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## Stemming the Tide: Social Norms and Child Sex Trafficking

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# Stemming the Tide: Social Norms and Child Sex Trafficking

Melissa L. Breger\*

## ABSTRACT

Despite decades of attempts to eradicate the industry, child sex trafficking continues to flourish. Arguably, there is debate about whether adults willingly choose sex work, yet there are no arguments supporting the notion that children make any such choice. When children are bought and sold for sexual purposes, it is child sex trafficking.

Academic legal research has focused comprehensively on the identification of child victims and the prosecution of child traffickers, yet there has not been as salient a focus on reducing the market of buyers of trafficked children. It is the reduction of demand where theories of re-norming and social norms could be applied to the issue of child sex trafficking. By vitiating the notion that buying children for sex is in any way acceptable, the demand for child trafficking will diminish.

The Nordic model has had moderate success in stemming sex buyer demand, and I borrow from it to propose further minimizing the demand for children. The Nordic model sets forth an approach by which the buyers of sex are specifically penalized, while those who are themselves purchased are not punished.

This Article is the next segment in a more comprehensive series about applying social norms theories to decrease negative behavior. Other segments have explored decreasing intimate partner violence, reforming a toxic sports culture, minimizing a

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rape culture, and discouraging corporal punishment against children. This Article will specifically analyze social norms as they apply to child sex trafficking.

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## INTRODUCTION

Child sex trafficking has been described as an epidemic,<sup>1</sup> a form of modern-day slavery,<sup>2</sup> an international crisis.<sup>3</sup> Despite efforts to decrease the rate of child sex trafficking, a strong and resilient market demand persists.<sup>4</sup> Alarming, some studies note two children are sexually enslaved every minute across the globe.<sup>5</sup>

Anti-trafficking coalitions have worked tirelessly to stem the tide of child sex trafficking.<sup>6</sup> As countries, non-profit organizations, and non-governmental organizations have focused more attentively on this crisis—either by increasing criminal prosecution,<sup>7</sup> creating shelters,<sup>8</sup> implementing legislation and penalties,<sup>9</sup> or improving

1. See Melissa L. Breger, *Healing Sex-Trafficked Children: A Domestic Family Law Approach to an International Epidemic*, 118 W. VA. L. REV. 1131, 1178 (2016) [hereinafter Breger, *Healing Sex-Trafficked Children*].

2. See *Human Trafficking*, POLARIS, <https://bit.ly/3gR5GuN> [<https://perma.cc/EZ6R-TBD4>] (last visited Aug. 5, 2021).

3. See Breger, *Healing Sex-Trafficked Children*, *supra* note 1, at 1178.

4. See Yen *infra* note 22 at 666.

5. See Nathan Harden, *Eight Facts You Didn't Know About Child Sex Trafficking*, HUFFPOST (Jan. 23, 2014), <https://bit.ly/3h34Dqw> [<https://perma.cc/6TEJ-JRP5>]; *Human Trafficking*, SUNRISE FOR CHILD., <https://bit.ly/3xtenAL> [<https://perma.cc/D4X8-8E3K>] (last visited Aug. 5, 2021).

6. See generally U.S. DEP'T OF STATE, *TRAFFICKING IN PERSONS REPORT* (2018), <https://bit.ly/3qLooaK> [<https://perma.cc/ME43-X229>].

7. See Natalie Jesionka, *What's Being Done to Stop Human Trafficking?*, MUSE, <https://bit.ly/3qmkNPZ> [<https://perma.cc/3zGM-VCAW>] (last visited Aug. 5, 2021) (discussing current efforts in the United States, India, Cambodia, South Korea, Sweden, and Denmark to combat sex trafficking, including the increased prosecution of buyers of sex).

8. See INST. OF MED. & NAT'L RSCH. COUNCIL, *CONFRONTING COMMERCIAL SEXUAL EXPLOITATION AND SEX TRAFFICKING OF MINORS IN THE UNITED STATES* 150 (Ellen Wright Clayton et al. eds., 2013), <https://bit.ly/3h5LLHI> [<https://perma.cc/S6PA-DL9R>] [hereinafter NAT'L RSCH. COUNCIL] (describing federal programs implemented throughout the United States that provide services for minors who are victims of commercial sexual exploitation and sex trafficking, including programs that provide for the minor's basic needs of shelter, food, and clothing, but acknowledging the difficulty of ensuring delivery of and access to such services).

9. Within the United States, at least 35 states and the federal government have enacted anti-human trafficking legislation. See *Trafficking Victims Protection Act of 2000*, Pub. L. No. 106-386, § 103(8), 114 Stat. 1464, 1470 (2000); 22 U.S.C. §§ 7101–7114 (2019); *2014 State Ratings on Human Trafficking Laws*, POLARIS (Sept. 1, 2014), <https://bit.ly/36cpJ0z> [<https://perma.cc/KJ9E-HBLT>]; see also *Preventing Sex Trafficking and Strengthening Families Act*, Pub. L. No. 113-183, 128 Stat. 1919 (2014); see generally Xin Ren, *Legal Protection and Assistance for Victims of Human Trafficking in the United States: A Harm Reduction Approach*, in *JUSTICE FOR VICTIMS* 140 (2014); *Prevention of and Remedies for Human Trafficking Act*, UNIF. L. COMM'N, <https://bit.ly/3hxE8tE> [<https://perma.cc/JA5Z-GFDA>] (last visited Aug. 5, 2021); *US Federal and State Prostitution Laws and Related Punishments*, PROCON, <https://bit.ly/36fVndO> [<https://perma.cc/G7FE-U49B>] (last updated Aug. 5, 2021).

prevention services<sup>10</sup>—the statistics are rising instead of lowering.<sup>11</sup>

Despite efforts to reduce child sex trafficking, why does it continue to persist? One reason is that the sex trade in general is an extraordinarily lucrative business for traffickers.<sup>12</sup> Second, child trafficking is challenging to intercept and difficult to detect, even though it is ubiquitous.<sup>13</sup> Third, there seems to be a need to satisfy sex buyers' changing sexual urges and proclivities,<sup>14</sup> even when that involves children. Child sex trafficking persists because the demand for it has not abated. Rather, there seems to be an insatiable market

10. For example, Childreach, a program working in Nepal, works to rescue girls from brothels and return them home, where they receive safe housing, health care, counseling, training, and jobs. See *Who We Are*, CHILDREACH NEPAL, <https://bit.ly/3s0ZVi7> [<https://perma.cc/X99D-FAVK>] (last visited Aug. 5, 2021). Childreach has a specific program dedicated to decreasing the spread of child trafficking in Nepal. See *Taught, Not Trafficked*, CHILDREACH NEPAL, <https://bit.ly/3jvxzsq> [<https://perma.cc/X96W-ZD7K>] (last visited Aug. 5, 2021). La Strada International is also well known in addressing sex trafficking. See generally, LA STRADA INT'L, <https://bit.ly/2T876rY> [<https://perma.cc/D4MM-PA89>] (last visited Aug. 5, 2021).

11. See Pamela Falk, *Human Trafficking of Girls in Particular "on the Rise," United Nations Warns*, CBS NEWS (Jan. 30, 2019, 9:59 AM), <https://cbsn.ws/3i2yKyK> [<https://perma.cc/UK5C-RX6Y>]; see also Carmen Niethammer, *Cracking The \$150 Billion Business of Human Trafficking*, FORBES (Feb. 2, 2020, 7:04 AM), <https://bit.ly/3Atdafj> [<https://perma.cc/B6YX-7U2E>] (citing POLARIS PROJECT).

12. See Breger, *Healing Sex-Trafficked Children*, *supra* note 1, at 1178; *Human Trafficking by the Numbers*, HUM. RTS. FIRST (Sept. 2017), <https://bit.ly/3whAxoT> [<https://perma.cc/FQG2-8BFX>] (“Human trafficking earns profits of roughly \$150 billion a year for traffickers.”); see also Jaclyn Gallucci, *Human Trafficking Is an Epidemic in the U.S. It's also Big Business*, FORTUNE (Apr. 14, 2019, 9:45 AM), <https://bit.ly/3AyRgr1> [<https://perma.cc/SW6L-94DU>].

13. See U.N. OFFICE ON DRUGS AND CRIME, U.N., AN INTRODUCTION TO HUMAN TRAFFICKING: VULNERABILITY, IMPACT AND ACTION 12 (2008), <https://bit.ly/3xkD5nr> [<https://perma.cc/4NSD-EK58>] (explaining that a major challenge for law enforcement at the borders is distinguishing trafficking victims from others); UNICEF, REFERENCE GUIDE ON PROTECTING THE RIGHTS OF CHILD VICTIMS OF TRAFFICKING IN EUROPE 14 (2006), <https://bit.ly/2V3uLKA> [<https://perma.cc/G9GU-YXLT>] (explaining that interception of trafficked children in Europe is not always easy to recognize because distinguishing between a trafficked child and a child on the move for legitimate reasons is difficult); *Human Trafficking by the Numbers*, *supra* note 12 (“Of the estimated 16 million forced labor victims worldwide, only 1,038 cases of forced labor were prosecuted globally in 2016, according to the U.S. Department of State.”).

14. See generally Kendra J. Muller, *Pornography's Effect on the Brain: A Review of Modifications in the Prefrontal Cortex*, 13 BYU UNDERGRADUATE J. PSYCH. 1 (2018) (finding that neurologically, pornography can be addicting and require more and different levels of sexual risk to meet the increasing demand). See also Cheryl George, *Jailing the Johns: The Issue of Demand in Human Sex Trafficking*, 13 Fla. Coastal L. Rev. 293, 298–99 (2012).

for using children's bodies for sexual gratification. When children are sexualized in general, they are at risk of sexual exploitation.<sup>15</sup>

When children's physical bodies are purchased,<sup>16</sup> their psychological soul is robbed.<sup>17</sup> My earlier Article about child sex trafficking delved deeply into the complex and repeated trauma that sex trafficked children experience.<sup>18</sup> This Article builds on that research but will focus more heavily on the demand side of child sex trafficking to spark a different dialogue about how we alter societal norms.

The existing legal literature in the field has focused comprehensively on the victims of child trafficking and the traffickers who orchestrate it, but there is a paucity of legal scholarship written on how to dissuade the perpetrators who actually "buy" the children—the so-called "johns."<sup>19</sup> To truly stop the trade, we need to stop the demand. Examining those buyers is the first step.<sup>20</sup> Yet, the word "john" is a much too euphemistic and sanitized word for what a buyer of children for sex actually is—a child sexual predator.<sup>21</sup> Therefore, I will limit use of the term of "john" and instead use the more accurate term of child predator throughout this Article to drive home the impact of child sex trafficking.

Child predators buy sex from children. They normalize the purchasing of children for sexual purposes, which in turn leads to the perpetuation of the global child sex trafficking trade.<sup>22</sup> Argua-

15. KRISTIN FINKLEA, ET AL., CONG. RSCH. SERV., R41878, *SEX TRAFFICKING OF CHILDREN IN THE UNITED STATES: OVERVIEW AND ISSUES FOR CONGRESS 2* (2015), <https://bit.ly/3xn2LA3> [<https://perma.cc/P5NY-XFZ9>]; see also AM. PSYCH. ASS'N, REPORT OF THE APA TASK FORCE ON THE SEXUALIZATION OF GIRLS 18–34 (2007), <https://bit.ly/3hEOqbp> [<https://perma.cc/EAR5-GDCS>] (arguing that oversexualization leads to various dangers, such as the sexual exploitation of children).

16. In this Article, I define children as being under 18 years old, yet I am mindful that some would argue there is a distinction when a trafficked person is 16 or 17 years old versus when a trafficked person is younger. I am not making that distinction here, and I am focusing on what most would call a "minor."

17. See Breger, *Healing Sex-Trafficked Children*, *supra* note 1, at 1134.

18. See *id.* at 1131–37.

19. See generally Martin A. Monto, *Female Prostitution, Customers, and Violence*, 10 VIOLENCE AGAINST WOMEN 160 (2004). Cf. SHARED HOPE INT'L, THE TOOLKIT 10 (2018), <https://bit.ly/2THbfmL> [<https://perma.cc/7ZM6-34NL>].

20. See generally JODY RAPHAEL & DEBORAH L. SHAPIRO, CTR. FOR IMPACT RSCH., *SISTERS SPEAK OUT: THE LIVES AND NEEDS OF PROSTITUTED WOMEN IN CHICAGO* (2002) <https://bit.ly/3xikZT8> [<https://perma.cc/A7FQ-XQAN>].

21. See Breger, *Healing Sex-Trafficked Children*, *supra* note 1, at 1160 n.110.

22. See Iris Yen, *Of Vice and Men: A New Approach to Eradicating Sex Trafficking by Reducing Male Demand Through Educational Programs and Abolitionist Legislation*, 98 J. CRIM L. & CRIMINOLOGY 653, 658 (2008). Yen notes:

While the desire for sexual intimacy in both men and women is a biological imperative, johns confuse the need for sexual intimacy with the need

bly, it is the societal normalization of buying sex from minors that needs to be changed. We need to address the issue on a macro level, as well as a micro level, by re-norming our overall views of what should be tolerated by society.<sup>23</sup> Re-norming means imposing new norms which individuals eventually adhere to as they develop societal acceptance of healthier norms and ideas.<sup>24</sup> Here, we borrow from theories of re-norming and the social norms approach, which will be addressed more fully later in this Article.<sup>25</sup>

It is important to note that for purposes of this Article, when I speak about buyers as child predators, I am not referring primarily to those individuals suffering from pedophilic disorders or psychological diagnoses, such as a sex addict or a person who purchases sex to process sexual trauma. This category of predators may indeed encompass a large segment of those who buy children. Rather, this Article is focusing moreso on what some literature has called the “Everyman”—the average person who has either purchased sex or has considered purchasing sex from children—and how we change the Everyman’s attitudes. The change needed is to re-norm attitudes about preying on children and/or being too cavalier to ferret out whether the person they are buying sex from is in fact a child. Thus, this Article focuses more on these individuals who are contributing to the demand for trafficked children, whether knowingly or not.

Scandinavian countries, such as Sweden, Finland, and Norway, and other nations like South Korea, France, and Israel, all currently address prostitution in general through what has been called the “Nordic model.”<sup>26</sup> The Nordic model focuses on those who

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to purchase commercial sexual acts, and they rationalize buying sexual services as a natural activity. Johns feel their gender and money entitle them to have sex whenever, wherever, however, and with whomever they wish. Johns often justify their actions by trivializing prostitution as a mere commodity exchange and dehumanizing prostitutes as “sluts” and “whores” who deserve degrading treatment since the women’s only purpose is to satisfy the johns’ sexual demands.

*Id.* at 669.

23. See generally Melissa L. Breger, *Reforming by Re-Norming: How the Legal System Has the Potential to Change a Toxic Culture of Domestic Violence*, 44 J. LEGIS. 170 (2018) [hereinafter Breger, *Reforming by Re-Norming*].

24. See Matt Grant, *Organisational Change: Thinking It Through*, SLIDESHARE (Jan. 15, 2013), <https://bit.ly/2TFahra> [<https://perma.cc/4C8B-5GN7>].

25. See *infra* Part III.B.

26. The Nordic Model may also be referred to as the Sex Buyer Law or the Swedish, Abolitionist, or Equality Model. See *What is the Nordic Model?*, NORDIC MODEL NOW!, <https://bit.ly/2TYle7v> [<https://perma.cc/E327-YE9Q>] (last visited Aug. 6, 2021); Ken Franzblau, *Sex Trafficking: Looking at Demand*, in *LAW’S MANUAL ON HUM. TRAFFICKING: PURSUING JUST. FOR VICTIMS* 291, 293 (Jill Laurie Goodman & Dorchen A. Leidholdt eds., 2013).

purchase sex instead of penalizing the humans who are purchased.<sup>27</sup> In this model, the demand for sex buying is seen as the root of the problem.<sup>28</sup> Although the Nordic model does not specifically aim to focus upon sex-trafficked children, such children are naturally part of the larger pool of humans purchased for sex. Thus, the aims of programs like the Nordic model can be utilized to lessen child sex trafficking.

My ultimate thesis borrows from the success and framework of the Nordic model and combines this paradigm with various social norm theories to advance the notion that the mindset of envisioning children as sexual objects can and should be changed. Part I of this Article will recount the child-sex-trafficking epidemic and the trauma which child victims face as a result of this trafficking.<sup>29</sup> Part II will address the concepts of supply and demand and the current attempts to decrease the demand, which includes use of the Nordic model to pursue sanctions against the buyers of sex.<sup>30</sup> Part III of the Article will address the theoretical underpinnings of the various frameworks I will use in this piece: social norms theory and re-norming.<sup>31</sup> I have previously applied social norms theories and the idea of re-norming to domestic violence,<sup>32</sup> gendered violence and rape culture,<sup>33</sup> child corporal punishment,<sup>34</sup> and sports norms of toxic masculinity,<sup>35</sup> and I now apply these theories to child sex trafficking. In these series of articles, I have used the concept of re-norming to address the dysfunctional and negative forces that modern society passively tolerates with regard to human rights abuses against children and women. The normative argument that child sex trafficking is harmful is the underlying standpoint and perspective in this Article. In Parts IV and V, this Article will tie together the themes and demonstrate how the theories of social norms and re-

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27. See *What is the Nordic Model?*, *supra* note 26.

28. See Franzblau, *supra* note 26, at 291, 293.

29. See *infra* Part I.

30. See *infra* Part II.

31. See *infra* Part III.

32. See generally Breger, *Reforming by Re-Norming*, *supra* note 23.

33. See generally Melissa L. Breger, *Transforming Cultural Norms of Sexual Violence Against Women*, 4 J. RSCH. GENDER STUD. 39 (2014) [hereinafter Breger, *Transforming Cultural Norms*].

34. See generally Melissa L. Breger et al., *Corporal Punishment, Social Norms and Norm Cascades: Examining Cross-National Laws and Trends in Homes Across the Globe*, 26 WM. & MARY J. RACE, GENDER, & SOC. JUST. 483 (2020) [hereinafter Breger et al., *Corporal Punishment*].

35. See Melissa L. Breger et al., *Re-Norming Sport for Inclusivity: How the Sport Community Has the Potential to Change a Toxic Culture of Harassment and Abuse*, 13 J. CLINICAL SPORT PSYCH. 274, 274–89 (2019) [hereinafter Breger et al., *Re-Norming Sport for Inclusivity*].



norming can be used as one approach to ameliorate the child sex trafficking epidemic.<sup>36</sup> Here, I will describe successes from the United States and abroad, as well as other strategies, theories, and counterarguments.<sup>37</sup> I conclude with ideas for the future.<sup>38</sup>

## I. THE EPIDEMIC OF AND THE TRAUMA CAUSED BY CHILD SEX TRAFFICKING

Reports have asserted that approximately two children are sexually enslaved across the globe every minute.<sup>39</sup> Millions of children are trafficked and exploited by the global sex industry every year.<sup>40</sup> Children are routinely sex-trafficked into the United States from other countries, and children are also trafficked within the United States itself.<sup>41</sup> Child sex trafficking can be found in every country and every region across the globe.<sup>42</sup>

The children who are trafficked are often particularly susceptible to coercion in that:

Traffickers prey on the inherent vulnerability of child victims, feigning love and then manipulating their victims' emotions to coerce and cajole their victims into commercial sexual activity, the proceeds of which go to the trafficker. The control exerted over child victims is rarely visible and these young people often appear to be acting independently. Indeed, child sex trafficking victims who are controlled by violence and fear of harm to themselves or their families will appear to be acting on their own, because they are operating under the effects of trauma, allowing their trafficker to stay off the radar of law enforcement. The hidden nature of this crime requires substantial investigative efforts,

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36. See *infra* Part IV & V.

37. See *infra* Part V.

38. See *infra* Part VI.

39. See Nathan Harden, *Eight Facts You Didn't Know About Child Sex Trafficking*, HUFFPOST (Jan. 23, 2014), <https://bit.ly/3hywMr3> [<https://perma.cc/6TEJ-JRP5>]; *Human Trafficking*, SUNRISE FOR CHILD., <https://bit.ly/3xtenAL> [<https://perma.cc/D4X8-8E3K>] (last visited Aug. 5, 2021).

40. See *Sexual Violence Against Children*, UNICEF, <https://uni.cf/2U0b32d> [<https://perma.cc/E6RX-3ZEJ>] (last visited Aug. 6, 2021) (stating that millions of girls and boys face sexual abuse and exploitation every year); UNICEF, *THE STATE OF THE WORLD'S CHILDREN: CHILDREN UNDER THREAT 90* (2005), <https://uni.cf/3xsZDlh> [<https://perma.cc/5FAW-6DVW>] (noting that millions of children are trafficked into the commercial sex industry).

41. See Breger, *Healing Sex-Trafficked Children*, *supra* note 1, at 1133; see also George, *supra* note 14, at 294.

42. See Stacey Matthews, *International Trafficking in Children: Will New U.S. Legislation Provide an Ending to the Story?*, 27 HOUS. J. INT'L L. 649, 658 (2005) ("Sex trafficking in children is a problem that affects all nations, not merely those that are under-developed or lack adequate protection for victims.").

and as traffickers quickly adapt to new investigative techniques, law enforcement must continuously adapt, especially with the increasing use of the Internet to lure, recruit, and sell child victims for sex.<sup>43</sup>

Children of particular demographics are more at risk of being trafficked sexually than others. For various reasons, minors involved in the child welfare system are routinely lured into child sex trafficking. In fact, the data consistently reports 50–90 percent of children in the child welfare and foster care system are trafficked.<sup>44</sup> One reason is that “[i]nstability creates opportunities for traffickers to reach out and bond with vulnerable children. These relationships are then used against the child to initiate sexual activity.”<sup>45</sup> Homeless and runaway youths are also accounted for in the above numbers, as these children are often in the child welfare system.<sup>46</sup> Covenant House New York, one of the preeminent shelters and service providers for homeless youth, found that at least 20 percent of the youths that they surveyed in the U.S. and Canada were victimized by traffickers.<sup>47</sup> An estimated one out of seven runaways who were reported to the National Center for Missing and Exploited Children in 2017 had high likelihoods of being trafficked. 88 percent of the runaways had been in the care of social services or foster homes at the time of their disappearance.<sup>48</sup> “[R]ecruitment of young people for trafficking commonly takes place . . . around youth shelters, where runaway and homeless youth are easily targeted, and in the vicinity of schools and group homes, where children served by the child welfare system can be found.”<sup>49</sup>

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43. SHARED HOPE INT’L, *supra* note 19, at 12.

44. *See id.* at 6; CHILD WELFARE INFO. GATEWAY, CHILD.’S BUREAU, HUMAN TRAFFICKING AND CHILD WELFARE: A GUIDE FOR CHILD WELFARE AGENCIES 4 (2017), <https://bit.ly/2Uz3NKs> [<https://perma.cc/4LES-FDN3>].

45. *The Most Vulnerable Children*, THORN, <https://bit.ly/36BmTSZ> [<https://perma.cc/L8RF-D7BK>] (last visited Aug. 6, 2021); *see also* Alia E. Dastagir, *Jeffrey Epstein’s Alleged Sex Trafficking Targets: ‘The More Vulnerable the Better,’ Investigator Says*, USA TODAY (July 11, 2019), <https://bit.ly/3hORvG3> [<https://perma.cc/3ZVT-U65H>].

46. *Child Welfare*, YOUTH.GOV, <https://bit.ly/36kw5v4> [<https://perma.cc/P62G-K6TE>] (last visited Aug. 7, 2021).

47. *Largest-Ever Research Studies Find One-Fifth of Surveyed Homeless Youth in the United States and Canada Are Victims of Human Trafficking*, COVENANT HOUSE, (Apr. 17, 2017) <https://bit.ly/36l3BBY> [<https://perma.cc/Y6R9-NLYD>].

48. *See The Most Vulnerable Children*, *supra* note 45; *Child Sex Trafficking in America: A Guide for Child Welfare Professionals*, NAT’L CTR. FOR MISSING & EXPLOITED CHILD. (2017), <https://bit.ly/3jBkMoq> [<https://perma.cc/4QWY-9MCK>].

49. U.S. DEP’T OF HEALTH & HUM. SERVS., GUIDANCE TO STATES AND SERVICES ON ADDRESSING HUMAN TRAFFICKING OF CHILDREN AND YOUTH IN THE

Other groups of children often overrepresented in the United States child sex trafficking trade include refugee and migrant children,<sup>50</sup> Latinx children and Black children and other children of color,<sup>51</sup> and LGBTQIA+ youth.<sup>52</sup> Foster care and homeless teens fall heavily into all of these categories as well, so there is certainly overlap between children trafficked out of the child welfare system and these groups of children.<sup>53</sup> While the majority of victims are female, male victims remain an especially marginalized victim population with fewer anti-trafficking services available.<sup>54</sup>

Every child is at risk, however. When our larger society objectifies children sexually, no child is safe from being trafficked or exploited. This objectification is what fundamentally needs to change. Children should not be commodified as sexual beings.

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UNITED STATES 4 (2013), <https://bit.ly/3jSLJ8V> [<https://perma.cc/AV9G-ZZE3>] [hereinafter *Guidance to States*].

50. Refugee and migrant minors are so heavily affected by sex trafficking that in 2017, the United Nations Human Rights Office of the High Commissioner declared July 30th as “World Day Against Trafficking in Persons,” noting that:

Current systems designed to protect migrant children are failing, leaving many at risk of trafficking, sale and other forms of exploitation . . . . ‘The mechanisms designed to protect children caught up in conflict or humanitarian crises are largely ineffective and do little to prevent the precarious situation these children find themselves in.’

*Migrant Children at Risk of Trafficking and Exploitation as Current Protection Systems Fail Them—UN Experts*, UNITED NATIONS HUM. RTS. OFF. OF THE HIGH COMMISSIONER (July 27, 2017), <https://bit.ly/2TPPhxM> [<https://perma.cc/6Q4K-P5WG>].

51. The FBI’s statistics from 2017 show that approximately 53 percent of all juvenile prostitution arrests are African-American children. *Table 43B: Arrests by Race and Ethnicity*, FBI-UCR (2017), <https://bit.ly/37t2Gzu> [<https://perma.cc/SF2K-4M8E>] (last visited Aug. 7, 2021). In 2014, a Los Angeles court for child sex trafficking victims (STAR court) found that 91 percent of girls participating in the program were either of African American or Latina descent. *The Most Vulnerable Children*, *supra* note 45; see also *Commercially Sexually Exploited Children* (Jan. 2014), <https://bit.ly/3yuVJt9> [<https://perma.cc/F5NT-FKYG>].

52. See *The Most Vulnerable Children*, *supra* note 45; Christine M. Raino, *Criminalizing Buyers Under Child Sex-Trafficking Laws as a Critical Protection for Child Victims*, 52 WAKE FOREST L. REV. 435, 444 (2017). “Some evidence suggests that lesbian, gay, bisexual, transgender, or questioning (LGBTQ) youth can be up to five times more likely than heterosexual youth to be victims of trafficking, due to increased susceptibility that comes with the feelings of rejection and alienation that are often experienced by LGBTQ youth.” *Guidance to States*, *supra* note 49, at 5.

53. One study conducted in New York City found that “one in four homeless LGBTQ children, and nearly half of gay or bisexual boys, are CSEC [commercial sexual exploitation of children] victims.” *The Most Vulnerable Children*, *supra* note 45; Brett M. Figlewski & Lee W. Brannon, *Trafficking and the Commercial Sexual Exploitation of Young Men and Boys*, in LAW’S MANUAL ON HUM. TRAFFICKING: PURSUING JUST. FOR VICTIMS 149, 155 (Jill Laurie Goodman & Dorchen A. Leidholdt eds., 2013).

54. Raino, *supra* note 52, at 443–44.

Children who are trafficked endure repetitive trauma.<sup>55</sup> One trafficked child may be sold up to 30 times a day.<sup>56</sup> Each and every time a child victim is sold to a predator, that child experiences yet another assault on the body, the mind, and the soul.<sup>57</sup>

One study out of Europe found that the vast majority of women and girls trafficked are physically abused (75.5 percent) and sexually abused (89.6 percent) while being trafficked.<sup>58</sup> Rates of homicide against victims are higher as well.<sup>59</sup> Victims often develop trauma bonding with their traffickers and then may be unwilling to cooperate with law enforcement and service providers.<sup>60</sup> Understanding the trauma and nature of the exploitation experienced by many young survivors is critical to understanding the nuances and complexity of the effects of sex trafficking on a child.<sup>61</sup>

Psychologically, survivors of sexual enslavement often suffer from depression, obsessive-compulsive disorder, suicidal ideation, and self-harm or self-mutilation.<sup>62</sup> Repeated sexual assaults are linked to “a heightened prevalence of dissociative and post-traumatic symptoms.”<sup>63</sup> There are poignant similarities between the traumas experienced by vulnerable populations of children, especially those who have endured child sexual abuse or family vio-

55. See Breger, *Healing Sex-Trafficked Children*, *supra* note 1, at 1158–64.

56. A recent study found that the buyers of sex are the most “frequently identified perpetrators of violence.” RAPHAEL & SHAPIRO, *supra* note 20, at 19.

57. Breger, *Healing Sex-Trafficked Children*, *supra* note 1, at 1134.

58. Cathy Zimmerman et al., *The Health of Trafficked Women: A Survey of Women Entering Posttrafficking Services in Europe*, 98 AM. J. PUB. HEALTH 55, 56 (2008).

59. See MICHAEL SHIVELY ET AL., NAT’L INST. OF JUST, A NATIONAL OVERVIEW OF PROSTITUTION AND SEX TRAFFICKING DEMAND REDUCTION EFFORTS: FINAL REPORT 12–13 (2012), <https://bit.ly/3dTJGO7> [<https://perma.cc/9AQJ-4EC5>]; DEVON D. BREWER ET AL., CLIENTS OF PROSTITUTED WOMEN: DETERRENCE, PREVALENCE, CHARACTERISTICS, AND VIOLENCE 7 (2007), <https://bit.ly/3yzLJPa> [<https://perma.cc/NY6J-6DHH>]; John J. Potterat et al., *Mortality in a Long-Term Open Cohort of Prostitute Women*, 159 AM. J. EPIDEMIOLOGY 778, 778 (2004), <https://bit.ly/3AxQ6fD> [<https://perma.cc/TN6S-S299>].

60. Raino, *supra* note 52, at 439. Trauma bonding occurs when victims “[are] exploited young enough and long enough that they do not see themselves as victims.” *Id.* at 437 n.10.

61. *Id.* at 439.

62. See ERIN WILLIAMSON ET AL., U.S. DEPT. OF HEALTH & HUM. SERVS. OFF. OF THE ASSISTANT SEC’Y FOR PLAN. & EVALUATION, EVIDENCE-BASED MENTAL HEALTH TREATMENT FOR VICTIMS OF HUMAN TRAFFICKING 3 (2010), <https://bit.ly/36p8gSK> [<https://perma.cc/4TPX-FSEZ>] (“While victims of human trafficking can suffer from a range of mental health problems, the most prominent and those for which there is significant research documenting their presentation tend to be anxiety disorders, mood disorders, dissociative disorders, and substance-related disorders.”).

63. Breger, *Healing Sex-Trafficked Children*, *supra* note 1, at 1136.

lence.<sup>64</sup> Some researchers posit that children who have been repeatedly traumatized exhibit comparable behaviors to children living in countries at war, because their environment is so unpredictable and dangerous.<sup>65</sup> Unsurprisingly, a significant number of sex-trafficked survivors fit the psychological profile of an individual suffering from Post-Traumatic Stress Disorder (“PTSD”).<sup>66</sup> The symptoms of PTSD may include severe depression, anxiety, phobias, hypervigilance, suicidal ideation, and countless other symptoms.<sup>67</sup> Child victims of rape, torture, and molestation are more

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64. See Rachel Lev-Wiesel, *Child Sexual Abuse: A Critical Review of Intervention and Treatment Modalities*, 30 CHILD. & YOUTH SERVS. REV. 665, 668 (2008).

65. See generally Breger et. al., *Corporal Punishment*, *supra* note 34; Breger, *Healing Sex-Trafficked Children*, *supra* note 1; Helene Burman, *The Relevance of Narrative Research with Children Who Witness War and Children Who Witness Woman Abuse*, 3 J. AGGRESSION, MALTREATMENT, & TRAUMA 107, 107–25 (2008) (noting the similarities and differences between children of war and children of abused women: “while the experiences of children of war and children of battered women vary considerably, their stories are, in some senses, remarkably similar. Both groups witnessed a multitude of atrocities, and almost all endured at least some degree of loss, uprooting, and separation”). SHARED HOPE INT’L, U.S. MID-TERM REVIEW ON THE COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN IN AMERICA 27 (2006), <https://bit.ly/3qXQeAo> [<https://perma.cc/YS83-SML4>]; see also KATHLEEN J. MOROZ, UNDERSTANDING THE CURRENT MENTAL HEALTH NEEDS OF CHILDREN EXPERIENCING DOMESTIC VIOLENCE IN VERMONT: RECOMMENDATIONS FOR ENHANCING AND IMPROVING RESPONSES 15 (2005), <https://bit.ly/3wqpq9B> [<https://perma.cc/Y4LN-N722>].

66. See Julie Kaplow et al., *Pathways to PTSD, Part II: Sexually Abused Children*, 162 AM. J. PSYCHIATRY 1305, 1305 (2005); OFF. FOR VICTIMS OF CRIME TRAINING & TECH. ASSISTANCE CTR., HUMAN TRAFFICKING 6 (2012), <https://bit.ly/3e7TO5P> [<https://perma.cc/3BTZ-TKDG>]; WILLIAMSON ET AL., *supra* note 62 at 1.; see, e.g., Loring Jones et al., *Post-Traumatic Stress Disorder (PTSD) in Victims of Domestic Violence: A Review of the Research*, 2 TRAUMA, VIOLENCE, & ABUSE 99, 99 (2001). See generally Melissa Farley et al., *Prostitution and Trafficking in Nine Countries*, 2 J. TRAUMA PRAC. 33 (2004).

67. See AM. PSYCHIATRIC ASS’N, DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS 271–72 (5th ed. 2013) (describing the necessary criteria for a mental health professional to make a diagnosis of PTSD and common co-occurring disorders and conditions); see also Judith A. Cohen et al., *Treating Traumatized Children: Clinical Implications of the Psychobiology of Posttraumatic Stress Disorder*, 3 TRAUMA, VIOLENCE, & ABUSE 91, 101 (2002); Elizabeth Hopper & Jose Hidalgo, *Invisible Chains: Psychological Coercion of Human Trafficking Victims*, 1 INTERCULTURAL HUM. RTS. L. REV. 185, 206 (2006); Jones et al., *supra* note 66, at 112. See generally Rachel Shigekane, *Rehabilitation and Community Integration of Trafficking Survivors in the United States*, 29 HUM. RTS. Q. 112, 127 (2007); *PTSD: Statistics, Causes, Signs, & Symptoms*, THE REFUGE, <https://bit.ly/3qWypBO> [<https://perma.cc/3R9Q-M6VK>] (last visited Aug. 8, 2021); Lev-Wiesel, *supra* note 64, at 668. Children, especially young female children, are at the highest risk of developing PTSD. See MOROZ, *supra* note 65, at 3. See generally BELLERUTH NAPARSTEK, *INVISIBLE HEROES: SURVIVORS OF TRAUMA AND HOW THEY HEAL* (2004).

likely to sustain a chronic, life-long PTSD diagnosis.<sup>68</sup> To cope with PTSD symptoms, it is common for survivors to self-medicate, disassociate, become numb, or have temporary mental lapses.<sup>69</sup> Even self-identifying as a trafficking victims is complicated and can be traumatic in and of itself for a child victim.<sup>70</sup>

Many sexually trafficked children experience complex trauma or poly-victimization, which can be described in simpler terms for purposes of this Article as multiple or repeated forms of maltreatment.<sup>71</sup> Child victims of sex trafficking endure repeated physical and psychological pain.<sup>72</sup> Beyond the emotional toll, children who have been sexually trafficked face many physical health risks,<sup>73</sup> such as sexually transmitted diseases, exhaustion, unwanted pregnancy, miscarriages, and physical injuries.<sup>74</sup>

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68. A study conducted with children in the foster care system found that the rates of PTSD diagnosis were 39.7 percent for rape victims, 45.2 percent for torture victims or a victims of terrorists, and 32.8 percent for victims of molestation. See Amy M. Salazar et al., *Trauma Exposure and PTSD Among Older Adolescents in Foster Care*, 48 SOC. PSYCHIATRY & PSYCHIATRIC EPIDEMIOLOGY 545, 549 (2012).

69. See generally COLIN A. ROSS & NAOMI HALPERN, *TRAUMA MODEL THERAPY: A TREATMENT APPROACH FOR TRAUMA, DISSOCIATION AND COMPLEX COMORBIDITY* (2009). Disassociation is a mechanism that can allow individuals to deal with certain experiences, especially traumatic ones, and can result when sensory information is not perceived in a typical manner. See NAT'L CHILD TRAUMATIC STRESS NETWORK COMPLEX TRAUMA TASK FORCE, *COMPLEX TRAUMA IN CHILDREN AND ADOLESCENTS* 7 (2003), <https://bit.ly/3yNz4bu> [<https://perma.cc/ TSA2-CYUL>].

70. Raino, *supra* note 52, at 440.

71. See Lisa Goldblatt-Grace et al., *The Commercial Sexual Exploitation of Girls & Young Women*, NAT'L CHILD TRAUMATIC STRESS NETWORK (Sept. 12, 2013), <https://bit.ly/3is6qY9> [<https://perma.cc/4SL8-T5MF>]. Often, sexually-abused children and sexually-trafficked children are one and the same because many trafficked children have also been abused by a family member. "A significant percentage of women who enter prostitution were sexually abused in their childhood, so that their 'choice' of prostitution is nothing more than an internalization of the abused position." CATHARINE MACKINNON, *SEX EQUALITY* 69 (3d ed. 2001). See also Breger, *Healing Sex-Trafficked Children*, *supra* note 1, at 1163.

72. See *id.*, at 1162–63.

73. See *id.* at 1163.

74. See U.S. DEP'T OF STATE, *TRAFFICKING IN PERSONS REPORT* 28 (2007), <https://bit.ly/3hw4mOd> [<https://perma.cc/5UU5-J3WY>] ("The commercial sexual exploitation of children has devastating consequences for minors, which may include long-lasting physical and psychological trauma, disease (including HIV/AIDS), drug addiction, unwanted pregnancy, malnutrition, social ostracism, and possibly death."); Christine Stark & Carol Hodgson, *Sister Oppressions: A Comparison of Wife Battering and Prostitution*, 2 J. TRAUMA PRAC. 16, 24 (2004) ("Like battered women, prostituted women seek emergency care for broken bones, burns, fractured skulls, and other physical injuries.").

Professor Jonathan Todres advocates for child sex trafficking to be framed as a public health crisis. In his research,<sup>75</sup> Todres argues that a public health approach can advance efforts to stop human trafficking in ways not currently addressed by the criminal law model.<sup>76</sup> He states that there are shortcomings to the current emphasis on a law-enforcement-centered approach to deter child sex traffickers, which often worsens the trauma to these children.<sup>77</sup> In essence, child trafficking is a public health epidemic from a physical and psychological standpoint, and not simply a law enforcement issue.<sup>78</sup>

Children are the quintessential representation of innocence and youth. As such, children being trafficked and sexually exploited is predatory on so many levels. It bears repeating that while child sex trafficking harms the children being trafficked the most by subjecting them to trauma, it places at risk any other child who is now seen as a sexual object by the predator. This is the crux of the re-norming argument espoused here. We must shift our societal norms to protect all children in society.<sup>79</sup>

## II. ADDRESSING THE DEMAND SIDE OF CHILD SEX TRAFFICKING

Although it is unnerving to think of child sex trafficking as affected by supply and demand, it is most definitely an industry, and a lucrative one.<sup>80</sup> “In the global market of sex trafficking there are sellers (traffickers), consumers (johns), and products (victims). Basic economics holds that demand for a product is fundamental for market survival. Without demand for services, there would be no market for this particular product—sex trafficking victims.”<sup>81</sup>

Some countries have tried to abate demand by focusing on the Nordic Model. This model, utilized in Scandinavian and other coun-

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75. See generally Jonathan Todres, *Moving Upstream: The Merits of a Public Health Law Approach to Human Trafficking*, 89 N.C. L. REV. 447 (2011).

76. See *id.* at 463.

77. See *id.* at 459.

78. *Id.*

79. See *infra* Part IV.

80. *What Fuels Human Trafficking?*, UNICEF (Jan. 13, 2017), <https://bit.ly/36nhGhJ> [<https://perma.cc/3ARC-MHUV>]; *Trafficking and Commercial Sexual Exploitation of Minors*, NAT'L CHILD.'S ADVOCACY CTR., <https://bit.ly/3wwDkuu> [<https://perma.cc/Y2C3-5GNZ>] (last visited Aug. 8, 2021); Alexis A. Aronowitz & Anneke Koning, *Understanding Human Trafficking as a Market System: Addressing the Demand Side of Trafficking for Sexual Exploitation*, 85 INT'L REV. PENAL L. 669, 674 (2014).

81. See Linda Smith & Samantha Healy Vardaman, *The Problem of Demand in Combating Sex Trafficking*, 81 INT'L REV. PENAL L. 607, 607 (2010).

tries, targets the buyers of sex and does not criminalize the victims.<sup>82</sup>

The Nordic Model approach to prostitution (sometimes also known as the Sex Buyer Law, or the Swedish, Abolitionist, or Equality Model) decriminalizes all those who are prostituted, provides support services to help them exit, and makes buying people for sex a criminal offence, in order to reduce the demand that drives sex trafficking. This approach has now been adopted in Sweden, Norway, Iceland, Northern Ireland, Canada, France, Ireland, and most recently, Israel.<sup>83</sup>

Authorities in Sweden have reported success in decreasing demand since the implementation of the Nordic Model.<sup>84</sup> Additionally, the Nordic model has been “an important instrument to prevent and combat trafficking in human beings, especially for those who are trafficked . . . for sexual purposes” with “a significant normative effect—[in that now] the majority of the Swedish population, especially young people, support the ban.”<sup>85</sup>

Although prostitution has not been eradicated, one study found that the percentage of Swedish men who purchased sex went from 13.6 percent in 1996 to 7.4 percent in 2014, with only 0.8 percent of male respondents reporting that they had purchased sex in 2016.<sup>86</sup> Compare these rates with those of the United States, where the Nordic Model had not been introduced, and one in five men openly reported purchasing sex.<sup>87</sup> The negative social stigma now associated with the act of purchasing sex in Sweden further facilitates the changing of norms there: “Buying sex in Sweden is now deemed so shameful that . . . the overwhelming majority of those arrested plead guilty and pay a fine rather than go to trial.”<sup>88</sup>

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82. See *What is the Nordic Model?*, *supra* note 26; see also *Understanding the Nordic Model*, COAL AGAINST TRAFFICKING IN WOMEN AUSTRALIA, <https://bit.ly/3iy2NQI> [<https://perma.cc/5UUR-VSVE>] (last visited Aug. 8, 2021); Mary Ann. Peters, *Nordic Model Key to Beating Exploitation of Sex Workers*, CNN (Apr. 18, 2016, 7:26 PM), <https://cnn.it/3CuPKHI> [<https://perma.cc/FR2T-EFQ5>].

83. *What is the Nordic Model?*, *supra* note 26.

84. See Janice G. Raymond, *Ten Reasons for Not Legalizing Prostitution and a Legal Response to the Demand for Prostitution*, in *PROSTITUTION, TRAFFICKING & TRAUMATIC STRESS* 315, 327 (Melissa Farley ed., 2003); David Adams, *Prostitution: Success of “Nordic Model” Promoted to Australian Politicians*, SCANDINAVIAN HUM. RTS. LAWS. (Sept. 19, 2016), <https://bit.ly/3AGHaVh> [<https://perma.cc/BH3N-EVCG>].

85. Adams, *supra* note 84.

86. See Daphne Bramham, *Outlawing the Purchase of Sex Has Been Key to Sweden’s Success in Reducing Prostitution*, VANCOUVER SUN (Sept. 21, 2016), <https://bit.ly/3hr1iDl> [<https://perma.cc/XPU7-P3WY>].

87. See *id.*

88. *Id.*



The Nordic Model's normative influence has aided the decline of overall prostitution in areas where it has been implemented.<sup>89</sup> I borrow from the model to address child sex trafficking specifically. Again, because of the nexus between countries with high rates of overall prostitution and high rates of child sex trafficking, I am addressing both in order to pave a way to decrease demand for children in particular.<sup>90</sup>

Many scholars have argued that the commercial sex industry in general is truly a gender inequality problem; there is a disproportionate effect on women and girls, and the industry furthers the notion that purchasing the bodies of women and girls is acceptable so long as a buyer can pay for them.<sup>91</sup> This is not dissimilar to viewing domestic violence or sexual assault as gender inequality issues in that those with power can take the bodies of those with subordinate power. The Nordic model challenges this construct and “tries to redress these inequalities by promoting women’s and girls’ right to safety, health and non-discrimination, and by challenging men’s perceived[—but nonexistent—]‘right’ to buy women’s bodies for sex.”<sup>92</sup>

#### A. *An Exploration of Supply & Demand in Context: What is the Nordic Model?*

Mitigating or eliminating the sexual exploitation of children requires attacking the exploitation at its source: consumer-level demand. Without the demand for commercial sex, there would be no market forces to produce and sustain the roles of traffickers, nor

89. See, e.g., Raymond, *supra* note 84, at 327; Julie Bindel, *Legalizing Prostitution Is Not the Answer*, THE GUARDIAN (July 2, 2010), <https://bit.ly/3dXYD1s> [<https://perma.cc/RMN4-VRLJ>]; Gunilla Ekberg, *The Swedish Law That Prohibits the Purchase of Sexual Services: Best Practices for Prevention of Prostitution and Trafficking in Human Beings*, 10 VIOLENCE AGAINST WOMEN 1187, 1193–96 (2004); JAY LEVY, CRIMINALISING THE PURCHASE OF SEX: LESSONS FROM SWEDEN 109–13, 225–26 (2015); SUSANNE DODILLET & PETRA ÖSTERGREN, THE SWEDISH SEX PURCHASE ACT: CLAIMED SUCCESS AND DOCUMENTED EFFECTS 14–16 (2011), <https://bit.ly/2Vcg0VR> [<https://perma.cc/55HM-CVZE>].

90. See Fact Sheet: Prostitution and Trafficking in Women, SWEDISH MINISTRY OF INDUSTRY, EMP., AND COMMC'NS, (Jan. 2004), <https://bit.ly/3A31712> [<https://perma.cc/HVC8-LU8K>] (“International trafficking in human beings could not flourish but for the existence of local prostitution markets where men are willing and able to buy and sell women and children for sexual exploitation.”). See generally Seo-Young Cho et al., *Does Legalized Prostitution Increase Human Trafficking?*, 41 WORLD DEV. 67 (2013).

91. See *The Equality Approach to Addressing Sex Trafficking*, EQUALITY NOW, <https://bit.ly/3iCBOn7> [<https://perma.cc/5CGE-XVQV>] (last visited Aug. 8, 2021).

92. *Id.*

would there be a drive for a production of a “supply” of humans to be sexually exploited. The main issue distills down to demand.<sup>93</sup> Economic gain drives the demand for sex trafficking and, as in most industries, labor costs constitute a major price of doing business.<sup>94</sup> Because victims of trafficking often receive little to no compensation, the savings on labor are reflected in competitive rates and higher profit margins.<sup>95</sup> Thus, traffickers are able to offer lower rates to increase their patronage; under the law of supply and demand, “when the price of a good falls, and everything else remains the same, demand for that good will increase.”<sup>96</sup>

Globalization and technology have further reshaped the supply and demand of human trafficking—the supply of vulnerable persons to exploit is nearly endless.<sup>97</sup> Victims of sex trafficking have been referred to as “expendable, reusable, and resalable cheap commodities” because unlike other criminal merchandise, such as drugs or guns, the sexual services of trafficked persons can be sold again and again.<sup>98</sup> Moreover, “[s]ex trafficking is an efficient market that is very responsive to its clients’ needs.”<sup>99</sup> “Given its low labor costs, minimum legal barriers, billion-dollar profits, and abusive working conditions, sex trafficking is an example of unfettered free-market capitalism at its worst.”<sup>100</sup>

Demand often shapes the characteristics of trafficking victims. For instance, when sexual predators want “clean girls,” there is an increase in the trafficking of children and young women. In circumstances such as these, it becomes more common to see girls younger

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93. *See id.*

94. *See* Katee Stahl, Addressing Demand for Sex Trafficking in Sweden and the United Kingdom: An Interpretive Policy Analysis of Demand Reduction Policies, in *Consideration of the Principles of Deterrence Theory* 23 (Apr. 2015) (M.S. thesis, Grand Valley State University) (on file with Grand Valley State University).

95. *See id.*

96. *Id.* at 24.

97. *See* Aronowitz & Koning, *supra* note 80, at 673.

98. Yen, *supra* note 22, at 666. Alarming, heavy military presence can lead to an increase in the number of trafficked persons in areas where such activities were nearly non-existent. *See id.* at 657; *see also* Anna Belle Hoots, *Severing the Connection Between Sex Trafficking and U.S. Military Bases Overseas*, 88 *FORDHAM L. REV.* 733, 739 (2019), (“To this day, U.S. military personnel frequent bars off base and out of uniform, where women and girls are trafficked into forced prostitution.”); Vesna Nikolic-Ristanovic, *Sex Trafficking: The Impact of War, Militarism and Globalization in Eastern Europe*, 17 *GENDER & GLOBALISMS* (2003), <https://bit.ly/3qtf7E5> [<https://perma.cc/PAA9-LHG2>] (“Their impact is mostly connected to specific war and post-war situations, but sex trafficking may also be the consequence of the very presence of military in that region, regardless of whether there is a war going on.”).

99. Yen, *supra* note 22, at 666.

100. *Id.* at 682–83.

than 13 years being forced into the trade.<sup>101</sup> It is not uncommon for a trafficked child to be “sold” up to 30 times a day or for the child to be relocated repeatedly so that she cannot be found or escape. Relocation also provides “fresh faces” to child predators<sup>102</sup> so that these predators can have a so-called variety of victims to prey upon.<sup>103</sup>

Additionally, child sex trafficking in particular has thrived due to the high demand for sex with virgins based on their youth, purity, and supposed lack of sexually transmitted diseases.<sup>104</sup> “[W]hile only 3–4% of johns actively seek out minors . . . 28% are undeterred from attempting to purchase sex, even when they learn that person is very likely under [18].”<sup>105</sup> This statistic is notable, because it shows a knowing tolerance for buying children, even if that was not necessarily the initial intention. It is to this tolerance that re-norming and awareness education may play a role in mitigating<sup>106</sup> by revealing to predators the toxic destruction caused to these children<sup>107</sup> and by heavily stigmatizing the acceptability of such behavior.

In one international study, more than 75 percent of men surveyed, aged 31–50, overtly “‘expressed a preference for prostitutes aged 25 or under, with 22% stating a preference for those aged 18 or below.’”<sup>108</sup> Some might argue that such numbers, showing a male preference for young women and girls, are likely even higher, as many men perhaps do not wish to admit openly a desire for underage sex.<sup>109</sup> Domestically, in the State of Georgia, 10 percent of

101. *Id.* at 666–67.

102. Breger, *Healing Sex-Trafficked Children*, *supra* note 1, at 1134.

103. *See id.* at 1160; *see also* George, *supra* note 14, at 299.

104. *See* Sara K. Andrews, Comment, *U.S. Domestic Prosecution of the American International Sex Tourist: Efforts to Protect Children from Sexual Exploitation*, 94 J. CRIM. L. & CRIMINOLOGY 415, 422 (2004).

105. Heather C. Gregorio, *More than “Johns,” Less than Traffickers: In Search of Just and Proportional Sanctions for Buyers of Sex with Trafficking Victims*, 90 N.Y.U. L. REV. 626, 637 (2015). *See generally* Amanda Shapiro, *Buyer Beware: Why Johns Should Be Charged with Statutory Rape for Buying Sex from a Child*, 23 J.L. & POL’Y 449 (2014).

106. *See Awareness and Education Are Key to Beating Human Trafficking*, UNITED NATIONS, <https://bit.ly/3xY3qrp> [<https://perma.cc/YG6T-JR9V>] (last visited Aug. 8, 2021).

107. *See* Yen, *supra* note 22, at 673–74.

108. *See* Aronowitz & Koning, *supra* note 80, at 679.

109. Thank you to the audience members at Union University who raised this possibility based on social desirability bias. Humans do not always wish to admit what they know is not socially desirable, or socially acceptable. This goes back to the crux of my Article. *See, e.g.*, Pamela E. Grimm, *Social Desirability Bias Part 2: Marketing Research*, in WILEY INT’L ENCYCLOPEDIA OF MKTG. (Jagdish N. Sheth & Naresh K. Malhotra eds., 2010).

participants in a research study “actively and explicitly” sought out females under the age of 18.<sup>110</sup> More alarmingly, “[i]nternet advertisements posted on Craigslist purporting to sell sex with ‘young girls,’ ‘just turned 18,’ and ‘barely legal’ receive inquiries at 132–175 percent the rate of those that do not use language indicating age.”<sup>111</sup> Therefore, the idea that there is no market for child sex is incorrect and misinformed.

Another group of studies have noted that while many child sexual predators “are not specifically attracted to children” explicitly—they often are more than they realize that they are.<sup>112</sup> Buying sex from children is part of a larger demand for sexual experiences with younger and younger persons.<sup>113</sup> Some child predators even perversely believe their victimization of children somehow serves to benefit these children, with one retired U.S. schoolteacher quoted as saying: “‘I’ve had sex with a 14-year-old girl in Mexico and a 15-year-old in Colombia. I’m helping them financially. If they don’t have sex with me, they may not have enough food. If someone has a problem with me doing this, let UNICEF feed them.’”<sup>114</sup> The non-chalance of these child predators is chilling, as one predator compared his buying children for sex as a perverse form of charity for the child. He said, “‘It’s like donating money to UNICEF: If the girls even get a fraction of what I pay, they’re doing a hell of a lot better than they would in their own country. If it was really so bad, the Japanese cops would close them down, right?’”<sup>115</sup>

### B. *In the Context of Child Sex Trafficking: The Predators*

Data on who purchases sex in the United States overwhelming shows that child predators are typically male, well-educated, middle- or upper-class, and Caucasian.<sup>116</sup> While of course child

110. Smith & Vardaman, *supra* note 81, at 611.

111. *Id.*

112. See RACHEL LLOYD, *GIRLS LIKE US: FIGHTING FOR A WORLD WHERE GIRLS ARE NOT FOR SALE, AN ACTIVIST FINDS HER CALLING AND HEALS HERSELF* 107 (2011).

113. See *id.* at 107–08.

114. Brittany Bacon, *Stolen Innocence: Inside the Shady World of Child Sex Tourism*, ABC NEWS (July 17, 2007, 4:18 PM), <https://abcn.ws/3y4mUKW> [<https://perma.cc/2P8E-5D8Q>].

115. Smith & Vardaman, *supra* note 81, at 610 (quoting SHARED HOPE INT’L, *DEMAND. A COMPARATIVE EXAMINATION OF SEX TOURISM AND TRAFFICKING IN JAMAICA, JAPAN, THE NETHERLANDS, AND THE UNITED STATES* 125 (2007), <https://bit.ly/3y0QOzQ> [<https://perma.cc/XKD8-YV74>] (last visited Aug. 8, 2021)).

116. See *Facts About Men Who Buy Sex*, DEMAND ABOLITION, <https://bit.ly/35ZBgAs> [<https://perma.cc/F556-NNBT>] (last visited Aug. 8, 2021); see also JODY RAPHAEL & KATIE FEIFER, *GET THE FACTS: WHAT WE KNOW ABOUT SEX TRAFFICKING, PROSTITUTION, AND SEXUAL EXPLOITATION IN THE U.S., WORLD WITH-*

predators span all ages, classes and races, these characteristics are also prevalent in technology-assisted prostitution.<sup>117</sup> It is this cohort of individual buyers who may benefit the most from theories such as re-norming, social norms theory, shaming and peer modelling.

The children who are purchased for sex are often young children in poverty, children of color, runaways or children in foster care, and children traumatized in other ways before being commercially trafficked.<sup>118</sup> The power imbalances here are substantial and distressing on many levels, compounded by the intersectionality of race, gender, ethnicity and class.<sup>119</sup> Additionally, children of color are subject to “adultification bias” in that they, especially Black girls, are often seen as more adultlike, instead of being seen as innocent children needing nurturing.<sup>120</sup> These children are first dehu-

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OUT EXPLOITATION 16–17 (2020), <https://bit.ly/2Swqa2E> [<https://perma.cc/T7AB-XBM5>]. In Japan, the profile is similar to the United States but includes “Japanese male, white-collar workers; college students; and foreign businessmen who often rationalize their behavior as a form of economic assistance—a rationale heard by buyers consistently in every country researched.” SHARED HOPE INT’L, DEMAND. A COMPARATIVE EXAMINATION OF SEX TOURISM AND TRAFFICKING IN JAMAICA, JAPAN, THE NETHERLANDS, AND THE UNITED STATES 125 (2007), <https://bit.ly/3y0QOzQ> [<https://perma.cc/XKD8-YV74>] (last visited Aug. 8, 2021); *see also* MACKINNON, *supra* note 71, at 1535.

117. *See* Kimberly J. Mitchell, et al., *Internet Facilitated Commercial Sexual Exploitation of Children: Findings from a Nationally Representative Sample of Law Enforcement Agencies in the United States*, 23 *SEXUAL ABUSE: J. RSCH. & TREATMENT* 43, 57 (2011). *See generally* RAPHAEL & FEIFER, *supra* note 116. *See also* SHARED HOPE INT’L, DEMAND. A COMPARATIVE EXAMINATION OF SEX TOURISM AND TRAFFICKING IN JAMAICA, JAPAN, THE NETHERLANDS, AND THE UNITED STATES 20 (2007), <https://bit.ly/3y0QOzQ> [<https://perma.cc/XKD8-YV74>] (last visited Aug. 8, 2021). Linda Smith, the Founder and Director of Shared Hope International notes:

Why is there tolerance for buying another person? Why aren’t clients going to jail? You have to look at the whole market. If there weren’t a buyer, there wouldn’t be a procurer, and there wouldn’t be a victimized woman or child. It’s complicated in that the actions of buyers are accepted as normal and the languages of all the cultures label the 14-year-old victimized child a ‘prostitute’ and worthy of little sympathy, much less justice.

*Id.* at 14.

118. *See* Cheryl Nelson Butler, *The Racial Roots of Human Trafficking*, 62 *UCLA L. REV.* 1464, 1476 (2015); *see also* 2018 *U.S. National Human Trafficking Hotline Statics*, POLARIS, <https://bit.ly/3Abdcbs> [<https://perma.cc/NEY5-FKRC>] (last visited Aug. 8, 2021).

119. *See* Kimberlé Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color*, 43 *STAN. L. REV.* 1241, 1242 (1991).

120. Alisha Haridasani Gupta, ‘More than Just Tragic’: Ma’Khia Bryant and the Burden of Black Girlhood, *N.Y. TIMES* (Apr. 26, 2021), <https://nyti.ms/2VCUABJ> [<https://perma.cc/74F4-NS3G>] (interviewing Dr. Jamilia J. Blake, who explains adultification bias, where black girls are not seen as innocent or in need of nurturing); *see also* JAMILIA J. BLAKE & REBECCA EPSTEIN, *LISTENING TO BLACK*

manized by the adultification bias and then further dehumanized by their bodies being sold for sex as chattel.

Despite shortcomings, there is still a valid and strong role for criminal prosecution of predators in reducing demand.<sup>121</sup> Prosecution can be used in tandem with re-norming and shaming. For example, researcher Heather Gregorio asserts that “criminal sanctions and shaming techniques will deter at least some johns, who have traditionally faced criminal consequences for buying commercial sex only rarely.”<sup>122</sup> Gregorio discusses some general approaches being utilized across the United States, including reverse sting operations, john schools, and shaming methods.<sup>123</sup> Another researcher, Kenneth Franzblau, discusses data that purchasers are more likely to be deterred from buying sex if the purchasers witness others being prosecuted.<sup>124</sup> Franzblau cites to U.S. cities where this has been particularly effective, such as in Buffalo, New York and Chicago, Illinois.<sup>125</sup> Further, Franzblau asserts a convincing fiscal rationale for penalizing the customers of sex trafficking:

The primary goal of law enforcement concerned about sex trafficking must be prevention, and the most effective and least costly method of achieving this is reducing the demand for prostitution. Preventing sex trafficking by the sustained efforts of law enforcement targeting those who buy victims for sexual use is far less costly and time consuming than the long, expensive, and personnel-intensive investigations that typify sex trafficking cases. The savings in lives and resources by preventing trafficking as opposed to rescuing victims once trafficked into prostitution are incalculable.<sup>126</sup>

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WOMEN AND GIRLS: LIVED EXPERIENCES OF ADULTIFICATION BIAS 1 (2019), <https://bit.ly/3yxkiWE> [<https://perma.cc/G8VN-6NSP>]; REBECCA EPSTEIN ET AL., GIRLHOOD INTERRUPTED: THE ERASURE OF BLACK GIRLS' CHILDHOOD 2, 4–6 (2017), <https://bit.ly/3Aqvvc4> [<https://perma.cc/U88X-DDWF>]. See generally KIMBERLÉ WILLIAMS CRENSHAW, BLACK GIRLS MATTER: PUSHED OUT, OVERPOLICED AND UNDERPROTECTED (2015), <https://bit.ly/3iCQv9L> [<https://perma.cc/2D4E-5BX5>].

121. See Franzblau, *supra* note 26, at 292 (“For johns, though, arrest is a more effective deterrent. Over 50% of johns interviewed indicated that arrest was their most significant fear.” (quoting POLICE EXEC. RSCH. F., EXCELLENCE IN PROBLEM-ORIENTED POLICING: THE 2001 HERMAN GOLDSTEIN AWARD WINNERS 17 (2001), <https://bit.ly/2SyH1St> [<https://perma.cc/W443-A6BL>])); see also *National Sex Buyer Sting Nets More than 500 Arrests*, COOK CNTY. SHERIFF (July 31, 2019), <https://bit.ly/360L5hn> [<https://perma.cc/B6UX-ANAS>].

122. Gregorio, *supra* note 105, at 641.

123. See *id.* at 642.

124. See Franzblau, *supra* note 26, at 292.

125. See *id.*

126. *Id.* at 291.

To combat the sex trade in general, Franzblau offers a number of strategies that can be used in decreasing demand: (1) “strictly enforcing existing laws,”<sup>127</sup> (2) “charging related crimes,”<sup>128</sup> (3) “using reverse electronic stings,”<sup>129</sup> (4) “establishing a police presence,”<sup>130</sup> (5) “naming and shaming,”<sup>131</sup> (6) “using the media,”<sup>132</sup> and (7) “creating john schools.”<sup>133</sup> The naming and shaming idea is most related to the topic of this Article because it incorporates the idea of changing societal norms by what is acceptable to others, and I will address this concept again in Part V.

In focusing upon child trafficking specifically, researcher Christine Raino exposes some flaws in the United States legal system, such as lack of uniformity among states in their definitions of child sex trafficking and that such definitions often include the requirement that the child have a trafficker in order to be recognized as a victim of sex trafficking.<sup>134</sup> “The perception of third-party control being fundamental to the crime of child sex trafficking also stems from the stereotype that a buyer is inherently less culpable than a trafficker—that buyers do not victimize children to the same degree as traffickers.”<sup>135</sup> Those against treating child sex predators as equally, if not more, culpable than traffickers cite to concerns related to potential unfairness if the buyer misperceived or was lied to about the child’s age.<sup>136</sup> Raino states that such results are neither unintended nor unfair.<sup>137</sup> Rather, “[t]he laws that specifically protect minors by removing a mistake of age defense are balancing a defendant’s risk of mistake in favor of providing special protections

127. *See id.* at 294–95. Franzblau says strict law enforcement is the most important method of decreasing demand. *Id.*

128. *See id.* at 295. Similar crimes include rape, sexual misconduct, criminal sexual act, forcible touching, sexual abuse, course of sexual touching against a child, and endangering the welfare of a child. *Id.*

129. *See id.* at 296. Reverse electronic stings use the Internet to attract patrons. *Id.*

130. *See id.* Establishments housing prostitution are easily detectable, and without even making arrests, undercover police presence alone could deter patrons. Franzblau, *supra* note 26, at 296.

131. *See id.* “Patrons of prostitutes fear not only arrest, but also exposure of their criminal activity and publicity that might damage their family, business, and friendships.” *Id.*

132. *See id.* at 297. Franzblau provides the example of the “Dear John” Campaign which raises awareness about the impact on victims of prostitution at the hands of patrons. *Id.*

133. *See id.* Programs intended for first-time offenders educate them on the “legal, health, and other risks and effects of prostitution.” *Id.*

134. *See* Raino, *supra* note 52, at 435–36.

135. *Id.* at 445.

136. *See id.* at 445–46.

137. *See id.* at 446.

to children.”<sup>138</sup> In areas where the laws allow a mistake of age defense, it is unsettling that these predators are not automatically penalized, in what I believe should be a strict liability crime. Illustratively, there are many areas of the law where adults are automatically penalized for exploiting children. The clearest example is statutory rape where it is a crime regardless of whether the perpetrator knew the actual age of the victim.<sup>139</sup> Unfortunately, some states have been resistant to shift that burden to the buyers who engage in child sex trafficking.<sup>140</sup>

There are times when an adult is sexually exploiting a child specifically because of the child’s young age—in that they deem that child to be vulnerable and perhaps in financial distress or need. While outside the scope of this Article, this could involve what is called “sugaring” in the United States (or “compensated dating” in Japan) involving older men contracting with teenagers for dating and sexual services.<sup>141</sup> It also is relevant in what is termed “survival sex” (an overly sanitized term downplaying the severity, coercion and trauma involved), reflecting the reality of minors exchanging sex acts to meet basic needs, such as food and shelter.<sup>142</sup> As Raino aptly notes,

When an adult offers to meet a child’s basic necessities in exchange for sex acts, the obvious exploitation of that child’s extreme vulnerability precludes any true choice under the circumstances. This approach of hinging the culpability of the adult perpetrator on the *apparent* agency of the child comports with neither the child protection goals of child sex-trafficking

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138. *Id.*

139. *See id.* at 442; *see also* Tiffany Dupree, Comment, *You Sell Molly, I’ll Sell Holly: Prosecuting Sex Trafficking in the United States*, 78 LA. L. REV. 1025, 1046–48 (2018). *See generally* Kimberly Blasey, Note, *Kids, Not Commodities: Proposing a More Protective Interpretation of the Child Sex Trafficking Statute for Victims and Defendants*, 77 WASH. & LEE 931 (2020) (discussing interpretations of a “reasonable opportunity to observe” a sex-trafficking victim, including a strict liability standard); Catherine L. Carpenter, *On Statutory Rape, Strict Liability, and the Public Welfare Model*, 53 AM. U. L. REV. 313 (2003).

140. *See infra* note 172.

141. *See* Tamar Arenson et al., *The Bitter Truth About Sugaring: Deception and False Promises in Exploitation’s New Frontier*, WORLD WITHOUT EXPLOITATION (June 11, 2020), <https://bit.ly/3dp9LV4> [<https://perma.cc/QQW8-HCWT>]. *See generally* SHARED HOPE INT’L, DEMAND. A COMPARATIVE EXAMINATION OF SEX TOURISM AND TRAFFICKING IN JAMAICA, JAPAN, THE NETHERLANDS, AND THE UNITED STATES (2007), <https://bit.ly/3y0QOzQ> [<https://perma.cc/XKD8-YV74>] (last visited Aug. 8, 2021).

142. Raino, *supra* note 52, at 446.



laws nor the victim-centered, trauma-informed approach in responding to child sex-trafficking victims.<sup>143</sup>

### C. *The Demand: How Do We Deter the Predators of Children*

Those who purchase sex in general create the demand for the sex trade, and this inevitably trickles down to sex trafficking and child victims.<sup>144</sup> Laws assist in shaping what society deems appropriate, acceptable, and just. If jurisdictions are not implementing (or enforcing) legislation that protects the victims of child sex trafficking, they are simply furthering the notion that using children for sex is tolerable in society. In other words, while the laws in a particular region may demonstrate that child trafficking is illegal, the lack of consistent and significant enforcement of the laws may inadvertently work to facilitate trafficking markets to flourish.<sup>145</sup> Even if a specific culture does not explicitly condone sexual exploitation, it can be complicit by merely tolerating the purchase of children for sex.<sup>146</sup> This tolerance is what desperately needs to change.

It has been said that “the degree to which a culture condones the purchase of sex can be measured by the percentage of men in a society who purchase sex.”<sup>147</sup> Although this statement refers to both adults and children, we need to acknowledge the resultant impact on child victims and analogize. Based on a study of men from Denmark, India, Italy, and Thailand, there were “significant differences with regard to the extent and nature of the social acceptance of men in different countries to purchase sex.”<sup>148</sup> For example, while Danish males rarely felt social pressures to purchase sex, men in Thailand considered the act of buying sex as “part of a rite of

143. *Id.* at 446–47.

144. See, e.g., SHARED HOPE INT’L, DEMAND. A COMPARATIVE EXAMINATION OF SEX TOURISM AND TRAFFICKING IN JAMAICA, JAPAN, THE NETHERLANDS, AND THE UNITED STATES 2 (2007), <https://bit.ly/3y0QOzQ> [<https://perma.cc/XKD8-YV74>] (last visited Aug. 8, 2021). Shared Hope international notes:

In the sex tourism markets, demand exceeds supply of women to provide the commercial sex services which buyers are groomed to expect through advertising and popular culture. Sex traffickers fill this deficiency by delivering women and children to meet the demand of buyers in sex tourism markets. This creates a single market of sexual exploitation in which sex tourism is fueled by sex trafficking.

*Id.*

145. See, e.g., Breger, *Transforming Cultural Norms*, *supra* note 33, at 42. “Countries can enact beneficial laws . . . yet if those countries are not implementing or enforcing the laws, the laws may not have any actual effect.” *Id.* See generally Breger, *Reforming by Re-Norming*, *supra* note 23.

146. See Aronowitz & Koning, *supra* note 80, at 681.

147. *Id.*

148. *Id.*

passage, as well as a ritual to consolidate relationships with male friends.”<sup>149</sup> With this information in mind, Aronowitz and Koning argue that the necessary approaches to combat sex trafficking must vary depending on the specific social norms and needs of any given society.<sup>150</sup> As Aronowitz and Koning assert: “The male demand for prostitution is said to be the ‘most immediate and proximate cause’ contributing to the expansion of the sex industry. Were it not for men’s demand to purchase sex, . . . ‘the prostitution market would go broke.’”<sup>151</sup> Research shows that men who buy sex are more likely to commit rape and other forms of male violence against women and children and are less likely to have empathy for women.<sup>152</sup> For example, “[c]ollege-aged men who used women in prostitution reported having committed more sexually coercive behaviors than men who had not used women in prostitution.”<sup>153</sup> Moreover, “[i]n samples of more than 1,000 men each in Chile, Croatia, India, Mexico, and Rwanda, men who had ever bought sex were more likely to perpetrate rape.”<sup>154</sup>

As researcher Iris Yen notes, “cultural socialization has . . . ingrained the concept [that] buying commercial sex [is] acceptable and normal male behavior.”<sup>155</sup> Yen questions whether buying sex therefore is inevitable, if we accept that view of masculinity.<sup>156</sup> Professor Catharine MacKinnon recognizes that society can more easily accept its inevitability while “glibly [calling prostitution] ‘the

149. *Id.*

150. *See id.* at 682.

151. *Id.* at 674.

152. *See* Melissa Farley et al., *Comparing Sex Buyers with Men Who Do Not Buy Sex: New Data on Prostitution and Trafficking*, 32 J. INTERPERSONAL VIOLENCE 3601, 3603 (2015).

153. *Id.*

154. *Id.*; *see also* Jessica Brown, *Is Porn Harmful? The Evidence, the Myths and the Unknowns*, BBC (Sept. 26, 2017), <https://bbc.in/3h5XLd7> [<https://perma.cc/2KSV-BS9C>]. Research on the effects of pornography use shows similar results. *Id.* Neil Malamuth at the University of California, Los Angeles conducted a study involving 300 men and found that “men who are already sexually aggressive and consume a lot of sexually aggressive pornography are more likely to commit a sexually aggressive act.” *Id.*

155. Yen, *supra* note 22, at 668. When we examine the larger adult industry, as Yen concludes:

Male demand causes sex trafficking, yet it is also the weakest link in the sex trafficking chain. Reducing or eradicating sex trafficking is very difficult yet not impossible, but it does require combating male demand and changing deep-rooted cultural norms and practices that devalue women. The norms, attitudes, and resultant behavior can be positively changed through patient re-education of johns and effective enforcement of demand-oriented legislation.

*Id.* at 674.

156. *See id.* at 668–70.

oldest profession' as if to imply that it will always exist.<sup>157</sup> I expand on and apply the concept of toxic masculinity in Part IV below.<sup>158</sup>

Researcher Giselle Routhier examined attitudes regarding the commercial sex industry to learn more about the increasing demand of sex trafficking.<sup>159</sup> Routhier considered the gender of the participants in the study and concluded that men knew more people who partake in these activities as customers, and more importantly, men found these activities to be more acceptable than women participants.<sup>160</sup>

In another study, similar gendered results were recorded when researchers explored the extent to which participants endorsed incorrect myths relating to human trafficking, including that those involved in sex work are to blame for being trafficked.<sup>161</sup> The study concluded that overall, men are more accepting of the harmful myths surrounding sex trafficking than women.<sup>162</sup> The researchers in that study, Cunningham and Croner, suggest that one explanation for this conclusion is that women tend to experience sexual victimization more often than men, and thus are more willing to believe sexual victimization occurs more broadly.<sup>163</sup>

The normalization of the commercial sex industry is pervasive, even for children under age 18:

Many young people, even down to the age of 14, are being exposed to the realities of pornography, strip clubs, and soliciting sex. This can have a major effect in normalizing the commercial sex industry and further promoting the objectification of women within it. Furthermore, as the commercial sex industry becomes more normal, the demand may increase, thus increasing the demand for sex slaves and victims of human trafficking.<sup>164</sup>

If young teenagers are overly exposed to the sex industry, it is understandable that they are then lured or ensnared into child sex trafficking as the demand and acceptability to sexualize their bodies increases.

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157. See MACKINNON, *supra* note 71, at 1535.

158. See *infra* Part IV.B.

159. See Giselle Routhier, Understanding the Demand for Human Sex Trafficking: A Study of Attitudes Regarding the Commercial Sex Industry 16 (Apr. 2007) (B.A. thesis, Providence College) (on file with Providence College).

160. See *id.* at 37–38.

161. See Katherine C. Cunningham & Lisa DeMarni Cromer, *Attitudes About Human Trafficking: Individual Differences Related to Belief and Victim Blame*, 31 J. INTERPERSONAL VIOLENCE 228, 230 (2014).

162. See *id.* at 237.

163. *Id.*

164. Routhier, *supra* note 159, at 41.

Ultimately, there is a co-occurrence of child sex trafficking where there is prostitution. Prostitution in general can be linked to child sex trafficking in various ways: one, that those who tolerate and buy sex often buy it from trafficked children, and two, that so many of those in the adult sex trade entered the trade as trafficked children.<sup>165</sup>

#### D. *The Supply: Protecting the Victims of Trafficking Without Prosecution*

As if the assault and trauma were not enough to harm trafficked children, too often law enforcement then prosecutes these sex trafficked children as criminals.<sup>166</sup> Although a child victim of sex trafficking may appear to the outside world as soliciting or consensually engaging in prostitution, the child—by virtue of his or her age demonstrating the child’s inability to give legally-binding con-

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165. See Julianne Seigfreidt, *When Sex Trafficking Victims Turn Eighteen: The Problematic Focus on Force, Fraud, and Coercion in U.S. Human Trafficking Laws*, 23 WM. & MARY J. WOMEN & L. 27, 36 (2016) (“The number of adults who sell sex who also sold sex as minors is estimated to be around 80%.”). While discussing the site OnlyFans, Catharine MacKinnon noted:

Most women enter the sex industry underage, their vulnerability central to their appeal, hence marketability. Children cannot be protected from sexual exploitation as long as pornography is protected and prostitution of adults is tolerated, because these are the same group of people at two points in time, sometimes no more than one day apart, sometimes at one and the same time—children presented as adults, adults presented as children.

Catharine A. MacKinnon, *OnlyFans Is Not a Safe Platform for ‘Sex Work.’ It’s a Pimp*, N.Y. TIMES (Sept. 6, 2021), <https://nyti.ms/3BWoyk0> [<https://perma.cc/B2DZ-W7Q3>].

166. See *Human Trafficking Issue Brief: Safe Harbor*, POLARIS 1 (2015), <https://bit.ly/3AiG4i4> [<https://perma.cc/HG4K-9W6K>] (“A trafficked child may be compelled to engage in illegal activities such as prostitution or the selling of drugs, and instead of being treated as victims, many are treated as criminals and are prosecuted accordingly.”); see, e.g., Katherine Mullen & Rachel Lloyd, *The Passage of the Safe Harbor Act and the Voices of Sexually Exploited Youth*, in LAW’S MANUAL ON HUM. TRAFFICKING: PURSUING JUST. FOR VICTIMS 129, 129 (Jill Laurie Goodman & Dorchon A. Leidholdt eds., 2013) (reporting anecdotally on a child victim of sex trafficking charged with prostitution); see also Chitra Raghavan & Kendra Doychak, *Trauma-Coerced Bonding and Victims of Sex Trafficking: Where Do We Go from Here?*, 17 INT’L J. EMERGENCY MENTAL HEALTH & HUM. RESILIENCE 583, 584 (2015) (discussing that victims of sex trafficking frequently either “bear the legal consequences” of their abusers’ actions due to failure to testify or are prosecuted for actions against others due to coercive tactics).

sent—is in fact considered trafficked and coerced.<sup>167</sup> Notably, in the Nordic model, prostitutes are not criminalized, regardless of age.<sup>168</sup>

As countries and states become more educated about the plight of child sex trafficking and view these children as the victims that they are, legislation has become more progressive.<sup>169</sup> For example, in New York a new crime was enacted to label a person as guilty of sex trafficking of a child when he or she, being 21 years old or older, intentionally advances or profits from the prostitution of another person, if such person is a child less than 18 years old.<sup>170</sup> As

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167. See Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children art. 3(c), (d), *opened for signature* Dec. 12, 2000, S. TREATY DOC. NO. 108-16 (2004), 2006 O.J. (L 262) 44, <https://bit.ly/3AB0hQC> [<https://perma.cc/BXQ7-QLRN>] [hereinafter Palermo Protocol]. The Palermo Protocol defines a child as any individual under the age of 18 and specifically provides that a child's consent to trafficking is not an available defense to trafficking. See *id.* at art. 3(b), (d). Similarly, the United States has prohibited consent as a defense in trafficking a child, stating that “a child [is] incapable of giving meaningful consent” to trafficking. Trafficking Victims Protection Act of 2000, Pub. L. No. 106-386, § 108(a)(2), 114 Stat. 1464, 1480 (2000). In contrast, the issue of consent for adults is a determining factor as to whether an individual is the victim of sexual trafficking. However, the “consent” that an adult victim may provide should be considered skeptically. The conditions under which consent is given often make clear that the consent was in fact a victim's only viable option. See Michèle Alexandre, *Sex, Drugs, Rock & Roll and Moral Dirigisme: Toward a Reformation of Drug and Prostitution Regulations*, 78 UMKC L. REV. 101, 110 (2009) (“Sexual trafficking is a form of slavery where individuals are forced into sexual service either knowingly or through trickery. Sexual trafficking is brutal and involves no agency on the part of the individuals who are forced into it.”). The Coalition to Abolish Slavery and Trafficking defines trafficking as:

[T]he recruitment and or transportation of persons by others using violence or the threat of violence, abuse of authority or dominant position, deception or other forms of coercion, for the purpose of exploiting them sexually or economically for the profit or advantage of others, such as recruiters, procurers, traffickers, intermediaries, brothel owners and other employers, customers, or crime syndicates.

Stacey Antimone, *Sexual Trafficking: The United States' Response to a Growing International Problem*, 24 SUFFOLK TRANSNAT'L L. REV. 149, 154–55 (2000).

168. See *What is the Nordic Model?*, *supra* note 26.

169. See Breger, *Healing Sex-Trafficked Children*, *supra* note 1, at 1141–42; see also N.Y. GEN. BUS. LAW § 206-F (McKinney 2021) (explaining that in the State of New York, trafficking laws require all lodging facilities to conspicuously display information cards regarding services for human trafficking victims. Lodging facilities include hotels, inns, motels, and other facilities with more than five rooms for transient guests); Smith & Vardaman, *supra* note 81, at 619 (explaining how some lodging facilities act on their volition, such as the Carlson-Wagonlit Companies, a U.S.-based business that has signed the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism, committing itself “to be vigilant against child sex tourism in the many locations and venues constituting the consortium”).

170. See 2018 N.Y. Laws 512 (amending New York's penal law by adding N.Y. PENAL LAW § 230.34-a(1) (McKinney 2021)). Chapter 189 amends other laws, including New York's Social Services Law and Family Court Act § 1012(e)(iii)(B), to

addressed above, in some jurisdictions, purchasing a sex trafficked child is considered a strict liability crime, similar to statutory rape, because it is based solely upon age and not intent.<sup>171</sup>

Even with advancements in the law, some states in the United States continue to lag by punishing the victims. One researcher, Sarah Bendtsen, found that while 15 states attempted to pass legislation to eliminate the “criminalization of youth survivors of sex trafficking for prostitution and other offenses” since the beginning of 2017, only 4 of those states successfully altered their laws.<sup>172</sup> She asserts that “In fact, a majority of states still allow children to be arrested, detained, and prosecuted for prostitution, despite conflicting federal and state law that deems such children victims of child sex trafficking.”<sup>173</sup> Only 23 states and the District of Columbia had laws prohibiting the criminalization of prostituted children.<sup>174</sup> Two states, Michigan and South Dakota, limit their protections to minors under the age of 16 (instead of under the age of 18), and a

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reflect the addition of this new crime. *Id.* Knowledge by the defendant of the age of a child is not an element of this offense, and it is therefore not a defense to a prosecution that the defendant did not know the age of the child or believed such age to be 18 or over. *Id.* A person “advances prostitution” when, acting other than as a person in prostitution or as a patron thereof, and with intent to cause prostitution, he or she directly engages in conduct that facilitates an act or enterprise of prostitution. *Id.* Recently, New York passed legislation that allows human-trafficking victims to bring a civil action against perpetrators who knowingly advance or profit from criminal conduct. *See* 2021 N.Y. Sess. Laws ch. 311 (McKinney 2021). The New York Committee report stated, “Human trafficking is a heinous crime that should be disincentivized in every way possible.” N.Y. Comm., 244 Sess. (2021).

171. *See, e.g.*, HAW. REV. STAT. ANN. § 712-1209.1(5) (West 2021); *see also National State Law Survey: Non-Criminalization of Child Sex Trafficking Victims*, SHARED HOPE INT’L (2018), <https://bit.ly/3dDUuzI> [<https://perma.cc/G7Z2-KRXE>]. Another example of a law that protects victimized children is the California Transparency in Supply Chains Act, which addresses slave labor and human trafficking in supply chains.

172. Sarah Bendtsen, *Progress Without Protection: How State Laws Are Punishing Child Sex Trafficking Victims*, SHARED HOPE INT’L (June 13, 2018), <https://bit.ly/2V9oXiZ> [<https://perma.cc/47BW-ZAMB>].

173. *National State Law Survey: Non-Criminalization of Child Sex Trafficking Victims*, SHARED HOPE INT’L (2018), <https://bit.ly/3dDUuzI> [<https://perma.cc/G7Z2-KRXE>]. As of 2018, states that did not explicitly prohibit the criminalization of children who are prostituted included: Alaska, Arizona, Arkansas, Colorado, Delaware, Georgia, Hawaii, Idaho, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Missouri, Nevada, New Jersey, New Mexico, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Texas, Virginia, Washington, and Wisconsin. *See id.*

174. *See id.*

substantial number of states did not extend the protections to other offenses outside of the sexual act itself.<sup>175</sup>

### III. INTRODUCING THE THEORETICAL FRAMEWORKS: EMPLOYING THEORIES TO DECREASE THE CHILD SEX TRAFFICKING DEMAND

This Article posits that in order to combat the epidemic of child sex trafficking, society needs a cultural shift. In other words, societal norms that objectify children in a sexual context need to change. Societal norms have been defined as “‘rules or expectations of behavior within a specific [culture]. Often unspoken, these norms offer social standards of appropriate and inappropriate behavior, governing what is (and is not) acceptable.’”<sup>176</sup> Sociologists, economists and legal theorists have applied the concept of social norms in numerous ways to describe and analyze behavior and the law within the larger society.<sup>177</sup>

#### A. *Social Norms Theory*

In his book *Law and Social Norms*, Professor Eric Posner explores the intersection between the legal system and social norms.<sup>178</sup> Posner explains that in order to establish relationships with others, people engage in imitative behaviors.<sup>179</sup>

In Posner’s work and the works of Professor Cass Sunstein and others, norms are defined as “social attitudes of approval and disapproval, specifying what ought to be done and what ought not to be done.”<sup>180</sup> Norms are described as “rules or expectations of behaviour within a specific [culture]. Often unspoken, these norms offer social standards of appropriate and inappropriate behavior, gov-

175. See *id.* If you are under 16 in Michigan, you cannot consent to sex, and thus you cannot be charged with prostitution. See MICH. COMP. LAWS § 750.145a (2021). If you are 16 or 17, “[y]ou are presumed [which can be overcome] to be a victim of human trafficking as long as you substantially comply with court-ordered services.” See Arielle Breen, *Trafficking in Michigan: Survivors, Advocates Say Issue Is Not New, but Awareness Heightened*, GAYLORD HERALD TIMES (Jan. 18, 2016, 10:27 AM), <https://bit.ly/2ToWtkJ> [<https://perma.cc/Y8PL-8PF3>].

176. Breger, *Reforming by Re-Norming*, *supra* note 23, at 173; see also WORLD HEALTH ORG., VIOLENCE PREVENTION THE EVIDENCE: CHANGING CULTURAL AND SOCIAL NORMS THAT SUPPORT VIOLENCE 4 (2009), <https://bit.ly/3dG4kB6> [<https://perma.cc/SCZ6-BAA7>].

177. See Richard H. McAdams, *The Origin, Development, and Regulation of Norms*, 96 MICH. L. REV. 338, 339 (1997).

178. See generally ERIC POSNER, *LAW AND SOCIAL NORMS* (2002).

179. See *id.*

180. Cass R. Sunstein, *Social Norms and Social Roles*, 96 COLUM. L. REV. 903, 914 (1996).

erning what is (and is not) acceptable.”<sup>181</sup> In society, norms are replicated “because there is a human urge to conform, especially when it is expected that all others in the particular society will be conforming.”<sup>182</sup>

When one wants to change a societal norm, one tries to implement new norms.<sup>183</sup> Social norms theories examine how the new norms are then replicated, which may be used for the good of society.<sup>184</sup> The idea is that by changing the tolerance of a particular negative behavior, that negative behavior will inevitably decrease and be replaced by healthier norms.<sup>185</sup>

When we look at the literature on social norms research, the studies examine individuals and their perceptions of how others in society behave.<sup>186</sup> The social norms theory is often utilized in the context of reducing negative or risky behavior.<sup>187</sup> Data demonstrates that if individuals have distorted perceptions that others are largely engaging in risky or negative behavior, they are then more likely to mimic such behavior.<sup>188</sup> In other words, if we seek to diminish negative behavior, we would not only reset appropriate social norms to frame the behavior as unacceptable, but also clarify misperceptions of the negative behavior and its actual frequency.

Social norms theories have had some success in lessening negative behaviors, such as decreasing drunk driving and stigmatizing domestic violence.<sup>189</sup> Decreasing toxic norms and replacing them with healthy norms is most effective when introduced early in childhood, and those healthier norms can later be reinforced with law

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181. WORLD HEALTH ORG., *supra* note 176, at 4.

182. Breger, *Reforming by Re-Norming*, *supra* note 23, at 173.

183. See Breger et al., *Corporal Punishment*, *supra* note 34, at 513 (explaining that to change the perception on the use of corporal punishment as a form of child discipline, Ethiopia disseminated and broadcasted awareness campaigns that encouraged the use of alternative discipline).

184. See *id.* at 505.

185. See *id.*

186. See generally Daniel M. Kahan, *Gentle Nudges vs. Hard Shoves: Solving the Sticky Norms Problem*, 67 UNIV. CHI. L. REV. 607 (2000).

187. See *id.*; see also RICHARD H. THALER & CASS R. SUNSTEIN, *NUDGE: IMPROVING DECISIONS ABOUT HEALTH, WEALTH, AND HAPPINESS* 67, 182 (2008).

188. See Breger, *Reforming by Re-Norming*, *supra* note 23, at 189.

189. *Id.* For example, the lessons from re-norming have been particularly successful in combating drunk driving. *Id.* When there was a marked decrease of drunk driving fatalities, research indicated that it was not due to increased penalties, but rather changes in the social stigma associated with drunk driving. *Id.* Groups such as Mothers Against Drunk Driving enlisted not only the law as their ally, but society as a whole to re-norm behavior in order to reform behavior. *Id.* By changing societal acceptance of driving while inebriated, through media and education, friends and family members everywhere became the key deterrent by re-norming safe and acceptable behavior. *Id.*



and education.<sup>190</sup> Children learn the benefits of adhering to social norms early on, even if they deviate from such norms.<sup>191</sup> When Professor Sunstein discusses why people adhere to social norms, he references social psychology studies where people proceed in lockstep form to fit in with the norms of society, even when they would not have acted this way individually.<sup>192</sup>

Further, people often adhere to social norms to avoid the shame or stigma of straying from norms:

[S]ocial norms are enforced through social sanctions . . . . The relevant sanctions create a range of unpleasant (but sometimes pleasant) emotional states in people who have violated norms. If someone behaves in a way inconsistent with social norms, public disapproval may produce shame and a desire to hide. Sometimes the unpleasant feelings brought about by violations of social norms are intense, and the social consequences of these feelings, [ ] and of anticipating them, can be substantial.<sup>193</sup>

The power and influence of social norms may prevent people from engaging in negative acts they otherwise would do to avoid this social shame. Simultaneously, social norms help set societally agreeable boundaries.<sup>194</sup>

Professor Bryan Druzin expands upon Posner's theory that individuals adopt social norms to signal that they are good team players<sup>195</sup> Druzin suggests that part of the signaling game is to "internalize" appropriate social norms.<sup>196</sup>

190. *Id.*

191. See Marco F.H. Schmidt & Michael Tomasello, *Young Children Enforce Social Norms*, 21 CURRENT DIRECTIONS PSYCH. SCI. 232, 232–33 (2012) (discussing children and the benefits of norms). Additionally,

Preschool children already know the difference between a statistical norm (e.g., people don't wear blue jeans to bed) and a true social norm (e.g., people don't wear blue jeans to funerals), and in new situations they want to know such things as "Where do we hang our coats?" and "Where should I sit?"

*Id.* at 232 (internal citations omitted); see also *id.* at 233 (stating children understand that being a part of a cultural group requires doing things in certain ways, which includes upholding norms when other group members violate them); see also Pamela Lilleston et al., *Understanding Social Norms and Violence in Childhood: Underpinnings and Strategies for Intervention*, 22 PSYCH., HEALTH & MED. 122, 124–25 (2017) (discussing children and the benefits of norms) ("Additionally, people are socialized into specific norms starting at a young age, allowing certain ideas and behaviors to be taken for granted as the only way to think or act.").

192. See generally Sunstein, *supra* note 180.

193. *Id.* at 915.

194. See *id.* at 915–16.

195. Bryan Druzin, *Law, Selfishness, and Signals: An Expansion of Posner's Signaling Theory of Social Norms*, 24 CAN. J.L. & JURIS. 5, 5 (2011).

196. *Id.* at 6.

Sunstein explains norms in another context in what he terms a person's willingness to accept and a person's willingness to pay.<sup>197</sup> Sunstein notes that those who will accept money to eliminate the societal good will feel much more shame than those who pay little or nothing to prevent the extinction of the societal good, with the former feeling that "they are assuming responsibility" for the act.<sup>198</sup> This is because "[p]eople want to avoid or to minimize the feeling that they have been morally culpable for producing the loss . . . . Feelings of moral culpability are tightly connected with prevailing social norms."<sup>199</sup>

The same principles can be applied in the context of child sex trafficking. Under Druzin's model, "bad types internalize norms commensurate with the (equally advantageous) survival strategy they have adopted in the 'society game'—opportunism."<sup>200</sup> Predators who purchase the bodies of trafficked children balance their internalization of the norm with their survival strategy so they can continue participating in the industry.<sup>201</sup> This is an "evolutionarily stable strategy" which gives participants the opportunity to exploit the "sustainable body" of trafficked children<sup>202</sup>—pun sadly intentional.

Based on Sunstein's theory, the shame that one would feel if peers knew about one's participation in child sex trafficking would surely be much greater than the social shame one would feel if one declined, for example, to donate \$1 to an anti-child sex trafficking campaign.<sup>203</sup> This is because the people participating in the act itself are directly responsible for the existence of sex trafficking, unlike those who simply fail to help prevent it, making the two groups subject to completely different social norms.<sup>204</sup> To create the shame

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197. See Sunstein, *supra* note 180, at 941–44.

198. *Id.* at 943.

199. *Id.* at 944.

200. Druzin, *supra* note 195, at 37–38.

201. See *id.*

202. See *id.* at 38.

203. See Sunstein, *supra* note 180, at 943–44.

204. See *id.* at 943. Sunstein further explains:

In these circumstances, people who announce their willingness to accept cash for the loss of a pond or a species feel shame. They believe that they are assuming responsibility for the destruction of something intrinsically valuable, not replaceable, and owned by many people. Because of the risk of shame, people will demand a great deal, and they may even refuse any amount offered. By contrast, those who refuse to pay an enormous or infinite amount to save an environmental amenity do not feel the same degree of shame (if they feel shame at all). They are confronted with a different set of social norms.”)

effect, which would ideally lead to a decrease in child sex trafficking because people would want to avoid the social disapproval that accompanies it, society must expressly and openly condemn the act and those who facilitate the trade:

The key point is that such a change may be supported by the reflective judgments of all or most people. When it is, there should be no objection in principle. The point very much bears on the phenomenon of norm bandwagons. People may actually reject existing norms but fail to state their opposition publicly, and once public opposition becomes less costly, new norms may rapidly come into place.<sup>205</sup>

Researcher Alan Berkowitz similarly points to fostering healthy non-abusive relationships through the social norms approach.<sup>206</sup> Berkowitz has found that “problem behavior[s]” are often best predicted by misperceptions of peers’ behaviors or attitudes.<sup>207</sup> According to Berkowitz:

Misperceptions are formed when a minority of individuals are observed engaging in highly visible problem behavior (such as public drunkenness, smoking, or making offensive comments), leading these behaviors to be remembered more than responsible behavior that is more common but less visible. These misperceptions are assumed to be normative and are spread in “public conversation” by community members.<sup>208</sup>

Thus, even when such problem behaviors are not the “norm” in everyday society, they can inadvertently become socially acceptable due to their “highly visible” nature. Berkowitz posits that when people believe that others share their concerns with problem behaviors, they are more willing to confront or condemn any violator of the norms, and conversely, where people underestimate other people’s concerns, they become less willing to intervene.<sup>209</sup>

### B. *Re-Norming Theory*

Another related but distinct concept to overall social norms theories is the idea of reforming by re-norming. Re-norming theo-

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205. *Id.* at 959.

206. See generally Alan D. Berkowitz, *Fostering Healthy Norms to Prevent Violence and Abuse: The Social Norms Approach*, in *THE PREVENTION OF SEXUAL VIOLENCE: A PETITIONER’S SOURCEBOOK* (Keith Kaufman ed., 2010), <https://bit.ly/3dJ64tk> [<https://perma.cc/7DGP-LF8V>].

207. *Id.* at 14.

208. *Id.* at 4.

209. See *id.* at 5.

ries were introduced by Dr. Bruce Tuckman in 1965 and were first applied to team building and group counselling.<sup>210</sup> Various phases of group therapy were analyzed to see when behaviors started changing based on the norms of the group.<sup>211</sup> The five phases analyzed were named forming, storming, norming, performing, and adjourning.<sup>212</sup> A researcher named Timothy Biggs suggested adding a re-norming stage.<sup>213</sup> Re-norming occurs after norming but before performing.<sup>214</sup> The re-norming stage is the time when the group norms change, and “is necessary to understand and review the dysfunctional phases or negative forces . . . so that appropriate corrective actions can be taken.”<sup>215</sup>

I am envisioning re-norming as a bit of a subset of social norms theory. In recent years, I have borrowed this framework to apply it to reforming by re-norming in a number of contexts, such as intimate partner violence,<sup>216</sup> corporal punishment against children,<sup>217</sup> sexual violence and rape culture,<sup>218</sup> and toxic masculinity in sports culture.<sup>219</sup> I originally saw the term utilized in the legal realm by Professor Andrew King-Ries in the context of teenage online dating violence.<sup>220</sup> In his article, he introduced the idea that re-norm-

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210. See generally Bruce W. Tuckman, *Developmental Sequence in Small Groups*, 63 PSYCH. BULL. 384 (1965).

211. See *id.* at 386–87.

212. See *id.* at 396–97. See generally Bruce W. Tuckman & Mary Ann C. Jensen, *Stages of Small-Group Development Revisited*, 2 GRP. & ORG. STUD. 419 (1977). Forming occurs when the group first meets and the members share introductions, backgrounds, interests, and discuss the roles they will play to meet the project goals. See 5 *Stages of Team Development: Tuckman’s Group Development*, PROJECT MGMT. (June 28, 2021), <https://bit.ly/3dJ33tg> [<https://perma.cc/LMH2-H3BM>]. In storming, team members compete for status and “acceptance of their ideas” as the group learns how to function as individuals and as a team. *Id.* The team begins norming when they are focused on their collective goals rather than individual ones. See *id.* Here, team members value their differences and work toward the common goal. See *id.* Performing is marked by the team’s ability to perform at a higher level because they “trust each other and rely on each other.” *Id.* Adjourning occurs when the team’s project is finished and the members move on in different directions. See *id.*

213. See BRIAN COLE MILLER, NICE TEAMS FINISH LAST 4 (2010).

214. See Breger, *Reforming by Re-Norming*, *supra* note 23, at 188.

215. *Id.*; see Tom Edison, *The Team Development Life Cycle: A New Look*, 2008 DEF. AT&L 14 (2008); see also Tudor Rickards & Susan Moger, *Creative Leadership Processes in Project Team Development: An Alternative to Tuckman’s Stage Model*, 11 BRIT. J. MGMT. 273 (2000).

216. See generally Breger, *Reforming by Re-Norming*, *supra* note 23.

217. See generally Breger et al., *Corporal Punishment*, *supra* note 34.

218. See generally Breger, *Transforming Cultural Norms*, *supra* note 33.

219. See generally Breger et al., *Re-norming Sport for Inclusivity*, *supra* note 35.

220. See generally Andrew King-Ries, *Teens, Technology, and Cyberstalking: The Domestic Violence Wave of the Future?*, 20 TEX. J. WOMEN & L. 131 (2011).

ing a teenager's view of dating violence was a potential way to decrease the tolerance of dating violence.<sup>221</sup> Teenagers need to be taught healthy norms in dating that reject violence. If they were operating with unhealthy norms encompassing dating violence, they needed to be "re-normed." In other words, if teenagers behaved in a way that did not emulate dating violence, especially in the context of social media, other teenagers might soon follow this positive behavior and eschew dating violence.

Social campaigns use a similar logic, as I analogize to child sex trafficking campaigns across the globe in Part V. Ultimately, we can borrow from the social norms theory and re-norming concepts to apply them to child sex trafficking reduction by altering societal norms around child sex trafficking, displaying their toxicity and damage, and then taking corrective action against their normalization or tolerance.

#### IV. NORMS THAT ALLOW THE CHILD SEX TRAFFICKING EPIDEMIC TO FLOURISH

Buying or exploiting children for sexual purposes is illegal. Yet, it endures. How is this deleterious behavior flourishing across all corners of the globe? Why is the unlawfulness not enough to deter so many predators? For this question, we need to examine the underlying and pervasive societal pulls that allow children to be seen as sexualized in the first place. These norms include cavalier tolerance as well as toxic masculinity.

##### A. *Societal Tolerance of Buying Sex from Children Even Though Illegal*

Even though purchasing children for sexual gratification may be illegal in most parts of the globe, the law is only one tool to transform cultural attitudes about behavior. Once the law is the rule of the society, individuals may convert their thinking as to what is acceptable and what is not acceptable based on those laws. Yet, in terms of behavior such as child sex trafficking, the law alone is not enough; we already have the law on our side and the epidemic continues.<sup>222</sup>

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221. *Id.* at 160.

222. See SHIVELY ET AL., *supra* note 59, at 9 (discussing a survey of over 13,000 U.S. children, which found that 4% of those surveyed exchanged sex for drugs or money, equating to around 650,000 teenagers engaged in the commercial sex industry) ("A substantial portion of the U.S. population believes that prostitution is a harmless vice and should be decriminalized or legalized. This indifference,

As this Article posits, we need to do more than just outlaw and prosecute. We need to reform societal norms. Sustained and broad education and re-norming of attitudes in a persistent and comprehensive way is needed to move society forward in re-norming negative attitudes. Training lawyers, legislators, and judges to understand social norms research, while also maintaining a sophisticated understanding of the dynamics of child development, trauma, and sexual objectification of children could be a sufficient first step towards re-norming. Ultimately, we need to break the legitimization, the tolerance, the normalization, and the tacit acceptability of child sex trafficking.<sup>223</sup>

One way to unpack these norms is to examine early laws. On a fundamental level, despite legislation making child labor illegal, adults have treated children as property throughout history.<sup>224</sup> “The legal system has routinely held parental rights in great deference, viewing the business of raising children as a ‘private’ matter.”<sup>225</sup> Children’s rights were not even in existence in early laws.<sup>226</sup> Early English laws such as “the chattel theory,” viewed children as the property of their fathers.<sup>227</sup> Children were treated the same as livestock or physical property.<sup>228</sup> Thus, we need to examine how the

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tolerance, or support can be a major impediment to institutional and individual commitment of resources to combat commercial sex.”)

223. See Rashida Manjoo, *Trafficking of Women: Norms, Realities, and Challenges*, 7 ALB. GOV’T L. REV. 5, 27 (2014).

224. See Matthias Doepke & Fabrizio Zilibotti, *International Labor Standards and the Political Economy of Child-Labor Regulation*, 7 J. EUR. ECON. ASS’N 508, 508 (2009) (referring to child labor as “remarkably resilient” and stating that as of 2004, there were still over 200 million child workers in the world); Dara E. Purvis, *The Origin of Parental Rights: Labor, Intent, and Fathers*, 41 FLA. STATE UNIV. L. REV. 645, 655 (2014) (recognizing that children have been viewed as “a public good,” “an undeveloped resource,” and childbearing as “investing labor and money into a resource”); *Child Labour*, UNICEF (Oct. 2019), <https://bit.ly/3xio9GD> [<https://perma.cc/P5NZ-BL6B>]; Michael Schuman, *History of Child Labor in the United States—Part 1: Little Children Working*, U.S. BUREAU LAB. STAT. (Jan. 2017), <https://bit.ly/2SKGSeO> [<https://perma.cc/3SUF-Y5XE>] (noting that Alexander Hamilton argued “children ‘who would otherwise be idle’ could become a source of cheap labor”); Wage & Hour Div., *Wages and the Fair Labor Standards Act*, U.S. DEP’T LAB., <https://bit.ly/3jDY4vR> [<https://perma.cc/F7EV-WUNM>] (last visited Aug. 8, 2021) (“These provisions are designed to protect the educational opportunities of minors and prohibit their employment in jobs and under conditions detrimental to their health or well-being.”). Special thanks to Professor Jessica Dixon Weaver for encouraging me to flesh out this part of my analysis.

225. Breger et al., *Corporal Punishment*, *supra* note 34, at 484.

226. *Id.* at 484–85.

227. *Id.* at 485.

228. *Id.*

law treats sexual exploitation against children who are operating without a full panoply of legal rights.

If the law does not protect children or see them as individuals who are deserving of rights, children themselves may internalize that they have no rights. Researcher Heather Hlavka's study shows that sexual abuse of minors is both commonplace and widespread throughout society, and that its normalization contributes to the cycle of abuse.<sup>229</sup> Hlavka's research provides insight into how sexual abuse of youth is tolerated in society by examining the issue of normalizing sexual violence.<sup>230</sup> Hlavka interviewed children between the tender age of 3 all the way to age 17 to compile their understanding of what constitutes sexual violence and their reactions thereto.<sup>231</sup> Hlavka describes instances asserted by young female participants who "trivialize" their experiences of sexual violence by framing the issue in the context of "boys will be boys" and "understanding of harassment as a normal adolescent rite of passage."<sup>232</sup> Hlavka suggests that this normalization, in turn, hinders females from reporting incidents of abuse and violence, with the girls in her study stating that they did not want to make a "big deal" about their experiences.<sup>233</sup> The participants in her study also reported that they felt belittled and believed no one would care, even if they would come forward about the assaults; thus, they did not feel that what happened to them would warrant the involvement of others.<sup>234</sup> Even though the study was not focused upon sex trafficking, it studied sexual violence perpetrated upon children.

In a study focused on sex trafficking conducted in Nepal in 2015, 5,000 community members from 10 different districts in the country were surveyed, examining the community knowledge and

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229. See Manjoo, *supra* note 223, at 27.

230. See generally Heather R. Hlavka, *Normalizing Sexual Violence: Young Women Account for Harassment and Abuse*, 28 *GENDER & SOC'Y* 337 (2014).

231. See *id.* at 342.

232. *Id.* at 344–45. Hlavka notes:

Young women like Patricia described sexually aggressive behaviors as customary: "It just happens," and "They're boys—that's what they do." Similarly, [13-year-old] Kelly told the forensic interviewer about her experiences with 20-year-old Eric: "[He] would follow me around all the time, tell me I was beautiful and stuff, that he could have me when he wanted to. He did that all the time, like, would touch me and say, 'Am I making you wet, do you want me?' when he wanted. I think that's just . . . like, that's what he does, it's just, like, how it goes on and everyone knows it, no one says nothing."

*Id.* at 344.

233. *Id.* at 346. This also explains how powerful the #metoo movement was for those who never reported their abuse.

234. See *id.*

perceptions of human trafficking.<sup>235</sup> The first part of the survey questioned community members on how big of a problem human trafficking is in this ward or district, and then the same question for Nepal across the country generally.<sup>236</sup> The researchers found that only 1 percent of participants found trafficking to be an “extremely big” problem locally, yet 53.3 percent saw trafficking as an “extremely big” problem for the country.<sup>237</sup> Further, 100 percent of those surveyed found human trafficking to be problematic in Nepal, but 72.6 percent said trafficking is not a notable issue locally in their ward or district.<sup>238</sup> The researchers of this study framed this as an “otherness” problem, meaning that while the members believed that human trafficking was a serious issue within their country, the members often did not believe this was an issue where they resided.<sup>239</sup> Yet the data revealed that trafficking was “rampant” and the “ward leaders” of the districts turned a blind eye to local trafficking, with only 13 percent of the 160 leaders surveyed stating that they were aware of the problem locally.”<sup>240</sup>

The “otherness” problem has also been seen in other contexts, such as a study conducted in Scotland in 2017 and 2018 that surveyed approximately 1,000 persons over the age of 16.<sup>241</sup> The “results in 2018 continue to indicate that [human trafficking] is seen as less of an issue closer to home.” The government study arose after reports found that sex trafficking in Scotland had dramatically increased,<sup>242</sup> which then prompted the government to implement the Scottish Government’s Trafficking and Exploitation Strategy in May of 2017.<sup>243</sup> The data demonstrated that human trafficking is a much larger problem locally for the Scots than they believe, further contributing to this “otherness” problem.

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235. MARGARET BOITTIN, ET AL., AN ISSUE OF “OTHERNESS”: BELIEFS THAT HUMAN TRAFFICKING CANNOT AFFECT ONE’S IN-GROUP PRESENT OBSTACLE TO COMBATING HUMAN TRAFFICKING 1 (2018), <https://bit.ly/3jMd2BJ> [<https://perma.cc/PYQ9-BR7E>].

236. *Id.* at 2.

237. *Id.*

238. *Id.*

239. *Id.* at 4.

240. *Id.* at 7.

241. *Human Trafficking Research: Summary of Findings*, SCOTTISH GOV’T (June 16, 2019), <https://bit.ly/3ApNfFn> [<https://perma.cc/9D48-3J9H>]; see BOITTIN ET AL., *supra* note 235, at 1.

242. *Big Rise in Human Trafficking Cases in Scotland*, BBC (Feb. 26, 2018), <https://bbc.in/3dKs6w1> [<https://perma.cc/4EVR-2CU2>].

243. See Ailean Beaton, *Children Suffer as Reports of Human Trafficking in Scotland Rise*, THE FERRET (June 14, 2018), <https://bit.ly/36aiMNG> [<https://perma.cc/3U5P-NTMS>].



The otherness issue of child sex trafficking is hardly unique to the Scots or the Nepalese. Many Americans believe that child trafficking happens only elsewhere.<sup>244</sup> Yet, child trafficking has been uncovered in every state, every city, every corner of the United States.<sup>245</sup> Raising awareness of the pervasiveness of child sex trafficking is one step towards decreasing its acceptance.

Furthermore, society plays a critical role in the tolerance and normalization of child sex trafficking.<sup>246</sup> Myths such as “[g]irls and boys who prostitute do it because they like it; it is easy money . . . just business” leads to further tolerance for the trade.<sup>247</sup> Such myths divert attention from the trauma to these children. For it is easier to mistreat an object than it is to mistreat a person, so by society dehumanizing victims of sex trafficking, the predators can accept their acts as normal or at least tolerable.<sup>248</sup> This means that dehumanizing a child makes it easier to commodify that child. In some areas, such as advertising, women are being portrayed as younger and younger.<sup>249</sup> Thus, sexual attraction to children is tolerated, even normalized, by large swaths of our society.

If we wish to re-norm that children are not sexual objects, we must do so in a holistic and comprehensive manner. To reiterate, this Article is not focusing primarily on those individuals with illnesses like pedophilia or even sex addiction,<sup>250</sup> but rather concentrates on those individuals who visualize children in a sexual

244. See *Myths, Facts, and Statistics*, POLARIS, <https://bit.ly/3jVAqNt> [<https://perma.cc/HWB6-9Q47>] (last visited Aug. 8, 2021).

245. See Matthews, *supra* note 42, at 653; Michaela Anderson, *Child Trafficking Hits Close to Home*, UNICEF (Jan. 12, 2021), <https://bit.ly/3yDFBpC> [<https://perma.cc/URK5-633W>]; *Human Trafficking Statistics by State 2021*, WORLD POPULATION REV. <https://bit.ly/3yolETm> [<https://perma.cc/CR9X-AK6G>] (last visited Aug. 8, 2021); *Child Trafficking in the U.S.*, UNICEF, <https://bit.ly/3hiBuJa> [<https://perma.cc/T5VR-RJHJ>] (last visited Aug. 8, 2021); see also Breger, *Healing Sex-Trafficked Children*, *supra* note 1, at 1178.

246. See Abigail L. Kuzma, *Demand Reduction: Critical Next Step in the Fight Against Sex Trafficking*, 42 INT'L L. NEWS 27, 29 (2013).

247. *Id.*

248. George, *supra* note 14, at 310, 318. See also *supra* note 22.

249. See *id.* at 319.

250. Pedophilia, or pedophilic disorder, is an actual mental illness diagnosis in the Diagnostic Statistical Manual (“DSM-V”). See AM. PSYCHIATRIC ASS'N, DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS (5th ed. 2013); see also M. Glasser et al., *Cycle of Child Sexual Abuse: Links Between Being a Victim and Becoming a Perpetrator*, 179 BRITISH J. PSYCHIATRY 482, 488 (2001) (“[T]he risk of being a perpetrator is enhanced by prior victim experiences, doubled for incest, more so for paedophilia, and even higher for those exposed to both paedophilia and incest.”); Kirsten Jordan et al., *Impaired Attentional Control in Pedophiles in a Sexual Distractor Task*, 7 FRONTIERS PSYCHIATRY 1, 1 (2016). See generally Ole Martin Moen, *The Ethics of Pedophilia*, 9 NORDIC J. APPLIED ETHICS 111 (2015).

manner and then act upon their impulses by buying children for sexual gratification. I am focusing on the herd mentality of the average consumer sex buyer, not the pedophile, sex addict, or traumatized individual who may be facing more complicated psychological barriers.<sup>251</sup> The former is arguably a result of societal tolerance of the behavior. Once the awareness is raised, then the focus should shift to the accountability that these child sex predators face.<sup>252</sup> Some successful programs posit that society needs to rethink incorrect viewpoints that child sex predators are pedophiles and “sexually deviant outsider[s].”<sup>253</sup> In reality, “the ‘everyman’ (and the occasional female customer)” create the demand for child sex trafficking.<sup>254</sup> Some researchers categorize child sex predators into three groups: (1) situational; (2) preferential; and (3) opportunistic.<sup>255</sup> I might even argue there is a fourth category of a sex buyer who prefers young people but would not meet the definitional criteria of pedophilia. This category contains predators who might seek sex with virgins for reasons other than pedophilic attraction, or those predators who are attracted to younger persons without paying attention to whether the person is a child. This Article highlights the situational and opportunistic predators: those who find themselves in situations where a vulnerable child is before them and do not stop the sex purchase, as well as those who sexualize young children as sexual objects through indifference, nonchalance, or tolerance.

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251. See, e.g., KELLY RICHARDS, AUSTRALIAN INST. CRIMINOLOGY, MISPERCEPTIONS ABOUT CHILD SEX OFFENDERS (2011), <https://bit.ly/2X3TdF5> [<https://perma.cc/8LH9-GW2V>].

252. See Jonathan Todres, *Law, Otherness, and Human Trafficking*, 49 SANTA CLARA L. REV. 605, 661 (2009).

253. *Id.*

254. *Id.*

255. Smith & Vardaman, *supra* note 81, at 609 (describing situational as those predators who find themselves in situations where the purchased human is a child and the predator still carries on, preferential as more in the sense of pedophilia, and opportunistic as those who do not discriminate based on age). Opportunistic buyers, the focus of this Article, are related to societal norms:

These are buyers who purchase sex indiscriminately because they do not care, are willfully blind to the age or willingness of the female, or are simply unconcerned as to the differentiation between adults and minors. Due to intensive marketing and the increased normalization of commercial sex in society, buyers from a young age are groomed to glamorize commercial sex, to dehumanize the women and children exploited, and even to express aggression toward the victims through violent video games and violent pornography.”

*Id.*; see also Erika R. George & Scarlet R. Smith, *In Good Company: How Corporate Social Responsibility Can Protect Rights and Aid Efforts to End Child Sex Trafficking and Modern Slavery*, 46 N.Y.U. J. INT’L L. & POL. 55, 68 (2013) (referencing the “kiddie stroll,” an area where men can choose children under 16).

Thus, rather than simply addressing the demand side of sex trafficking, we must examine “broader societal views that promote the acceptability of sexual exploitation and objectification of certain individuals.”<sup>256</sup> It is the tolerance of child sexual exploitation that needs to change. If we view this tolerance as somewhat malleable, the strategy of re-norming can be used to decrease the behavior. The malleability of norms has been confirmed in some areas.<sup>257</sup> Re-norming what is socially acceptable has the potential to decrease the acceptability of the behavior and hopefully, in turn, decrease the behavior itself: “social norms are very much a part of what underlies choice.”<sup>258</sup>

It is not just the minds of adults that need to be re-shaped, however, as social norms have trickled down into children’s own perceptions of themselves and have been internalized. One study found that:

[P]eer pressure was one of the factors associated with initiation into a child sex ring among their sample of 6- to 14-year-old boys and girls. Likewise, some studies have found that peer pressure often is a risk factor for entry into prostitution . . . . Youth may model peer behaviors, especially when they observe peers being reinforced for those behaviors. In the present context, youth may copy the behavior of others involved in commercial sexual exploitation in order to obtain desired objects (e.g., money, clothing). Thus, peer modeling may be relevant for entry into and persistence of commercial sexual exploitation.<sup>259</sup>

Similarly, other researchers considered the role of peers as “exploiters of children” who encourage or sanction the use of sexual abuse and physical violence.<sup>260</sup>

Re-norming what is viewed as acceptable has been met with mild success.<sup>261</sup> By changing the idea that buying children for sex is in any way an acceptable norm, child sex trafficking will de-

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256. Todres, *supra* note 252, at 661–62.

257. See generally Breger, *Reforming by Re-Norming*, *supra* note 23; Breger *Transforming Cultural Norms*, *supra* note 33, at 51 n.58 (citing Malcolm Gladwell); Andrew E. Giannakakis & Immo Fritsche, *Social Identities, Group Norms, and Threat: On the Malleability of Ingroup Bias*, 37 *PERSONALITY & SOC. PSYCH. BULL.* 82 (2010); Mark A. Prince & Kate B. Carey, *The Malleability of Injunctive Norms Among College Students*, 35 *ADDICTIVE BEHAVS.* 940 (2010).

258. See Cass R. Sunstein, *Social Norms and Social Roles* 11 (Chi. L. & Econ., Working Paper No. 36, 1998).

259. NAT’L RSCH. COUNCIL, *supra* note 8, at 95.

260. *Id.* at 96.

261. See Adams, *supra* note 84.

crease.<sup>262</sup> In other parts of the globe, re-norming campaigns have also begun.<sup>263</sup> There are many creative examples of how re-norming campaigns have approached the issue. For example, posters of men telling other men that buying children for sex is not what “real men” do have been met with some success.<sup>264</sup> The posters not only serve as a re-norming exercise, but also show men as allies by peer modelling. This will all be addressed in Part V as yet another strategy to sharpen our fight to re-norm child sex trafficking demand.<sup>265</sup>

### B. Toxic Masculinity Component

The inherent vulnerability of children that make up the vast majority of child sex trafficking victims makes them easier to manipulate and control.<sup>266</sup> There is no denying that individuals who choose to exert this control and take advantage of these children are predators. However, one must also look at how society normalizes male dominance, control, and violence towards women and children. Toxic masculinity can be defined as “toxic social norms embedded by modern society [which] tends to generate themes of masculine oppression, patriarchal power, and control over women and children.”<sup>267</sup>

As I explained in an earlier article, “Toxic social norms embodied by modern society tend to generate themes of masculine oppression, patriarchal power, and control over women and children, which are then replicated from generation to generation.”<sup>268</sup> “Traditional ideas of dominance and submission shapes the atti-

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262. See *id.* (“‘If there is no demand for buying sex, there will be no prostitution. That is why i[n] Sweden we shifted the perspective to reduce the demand for buying sex.’”); see also *What is the Nordic Model?*, *supra* note 26.

263. See King-Ries, *supra* note 220, at 161–63.

264. See *Cool Men Don’t Buy Sex*, NORDIC MODEL NOW! (JAN. 1, 2018), <https://bit.ly/3re6ptT> [<https://perma.cc/Z9ES-TGEQ>].

265. See *infra* Part V.

266. See *supra* Part I.

267. Breger, *Reforming by Re-Norming*, *supra* note 23, at 171. In a similar vein, one author recounts the Bolivian tradition of “machismo,” said to be an “aggressive form of masculinity” that “is deeply imbedded in family relationships and social interactions.” Tim Swarens, *Where Sex Trafficking and Toxic Masculinity Collide*, INDYSTAR (Feb. 20, 2018, 6:00 AM), <https://bit.ly/3r2dVYy> [<https://perma.cc/Q44X-K5B5>]. In some countries, prostitution is legal and high-end brothels are coveted. See *id.* Some would argue that “machismo” (referred to more often as toxic masculinity in the United States) is indeed linked to sex trafficking. See Marihug Cedeno, *Pimps, Johns, and Juvenile Prostitutes: Is New York Doing Enough to Combat the Commercial Sexual Exploitation of Children*, 22 CORNELL J.L. & PUB. POL’Y 153, 163 (2012); see also Men Who Buy Sex: In Their Own Words, COLLECTIVE SHOUT, <https://bit.ly/3wxOq2g> [<https://perma.cc/E4TQ-AJNK>] (last visited Aug. 8, 2021).

268. Breger, *Reforming by Re-Norming*, *supra* note 23, at 171–72.

tudes of the men [who purchase trafficked women].”<sup>269</sup> Transforming sex into a commodity with the man as a customer and the woman as a service provider allows men to believe they have a right to exhibit dominance and objectification.<sup>270</sup> In this way, toxic masculinity has been attributed to the success of sex traffickers in terms of recruitment and exploitation.<sup>271</sup> Traffickers use toxic masculinity to their advantage by enforcing “that their manhood entitles them to ownership over, and access to, girls and women as sexual objects.”<sup>272</sup> This ensures that male traffickers secure more powerful roles in trafficking hierarchies.<sup>273</sup>

While the demand for child sex is not solely due to toxic masculinity *per se*, societal norms which accept male aggression against women and children allow purchasers to believe their actions are appropriate.<sup>274</sup> The toxic masculinity in our society arguably normalizes men’s violence and desire to control the bodies of women and children. In a culture that perpetuates gendered norms and tends to dehumanize children when commodifying them, a culture of inequality is bred. Such an environment allows for the pervasiveness of toxic norms learned, reinforced, and then maintained with each subsequent generation.

### C. *Sexual Desire for Children: Malleability of Norms*

One silver lining in thinking about re-norming is the concept that some of these toxic norms can be changed—the norms are somewhat malleable. As Yen, explained:

The billion-dollar sex trafficking industry is based on one unspoken assumption: purchasing commercial sex acts from females should be tolerated, accepted, and legitimized as a “necessary evil” . . . . Contrary to the defeatist attitude that “men will be men,” the truth is that the supposed male “need” for commercial sexual services is a malleable and socialized concept. While men’s (and women’s) biological need for sexual intimacy is innate, buying sex from strangers to fulfill their needs is not. Societal notions

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269. Timothy Gallagher, *A Man’s View on How Toxic Masculinity is Driving Demand for Sex Trafficking*, EQUALITY NOW (Mar. 27, 2018), <https://bit.ly/3i17nW9> [<https://perma.cc/2ABK-XSXX>].

270. *See id.*

271. *See* YOUTH ENGAGEMENT IN PREVENTING SEXUAL EXPLOITATION AND HUMAN TRAFFICKING: AN EXPLORATION OF PROMISING PRACTICES, WHITE RIBBON CANADA 10 (2014).

272. *Id.*

273. *Id.*

274. *See* Breger, *Reforming by Re-Norming*, *supra* note 23, at 172.

about masculinity and strong peer pressure result in the acceptance of purchasing sex acts as normal male behavior.

...

The combination of cultural socialization and personal rationalization thus engenders an environment where sex trafficking and prostitution becomes acceptable and even deemed inevitable. However, since the male demand for commercial sex is a malleable and socialized concept, theoretically re-education of more positive male norms (e.g., norms that do not consider purchasing commercial sex acts acceptable or desirable) . . . [could reduce patronizing].<sup>275</sup>

As Yen notes: “psychological studies have indicated that attitudes toward acceptable norms of sexual behavior are malleable, as evidenced by one experiment, which showed that desensitization to the sexual objectification of women can occur quickly through repeated exposure to pornography.”<sup>276</sup> Yen argues that sex buyers rely upon a combination of societal acceptance and personal justification to rationalize their behavior.<sup>277</sup> It would follow then that a desire to purchase sex from a child is not innate and is therefore, susceptible to change.<sup>278</sup>

As I have expressed in an earlier Article, “if gendered violence is so embedded in our culture, is it possible to transform it?”<sup>279</sup> If members of a group wish to change and are cognizant of their desire to change, they can do so: this malleability is supported by psychological studies.<sup>280</sup> Thus, re-norming our culture, truly detoxifying, may require us to “unearth and unhook embedded implicit biases” about toxic relationships.<sup>281</sup> We need to change the narrative early on that “masculinity is about being powerful and controlling.”<sup>282</sup> Ultimately, we need to envision masculinity outside of toxic masculinity.<sup>283</sup>

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275. Yen, *supra* note 22, at 668–70.

276. *Id.* at 673.

277. *Id.* at 669, 674.

278. *See id.* at 668; *see also* Katharine K. Baker, *Gender, Genes, and Choice: A Comparative Look at Feminism, Evolution, and Economics*, 80 N.C. L. REV. 465, 519 (2002). *See generally* Sunstein, *supra* note 180; Nilanjana Dasgupta, *Mechanisms Underlying the Malleability of Implicit Prejudice and Stereotypes: The Role of Automaticity and Cognitive Control*, in HANDBOOK OF PREJUDICE, STEREOTYPING, AND DISCRIMINATION (Todd D. Nelson ed., 2009). Jini L. Roby & Jacob Tanner, *Supply and Demand: Prostitution and Sexual Trafficking in Northern Thailand*, 3 GEOGRAPHY COMPASS 89, 97 (2008).

279. Breger, *Reforming by Re-Norming*, *supra* note 23, at 199.

280. *Id.*

281. *Id.*

282. *Id.*

283. *Id.*

If Yen is correct that the “demand for commercial sex is a malleable and socialized concept, theoretically re-education of more positive male norms (e.g., norms that do not consider purchasing commercial sex acts acceptable or desirable)” should decrease buying sex, and inherently decrease buying children for sex.<sup>284</sup>

Again, looking at the overall prostitution industry is important because it is linked to child sex trafficking in many respects, including that many women enter the industry as trafficked children, and in that some consumers buying sex will inevitably buy sex from trafficked children, even if they do so unknowingly.<sup>285</sup>

#### V. TYING TOGETHER THE THEMES: EXAMPLES OF SUCCESSFUL RE-NORMING CAMPAIGNS IN CHILD SEX TRAFFICKING

If norms about sexual behavior are malleable, it should follow that re-norming campaigns should have some success in identifying and setting what is acceptable sexual behavior.<sup>286</sup> In trying to decrease the demand for children as sexual objects, we must re-norm the acceptability of such desires.

284. Yen, *supra* note 22, at 670.

285. See Shapiro, *supra* note 105, at 457–58 (explaining that adult men justify buying sex from children by labeling them as prostitutes). “Buying sex from children is part of a larger demand for sexual experiences with younger and younger prostituted persons.” *Id.* at 480. Moreover, there is a lack of research on whether johns knowingly buy sex from children, but “many studies have concluded that most johns . . . do not realize that they are [specifically attracted to children.]” *Id.* See *Human Trafficking by the Numbers*, *supra* note 12 (according to a 2017 report from the International Labor Organization and Walk Free Foundation, “the number of children under the age of 18 [being trafficked is] estimated at 5.5 million (25%).”); see also MacKinnon *supra* note 165.

286. See, e.g., *The Issue*, DEMAND ABOLITION, <https://bit.ly/2U47fNp> [<https://perma.cc/T5XC-KW2Y>] (last visited Aug. 10, 2021) (demanding accountability for people who buy sex); *The Lion Within: Sex Trafficking Survivors Speak*, EQUALITY NOW, <https://bit.ly/3hPACuE> [<https://perma.cc/BSS8-MR2G>] (last visited Aug. 10, 2021) (promoting the Nordic Model to reduce demand, criminalize buyers, decriminalize victims, and provide victim support services); *One Child Trafficked Is One Too Many*, ERASE CHILD TRAFFICKING, <https://bit.ly/3wyRbk7> [<https://perma.cc/NW6M-TNHE>] (last visited Aug. 10, 2021) (“[C]reating a cultural shift in the perception of child trafficking, working towards its eradication by empowering action against this inhumanity through education, recovery, and life reclamation.”); *Men Against the Trafficking of Others (MATTOO)*, END SLAVERY NOW, <https://bit.ly/3AxN4ai> [<https://perma.cc/E77J-P4PZ>] (last visited Aug. 10, 2021) (utilizing education to help men influence other men to change the culture and public policy of human trafficking); Kristina Davis, *Men Go on Cyber Patrol to Educate Sex Buyers About the Realities of Human Trafficking*, SAN DIEGO UNION-TRIB. (Jan. 27, 2018, 4:25 PM), <https://bit.ly/3hZw8BJ> [<https://perma.cc/X534-TCEC>]; *What We Do*, TRUCKERS AGAINST TRAFFICKING, <https://bit.ly/36vM2P0> [<https://perma.cc/CAR8-KSA6>] (last visited Aug. 10, 2021) (“[R]aising up a mobile army of transportation professionals to assist law enforcement in the recognition and reporting of human trafficking . . .”).

### A. *Sharing Successes in Re-Norming*

Campaigns are already underway in the United States and around the world to address sex trafficking, and I view these awareness and reform-minded campaigns as salient examples of re-norming. For example, some governments are focusing on raising awareness that sex trafficking often crosses ports of entry, such as airports and train stations. Illustratively, the U.S. Department of Homeland Security initiated the Blue Campaign which works alongside law enforcement, government, non-governmental, and private entities and “strives to protect the basic right of freedom and to bring those who exploit human lives to justice.”<sup>287</sup> The campaign uses the color blue as the international symbol of human trafficking awareness, mimicked in other initiatives like the Blue Heart and the Blue Blindfold campaigns.<sup>288</sup> The Blue Campaign began placing sex trafficking awareness posters in airports to show that human trafficking does not just happen in other countries, but occurs in places of everyday life in the United States—sometimes seeming to be an invisible crime.<sup>289</sup> Campaigns such as these strive to bring greater awareness and prevention about sex trafficking, particularly in hotspot locations like airports.<sup>290</sup>

Another notable effort to combat the sex trafficking epidemic in the United States is the “Can You See Me?” Campaign that launched in January 2018.<sup>291</sup> Its general purpose is to help the public recognize the indicators of human trafficking and to encourage the reporting of such incidents.<sup>292</sup> This campaign in particular is helpful because the website provides descriptive scenarios, videos, specific indicators, and law regarding different forms of trafficking—labor, domestic servitude, and child sexual exploitation.<sup>293</sup> The campaign assists the public in understanding what various forms of trafficking look like in everyday scenarios.<sup>294</sup>

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287. Lauren Farris, *Invisible, Until Now: The Blue Campaign*, DRESSEMBER, <https://bit.ly/2VvYg8c> [<https://perma.cc/7JM5-67DX>] (last visited Aug. 10, 2021).

288. *See id.*

289. *Id.*

290. *See id.*

291. *See Child Exploitation, A21*, <https://bit.ly/3wwRFqM> [<https://perma.cc/5KHE-NF3E>] (last visited Aug. 10, 2021).

292. *See id.*

293. *See id.*

294. *See id.* Additionally,

According to Polaris, 49% of sex trafficking survivors in the United States were initially trafficked when they were 12–17 years old. Being a runaway was determined to be a top risk factor for being sex trafficked. According to the National Center for Missing & Exploited Children (NCMEC) 1 in 7 of the 25,000 runaway children reported in 2017 were



In 2016, the Warning Labels public education campaign in Florida was recognized as the most successful creative campaign advocating for a social cause.<sup>295</sup> “The Warning Labels public education campaign portrayed close-up images of children with warning labels affixed to their foreheads, conveying action-oriented messages” to help decrease the exploitation of sex-trafficked children.<sup>296</sup>

Similarly, Atlanta’s “Stop Traffick” campaign brought public attention to the number of children sex trafficked in Georgia by sending a line of 6 dozen school buses into rush-hour traffic, each with a sign that read: “ONE BUS = 50 KIDS SOLD FOR SEX EACH YEAR IN GEORGIA.”<sup>297</sup> The parade of buses ended at the Atlanta stadium to highlight the alleged spike in sex trafficking that occurs during sporting events, such as the Super Bowl.<sup>298</sup>

In Pennsylvania, “She’s Somebody’s Daughter” (“SSD”) utilizes awareness to increase community knowledge of sexual exploitation.<sup>299</sup> Since 2012, SSD has provided education “on how pornography fuels sex trafficking” to prevent “future exploitation of our youth.”<sup>300</sup> SSD works to “change the ‘sex work’ narrative that perpetuates exploitative industries” including “prevention education for middle and high school students.”<sup>301</sup>

Other United States programs specifically target kids in hopes of influencing the norms they internalize before they need re-norming. For instance, the Chicago Alliance Against Sexual Exploitation (“CAASE”) educates young people ages 14–18 through their “Em-

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likely sex trafficking victims. Individuals being sex trafficked interact with the public at various times in seemingly innocuous situations such as when taking cabs, trains, and buses. It’s important to be aware of the signs and report any suspicions or concerns that an individual is being sexually exploited to your local police, or the National Human Trafficking Hotline.

*Id.*

295. Tiffany McGlinchey, *Warning Labels Campaign Wins Big for Florida’s Children*, CHILD.’S CAMPAIGN (Feb. 23, 2016), <https://bit.ly/3e6c9Am> [<https://perma.cc/CS9L-G9ZG>].

296. *See id.*

297. Kate Brumback, *Campaign Aims to Raise Awareness of Child Sex Trafficking*, AP NEWS (Jan. 2, 2019), <https://bit.ly/2VHawTB> [<https://perma.cc/HNV60TU5N>].

298. *See id.*

299. *See About Us*, SHE’S SOMEBODY’S DAUGHTER, <https://bit.ly/2T1rcUz> [<https://perma.cc/3BPE-KYCN>] (last visited Aug. 10, 2021). Thanks to my research assistant Madison Forsander, who brought this organization to my attention.

300. *Id.*

301. *Id.*

powering Young Men to End Sexual Exploitation” program.<sup>302</sup> Participants “discuss healthy relationships, violence prevention, and both social and personal responsibility.”<sup>303</sup> After completing the program, “students will be able to explain sexual exploitation as a form of violence against women, discuss social perceptions of masculinity . . . and act as allies against sexual exploitation and trafficking.”<sup>304</sup>

Raising public awareness generally, and even targeting kids specifically, are not the only ways to launch a successful re-norming campaign. The First Offender Prostitution Program (“FOPP”) in San Francisco, partially designed and run by former prostitutes, aims to expose the truth about the sex industry and to educate men who have already purchased sex.<sup>305</sup> Out of 747 participants surveyed, 100 percent of the men reported that they learned information from the program.<sup>306</sup> Out of the 2,200 men who participated in FOPP, only 18 percent were re-arrested for additional sex-related offenses.<sup>307</sup> FOPP aimed to expose the truth of the commercial sex industry, teach men about the health risks of prostitution, and teach men the harms of prostitution.<sup>308</sup> Overall, participant’s attitudes and behaviors changed, and the program resulted in a significant decrease in re-offending.<sup>309</sup>

We find effective campaigns globally, as well. Apne Aap, a pro-Nordic Model organization helping women and girls out of the

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302. *Prevention Education*, CHI. ALL. AGAINST SEXUAL EXPLOITATION, <https://bit.ly/3iBGdGS> [<https://perma.cc/7KP6-PTK6>] (last visited Aug. 10, 2021).

303. *Id.*

304. *Id.*

305. See Michelle Tomes, *A Child is Not a Commodity: Stopping Domestic Child Sex Trafficking*, 24 UNIV. FLA. J.L. & PUB. POL’Y 213, 226 (2013).

306. *Id.*

307. *Id.*

308. Yen, *supra* note 22, at 676–77.

309. See *id.* at 677 (“Of the 2200 men who attended FOPP between 1997 and 2001, only [18] were rearrested for soliciting prostitutes. This recidivism rate of 0.008% is extremely low in comparison to the general 33% recidivism rate for all misdemeanor offenders.”). In 2012, the state of California required that certain businesses and organizations display a readily visible poster to help increase awareness of human trafficking victims, along with certain resource information such as hotline numbers. See CAL. CIV. CODE § 52.6(a) (2021); *Human Trafficking Public Awareness Poster Campaign*, SACRAMENTO CNTY. DIST. ATT’YS OFF., <https://bit.ly/3e5Hymo> [<https://perma.cc/H7NL-9AVT>] (last visited Aug. 10, 2021). The law ensures that employees of such businesses and organizations become aware of the signs of sex trafficking and provides helpful information for the victims themselves. See *id.* Celebrities, musicians, and activists have collaborated to increase awareness through various means, such as a compelling documentary entitled, “Call + Response.” See *Call + Response*, IMDB, <https://imdb.to/3yCKpvh> [<https://perma.cc/TY9Z-UXUL>] (last visited Aug. 10, 2021).

sex industry in India, started a “#Coolmendon’tbuysex,” campaign.<sup>310</sup> This campaign recognizes the inherent violence of prostitution and its contribution to maintaining male dominance.<sup>311</sup> As the #coolmendon’tbuysex campaign espouses: “this is why we need the Nordic Model, which makes buying sex *per se* a criminal offence, with the key aim of changing social norms around prostitution.”<sup>312</sup> In other words, this is a re-norming campaign that can be adapted by other countries that wish to replicate its success, by either borrowing the campaign wholesale or using the message via hashtag tagline on Twitter and other social media accounts.<sup>313</sup> The campaign has hopes of being replicated in other regions of the globe.<sup>314</sup>

The Victor Project was an initiative out of Europe that was aimed at preventing child trafficking through raising awareness about particularly vulnerable groups such as missing children, unaccompanied minors, children with disabilities, and those belonging to minority groups.<sup>315</sup> The campaign attempted to increase awareness, particularly in the countries of origin and destination for sex trafficking, by focusing upon emerging trends of recruitment, such as through the internet and social media.<sup>316</sup>

The Irish campaign Turn off the Red Light advocates for new human trafficking legislation to end the exploitation of women, men, and children in the sex industry.<sup>317</sup> The campaign’s goals align with the Nordic Model, as it also promotes “legislation that decriminalizes the persons who are prostituted.”<sup>318</sup> Similarly, the United Kingdom Purple Teardrop Campaign is aimed at preventing trafficking through raising awareness by distributing posters, leaf-

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310. *Cool Men Don’t Buy Sex*, *supra* note 264.

311. *Id.*

312. *Id.*

313. Alternatively, there are a number of other hashtags, including #MenWithIntegrityDontBuySex, #MenStandingAgainstBuyingSex, #MenForGenuineHumanConnection, and #PornSoakedMenAreUnfuckable. *Id.*

314. *See id.*

315. *See Victor Project First Meeting*, CHILD. RTS. INT’L NETWORK, <https://bit.ly/36tuq6E> [<https://perma.cc/GM7D-LTWD>] (last visited Aug. 10, 2021).

316. *See id.*

317. *See TURN OFF THE RED LIGHT*, <https://bit.ly/3kbv9kZ> [<https://perma.cc/TND2-8PR6>] (last visited Aug. 10, 2021).

318. *Id.*

lets, and pins”<sup>319</sup> as well as posting a list of “19 Things You Can Do . . . to Help Stamp Out Human Trafficking.”<sup>320</sup>

In the Philippines, a tremendous re-norming campaign was implemented. The Coalition Against Trafficking in Women (“CATW”) started an educational program designed in part by former prostitutes, that was aimed at males aged 17 and 18, with the goal of changing sexual attitudes and behaviors of boys and young men toward prostitution by teaching men about the harms of sex trafficking.<sup>321</sup> A group of low-income, urban truck drivers participated in the program.<sup>322</sup> Almost all of the men admitted to buying a sexual act from a prostitute before, and their general attitudes toward prostitution were cavalier.<sup>323</sup> As these men learned about their roles in perpetuating harm, their attitudes changed and some even suggested how men can change their behaviors in the trucking industry.<sup>324</sup> Iris Yen notes that these findings indicate that educational programs that raise men’s awareness of the harms of prostitution and the roles men play in perpetuating prostitution can be an effective deterrent.<sup>325</sup>

Again, while some of these campaigns focus upon the harms of prostitution in general, they can be analogized to child sex trafficking. Ultimately, we need to think about re-norming on multiple levels. The Nordic Model uses a “holistic approach” to include: (1) public information campaigns; (2) educational programs in schools; (3) in-depth training for the police, judiciary, and frontline workers in law, social services, local government; and (4) laws to be prioritized and coordinated nationally.<sup>326</sup>

Many would argue that to be most effective, services must promote the message that governments “do not accept that women and children should ever be for sale.”<sup>327</sup> Re-norming and the social norms approach can assist in this messaging.

319. *What We Do*, PURPLE TEARDROP CAMPAIGN, <https://bit.ly/3k7gqY6> [<https://perma.cc/P5AA-WG4S>] (last visited Aug. 10, 2021).

320. *See id.*; *19 Things You Can Do in 2019 to Help Stamp Out Human Trafficking*, PURPLE TEARDROP CAMPAIGN, <https://bit.ly/3hXJmiz> [<https://perma.cc/2ERS-STNK>] (last visited Aug. 10, 2021).

321. Yen, *supra* note 22, at 675.

322. *Id.*

323. *Id.*

324. *See id.* at 675–76.

325. *Id.* at 676.

326. *What is the Nordic Model?*, *supra* note 26.

327. *Id.*

### B. *Shaming and Peer Modelling*

Professor Joan Howarth notes in her article, “*Shame Agent*,” that there has been a significant positive shift in raising awareness about and decreasing some areas of sexual violence, such as campus sexual violence, by changing the norms about masculinity that are too often associated with sexual conquest as the ultimate masculine goal.<sup>328</sup> The concepts of shame and re-norming can be used effectively when addressing the purchase of child sex.<sup>329</sup>

Additionally, we can borrow some lessons from the intimate partner violence arena that show how awareness and education at multiple levels has the potential to reduce the occurrence of violence.<sup>330</sup> Educational programs have been developed to alter perceptions about gender stereotypes and gendered violence.<sup>331</sup> Some such programs focus particularly on male peer groups acting as bystanders in order to change the norms from within the male community.<sup>332</sup> For example, college campuses have displayed posters on campus encouraging bystanders to step up and stand up when they see sexual violence.<sup>333</sup> The U.S. Department of Justice has relied upon social norms data to launch a domestic violence re-norming program<sup>334</sup> focused on multi-faceted strategies to engage men as

328. Joan W. Howarth, *Shame Agent*, 66 J. LEGAL EDUC. 717, 717 (2017).

329. See Ann Wagner & Rachel Wagley McCann, *Prostitutes or Prey? The Evolution of Congressional Intent in Combating Sex Trafficking*, 54 HARV. J. ON LEGIS. 702, 775 (2017) (discussing a survey that found sex buyers are more fearful of being “publicly shamed through publication of their photos or names” than of traditional fines or jail time); Sunstein *supra* note 180, at 911; see also Gregorio, *supra* note 105, at 642 (“Shaming methods often . . . include publication of the names and addresses on billboards and in newspapers.”).

330. See Sally F. Goldfarb, *A Clash of Cultures: Women, Domestic Violence, and Law in the United States*, in GENDER AND CULTURE AT THE LIMIT OF RTS. 74 (Dorothy L. Hodgson ed., 2011) (citing the Rivera 1998 study and the Yoshioka and Choi 2005 study).

331. See generally WORLD HEALTH ORG., *supra* note 176.

332. See *id.* at 6 (discussing Men of Strength Clubs, Men Against Violence, and Mentors in Violence Prevention).

333. Institutions that receive federal funding from the U.S. Department of Education are required to address some key issues including sex-based harassment. See *Title IX and Sex Discrimination*, U.S. DEP’T EDUC. (June 2021), <https://bit.ly/3e5Fwma> [<https://perma.cc/5DY3-U2ZJ>]; see also WORLD HEALTH ORG., *supra* note 176, at 7 (“Although there was no baseline test for comparison, an evaluation of the campaign reported that participants who saw the posters exhibited greater awareness of sexual assault, and greater willingness to participate in actions aimed at reducing sexual violence, compared to those who did not see the posters.”).

334. See generally OFF. ON VIOLENCE AGAINST WOMEN, ENGAGING MEN IN PREVENTING SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING GRANT PROGRAM (2010), <https://bit.ly/3k3NDUn> [<https://perma.cc/4VJJ-RDCX>]. See also Lynn Rosenthal, *Engaging Men to Stop Violence Against*

influencers of other men.<sup>335</sup> As mentioned in Part III, academics like Professor King-Ries have outlined a number of innovative and successful campaigns aimed specifically at re-norming negative teenage behavior online<sup>336</sup> and utilizing technology and teen-friendly language to change norms about what is acceptable behavior in intimate relationships.<sup>337</sup> Professor Kahan cites to Neil Webdale, who while studying a domestic violence epidemic in Kentucky, advocated “‘enlist[ing] the support of rural men who eschew battering’ to participate in publicity campaigns that reinforce the connotation of ‘violence against women [as] cowardly or unmanly.’”<sup>338</sup> This shaming by one’s peers—or role modelling or influencing—relies on existing social bonds to effectuate change.<sup>339</sup> Re-norming has become the underlying goal as organizations work together to change what behavior is acceptable in intimate relationships.<sup>340</sup> Author and activist Jackson Katz has been a true pioneer by writing and creating programs drastically changing unhealthy norms of domestic violence through peer modelling or by setting positive examples of other men.<sup>341</sup> In conjunction with the law and the legal system, these re-norming models can be replicated as early as elementary school, with refresher models in high school, college, law school, and even at a judicial or legislative level.<sup>342</sup>

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*Women*, THE WHITE HOUSE PRESIDENT BARACK OBAMA (Apr. 27, 2011, 6:06 PM), <https://bit.ly/3AucG7T> [<https://perma.cc/U259-32EB>]; see, e.g., *Engaging Men & Youth Program*, FUTURES WITHOUT VIOLENCE, <https://bit.ly/3gUP84H> [<https://perma.cc/76M5-JDXE>] (last visited Aug. 10, 2021).

335. See generally King-Ries, *supra* note 220.

336. See *id.* at 161–63. These campaigns include [loveisrespect.org](http://loveisrespect.org), [ThatIsNotCool.com](http://ThatIsNotCool.com), and MTV’s “A Thin Line” project. *Id.* at 163.

337. See *id.*

338. Kahan, *supra* note 186, at 630; Serena Patel, *Gender Respect Education: A Proposal to Combat Commercial Sex Exploitation*, 23 J. GENDER SOC. POL’Y & L. 393, 407–08 (2015) (recognizing “Men Against Prostitution and Trafficking” and “The Defenders USA” as two organizations of men dedicated to holding their peers accountable for their actions with the goal of creating a “cultural shift” around societal impression of prostitution and trafficking).

339. See Breger, *Reforming by Re-Norming*, *supra* note 23, at 190.

340. See Mary Graw Leary, *Affirmatively Replacing Rape Culture with Consent Culture*, 49 TEX. TECH. L. REV. 1, 3 (2016).

341. See Shane Downing, *How to Scare a Predator: Neutering the Sex Industry One Buyer at a Time*, THE IMPRINT (Feb. 12, 2018, 6:00 AM), <https://bit.ly/3r0b3LP> [<https://perma.cc/4983-DZVN>] (highlighting the “EPIK Project,” a nonprofit that uses male volunteers to deter the purchase of sex at the point of sale and has intervened in 80,000 attempted purchases as they work toward their goal to make men think twice about purchasing sex).

342. One promising early education program, Choose Respect, engages pre-teens, teachers, and caregivers. Research has shown that children are particularly vulnerable to abusive intimate relationships: a recent survey of female victims revealed that over 70 percent of those experiencing physical or sexual violence were first exposed before the age of 25 and almost 30 percent were first exposed be-

The programs above that have proved successful in sexual violence and intimate partner violence prevention can be and have been replicated with regard to sex trafficking. For example, some cities have used “shaming and naming” campaigns.<sup>343</sup> Other jurisdictions have used social media and media in a variety of formats to have their messages heard.<sup>344</sup>

Cities in the United States have employed re-norming techniques in the use of awareness campaigns. For example, a study from Chicago asked men outright which deterrents they found to be most effective in discouraging the buying of sex in general.<sup>345</sup> In the case of child sex trafficking, we are not just addressing a “negative behavior” like smoking, but we are talking about the actual crime of rape of a child, because sex with children is never consensual under the law. Thus, when illegality is not enough to stop the behavior, we need re-norming in the field of child sex trafficking to be systematic, broad-sweeping, and global.

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tween the ages of 11 and 17. MICHELE C. BLACK ET AL., THE NATIONAL INTIMATE PARTNER AND SEXUAL VIOLENCE SURVEY: 2010 SUMMARY REPORT 25 (2010), <https://bit.ly/3wadWKU> [<https://perma.cc/AHL9-FM74>]. Jackson Katz notes that 29 percent of sexual assault survivors are attacked before age 11. See JACKSON KATZ, THE MACHO PARADOX: WHY SOME MEN HURT WOMEN AND HOW ALL MEN CAN HELP 26 (2006).

343. Franzblau, *supra* note 26, at 296–97; see also Michael Zennie, *Doctors, Lawyers, Teachers and Students Among 104 Men Pictured in ‘Wall of Shame’ After They Were Arrested for Soliciting Prostitutes in Operation ‘Flush the Johns,’* DAILYMAIL (June 3, 2013, 4:30 PM), <https://bit.ly/3e1STE4>. [<https://perma.cc/LE9G-HKF5>].

344. See Franzblau, *supra* note 26, at 297; see Ryan Goodman & Derek Jinks, *How to Influence States: Socialization and International Human Rights Law*, 54 DUKE L.J. 621, 626 (2004) (explaining how acculturation works by an individual identifying with a reference group, which “generates varying degrees of cognitive or social pressures—real or imagined—to conform”). Shaming campaigns where johns shame other johns are examples of a reference group that may pressure those who identify with them to change their behavior.

345. 87 percent of the men said their photo and/or name in the local paper would deter them, 83 percent said jail time, 83 percent said their photo and/or name on a billboard would deter them, 82 percent said their photo and/or name on the internet, 79 percent said a letter sent to family indicating they were arrested for solicitation, 76 percent said having their driver’s license suspended, 75 percent said greater criminal penalties in general, 70 percent said having their car impounded, 68 percent said a fine greater than \$1000, 58 percent said having to do community service, and 41 percent said attending “Johns” education classes. RACHEL DURCHSLAG & SAMIR GOSWAMI, DECONSTRUCTING THE DEMAND FOR PROSTITUTION: PRELIMINARY INSIGHTS FROM INTERVIEWS WITH CHICAGO MEN WHO PURCHASE SEX 24 (2008), <https://bit.ly/3s4PcDr> [<https://perma.cc/V96V-ZVC6>].

### C. *Rebutting Counter-Arguments*

While this Article is not intended to be engaging directly in the debate about adult prostitution, it naturally addresses anti-prostitution and neo-abolitionist models to talk more broadly about the concept of the commodification and purchasing other humans for sexual gratification. The purported successes of the Nordic Model address the commercial sex industry in general, which encompasses child sex trafficking as a subset.<sup>346</sup>

That said, the Nordic Model has also been the target of criticism.<sup>347</sup> Some would argue either that all prostitution should be legalized, or a hybrid approach is needed, while others believe all sex work should be penalized.<sup>348</sup> Some critics of the Nordic model argue that the re-norming does not actually decrease the prevalence of the sex trade, but rather only pushes the industry further into the shadows, making it less apparent and arguably more difficult to eradicate:

The claim that ‘the ban on purchasing sexual services has reduced demand for sex and thus contributed to reduce the extent of prostitution in Norway,’ has also been put under critical scrutiny. For example, although research has identified that prevalence of the purchase of sex tends to be higher in countries where prostitution is legal, the authors also highlight that self-reporting rates are likely to be lower in a country where prostitution is illegal and this therefore explains these lower prevalence rates. Indeed, research has shown that in countries where prostitution is illegal the industry becomes more hidden as those involved seek to avoid being identified or prosecuted by the authorities. One consequence of this can be ‘spatial switching’ where prostitution moves to less visible spaces, enabled by the developments in technology those who sell sex do not leave the industry, but instead adapt their practices to avoid prosecution. Thus, the apparent reduction in prostitution is merely a reflection of the invisibility of the industry from public or visible spaces.<sup>349</sup>

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346. See *supra* Part II.A.

347. See, e.g., Sarah Kingston & Terry Thomas, *No Model in Practice: A ‘Nordic Model’ to Respond to Prostitution?*, 71 CRIME, L. & SOC. CHANGE 423, 430 (2019).

348. For a great breakdown of the various feminist arguments surrounding prostitution, see Hila Shamir, *Feminist Approaches to the Regulation of Sex Work: Patterns in Transnational Governance Feminist Law Making*, 52 CORNELL INT’L L.J. 177, 189 (2019).

349. Kingston & Thomas, *supra* note 347, at 430. See also Norbert Cyrus & Dita Vogel, *Evaluation as Knowledge Generator and Project Improver. Learning from Demand-Side Campaigns Against Trafficking in Human Beings*, 10 CONTEMP. READINGS L. & SOC. JUST. 57 (2018); see *id.* at 66 (containing figure 2); see *id.* at 80



In essence, sex buyers may be less forthcoming and open about their involvement in trafficking and may shift towards being more inconspicuous.<sup>350</sup>

New developments in technology complicate tracking of the commercial sex industry and the Nordic model results.<sup>351</sup> Even though technology can be said to have made it easier for people to purchase sex trafficked victims,<sup>352</sup> the opposite argument can be made that technology is capable of helping to prevent the industry from expanding.<sup>353</sup> Although sex trafficking services can be purchased at the click of a button anonymously through the dark web,<sup>354</sup> and this inevitably makes detecting and reporting all the more difficult, an increase in the use of technology could also be a positive. For example, it could result in greater detection, because users may be leaving a digital footprint which has the possibility of being traceable.<sup>355</sup> “A standard check on the call records of cell phones in possession of arrested juveniles and arrested traffickers can lead to identifying buyers.”<sup>356</sup> Likewise, electronic transfers of money can also be traced back to the source unlike physical cash exchanges.<sup>357</sup>

The U.S. Institute Against Human Trafficking developed a pilot program for the Reach Out Campaign in Florida, which involved blocking thousands of texts from various cell phone numbers. The campaign was established in partnership with Seattle Against Slavery and uses web scraping technology to gather phone numbers off websites selling sexual services across Tampa, Flor-

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(outlining how a social norm campaign focused upon “don’t buy sex” can stigmatize those who engage in buying sex, but also have other unintended consequences).

350. Kingston & Thomas, *supra* note 347, at 430; *see also supra* note 109. *See generally* Cyrus & Vogel, *supra* note 349.

351. *See* May-Len Skilbrei & Charlotta Holmström, *Is There a Nordic Prostitution Regime?*, 40 *CRIME & JUST.* 479, 506 (2011).

352. *See id.* at 505; Aronowitz & Koning, *supra* note 80, at 673.

353. For a good overview of technology ideas to combat trafficking, *see generally* Felicity Gerry QC, Julia Muraszkievicz & Niovi Vavoula, *Using Digital Technologies to Combat Human Trafficking: Privacy Implications*, in *HUMAN TRAFFICKING: EMERGING LEGAL ISSUES AND APPLICATIONS* (Nora M. Cronin & Kimberly A. Ellis eds., 2017).

354. *See id.* at 497 (“There is significantly less knowledge about women and men engaged in less visible forms of prostitution, transacted, for example, through the Internet . . .”).

355. *Id.*

356. Smith & Vardaman, *supra* note 81, at 620.

357. *Id.*

ida.<sup>358</sup> “[S]ome anti-trafficking advocates are using . . . technolog[y] to educate and spread anti-trafficking messages, coordinate campaigns, and fundraise.”<sup>359</sup>

Ultimately, applying social norms theories to eradicate all sex trafficking is no panacea. We cannot rely solely on teaching and displaying healthy positive norms to reduce all unhealthy toxic norms.<sup>360</sup> Campaigns focusing solely on increasing awareness may not be robust enough to eliminate child sex trafficking, and campaigns focusing on shifting behavior may include unintended consequences.<sup>361</sup> Yet, re-norming through such campaigns holds some promise of abating demand by child predators. Counterarguments should not take away from the success of any re-norming campaign even if the successes are more modest than what is reported. We need to persist at decreasing the tolerance of the norms that allow child sex trafficking to fester and flourish further.

## CONCLUSION

In the final analysis, we need to reframe and reset a culture that tolerates child sex trafficking and exploitation of children for sexual gratification. Society needs to challenge and reconsider our current norms.<sup>362</sup> A call for quantitative and qualitative research is urged to determine if re-norming campaigns can produce data that demand for children in the sex trade is minimized. Are these campaigns effective? Are attitudes changed individually or on a larger scale? What models can be as effective or even more effective?

Studies researching various methods for reducing sex trafficking in general demonstrate that it is possible for one’s sex purchasing behavior to be shaped according to society’s collective beliefs about what is right and wrong and about the punishments (both penal and social) that are triggered by breaching these shared understandings.<sup>363</sup> While studies are certainly not flawless because we cannot rely exclusively upon transparency, logistics, and accurate

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358. See Geoffrey Rogers, *Technological Tricks Can Help End Sex Trafficking: Former IBM president*, USA TODAY (Mar. 12, 2019, 7:00 AM), <https://bit.ly/3hVGfaL> [<https://perma.cc/VR2G-3VWJ>].

359. Mitali Thakor & Danah Boyd, *Networked Trafficking: Reflections on Technology and the Anti-Trafficking Movement*, 37 DIALECTICAL ANTHROPOLOGY 277, 287 (2013).

360. See generally Cyrus & Vogel, *supra* note 349.

361. *Id.*

362. See CULTURE REFRAMED, <https://bit.ly/3yYSV7Z> [<https://perma.cc/594W-HFU2>] (last visited Aug. 10, 2021).

363. See, e.g., Tomes, *supra* note 305, at 226; Franzblau, *supra* note 26, at 296–97.

self-reporting, we should still attempt to borrow principles from these studies.

This Article argues that re-norming societal views on child sex trafficking ultimately benefits all children and can be imported into the larger global debate. Re-norming can be one of several approaches to stem the tide of demand and reform.

This Article does not attempt to assert that human trafficking can ever be completely obliterated, even with children. Yet, it argues that ending the tolerance and normalization of children as sexualized objects may lead to a decrease in the child sex trafficking industry.

If we, as a society, heavily stigmatize the demand for child sex trafficking—attacking the very nature and desire to view a child as a sexual object—then hopefully we can stem the tide. For if buying and selling children for sex is seen as the wrong that it is, then eventually the market will diminish.

It is incumbent upon us as a society to re-norm those minds that believe sexualizing children is an acceptable behavior. In the end, for re-norming to be most effective, the process should happen at all levels. The changing of acceptable norms needs to happen early in the home and in schools, and continue into young adulthood and beyond. The more we espouse that it is wrong to objectify children sexually, and even more abhorrent to purchase children for sexual gratification, the more hope we can have to re-norm attitudes early on and limit children's internalization of acceptance as the next generation's demand. As we re-norm attitudes, and as societies replace toxic norms with healthy norms, we can ultimately stem the tide of child sex trafficking.