness campaigns specifically highlighting the existence of sex trafficking within the legal prostitution businesses in the Netherlands.

UNITED STATES

Recommendations:

- Encourage states which have not yet adopted human trafficking legislation to do so in alignment with the federal TVPA.
- Encourage states to amend state laws which may conflict with the federal anti-trafficking laws, specifically the age of consent.
- Raise the age of consent to engage in all commercial sex activities to 21 years. The involvement of cellular phones, the Internet, and highways in the movement of women and children through different states permits the application of federal laws pursuant to the Interstate Commerce Clause. This will also reduce the rate of misidentifying minors as adults, as the appearance of a 21-year-old is typically older than a youth.
- Appropriate funding for gaps in services for the domestic sex trafficking victim (i.e., U.S. citizen or legal permanent resident victim).
- Permit placement of rescued minor victims in secure facilities without the necessity of a criminal charge or parental agreement and review the process and laws requiring return of minor victims to home states for services and placement for potential amendment for cases of sex trafficking.
- Build capacity of Child Protective Services (CPS) to identify minor sex trafficking victims.

JAPAN

Recommendations:

- Evaluate the success of the 2004 Action Plan and advocate for a continuing plan for government action to combat sex trafficking.
- Refine the legal definition of commercial sex to ban all forms of sexual activity, not just vaginal intercourse.

