



# International Child Sex Tourism

*Scope of the Problem and Comparative Case Studies*

The Protection  Project

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## Foreword

International child sex tourism, a truly global phenomenon, and one which affects some of the most vulnerable members of our societies – children and adolescents, has received significantly less attention on the international arena than have other related phenomena, such as child pornography and trafficking in children for commercial sexual exploitation. While these crimes are all closely linked, and demand concerted action, child sex tourism deserves significantly more attention than it has been receiving as a stand-alone concern.

In this regard, the United States Department of State Office to Monitor and Combat Trafficking in Persons (TIP Office) has taken the lead in placing emphasis on child sex tourism as an issue that deserves improved understanding and greater levels of intervention. Child sex tourism is mentioned in numerous country narratives in the 2006 Trafficking in Persons Report, and the TIP Office is clearly committed to including countries' efforts to combat child sex tourism, especially as connected to the creation of demand for child sex tourism, in its consideration for tier placements.

The report, based on exhaustive research conducted by The Protection Project (TPP) regarding the issue of child sex tourism, was made possible by a generous award from the TIP Office seeking to improve understanding of the global phenomenon of international child sex tourism and existing interventions to combat it.

The report provides a description of the scope of the problem of child sex tourism and illustrates different responses adopted in several countries where child sex tourism is emerging or significant, especially Cambodia, Costa Rica, Honduras, Philippines, Thailand, and Vietnam. In addition, I believe that it is critical to focus on countries that serve as origin countries for child sex tourists, and therefore the report examines the cases of child sex tourism that have been prosecuted in accordance with the PROTECT Act, as the United States is an important origin country for child sex tourism. The report also includes a model law which I believe should serve as a legislative guide for countries in taking the appropriate legislative measures to protect children from commercial sexual exploitation, especially child sex tourism.

I hope that you find this report informative.

Mohamed Mattar



Executive Director  
The Protection Project



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# CHAPTER I

## The United States' Legal Framework Addressing the Commercial Sexual Exploitation of Children: Child Sex Tourism, Enforcement of the PROTECT Act, and Other U.S.-Based Initiatives

### 1. Legislative Framework Against the Commercial Sexual Exploitation of Children

#### 1.1. Principal Legislative Instruments Covering Commercial Sexual Exploitation of Children

The United States provides for a comprehensive legal framework to address the commercial sexual exploitation of children. Five main laws currently address this issue in the United States: 1) The Trafficking Victims Protection Act (TVPA) of 2000 as reauthorized in 2003 and 2005 (TVPA of 2003 and TVPA of 2005); 2) The Mann Act, especially Sections 2421, 2422, 2423, and 2427; 3) The Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today (PROTECT) Act (2003), especially Sections 105 (Penalties Against Sex Tourism), 323 (CyberTipline), and 202 (Statute of Limitations); 4) The Children's Internet Protection Act (2000); and 5) The Adam Walsh Child Protection and Safety Act of 2006.

The measures adopted by these laws comply with international legal standards addressing the commercial sexual exploitation of children. Although the United States has not ratified the United Nations Convention on the Rights of the Child (CRC), it has ratified the three main international legal instruments against commercial sexual exploitation of children: 1) The United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially in Women and Children (November 3, 2005); 2) The Optional Protocol on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography (December 23, 2002); and 3) The International Labor Organization Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (February 12, 1999). In addition, on September 29, 2006, the United States ratified the Council of Europe Convention on Cybercrime, which, among other crimes, covers the offense of child pornography when linked to computer technology.

Overall, since the second World Congress Against Commercial Sexual Exploitation of Children in 2001, the U.S. legislative movement has been characterized by three major trends: expansion of criminal liability; extension of territorial jurisdiction; and enhancement of child protection.

#### 1.2. Expansion of Criminal Liability

The U.S. law on the commercial sexual exploitation of children expands the basis of criminal liability in several ways. First, under the child sex tourism law, namely, the PROTECT Act, proof of travel with the intent to engage in illicit sexual conduct is no longer required. Second, the law now punishes attempts to commit the crime and provides for liability of the legal person, the tour operator. Third, The PROTECT Act creates a "CyberTipLine," providing the general public an effective means of reporting Internet-related sexual exploitation. Fourth, courts have held that obscenity and child pornography are not entitled to protection under the first amendment and therefore may be prohibited. Fifth, while previous laws provided that the statute of limitations expired when the child attained the age of 25, Section 202 of the PROTECT Act now stipulates that there is no statute of limitations for child sex crimes.

The U.S. law also expands the severity of criminal sanctions; the penalty under the TVPA for trafficking in persons is 20 years in prison, which may be increased to life if the trafficked person is under the age of 14, and the penalty under the PROTECT Act has been doubled from 15 to 30 years for child sex tourism offenses. In expanding criminal liability, the U.S. law also shifts focus toward penalizing the purchaser of sexual services. The TVPA of 2005 addresses demand explicitly for the first time and amends Section 108 that provides for the minimum standards for the elimination of trafficking in persons that foreign countries must comply with, to include: 1) Whether a country is taking the appropriate measures to reduce the demand for commercial sex acts and for participation in international sex tourism; and 2) Whether a country is

taking the appropriate measures to ensure that its nationals who are deployed abroad as part of a peacekeeping mission do not engage in or facilitate an act of trafficking in persons or exploit victims of such trafficking.

Moreover, for the first time, the TVPRA of 2005 addresses the issue of prostitution, or a commercial sex act, as separate from trafficking on the Federal level. The TVPRA of 2005 calls for enhanced state and local efforts to investigate and prosecute purchasers of commercial sexual services, in addition to establishing various Federal programs to reduce demand for such acts.

The approach followed by the United States is consistent with international legal developments. The U.S. law on the prohibition of prostitution is consistent with international law on prostitution which provides under the 1949 United Nations Convention for the Suppression of the Traffic of Persons and the Exploitation of the Prostitution of Others, that “prostitution and the accompanying evil of traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family, and the community.”

### 1.3. Extension of Territorial Jurisdiction

In extending the territorial jurisdiction applicable to the commercial sexual exploitation of children, the U.S. law now applies the principles of extraterritoriality in several ways: first, under Section 506 of the PROTECT Act, production of child pornography outside the U.S. for the purpose of distribution in the U.S. is a crime; second, the PROTECT Act applies to any U.S. citizen or resident who travels abroad to engage in illicit sexual activity with a child. This means that the sex tourism law applies regardless of where the act has been committed. Moreover, these provisions of the PROTECT Act also apply to foreign citizens.

## 2. Criminalizing Child Sex Tourism: Legislative History of the PROTECT Act

The strength and breadth of U.S. legislation pertaining to child sex tourism has increased significantly over the past decade. The U.S. government has progressively enacted legislation that makes it increasingly possible to effectively prosecute U.S. citizens and residents extraterritorially for committing sexual offenses against children abroad. The path toward the strongest legislation in this regard, the PROTECT Act of 2003, has been long, but it has resulted in impressive accomplishments. The implementation of the PROTECT Act has faced and continues to face obstacles, but has so far withstood constitutional challenges and produced a number of high-profile and strong convictions of U.S. child sex tourists. The path toward this law and its key provisions are discussed below.

### 2.1. Child Sex Tourism as part of the Violent Crime Control and Law Enforcement Act

The first Congressional effort to produce legislation directly addressing the issue of child exploitation and abuse perpetrated by U.S. citizens and residents abroad was introduced in 1994 as part of the Violent Crime Control and Law Enforcement Act (H.R. 3355), more commonly known as the Child Abuse Prevention Act.

This act extended the Mann Act, originally criminalizing the transportation of women and children in interstate or foreign commerce for “prostitution, or debauchery, or for any other immoral purpose, or with the intent and purpose to induce, entice, or compel such woman or girl to become a prostitute or to give up herself to debauchery, or to engage in any other immoral practice.” While this bill was, according to the U.S. Department of Justice, the largest of its kind in U.S. history, the legislation and appropriations directed toward child sex tourism (Section 160001) were minimal. This is confirmed by the Congressional record surrounding the passage of the act, in that all dissenting and favorable opinions offered to the floor concerned the bill as an instrument to curtail domestic crime.<sup>2</sup> In short, the bill was not perceived by Congressional members as being oriented toward the prevention of sexual crimes committed against children abroad.

Nevertheless, the substantive material of Section 160001 of H.R. 3355 increased penalties for producing or trafficking in child pornography and was groundbreaking in that it criminalized “travel with intent to engage in sexual acts with a juvenile,” and conspiracy to commit any such act.<sup>3</sup> In other words, the act allowed the U.S. Department of Justice to prosecute U.S. citizens and permanent residents who traveled across interstate or foreign commerce with the intent to engage in sexual relations with a minor.

However, one of the crucial elements of this act, and its critical flaw, especially in relation to the ability to prosecute and convict, was that *intent* to engage in sexual relations had to have existed before the sexual acts took place, and it was the burden of the prosecution to prove this fact. From a practical perspective, therefore, the language of this act focused on the intent and not the action itself. Under this act a person found guilty faced fines, imprisonment up to 15 years, or both.<sup>4</sup>

### 2.2. Sex Tourism Prohibition Improvement Act

In 2002, the House passed the Sex Tourism Prohibition Improvement Act (H.R. 4477). This act amended the Child Abuse Prevention Act by striking out a complete section and inserting three subsections.<sup>5</sup> Under the new legislation, Federal prosecutors no longer had to prove the defendant’s intent to have sex with a minor abroad, but instead had to prove that the sexual act had taken place. The act also made it illegal for people to travel into the

U.S. to have sexual relations with a minor. Moreover, the law made it illegal for tour operators to take part in arranging, inducing, procuring or facilitating travel of a person with the knowledge that he or she intended to have sexual relations with a minor.<sup>6</sup>

While the act passed the House with only eight dissenting votes, objections were made to the unspecific language of the law because it did not appear to exclude cases in which U.S. minors might cross international boundaries to engage in consensual sexual activity.<sup>7</sup> Rep. Robert C. Scott of Virginia offered a motion (endorsed by two others) to correct this perceived deficiency in the language of the law, but it was denied.<sup>8</sup>

The act was, however, amended by the House Judiciary Committee, which removed the strict liability for these crimes and added instead that the person must know or should have reasonably known that the victim was a minor.

Critics of this act stated that it was easier to prove intent than to prove the action that constituted the crime. It was asserted that while intent could be proven through contracts or agreements the offender may have entered into prior to the trip, proving that the activity actually occurred could pose greater difficulties.<sup>9</sup> Following passage in the House, the act was passed on to the Senate, where after two hearings, it was forwarded to the Senate Judiciary Committee.

This act did not pass as an independent law, but became a part of the PROTECT Act of 2003, Section 105 “Penalties Against Sex Tourism.”<sup>10</sup>

### 2.3. PROTECT Act

The PROTECT Act (S. 151), signed into law on April 30, 2003, further improved upon H.R. 3355 and combined it with H.R. 4477. Section 105 of S. 151 entitled “Penalties Against Sex Tourism” includes eight sub-paragraphs, which define and criminalize travel with intent to engage in illicit sexual conduct, engaging in illicit sexual conduct in foreign places, facilitating illicit sexual conduct domestically or abroad, and attempt and conspiracy to commit illicit sexual acts.<sup>11</sup> Under these provisions, “illicit sexual activity” is defined in Section 105 to mean “(1) a sexual act (as defined in section 2246) with a person under 18 years of age that would be in violation of chapter 109A if the sexual act occurred in the special maritime and territorial jurisdiction of the United States; or (2) any commercial sex act (as defined in section 1591) with a person under 18 years of age.” The law, therefore, is the broadest legislation on child sex tourism in U.S. history.

The PROTECT Act amended existing legislation in the following critical ways: the prosecution could now prove *either* intent *or* that the act had taken place, and the prosecution could also charge *attempt*. This flexibility in the law

has made it significantly easier for U.S. prosecutors to bring convictions against U.S. citizens committing sexual crimes against children abroad. Additionally, foreign citizens, legal residents of the U.S., including Green Card holders, trainees, and other U.S. guests could be charged under the act. Importantly, the PROTECT Act also extended the law to cover child sex tour operators and their conspirators, including anyone that furthers the acts of child sex tourism. Finally, convicted persons under the PROTECT Act can receive a 30-year prison sentence for each offense related to child sexual exploitation. Before this act the maximum prison sentence that a person could receive was 15 years.<sup>12</sup>

However, while the PROTECT Act was a significant piece of legislation in terms of child sex tourism, the reason for its introduction, as was the case with H.R. 3355, was peripheral to the issue. Rather, its focus was child pornography and the bulk of the bill was oriented toward defining and legislating against activities related to this crime.<sup>13</sup> The connection between the two crimes under a single legislation is, however, logical, as child sex tourism and child pornography are inextricably linked industries.

## 3. Obstacles to Successful Implementation of the PROTECT Act

### 3.1. Difficult Choices

The U.S. legislative effort to criminalize child sex tourism over the past decade has been significant, and the rate of prosecution for these offenses has increased greatly since the passage of the PROTECT Act. Nevertheless, a number of issues in connection with the ability to successfully prosecute are still being debated. This section will present the common obstacles in prosecuting child sex tourism cases under existing legislation and discuss the measures that have been suggested to remedy the perceived deficiencies. One major criticism has been that the high rate of plea-bargaining in child sex tourism cases has resulted in sentences shorter than the maximum allowed by the PROTECT Act.<sup>14</sup> However, this criticism has been countered by Federal prosecutors faced with a tough choice between a potentially shorter sentence and the possibility of the case falling apart due to a lack of admissible evidence or inability to obtain victim testimony.<sup>15</sup>

### 3.2. The Confrontation Clause

Beginning with the 1994 Child Abuse Prevention Act, various legal scholars have criticized this piece of legislation because of its “glaring lack of convictions, both domestic and foreign.”<sup>16</sup> Some believed that the Child Abuse Prevention Act’s failure to deliver indictments was due to the legal intricacies of extraterritorial jurisdiction and the evidentiary/procedural problems that accompany it.<sup>17</sup> This continues to be the case under the PROTECT Act.

For example, remote video testimony (as an alternative to complex and expensive importations of witnesses or victims to the United States), although yet untested, is considered likely to be barred from cases under U.S. jurisdiction due to the 6<sup>th</sup> Amendment's provision that every defendant has the right to a face-to-face confrontation with their accuser.<sup>18</sup> This continues to be the case under the PROTECT Act in that any attempts to make indictments based upon extraterritorial crimes will be compromised by the limited availability of admissible testimony. The theory behind remote testimony with respect to children (in that facing their abuser could be extremely traumatizing) is accepted by U.S. courts in the domestic context and has led to situations in which the 6<sup>th</sup> Amendment stipulation has been waived in the interest of a child's psychological well being.<sup>19</sup>

Whether this would be the case in extraterritorial cases remains unclear. At present, first-person accounts of Federal prosecutors working on these cases indicate that to obtain a conviction, video testimony is unlikely to be utilized by the prosecution even if it is allowed, for fear that the case might be lost on the grounds that the defendant would invoke the 6<sup>th</sup> Amendment rights successfully.

### 3.3. Challenges Associated with Child Victim and Witness Testimony, and Evidence Collection

Two obstacles are cited most frequently by prosecutors in the United States in connection with the ability to successfully prosecute child sex tourism cases: 1) difficulties obtaining testimony from child victims and 2) difficulties obtaining evidence. The same concerns have been voiced by law enforcement officials and legal experts in relation to their work in countries of destination, where they often face difficulties in collecting evidence that can be successfully presented in U.S. courts.

#### 3.3.1. Difficulties Obtaining Testimony from Child Victims

Child victims of commercial sexual exploitation are difficult witnesses. Children often disappear from shelters where they are placed following their rescue, returning back to the street, to their pimps, or to their brothels. Few rescued children perceive themselves as victims, and instead believe that they are being precluded by their "rescue" from supporting themselves and their families the only way they can. In many destination countries, once the child victim has disappeared from a shelter, it is nearly impossible to find him or her again.

Another significant problem is that perpetrators are often successful at bribing the child or the child's family to prevent him or her from testifying. Other children may be afraid to testify fearing the perpetrators. It can also be difficult to identify victims due to the prevalence of informal or non-reliable birth certificates that exist in many destination

countries. Finally, because the exploited children often fall victim to many offenders, the memories of the interaction with a specific offender may be hard to recall, even if the child is available and willing to testify.<sup>20</sup>

Without a victim-witness testimony, U.S. prosecutors find plea-bargaining a reliable and acceptable solution, as it places the perpetrator behind bars, even if not for the maximum possible time period.

#### 3.3.2. Difficulties Obtaining Evidence

In the vast majority of cases, U.S. citizens and residents engaging in child sex tourism are doing so in developing countries, where law enforcement structures often lack the financial resources and technical expertise and capacity to collect evidence in such a way as to be admissible in a U.S. courtroom. Corruption is likewise a significant obstacle. Many cases have fallen apart due to corrupt or inept evidence collection procedures in the countries of destination. Distance, language and cultural barriers, as well as the time that may have transpired since the crime took place, constitute additional obstacles to successful evidence collection.

Here again, U.S. prosecutors, whose ultimate aim is to put perpetrators behind bars, often find plea-bargaining an effective solution, as it precludes the possibility of the case being lost due to lacking or inadmissible evidence.

### 3.4. Enhancing Implementation of the PROTECT Act

#### 3.4.1. Building Law Enforcement Capacity in Countries of Destination

Probably the most important way to begin to counter some of these obstacles is to focus resources on working with law enforcement in countries of destination to improve their capacity to collect evidence in child sex tourism cases. Without access to modern technology, and without the specialized skills necessary for working on such cases, U.S. prosecutors will likely continue to face difficulties in obtaining admissible evidence in prosecuting these cases on the extraterritorial basis. Another important benefit of such capacity-building efforts is that ultimately, countries of destination should have the capacity required to effectively prosecute such cases. Building law enforcement capacity in investigation and evidence collection is likely to contribute to their being able to do so effectively, and will also contribute to strengthening the rule of law more generally in these countries. In carrying out such efforts, it is crucial to build capacity of law enforcement in all regions of destination countries where child sex tourism is or may be emerging as a problem. Far too often, law enforcement training is conducted for officers in capital cities, without provision for extension of such training to officers working in the provinces. Training programs should therefore



always include either a training of trainers component, or aim to progressively cover law enforcement personnel throughout the country.

### 3.4.2. Strengthening U.S. Law Enforcement Presence in Countries of Destination

Until such time as countries of destination can more effectively prosecute child sex tourism cases, and while corruption continues to hinder effective investigation, it is critical to continue strengthening the efforts of the U.S. Department of Homeland Security Immigration and Customs Enforcement (ICE) Attaché agents working abroad.

Strengthening and expanding the ICE Attaché presence is likewise a continually effective means of resolving contradictions that may arise between the PROTECT Act, which criminalizes illicit sexual activity with any person under the age of 18 in a foreign country, and related local laws in countries of destination, which may set the applicable age below 18, often at 15. Such a discrepancy creates a situation in which perpetrators committing child sex tourism offenses with children between the ages of 15 and 18 may in some countries find themselves in a legal loophole, with local law enforcement unlikely to investigate such cases, as they are outside their immediate jurisdiction and given the frequently limited resources and technical capacity. The presence of U.S. law enforcement dedicated to investigating its own citizens' and residents' involvement in such crimes is therefore crucial if persons abusing children between the ages of 15-18 are to be held as responsible as those committing these crimes with children under the age of 15.<sup>21</sup>

### 3.4.3. Engaging in Prevention Efforts

Prevention is equally important. While the PROTECT Act has resulted in a good number of convictions, neither the act itself, nor the convictions appear to have been sufficiently publicized in the United States. A pilot survey conducted in Washington, DC, to ascertain to what extent the public was aware of the existence of the PROTECT Act, as well as its consequences for perpetrators, revealed that none of the persons interviewed in a sample of random Washingtonians had heard of the PROTECT Act. In addition, when asked the follow-up question, "Can a person be charged in the United States for having sex with someone under the age of 18 in a foreign country?," the majority of the respondents answered "no." The data points to a potential need for more research in this area and greater publicity of the PROTECT Act.<sup>22</sup>

## 4. Supplementary Legislation Related to Child Sex Tourism Offenses

### 4.1. End Demand for Sex Trafficking Act

An important recent legislative development was the End Demand for Sex Trafficking Act of 2005, introduced in the House of Representatives by Deborah Pryce (R-OH) and Carolyn Mahoney (D-NY).<sup>23</sup> The aim of the bill was: "to combat commercial sexual activities by targeting demand, to protect children from being exploited by such activities, to prohibit the operation of sex tours, to assist State and local governments to enforce laws dealing with commercial sexual activities, to reduce trafficking in persons, and for other purposes."<sup>24</sup> Likewise, the bill intended "to support the development of more effective means of combating commercial sexual activities by targeting demand," "to protect children from the predators and exploiters who use them in commercial sexual activities," and, importantly, "to clarify that the operation of sex tours is prohibited under Federal law."<sup>25</sup>

The bill mainly aimed to amend the Mann Act to prohibit the transportation of victims of sex trafficking across state lines, as well as the transportation of persons used for prostitution. With this amendment, individuals involved in sex tourism across state lines could be prosecuted. This legislation was to toughen existing laws against sex trafficking by allowing interstate commerce laws to be used in the battle against those who buy or sell others for unlawful commercial sex acts. The bill authorized the Attorney General to give grants to establish model law enforcement programs in the enforcement of anti-sex trafficking laws, to aid the prosecution of sex traffickers and exploiters, and to fund NGOs in fighting sex trafficking. The bill also created some new reporting requirements. The Attorney General was required to release an annual report detailing the best strategies for reducing the demand for sex trafficking and the effectiveness of the grant recipients in decreasing the demand for sex trafficking and helping young victims. The bill also directed the Attorney General to conduct a statistical review and investigation of the occurrence of sex trafficking in America.<sup>26</sup>

The bill did not pass as independent legislation, but was incorporated under the TVPRA of 2005, which was signed into law by President George W. Bush on January 10, 2006.

### 4.2. The U.S. Trafficking Victims Protection Act and Reauthorization Acts

A number of pieces of legislation have been enacted in the United States to address trafficking in persons, and these have also covered child sex tourism and related offenses. These legal instruments include the TVPA of 2000, the TVPRA of 2003 and the TVPRA of 2005. The measures



elaborated by these acts focus on improving understanding of child sex tourism, prevention of child sex tourism and curbing demand for child sex tourism in the United States. Specifically, the TVPA 2000 calls in section 102, for an inter-agency taskforce to “examine the role of the international sex tourism industry in the trafficking of persons and in the sexual exploitation of women and children around the world.” The TVPRA of 2003, on the other hand, calls, in section 3, for the “development and dissemination of materials to inform travelers that child sex tourism is illegal, punishable, and dangerous to those involved,” as well as for the “distribution of materials to travelers to foreign countries where child sex tourism is considered to be significant.” Finally, the TVPRA of 2005 calls, in Section 104, for “measures to reduce the demand for commercial sex acts and participation in international sex tourism, as a criteria to measure a country’s serious and sustained efforts to eliminate trafficking in persons.”

### 4.3. U.S. Military Prohibition on the Patronizing of Prostitutes by U.S. Servicemen

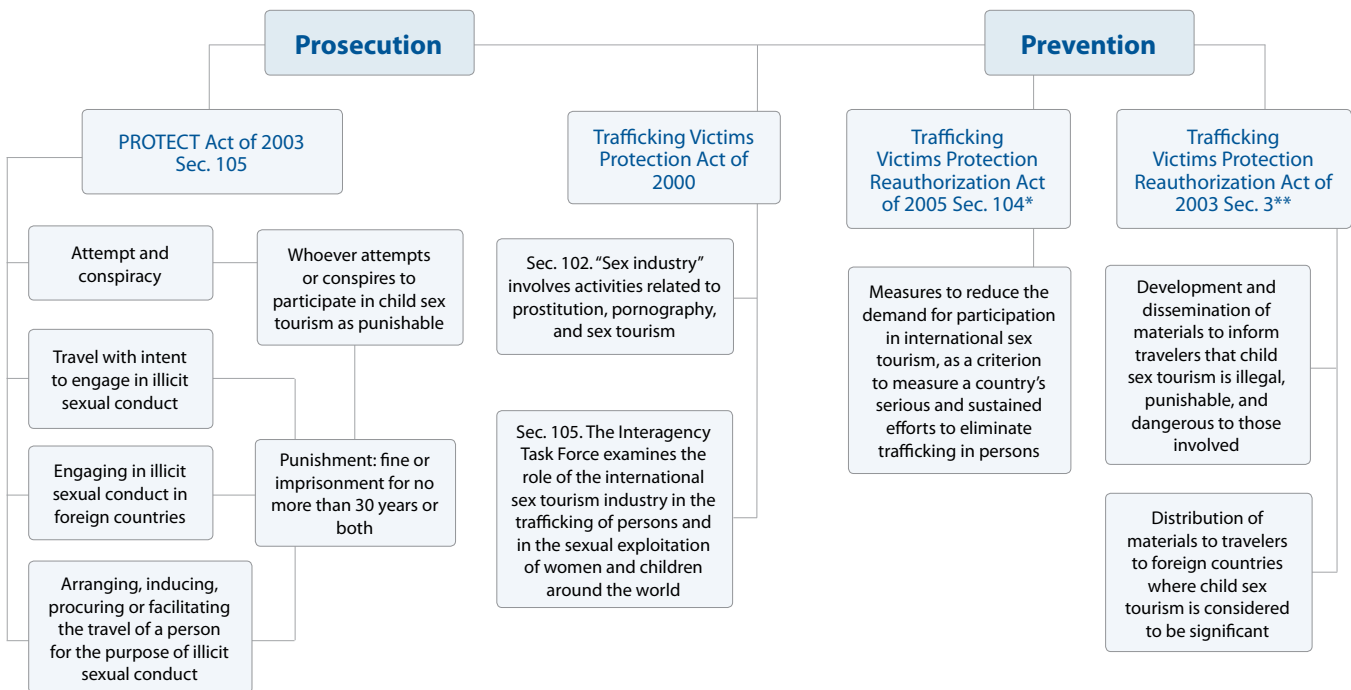
U.S. military law prohibits U.S. servicemen from patronizing prostitutes. The specific prohibition came in as a formal presidential executive order on October 14, 2005, directing changes in the Manual for Courts-Martial.

Following this order, the U.S. Department of Defense made it a specific crime for a U.S. serviceman to patronize a prostitute, punishable by up to a year in prison, forfeiture of pay and dishonorable discharge.

According to the U.S. Department of Defense, “prostitution” and “pandering” were now to be found among the offenses covered by Article 134 of the Manual for Courts-Martial. While paying for sex used to fall under the “Solicitation of Another to Commit an Offense” listed as part of Article 134, which executes the corresponding section in the Uniform Code of Military Justice, and prohibits “all disorders and neglects to the prejudice of good order and discipline in the armed forces” and “all conduct of a nature to bring discredit upon the armed forces,” the new executive order makes prostitution and pandering specific offenses.<sup>27</sup>

These laws are especially relevant to child sex tourism, as U.S. servicemen have been reported to utilize services of prostitutes overseas, an especially pressing concern in countries where many prostitutes are victims of trafficking, and are frequently under 18 years of age. The Philippines is one country where this has been reported to be particularly problematic. In fact, U.S. servicemen may be considered “situational” offenders within the child sex tourism context. While they may not exclusively seek sex with minors, they may engage in it given the opportunity.

Figure 1. Summary of legislative framework in the United States against child sex tourism.



\* Amending Trafficking Victims Protection Act Sec. 108.

\*\* Amending Trafficking Victims Protection Act Sec. 106.

Enforcement of these laws, however, is clearly where the difficulties will lie. U.S. Department of Defense spokespersons have voiced that the critical aspect of the enforcement of the law is spreading the relevant knowledge to commanders and soldiers in the field about the new change to the courts-martial manual.<sup>28</sup>

## 5. United States Government Efforts to Combat Child Sex Tourism

### 5.1. Law Enforcement Activity under the PROTECT Act

The U.S. government has consistently expressed its commitment to combat the sexual exploitation of children. During a speech in front of the UN General Assembly in September 2003, President Bush stated that there is “a special evil in the abuse and exploitation of the most innocent and vulnerable.” He also pledged to spend \$50 million over the coming years to combat human trafficking and sexual abuse of children.<sup>29</sup>

#### 5.1.1. Lead Investigating Agencies

The PROTECT Act is implemented primarily through Operation Predator, which identifies, investigates, and arrests child sex predators.<sup>30</sup> Operation Predator commenced on July 9, 2003. ICE, which was created under the Department of Homeland Security, leads the investigations on cases relating to child sex tourism. In addition to ICE’s Virginia headquarters office, 52 ICE Attaché Offices, located at 32 U.S. embassies around the world investigate U.S. citizens and residents engaging in child sex tourism.<sup>31 32</sup>

The Federal Bureau of Investigation (FBI) is the other lead agency investigating child sex tourism cases. The FBI focuses primarily on carrying out undercover operations with the aim of apprehending perpetrators that may attempt to travel abroad with the intent to engage in sexual relations with a minor. Other agencies cooperating with law enforcement efforts against U.S. child sex tourists include the U.S. Postal Service, the U.S. Diplomatic Security Service, and U.S. Customs and Border Protection.

#### 5.1.2. Cooperation with NGOs

ICE works especially closely with grassroots NGOs operating in countries of destination to locate, investigate, gather evidence on, and prosecute U.S. child sex tourists.<sup>33</sup> ICE also relies heavily on NGOs to shelter and provide necessary assistance to child victims rescued as part of law enforcement operations. Indeed, NGOs are considered by law enforcement as the critical partners in identifying cases of child sex tourism. A number of investigations carried out by U.S. law enforcement agencies have been initiated by a lead from a local NGO that took notice of and reported suspicious activity.

U.S. law enforcement working on child sex tourism (and child pornography) cases is also cooperating closely with the National Center for Missing and Exploited Children (NCMEC). In January 2004, NCMEC and ICE signed a memorandum of understanding that expanded the cooperation between these organizations. The partnership now occurs on two levels: 1) NCMEC provides ICE with evidence that it receives on child pornography and suspected child sex predators through its CyberTipline; and 2) ICE provides NCMEC access to the child pornography images and identifying information in its data system to assist NCMEC in locating missing and exploited children. Another element of the partnership focuses on a national public campaign to raise awareness about the facts related to child sexual exploitation crimes, how families can protect their children, and how the public can work with ICE to provide tips and remove predators from the streets. Additionally, as part of this agreement, ICE agents were assigned to full-time positions at NCMEC to process tips NCMEC receives from the public through the CyberTipline and NCMEC’s Internet site.<sup>34</sup> The FBI has likewise assigned a full-time agent to work on-site at NCMEC.

#### 5.1.3. Cooperation with Domestic and Foreign Law Enforcement Agencies

As part of their efforts, both ICE and FBI also work closely with foreign law enforcement agencies, facilitated by the ICE Attaché offices and via other means. A number of U.S. child sex tourists were arrested and indicted following extended efforts of cooperation between U.S. and foreign law enforcement. An example of successful cooperation with foreign (as well as domestic) law enforcement was the recent arrest of U.S. citizen Anthony Mark Bianchi for alleged sex offenses against minors in Romania, Moldova, and Cuba. This arrest was a result of an international investigation conducted jointly by the ICE office in Philadelphia, PA; the ICE Attaché in Vienna, Austria; the ICE Cyber Crime Center in Virginia; the Romanian Organized Crime Police; the Romanian Prosecutor’s Office; Moldovan Police assigned to the Ministry of Internal Affairs/Center for Combating Trafficking in Persons; and the Polish Border Police. Also assisting the efforts were the U.S. Diplomatic Security Service, the Department of Justice Child Exploitation and Obscenity Section, the U.S. Postal Inspection Service, the Cape May County Prosecutor’s Office, and the U.S. Attorney’s Office in New Jersey. Another success story of law enforcement cooperation was *Operation Turn Around*, an undercover operation conducted jointly by the FBI, the Fort Lauderdale Police Department, the U.S. Embassy in Costa Rica, and Costa Rican law enforcement authorities. Eleven individuals were arrested as part of this operation, charged with attempt to travel in foreign commerce to engage in sexual relations with a minor. All eleven individuals were convicted. In another recent case, Harold Lynn Winslow, a 55-year-old retiree from the U.S. Army, was arrested by

ICE following notification from Australian law enforcement authorities that had been monitoring Winslow's plans over the Internet to travel to Australia to engage in sexual activities with a minor.

#### 5.1.4. Training Programs

Both ICE and FBI also conduct training programs for law enforcement officials throughout the world. For example, the FBI trained representatives of Costa Rican and El Salvadorian law enforcement agencies in June 2005. Forty-five representatives of the ministries of national security of Costa Rica and El Salvador attended the 15-day training, which focused on improving investigation techniques and treatment of victims of commercial sexual exploitation.<sup>35</sup>

The Cyber Crime Center (C3) of ICE, which is divided into three units including: the child exploitation unit, the computer forensic unit, and the cybercrime unit for crimes unrelated to child pornography and sex tourism, has the training facilities to teach domestic and international law enforcement techniques for dealing with child pornography and sex tourism cases.<sup>36</sup>

#### 5.2. Efforts of the U.S. Department of Justice Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT)

The United States Department of Justice Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT) is the main U.S. government agency tasked with U.S. capacity-building efforts for law enforcement and the judiciary abroad. The office has conducted numerous trainings around the world and has recently been particularly active in conducting trainings on responding to trafficking in persons and child sex tourism.

For example, in April 2005, OPDAT carried out training for Costa Rican law enforcement representatives on the commercial sexual exploitation of children. The program included training on forensic interviewing techniques to assist the government of Costa Rica in responding to the crimes of commercial sexual exploitation of children and trafficking in persons. Participants included both governmental and non-governmental representatives. Four judges attended the workshops, as well as representatives of the Prosecutor General's Office, the Child Welfare Office (PANI), and the National Police.<sup>37</sup> The program was designed to increase understanding among the participants regarding child and adolescent victims of commercial sexual exploitation and trafficking in persons. The program focused on the development of an interview protocol to avoid the re-victimization of the children and adolescents in court. Another element of the program explored techniques for working with children and adolescents to secure their cooperation as witnesses in court.

OPDAT is also building capacity of law enforcement in countries where child exploitation takes place to more effectively deal with child pornography cases, which are often linked to child sex tourism. For example, in September 2005, OPDAT carried out a training program in Russia on Child Exploitation and Pornography on the Internet for 50 investigators and prosecutors from the Ministry of Internal Affairs of the Russian Federation. Topics included international cooperation in child trafficking and Internet pornography cases.<sup>38</sup>

#### 5.3. Efforts of the U.S. Department of State Office to Monitor and Combat Trafficking in Persons

Great attention has been given to the problem of child sex tourism by the Office to Monitor and Combat Trafficking in Persons (TIP Office), especially in its 2006 edition of the Trafficking in Persons Report (TIP Report). The 2006 TIP Report stated that "governments should prioritize the issue, draft a plan of action based on comprehensive research, and designate a coordinator to engage NGOs, intergovernmental organizations, and the travel industry. Extraterritorial laws must prohibit all forms of child sex tourism and be enforced with sentences reflecting the heinous nature of the crime. Governments should also train law enforcement officers, fund public awareness campaigns, and arrange for shelter and assistance to victims.... Individuals must ensure they are not part of the problem, the demand, but rather part of the solution by reporting incidents to the local police, U.S. embassy, or the U.S. Immigration and Customs Hotline at 1-866-DHS-2ICE." The 2006 TIP Report mentioned child sex tourism in reference to a total of 29 countries, citing child sex tourism as a problem under narratives of both origin and destination countries. Countries such as Brazil, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, The Gambia, Honduras, Kenya, Madagascar, Malawi, Mexico, Mongolia, Morocco, Nicaragua, Peru, the Philippines, Russia, Senegal, Sri Lanka, and Thailand were all mentioned as those countries where child sex tourism and sex tourism were taking place. Australia, Belgium, Canada, Finland, France, Germany, New Zealand, and Singapore were listed as countries of origin for child sex tourism. These references indicate that the TIP Office is evaluating foreign governments' efforts against child sex tourism as part of its reporting mechanism, thereby sending a strong message to countries on the issue, as per the Trafficking Victims Protection Act of 2005, which amended Section 108 of the Trafficking Victims Protection Act of 2000 and called for the inclusion with the minimum standards for the elimination of trafficking in persons that foreign countries must comply with whether a country is taking the appropriate measures to reduce the demand for commercial sex acts and for participation in international sex tourism. The TIP Office also works to combat the problem of child sex tourism via its grant-making initiatives.

## 5.4. Bilateral Initiatives

U.S. Embassies in countries of destination are very involved in working with local NGOs and supporting local governments in combating child sex tourism. U.S. Embassies provide funding and in-kind assistance for local programs, such as by donating equipment to law enforcement units working on child sexual exploitation cases. For example, the U.S. government donated thirty computers to the Child Exploitation Unit in Costa Rica, the specialized law enforcement unit that tackles cases of child sex tourism in the country.<sup>39</sup>

Another important tool that the U.S. government has at its disposal is the Mutual Legal Assistance Treaty (MLAT) system, a bilateral treaty system committing countries to provide legal assistance to each other upon request.<sup>40</sup> The U.S. has entered into such treaties with 61 nations, and 52 are currently in force.<sup>41</sup> One important way to utilize these treaties in regard to child sex tourism is for U.S. law enforcement to share its database containing names of convicted or wanted sex offenders with destination countries and work with U.S. embassies in these countries to maintain close communication with local law enforcement so that they can be aware when such a U.S. citizen or permanent resident enters the country of destination. This process may be carried out under the umbrella of the MLATs.

## 6. Non-Governmental Efforts Originating in the United States to Combat Child Sex Tourism

### 6.1. World Vision

In 2004, World Vision, an international relief and development organization, began a publicity campaign under the umbrella of its comprehensive Child Sex Tourism Prevention Project to raise awareness about the issue, as well as relevant laws.

This campaign launched public awareness activities both in the United States and abroad, in some of the most significant countries of destination for U.S. citizens. The project has been implemented in Cambodia, Thailand, Costa Rica, and has recently expanded to Mexico and Brazil. In these countries, World Vision has strategically placed high-visibility publicity materials in places where tourists are most likely to notice them. For example, a large-size World Vision billboard warning child sex tourists against committing such offenses in Cambodia was placed directly outside the exit of the international airport in Phnom Penh.<sup>42</sup> Another poster was placed along the riverfront in Phnom Penh, where many foreign child sex tourists are known to seek out Cambodian children, who may be found there shining shoes and selling newspapers or souvenirs.

The Child Sex Tourism Prevention Project activities are sponsored by the U.S. Department of State and the U.S.

Department of Health and Human Services. The deterrent campaign has strong messages focusing on prosecution to remind would-be offenders that U.S. Federal law is watching, both in the United States and abroad.

Additionally, as part of this campaign, CNN has been airing anti-child sex messages in 39 of the most frequented airports in the U.S.<sup>43</sup> World Vision was also working with U.S. airlines to air in-flight videos that address this topic. However, few U.S. airlines have so far been willing to cooperate in this initiative. In fact, the only airline that had picked up the in-flight videos at time of writing was United Airlines. For over 20 months, these videos have been shown on United Airlines flights to Asia and Latin America. World Vision and United Airlines worked collaboratively to create a video that was acceptable to all parties involved.<sup>44</sup>

Also as part of the Child Sex Tourism Prevention Project, World Vision led a number of workshops in 2005 to combat child sex tourism in Cambodia, Thailand, and Costa Rica. The workshop in Phnom Penh included World Vision staff, ICE representatives, Australian Federal Police, the embassies of the United States, Canada, Australia, and the United Kingdom, the Cambodian government, and many nonprofit organizations, cumulating in over 100 participants. The goals of this workshop included education on identification of child sex tourists, training on the information and evidence helpful to U.S. law enforcement, establishing procedures for handling information and reporting processes between World Vision and ICE, discussing victim aftercare, and providing close-door sessions for government-to-government discussions.<sup>45</sup> ICE also trains overseas World Vision staff, so that they can provide more on the ground education to aid ICE in its pursuit of perpetrators.<sup>46</sup>

Other efforts implemented as part of the Child Sex Tourism Prevention Project included working with Yahoo! and MSN.com to place banners and pop-up ads on the Internet, making it more difficult to access websites designed to promote children for sex.<sup>47</sup> This program was initiated with a \$500,000 grant from the U.S. State Department, and has been ongoing for over a year and a half. The second phase that World Vision is currently working on seeks to place these ads on travel sites such as Expedia and Travelocity.<sup>48</sup>

These campaigns are mainly designed to target situational offenders, aiming to raise their awareness of applicable laws and to remind the would-be offender of his or her criminal liability in the United States even though the crimes would be occurring outside of the U.S.<sup>49</sup> Additionally, World Vision is working together with local and U.S. law enforcement agencies to ensure that residents and citizens of the U.S. who are committing these acts abroad are brought back to the U.S. for prosecution.<sup>50</sup>

It is especially important to continue and enhance funding for prevention efforts taking place *in the United States*.



The U.S. government should continue supporting domestic initiatives to warn would-be offenders against committing such offenses before they leave the United States. The message is strengthened significantly if the tourist is warned at all steps of his or her journey, especially beginning with the country of origin, as many tourists are more fearful of domestic rather than foreign laws and are likely to be paying more attention to the possibility of punishment while they are still at home. In addition, seeing these messages reiterated both domestically and abroad emphasizes that the law has a long arm. More effort is needed to work with U.S.-based airline companies, travel agencies, and tour operators to engage them in prevention activities with their U.S. clients who are traveling abroad.

## 6.2. ECPAT-USA

ECPAT-USA, the U.S. member of the ECPAT International Network, works to address issues related to commercial sexual exploitation of children, including child trafficking, the U.S. military's involvement in prostitution, and child sex tourism. In addressing child sex tourism, ECPAT-USA works with private travel and tourism sector in the United States to promote signing and implementation of ECPAT International/World Tourism Organization Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism initiative, as well as to raise awareness among representatives of the private sector and the public at large regarding the issue of child sex tourism. ECPAT-USA's Protect Children in Tourism (PCT) Project works "to combat commercial sexual exploitation of children in tourism by working in areas heavily impacted by U.S. tourists. The PCT Project has a three pronged approach: awareness raising, training and resource provision." Resource provision is aimed at providing resources to local actors in areas where the project is being implemented to assist vulnerable children and prevent child sex tourism. The current project site for PCT activities is Cancun, Mexico.<sup>51</sup>

## 6.3. International Justice Mission

The International Justice Mission (IJM) focuses its efforts on effective law enforcement and prosecution of child sex tourists in countries of destination. Investigators from IJM investigate and build cases against suspected offenders and then turn over uncovered evidence to local law enforcement officials for further investigation, arrest and eventual prosecution. IJM supports the prosecutions at every step, assisting local law enforcement and the judicial system in building strong cases against defendants.

To foster sustainability and enhance these activities, IJM has also engaged in training of local law enforcement, preparing officials both for prosecuting child sex tourism cases domestically and for cooperating with the U.S. judicial system in extraterritorial prosecutions. Most recently, IJM

trained Cambodian police on gathering evidence that could be used successfully in U.S. courts.<sup>52</sup>

## 6.4. Shared Hope International

Shared Hope International rescues and restores victims of trafficking for sexual purposes around the world and works to combat the commercial sexual exploitation of children in the United States and abroad. In 2003, Shared Hope International launched The Predator Project, which seeks to expose commercial sexual exploitation markets and bring perpetrators to justice by conducting human rights investigations in cooperation with local law enforcement and non-governmental organizations in more than 14 countries and capturing videotaped interviews with perpetrators and victims. This exposure is utilized in prevention campaigns to raise awareness about sex tourism and to successfully lobby governments to amend legislation and improve victim assistance.<sup>53</sup> Currently, Shared Hope International is working to reduce the demand for sex tourism by revealing the marketplaces of victimization, building alliances to restore victims, mapping sex tourism marketplaces in several international locations and the United States, increasing public awareness through a report and documentary, and partnering with local NGOs to rescue and rehabilitate victims.<sup>54</sup>

## 7. Private Sector Initiatives Originating in The United States

A private sector initiative currently gaining momentum in a number of countries is the ECPAT International/World Tourism Organization Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism (Code of Conduct/the Code). The Code of Conduct is a project of ECPAT International, and is funded by UNICEF and supported by the World Tourism Organization. While the Code of Conduct was envisioned as a global initiative, its adoption has been uneven, and has not always met with success. Where it has been successful, various actors had spearheaded the movement to reach that success. In some cases, governments led the way, in others the NGO sector or international organizations took the lead, and yet in others, private sector actors themselves took up the initiative signing on to the Code independently.

The Code is designed largely for private sector suppliers of tourism services, and it calls on signatories:

- “ 1. To establish an ethical policy regarding commercial sexual exploitation of children.
2. To train the personnel in the country of origin and travel destinations.
3. To introduce a clause in contracts with suppliers, stating a common repudiation of commercial sexual exploitation of children.

4. To provide information to travellers by means of catalogues, brochures, in-flight films, ticket-slips, home pages, etc.

5. To provide information to local “key persons” at the destinations.

6. To report annually.”<sup>55</sup>

The Code was officially launched in North America on April 21, 2004. Unfortunately, this event was not followed by a strong movement on the part of the U.S. tourism industry to sign on to the Code. To date, only a small number of organizations have signed on to the Code.

The Code of Conduct was first signed in the United States by Carlson Companies, Inc., a family-owned business, and one of the largest hotel and tour companies in the world (it includes under its umbrella Regent International Hotels, Radisson Hotels, Country Inns and Suites, Park Plaza, Carlson Wagonlit Travel, Cruise Holidays, Results Travel, Radisson Seven Seas Cruises, and Carlson Marketing Group). Royal Regency International Hotels, Ela Brasil Tours, Flamingo Travel, and ASTA (American Society of Travel Agents) have also signed on.

ECPAT-USA, which has taken the lead in the United States in working with the private sector to bring it on board with the Code of Conduct, notes that U.S.-based companies have largely been unwilling to sign on to the Code. The major reason provided for the declines has been the fear of increased legal liability for child sex offenses that might take place on signatories’ properties or alongside legitimate travel services they provide.<sup>56</sup>

## Endnotes

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- 21 The ICE Attaché office in Bangkok, for example, which is responsible for investigating child sex tourism offenses perpetrated by U.S. citizens and residents in Southeast Asia, is run by just two agents. Considering that Southeast Asia is one of the most important regions of destination for child sex tourists hailing from the United States, this office would benefit from additional resources. This office is praised highly by many NGOs and government officials working on child sex tourism throughout the region, and it is therefore important that it has the resources it needs to continue its successful work.
- 22 TPP staff interviewed a random sample of Washingtonians in an area where many NGOs and other offices are located (Dupont Circle area), asking them the following questions:

1. Have you ever heard of the PROTECT Act?

No (If no, go to Question 2)  Yes

a. If yes, please give a one sentence description of what it is?

b. If yes, where did you obtain this information (i.e. News article, TV show, Airline advertisement – list as many places as are named).

2. Can a person be charged in the United States for having sex with someone under the age of 18 in a foreign country?

No  Yes

a. If yes, have you ever read or heard about a person being prosecuted/investigated/convicted in the United States for having sex with a person under 18 years of age in a foreign country?

Question 2 was specifically designed to find out whether the individual was aware of the fact that U.S. citizens may be prosecuted for the offense of child sex tourism in the United States, but may not be aware of the specific name of the act that punishes such an offense. The sample size was 23 persons, 14 male, and 9 female. Eleven of those interviewed were between the ages of 20-35, five were between the ages of 35-50 and seven were over the age of 50. TPP found that *none of the 23 persons* interviewed had heard of the PROTECT Act. In addition, when asked the follow-up question, namely “Can a person be charged in the United States for having sex with someone under the age of 18 in a foreign country?” 16 persons answered “No.” Seven persons answered “Yes.” Of those that answered “Yes,” only one person stated that she vaguely remembered hearing something about a person being investigated in Southeast Asia for this offense. None of the others were aware of such cases. While these are preliminary findings, the results raise some questions regarding the extent of the publicity regarding the PROTECT Act and the convictions that have resulted.



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# CHAPTER II

## Findings on Child Sex Tourism Originating in the United States: Scope of the Problem, Primary Countries of Destination, and Emerging Countries of Destination

### 1. The Scope of the Global Problem of Child Sex Tourism

#### 1.1. Origins of Child Sex Tourism

The origins of sex tourism as a global industry may be traced to Asia during the Vietnam War<sup>1</sup> period, when the U.S. military presence in the region fueled a high demand for prostitution services.<sup>2</sup> As a result, brothels, clubs, bars, and massage parlors emerged around U.S. military bases in Thailand, the Philippines and Taiwan in the late 1950s.<sup>3</sup> In these, and other countries in the region, the demand for prostitution by U.S. soldiers began to transform local prostitution markets into massive prostitution industries.<sup>4</sup> In Thailand, for example, in order to satisfy and regulate the increasing demand, in 1966 the government enacted the Entertainment Act, which regulated the operations of hotels, clubs and bars serving the U.S. military, many of which provided prostitution services in addition to various legitimate forms of entertainment.<sup>5</sup> Official Rest and Recreation agreements with the U.S. military followed, further entrenching the links between these entertainment industries and prostitution.

With the exodus of the most valuable prostitution customers alongside departing military forces, the governments of these countries did not take effective action to fight prostitution.<sup>6</sup> Instead, many tacitly or openly encouraged the development of the sex industry in an attempt to benefit from the revenues coming from that business.<sup>7</sup> In the meantime, sailors and military personnel spread the word around the world about the ready supply of cheap sex in Southeast Asia, and men flocked to the region to explore the legends. Thailand and the Philippines emerged as two of the first major destinations for international sex tourism, with growing demand by foreign visitors gradually replacing and overtaking the military demand.

Child sex tourism developed alongside, catalyzed by a lack of regulation of child prostitution in these countries and shortcomings in child protection laws.

Over time, other countries in Southeast Asia and beyond also evolved into sex tourism destinations. The contemporary global sex tourism industry is flourishing, facilitated by increasingly available access to the Internet and the information sharing, privacy and communications benefits it provides; spurred on all the more by the advent of discount airline travel industries and other advances in communications technology and travel infrastructure.

#### 1.2. Factors Fueling Growth of the Global Sex Tourism Industry

Persistent poverty, lack of employment opportunities and vast income gaps in much of the developing world on the one hand combined with local and international demand for commercial sexual services on the other, continue to create the push and pull factors forcing women and children into prostitution. The prostitution industries, and by extension, the sex tourism industries, capitalize on these “market” dynamics and become mediators between the resulting sources of supply and demand for sex.

While demand for commercial sex throughout the world is largely fueled by domestic “customers,” many developing countries that are also significant or developing tourism destinations have likewise attracted a strong foreign “clientele.” Visiting foreigners, whether on business or leisure, can frequently afford to pay more than the average local client, and prostitution industries eagerly cater to and balloon with the presence of foreign customers.

##### 1.2.1. Tourism Development and Lack of Effective Child Protection

Popular sex tourism destinations are frequently significant or rapidly emerging tourism destinations. Countries that are closed to tourism attract significantly fewer sex tourists, as they normally have limited tourism infrastructure and in some cases are dangerous due to political instability or outright warfare. Nevertheless, some brave even these

conditions, and “preferential” child sex tourists (those seeking children exclusively) especially favor such uncharted territory, preying on vulnerable children in places where they are guaranteed anonymity and seclusion.

Developing countries are increasingly embracing tourism as a way to bolster economic development. But tourism may also have detrimental effects, as long as significant poverty, income inequality, and lack of job opportunities remain. Sex tourism and child sex tourism may develop alongside the growing tourism industry, with unscrupulous tourists and facilitators capitalizing on the most vulnerable members of the local population, especially children.

However, development of tourism alone, even in combination with conditions of poverty, will not necessarily foster sex tourism or child sex tourism. Other conditions are likely to be in place for these phenomena to take off on a massive scale. Generally, what preferential child sex tourists look for in potential destination countries are easily accessible prostituted or vulnerable children, impunity from prosecution,<sup>8</sup> and silence and seclusion.<sup>9</sup> Sex tourists who may not be exclusively seeking sex with children, but who may still take advantage of its availability, on the other hand, look for countries where prostitution is legal or tolerated, the tourism infrastructure is available, and law enforcement is weak. For instance, a country that decriminalizes prostitution and/or tolerates brothel keeping and/or pimping is vulnerable to the development of adult sex tourism, especially if a large percentage of the population lives in poverty, which would drive a significant number of women (and at times men) into the industry. If such a prostitution industry is not well regulated, or if the legal framework on child protection is weak and law enforcement either lacking or ineffective, children may likewise enter the prostitution industry. A child sex tourism industry may then develop, as foreign sex tourists arriving in the country may begin to take advantage of the lack of impunity toward sexual relations with minors and spread the word about its availability. In general, opportunistic individuals seeking children for sex are likely to take advantage of situations where the legal framework is non-existent or weak and/or where law enforcement is lax - in other words, where authorities can be relied on to either look the other way or be easily corrupted.

Another factor that may foster child sex tourism is the presence of large populations of street children. These children are at an especially high risk of sexual abuse, as Western pedophiles in particular often approach street children and exchange sex for money, food or drugs.

Cambodia may be considered a case study in how child sex tourism might develop, where the problem emerged following the opening of the country’s borders after years of war, genocide, and dictatorship. A vibrant tourism industry began to develop, but in the context of pervasive poverty resulting in high numbers of vulnerable children,

and a fledgling law enforcement system hindered by significant corruption, some unsavory visitors began to take notice, including those fleeing stricter law enforcement in neighboring Thailand. Since that time, pedophiles have flocked to Cambodia from around the world, including Asia, Australia, Europe, and North America. Such shifts toward countries perceived as less dangerous for sex with children are not uncommon. Preferential child sex tourists are known to change destinations as law enforcement crackdowns increase in a preferred location. Typically, increased scrutiny encourages preferential child sex tourists to seek new locations, while lack of such scrutiny tends to attract them.<sup>10</sup>

Cultural and sociological factors may also increase children’s vulnerability. In Cambodia, children are expected to abide by rules set forth by adults, and saying “no” to an adult is not easily tolerated. Combined with a historical legacy of foreign imperialism and the societal hierarchy such a system had fostered, children become particularly vulnerable to adult predators, especially those who are foreign.

### 1.2.2. Demand

Factors of demand are also critical. The demand for sex tourism and child sex tourism comes mainly from male customers, especially from wealthy, industrialized nations, and the fact that commercial sex is considered a “male right in a male-dominant commodity culture,”<sup>11</sup> contributes to this demand. However, while the majority of sex tourists are male, there are also small numbers of women who are sex tourists and women who are child sex tourists.<sup>12</sup>

Sex tourists and child sex tourists utilize a number of typical justifications for their behavior, which may be driven by various factors. First, many sex tourists and child sex tourists hold the mistaken conviction that sex tourism is not an exploitative practice, believing that women and children involved in the sex industry have decided to choose this type of “employment” for themselves.<sup>13</sup> Another common misapprehension among sex tourists is that they are benefiting the victims by helping them out of poverty.<sup>14</sup> Child sex tourists, especially preferential child sex tourists, often believe that they are helping a poor child or his or her family by providing them with money and gifts in exchange for sexual services. One child sex tourist was quoted as saying that “*On this trip, I had sex with a 14-year-old girl [...] and a 15-year-old [...] I am 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. I’ve never paid more than \$20 to these young women, and that allows them to eat for a week.*”<sup>15</sup> Finally, sex tourists often believe that prostitution is a social and cultural phenomenon embedded in the traditions of the lesser developed countries they visit, and that, therefore, there should be no stigma or

moral reprehension attached to it.<sup>16</sup> This attitude is often the result of racist views: many sex tourists “hold strong views about the inferiority of people other than their own [and] have no scruples about exploiting other persons as long as they consider them to be inferior.”<sup>17</sup> Fueling such attitudes might likewise be the marketing of certain countries as “sex destinations,” which serves to perpetuate harmful stereotypes such as that women from developing countries are more “sexual” and that sex with younger girls is more acceptable than it is in the developed world. For example, fearing that this may be the case in relation to the image of Brazil, the state of Rio de Janeiro recently passed legislation banning the sale of postcards of scantily-clad Brazilian women which show the women in contexts other than a natural beach setting.<sup>18</sup>

### 1.3. Significant and Emerging Child Sex Tourism Destinations Around the World

The last few decades have witnessed the spread of the sex tourism industry to destinations other than Southeast Asia, especially to some countries in Central and Latin America, South Asia, Africa, and Eastern and Southeastern Europe.<sup>19</sup>

Central and Latin America are becoming popular destinations for sex tourists especially from North America, due to their relatively more convenient and cheap location as compared to Asia.<sup>20</sup> Tourists from the United States are reported to travel to these destinations in higher numbers than to Asia<sup>21</sup> and certainly than to Africa, due largely to geographic proximity and cheaper airfares. Costa Rica especially has emerged as a major destination, with Honduras currently on the list of emerging new destinations.<sup>22</sup> Mexico is likewise affected by adult and child sex tourism from the United States, as are the Dominican Republic and Brazil, albeit to a lesser extent.<sup>23</sup> The routes of Canadian child sex tourists are often similar to those of perpetrators hailing from the United States.

African countries have increasingly become preferred destinations for European adult and child sex tourists. The Gambia, Kenya, South Africa, and Morocco, as well as Ghana, Cameroon and Nigeria are emerging as the most popular destinations.<sup>24</sup>

Recent reports indicate that cities in Northern Russia, with large populations of street children who are addicted to drugs, are becoming destinations for child sex tourists and pedophiles that provide the drug-addicted children with money for drugs or the drugs themselves in exchange for sex. St. Petersburg, Vyborg, and surrounding areas are reported as the main destinations.<sup>25</sup>

Asian child sex tourists form a significant population of sex and child sex tourists in Asia, but much less so in Central and Latin America and Africa, where they have, nevertheless, been apprehended.

Some destinations, particularly several countries in South and Southeast Asia, attract sex and child sex tourists from all around the world, due to their historical and nearly legendary status in this regard. Additionally, no country or continent may be ruled out as a possible destination, as recent arrests of foreign sex tourists seeking children in the United States, Canada, and elsewhere have demonstrated.

Based on media reports, documented cases, and denunciations it documents, ECPAT International, which focuses on raising awareness about and working toward eliminating the commercial sexual exploitation of children, has identified the following countries and regions as emerging child sex tourism destinations: *South Africa, The Gambia, Kenya, Cameroon, and Senegal in Africa; Bali (Indonesia) and Cambodia* in Southeast Asia, *Costa Rica, Guatemala, Honduras, and Colombia* in Central and South America, and *Northern Russia and Eastern Europe* in Europe.<sup>26</sup> Regarding well-established countries of destination, ECPAT International considers *Mexico and Brazil* as the major countries of destination in Central and Latin America, and *Thailand* and the *Philippines* as the major well-established countries of destination in Southeast Asia.<sup>27</sup> In the destinations considered as established by ECPAT, it is estimated that approximately 22,500-40,000 children are exploited in the commercial sex industry in Thailand (2000 estimate); between 60,000-75,000 children are exploited in the commercial sex industry in the Philippines (with NGO estimates closer to 100,000); and close to 30,000 children in Mexico exploited largely through the sex tourism industry.<sup>28</sup>

Based on research findings as presented in this report, however, Cambodia and Costa Rica are included as *already established* child sex tourism destinations, as the problem in both locations is substantial enough and has been entrenched long enough to merit such a classification.

Importantly, child sex tourism affects not only developing or transition countries as countries of destination. Recent cases emerging from the United States indicate that no country may be completely immune from child sex tourism. For example, Harold Lynn Winslow, a U.S. Army retiree, was arrested in 2005 as he attempted to board a plain to Australia, believing that he was traveling there to have sexual relations with a six-year-old girl, which had in fact been arranged for him by an undercover Australian policeman, unbeknownst to Winslow.<sup>29</sup> In another recent case, 31-year-old American Elisha Pasdeck was indicted in Springfield, IL, for allegedly traveling to Saskatchewan, Canada in July 2002 and engaging in sexual conduct with a 12-year-old.<sup>30</sup> Finally, Saudi Arabian citizen Nabil Al Rowais was recently arrested and charged under the PROTECT Act for traveling to the United States allegedly with the intent to molest a two-and-a-half-year-old girl.<sup>31</sup>



## 2. Child Sex Tourism Originating in the United States

### 2.1. Overview of Arrests and Prosecutions of American Child Sex Tourists in the United States

Americans are significant contributors to sex tourism around the globe, and are estimated to make up a significant percentage of world's global sex industry clientele, which in total is reported to involve close to 2 million children in commercial sexual exploitation. Available estimates indicate that Americans comprise close to 80 percent of all sex tourists in Costa Rica, and 38 percent in Cambodia.<sup>32</sup> Because more specific estimates are not readily available, the present research has sought to determine the extent of the presence of child sex tourists from the United States in various destinations.

According to the results of this research, U.S. child sex tourists do indeed appear to form a significant percentage of child sex tourists in some of the most significant countries of destination. This may be concluded based on percentages of U.S. child sex tourists arrested and/or prosecuted in these countries and in the U.S., and based on media coverage, as well as governmental and nongovernmental reports.

Americans travel widely around the globe, and isolated cases of arrest and/or prosecution of U.S. citizens in countries other than those considered as major child sex tourism destinations point to a problem potentially much larger than that which has been documented thus far. While cases of Americans charged in the United States for child sex tourism offenses committed abroad are only the tip of the iceberg, they nevertheless offer valuable insight into a problem which is largely hidden, and for which both quantitative and qualitative frames of analysis are extremely difficult.

U.S. citizens and legal permanent residents committing child sex tourism offenses abroad have been charged under various legal instruments throughout the years. As previously discussed, the United States has enacted considerable amendments to original legislation criminalizing such acts. The latest legal instrument, the PROTECT Act of 2003 has provided the broadest prosecutorial powers over child sex tourism and child pornography offenses of any U.S. legislation to date, especially under section 105 ("penalties against sex tourism").

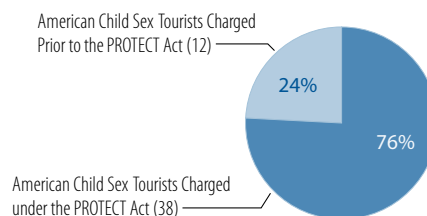
The cases of child sex tourism that have been prosecuted in the U.S. may be broken down into two main groups: 1) U.S. child sex tourists charged prior to the enactment of

the PROTECT Act in 2003 and 2) U.S. child sex tourists charged under the PROTECT Act since 2003.

Prior to the passage of the PROTECT Act, the U.S. government did not keep track of cases of child sex tourism, but information was available for a number of such cases prosecuted prior to the passage of the PROTECT Act. The

number of these cases, which date back to as early as 1986, is significantly lower than the number of cases prosecuted in the three years following the passage of the PROTECT Act in 2003. The small number of cases was due largely to the difficulties outlined in the previous chapter associated with prosecution prior to the enactment of the PROTECT Act, when travel *with intent* to engage in illicit sexual activities with minors had to be proven and when attempt could not be prosecuted. *The total number of Americans charged with child sex tourism offenses prior to the enactment of the PROTECT Act was 12.* Eight of these individuals were charged as part of an undercover operation code named *Operation Mango*, which targeted a child sex resort set up in Mexico by a number of American citizens, the Castillo Vista del Mar resort.

Figure 1. Americans charged for child sex tourism offenses under all applicable laws (N=50).



The extent of involvement of American citizens and residents in child sex tourism is highlighted by the rate of arrests and prosecutions in the United States following the passage of the 2003 PROTECT Act. *As of November 1, 2006, 38 Americans were charged in the United States under the PROTECT Act for child sex tourism and child sex tourism related offenses.* This is a significant number for a three-year time period, especially considering the difficulties associated with identifying and investigating cases of child sex tourism, as well as of obtaining evidence admissible in U.S. courts for successful extraterritorial prosecutions. Importantly, since the PROTECT Act allows for the prosecution of attempt of child sex tourism, a number of cases prosecuted have been those of attempt and conspiracy to travel with the intent to engage in sexual activities with minors, or travel to engage in sexual activities with minors, without the act having actually taken place.

**Thirty-eight Americans have been charged with child sex tourism and related offenses under the PROTECT Act of 2003.**

**Only twelve Americans were charged with child sex tourism offenses prior to the enactment of the PROTECT Act of 2003.**

Additionally, three foreign citizens have been indicted under the PROTECT Act for attempted child sex tourism offenses since the PROTECT Act's enactment in 2003. Two of the men, French citizen Sebastian Sarraute, and German citizen Manfred Knittel, were both arrested by ICE agents in Tucson, AZ, in 2005 en route to Mexico, where they allegedly planned to engage in sexual contact with minors. Both men have since pleaded guilty as charged and were

sentenced by U.S. courts in August 2005.<sup>33</sup> The third man, Saudi Arabian citizen Nabil Al Rowais, was arrested on April 27, 2006 by ICE agents and the California Bureau of Investigation in Vallejo, CA, for allegedly traveling there for the purpose of molesting a two-and-a-half-year-old girl, following an e-mail exchange he was having, unbeknownst to him, with an undercover agent posing as the girl's father.<sup>34</sup>

*Table 1. American child sex tourists charged in the United States under all applicable laws (since the enactment of these laws through November 1, 2006). A total of fifty American child sex tourists have been charged for these offenses in the United States.*

#### American Child Sex Tourists Charged Prior to the Enactment of the PROTECT Act in 2003

Arresting Agency	Defendant and Arrest Year	Country of Destination	Undercover Operation
1. N/A	Charles James Thomas (1986)	Mexico	None
2. N/A	Marvin Hersh (1998)	Honduras (Dominican Republic, Mexico)	None
3. N/A	Nelson Jay Buhler	Honduras	None
4. N/A	Nicholas Bredimus (2001)	Thailand	None
5. ICE	Timothy Joe Julian	Mexico	Operation Mango
6. ICE	Louis Accordini	Mexico	Operation Mango
7. ICE	Stefan Irving	Mexico (Honduras)	Operation Mango
8. ICE	Richard Coon	Mexico	Operation Mango
9. ICE	Michael Charles Smith	Mexico	Operation Mango
10. ICE	Terrance Welcher	Mexico	Operation Mango
11. ICE	Robert Wayne Decker	Mexico	Operation Mango
12. ICE	Ralph Wayne Angle	Mexico	Operation Mango

#### American Child Sex Tourists Charged Under the PROTECT Act (2003-2006)

Arresting Agency	Defendant and Arrest Year	Country of Destination	Undercover Operation
1. FBI	John Manuel Bollea (2003)	Costa Rica	Operation Turn Around
2. ICE	Gary Evans Jackson (2003)	Cambodia	None
3. ICE	John W. Seljan (2003)	Philippines	None
4. ICE	Michael Lewis Clark (2004)	Cambodia	None
5. ICE	Richard A. Schmidt (2004)	Philippines, Cambodia	None
6. ICE	Gregory Kapordelis (2004)	Russia	None
7. ICE	Timothy Ronald Obert (2004)	Costa Rica	None
8. ICE	Walter Schirra (2004)	Thailand	None
9. ICE	Edilberto Datan (2004)	Philippines	None
10. ICE	Bernard Lawrence Russell (2004)	Philippines	None
11. ICE	Kent Frank (2004)	Cambodia	None
12. ICE	Lester Christian Weber (2004)	Kenya	None
13. FBI	Thomas Taylor (2004)	Costa Rica	Operation Turn Around
14. FBI	Christine Taylor (2004)	Costa Rica	Operation Turn Around
15. FBI	Glenn Koenemann (2004)	Costa Rica	Operation Turn Around
16. FBI	Gerald Alter (2004)	Costa Rica	Operation Turn Around
17. FBI	James Marquez (2004)	Costa Rica	Operation Turn Around
18. FBI	Mark Dudley (2004)	Costa Rica	Operation Turn Around



Arresting Agency	Defendant and Arrest Year	Country of Destination	Undercover Operation
19. FBI	Derek Roberts (2004)	Costa Rica	Operation Turn Around
20. FBI	Wallace Strevell (2004)	Costa Rica	Operation Turn Around
21. FBI	Vincent Springer (2004)	Costa Rica	Operation Turn Around
22. FBI	George C. Clarke (2004)	Costa Rica	Operation Turn Around
23. ICE	Karl Kaechele (2005)	Thailand, Cambodia, Vietnam, Philippines	None
24. ICE	Harold Lynn Winslow (2005)	Australia	None
25. ICE	Thomas F. White (2005)	Mexico, Thailand	None
26. ICE	Anthony Mark Bianchi (2005)	Cuba, Moldova, Romania	None
27. ICE	Elisha Pasdeck (2005)	Canada	None
28. ICE	George Hoey Morris (2005)	Vietnam	None
29. ICE	Steven Erik Prowler (2005)	Thailand, Cambodia, Laos, Mexico	None
30. FBI	Sam Lindblad (2005)	Mexico	NAMBLA Sting Operation
31. FBI	Gregory Mark Nusca (2005)	Mexico	NAMBLA Sting Operation
32. FBI	Steven K. Irvin (2005)	Mexico (Dominican Republic)	NAMBLA Sting Operation
33. FBI	Richard Stutsman (2005)	Mexico	NAMBLA Sting Operation
34. FBI	Philip Todd Calvin (2005)	Mexico	NAMBLA Sting Operation
35. FBI	David Cory Mayer (2005)	Mexico	NAMBLA Sting Operation
36. FBI	Paul Ernest Zipszer (2005)	Mexico	NAMBLA Sting Operation
37. ICE	Gary B. Evans (2006)	Honduras	Innocence Images Task Force FBI Operation
38. ICE	Michael John Koklich (2006)	Cambodia	None

## 2.2. Independent Planning of Child Sex Tourism Trips

A majority of American child sex tourists appear to travel to countries of destination independently, learning about places where they can obtain sex with children largely over the Internet or through pedophilic associations and by word of mouth.<sup>35</sup> These men utilize chat rooms, message boards, news groups, and specialized websites to obtain information regarding potential destinations. The sources serve as information exchange clearinghouses where users can post information regarding their experiences, advice on where to travel, and similar suggestions.<sup>36</sup>

Once in the country of destination, a child sex tourist who independently plans his or her travel might solicit the assistance of local taxi drivers, newspaper classified ads, bar and restaurant waitstaff, and guesthouse and hotel workers to gain access to children involved in prostitution. Alternatively, he or she might solicit children on his or her own, such as at a beach, or in neighborhoods where children might be found living on the street, begging, shining shoes, or selling newspapers. This approach is especially common among child sex tourists seeking boys. For example, in Phnom Penh, Cambodia, pedophiles look for boys by the riverside, where they may be found selling newspapers to tourists or shining shoes. In other cases, street children and other vulnerable children may solicit themselves to tourists in those areas where foreigners are known to congregate,

or they may be pimped to the foreigners by adult pimps or by street gang leaders, often older children.<sup>37</sup> Generally, child sex tourists will entice the children they approach on the street with sweets, meals, or jewelry.

## 2.3. Child Sex Tourism and Residence in Country of Destination

Situational child sex tourists may be considered bona fide “tourists” in that they travel to a particular country for a relatively short period of time for business or leisure (several days to several months), may abuse children if given the opportunity, and then return home. While preferential child sex tourists may likewise stay in a country for a short period of time with the explicit purpose of abusing children, some of these men may choose to take up residence in a country where they will abuse children. Yet others may make a chosen region their home, spending varying amounts of time in one country or another within the region of interest.

These offenders may travel around – for instance, spending some time in Thailand, then moving on to Cambodia, returning back to Thailand to renew a visa, etc.<sup>38</sup> Alternatively, they may shift their country of residence within a region from time to time based on changing circumstances in a particular location, or due to

deportation for a child sex crime and denial of re-entry into the country where the offense was committed.

Reports from Southeast Asia, Central America, and Africa all indicate that foreign men take up residence in countries in these regions with the explicit purpose of abusing children. These men often seek employment as English teachers, aid workers or in similar occupations so as to obtain direct access to vulnerable children. For instance, it has been reported that in Kenya, many children are abused by expatriates setting up charitable organizations and/or acting in the capacity of community benefactors.<sup>39</sup> Similarly, reports from Southeast Asia indicate that a significant percentage of American child sex tourists under investigation in the region are English teachers working in local schools in countries such as Thailand and Cambodia.<sup>40</sup>

In countries where child sex tourists may operate for an extended period or time or take up residence, the technique of “grooming” is often reported. This generally involves the foreigner entering into close relations with the child and his or her family, so that the family becomes financially dependent on the perpetrator. For example, the foreigner may provide gifts and money to the family while abusing the child.<sup>41</sup>

## 2.4. Organized Child Sex Tourism: Involvement of Travel Agencies and Sex Tour Operators

The success of a number of undercover operations conducted by U.S. Immigration Customs Enforcement (ICE) and the Federal Bureau of Investigation (FBI) against American child sex tourists indicates that organized child sex tourism, whether carried out with the facilitation of a tour operator or a “child sex tourism resort,” is, in some cases, still being utilized by child sex tourists to plan their journeys abroad. Those doing so are typically novices, however. Repeat offenders are more likely to arrange their travel independently,<sup>42</sup> as experienced child sex tourists may be reluctant to take part in organized “sex tours,” since these lend themselves to a higher risk of law enforcement scrutiny due to their more high-profile nature.<sup>43</sup>

### 2.4.1. Operations Uncovering Organized Sex Travel

*Operation Mango*, conducted by ICE in cooperation with the U.S. Postal Service prior to the enactment of the PROTECT Act, focused on an American-operated hotel called “Castillo Vista del Mar” in Acapulco, Mexico, where American men could stay and have sexual relations with boys as young as six, often street children.<sup>44</sup> After two years of investigation, ICE arrested eight American men<sup>45</sup> and rescued 30 Mexican children, some as young as eight years of age.<sup>46</sup>

Other perpetrators may take advantage of package deals offered as so-called “sex tours,” which are all-inclusive

deals providing for airfare, hotel, entertainment and possibilities of “meeting” with local women. Some of these sex tours may specifically cater to child sex tourists. In the mid 1990s, *Business Week* identified 25 sex tour companies operating in the United States.<sup>47</sup>

An FBI undercover operation code-named *Operation Turn Around*, conducted in conjunction with the Fort Lauderdale Police Department, the U.S. Embassy in Costa Rica, and Costa Rican law enforcement authorities revealed that men traveling from the United States may be willing to utilize the services of tour agencies to arrange trips abroad that would involve sex with children. As part of this operation, the FBI created a false travel agency called “Costa Rica Taboo Vacations.”<sup>48</sup> This agency offered travel packages to Costa Rica that purported to include sexual activity with minors,<sup>49</sup> advertised as girls between the ages of 14 and 27.<sup>50</sup> The trips were advertised in magazines and on the Internet by the FBI.<sup>51</sup> Between December 2003 and August 2004, the FBI arrested 11 people as part of this operation, all of whom attempted to visit Costa Rica to engage in sexual activities with minors, as “arranged” by this “agency” for them.<sup>52</sup>

The FBI also infiltrated The North American Man/Boy Love Association (NAMBLA), a pedophilic association, through a secret agent, who became a member under an alias and “befriended” many in the organization. After establishing the agent within the group, the FBI created a faux travel agency that was designed to make arrangements for sex tours.<sup>53</sup> The members of NAMBLA set up a sex tour with the travel agency to Enseñada, Baja California, Mexico, where they were to stay at a bed and breakfast and engage in sexual activities with boys. NAMBLA members called it a “bed, boys, and breakfast.” The undercover agent reported that the men requested boys as young as eight to be there.<sup>54</sup>

### 2.4.2. U.S.-Based Sex Tour Companies

Only one tour operator has been charged for actions relating to promoting sex tourism in the United States. In this case, the owners of Big Apple Oriental Tours, based in New York, NY, were involved. Douglas Allen, age 59, and Norman Barabash, age 58, were indicted in February 2004 on felony and misdemeanor counts of promoting prostitution<sup>55</sup> in a first ever indictment against a U.S. sex tourism company.<sup>56</sup> For \$2,495, Big Apple Oriental Tours offered 12-day trips, which promised “plenty of young women.”<sup>57</sup> As part of these tours, men were brought to bars where the tour group acted as an intermediary, making introductions and negotiating for the purchasing of women. In 1993, one of Big Apple Oriental tour guides allegedly bragged that his company could provide girls as young as 15 and 16 for purpose of engaging in sex.<sup>58</sup> While the tour operators denied providing access to underage girls, Barabash admitted that it was impossible to be sure that none of the women they provided were underage.

Additionally, one of the girls in a promotional video identified herself as being 17 years old.<sup>59</sup> However, these charges against Big Apple Oriental Tours were dismissed on grounds that sufficient evidence was lacking, that evidence introduced amounted to “hearsay,” and that significant questions remained regarding the applicability of the underlying law to the case.<sup>60</sup> The New York State Attorney General’s office appealed the dismissal of the initial indictment, and in May 2005 the Appellate Division ruled on the limited ground that hearsay evidence was improperly introduced to the grand jury, allowing the case to be resubmitted to a second grand jury. The Appellate Division did not question the applicability of the law. Norman Barabash and Douglas Allen were therefore indicted for the second time by a Dutchess County Grand Jury for promoting prostitution in violation of Article 230 of the New York Penal Law. Barabash and Allen were arraigned on August 8, 2005, pleading not guilty at the Dutchess County Courthouse in Poughkeepsie, NY.<sup>61</sup> In January 2006, the Dutchess County Court once again dismissed the charges, stating that “There was [...] evidence presented that tours could include such activities as golf and scuba diving, shopping for clothes and jewelry and that wives and companions are welcome at discounted prices [...] What the tour customer did when he arrived at the location is not part of the Big Apple Oriental Tours enterprise.”<sup>62</sup>

Similar complaints were made in 2002 by Equality Now, an international human rights organization focusing on issues pertaining to women and children, against Video Travel, a travel agency based in Hawaii offering the “Ultimate Asian Sex Tour” to Thailand every May and November.<sup>63 64</sup> The cost of the proposed trips ranged from \$800 according to Melvin Hamaguchi, the owner, to upwards of \$2,395 according to Equality Now.<sup>65 66</sup> In addition to Video Travel’s bi-annual trips, the tour company also ran a website which included information on the cost of prostitution and explained the concept of a “barfine,” which must be paid to the bar in order to take a woman out of the bar she works in, plus additional tips to be paid to the women for the sex purchased.<sup>67</sup> These actions were in violation of Hawaii’s Penal Law Division 5, Title 37, Sections 712-1201 through 1204, which state that a person can be guilty of promoting prostitution when he or she “knowingly advances or profits from prostitution.”<sup>68</sup> Hamaguchi has since claimed that he had closed his business and stopped the operation of his website in October 2003.<sup>69</sup> However, according to Equality Now, Hamaguchi shut down the website only in November 2003, after media coverage spawned by Equality Now and a protest outside of Video Travel by Girl Fest/Safe Zone Foundation, a local Hawaiian group. In addition, Hamaguchi’s comments to a staff member from Equality Now posing as a potential sex tourist in 2004 indicated that he was still running the tours. The Department of Commerce and Consumer Affairs has not revoked his

travel agent’s license and Hawaii’s Attorney General has not taken any legal action against Mr. Hamaguchi.<sup>70</sup>

The most recent accusations against a tour operator were against G&F Tours, located in Forth Worth, TX, and specializing in sex travel. While the disclaimer at the bottom of G&F Tours’ web page warned against men looking for minors, Equality Now has alleged that children were involved, but has not been able to prove it. To date, no action has been taken against G&F Tours.<sup>71</sup>

### 3. Primary and Emerging Countries of Destination for Child Sex Tourists from the United States

#### 3.1. Primary Countries of Destination

Based on information gathered from various sources, including records of U.S. law enforcement activity, Federal law enforcement agency insight, and documented cases of arrest and prosecution for child sex tourism in countries of destination, a number of countries appear to be major countries of destination for child sex tourists from the United States.

##### 3.1.1. Primary Countries of Destination Based on the Record of U.S. Law Enforcement Activity

The 50 cases of U.S. citizens and permanent legal residents indicted in the United States under all applicable laws provide some insight as to the countries that most frequently serve as countries of destination for U.S. child sex tourists.

Tabulating cases that did not arise from an undercover operation in which the country of destination was determined by U.S. authorities conducting the operation, reveals that several countries appear as frequent points of destination for U.S. child sex tourists (*Operation Mango*, in which Mexico was the country of destination chosen by all the eight perpetrators subsequently charged, has been counted as constituting one case of Mexico as a country of destination).

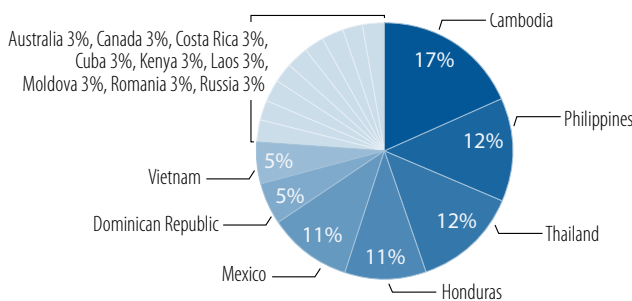
Table 2. Primary countries of destination for American child sex tourists charged in the United States under all applicable laws.

Country	Number of Times as Country of Destination <sup>72</sup>
Cambodia	7
Philippines	5
Thailand	5
Honduras	4
Mexico	4
Dominican Republic	2
Vietnam	2

Based on this analysis, *Cambodia, Philippines, Thailand, Honduras and Mexico*, emerge as the most frequent countries of destination for American child sex tourists.

However, numerous other countries have served as destinations for child sex tourists from the United States, including other counties in Southeast Asia and Central America, as well as those in Europe and Africa. The full picture of countries to which American child sex tourists prosecuted in the United States have traveled to commit child sex offenses provides an overview of the variety of countries involved. It is important to note the presence of Australia and Canada, two wealthy nations, among the countries of destination. Another interesting observation is the presence of Cuba among countries of destination, indicating that American citizens may travel to this country to commit child sex offenses irrespective of the restrictions placed on travel to Cuba for American citizens.

Figure 2. Statistical breakdown of all countries of destination for American child sex tourists, based on the record of U.S. law enforcement activity.



### 3.1.2. Primary Countries of Destination Based on U.S. Government Insight

Experience of law enforcement agencies investigating child sex tourism offenses, as well as NGOs assisting in this process, likewise provides insight regarding countries most frequently serving as destinations for U.S. child sex tourists. While most law enforcement agencies agree that such conclusions are generally difficult to make due to the underground nature of the problem and a lack of its recognition in some countries as opposed to others, some estimates may nevertheless be put forth.

Feedback from six law enforcement and non-governmental agencies<sup>73</sup> regarding which countries may be considered as significant countries of destination for U.S. child sex tourists yielded rather consistent results. These were tabulated on the basis of respondents’ insights to compile a list of those countries which emerge as significant points of destination for child sex tourists from the United States. The total number of respondent organizations consulted was six.

Table 3. Significant countries of destination for American child sex tourists based on U.S. law enforcement and NGO insight.

Country	Number of Respondents Citing Country as Significant Country of Destination
Thailand	5
Cambodia	5
Mexico	4
Brazil	4
Costa Rica	3
Philippines	2
Vietnam	2
Dominican Republic	2

A number of countries were consistently cited by respondents as significant destinations. These countries were *Thailand, Cambodia, Mexico, Brazil* and *Costa Rica*. The Philippines, Vietnam and the Dominican Republic were also mentioned as significant countries of destination for child sex tourists from the United States, albeit less frequently.

### 3.1.3. Primary Countries of Destination Based on Record of Arrests and Prosecutions in Countries of Destination

Cases of arrest and/or prosecution of foreign child sex tourists in countries of destination based on data obtained from government sources, NGOs, and the media also yield useful information regarding the geographic routes for child sex tourism. Relative numbers of foreign child sex tourists arrested/prosecuted in a destination country reveal those countries which serve most frequently as countries of origin for that destination. As such, the relative presence of U.S. child sex tourists among those arrested in a particular country of destination may be deduced, indicating whether that country is a frequent point of destination for U.S. child sex tourists.

It must be noted that some countries have not arrested/prosecuted child sex tourists as of yet at all or to a very small degree, so additional evidence was utilized to draw conclusions regarding to what degree child sex tourists from the United States may be involved. From the data available, a number of countries emerge where the percentage of child sex tourists from the United States appears to be significant.

#### 3.1.3.1. Cambodia

While most child sex abusers in Cambodia are local Khmers, a significant population of foreign child sex exploiters is likewise implicated (some estimates suggest that this may be so in one out of every four cases).<sup>74</sup> In 2004, out of 401 arrests for sex crimes against children in Cambodia, 18 were of foreign citizens arrested for debauchery, the Cambodian legal term which encompasses the crime of illicit sexual conduct with minors perpetrated



by foreigners.<sup>75</sup> Most of those arrested were citizens of industrialized Western nations.

Based on research of media coverage of child sex tourism in Cambodia, in international press, and NGO reports, 45 perpetrators and alleged perpetrators were identified as having been arrested in Cambodia between the years of 1999 and 2006 for which nationality data was available<sup>76</sup> (to most accurately present the relative percentage of U.S. child sex tourists operating in Cambodia as compared to child sex tourists of other nationalities, those child sex tourists from the United States that were first arrested in Cambodia, but subsequently extradited to and charged in the United States were likewise included).

Table 4. Foreign child sex offenders in Cambodia by country of origin.

Country of Origin of Child Sex Tourists	Number of Offenders and Alleged Offenders
United States	12
Germany	7
Japan	6
Australia	5
United Kingdom	4
Belgium	2
France	2
Italy	2
The Netherlands	2
South Korea	1
New Zealand	1
Canada	1
Total	45

The foregoing data indicates that United States citizens appear to be frequent perpetrators of child sex tourism in Cambodia, constituting nearly 27 percent of offenders arrested in this country for child sex tourism offenses, as based on available data.

Information provided by government officials and the NGO sector in Cambodia likewise points strongly to a significant presence of child sex tourists from the United States. Data provided by the French NGO Action pour les Enfants (APLE), which independently investigates cases of child sex tourism in Cambodia, paints a similar picture. Their data, based on 23 arrests resulting from investigations over the past several years also reveals a significant presence of U.S. nationals.<sup>77</sup>

Table 5. Arrests made as a result of APLE Investigations.<sup>78</sup>

Country of Origin of Child Sex Tourists	Number of Offenders and Alleged Offenders
United States	6
The Netherlands	4
France	4
Australia	2
Austria	2
United Kingdom	2
Belgium	1
Canada	1
New Zealand	1
Total	23

In studying this data, it is important to note that the presence of an active U.S. Immigration and Customs Enforcement (ICE) Attaché Office in Bangkok, with agents investigating U.S. citizens and permanent residents in Southeast Asia in relation to child sex tourism, may be positively affecting the rate of arrests of American citizens in Cambodia.<sup>79</sup> No other significant origin country had a similar type of law enforcement presence in Cambodia or elsewhere in Southeast Asia at the time of writing. The higher number of arrests of Americans as compared to other nationalities may in part be due to this factor.

This factor alone, however, cannot fully account for the significant percentage of American child sex tourists arrested. APLE, for instance, does not focus on any specific nationality in its investigations, and also recorded a higher number of U.S. citizens than other perpetrators.

It should be noted, however, that the higher number of arrests of Westerners as opposed to Asian perpetrators may be linked to the fact that Western men tend to seek out children on the street while Asian men do so through more discreet networks.<sup>80</sup>

While Cambodia is generally considered to be an emerging destination for child sex tourists because it only opened to international presence in the mid-1990s, the magnitude of the phenomenon in proportion with Cambodia's population and the recent opening of its borders merits its consideration as a significant country of destination. Importantly, the high numbers of U.S. citizens arrested indicate that it is an especially significant destination for child sex tourists hailing from the United States.

### 3.1.3.2. Philippines

The Philippines is another significant destination for child sex tourism in Southeast Asia. Especially in the 1990s, the Philippines was active in investigating child sex tourists and arrested and prosecuted a number of foreigners for child sex offenses committed in the country. Information based on these and later arrests paints a picture of the nationalities of child sex tourists that were operating in the Philippines at the time and those found in the country today. The most recent arrests (2004-2006) in the Philippines



for child sex tourism and related offenses have been of perpetrators from the United States, France, Germany, and South Korea. A compilation of media coverage of child sex tourism in the Philippines reveals documented cases of at least 42 perpetrators arrested in the Philippines between the late 1980s and today.

Table 6. Foreign child sex offenders in the Philippines by country of origin.

Country of Origin of Child Sex Tourists	Number of Offenders and Alleged Offenders
<b>United States</b>	<b>12</b>
<b>United Kingdom</b>	<b>5</b>
<b>Germany</b>	<b>5</b>
Australia	3
Switzerland	3
France	2
Japan	2
Norway	2
Canada	2
South Korea	2
The Netherlands	1
Belgium	1
Greece	1
Austria	1
<b>Total</b>	<b>42</b>

The foregoing data indicates that citizens of the United States appear to be frequent perpetrators of child sex tourism in the Philippines, constituting 29 percent of offenders and alleged offenders arrested in the Philippines for which information regarding nationality was available. Additional information provided by government officials and the NGO sector in the Philippines likewise strongly indicates the significant presence of child sex tourists from the United States in this country. As in the case of Cambodia, it is important to keep in mind that the relatively higher number of arrests of Westerners as opposed to Asian perpetrators may again be linked to the fact that Western men tend to seek out children on the street while Asian men do so through more discreet networks.

### 3.1.3.3. Thailand

Thailand is a significant country of destination for international sex tourism and child sex tourism. While the situation in Thailand has been changing in recent years, with improvements in economic stability and stricter law enforcement decreasing the incidence of child sex tourism, problems still remain. Even while children in prostitution are, reportedly, no longer visible in Bangkok, Pattaya and Phuket remain important destinations for sex tourists seeking children. A compilation of documented instances of arrests and prosecutions of foreign child sex tourists in Thailand between the years of 1995 and 2006 reveals the extent of the relative presence of child sex tourists from the United States.

Table 7. Foreign child sex offenders in Thailand by country of origin.

Country of Origin of Child Sex Tourists	Number of Offenders and Alleged Offenders
<b>Australia</b>	<b>10</b>
<b>United States</b>	<b>7</b>
United Kingdom	3
Sweden	2
The Netherlands	2
France	2
New Zealand	2
Japan	2
Finland	1
Norway	1
<b>Total</b>	<b>32</b>

The foregoing data indicates that United States citizens appear to be frequent perpetrators of child sex tourism in Thailand, constituting 22 percent of offenders and alleged offenders arrested in Thailand for which information regarding nationality was available. Australian citizens constitute an even higher percentage than do American citizens, constituting 31 percent of total number of cases considered.

### 3.1.3.4. Costa Rica

Costa Rica may be considered a relatively new child sex tourism destination, especially in comparison to those countries where the child sex tourism industry developed several decades ago. However, it appears to be the understanding among some experts that while attention was drawn to Costa Rica as a country of destination only recently, the country may have attracted child sex tourists already for quite some time.<sup>81</sup>

Costa Rica is an important country of destination for child sex tourists especially from North America. Numerous reports and sources cite Costa Rica as the major country of destination for child sex tourists in Central America. While some claims are sensationalizing the issue, it is certainly the case that a significant number of sex tourists and child sex tourists are drawn to the country. Recent investigative studies conducted by the International Labour Organisation's International Programme on the Elimination of Child Labour (ILO/IPEC) in Central America provide disturbing statistics: 1/3 of children and adolescents engaged in prostitution and interviewed for the research in Costa Rica stated that their last sexual client/exploiter came from a foreign country (while the majority of these were foreigner tourists, a significant percentage were foreigner residents in the country).<sup>82</sup> U.S. citizens are widely cited as constituting the most significant population of child sex tourists in the country, a likely scenario given that they make up close to half of all tourists entering Costa Rica.

Available data lends credence to these reports. For example, recorded cases of 14 foreign citizens arrested and/or charged and convicted of sexual offenses perpetrated against minors in Costa Rica between the years of 1998 and 2006 reveals that of these men (and one woman), 12 persons were U.S. citizens. Offenses included illicit sexual relations with minors, prostituting minors to local and foreign clients, as well as production of child pornography. Importantly, in a number of these cases, U.S. citizens were involved in pimping minors to third parties, often other foreigners.

Table 8. Foreign child sex offenders in Costa Rica by country of origin.

Country of Origin of Child Sex Tourists	Number of Offenders and Alleged Offenders
United States	12
Guatemala	1
Dominican Republic	1
Canada	1
<b>Total</b>	<b>15</b>

Another important finding was that wanted or convicted child sex offenders from the United States appear to seek and manage an escape to Costa Rica. Information was available regarding three convicted U.S. sex offenders who fled to Costa Rica, and were recently arrested there. In June 2001, Costa Rican police were on the lookout for a U.S. fugitive, Richard Steve Goldberg, who was an accused pedophile and on the Federal Bureau of Investigation's Ten Most Wanted List.<sup>83</sup> In November 2005, Costa Rican police arrested Walter Edward Myer, an Alabama fugitive wanted for the sexual abuse and sodomy of children.<sup>84</sup> Finally, in December 2005, James A. Colwell, a convicted sex offender, was arrested in Costa Rica, where he had been living for a number of years after fleeing the United States during his probation period.<sup>85</sup>

The foregoing data indicates that United States citizens appear to constitute the most significant group of perpetrators of child sex tourism in Costa Rica, constituting 80 percent of child sex offenders in the country, according to available data. This number confirms existing estimates regarding the relative presence of child sex tourists in Costa Rica.<sup>86</sup>

### 3.1.3.5. Mexico

Mexico is another well-known destination for child sex tourists from around the world, and especially from the United States and Canada. Although prosecutions of foreign child sex tourists by Mexican courts have been scarce, a number of foreign offenders have been arrested both by Mexican and foreign authorities for committing child sex offenses in the country, including several U.S. citizens.

Charles James Thomas, U.S. citizen, was prosecuted in the 1990s in the United States for molesting girls under the

age of 18 in Mexico. Another U.S. citizen, Marvin Hersh, was prosecuted in the late 1990s on numerous charges of sexually abusing minor boys in Honduras had likewise traveled and committed such offenses in Mexico, as well as in the Dominican Republic. Similarly, Steven Erik Prowler, arrested in 2005 on child sex offense charges in Thailand, kept diaries detailing his sexual encounters with minor boys in a number of countries, including Mexico. Another eight American offenders were arrested as a result of *Operation Mango*, an undercover operation carried out by ICE, which uncovered Castillo Vista del Mar, a child sex resort in Acapulco, operated and patronized by American men. In addition to these cases, in 2003, 13 Canadian and U.S. nationals were arrested by Mexican police in Acapulco, Mexico on charges of operating a ring involved in child sex tourism and child pornography. However, after two of the suspects committed suicide in Mexican jails, the remaining men were released. In 2004, Thomas Frank White, of San Francisco, California, was arrested in Thailand per the request of the Mexican government on charges of sexually abusing children in Puerto Vallarta, Mexico. Most recently, in April 2006, Mexican Federal agents arrested Kenneth Lee Dyer, a policeman from California, on child pornography charges. He was arrested in Cancun, after police located videotapes of local Mexican girls in his condominium in the Hotel Zone of Cancun.<sup>87</sup>

In 2004, two child sex tourism suspects traveling independently, French and German nationals (Sebastian Sarraute and Manfred Knittel) were arrested in the United States and charged under the PROTECT Act for attempting to have sex with young girls ranging in age from six to 14 years old in Mexico. The suspects had unwittingly been negotiating their intended abuses with the United States ICE and were apprehended upon arriving at the Tucson International Airport in Arizona. In another incident, an Australian was arrested in Puerto Vallarta and charged with rape of several children committed between 1997 and 2001. The three victims were male, and one was only eight years old. Simon Vizard, another Australian native, was arrested in Mexico on child sexual exploitation-related grounds in 2004.<sup>88</sup>

## 3.2. Emerging Countries of Destination

Emerging countries of destination for child sex tourism are those countries where largely anecdotal evidence, but also some documented cases strongly point to emergence of the problem. According to information gathered from U.S. law enforcement agencies, secondary sources and NGO reports, as well as available arrest records, the following countries appear to be emerging or could emerge as child sex tourism destinations for child sex tourists from the United States: *Honduras, Guatemala, Kenya, Russia, Eastern/Southeastern Europe, and Vietnam and Laos.*

It is also important to keep in mind that American child sex tourists may travel virtually anywhere to engage in sexual

abuse of children – to countries that are developing, as well as to those that are developed, as corroborated by two recent cases of Americans arrested for child sex offenses in Canada and Australia. However, it is likely that the numbers traveling to developed countries, where laws are viewed as stricter and children are less vulnerable, would be smaller.

### 3.2.1. Dominican Republic

The Dominican Republic merits inclusion as a destination country for child sex tourists hailing from the United States. While little documented information is available regarding the extent of the phenomenon in the country, some evidence of American citizens having traveled there for this purpose is available. Additionally, it may be suggested that the presence of U.S. child sex tourists in the country is likely to be significant due to its geographic proximity to the United States. However, because adequate documented evidence is not available, the Dominican Republic is being included with emerging countries of destination for U.S. child sex tourists.

In a recent study carried out by the ILO/IPEC in 2003, out of 118 prostituted children interviewed for the study, 25 children stated that their clients were always tourists. This indicates that about 20 percent of clients of children in prostitution in the Dominican Republic may be foreign tourists. Considering that U.S. nationals comprise a very significant percentage of tourist arrivals to the Dominican Republic, it may be the case that they also constitute a substantial percentage of the child sex tourists.

The record of arrest and prosecution of foreigners for child sex offenses in the Dominican Republic is, however, small. Marvin Hersh, an American convicted for child sex tourism in Honduras, may have also engaged in relations with two minor boys in the Dominican Republic in the mid-1980s, according to evidence revealed during his trial. Daniel Gary Rounds, an American convicted for child sex offenses in Honduras, and who had kept extensive records of his travels to various countries in the Western Hemisphere where he abused children, included the Dominican Republic as one of the countries where he had allegedly committed these offenses. Likewise, Steven K. Irvin, arrested as part of the NAMBLA sting operation, had insinuated that he had also traveled to the Dominican Republic for a trip similar to that planned to Enseñada, Mexico, as part of the undercover operation.

In March 1994 a former Canadian city mayor, Jack Langmuir, age 72, was arrested in the Dominican Republic and flown back to Brockville, Canada, to face sex charges involving teenage boys, which he allegedly abused while living in Puerto Plata in the Dominican Republic. In 1998, a Danish citizen, Finn L. Jensen, age 62, and American citizen Hubert Backhause, age 82, were arrested by Dominican police following complaints from neighbors

that the two men were using Dominican street children to make pornographic videos.

While no documented cases of arrest of American child sex tourists in the Dominican Republic were available, evidence of trips made there for the purpose of child sex tourism by two convicted American child sex tourists, the emphasis placed on it as a country of destination by law enforcement agencies and NGOs, as well as its proximity to the United States, imply that the Dominican Republic should be considered as a potentially important country of destination for child sex tourists from the United States.

### 3.2.2. Honduras

Evidence strongly indicating the emergence of child sex tourism as a significant problem, and as a problem specifically linked to child sex tourists from the United States, is available for Honduras. A number of foreign child sex tourists have been arrested and convicted in the country, the majority of them American citizens.

One of the most prominent cases involved American Marvin Hersh and another American male, Nelson Buhler, who repeatedly abused boys under the age of 18 in Honduras. Similarly, Stefan Irving, arrested as part of *Operation Mango*, which targeted a U.S.-owned and operated child sex tourism “resort” in Acapulco, Mexico, was found to have traveled to Honduras with the intent of engaging in sexual conduct with minor boys. Another case in 1998 involved a special education teacher, American Daniel Gary Rounds, age 38. He was arrested by local authorities and found guilty by a Honduran court of sexually abusing two 12-year-old street boys in the Northern port town of La Ceiba in Honduras, which has come to be known as a center for sexual exploitation of children by foreigners. Rounds was sentenced to ten years in prison but was released on appeal after serving only three and a half years of his sentence. San Pedro Sula, the nation’s second largest city, and also considered an emerging hot spot for child sex tourism activity, was the site of another high profile case. In April 1999, on the basis of information provided by a local NGO, the Honduran Bureau of Criminal Investigation raided “Tony Montana’s”, a nightclub allegedly offering sex with underage girls. Law enforcement officials found underage girls in the club working as “exotic dancers,” who danced naked for less than \$5 per song.<sup>89</sup> Anthony Robert Bucellato, an American from Portland, OR, acted as the club’s administrator. He previously lived in Roatan, Honduras, where he had likewise allegedly sexually exploited young girls. An inside report from KOMO-TV based in Seattle, WA, revealed Bucellato selling 14-year-old girls for \$120 a night. Charles Kasper, another American, was the owner of the club. Terry Clymire, a third American man arrested but later absolved, and Russell Scott Williams from Vermont, stated that they were “just clients,” however later reports detailed that they had also been involved in administration

work of the night club. Judge Nicolas Barahona, the First Criminal Judge of Letters of San Pedro Sula, sentenced U.S. citizens Anthony Robert Bucellato, age 43, to nine years and nine months in prison, Charles Edward Kasper, age 63, to six years and six months in prison, and Russell Scott Williams, age 34, to four years in prison. Most recently, Gary B. Evans, likewise a U.S. citizen, was charged with facilitating the travel of others to Honduras for the purpose of engaging in sexual activity with minors.

Nationals of European countries, as well as Australians, have also been arrested in Honduras. Two Swiss men were accused of sexually abusing a Honduran girl, after having drugged her and forced her to drink liquor in Honduras. Agrinder Kurt Borje Peter, age 58, and Svensson Ake Lennat Chister, age 55, were being held without bail after having been arrested and jailed on August 22, 1998 in Tocoa, Honduras. Also in 1998, an Australian citizen, Daniel John Stepping, age 35, was arrested in Honduras, and accused of sexually abusing two 12-year-old girls in the town of El Paraiso. Another Australian citizen, Joseph Dunn, age 55, a notorious pedophile with over 60 criminal accusations of pedophilia against him in Australia, was also arrested in Honduras in 1998. He was deported to the United States and on to Australia to face charges.

The foregoing information indicates that child sex tourism is taking place in Honduras, and that American citizens likely form a significant percentage of the perpetrators of such offenses in the country.

### 3.2.3. Guatemala

Guatemala is another Central American country that is frequently cited as an emerging destination for child sex tourists, especially from the United States. However, information on the topic is scarce. Incidents of international and internal child sex tourism in the ports and tourist destinations of Guatemala have been reported. Cities such as Puerto Barrios, Izabal, Puerto de San Jose, Escuintla, Antigua and Panajachel are said to cater to clients seeking sex holidays with children. Child pornography is also produced in Guatemala.<sup>90</sup> In July 1999, American Henry Boyer III, age 42, a suspected pedophile, was arrested in Quetzaltenango, Guatemala. He was wanted at the time by the FBI on charges of sexually assaulting five children between the ages of eight and 15 in Florida. He had since been residing in Antigua, Guatemala. While it was not clear whether he was abusing children in Guatemala, he was volunteering with a local organization working with street children, and he had a 12-year-old street boy living with him. He was extradited to the United States, where child pornography was found on his computer disks.<sup>91</sup>

### 3.2.4. Kenya

Kenya is another growing country of destination for child sex tourists. While it is likely that the problem of child

sex tourism in Kenya is largely dominated by European nationals, two cases have been documented of American offenders in the country. One offender, Lester Christian Weber, was arraigned in February 2005 in the United States on charges of traveling to Kenya to engage in sexual acts with two victims under the age of twelve. In another recent case, an American woman, Ms. Sherryhsian Hwa Chow, was charged in Kenya in February 2006 of sexually assaulting five boys at a children's rehabilitation center in Nairobi in 2004 and 2005. She was detained in Kenya and her trial was scheduled for April of 2006.<sup>92</sup> This last case points to an important trend, in which individuals working with vulnerable children in developing countries may be doing so with the intent of sexually abusing these children.

### 3.2.5 Russia and Eastern and Southeastern Europe

The Northwestern parts of the Russian Federation are being increasingly reported as destinations for child sex tourism involving local street children, many of whom are addicted to drugs. While the majority of such tourists are reportedly from Scandinavian countries, one American child sex tourist has been arrested and is currently facing charges for repeated trips he made to the Russian Federation to sexually abuse children. This man, Gregory Kapordelis, traveled to St. Petersburg in the Northwest of Russia for this purpose.

Additionally, Eastern and Southeastern Europe may also be emerging as destinations for child sex tourism. Again, countries in this region are likely to attract European child sex tourists. However, a recent case of an arrest of an American citizen, Anthony Mark Bianchi, for sexual offenses against minors in Romania and Moldova indicates that these countries are not off the map for American child sex tourists.

### 3.2.6. Vietnam and Laos

Vietnam is very vulnerable to becoming a significant child sex tourism destination. The number of cases and arrests of foreign men for child sex offenses in Vietnam just in the past two years point to an alarming trend. Strong concern on the part of NGOs and government officials addressing the issue in Southeast Asia, as well as reports of local NGOs in Vietnam all corroborate the fact that a significant problem is indeed emerging.

Two instances of American offenders operating in Vietnam have been documented so far in the United States. One concerns Karl Kaechele, who is currently facing charges under the PROTECT Act for alleged child sex offenses in a number of countries in Southeast Asia, including Vietnam. Another case concerns American George Hoey Morris, who was arrested in 2005 on numerous charges, including those of sexual contact with minor girls in Vietnam, on which he has since been convicted. Likewise, a number of



U.S. law enforcement agencies mentioned Vietnam as an emerging country of destination.

Importantly, pressure from the international community for improved law enforcement to end child sexual exploitation especially in Thailand and, more recently, in Cambodia, appear to be bearing fruit. This development has been reported as playing a potentially significant role in causing Vietnam to become a new destination for foreign pedophiles in the future.<sup>93</sup> As U.S. citizens form a significant proportion of child sex tourists in Southeast Asia, including Thailand, as well as Cambodia, it is likely that they would shift toward Vietnam as law enforcement cracks down in these other countries. In addition, as prostitution and child prostitution are growing in Vietnam alongside its tourism industry, the constellation of all these factors may indeed foster the development of a child sex tourism industry in Vietnam.

Alongside the American cases mentioned above, the recent case of Gary Glitter, former British rock star, who was convicted in Vietnam for sexual abuse of children, lends further support to the notion that child sex offenders are operating in the country. Moreover, Interpol Vietnam reported in January 2006 that it received a list of 21 German child sex offenders who had either already entered Vietnam or had plans to do so.<sup>94</sup> German and Austrian nationals were arrested in Vietnam in 2005 and 2006 on charges of sexual offenses perpetrated against Vietnamese minors. As of time of writing, Charles White, an Australian volunteer for street children, was wanted for alleged child sex crimes committed in Vietnam, while Gregory Cook, another Australian citizen, was recently arrested and deported to Australia following a conviction for child sex offenses committed in Vietnam.<sup>95</sup>

An important trend emerging in Vietnam, similar to that observed elsewhere where child sex tourism is a problem, is that child abusers frequently seek employment teaching English in local schools or approach local shelters for street or abused children to make acquaintance with vulnerable children there.

Finally, it must be noted that Laos, a regional neighbor, may also potentially be at a danger for the development of child sex tourism. It is a poor country, still relatively undiscovered, but on an ever more popular increasing travel and tourism route. The country also offers the high levels of anonymity and seclusion that especially preferential child sex tourists are very keen on. Making the disclaimer that a large-scale emergence of the problem is still a long way away, NGO advocates working in the region are nevertheless beginning to sound the alarm, and some law enforcement sources in the United States are likewise pointing to the country as a potential problem spot.<sup>96</sup> At least one American currently facing child sex tourism charges under the PROTECT Act may have traveled to Laos for the purpose of abusing children, as is allegedly revealed in his personal diaries.

Alongside Vietnam, as law enforcement cracks down in regional neighbor Thailand, and increasingly, Cambodia, Laos may likewise be in peril of emerging as a new child sex tourism destination.

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# CHAPTER III

## Findings on Child Sex Tourism Originating in the United States: Indictments and Prosecutions of U.S. Citizens and Permanent Legal Residents for Child Sex Tourism and Related Offenses

### Section A. Statistical Analysis: Perpetrators

#### 1. Profile of Perpetrator

A compilation and analysis of case studies of the 50 U.S. citizens and permanent residents charged<sup>1\*</sup> in the United States with child sex tourism and related offenses under the PROTECT Act, as well as under relevant laws that existed prior to the enactment of the PROTECT Act, yielded important data regarding U.S. child sex tourists. Data for three foreign offenders charged under the PROTECT Act for child sex tourism was likewise examined, and is presented at the end of the chapter.

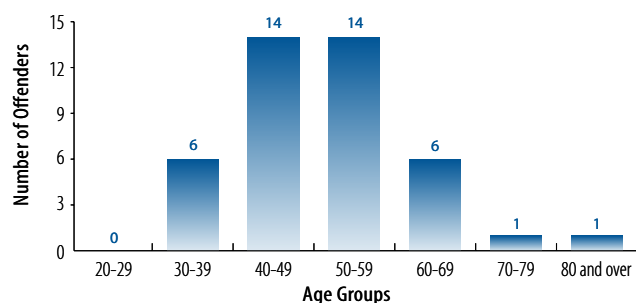
##### 1.1. Gender of Perpetrator

Only one person charged in the United States for child sex tourism and related offenses was a female. The remaining 49 offenders were male.

##### 1.2. Age of Perpetrator

For an analysis of the age range of the perpetrators, data for 42 offenders out of the total of 50 was available and utilized.<sup>2</sup> The vast majority, or 95 percent of perpetrators considered, were found to fall within the range of 30-69 years of age. The greatest absolute number of perpetrators within this range was found between the ages of 40-59, for a total of 28 perpetrators, or 67 percent of cases considered.

Figure 1. Age range of United States child sex tourists (N=42).

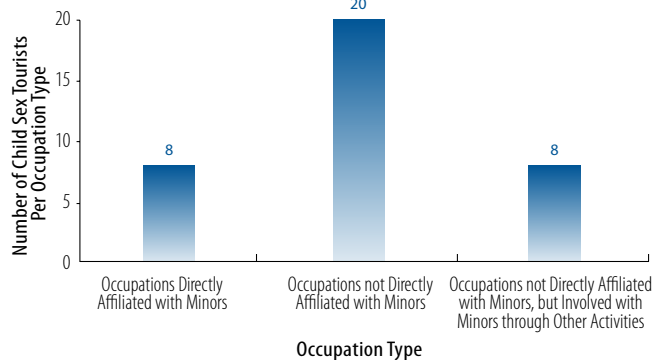


##### 1.3. Occupation of Perpetrator

Occupational data for perpetrators revealed that a high percentage of perpetrators were either 1) involved in occupations that placed them in direct daily contact with children, or 2) involved with children through another type of activity, most frequently, a community-related activity. Occupational data was available for 36 perpetrators. Close to half of the 36 perpetrators considered, or 44 percent, fell into one of these categories. For example, Steven Erik Prowler, recently charged under the PROTECT Act for molesting two boys in Thailand, was, at the time of arrest, an English teacher at a school in Thailand. Likewise, Michael Charles Smith, arrested as part of *Operation Mango*, which brought down an American-operated child sex tourism resort in Mexico, was a schoolteacher in Denver, CO. On the other hand, Edilberto Datan, who was an auditor by occupation, served as a volunteer at a community center working with troubled youth in the San Diego, CA, area. Thomas F. White, a multimillionaire businessman and financier currently facing child sex tourism charges under the PROTECT Act, as well as in Mexico, built schools and shelters for children in Mexico, where he is alleged to have sexually abused minor boys. Timothy Ronald Obert, also currently facing charges under the PROTECT Act for sexual conduct with a minor while working for the Peace Corps in Costa Rica, had repeatedly sought out employment opportunities that placed him in contact with children. Gregory Kapordelis, another alleged perpetrator, was chief anesthesiologist at a local hospital, and a physician at summer camps for children. Finally, Paul Ernest Zipszer, arrested as part of the Federal Bureau of Investigation (FBI) North American Man/Boy Love Association (NAMBLA) sting while working as a shipping clerk for an Orlando, FL, company, was involved with a Big Brothers program in the area.

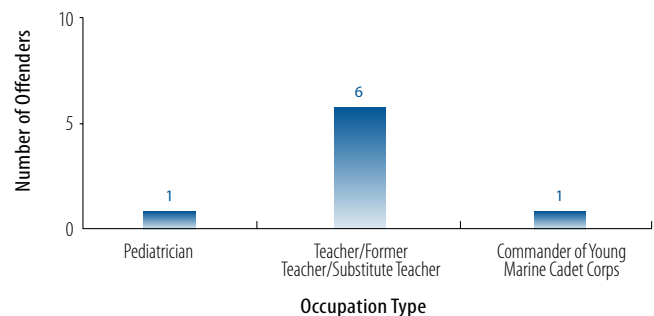
Others, however, were not involved in occupational or specialized community activities that placed them in direct contact with children.

Figure 2. Occupations of United States child sex tourists (N=36).



Of those offenders employed in occupations affiliated with children, six were schoolteachers, former schoolteachers or substitute teachers (middle school and others). One offender was a pediatrician and one was a Commander of the Spaceport Battalion of the U.S. Naval Sea Cadet Corps in Port Canaveral, FL, for children ages 11-17.

Figure 3. Occupations affiliated with children (N=8).



### 1.4. Gender Preference of Perpetrator

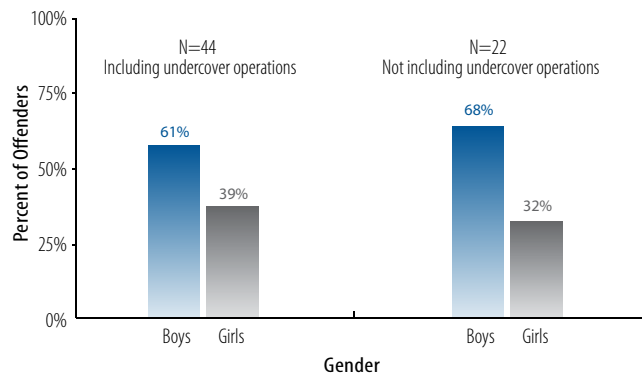
Child sex tourists' preferences for the gender of victims were examined. Data compiled revealed that child sex tourists were seeking girls as well as boys abroad. However, a preference for boys was suggested by the evidence.

Data regarding the gender of victims was available for 44 out of 50 cases. Examining all cases for which information was available, data revealed that in 61 percent of the cases studied, perpetrators engaged or had intent to engage in sexual relations with minor boys. The remaining perpetrators engaged or had intent to engage in sexual relations with minor girls, excluding one perpetrator who arranged for sexual relations with minor girls for third parties. Data disaggregated to exclude cases arising as a result of undercover operations that focused on groups of men exclusively seeking boys, nevertheless produced similar results, with 68 percent of perpetrators having engaged or having had intent to engage in sexual activities with minor boys.

In drawing conclusions from this data, however, it must be noted that child sex tourists seeking boys may be easier

to detect than those with a preference for girls. Child sex tourists seeking boys normally approach them on the street, at the beach, or in other public places, as boys are harder to locate than girls through prostitution networks. Special arrangements would typically have to be made, leading child sex tourists to opt for making direct contact with the male children.

Figure 4. Gender preferences.



### 1.5. Prior Offenses Committed by the Perpetrator

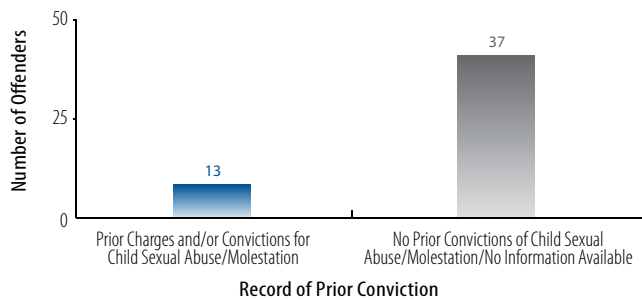
Case studies of U.S. child sex tourists charged in the United States reveal that a significant percentage of perpetrators are or may be repeat offenders. Analysis was based on information available regarding 1) records of prior charges and/or conviction or convictions for illicit sexual conduct with minors committed in the United States; 2) charges of illicit sexual conduct with minors committed in the United States filed against the perpetrator alongside international child sex tourism charges, and 3) evidence collected during investigations suggesting that the offender had traveled on multiple occasions to foreign countries to engage in sexual activities with children or had engaged in such activities on multiple occasions in a particular country, or both.<sup>2\*</sup>

Findings indicated that offenders seeking children abroad may also do so in the United States and vice versa. At least 13 perpetrators out of 50, or 26 percent, had been previously charged or convicted with child molestation. In all but two of these cases, the offenders were charged for prior offenses committed in the United States (Elisha Pasdeck was previously charged and convicted in Canada; and Thomas F. White was also charged in Mexico). Likewise, in all but two cases the perpetrators had been convicted on those charges (11 out of 13 were convictions). The two exceptions included Thomas F. White, who has not been convicted and is currently facing charges for child molestation of children in the United States, and Kent Frank, who had previously been charged, but cleared of paying underage girls in the United States for sexual activities and for taking pornographic pictures of them.

Examination of those perpetrators who were not previously charged with or convicted for an offense against minors reveals that out of 37 such perpetrators, 54 percent may

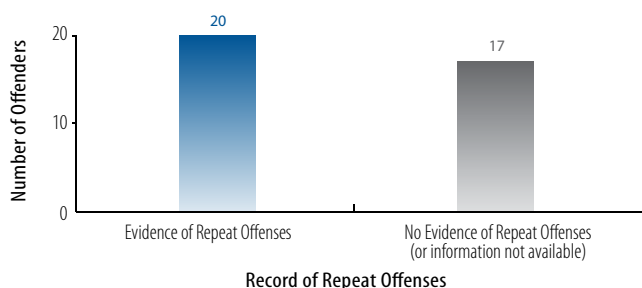


Figure 5. Prior charges and/or convictions for child sexual abuse/molestation committed in the United States (N=50).



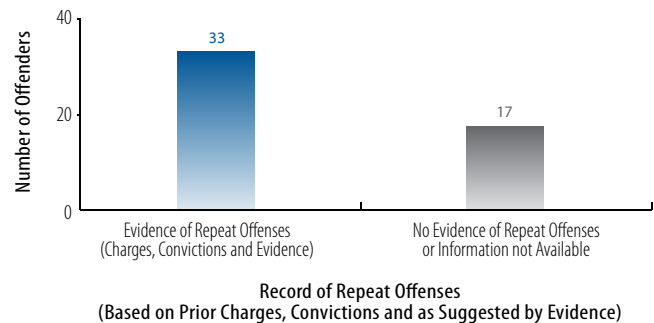
also be repeat offenders as suggested by evidence uncovered during investigation. For example, evidence presented during the trial of Marvin Hersh for sexual offenses perpetrated against two minor boys in Honduras, revealed that from 1984-1990 he had also engaged in sexual activity with a poor boy in Atlanta, GA, that in the mid-1980s he had relations with two boys from a poor village in the Dominican Republic and one boy from Mexico, and that from 1990-1994 he was involved with another young male in Honduras. Likewise, authorities searching the residence of Steven Erik Prowler, arrested in Thailand for molestation of two minor boys, found detailed descriptions written by Prowler regarding his sexual encounters with minor boys in Thailand, Cambodia, Laos, Mexico, and the United States.

Figure 6. Record of repeat offenses (abroad and in the U.S.) as suggested by evidence gathered during investigations (N=37).



A high presence of repeat offenders among U.S. child sex tourists is suggested when one looks into the total number of perpetrators including those who were previously charged and convicted for such offenses, as well as those whose record of repeat offenses is suggested by evidence gathered during investigations. Compiling and studying all these cases reveals that at least 66 percent of child sex tourists indicted in the United States for child sex tourism and related offenses are or may be repeat offenders.

Figure 7. Full record of repeat offenses (N=50).

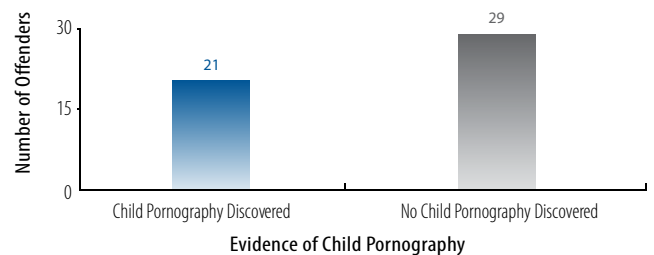


## 2. Link Between Child Sex Tourism and Child Pornography

The case studies considered uncover a strong connection between child sex tourism and child pornography. In 42 percent, or in 21 out of the 50 cases, child pornography was discovered to have either been produced by the perpetrator during the act of abuse of child victims, or the offender was found in possession of child pornography produced by someone else.

The case studies likewise reveal that some offenders utilize pornography to entice children into sexual relations. For example, John W. Seljan, who was charged with illicit sexual conduct with minor girls in the Philippines, was found in possession of pornographic materials in his luggage alongside sexual aids and chocolate when en route to the Philippines. Investigation into Seljan’s case revealed letters of correspondence between him and the Filipino girls, in which he indicated that he was bringing sexy toys, magazines and videotapes so that the girls could learn about sex. Nicholas Bredimus, on the other hand, recorded the acts of him molesting minor boys in Thailand on a compact video camera. Likewise, Lester Christian Weber produced pictures and videos of sexual abuse of minors he had perpetrated while in Kenya.

Figure 8. Link between child sex tourism and child pornography (N=50).



## Section B. Detailed Case Studies

In this section, case studies of the 50 U.S. citizens and permanent residents charged<sup>1</sup> in the United States for child sex tourism and related offenses under the PROTECT Act, as well as under other relevant laws that existed prior to the enactment of the PROTECT Act are presented in detail. Data for the three foreign offenders charged under the PROTECT Act for child sex tourism has been included following the detailed case studies of U.S. citizens and permanent residents. As of the time of writing, these case studies cover all U.S. citizens and permanent legal residents who have been charged under all applicable legislation in the United States for child sex tourism and related offenses. All information is accurate as of time of writing. Information was available to varying degrees for various cases.

Case studies are arranged first by region of offense, highlighting those countries that appear to be frequent destinations for U.S. child sex tourists; and second, chronologically, according to the date of arrest.

### 1. Central America Case Studies

<i>Defendant:</i>	<b>Marvin Hersh</b>
<i>Country of Offense:</i>	<b>Honduras</b> (Dominican Republic, Mexico)
<i>Law Charged Under:</i>	The Mann Act
<i>Plea:</i>	Not guilty
<i>Judgment:</i>	Jury trial leading to conviction
<i>Sentence:</i>	105 years in prison

Marvin Hersh, age 58 at time of arrest, was sentenced under the Mann Act for engaging in sexual acts with minors in Honduras, where he traveled on multiple occasions in the 1990s and engaged in sexual acts with several Honduran brothers aged eight to 16. Hersh was likewise convicted on a number of additional charges, including the transportation of a minor from Honduras to the United States for the purpose of illicit sexual activities.<sup>2</sup> Hersh was a college professor.

According to evidence presented at trial, arriving in Honduras in the early 1990s, Hersh approached a 17 or 18-year-old boy who was living in poverty and provided him food in exchange for oral sex. The boy introduced Hersh to his younger brothers, following which Hersh began to give clothes and gifts to all of the brothers in exchange for repeated sexual relations. During the trial, one of the boys testified that he engaged in these relations because of the poverty his family was living in and his desire to aid his family. Hersh had also traveled to Thailand where he met a man by the name of Nelson Buhler, who was also interested in meeting young men for the purpose of sexual contact. Hersh told Buhler about his activities in Honduras, and Buhler agreed to accompany Hersh on his next trip to

Honduras. Hersh explained to Buhler that the reason he pursued certain boys and not others had to do with the educational level and social status of the boys' mothers.

In 1994, the two men traveled together to Honduras. Hersh and Buhler took the Honduran brothers to several local hotels, where they engaged in sexual activities with the boys. Hersh and Buhler made approximately six subsequent trips to Honduras together, and Hersh made additional trips alone. They gave the boys clothing, money and gifts, gave money to their mother, and paid for the family to rent a new house.

In 1995, Hersh convinced the boys' parents that their 15-year-old son would have more educational advantages if he was allowed to move with Hersh to the United States, to which the parents gave their permission. In preparation for the trip, Hersh obtained a false birth certificate for the boy, which he used to apply for a U.S. passport for him. As part of this application, and on his application for a subsequent social security card, he listed the boy as his son. In the United States the boy lived with Hersh and slept in his bed. Hersh engaged the boy in sexual acts two to three times a week and exposed the boy to numerous pornographic materials.

In 1996, the Florida Department of Children and Families (DCF) received reports regarding Hersh and an investigation ensued. Throughout the investigation, Hersh claimed that he believed that the boy was his son, citing an affair that Hersh claimed he had had with the boy's mother. However, Hersh agreed to let DCF search his house, where evidence of pornographic images depicting minors engaging in sexual activities was found on his computer. Likewise, the investigation revealed that Hersh had previously molested boys as young as eight years old in the United States and abroad. For example, during the trial, evidence presented indicated that from 1984-1990 Hersh had engaged in sexual activity with a poor boy in Atlanta; that from the mid-1980s he had relations with two boys from a poor village in the Dominican Republic and one boy from Mexico; and that from 1990-1994 he was involved with a young male in Honduras, not related to the brothers mentioned above. Following the search of Hersh's home, the state removed the boy who was living with Hersh and placed him in protective care.

In 1998, Hersh was found guilty on multiple counts including: Title 18 U.S.C. §2423(a), transporting a minor in foreign commerce with the intent to engage in criminal sexual activity; Title 18 U.S.C. §2423(b) and (e), conspiring to travel in foreign commerce with the intent to engage in sexual acts with minors; Title 18 U.S.C. §2252(a)(2) and §2252A(a)(5)(B), receiving and possessing material containing visual depictions of minors engaging in sexually explicit conduct; Title 18 U.S.C. §1001(a)(2), making false statements; Title 18 U.S.C. §1542, making false statements in the application and use of a passport; and 8 U.S.C.

§1324(a)(1)(A) and (B), harboring an illegal alien.<sup>3</sup> Hersh appealed his sentence on the following grounds: the district court erred by allowing joinder of the child pornography counts and the travel and transportation counts; the district court erred by denying Hersh's motion to dismiss the travel count on the grounds that it contravenes *ex post facto* principles; the district court erred by treating the travel count as eight separate sentencing guidelines groups; and that the district court abused its discretion by imposing a "prophylactic" upward departure. However, this appeal was denied<sup>4</sup> and Hersh was sentenced to 105 years in prison.<sup>5</sup>

<b>Defendant:</b>	<b>Nelson Jay Buhler</b>
<b>Country of Offense:</b>	<b>Honduras</b>
<b>Law Charged Under:</b>	The Mann Act
<b>Plea:</b>	Guilty plea
<b>Judgment:</b>	Conviction
<b>Sentence:</b>	Assistance agreement in exchange for testimony against Marvin Hersh

Nelson Buhler met Marvin Hersh in Thailand, where the two men, affirming their mutual interest in seeking out young boys for sexual relations, decided to travel to Honduras together. Buhler accompanied Hersh to Honduras on multiple occasions, where the two men engaged in repeated sexual relations with minor boys. Buhler pleaded guilty to conspiracy to travel in foreign commerce with the intent to engage in sexual acts with minors in violation of Title 18 U.S.C. §2423(b) and (e) and received a large assistance agreement in exchange for his testimony against Hersh.<sup>6</sup>

<b>Defendant:</b>	<b>Timothy Ronald Obert</b>
<b>Country of Offense:</b>	<b>Costa Rica</b>
<b>Law Charged Under:</b>	The PROTECT Act
<b>Plea:</b>	Guilty plea
<b>Judgment:</b>	Pending
<b>Sentence:</b>	Sentencing scheduled for November 11, 2006

On June 23, 2004, Timothy Ronald Obert, age 36 at time of arrest, was arrested at his California home in Santa Cruz by Immigration and Customs Enforcement (ICE) agents on allegations that Obert had engaged in sexual relations with a 14-year-old boy in Costa Rica, while serving as a Peace Corps volunteer.<sup>7 8 9</sup> Obert had allegedly provided the boy with money, drugs, and alcohol in return for these sexual encounters. The investigation likewise revealed that before entering the Peace Corps, Obert sought out and obtained employment working with underprivileged children in the countries of Nicaragua and Honduras.<sup>10</sup>

Obert was charged with one count of traveling in foreign commerce and engaging in illicit sexual conduct with another person, in violation of Title 18, U.S.C., §2423(c)<sup>11</sup> and in a superseding indictment, with one additional count

of knowingly engaging in a sexual act with a minor, in violation of Title 18, U.S.C. §2243(a) and 7(9)B.<sup>12</sup> On February 3, 2006, Obert pleaded guilty to one count of knowingly engaging in a sexual act with a minor in the special maritime and territorial jurisdiction of the United States in violation of Title 18 U.S.C. §2243(a) and 7(9)(B).<sup>13</sup> In pleading guilty, Obert admitted that in or about September 2001, he traveled to Costa Rica to work with the Peace Corps and was assigned to work with Patronato Nacional de la Infancia (PANI), Costa Rica's child welfare agency. He admitted that in or about July 2003, while in Costa Rica, he knowingly and intentionally engaged in illicit sexual conduct with a male Costa Rican minor, who was 14 years old. Obert's sentencing is scheduled for November 11, 2006.<sup>14</sup> He faces the maximum statutory penalty of 15 years, a \$250,000 fine, three years of supervised release, a \$100 special assessment, and registration as a sex offender under Title 18 U.S.C. §4042(c).<sup>15</sup>

<b>Defendant:</b>	<b>Charles James Thomas</b>
<b>Country of Offense:</b>	<b>Mexico</b>
<b>Plea:</b>	Not guilty
<b>Judgment:</b>	Jury trial leading to conviction
<b>Sentence:</b>	20 years in prison

Before the Mann Act was amended in 1994, Charles James Thomas was indicted in the United States on child pornography charges. In 1986, Clark Color Laboratories, a mail order photographic developing company in Maryland, found images of a girl approximately 13 years old engaging in sexually explicit activities with an adult male, later identified as Thomas. Upon discovering these images, the company turned these photographs over to the U.S. Postal Service. Postal inspectors arrested Thomas when he attempted to pick up the film from the post office.<sup>16</sup> Thomas, who had two previous convictions of molesting young girls, admitted to sending the film for development and to taking the photographs; but claimed that he believed the girl to be 19 or 20 years old and that the photographs had been taken while he was in Mexico.<sup>17 18</sup>

Thomas was charged with engaging a minor in sexually explicit conduct so as to create a visual depiction of that conduct, violating Title 18 U.S.C. §2251(a); transporting or mailing obscene material, violating Title 18 U.S.C. §2252(a)(1); and receiving obscene materials, violating U.S.C. §2252(a)(2). Thomas pleaded not guilty and following a jury conviction on all three counts was sentenced to consecutive terms of 10 years on two of the counts and a concurrent term of 10 years in prison on the third count.<sup>19</sup> Thomas appealed the extraterritoriality of Title 18 U.S.C. §2251(a), but the court of appeals upheld the original sentence.<sup>20</sup> The court found that 18 U.S.C. §2251 was applicable in Thomas' case, even though he took the photographs of the minor girl while in Mexico.<sup>21</sup>

### Operation Mango

**Defendants:** Timothy Joe Julian, Louis Accordini, Terrance Welcher, Stefan Irving (Mexico and Honduras), Robert Wayne Decker, Michael Charles Smith, Ralph Wayne Angle, Richard Coon

**Country of Offense:** Mexico

**Law Charged Under:** The Mann Act

**Judgments:** All defendants convicted, sentence in one case unknown

**Sentences:** Julian: 25 years in prison; Accordini: 1.75 years (21 months) in prison and fine; Welcher: 22 years in prison; Irving: 21 years in prison; Decker: 10 years (114 months) in prison; Angle: 25 years in prison; Smith: 2.25 years in prison; Coon: unknown

*Operation Mango*, an extensive undercover operation carried out by ICE agents and the U.S. Postal Service, targeted a resort property called “Castillo Vista del Mar” in Acapulco, Mexico. Owned and operated by several U.S. citizens, the ‘resort’ catered to men seeking sexual relations with young boys. The victimized boys were often impoverished street children as young as six years old, many recruited from the street by the resort operators as employees of the resort.<sup>22</sup> The investigation began as a result of suspicious findings by the U.S. Postal Service in the mail of one Michael Charles Smith, a Denver, CO schoolteacher. Searching the house of Michael Charles Smith’s house led authorities to Timothy Joe Julian, the owner and operator of the resort.<sup>23</sup> After two years of investigation, ICE arrested eight men in relation to the case: Timothy Joe Julian, Louis Accordini, Terrance Welcher, Stefan Irving, Robert Wayne Decker, Ralph Wayne Angle, Michael Charles Smith, and Richard Coon.<sup>24</sup> Additionally, 30 Mexican children, some as young as 8, were rescued.<sup>25</sup> *Operation Mango* took place before the PROTECT Act was signed into law, and these men, all of whom were convicted, would have likely gotten much longer sentences, maybe even life sentences, if they had been charged under the PROTECT Act. Nevertheless, this operation was a major precursor to the PROTECT Act and helped to get it passed.<sup>26</sup>

**Timothy Joe Julian**, 49 at time of arrest, was the owner of the Castillo Vista del Mar resort, although he ran much of the business from Indiana. Julian marketed his hotel on the Internet and left the on-site management to his business partner, Robert Wayne Decker.<sup>27</sup> The investigation into Julian began following a search of the Colorado home of Michael Charles Smith, a schoolteacher whose mail had prompted the search.<sup>28</sup> Julian had set up Castillo Vista del Mar in January 1998 and advertised it through word of mouth, brochures, and Internet bulletin boards.<sup>29</sup> Clients interested in traveling to Castillo Vista del Mar to engage in sex with boys would mail their money to the home of Julian, located in Indiana.<sup>30</sup>

Julian was tried in Hammond, IN. During his trial, two Mexican victims testified against him: David Calderon and Roberto Ezekiel Guzman Cesena.<sup>31</sup> Calderon testified that Julian and Decker sought out boys on the beach and wooed them into the hotel to have sex with guests. Calderon himself testified to having had sex with Julian in 1998 several times. He spoke of Julian as being kind and fatherly to him.<sup>32</sup> Cesena, who was 13 when he was lured by Decker and Julian into the hotel by offers of shelter and a meal, described how many boys were promised clothes, gym shoes, shelter, and money to go to school if they would sleep with older men. Cesena, however, was forcefully raped by Julian and Robert Wayne Decker.<sup>33</sup> Julian was convicted for conspiring with others to travel in foreign commerce for the purpose of engaging in illicit sexual conduct, in violation of 18 U.S.C. § 2423(b) and (e), which, in this case, constituted an offense under Chapter 109A of the U.S. Criminal Code if the activity had taken place within the special maritime and territorial jurisdiction of the United States; as well as for aiding and abetting the transportation of a foreign (in this case, Mexican) national into the United States with the intent that the individual engage in prostitution, in violation of 18 U.S.C. §§2 and 2421.<sup>34</sup> Julian was sentenced to 25 years, followed by 3 years of supervised release.<sup>35</sup> Julian appealed his conviction, but the court’s judgment was affirmed.<sup>36</sup> Julian had previously been convicted in 1988 for sexually assaulting an 11-year-old boy from Steger, IN.<sup>37</sup>

**Robert Wayne Decker** of Texas was Julian’s partner and caretaker of the resort in Mexico, and the two men jointly got the project off the ground. In November 1997, Julian met Decker in Acapulco, Mexico, where Decker was residing at the time. The two men had a mutual interest in sexual contact with young boys. Decker had been convicted with child molestation twice before getting caught through *Operation Mango*. The two men decided to create a place in Acapulco to which men could travel to engage in sexual acts with young male children. It was decided that pending Julian’s relocation to Acapulco, Decker would take care of managing the property in Mexico.<sup>38</sup>

Decker was charged with 19 counts related to child pornography, in violation of Title 18 U.S.C. §2252. Nine counts of charges were dismissed, and he was convicted on the remaining 10. In return for a shortened sentence of about 10 years in prison (114 months<sup>39</sup>), Decker pleaded guilty to the child pornography charges, cooperated with ICE officials, and testified against Julian, playing a key role in bringing down Castillo Vista del Mar.<sup>40</sup> His term of imprisonment is to be followed by 3 years of supervised release and registration as a sex offender.<sup>41</sup>

**Louis Accordini** was Julian’s roommate in Indiana and had power of attorney in Julian’s operation. When Julian was in Mexico, Accordini deposited incoming checks into Julian’s bank account in the United States.<sup>42</sup>



Accordini was charged after admitting that he had harbored an illegal alien, whom he met and engaged in sexual relations with at Castillo Vista del Mar, where he enjoyed free hotel stays. In the beginning, Accordini adamantly denied ever having sex with someone under the age of 18 and was highly insulted that he was made to participate in a sex offender program as part of his sentence.<sup>43</sup> However, he later admitted that he had lied because he did not want anyone to know that he was a pedophile.<sup>44</sup> He was charged with one count of concealing and harboring an illegal alien, in violation of Title 8 U.S.C. §1324(a)(1)(A). Accordini pleaded guilty to the count charged. In 2000, he was sentenced to 21 months (1.75 years) in prison and fined \$4,000.<sup>45</sup>

**Michael Charles Smith**, a schoolteacher in Denver, CO, was the key to the beginning of the *Operation Mango* investigation, as it was his mail that revealed Julian's enterprise to the U.S. Postal Service and ICE officials. Smith's residence was also the place where the Mexican boy smuggled by Accordini resided, and the place to which Accordini sent money to pay for his relocation.<sup>46</sup>

Smith was charged on four counts, three in violation of Title 8 U.S.C. §1324, for bringing in and harboring illegal aliens, and one in violation of Title 18 U.S.C. §2252(a), for activities regarding material constituting and containing child pornography. Smith pleaded guilty to all counts and was sentenced to 27 months in prison (2.25 years) and registration as a sex offender, and was charged a \$6,000 fine.<sup>47</sup>

**Terrance Welcher** of Georgia was arrested at the Dallas/Ft. Worth airport when he re-entered the U.S. from Acapulco. He was sentenced to 22 years in prison.<sup>48 49</sup>

**Stefan Irving**, a 56-year-old former pediatrician, and a formerly convicted child sex offender, was also arrested as a result of *Operation Mango*.<sup>50 51</sup> In 1982 Irving had pleaded guilty to first-degree sexual assault, involving young boys.<sup>52</sup> He had been previously employed as chief physician for the Middletown, New York, School District, but was employed as a word processor at a law firm at the time of his arrest. As part of *Operation Mango*, Irving was arrested in 1998 for committing various sexual acts against children in Mexico and Honduras. One of the places where these crimes took place was Castillo Vista del Mar. Photographs of Irving's trip to Castillo Vista del Mar and pornographic movies were found on his home computer and were presented at trial. Letters, journals, and diaries written by Irving were also presented. These writings included descriptions of his sexual interest in young boys between the ages of six and 12 and his desire to travel to foreign countries to engage in these activities. Additionally, a former manager of Castillo Vista del Mar recounted that at age 13 he was recruited off the streets in Mexico to live at the resort. He also testified to the communications that he had had with Irving prior to Irving's 1998 visit to the resort. The activities that Irving had engaged in at Castillo

Vista del Mar included fondling a youth in the swimming pool and bringing two children into his private bedroom area at the resort.

Irving was charged on the following counts: two counts of traveling with intent to have sex with a minor, in violation of 18 U.S.C. §2423(b); three counts of activities regarding material constituting/containing child pornography, and receipt and possession of child pornography, in violation of 18 U.S.C. §2252(a); and one count of sexual activity with a person under 12 years of age (crossing state line to engage in such activity), in violation of 18 U.S.C. §2241(c). In February 2004 a jury found Irving guilty of two counts of traveling outside the United States for the purpose of engaging in sexual acts with children under the age of 18 in violation of 18 U.S.C. §2423(b), one count of traveling outside the United States for the purpose of engaging in sexual acts with children under the age of 12 in violation of 18 U.S.C. §2241(c), one count of receipt of child pornography in violation of 18 U.S.C. §2252A(a)(2)(B), and one count of possession of child pornography in violation of 18 U.S.C. §2252A(a)(5)(B). He was sentenced to 262 months (21 years) imprisonment for each count, to run concurrently, five years of supervised release, and a \$200,000 fine.<sup>53</sup> In its judgment, the court declined Irving's request for a downward departure, and instead granted the government's request for an upward departure "on the basis of Irving's pattern and practice of sexually abusing extraordinarily vulnerable children. A sentence of sufficient duration is necessary to prevent another child, whether in America or on the streets of a foreign nation, from ever being abused by Stefan Irving."<sup>54</sup> Irving appealed the decision and the appeal case was decided on December 23, 2005. The judgment was reaffirmed on all but two counts. Counts two and three (one count of traveling outside the United States for the purpose of engaging in sexual acts with children under the age of 18 in violation of 18 U.S.C. §2423(b) and one count of traveling outside the United States for the purpose of engaging in sexual acts with children under the age of 12 in violation of 18 U.S.C. §2241(c)) were found to be without merit. Convictions on these two counts were vacated on the grounds that, according to the court's opinion, evidence corroborating admission by the defendant was lacking.<sup>55</sup> Convictions on counts one, four, and five were reaffirmed, and the case was remanded for resentencing. However, on appeal from the United States government, the appellate court withdrew the majority opinion as well as the concurring and dissenting opinions of December 23, 2005; the convictions that were vacated by that decision were reaffirmed. According to the court's revised opinion, issued June 23, 2006, the defendant's appeal arguments were found to be without merit and his conviction was affirmed. However, the appellate court remanded to the district court to consider whether resentencing is warranted. That decision is pending.<sup>56</sup>

**Ralph Wayne Angle**, an Indiana resident and previously convicted child molester was likewise arrested as part of



*Operation Mango*. He was apprehended at the Dallas/Ft. Worth airport upon his return from Mexico.<sup>57</sup>

Angle was charged with one count of attempted receipt of child pornography in violation of Title 18 U.S.C. §2252(a)(2); for possession of child pornography, in violation of Title 18 U.S.C. 2252(a)(4)(B); and with soliciting a minor via the Internet, in violation of Title 18 U.S.C. §2422(b). Angle pleaded not guilty to all charges. Trial by jury was waived and a bench trial took place. Angle was sentenced to 325 months in prison (27 years), followed by 5 years of supervised release. He appealed his sentence successfully, and the court of appeals vacated his sentence. However, the district court on remand again resentedenced him to 325 months in prison (27 years). Angle appealed once again, his sentence was vacated once more and he was resentedenced once again, this time to 300 months of imprisonment (25 years), followed by 5 years of supervised release.<sup>58</sup> On May 17, 2005 he appealed his sentence once more<sup>59</sup> and the appeal case is currently pending.<sup>60</sup>

**Richard Coon** was previously convicted of sexual offenses against children. He was a client of Castillo Vista del Mar. Coon described in great detail to officials carrying out *Operation Mango* how he discovered Castillo Vista del Mar on the Internet, put \$200 as down payment for a week consisting of a continental breakfast, use of a pool, a private beach, and a 24/7 ‘escort’ or ‘guide,’ as the young boys who were exploited at the resort were dubbed.<sup>61</sup> Coon was met at the airport in Mexico by Julian, who transported him to the hotel where four boys between the ages of 14 and 17 were waiting for him in the lobby. He was able to choose a boy to sleep with, and he said he saw some as young as eight years old being offered for sex.<sup>63</sup>

#### FBI Operation Turn Around

**Defendants:** John Bollea, Mark Dudley, Thomas Taylor, Christine Taylor, Glenn Koenemann, Gerald Alter, James Marquez, Derek Roberts, Wallace David Strevell, Vincent Springer, George C. Clarke

**Country of Offense:** Costa Rica

**Law Charged Under:** The PROTECT Act

**Judgments:** All defendants convicted of attempt

**Sentences:** Bollea: 6 months (resentenced to 1 month on appeal); Dudley: time served; Taylor, Thomas: 5 days in prison; Taylor, Christine: 5 days in prison; Koenemann: 30 months in prison; Alter: 51 months in prison; Marquez: 60 months in prison; Roberts: 37 months in prison; Strevell: 60 months in prison; Springer: 60 months in prison; Clarke: 60 months in prison.

In 2003 and 2004, the FBI led an undercover operation in conjunction with the Fort Lauderdale Police Department, the United States Embassy in Costa Rica, and Costa Rican

law enforcement authorities, entitled *Operation Turn Around*. The operation was designed to apprehend U.S. citizens interested in traveling abroad to engage in sex with children<sup>64</sup> at the request of Costa Rican officials.<sup>65</sup> As part of this operation, the FBI created a bogus travel agency, “Costa Rica Taboo Vacations,”<sup>66</sup> which purported to offer travel packages to Costa Rica that allegedly included sexual activity with minors.<sup>67</sup> The children were advertised as girls between the ages of 14 and 27<sup>68</sup> and the trips were advertised in magazines and on the Internet.<sup>69</sup> Between December 2003 and August 2004, the FBI arrested 11 people that had attempted to visit Costa Rica to engage in sexual activities with minors, believing these trips to be facilitated by the bogus agency.<sup>70</sup> Of the 11 arrests, all 11 defendants were convicted; four were convicted at trial and the other seven by plea.<sup>71</sup>

**John Bollea**, age 70 at time of arrest, was arrested on December 20, 2003 as he boarded a flight to Costa Rica from Miami, FL. As part of his communication with Costa Rica Taboo Vacations, he paid in advance for sexual services with a minor.

On April 2, 2004, Bollea pleaded guilty to one count of attempting to travel in foreign commerce to engage in sexual relations with a minor, which is in violation of Title 18 U.S.C. §2423(b) and (e).<sup>72</sup> Bollea was sentenced to a prison term of six months. He later appealed his sentence as unconstitutional on the grounds that he received an enhanced penalty and was found guilty of a crime not alleged in his indictment and not affirmed by him in the subsequent guilty plea. On April 15, 2005, the appellate court vacated the original District Court decision and remanded the decision back to the District Court for resentencing.<sup>73</sup> Bollea was resentenced to imprisonment for a term of one month to be followed by five years of supervised release and fined \$2,000.<sup>74</sup>

**Mark Dudley**, age 49 at time of arrest, a food vendor at local carnivals, was arrested on January 18, 2004. He too had paid for sexual relations with a minor prior to boarding a plane bound for Costa Rica. The agreement was for a minor female to be brought to him upon his arrival in the country.

Dudley was arrested on January 20, 2004 as he attempted to board his flight, and on April 26, 2004, he pleaded guilty to one count of attempting to travel in foreign commerce to engage in sexual relations with a minor, which is in violation of Title 18 U.S.C. §2423(e) and (b).<sup>75</sup> Dudley was convicted as charged. He was sentenced to imprisonment for a term of time served, followed by 3 years of supervised release and was fined \$3,000.<sup>76</sup>

**Thomas Taylor**, a realtor, and his wife **Christine Taylor**, a housewife, ages 52 and 42 respectively at time of arrest, were arrested as they attempted to board a cruise ship to Costa Rica on January 16, 2004. Thomas Taylor had arranged for and paid to have two 16-year-old girls arrive

at his hotel room in Costa Rica to have sexual relations with his wife. On April 22, 2004, Thomas Taylor and Christine Taylor pleaded guilty to conspiracy to travel in foreign commerce to engage in sexual acts with minors, in violation of Title 18 U.S.C., §2423(e) and (b).<sup>77</sup> Both were convicted on one count of violation of Title 18 U.S.C. §2423 (e) and (b) and sentenced to imprisonment for a term of 5 days with credit for time served.<sup>78</sup>

**Glenn Koenemann**, an arborist, age 56 at time of arrest, was arrested on January 20, 2004 after agreeing to pay \$425 for the sexual services of a 14-year-old girl and requesting a 16-year-old girl for another portion of his trip in Costa Rica. His reasoning for having a 16-year-old girl for part of the trip was that he wanted the girl to travel with him to the beach and did not want to draw too much attention. He too was arrested as he boarded a flight to Costa Rica.

He pleaded guilty to two counts: one count of attempting to travel in foreign commerce to engage in sexual relations with a minor, which is in violation of Title 18, U.S.C. §2423(e) and (b), and one count of attempting to engage in a commercial sex act with a minor, in violation of Title 18, U.S.C. §1594(a).<sup>79</sup> He was convicted on both counts and sentenced to imprisonment for 30 months (2.5 years) on each count, to be served concurrently, followed by 3 years of supervised release.<sup>80</sup>

**Gerald Alter**, a furniture sales person, age 68 at time of arrest, arranged for and paid an undercover agent to have a 14-year-old girl delivered to his room in Costa Rica.

After his arrest on April 19, 2004, he pleaded guilty to one count of knowingly receiving child pornography in violation of Title 18 U.S.C. §2252(a).<sup>81</sup> Alter was convicted on one count of knowingly receiving child pornography, and the remaining counts against him, including attempt to travel in foreign commerce to engage in illicit sexual conduct with a minor, were dismissed. He was sentenced to 51 months (4.25 years) imprisonment, two years of supervised release and a \$1,000 fine.<sup>82</sup>

**James Marquez**, employed at the International Game Fishing Hall of Fame, age 47 at time of arrest, was arrested on June 17, 2004 after he paid \$1,080 to an undercover agent to travel to Costa Rica and have a 14-year-old girl delivered to his room to engage in sexual acts. Upon his arrest costume jewelry, condoms, and disposable cameras were found.

On October 6, 2004, he pleaded guilty to one count of attempting to induce a minor child to engage in prostitution, which is in violation of Title 18 U.S.C. §2422(b).<sup>83</sup> He was convicted and sentenced to a term of 60 months (5 years) of imprisonment, followed by supervised release for 3 years.<sup>84</sup>

**Derek Roberts**, a police officer, age 30 at time of arrest, was arrested on June 10, 2004, in a Miami hotel as he

waited for two 16-year-old girls from Costa Rica to arrive in order for them to supply sexual services to him. He originally planned to travel to Costa Rica to have the two girls arrive at his hotel room there, but later changed his mind and requested that the undercover agent transport the girls from Costa Rica to him in the United States. Upon his arrest he was found with condoms, sexual stimulants, sexual lubricants, and jewelry.

Roberts was charged with one count of attempting to engage a person under the age of 18 for commercial sex purposes (count one), in violation of Title 18 U.S.C. §1594 (a) and one count of attempting to induce a person under the age of 18 to engage in prostitution (count two), in violation of Title 18 U.S.C. §2422 (b).<sup>85</sup> After a jury trial he was found guilty of count one, attempting to engage a person under the age of 18 for commercial sex purposes, in violation of Title 18 U.S.C. §1594 (a), and not guilty of count two. He was sentenced to 37 months (3 years) in prison.<sup>86</sup> Roberts appealed the decision citing, among other concerns, entrapment. However, on March 30, 2006, his appeal was denied and the judgment of the sentencing district court upheld.<sup>87</sup>

**Wallace David Strevell**, a bartender, age 33 at the time of arrest, was arrested after paying \$955 to an undercover agent for a trip to Costa Rica that purportedly included sexual relations with two 14-year-old girls.

At trial he was convicted on three counts: attempting to travel in foreign commerce to engage in sexual relations with a minor, which violates Title 18 U.S.C., §2423(e) and (b); attempting to engage in a commercial sex act with a minor, which violates Title 18 U.S.C. §1594(a); and attempting to induce a minor child to engage in prostitution, which violates Title 18 U.S.C. §2422(b).<sup>88</sup> He was sentenced to imprisonment for 60 months (5 years) as to each of the counts to be served concurrently, followed by supervised release for 3 years.<sup>89</sup>

**Vincent Springer**, a 42-year-old mechanic at the time of arrest, paid \$931 for a trip to Costa Rica, which included payment for sexual relations with 2 girls, ages 14 and 15. Upon arrest on July 16, 2004, Springer admitted that he had planned to negotiate for additional girls once he arrived in Costa Rica. At the time of arrest, he had condoms, sexual lubricant, and gifts for the girls.

Following a jury trial, Springer was found guilty on three counts: attempting to travel in foreign commerce to engage in sexual relations with a minor, which violates Title 18 U.S.C. §2423(e) and (b); attempting to engage in sexual relations with a minor, which violates Title 18 U.S.C. §1594(a); and attempting to induce a minor child to engage in prostitution, which violates Title 18 U.S.C. §2422(b).<sup>90</sup> He was sentenced to imprisonment for a term of 60 months (46 months on counts one and two and 60 months on count three, to run concurrently, 5 years total), followed by supervised release for 5 years.<sup>91</sup>

**George C. Clarke**, a 43-year-old middle school math and science teacher at time of arrest, and the final person found guilty as part of *Operation Turn Around*, was arrested in August 2004 as he attempted to board a plane bound for Costa Rica. He had paid \$1,610 for a trip to Costa Rica that included sexual relations with two 12-year-old girls.

In January 2005, he was found guilty by jury on three counts: attempting to travel in foreign commerce to engage in sexual relations with a minor, which violates Title 18 U.S.C. §2423(e) and (b); attempting to engage in sexual relations with a minor, which violates Title 18 U.S.C. §1594(a) and attempting to induce a minor child to engage in prostitution, which violates Title 18 U.S.C. §2422(b). He was sentenced to prison for 60 months (5 years).<sup>92</sup>

#### NAMBLA Sting Operation

**Defendants:** **Sam Lindblad; Gregory Mark Nusca; Steven K. Irvin; Richard Stutsman; Phillip Todd Calvin; David Cory Mayer; Paul Ernest Zipszer**

**Country of Offense:** **Mexico** (attempt)

**Law Charged Under:** The PROTECT Act

**Judgments:** All defendants convicted

**Sentences:** Lindblad: 360 months in prison; Nusca: 168 months in prison; Irvin: 37 months in prison (Mexico and Dominican Republic); Stutsman: 37 months in prison; Calvin: 24 months in prison; Mayer: 37 months in prison; Zipszer: 24 months in prison.

NAMBLA was founded in 1978, and was self-described to have been “inspired by the success of a campaign based in Boston’s gay community to defend against a local witchhunt [sic].”<sup>93</sup> According to the NAMBLA website, the organization’s goal was to educate the general public about mutual consensual relationships between men and boys and demonstrating that such relationships are benevolent. NAMBLA campaigned against ageism, and supported economic, political, and social opportunities for men and boys of all ages.<sup>94</sup> The FBI infiltrated NAMBLA through an undercover agent who, taking on an alias, became a member of the group and ‘befriended’ many in the organization. The undercover agent was even invited to become a member of the steering committee. After establishing itself within the group, the FBI created a faux travel agency that would make arrangements for sex tours.<sup>95</sup> The members of NAMBLA then set up a sex tour with the faux travel agency to Enseñada, Baja California, Mexico, where they would stay at a bed and breakfast, to which the NAMBLA members referred to as ‘bed, boys, and breakfast’. The undercover agent reported that the men requested boys as young as eight to be there.<sup>96</sup> While Enseñada, Baja California, is not well known for sex tourism, which was a cause for criticism from the city’s mayor,<sup>97</sup> it was chosen for its proximity to the United

States and the fact that some perpetrators do travel to this city. As a result of the undercover operation, seven men were arrested on February 12, 2005,<sup>98</sup> and all seven were subsequently convicted.

**Sam Lindblad** of Albuquerque, NM, 56 at time of arrest, and a former special education teacher, was arrested in Los Angeles prior to boarding the flight to Mexico.<sup>99</sup> Lindblad had served time before in Colorado for enticement of a child to sexual activities. Apparently, Lindblad had been in touch with other sex offenders that he served time with in Colorado, encouraging them to move to New Mexico when they completed their sentences.<sup>100</sup> Prior to departing for the trip, Lindblad expressed skepticism about it being a possible sting.<sup>101</sup>

Lindblad was charged with conspiracy to travel for the purpose of engaging in illicit sexual acts with a minor, in violation of Title 18 U.S.C. §2423 (b), (e), and (f).<sup>102</sup> Lindblad pleaded not guilty to all counts and a jury trial commenced on December 13, 2005. On December 15, 2005, the jury rendered a verdict of guilty on all counts and retired for further deliberation regarding sentencing. On July 14, 2006, Lindblad was sentenced to imprisonment for a period of 360 months (30 years), followed by lifetime supervision, for conspiracy to travel for the purpose of engaging in illicit sexual act with a minor in violation of Title 18 U.S.C. §2423 (e) and (b) and travel for the purpose of engaging in illicit sexual conduct with a minor in violation of Title 18 U.S.C. §2423 (b).<sup>103</sup> Lindblad appealed the decision of Judge Robert H. Whaley of the U.S. District Court of the Central district Court of California on August 11, 2006. The appeal case is currently pending.<sup>104</sup>

**Gregory Mark Nusca** of Dania Beach, FL, 43 at time of arrest, (also known as David R. Busby or Steven West) was arrested in Los Angeles after making arrangements with an undercover agent to travel via Southern California to engage in sexual relations with minor boys in Mexico.<sup>105</sup>

Nusca pleaded guilty on April 7, 2005, to traveling with intent to engage in sexual activity with a minor and possession of child pornography, and he is now serving a 168-month (14-year) term in the Federal Correctional Institute in Jessup, Georgia. Additionally, Nusca will spend the rest of his life on probation. His projected release date is April 24, 2017.<sup>106 107 108</sup>

**Steven K. Irvin**, 46 at time of arrest, was arrested in Los Angeles. He was a special education teacher at Carrick High School in Pittsburgh, PA.<sup>109</sup> Throughout his ten-year career in Pittsburgh Public Schools, no complaints were made against Irvin. Irvin has been a member of NAMBLA since the late 1980’s. According to what he told the undercover agent, Irvin had also traveled to Santo Domingo in the Dominican Republic shortly after his entry into NAMBLA, but until Enseñada, Irvin had generally tried to distance himself from these types of trips and activities.<sup>110</sup> For the

purposes of this sting, Irvin did convey that he liked boys around the age of 14.<sup>111</sup>

Irvin was charged on one count of conspiracy to travel for the purpose of engaging in illicit sexual activity with a minor, in violation of Title 18 U.S.C. §2423 (e) and (b) and on one count of travel with the purpose of engaging in illicit sexual conduct with a minor, in violation of Title 18 U.S.C. §2423(b). Irvin entered into a guilty plea agreement with the court. Count one was dismissed upon motion by the government in the interest of justice. Irvin was convicted on count two and sentenced to 37 months (3 years) in prison, followed by supervised release for seven years, registry as a sex offender, and a recommendation to participate in a sex offender treatment program.

**Richard Stutsman**, 59 at time of arrest, was a substitute teacher in a school district in Oconee County, SC. Stutsman was arrested in Los Angeles. According to available information, Stutsman is on bail and under house arrest, but he is allowed to go to the grocery store and to church.<sup>112</sup>

Stutsman was tried in violation of Title 18 U.S.C. §2423 (b) and (e).<sup>113</sup> Stutsman pleaded guilty to both counts. Count one, however, conspiracy to travel for the purpose of engaging in illicit sexual activity with a minor, in violation of Title 18 U.S.C. §2423(e) and (b), was dismissed. On count two, travel for the purpose of engaging in illicit sexual conduct with a minor, in violation of Title 18 U.S.C. §2423(b), Stutsman was found guilty and sentenced to imprisonment for 37 months (3 years), followed by seven years of supervised release, and fined \$7,500.<sup>114</sup>

**Phillip Todd Calvin**, 43 at time of arrest, was arrested in San Diego and resided as a dentist in Dallas, TX. Calvin expressed interest in bringing boys back to the United States with him from Mexico. Reports show that he authorized his credit card to be charged \$558.00 for the trip to Enseñada on January 14, 2005.<sup>115</sup> Moreover, Calvin told the undercover agent of a past sexual encounter he had had with a 13-year-old.<sup>116</sup>

On February 17, 2005, Calvin was detained without bail, and on March 1, 2005, Calvin was indicted on conspiracy and traveling in interstate commerce to engage in illicit sexual conduct. He pleaded not guilty to charges of violation of Title 18, U.S.C. §2423 (e) and (b).<sup>117</sup> However, on February 22, 2006, Calvin changed his plea to guilty to one count of travel in interstate commerce with the intent to engage in illicit sexual conduct, in violation of Title 18 U.S.C. §2423(b).<sup>118</sup> Calvin was sentenced on May 25, 2006, to 24 months (2 years) in prison and 12 years of supervised release.<sup>119</sup>

**David Cory Mayer**, 49 at time of arrest, was a flight attendant based out of Chicago, IL. Mayer told the undercover FBI agent of past trips he had made to Southeast Asia and Acapulco, Mexico, with the intent of engaging in sexual exploitation of young boys.<sup>120</sup>

Mayer was arrested alongside Phillip Todd Calvin in San Diego, and also pleaded not guilty to the charges of violating Title 18 U.S.C. §2423 (e) and (b), conspiracy to travel with intent to engage in illicit sexual conduct and travel in interstate commerce with the intent to engage in illicit sexual conduct, in violation of Title 18 U.S.C. §2423(e) and §2423(b).<sup>121</sup> Mayer submitted a motion requesting the dismissal of his indictment, arguing that the U.S. government violated his rights under the First and Fifth Amendments when it infiltrated NAMBLA. On March 8, 2006, however, the court denied the defendant's motion to dismiss the indictment on all grounds.<sup>122</sup> On May 25, 2006, Mayer pleaded guilty to one of the counts, travel in interstate commerce with the intent to engage in illicit sexual conduct, in violation of Title 18 U.S.C. §2423 (b). On August 11, 2006, Judge Jeffrey T. Miller of the U.S. District Court of the Southern District of California (San Diego) sentenced Mayer to custody for a term of 37 months (3 years), to be followed by supervised release for a term of 12 years. Other counts were dismissed. On August 21, 2006, Mayer appealed the decision of the court. The appeal case is still pending.<sup>123</sup>

**Paul Ernest Zipszer**, 39 at time of arrest, was arrested in San Diego and had been living in Deltona, FL. He was described as a quiet guy who liked sports cars, football, and going to the YMCA. Zipszer was a shipping clerk for an Orlando company,<sup>124</sup> participated in the Big Brothers program, and was never charged with a crime. He told the undercover agent he preferred boys ages 11-13.<sup>125</sup>

Zipszer pleaded not guilty to charges of violation of Title 18, U.S.C. §2423 (e) and (b), conspiracy to travel with intent to engage in illicit sexual conduct and travel in interstate commerce with the intent to engage in illicit sexual conduct, respectively.<sup>126</sup> However, on February 22, 2006, Zipszer changed his plea to guilty to one count of travel in interstate commerce with the intent to engage in illicit sexual conduct, in violation of Title 18 U.S.C. §2423(b).<sup>127</sup> He was sentenced on May 25, 2006 to 24 months (2 years) in prison and 12 years of supervised release.<sup>128</sup>

**Defendant: Gary B. Evans**

**Country of Offense: Honduras**

**Law Charged Under: The PROTECT Act**

**Plea: Guilty plea accepted**

**Judgment: Pending**

**Sentence: Pending**

Gary B. Evans, 58 at time of arrest, was arrested on May 10, 2006, in Cocoa Beach, FL, for allegedly facilitating travel for men from the United States for the purpose of engaging in sexual conduct with young girls abroad.<sup>129</sup> Via e-mails and telephone calls,<sup>130</sup> Evans allegedly proposed a partnership to a web-based tour operator purportedly selling "sex tours" to various locations abroad. Evans



had allegedly agreed to arrange travel for two clients to Honduras to engage in sexual acts with two minor girls, ages 14 and 16.<sup>131</sup> Unbeknownst to Evans, the website was part of an undercover FBI operation being conducted as part of the Innocence Images task force, based in Calverton, MD.<sup>132</sup> In gathering evidence against Evans, undercover agents paid \$1,000 per person for the arrangement of a visit to Honduras to meet the girls. In May 2006, undercover ICE agents acting as clients traveled to Honduras, where they met with two men allegedly working for Evans, and who brought two teenage girls to the meeting. Review of evidence in the United States allowed for Evans' arrest and a search warrant was executed at his residence, with authorities confiscating ten computers for a forensic review.<sup>133</sup> According to the Brevard County Sheriff's Office in Florida, Evans had been residing in the County for over forty years, working as the Commander of the Spaceport Battalion of the U.S. Naval Sea Cadet Corps in Port Canaveral, which allows boys and girls between the ages of 11 to 17 to learn about naval life and engages the children in community activities. Citing Evans' involvement with the Cadet Corps, as well as his long alleged history of facilitating the sexual exploitation of children, the Brevard County Sheriff's Office has expressed concern that Evans may have also victimized children in Brevard County.<sup>134</sup>

Evans was indicted on May 4, 2006, on one count of knowingly and willfully combining, conspiring, confederating, and agreeing with other persons to arrange, induce, procure and facilitate the travel of a person knowing that such a person was traveling in interstate and foreign commerce for the purpose of engaging in illicit sexual conduct, in violation of Title 18 U.S.C. §2423(e) and (b), and on one count of, for the purpose of commercial advantage and private financial gain, knowingly and willfully arranging, inducing, procuring, and facilitating travel of a person knowing that such a person was traveling in interstate or foreign commerce for the purpose of engaging in illicit sexual contact, in violation of Title 18, U.S.C. §2423(d).<sup>135</sup> In a superseding indictment, Evans was charged with one count of knowingly and willfully combining, conspiring, confederating, and agreeing with other persons, to arrange, induce, procure and facilitate the travel of a person knowing that such a person was traveling in interstate and foreign commerce for the purpose of engaging in illicit sexual conduct, in violation of Title 18, U.S.C. §2423(d), all in violation of Title 18, U.S.C. §2423(e); one count of knowingly and willfully arranging, inducing, procuring and facilitating the travel of a person knowing that such a person was traveling in interstate and foreign commerce for the purpose of engaging in illicit sexual conduct, in violation of Title 18, U.S.C. §2423(d); one count of knowingly attempting to receive and receiving material containing images of child pornography, as defined in Title 18, U.S.C. §2256(8)(A), that is, visual depictions of minors engaging in sexually explicit conduct, which had been mailed, shipped, and

transported in interstate and foreign commerce, that is, by computer over the Internet, all in violation of Title 18, U.S.C. §2252A(a)(2)(A) and (b)(1); and one count of knowingly attempting to possess and possessing material containing images of child pornography, as defined in Title 18 U.S.C. §2256(8)(A), in violation of Title 18, U.S.C. §2252A(a)(5)(B) and (b)(2).<sup>136</sup> On October 18, 2006, Evans pleaded guilty to count one of the superseding indictment (conspiracy to arrange, induce, procure and facilitate the travel of a person knowing that such a person was traveling in interstate and foreign commerce for the purpose of engaging in illicit sexual conduct, in violation of Title 18, U.S.C. §2423(e)),<sup>137</sup> and his plea was accepted.<sup>138</sup> It was agreed that all other counts against the defendant, including the counts under the original indictment and counts two through four of the superseding indictment, would be dismissed by the court at the time of sentencing,<sup>139</sup> which is scheduled to take place on January 22, 2007.<sup>140</sup> Evans faces up to 30 years in prison.

## 2. Southeast Asia Case Studies

<b>Defendant:</b> Nicholas Bredimus
<b>Country of Offense:</b> Thailand
<b>Plea:</b> Guilty plea
<b>Judgment:</b> Conviction
<b>Sentence:</b> 66 months in prison (5.5 years)

Nicholas Bredimus, 52 years old at time of arrest, and owner of a U.S. consulting business, was convicted under the Sexual Abuse Prevention Act.<sup>141</sup> In October 2001, Bredimus traveled to Thailand for business. Upon arriving in Thailand he hired a Thai female to accompany him to Northern Thailand to act as an interpreter and procure children for him. Together they traveled to Mai Sae in the Chiang Rai Province where they obtained two rooms in the Srisamoot Hotel. Bredimus asked the interpreter to find young boys or girls to come to his hotel.<sup>142</sup> His interpreter and several local adults brought six boys ages 11 to 14 to his hotel room. Bredimus molested three of these boys, and was recording the acts with a compact video camera, when local police entered his room,<sup>143</sup> following complaints from parents of some of the boys that the children were missing.<sup>144</sup> Several of the children told the Thai police that Bredimus had paid them to let him photograph them nude while lying on his bed. Following the arrest, Thai police kept Bredimus' passport and required him to appear in court on November 13, 2001. Bredimus posted bail (approximately \$7,000) after which he went to the U.S. Embassy in Bangkok and applied for a new passport. Upon receiving the replacement passport, he fled Thailand and returned to the United States. A U.S. Customs agent arrested him in Hawaii on February 28, 2002.<sup>145</sup>

Bredimus was originally charged with a six-count indictment which included: three counts of traveling in foreign



commerce to engage in sexual activity with a minor, in violation of Title 18 U.S.C. § 2423(b); one count of offering to obtain control of a minor with the intent of promoting sexually explicit conduct to produce child pornography, in violation of Title 18 U.S.C. § 2251(b)(2)(A); one count of making false statements, in reference to statements he made on his application for a new passport, in violation of Title 18 U.S.C. § 1001; and one count of using a passport which was issued based on false statements, in violation of Title 18 U.S.C. § 1542.<sup>146</sup> Bredimus later pleaded guilty to traveling in foreign commerce with the intent to engage in sexual conduct with a minor, in violation of Title 18, U.S.C. § 2423(b), reserving his right to appeal the constitutionality of Title 18, U.S.C. § 2423(b).<sup>147</sup> Bredimus was denied his appeal regarding the constitutionality of Title 18 U.S.C. § 2423(b) in 2003.<sup>148</sup> Bredimus was sentenced to 66 months in prison and ordered to pay a \$30,000 fine. The court also recommended that he be sent to a sex offender treatment program following his imprisonment, and a three-year term of supervised release. This supervised release would limit his access to both children and the Internet.<sup>149</sup> In 2005, a Thai minor sued Bredimus under Title 18 U.S.C. § 2255 to recover damages for sexually-predatory conduct that Bredimus allegedly committed in Thailand; however, the court dismissed the case based on the doctrine of *forum non conveniens*, concluding that private and public interest factors strongly demonstrated that the case should be litigated in Thailand.<sup>150</sup>

**Defendant:** Walter Schirra

**Country of Offense:** Honduras

**Law Charged Under:** The PROTECT Act

**Plea:** Guilty plea

**Judgment:** Conviction

**Sentence:** 42 months in prison

Walter Schirra, a 54-year-old property manager at time of arrest, was arrested as he was boarding a flight to Thailand, where he allegedly planned on soliciting sex with juvenile boys.<sup>151</sup> ICE agents found photos of shirtless 12-14-year-old Asian boys, large amounts of candy, and prescription drugs and other aids to enhance sexual pleasure in his suitcase. A search of Schirra's home revealed roughly 15-20 images of child pornography on his computer. The investigation of Schirra had begun three months before his arrest, when ICE agents became aware of his interest to travel overseas to engage in sexual relations with minors. As part of this investigation it was discovered that Schirra had also traveled to Thailand in May 2004.

Schirra was formally charged with traveling for the purposes of engaging in sexual contact with a minor, in violation of Title 18, U.S.C. § 2423(b) and (e).<sup>152</sup> Schirra pleaded guilty to charges of child pornography on August 31, 2005. Schirra was sentenced on June 12, 2006 to 42

months (3.5 years) in prison, followed by three years of supervised release, and a \$12,500 fine.<sup>153</sup>

**Defendant:** Thomas F. White

**Country of Offense:** Thailand/Mexico [Southeast Asia/  
Central and Latin America]

**Law Charged Under:** The PROTECT Act/Private Suit

**Plea:** Case pending

**Judgment:** Case pending

**Sentence:** Pending

Thomas F. White, a 68-year-old multimillionaire financier at time of arrest, was arrested in Thailand in February 2003, following an investigation carried out by the FBI and a warrant issued by the FBI for his arrest. White had allegedly traveled to Thailand and Mexico to engage in sexual relations with young males. Since February 2003, White had been jailed in Bangkok and fighting extradition to Mexico where he has been facing charges of child sexual abuse, child prostitution and providing drugs to minors since 2001. The Mexican charges were based on sworn affidavits of eight poor Mexican boys between ten and 16 years old, who testified to White's exploits.<sup>154</sup> White was finally extradited to Mexico in July 2005, where he was jailed in Puerto Vallarta. He currently awaits trial in Mexico on charges of sexually abusing 14 minors.<sup>155</sup> Remaining charges against him have been dropped by Mexican authorities due to the expiry of a statute of limitations on those charges.<sup>156</sup>

In addition, as of 2003, White was sued by one of his alleged U.S. victims in the U.S. District Court in San Francisco. The victim, Daniel Garcia of Modesto, CA, alleged that he, along with other boys, was molested by White at the age of 17 in the United States.<sup>157</sup> Consequently, White's Federal Grand Jury indictment under the PROTECT Act of March 2003 was unsealed and reopened in June 2004 (following a two-year battle by Garcia to charge White in the United States). The investigation, which took two years, revealed that White had traveled with others to Mexico between 1999 and 2001 and to Thailand between 2000 and 2003, to molest young boys. He had funded a children's school and a shelter in a Thai resort area and paid to build an orphanage, a school, and an adjoining resort south of Puerto Vallarta, Mexico. In the private lawsuit against White it is alleged that he provided food, shelter and gifts to minors in exchange for sexual services.<sup>158</sup> White has since settled the private suit against him in San Francisco, agreeing to pay \$7 million to 20 Mexican boys, including Garcia, who claimed that White and other men had sexually abused them. The settlement was approved by a San Francisco judge in August 2005.<sup>159</sup> In June 2005, Thomas F. White filed an application to the government of Cambodia to get the Cambodian citizenship, which he allegedly obtained on May 8, 2006.<sup>160</sup>

<b>Defendant:</b>	<b>Michael Lewis Clark</b>
<b>Country of Offense:</b>	<b>Cambodia</b>
<b>Law Charged Under:</b>	The PROTECT Act
<b>Plea:</b>	Guilty plea
<b>Judgment:</b>	Conviction
<b>Sentence:</b>	97 months in prison, 5 years supervised release

Michael Lewis Clark was one of the first child sex tourists to be investigated by ICE under the PROTECT Act, and was arrested shortly after the PROTECT Act was signed into law in 2003. Clark, who was 69 years old at the time of arrest, was accused of engaging in sexual conduct with two boys, approximately ages 10 and 13, while in Cambodia, where he had been living for five years.<sup>161 162</sup> Following his arrest in June 2003 by Cambodian National Police for alleged debauchery, Clark was extradited to the United States. Investigation into Clark's behavior revealed that he had traveled to Cambodia multiple times since 1998 to solicit sex with boys in Phnom Penh.<sup>163</sup> It is estimated that he may have molested as many as 50 children since that time, paying them as little as \$2 for sex.<sup>164</sup> The investigation also illustrated that he targeted boys between the ages of ten and 18, whose acquaintance he made along the riverfront of Phnom Penh.<sup>165</sup>

Upon his arrest, Clark was charged with two counts of travel in foreign commerce and engaging in illicit sexual conduct with minors, in violation of Title 18, U.S.C. §2423(c) and (e).<sup>166</sup> In March 2004, he pleaded guilty to engaging in and attempting to engage in illicit sexual acts with minors abroad. After a U.S. District Court denied his constitutional appeal of the child sex tourism provision of the PROTECT Act, he was sentenced to 97 months (8 years) in prison and five years of supervised release on June 25, 2004.<sup>167</sup> Clark is currently preparing to take his case to the United States Supreme Court.<sup>168</sup>

<b>Defendant:</b>	<b>Gary Evans Jackson</b>
<b>Country of Offense:</b>	<b>Cambodia</b>
<b>Law Charged Under:</b>	The PROTECT Act
<b>Plea:</b>	Guilty plea and motion for dismissal of indictment
<b>Judgment:</b>	Dismissal of indictment; appeal by the U.S. Attorney's Office pending
<b>Sentence:</b>	Pending

The third indictment under the PROTECT Act was made in November 2003.<sup>169</sup> Gary Evans Jackson, retired marine carpenter, age 56 at time of arrest, was arrested September 1, 2003, by Cambodian authorities on charges of debauchery in Cambodia, where he had been living for a number of years. The arrest was made following the receipt by the ICE Attaché Office in Bangkok and Australian Federal Police received from Action pour les Enfants (Action for Children or "APLE"), a French NGO based in Phnom Penh, Cambodia, regarding Jackson,

and a subsequent investigation, which was a joint effort between government agencies connected to the United States, Thailand, Cambodia, and Australia, as well as two non-governmental organizations, including APLE.<sup>170</sup> This report described an American male's victimization of three Cambodian boys between the ages of ten and 15. Further investigation by APLE revealed that this American, later identified as Jackson, took the three boys to the Pyco Guesthouse, known also as the Necta Guesthouse, a well-known guesthouse where foreigners go to engage in sexual activity with locals, in Phnom Penh. When the Cambodian National Police anti-trafficking unit arrived at the guesthouse, Jackson and the boys were already gone. The Cambodian National police, however, was able to interview two of the boys. After a representative from APLE spoke with one of the boys, he revealed that he had received \$20 in exchange for oral sex from Jackson. Separate videotaped interviews were also conducted with the boys, in which the boys recounted what had transpired between them and Jackson. As part of this process, they confirmed that Jackson was the man with whom they had engaged in sexual relations. The interviews also revealed that Jackson had met one of the boys in an Internet café, the other while the boy was selling newspapers near the riverfront in Phnom Penh, and the third while the boy was bathing in a public water fountain, where Jackson took pictures of him and his friend in return for money. One of the boys also recalled that Jackson had engaged in sex with another boy he knew. Further interviews revealed that the boys had taken digital photographs of the encounter with Jackson and themselves with Jackson's camera. The Cambodian National Police executed both an arrest warrant for Jackson and a search warrant for his arrest. During the search the police seized laptop computers, a digital camera, two flash memory cards, a flash card reader, and many additional computer disks, which were later sent back to the United States for further investigation.<sup>171</sup> Jackson had been previously convicted in 1981 of indecent liberties in the state of Washington, where he was arrested after he fondled the genitals of boys aged 10-17 years old.<sup>172</sup>

Following his extradition to the United States on November 20, 2003, Jackson was charged with three counts of traveling in foreign commerce and engaging, and attempting to engage, in illicit sexual contact with minors, in violation Title 18, U.S.C. § 2423(c).<sup>173 174 175</sup> On June 23, 2004, Jackson pleaded guilty to two of the counts, reserving the right to challenge the constitutionality of the statute under which he was indicted, and requesting a dismissal of the charges. The court deferred acceptance of Jackson's guilty plea and arranged a hearing on Jackson's motion to dismiss, which took place on July 28, 2004. Jackson raised eight challenges to his indictment, including violation of the ex-post facto clause, due process, and a challenge to the extraterritorial jurisdiction, among others. The United States District Court of the Western District of Washington at Seattle found that, regarding Title 18 U.S.C. §2423(c), as applied to Jackson,

the statute violates the ex-post facto clause of Article I, section 9, of the United States Constitution. Concluding that the violation bars the prosecution of Jackson for his conduct in Cambodia, the court granted Jackson's motion for dismissal of the indictment on February 10, 2005.<sup>176</sup> The United States of America, plaintiff in the case, appealed to the United States Court of Appeals for the Ninth Circuit on February 10, 2005.<sup>177</sup> This case is deferred pending the issuance of the mandate in *USA v. Clark*, No. 04-30249, a case which is currently being prepared for submission to the United States Supreme Court.<sup>178</sup>

**Defendant:** Kent Frank  
**Country of Offense:** Cambodia  
**Law Charged Under:** The PROTECT Act  
**Plea:** Not guilty plea  
**Judgment:** Pending  
**Sentence:** Pending

In December 2004, Kent Frank, 48 years old at time of arrest, was turned over to ICE by the Cambodian police.<sup>179</sup> A year before this arrest, he was charged, but eventually cleared, of paying underage girls \$15 each for sex and pictures in the United States.

Following his turnover to ICE and subsequent extradition to the United States, Kent was indicted on October 7, 2004 by a U.S. Federal Grand Jury on nine counts related to sexual encounters with four minors between September 2003 and January 2004 in Cambodia. These charges included five counts of engaging in illicit conduct in foreign places, in violation of Title 18 U.S.C. §2423(c) and four counts of purchasing a minor with the intent to promote the engaging of sexually explicit conduct, in violation of Title 18 U.S.C. §2251(a).<sup>180</sup> Frank filed a motion to dismiss these counts as unconstitutional. He was, however, reindicted in a second superseding indictment on 10 counts, including six counts in violation of Title 18 U.S.C. §2423, and four counts of violation of Title 18 U.S.C. §2251. Frank pleaded not guilty to all charges and his jury trial<sup>181</sup> commenced in September 2006. Frank filed a motion to dismiss all counts as unconstitutional, a motion to exclude evidence and preclude mention of prior prosecution by Cambodian authorities, and a motion to preclude hearsay. On September 14, 2006, the court ordered withdrawing of the motion to dismiss the counts as unconstitutional. The trial is still pending, while Frank is imprisoned with no bail.<sup>182</sup> If he is convicted, however, he faces up to life in prison.<sup>183 184</sup>

**Defendant:** Richard A. Schmidt  
**Country of Offense:** Cambodia/Philippines  
**Law Charged Under:** The PROTECT Act  
**Plea:** Guilty plea  
**Judgment:** Rejection of plea deal by the court, leading to conviction  
**Sentence:** 15 years in prison, followed by supervised release for life

Richard A. Schmidt, age 61 at time of arrest, and a former schoolteacher from Baltimore, was also arrested under the PROTECT Act. After repeated arrests in the mid 1980s for abusing boys in the United States, he was sentenced to 18 years in prison in 1987 for multiple counts of abusing a 12-year-old boy in Baltimore.<sup>185</sup> In 2000, he was released on good behavior, after serving only 13 years of his sentence. However, in 2002, a warrant for his arrest was issued once more in connection with pictures he had attempted to take of two boys in the Baltimore area, violating his probation.<sup>186 187</sup> Schmidt fled to the Philippines to escape. In 2003, Schmidt was arrested by the Philippine police and was charged with having sex with underage boys. He fled again, this time to Cambodia. After being in Cambodia for only a week, a child welfare organization notified the Cambodian police, following sightings of Schmidt taking a Cambodian boy into his apartment. Additionally, two Cambodian brothers, ages ten and 13, had told investigators that Schmidt had photographed them naked in the shower. After Schmidt's arrest, Cambodian police contacted the United States. A Cambodian judge released Schmidt, but took his passport and ordered a police watch of him. Two days later a social worker from APLE, a French NGO based in Phnom Penh, called the police after seeing him check into a guesthouse with a boy, aged 12, who told investigators that Schmidt had sodomized him. In February 2004, Schmidt was extradited from Cambodia to the United States to face charges under the PROTECT Act.<sup>188</sup>

Schmidt was charged in a 10-count Federal indictment with multiple violations involving molesting boys in the Philippines and Cambodia.<sup>189</sup> On July 8, 2004, Schmidt pleaded guilty to one count of traveling in foreign commerce for the purpose of engaging in illicit sexual conduct with a minor, in violation of Title 18, U.S.C. §2423 (b) and one count of traveling and engaging in illicit sexual conduct with a minor, in violation of Title 18, U.S.C. §2423(c).<sup>190</sup> However, in October 2004, a Federal judge rejected his plea deal, which would have sentenced him to eight to 12 years in jail, saying that he deserved a longer sentence.<sup>192</sup> On May 25, 2005, Schmidt was sentenced to 15 years in prison, which will be followed by supervised release for life.<sup>193</sup>

**Defendant:** John W. Seljan  
**Country of Offense:** Philippines  
**Law Charged Under:** The PROTECT Act  
**Plea:** Not guilty plea  
**Judgment:** Jury trial leading to conviction  
**Sentence:** 20 years in prison, followed by supervised release for life

John W. Seljan, an 85-year-old retired businessman at time of arrest, was arrested in October 2003 as he boarded a plane to allegedly have sex with two girls, ages nine and 12 in the Philippines.<sup>194 195</sup> When he was arrested,

authorities found pornographic materials, sexual aids, and almost 100 pounds of chocolate in his luggage.<sup>196</sup> Seljan was allegedly planning to use the chocolate to bribe the girls.<sup>197</sup> Investigators also found several thousand dollars in U.S. and Philippine currency.<sup>198</sup> Investigation of Seljan had begun in August 2003, when border inspectors found correspondence to the Filipino girls that indicated that he planned on having sex with them when he came to the Philippines.<sup>199</sup> These letters allegedly indicated that he would bring “sexy toys,” magazines and videotapes with him so that they could learn about sex.<sup>200</sup> Seljan knew these girls and their families from previous trips he had taken to the Philippines.<sup>201</sup> He had sent money to the families of the children and promised to educate the girls.<sup>202</sup>

Seljan was originally charged with a total of nine counts, including one count of attempted travel with intent to engage in illicit sexual conduct, in violation of Title 18 U.S.C. §2423(b) and (e), four counts of using an interstate facility to incite a minor, in violation of Title 18 U.S.C. §2422(b), two counts of production of child pornography, in violation of Title 18 U.S.C. §2251(a), and two counts of possession of child pornography, in violation of Title 18 U.S.C. §2252(a)(5)(B). He was reindicted several times, and the third and last superseding indictment charged him with one count of attempted travel with intent to engage in illicit sexual conduct, in violation of Title 18 U.S.C. §2423(b), two counts of using an interstate facility to incite a minor, in violation of Title 18 U.S.C. §2422(b), two counts of production of child pornography, in violation of Title 18 U.S.C. §2251(a), two counts of possession of child pornography, in violation of Title 18 U.S.C. §2252(a)(5)(B), for a total of seven counts.<sup>203</sup> Following a non-jury trial, he was found not guilty on March 28, 2005, of one count of production of child pornography, in violation of Title 18 U.S.C. §2251(a), and was found guilty of the remaining six charges.<sup>204</sup> The rest of the counts from the first two indictments were dismissed. Seljan was sentenced to 20 years in prison, and he will have to register as a sex offender and remain under court supervision for the rest of his life.<sup>205</sup> Seljan was the first person in the United States to stand trial for child sex tourism under the PROTECT Act.<sup>206</sup> Seljan appealed his sentence as of March 31, 2005.<sup>207</sup> Appeal is currently pending.

**Defendant:** Edilberto Datan

**Country of Offense:** Philippines

**Law Charged Under:** The PROTECT Act

**Plea:** Guilty plea

**Judgment:** Conviction

**Sentence:** 17 years in prison, followed by supervised release for life, and restitution payment

Investigation into Edilberto Datan, 60 years old at time of arrest, opened after his name surfaced during an international investigation into a Belarus-based company

called “Regpay,” which provided billing services to subscribers of child pornography websites.<sup>208</sup> U.S. Customs and Border Protection officers at Los Angeles International Airport contacted ICE after finding computer memory sticks taped inside a jean pocket in Datan’s luggage. These memory sticks and a fourth one found later, revealed close to 100 sexually explicit images of Filipino boys.<sup>209</sup> While 18 different boys were photographed naked and in sexually explicit poses, only eight of the children could be identified by the Philippine National Police and ICE agents.<sup>210</sup> Datan claimed that the boys were part of a dance troop that had come to his hotel room merely to visit and shower and denied any inappropriate contact with them.<sup>211</sup> However, Datan was also found in possession of an extensive child pornography collection and more sexually explicit photographs of child victims from his prior trips to the Philippines, his native country, in his home.<sup>212 213</sup> Authorities are also concerned that Datan may have victimized youth in San Diego as well, since he served as a volunteer at a community center and worked with troubled youth in the San Diego area.<sup>214</sup> ICE, the Philippine National Police, and the Philippine Department of Justice all worked together on his prosecution.<sup>215</sup>

Datan was charged in a four-count indictment with traveling with the intent to engage in a sexual act with a juvenile, in violation of Title 18 U.S.C. §2423(b); use of interstate facility to entice a minor to engage in a criminal sexual act, in violation of Title 18 U.S.C. §2422(b); and production and possession of child pornography, in violation of Title 18 U.S.C. §2251(a) and Title 18 U.S.C. §2252(a)(5)(B), respectively.<sup>216</sup> In March 2005, Datan pleaded guilty to having sex with four Filipino boys, ages 14-15, and producing child pornography outside of the U.S. by taking sexually explicit photographs of eight underage boys.<sup>217</sup> Datan was sentenced in June 2005 to 17 years in prison and lifetime supervision.<sup>218</sup> He was also ordered to pay \$16,475 in restitution to eight of his victims in the Philippines. The money will provide two years of medical, psychological, and occupational therapy to these victims. According to court papers, in September 2005, the victimized boys were still suffering both mentally and emotionally from the consequences of their sexual abuse by Datan. Disbursement of the restitution payments is being overseen by World Vision.<sup>219</sup>

**Defendant:** Bernard Lawrence Russell

**Country of Offense:** Philippines

**Law Charged Under:** The PROTECT Act

**Plea:** Guilty plea

**Judgment:** Conviction

**Sentence:** 37 months in prison, restitution payment

In December 2004, Bernard Lawrence Russell, age 37 at time of arrest, was arrested and indicted on the following charges: traveling to the Philippines in October 2002 with the intent to engage in sexual acts with a minor, in violation



of Title 18 U.S.C. §2423(b); coercing a minor to engage in sexually explicit activity for the purpose of producing child pornography, in violation of Title 18 U.S.C. §2251(a); and possessing child pornography with intention to import it to the United States, in violation of Title 18 U.S.C. §2260 (b).<sup>220 221</sup> One of Russell's victims detailed that a pimp had arranged for her and Russell to engage in these actions. After telling Russell that she was 13 years old, he paid her roughly \$30 to go to a motel and engage in various sexual acts with him.<sup>222</sup> The other victim documented how Russell paid her \$20 to engage in sexual acts with her. The Court was also provided with 32 images of child pornography seized from his residence.<sup>223</sup>

Russell was convicted on April 22, 2005, and sentenced to 37 months (3 years) in Federal prison after he pleaded guilty to engaging in illicit sexual contact with 13 and 14 year-old Filipino girls during his trips to the Philippines in 2002.<sup>224</sup> He was also ordered to pay \$25,000 in restitution. This money will go towards helping Filipino victims of child sexual exploitation. The restitution payments will be overseen by a court-appointed *Guardian ad Litem* who will be working under the Child Exploitation and Obscenity section within the U.S. Department of Justice. This person will also administer the funds.<sup>226</sup>

**Defendant:** Karl Kaechele  
**Country of Offense:** Asian countries including: Thailand/ Cambodia/Vietnam/Philippines  
**Law Charged Under:** The PROTECT Act  
**Plea:** Not guilty, request to dismiss charges  
**Judgment:** Currently pending  
**Sentence:** Pending

Karl Kaechele, a 62-year-old truck driver, was indicted on charges of allegedly traveling to multiple Asian countries including Thailand, Cambodia, Vietnam, and the Philippines to knowingly engage in sexual acts with victims aged seven to 15 years of age.<sup>227 228 229 230</sup> During the investigation, Kaechele was found to have photographs of child pornography of Asian females and journals containing information of sexual encounters with females, the majority of whom were under the age of 15.<sup>231</sup> These journals contained specific details including the dates of the sexual encounters, the log numbers of the photos taken of the females, the girls' names and ages, the cities in which the acts were committed, amounts paid, comments regarding what sexual acts took place, and his rating of each sexual encounter.<sup>232</sup> A search of his house resulted in Federal agents seizing a computer, photographs, and videos.<sup>233</sup>

Kaechele was indicted on August 11, 2005, on two counts of traveling in foreign commerce for the purpose of engaging in illicit sexual conduct with a minor, in violation of Title 18 U.S.C. §2423(b). However, Kaechele is requesting a dismissal of the indictment on the grounds

that Title 18 U.S.C. §2423(b) is unconstitutional.<sup>234</sup> On April 11, 2006, a second superseding indictment was issued, charging Kaechele with two counts of traveling in foreign commerce for the purpose of engaging in illicit sexual conduct with a minor, in violation of Title 18 U.S.C. §2423(b).<sup>235</sup> The hearing on the motion to dismiss the indictment was scheduled for August 8, 2006.<sup>236</sup> On July 20, 2006, Kaechele filed a supplemental brief confirming his motion to dismiss the indictment as unconstitutional. The case is pending.<sup>237</sup>

**Defendant:** Steven Erik Prowler  
**Country of Offense:** Thailand (Cambodia, Laos, Mexico)  
**Law Charged Under:** The PROTECT Act  
**Plea:** Not guilty plea  
**Judgment:** Trial Pending  
**Sentence:** Pending

Steven Erik Prowler, age 57 at time of arrest, was arrested in May 2005 by the Royal Thai Police in Bangkok, Thailand, on confirmed evidence that Prowler had molested two boys ages 15 and 16. Thai authorities contacted ICE agents, and conducted a joint search of Prowler's residence in Bangkok, finding more than 100 photos of naked Thai boys, aged 14-16.<sup>238</sup> In addition, authorities found Prowler's writings, which detailed his sexual encounters with minor boys in Thailand, Cambodia, Laos, Mexico and the United States, which took place during the past ten years.<sup>239</sup> Prowler, who worked as an English teacher at the Ramkhamkhaeng University Demonstration School in Thailand, was prosecuted by Thai authorities and imprisoned in Thailand to serve his sentence before being turned over to ICE agents for extradition to the United States. Prowler was extradited to face Federal charges under the PROTECT Act on May 13, 2006.<sup>240</sup>

Prowler was indicted on May 19, 2006, on one count of engaging in illicit sexual conduct with a minor in foreign places, in violation of Title 18 U.S.C. §2423(c).<sup>241</sup> Trial was set for November 14, 2006, but that trial date has been vacated to be reset on November 6, 2006, at the status conference, at which time the U.S. government's response to Prowler's motion to dismiss the indictment is due.<sup>242</sup>

**Defendant:** Michael John Koklich, a.k.a. Michael Light  
**Country of Offense:** Cambodia  
**Law Charged Under:** The PROTECT Act  
**Plea:** Not guilty, request to dismiss indictment  
**Judgment:** Pending  
**Sentence:** Pending

Michael John Koklich, a.k.a. Michael Light, age 49 at time of arrest, arrived in the United States on April 26, 2006, following his arrest in Phnom Penh by Cambodian National Police on the grounds of alleged sexual conduct with minor girls, ages 11 and 13, on February 17, 2006.



The arrest followed an escape attempt, during which Koklich crashed his motorcycle into a police barricade, injuring a police officer.<sup>243</sup> Following Koklich's arrest, U.S. and Cambodian investigators jointly executed a search of two of his residences in Cambodia, and found a diary which described his sexual conduct with minors, as well as newspaper clippings about American citizens arrested for sexual activities with Cambodian minors.<sup>244</sup> Cambodian National Police and Action Pour les Enfants (APLE), an NGO based in Cambodia, contacted ICE agents having witnessed Koklich with young Cambodian girls. A joint investigation was conducted, which included ICE special agents in San Francisco and Bangkok, the U.S. Department of State's Bureau of Diplomatic Security and the Cambodian National Police. Koklich was deported to the United States the week of April 17, 2006, to face Federal charges under the PROTECT Act.<sup>245</sup> Koklich has allegedly informed authorities that he normally spends three to four months a year in California living in a recreational vehicle and selling jewelry and other goods he buys in Cambodia at flea markets to finance his trips to Southeast Asia.

Koklich is charged with two counts of engaging in illicit sexual conduct in foreign places, in violation of Title 18 U.S.C. §2423(c). On July 31, 2006, Koklich filed for a motion to dismiss the charges for lack of jurisdiction, and motion hearings are ongoing.<sup>246</sup>

<b>Defendant:</b>	<b>George Hoey Morris a.k.a. Johnny Ray Fortune</b>
<b>Country of Offense:</b>	<b>Vietnam</b>
<b>Law Charged Under:</b>	The PROTECT Act
<b>Plea:</b>	Guilty/Not Guilty
<b>Judgment:</b>	Conviction
<b>Sentence:</b>	Sentencing set for December 18, 2006

George Hoey Morris, a.k.a. Johnny Ray Fortune, 59, was arrested following an ICE investigation, which was initiated following a tip from the Library of Congress provided to the ICE Cyber Crime Center in Virginia. The tip was forwarded to the Cyber Crime Center following Morris' visit to the Library of Congress, where he was seeking copyrights for a book he had written entitled "virginbride.net." The ICE investigation revealed evidence that Morris, under the name of George Hoey Morris, as well as that of Johnny Ray Fortune, flew, on numerous occasions, to the Socialist Republic of Vietnam where he allegedly engaged in sexual conduct with Vietnamese girls under the age of 16. Morris was deported from Vietnam on numerous occasions, and had changed his passport to Johnny Ray Fortune so as to reenter the country. Evidence demonstrated that Morris made over 20 such trips to Vietnam throughout the 1990s.<sup>247</sup> An examination of three extensive websites containing Morris' numerous works about Vietnam, as well as his virginbride.net writings, and which provide his contact information (<http://www.webvietnam.info>, <http://www.georgehoeymorris.com>, <http://www.virginbride.net>),

reveals that Morris as a Vietnam War veteran who served as an advisor to the South Vietnamese infantry during 1967-1968. Morris flew his own plane into Vietnam in 1989, ignoring the travel ban that existed at the time, and stayed in Vietnam until he was first deported by Vietnamese authorities. He returned on numerous occasions, changing passports, ignoring travel bans and numerous subsequent deportations, all the while recording and researching life in Vietnam. Morris' biography, available through one of the websites, claims that Morris completed a number of studies of post-communist Vietnam, and published a number of books, some of which are based on that research, among which one may find the virginbrides.net research book. The websites likewise contain newspaper clippings detailing his travels and activities in Vietnam.<sup>248</sup> Morris was previously convicted on a felony offense involving the sale of illegal narcotics in Colorado in 1980.<sup>249</sup>

In June 2006, Morris was indicted on numerous charges, including those of transportation for illicit sexual activity, visa fraud, firearm possession violations (Morris is a previously convicted felon), and others.<sup>250</sup> A number of superseding indictments were issued, Morris pleaded guilty on some counts, which were subsequently terminated, and the remained counts were severed into two separate trials, tried by two different judges. The first indictment, issued on April 20, 2005, charged Morris with one count of fraud and misuse of visas/permits. The first superseding indictment, issued on June 29, 2005, charged Morris with one count of fraud and misuse of visas/permits in violation of Title 18 U.S.C. §1546(a), one count of unlawful transport of firearms, in violation of Title 18 U.S.C. §922(g)(1), and one count of unlawful transport of firearms, in violation of Title 18 U.S.C. §922(g)(3). The second superseding indictment charged Morris with one count of fraud and misuse of visas/permits in violation of Title 18 U.S.C. §1546(a), one count of one count of unlawful transport of firearms, in violation of Title 18 U.S.C. §922(g)(1), and one count of unlawful transport of firearms, in violation of Title 18 U.S.C. §922(g)(3). Finally, the third superseding indictment charged Morris with one count of transportation for illegal sexual activity, in violation of Title 18 U.S.C. §2421, one count of coercion or enticement of a female, in violation of Title 18 U.S.C. §2422(a), one count of transportation of a minor for sexual purposes, in violation of Title 18 U.S.C. §2423(a), one count of traveling in foreign commerce to engage in sexual activity with minor, in violation of Title 18 U.S.C. §2423(b), one count of visa fraud, in violation of Title 18 U.S.C. §1546(a), one count of possession of firearms by a felon, in violation of Title 18 U.S.C. §922(g)(1), and one count of unlawful use of firearms, in violation of Title 18 U.S.C. §922(g)(3). Morris pleaded not guilty to all charges in the first and first superseding indictments, but changed his plea to guilty on February 13, 2006 on all charges of the first superseding indictment, namely on one count of fraud and misuse of visas/permits in violation of Title 18 U.S.C.

§1546(a), one count of one count of unlawful transport of firearms, in violation of Title 18 U.S.C. §922(g)(1), and one count of unlawful transport of firearms, in violation of Title 18 U.S.C. §922(g)(3). These and all counts under the original indictment, the second superseding indictment, were eventually terminated. Morris pleaded not guilty to the remaining charges, namely to one count of transportation for illegal sexual activity, in violation of Title 18 U.S.C. §2421, one count of coercion or enticement of a female, in violation of Title 18 U.S.C. §2422(a), one count of transportation of a minor for sexual purposes, in violation of Title 18 U.S.C. §2423(a), one count of traveling in foreign commerce to engage in sexual activity with minor, in violation of Title 18 U.S.C. §2423(b), one count of visa fraud, in violation of Title 18 U.S.C. §1546(a), and one count of possession of firearms by a felon, in violation of Title 18 U.S.C. §922(g)(1), and one count of unlawful use of firearms, in violation of Title 18 U.S.C. §922(g)(3). Following two separate jury trials on these charges, Morris was found guilty as charged on all counts except one count of unlawful use of firearms, in violation of Title 18 U.S.C. §922(g)(3), which was declared as a mistrial. Sentencing is set for December 18, 2006.<sup>251</sup>

### 3. Europe Case Studies

**Defendant:** Gregory Kapordelis

**Country of Offense:** Russia

**Law Charged Under:** The PROTECT Act

**Plea:** Not guilty plea

**Judgment:** Trial pending

**Sentence:** Pending

In April 2004, Gregory Kapordelis, age 43 at time of arrest, the Chief of Anesthesiology for a medical provider in Georgia and a physician at summer camps in the area, was arrested by ICE agents after allegations arose that he had sex with juveniles, some as young as 12, on numerous occasions while traveling to Russia.<sup>252</sup> The investigation into Kapordelis began in March 2004, when the Criminal Investigations Division of the St. Petersburg Police Department in Russia received information that he had molested minor males in a St. Petersburg hotel in 2003. St. Petersburg police and the ICE Attaché in Moscow worked together on the investigation. They interviewed youth at the hotel, including one 12-year-old boy, who was allegedly fed pills by Kapordelis before engaging in sexual acts with him. Another 13-year-old boy alleged that he too received pills from Kapordelis that “made him feel weak” before the boy performed oral sex on Kapordelis. A third boy alleged that he was also fed pills before being sodomized. The complaint against Kapordelis also alleged that he brought children from Russia, Africa and the Czech Republic to live with him in the United States for periods of time. At the time of his arrest, Kapordelis was attempting to adopt

one of the children from Russia who he had previously used to arrange to meet with other minor males in St. Petersburg.<sup>253</sup> Kapordelis was placed on house arrest in June 2004 after he violated his bond agreement.<sup>254</sup>

According to the latest superseding indictment, Kapordelis is charged with 13 counts, including: one count of travel in foreign commerce, for the purpose of engaging in illicit sexual conduct with a person under the age of 18 years, in violation of Title 18 U.S.C. §2423(b); eight counts of traveling in foreign commerce and knowingly engaging in illicit sexual conduct with a person under the age of 18 years, in violation of Title 18 U.S.C. §2423(c); three counts of having used a person under the age of 18 to engage in sexually explicit conduct for the purpose of production of child pornography, in violation of Title 18 U.S.C. §2251(a); and one count of receiving child pornography, in violation of Title 18 U.S.C. §2252 (a)(2)(A).<sup>255</sup> August 24, 2005, Kapordelis pleaded not guilty to all counts of the indictment. The case was certified as ready for trial on October 28, 2005. However, Kapordelis submitted, on April 3, 2006, a motion to dismiss his indictment based on Governmental Misconduct and the Denial of Due Process.<sup>256</sup> Kapordelis’ motion to dismiss the indictment was denied on July 7, 2006. A fourth superseding indictment was issued on October 17, 2006, charging Kapordelis with three counts of selling or buying of children in violation of Title 18 U.S.C. §2251(a), activities regarding material constituting/containing child pornography in violation of Title 18 U.S.C. §2252A(a)(2)(A) and Title 18 U.S.C. §2252A(a)(5)(B). The case is still pending.<sup>257</sup>

**Defendant:** Anthony Mark Bianchi

**Country of Offense:** Moldova/Romania/Cuba [Europe and Central and Latin America]

**Law Charged Under:** The PROTECT Act

**Plea:** Not guilty plea

**Judgment:** Pending

**Sentence:** Pending

In one of the latest indictments filed against a U.S. citizen under the PROTECT Act, Anthony Mark Bianchi, aged 44 at time of arrest, was charged on January 12, 2006, with one count of conspiracy to engage in illicit sexual conduct in foreign places, two counts of traveling with the intent to engage in illicit sexual conduct, two counts of engaging in illicit sexual conduct in foreign places, and one count of using a facility in foreign commerce to entice a minor to engage in sexual activity. Bianchi was arrested by ICE agents at his North Wildwood, New Jersey residence on Wednesday, January 11, 2005.<sup>258</sup> Also charged by Moldovan authorities was Ion Gusin (28), a Moldovan citizen, who allegedly served as Bianchi’s translator and assistant in procuring the minors.<sup>259</sup> Gusin was arrested in Moldova by Moldovan authorities. The arrests of Bianchi and Gusin came as a result of an international investigation led by agents from the Philadelphia ICE, the ICE Attaché in

Vienna, Austria, the ICE Cyber Crimes Center in Virginia in conjunction with the Romanian Organized Crime Police, the Romanian Prosecutor's Office, and Moldovan Police assigned to the Ministry of Internal Affairs/Center for Combating Trafficking in Persons, as well as the Polish Border Police. Also assisting the investigation were the U.S. Diplomatic Security Service, the United States Department of Justice Child Exploitation and Obscenity Section, the U.S. Postal Inspection Service, the Cape May County Prosecutor's Office, and the U.S. Attorney's Office in New Jersey.<sup>260</sup> It is alleged that between December 2003 and through at least October 17, 2005, Bianchi conspired to travel from Philadelphia International Airport to Cuba, the Republic of Moldova and Romania, to engage in illicit sexual conduct with males younger than 16 years of age. Allegedly, the defendant had also used the telephone to obtain illicit sexual activity from Romanian boys under the age of 16.<sup>261</sup> Additional sources allege that the minors were procured in Moldova and transported to Cuba and Romania with the assistance of Gusin, where Bianchi allegedly abused the minors.<sup>262</sup> In one case, the defendant took the young male to a Romanian pub for his birthday, offered him sweet wine to drink, and after the boy became intoxicated, Bianchi engaged in illicit sexual conduct with him.<sup>263</sup> If convicted, Bianchi faces 180 years imprisonment, five years supervised release, a \$1,500,000 fine and a \$600 special assessment fee. Assistant United States Attorneys Michael L. Levy and Kenya S. Mann have been assigned to the case.<sup>264</sup> Gusin faces charges of illicit trafficking in children under Article 206(3) of the Moldovan Penal Code, which stipulates a prison term of 25 years.<sup>265</sup>

Bianchi was charged, in an indictment dated January 12, 2006, with one count of conspiracy to engage in illicit sexual conduct in foreign places, in violation of Title 18 U.S.C. §2423(e) and (c); two counts of traveling with the intent to engage in illicit sexual conduct, in violation of Title 18 U.S.C. §2423(b); two counts of engaging in illicit sexual conduct in foreign places, in violation of Title 18 U.S.C. §2423(c); and one count of using a facility in foreign commerce to entice a minor to engage in sexual activity, in violation of Title 18 U.S.C. §2422(b).<sup>266</sup> Bianchi entered into a plea of not guilty to all six counts on January 13, 2006. He was being held in custody pending his trial. Bianchi's motions for revocation of detention and for an order granting release on bail were denied on October 8, 2006. Trial is scheduled for January 29, 2007.<sup>267</sup>

## 4. Africa Case Studies

**Defendant:** Lester Christian Weber

**Country of Offense:** Kenya

**Law Charged Under:** The PROTECT Act

**Plea:** Guilty plea

**Judgment:** Conviction

**Sentence:** 25 years in prison

Lester Christian Weber, age 50 at time of arrest, was arraigned in February 2005 on a seven-count indictment after he allegedly traveled to Kenya to engage in sexual acts with two victims under the age of 12.<sup>268 269</sup> Weber, who had previously been convicted of an offense in Oregon related to the sexual exploitation of children, married a woman in Kenya, who had two small children. After his marriage, he communicated by e-mail with his wife and one of her children about engaging in sexual relations when he visited. In addition to engaging in sexual acts with these minors, he produced video and pictures of his abuse and transported them back to the United States.<sup>270</sup>

Weber was charged with the following: Title 18, U.S.C. § 2422(b), attempting to use the Internet to persuade a minor to engage in sexual activity; Title 18, U.S.C. §2423(c) and (e), attempting to travel in foreign commerce for the purpose of illicit sexual conduct with another person; Title 18, U.S.C §2241(c), intentionally crossing state lines and knowingly engaging in a sexual act with a minor; Title 18, U.S.C. § 2256(8), knowingly possessing child pornography; Title 18, U.S.C. §2252A(a)(5)(B) and 2252A(b)(2), generating media containing visual depictions of actual minors engaging in sexually explicit conduct, and transporting these images through interstate commerce; Title 18, U.S.C. §2252A(a)(1) and Title 18 U.S.C. 2252A(b)(1), shipping visual depictions of actual minors engaging in sexually explicit conduct.<sup>271</sup> During the investigation ICE agents worked closely with Kenyan National Police to conduct several interviews and serve a search warrant.<sup>272</sup> In April, 2005 he pleaded guilty to one count of producing child pornography, violating Title 18, U.S.C. §2251(c)(1) and 2251(2)(b) and was sentenced to 25 years in prison.<sup>273</sup>

## 5. Pacific Case Studies

**Defendant:** Harold Lynn Winslow

**Country of Offense:** Australia

**Law Charged Under:** The PROTECT Act

**Plea:** Guilty plea accepted

**Judgment:** Conviction

**Sentence:** 11 years in prison

Harold Lynn Winslow, age 55 at the time of arrest, and a retiree from the U.S. Army, was arrested by ICE in August 2005 as he attempted to board a plain to Australia. He had been previously arrested in 1997 when a Los Angeles television station KTTV broadcast a series titled "Stalking the Stalkers" showed him planning to fly to Arkansas a person, whom he believed to be a 14-year-old girl he had met in an online chat room. The TV station notified authorities, and Winslow pleaded guilty to all charges. He was sentenced to five years in prison, but was released after serving only half of his sentence.<sup>274</sup> The registered sex offender then began talking online with a man he believed to be an Australian grandfather

who had been previously arrested for having sex with his grandchildren.<sup>275</sup> Unbeknownst to Winslow, the man he thought he was talking to had been arrested by Australian law enforcement and his online identity had been taken over by an undercover policeman in Australia. Winslow also believed that the Australian man was helping him locate a 6-year-old girl to have sexual relations with in Australia. The undercover agent and Winslow planned for Winslow's stay in Australia.<sup>276</sup> The Australian authorities notified U.S. Federal authorities and Winslow was arrested by ICE agents when he showed up to board the plane bound for Australia. Winslow admitted to talking to the man in Australia, "Ray," about traveling to Australia to meet up with girls, but claimed that it was just a fantasy.

Winslow was charged with attempt to travel in foreign commerce for the purpose of engaging in illicit sexual conduct with an individual he believed had not attained 18 years of age, in violation of Title 18 U.S.C. §2423(b) and (e),<sup>277</sup> to which Winslow has pleaded guilty.<sup>278</sup> Winslow was sentenced to 135 months (11.25 years) in prison, followed by supervised release for life. He was also charged a fine of \$12,500.<sup>279</sup>

## 6. North America Case Studies

**Defendant:** Elisha Pasdeck

**Country of Offense:** Canada

**Law Charged Under:** The PROTECT Act

**Plea:** Guilty plea accepted

**Judgment:** Conviction

**Sentence:** 15 years in prison

Elisha Pasdeck, age 31 at time of arrest, of Nokomis, IL, was arrested and charged on December 19, 2005, with interstate and foreign travel to engage in sex with a minor, and with interstate transportation of child pornography. According to the indictment, Pasdeck traveled to Canada in July 2002, where he engaged in sexual activity with a 12-year-old boy. Additionally, the indictment charged that in May 2005, Pasdeck transported child pornography to Canada.<sup>280</sup> The investigation was carried out by ICE with assistance from the Nokomis Police Department and the Canadian Border Services Agency.<sup>281</sup> Pasdeck allegedly met with the 12-year-old Saskatoon boy in a hotel room in Rosetown, Saskatchewan, where he had sexual contact with the minor. His alleged sexual relationship with the boy was discovered by Canadian border police, who intercepted Pasdeck in May 2005 at St. John's International Airport. Over 10,000 graphic images of young boys between the ages of nine and 12 were found on his laptop. Pasdeck was charged in Canada and spent six months in a Newfoundland jail following a guilty plea to a charge of attempting to smuggle pornography into Canada.<sup>282</sup>

Following Pasdeck's return to the United States, investigators found further evidence supporting the allegation that

Pasdeck was communicating extensively over the Internet with a 12-year-old boy from Saskatchewan. It is alleged that Pasdeck arranged a meeting with the boy at the hotel in Rosetown, where him and the boy engaged in sexual activities.<sup>283</sup>

On January 6, 2006, Pasdeck was indicted on one count of travel with intent to engage in sexual conduct with a juvenile, in violation of Title 18 U.S.C. §2423(b) and one count of transportation of child pornography, in violation of Title 18 U.S.C. §2252A(a)(1).<sup>284</sup> Pasdeck originally entered a plea of not guilty on both counts, but changed his plea to guilty on both counts on March 3, 2006. Pasdeck was sentenced to 180 months in prison on count one of his indictment and 168 months in prison on count two of his indictment, to run concurrently (a total of 15 years), followed by supervised release for life.<sup>285</sup>

## 7. Foreign Citizens Apprehended in the United States for Child Sex Tourism Offenses

**Defendant:** Sebastian Sarraute (French citizen)

**Country of Offense:** Mexico

**Law Charged Under:** The PROTECT Act

**Plea:** Guilty plea

**Judgment:** Conviction

**Sentence:** 51 months in prison

Sebastian Sarraute, a French national, age 30 at time of arrest, was arrested at the Tucson, AZ airport by ICE agents in September 2004, as he arrived to the U.S. from France. He was allegedly entering the U.S. to finalize his trip to Mexico where he planned to have sex with girls aged 10-14 years.<sup>286</sup>

He was formally charged with travel with the intent to engage in sexual acts with children, in violation of Title 18 U.S.C. §2423(b).<sup>287</sup> Sarraute pleaded guilty and was sentenced in August 2005 to 51 months in prison (4.25 years), followed by a lifetime supervised release.<sup>288</sup>

**Defendant:** Manfred Knittel (German citizen)

**Country of Offense:** Mexico

**Law Charged Under:** The PROTECT Act

**Plea:** Guilty plea

**Judgment:** Conviction

**Sentence:** 51 months in prison

One month later, October 31, 2004, Manfred Knittel, a German national, age 53 at time of arrest, was arrested by ICE agents at the Tucson, AZ airport upon arriving in the U.S. from Germany, to allegedly finalize plans to go to Mexico to have sex with girls aged six to 11 years.<sup>289</sup>

Manfred Knittel was charged with travel in interstate commerce with the intent to engage in illicit sexual conduct in violation of Title 18, U.S. Code §2423(b). He



pleaded guilty on March 10, 2005 and was sentenced on August 29, 2005 by U.S. District Judge Cindy K. Jorgenson to 51 months in prison (4.25. years) followed by lifetime supervision. Knittel will be turned over to ICE for deportation after serving his sentence and will not be allowed to return to the U.S.<sup>290 291</sup>

**Defendant:** Nabil Al Rowais  
**Country of Offense:** United States  
**Law Charged Under:** The PROTECT Act  
**Plea:** Not guilty  
**Judgment:** Pending  
**Sentence:** Pending

Nabil Al Rowais, 37, Saudi Arabian citizen, was arrested on April 27, 2006 by ICE agents and the California Bureau of Investigation at a motel in Vallejo, CA, on allegations of travel to the United States with the intent to engage in sexual activities with a two-and-a-half-year-old girl. Al Rowais had been engaged in an e-mail exchange with an undercover agent, who, unbeknownst to him, was posing as the girl’s father. The initial lead came from an

ICE operation code-named Operation *Babynet*, which investigated a man from El Dorado Hills, CA, who pleaded guilty to molesting his daughter and distributing images of child pornography over the Internet.<sup>292</sup> Al Rowais, who claims to be a practicing psychiatrist from Saudi Arabia, entered the United States on a nonimmigrant visa issued in Canada. In the e-mails that Al Rowais wrote to the undercover agent, stated that he was interested in coming to the United States to molest the little girl.<sup>293</sup>

The indictment issued on May 4, 2006, states that Al Rowais, “between on or about April 26, 2006 and on or about April 27, 2006, starting in Riyadh, Saudi Arabia, and ending in Vallejo, State and Eastern District of California, did travel in interstate commerce and into the United States for the purpose of engaging in a sexual act, as defined in Title 18, U.S.C. §2246(2), with a person under 18 years of age.” Al Rowais is therefore charged with one count of travel in interstate commerce or into the United States for the purpose of engaging in illicit sexual conduct, in violation of Title 18, U.S.C. §2423(b).<sup>294</sup> Al Rowais pleaded not guilty on May 12, 2006, however, the government is currently preparing a plea agreement and a status conference has been set for December 5, 2006.<sup>295</sup>

## Section C. Statistical Analysis: Case Proceedings and Outcomes

Table 1. STATISTICAL summary based on case studies of U.S. citizens and residents charged for child sex tourism offenses under all applicable U.S. laws.

### U.S. Cases Data Summary Prior to the PROTECT Act

Case Type	Number of Cases of Each Type	Number of Defendants Convicted	Number of Cases Dismissed
Guilty Plea	5	5	0
Not Guilty Plea/Jury Trial	4	4	0
Not Guilty Plea/Bench Trial	1	1	0
Unknown	2	2	0
<b>Total</b>	<b>12</b>	<b>12</b>	<b>0</b>

### U.S. Cases Data Summary under the PROTECT Act

Case Type	Number of Cases of Each Type	Number of Defendants Convicted	Number of Cases Dismissed
Guilty Plea <sup>3*</sup>	24	23	1
Not Guilty Plea/Jury Trial	7	6 (1 jury trial pending)	0
Not Guilty Plea/Bench Trial	1	1	0
Unknown/Other	1	1	0
Not guilty Plea/Motion Hearings Ongoing	5	N/A	N/A
<b>Total</b>	<b>38</b>	<b>31</b>	<b>1</b>
<b>GRAND TOTAL</b>	<b>50</b>		

Table 2. Request to dismiss charges/indictment by U.S. citizens and residents charged for child sex tourism offenses under all applicable U.S. laws (N=7)<sup>4\*\*</sup>.

Request to Dismiss Charges/ Indictment	Request Granted	Request Denied	Motion Hearings Ongoing
	1	3	3



Figure 1. Breakdown of U.S. case procedures based on defendant's plea (N=50).

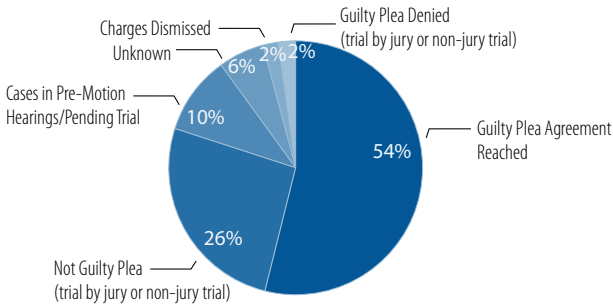


Figure 2. Guilty vs. not guilty case outcomes (N=50) (Defendants guilty on all or some of the counts either by plea or following a jury or a non-jury trial).

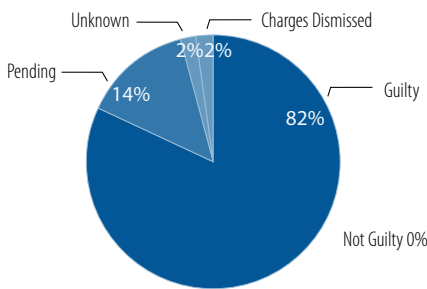
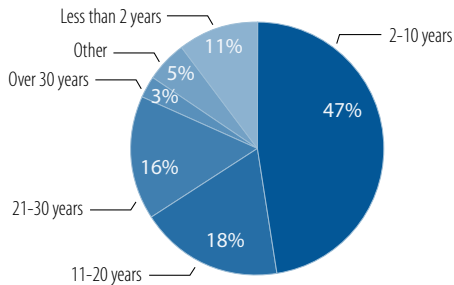


Figure 3. Sentences (number of years in prison) (N=38).



**Appendix 1. Relevant Provisions of the United States Code**

Title 18, United States Code, §2422(a): Whoever knowingly persuades, induces, entices, or coerces any individual to travel in interstate or foreign commerce, or in any Territory or Possession of the United States, to engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title or imprisoned not more than 20 years, or both.

Title 18, United States Code, §2422(b): Whoever, using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States knowingly persuades, induces, entices, or coerces any individual who has not attained the age of 18 years, to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense, or attempts to

do so, shall be fined under this title and imprisoned not less than 5 years and not more than 30 years.

Title 18, United States Code, §2423(a): TRANSPORTATION WITH INTENT TO ENGAGE IN CRIMINAL SEXUAL ACTIVITY — A person who knowingly transports an individual who has not attained the age of 18 years in interstate or foreign commerce, or in any commonwealth, territory or possession of the United States, with intent that the individual engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense, shall be fined under this title and imprisoned not less than 5 years and not more than 30 years.

Title 18, United States Code, §2423(b): TRAVEL WITH INTENT TO ENGAGE IN ILLICIT SEXUAL CONDUCT – A person who travels in interstate commerce or travels into the United States, or a United States citizen or alien admitted for permanent residence in the United States who travels in foreign commerce, for the purpose of engaging in any illicit sexual conduct with another person shall be fined under this title or imprisoned not more than 30 years, or both.

Title 18, United States Code, §2423(c): ENGAGING IN ILLICIT SEXUAL CONDUCT IN FOREIGN PLACES – Any United States citizen or alien admitted for permanent residence in the United States who travels in foreign commerce, and engages in any illicit sexual conduct with another person shall be fined under this title or imprisoned not more than 30 years, or both.

Title 18, United States Code, §2423(d): ANCILLARY OFFENSES – Whoever, for the purpose of commercial advantage or private financial gain, arranges, induces, procures, or facilitates the travel of a person knowing that such a person is traveling in interstate commerce or foreign commerce for the purpose of engaging in illicit sexual conduct shall be fined under this title, imprisoned not more than 30 years, or both.

Title 18, United States Code, §2423(e): ATTEMPT AND CONSPIRACY – Whoever attempts or conspires to violate subsection (a), (b), (c), or (d), shall be punishable in the same manner as a completed violation of that section.

Title 18, United States Code, §2423(f): DEFINITION – As used in this section, the term ‘illicit sexual conduct’ means (1) a sexual act (as defined in section 2246) with a person under 18 years of age that would be in violation of chapter 109(A) if the sexual act occurred in the special maritime and territorial jurisdiction of the United States; or (2) any commercial sex act (as defined in section 1591) with a person under 18 years of age.

Title 18, United States Code, §2251(a): Any person who employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, or who transports any minor in interstate or foreign commerce, or in any Territory or Possession of the United States, with the intent that such minor engage in, any sexually explicit conduct for the purpose of producing any visual depiction of such conduct, shall be punished as provided under subsection (e), if such person knows or has reason to know that such visual

depiction will be transported in interstate or foreign commerce or mailed, if that visual depiction was produced using materials that have been mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer, or if such visual depiction has actually been transported in interstate or foreign commerce or mailed.

Title 18, United States Code, §2251(b): Any parent, legal guardian, or person having custody or control of a minor who knowingly permits such minor to engage in, or to assist any other person to engage in, sexually explicit conduct for the purpose of producing any visual depiction of such conduct shall be punished as provided under subsection (e) of this section, if such parent, legal guardian, or person knows or has reason to know that such visual depiction will be transported in interstate or foreign commerce or mailed, if that visual depiction was produced using materials that have been mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer, or if such visual depiction has actually been transported in interstate or foreign commerce or mailed.

Title 18, United States Code, §2251(e): Any individual who violates, or attempts or conspires to violate, this section shall be fined under this title and imprisoned not less than 15 years nor more than 30 years, but if such person has one prior conviction under this chapter, chapter 71, chapter 109A, or chapter 117, or under section 920 of title 10 (article 120 of the Uniform Code of Military Justice), or under the laws of any State relating to the sexual exploitation of children, such person shall be fined under this title and imprisoned for not less than 25 years nor more than 50 years, but if such person has 2 or more prior convictions under this chapter, chapter 71, chapter 109A, or chapter 117, or under section 920 of title 10 (article 120 of the Uniform Code of Military Justice), or under the laws of any State relating to the sexual exploitation of children, such person shall be fined under this title and imprisoned not less than 35 years nor more than life. Any organization that violates, or attempts or conspires to violate, this section shall be fined under this title. Whoever, in the course of an offense under this section, engages in conduct that results in the death of a person, shall be punished by death or imprisoned for any term of years or for life.

Title 18, United States Code, §2252:

(a) Any person who—

- (1) knowingly transports or ships in interstate or foreign commerce by any means including by computer or mails, any visual depiction, if—
  - (A) the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct; and
  - (B) such visual depiction is of such conduct;
- (2) knowingly receives, or distributes, any visual depiction that has been mailed, or has been shipped or transported in interstate or foreign commerce, or which contains materials which have been mailed or so shipped or transported, by any means including by computer,

or knowingly reproduces any visual depiction for distribution in interstate or foreign commerce or through the mails, if—

- (A) the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct; and
  - (B) such visual depiction is of such conduct;
- (3) either—
- (A) in the special maritime and territorial jurisdiction of the United States, or on any land or building owned by, leased to, or otherwise used by or under the control of the Government of the United States, or in the Indian country as defined in section 1151 of this title, knowingly sells or possesses with intent to sell any visual depiction; or
  - (B) knowingly sells or possesses with intent to sell any visual depiction that has been mailed, or has been shipped or transported in interstate or foreign commerce, or which was produced using materials which have been mailed or so shipped or transported, by any means, including by computer, if—
    - (i) the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct; and
    - (ii) such visual depiction is of such conduct; or
- (b)
- (4) either—
- (A) in the special maritime and territorial jurisdiction of the United States, or on any land or building owned by, leased to, or otherwise used by or under the control of the Government of the United States, or in the Indian country as defined in section 1151 of this title, knowingly possesses 1 or more books, magazines, periodicals, films, video tapes, or other matter which contain any visual depiction; or
  - (B) knowingly possesses 1 or more books, magazines, periodicals, films, video tapes, or other matter which contain any visual depiction that has been mailed, or has been shipped or transported in interstate or foreign commerce, or which was produced using materials which have been mailed or so shipped or transported, by any means including by computer, if—
    - (i) the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct; and
    - (ii) such visual depiction is of such conduct; shall be punished as provided in subsection (b) of this section.
- (1) Whoever violates, or attempts or conspires to violate, paragraphs [1] (1), (2), or (3) of subsection (a) shall be fined under this title and imprisoned not less than 5 years

and not more than 20 years, but if such person has a prior conviction under this chapter, chapter 71, chapter 109A, or chapter 117, or under section 920 of title 10 (article 120 of the Uniform Code of Military Justice), or under the laws of any State relating to aggravated sexual abuse, sexual abuse, or abusive sexual conduct involving a minor or ward, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography, such person shall be fined under this title and imprisoned for not less than 15 years nor more than 40 years.

- (2) Whoever violates, or attempts or conspires to violate, paragraph (4) of subsection (a) shall be fined under this title or imprisoned not more than 10 years, or both, but if such person has a prior conviction under this chapter, chapter 71, chapter 109A, or chapter 117, or under section 920 of title 10 (article 120 of the Uniform Code of Military Justice), or under the laws of any State relating to aggravated sexual abuse, sexual abuse, or abusive sexual conduct involving a minor or ward, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography, such person shall be fined under this title and imprisoned for not less than 10 years nor more than 20 years.

Title 18 United States Code, Chapter 109A, “Sexual Abuse”

§ 2241. Aggravated sexual abuse

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

- (1) by using force against that other person; or
- (2) by threatening or placing that other person in fear that any person will be subjected to death, serious bodily injury, or kidnapping; or attempts to do so, shall be fined under this title, imprisoned for any term of years or life, or both.

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

- (1) renders another person unconscious and thereby engages in a sexual act with that other person; or
- (2) administers to another person by force or threat of force, or without the knowledge or permission of that person, a drug, intoxicant, or other similar substance and thereby—
  - (A) substantially impairs the ability of that other person to appraise or control conduct; and
  - (B) engages in a sexual act with that other person; or attempts to do so, shall be fined under this title, imprisoned for any term of years or life, or both.

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

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

§ 2242. Sexual abuse

Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, knowingly—

- (1) causes another person to engage in a sexual act by threatening or placing that other person in fear (other than by threatening or placing that other person in fear that any person will be subjected to death, serious bodily injury, or kidnapping); or
- (2) engages in a sexual act with another person if that other person is—
  - (A) incapable of appraising the nature of the conduct; or
  - (B) physically incapable of declining participation in, or communicating unwillingness to engage in, that sexual act; or attempts to do so, shall be fined under this title, imprisoned not more than 20 years, or both.

§ 2243. Sexual abuse of a minor or ward

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

- (1) has attained the age of 12 years but has not attained the age of 16 years; and
- (2) is at least four years younger than the person so engaging; or attempts to do so, shall be fined under this title, imprisoned not more than 15 years, or both.

(b) Of a Ward.— Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal

prison, knowingly engages in a sexual act with another person who is—

- (1) in official detention; and
- (2) under the custodial, supervisory, or disciplinary authority of the person so engaging;

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

(c) Defenses.—

- (1) In a prosecution under subsection (a) of this section, it is a defense, which the defendant must establish by a preponderance of the evidence, that the defendant reasonably believed that the other person had attained the age of 16 years.
- (2) In a prosecution under this section, it is a defense, which the defendant must establish by a preponderance of the evidence, that the persons engaging in the sexual act were at that time married to each other.

(d) State of Mind Proof Requirement.— In a prosecution under subsection (a) of this section, the Government need not prove that the defendant knew—

- (1) the age of the other person engaging in the sexual act; or
- (2) that the requisite age difference existed between the persons so engaging.

#### § 2244. Abusive sexual contact

(a) Sexual Conduct in Circumstances Where Sexual Acts Are Punished by This Chapter.— Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, knowingly engages in or causes sexual contact with or by another person, if so to do would violate—

- (1) section 2241 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than ten years, or both;
- (2) section 2242 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than three years, or both;
- (3) subsection (a) of section 2243 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than two years, or both; or
- (4) subsection (b) of section 2243 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than six months, or both.

(b) In Other Circumstances.— Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, knowingly engages in sexual contact with another person without that other person's permission shall be fined under this title, imprisoned not more than six months, or both.

(c) Offenses Involving Young Children.— If the sexual contact that violates this section is with an individual who has not attained the age of 12 years, the maximum term of

imprisonment that may be imposed for the offense shall be twice that otherwise provided in this section.

#### § 2245. Sexual abuse resulting in death

A person who, in the course of an offense under this chapter, engages in conduct that results in the death of a person, shall be punished by death or imprisoned for any term of years or for life.

#### § 2246. Definitions for chapter

As used in this chapter—

- (1) the term “prison” means a correctional, detention, or penal facility;
- (2) the term “sexual act” means—
  - (A) contact between the penis and the vulva or the penis and the anus, and for purposes of this subparagraph contact involving the penis occurs upon penetration, however slight;
  - (B) contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;
  - (C) the penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; or
  - (D) the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person;
- (3) the term “sexual contact” means the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person;
- (4) the term “serious bodily injury” means bodily injury that involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty;
- (5) the term “official detention” means—
  - (A) detention by a Federal officer or employee, or under the direction of a Federal officer or employee, following arrest for an offense; following surrender in lieu of arrest for an offense; following a charge or conviction of an offense, or an allegation or finding of juvenile delinquency; following commitment as a material witness; following civil commitment in lieu of criminal proceedings or pending resumption of criminal proceedings that are being held in



abeyance, or pending extradition, deportation, or exclusion; or

- (B) custody by a Federal officer or employee, or under the direction of a Federal officer or employee, for purposes incident to any detention described in subparagraph (A) of this paragraph, including transportation, medical diagnosis or treatment, court appearance, work, and recreation; but does not include supervision or other control (other than custody during specified hours or days) after release on bail, probation, or parole, or after release following a finding of juvenile delinquency; and

(6) the term “State” means a State of the United States, the District of Columbia, and any commonwealth, possession, or territory of the United States.

#### § 2247. Repeat offenders

(a) **Maximum Term of Imprisonment.**— The maximum term of imprisonment for a violation of this chapter after a prior sex offense conviction shall be twice the term otherwise provided by this chapter, unless section 3559 (e) applies.

(b) **Prior Sex Offense Conviction Defined.**— In this section, the term “prior sex offense conviction” has the meaning given that term in section 2426 (b).

#### § 2248. Mandatory restitution

(a) **In General.**— Notwithstanding section 3663 or 3663A, and in addition to any other civil or criminal penalty authorized by law, the court shall order restitution for any offense under this chapter.

(b) **Scope and Nature of Order.**—

- (1) **Directions.**— The order of restitution under this section shall direct the defendant to pay to the victim (through the appropriate court mechanism) the full amount of the victim’s losses as determined by the court pursuant to paragraph (2).

(2) **Enforcement.**— An order of restitution under this section shall be issued and enforced in accordance with section 3664 in the same manner as an order under section 3663A.

(3) **Definition.**— For purposes of this subsection, the term “full amount of the victim’s losses” includes any costs incurred by the victim for—

- (A) medical services relating to physical, psychiatric, or psychological care;
- (B) physical and occupational therapy or rehabilitation;
- (C) necessary transportation, temporary housing, and child care expenses;
- (D) lost income;
- (E) attorneys’ fees, plus any costs incurred in obtaining a civil protection order; and
- (F) any other losses suffered by the victim as a proximate result of the offense.

(4) **Order mandatory.**—

- (A) The issuance of a restitution order under this section is mandatory.
- (B) A court may not decline to issue an order under this section because of—
  - (i) the economic circumstances of the defendant; or
  - (ii) the fact that a victim has, or is entitled to, receive compensation for his or her injuries from the proceeds of insurance or any other source.

(c) **Definition.**— For purposes of this section, the term “victim” means the individual harmed as a result of a commission of a crime under this chapter, including, in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or representative of the victim’s estate, another family member, or any other person appointed as suitable by the court, but in no event shall the defendant be named as such representative or guardian.

## Appendix 2. Case Summaries

## U.S. Child Sex Tourists Charged Prior to the Enactment of the PROTECT Act in 2003

Arresting Agency	Name of Defendant and Arrest Year	Country of Destination	Attempt or Act (sexual act committed with minor)	Code Name of Undercover Operation (if any)	Charges Filed	Guilty plea or jury/non-jury trial	Judgment	Sentence
1. N/A	Charles James Thomas (1986)	Mexico	Act	None	18 USC §2251(a); 18 USC §2252(a)(1); 18 USC §2252(a)(2)	Jury trial	Guilty on all counts	20 years in prison
2. N/A	Marvin Hersh (1998)	Honduras (Dominican Republic, Mexico)	Act	None	18 USC §2423(a), 18 USC §2423 (e) and (b), 18 USC §2252(a)2, 18 USC §2252 (a)(5)(B), 18 USC §1001(a)(2), 18 USC §1542, 8 USC §1324(a)(1)(A), (B)	Jury trial	Guilty on all counts	105 years in prison
3. N/A	Nelson Jay Buhler	Honduras	Act	None	18 USC §2423(b) and (e)	Guilty plea	Guilty	Assistance agreement
4. N/A	Nicholas Bredimus (2001)	Thailand	Act	None	18 U.S.C. § 2423(b), U.S.C. §2251(b)(2)(A) 18 U.S.C. § 1001, 18 U.S.C. § 1542	Guilty plea to 18 U.S.C. §2423(b)	Guilty	5.5 years in prison
5. ICE	Timothy Joe Julian	Mexico	Act	Operation Mango	18 U.S.C. §2423(b) and (e), Title 18 U.S.C. §2421 and §2	Jury trial	Guilty on all counts	25 years in prison
6. ICE	Louis Accordini	Mexico	Act	Operation Mango	8 U.S.C. §1324(a)(1)(A)	Guilty plea	Guilty	1.75 years (21 months) in prison
7. ICE	Stefan Irving	Mexico (Honduras)	Act	Operation Mango	18 U.S.C. §2423(b), 18 U.S.C. §2252(a), 18 U.S.C. §2241(c)	Jury trial	Guilty on all counts (appealed, two counts vacated; U.S. government appeal, conviction reaffirmed)	21 years in prison (remanded for decision regarding re-sentencing, pending)
8. ICE	Richard Coon	Mexico	Act	Operation Mango	Unknown	Unknown	Unknown	Unknown
9. ICE	Michael Charles Smith	Mexico	Act	Operation Mango	8 U.S.C. §1324, 18 U.S.C. §2252(a) (4 counts total)	Guilty plea	Guilty on all counts	2.25 years in prison (27 months)
10. ICE	Terrance Welcher	Mexico	Act	Operation Mango	Unknown	Unknown	Guilty	22 years in prison
11. ICE	Robert Wayne Decker	Mexico	Act	Operation Mango	18 U.S.C. §2252 (17 counts)	Guilty plea	Guilty on 10 counts, remaining counts dismissed	9.5 years in prison
12. ICE	Ralph Wayne Angle	Mexico	Act	Operation Mango	Title 18 U.S.C. §2252(a)(2), Title 18 U.S.C. §2252(a)(4)(B), Title 18 U.S.C. §2422(b)	Not guilty plea/jury trial waived/ Bench trial	Guilty on all counts	25 years in prison (following appeal of sentence of 27 years), currently again under appeal

**U.S. Child Sex Tourists Charged under the PROTECT Act (2003-November 1, 2006)**  
**(U.S. citizens/residents only; two foreign citizens indicted under the PROTECT Act not included)**

Arresting Agency	Name of Defendant and Arrest Year	Country of Destination	Attempt or Act (sexual act committed with minor)	Code Name of Undercover Operation (if any)	Charges Filed	Guilty plea or jury/non-jury trial	Case Outcome	Sentence
13. ICE	Gary Evans Jackson (2003)	Cambodia	Act	None	18, U.S.C. § 2423(c) (3 counts)	Guilty plea on two counts, request for dismissal of indictment	Dismissal of indictment (U.S. has appealed, appeal pending)	None – case dismissed (appeal pending issuance decision in Michael Lewis Clark appeal)
14. FBI	John Manuel Bollea (2003)	Costa Rica	Attempt	Operation Turn Around	18 U.S.C. §2423(e) and (b)	Guilty plea	Guilty	6 months in prison (re-sentenced to 1 month on appeal)
15. ICE	John W. Seljan (2003)	Philippines	Attempt	None	Title 18 U.S.C. §2423(b) and (e), Title 18 U.S.C. §2422(b), Title 18 U.S.C. §2251(a), Title 18 U.S.C. §2252(a)(5)(B) (7 counts total)	Not guilty plea/non-jury trial	Guilty on all counts except one count of violation of Title 18 U.S.C. §2251(a)	20 years in prison (currently appealing)
16. ICE	Michael Lewis Clark (2004)	Cambodia	Act	None	18 U.S.C. §2423(c) and (e)	Guilty plea	Guilty	8 years in prison (97 months), currently appealing to the U.S. Supreme Court
17. ICE	Richard A. Schmidt (2004)	Philippines (Cambodia)	Act	None	18 U.S.C. §2423 (b), 18, U.S.C. §2423(c)	Guilty plea	Plea deal rejected, guilty	15 years in prison
18. ICE	Gregory Kapordelis (2004)	Russia	Act	None	18 U.S.C. §2423(b), 18 U.S.C. §2423(c), 18 U.S.C. §2251(a), 18 U.S.C. §2252 (a)(2)(A) (13 counts total)	Not guilty plea, request to dismiss indictment, request denied	Pre-trial hearings ongoing	Pending
19. ICE	Timothy Ronald Obert (2004)	Costa Rica	Act	None	18 USC §2423(c), 18 USC §2423(a) and 7(9)B	Guilty plea	Guilty on both counts	Pending (Sentencing scheduled for 11/11/2006)
20. ICE	Walter Schirra (2004)	Thailand	Act	None	18 U.S.C. §2423(b) and (e)	Guilty plea	Guilty on all counts	3.5 years in prison (42 months)
21. ICE	Edilberto Datan (2004)	Philippines	Act	None	Title 18 U.S.C. §2423(b), Title 18 U.S.C. §2422(b), Title 18 U.S.C. §2251(a), 18 U.S.C. §2252(a)(5)(B)	Guilty plea to two counts	Guilty	17 years in prison
22. ICE	Bernard Lawrence Russell (2004)	Philippines	Act	None	18 U.S.C. §2423(b), 18 U.S.C. §2251(a), 18 U.S.C. §2260 (b)	Guilty plea	Guilty	3 years in prison (37 months)

Arresting Agency	Name of Defendant and Arrest Year	Country of Destination	Attempt or Act (sexual act committed with minor)	Code Name of Undercover Operation (if any)	Charges Filed	Guilty plea or jury/non-jury trial	Case Outcome	Sentence
23. ICE	Kent Frank (2004)	Cambodia	Act	None	18 U.S.C. §2423 (c), 18 USC 2251, 18 USC 2251(a) (10 counts total)	Not guilty plea, request for dismissal of all counts as unconstitutional denied, jury trial pending	Pending	Pending
24. FBI	Thomas Taylor (2004)	Costa Rica	Attempt	Operation Turn Around	18 U.S.C. §2423(e) and (b)	Guilty plea	Guilty	5 days in prison with credit for time served
25. FBI	Christine Taylor (2004)	Costa Rica	Attempt	Operation Turn Around	18 U.S.C. §2423(e) and (b)	Guilty plea	Guilty	5 days in prison with credit for time served
26. FBI	Glenn Koenemann (2004)	Costa Rica	Attempt	Operation Turn Around	18, U.S.C. §2423(e) and (b), 18 U.S.C §1594(a)	Guilty plea	Guilty	2.5 years in prison
27. FBI	Gerald Alter (2004)	Costa Rica	Attempt	Operation Turn Around	18 U.S.C. §2252(a), 18 U.S.C. §2423(e) and (b)	Guilty plea to Title 18 U.S.C. §2252(a)	Guilty on one count of violating Title 18 U.S.C. §2252(a), rest dismissed	4.25 years in prison
28. FBI	James Marquez (2004)	Costa Rica	Attempt	Operation Turn Around	18 U.S.C. §2422(b)	Guilty plea	Guilty	5 years in prison
29. FBI	Mark Dudley (2004)	Costa Rica	Attempt	Operation Turn Around	18 U.S.C. §2423(e) and (b)	Guilty plea	Guilty	Time served
30. FBI	Derek Roberts (2004)	Costa Rica	Attempt	Operation Turn Around	18 U.S.C. §1594 (a), 18 U.S.C. §2422 (b)	Jury trial	Guilty of violating 18 U.S.C. §1594 (a), not guilty of violating 18 U.S.C. §2422 (b)	3 years in prison (37 months)
31. FBI	Wallace Strevell (2004)	Costa Rica	Attempt	Operation Turn Around	18 U.S.C., §2423(e) and (b), 18 U.S.C. §1594(a), 18 U.S.C. §2422(b)	Jury trial	Guilty on all counts	5 years in prison
32. FBI	Vincent Springer (2004)	Costa Rica	Attempt	Operation Turn Around	18, U.S.C. §2423(e) and (b), 18, U.S.C. § 1594(a), 18 U.S.C. §2422(b)	Jury trial	Guilty on all counts	5 years in prison
33. FBI	George C. Clarke (2004)	Costa Rica	Attempt	Operation Turn Around	18 U.S.C. §2423(e) and (b), 18 U.S.C. §1594(a), 18 U.S.C. §2422(b)	Jury trial	Guilty on all counts	5 years in prison
34. ICE	Lester Christian Weber (2004)	Kenya	Act	None	18, U.S.C. § 2422(b), 18, U.S.C. §2423(c) and (e), U.S.C §2241(c), 18, U.S.C. § 2256(8), 18, U.S.C. §2252A(a)(5)(B) and 2252A(b)(2), 18, U.S.C. §2252A(a)(1), 18 U.S.C. 2252A(b)(1)	Guilty plea to violating 18, U.S.C. §2251(c)(1) and 2251(2)(b)	Guilty	25 years in prison



Arresting Agency	Name of Defendant and Arrest Year	Country of Destination	Attempt or Act (sexual act committed with minor)	Code Name of Undercover Operation (if any)	Charges Filed	Guilty plea or jury/non-jury trial	Case Outcome	Sentence
35. ICE	Karl Kaechele (2005)	Thailand, Cambodia, Vietnam, Philippines	Act	None	18 U.S.C. §2423(b) (2 counts)	Request to dismiss indictment	Hearings ongoing	Pending
36. ICE	Harold Lynn Winslow (2005)	Australia	Attempt	None	18 U.S.C. §2423(b) and (e)	Guilty plea	Guilty on both counts	11.5 years (135 months in prison)
37. ICE	Thomas F. White (2005)	Mexico, Thailand	Act	None	Unknown	Unknown	Pending	Pending
38. ICE	Anthony Mark Bianchi (2005)	Cuba, Moldova, Romania	Act	None	18 U.S.C. §2423(e) and (c), 18 U.S.C. §2423(b), 18 U.S.C. §2423(c), 18 U.S.C. §2422(b)	Not guilty plea on all counts	Pre-trial hearings ongoing, trial scheduled for January 29, 2007	Pending
39. ICE	Elisha Pasdeck (2005)	Canada	Act	None	18 U.S.C. §2423(b), 18 U.S.C. §2252A(a)(1)	Guilty plea	Guilty on all counts	15 years in prison (180 and 168 months to run concurrently)
40. ICE	George Hoey Morris (2005)	Vietnam	Act	None	Title 18 U.S.C. §1546(a) Title 18 U.S.C. §922(g)(1) Title 18 U.S.C. §922(g)(3) Title 18 U.S.C. §2421 Title 18 U.S.C. §2422(a), Title 18 U.S.C. §2423(a), §2423(b) Title 18 U.S.C. §922(g)(1) Title 18 U.S.C. §922(g)(3)	Not guilty plea to all charges changed to guilty plea to one count each as to 18 U.S.C. §1546(a); Title 18 U.S.C. §922(g)(1); §922(g)(3) Not guilty plea to one count each as to Title 18 U.S.C. §2421; Title 18 U.S.C. §2422(a), Title 18 U.S.C. §2423(a), Title 18 U.S.C. §2423(b), Title 18 U.S.C. §1546(a), Title 18 U.S.C. §922(g)(1), Title 18 U.S.C. §922(g)(3); two jury trials	Guilty on all, but one, counts	Pending Sentencing scheduled for 12/18/2006
41. ICE	Steven Erik Prowler (2005)	Thailand (Cambodia, Laos, Mexico)	Act	None	18 U.S.C. §2423(c)	Not guilty plea, request to dismiss indictment	Motion hearings ongoing	Pending
42. FBI	Gregory Mark Nusca (2005)	Mexico	Attempt	NAMBLA Sting Operation		Guilty plea	Guilty	14 years in prison
43. FBI	Steven K. Irvin (2005)	Mexico (Dominican Republic)	Attempt	NAMBLA Sting Operation	18 U.S.C. §2423 (e), 18 U.S.C. §2423(b)	Guilty plea to both counts	Guilty of violating 18 U.S.C. §2423(b), first count dismissed	3 years in prison (37 months)

Arresting Agency	Name of Defendant and Arrest Year	Country of Destination	Attempt or Act (sexual act committed with minor)	Code Name of Undercover Operation (if any)	Charges Filed	Guilty plea or jury/non-jury trial	Case Outcome	Sentence
44. FBI	Richard Stutsman (2005)	Mexico	Attempt	NAMBLA Sting Operation	18 U.S.C. §2423 (e) and (b)	Guilty plea to both counts	Guilty of violating 18 U.S.C. §2423(b), first count dismissed	3 years in prison (37 months)
45. FBI	Philip Todd Calvin (2005)	Mexico	Attempt	NAMBLA Sting Operation	18, U.S.C. §2423 (e) and (b)	Guilty plea to violating 18 U.S.C. §2423(b)	Guilty of violating 18 U.S.C. §2423(b)	2 years (24 months in prison)
46. FBI	David Cory Mayer (2005)	Mexico	Attempt	NAMBLA Sting Operation	18 U.S.C. §2423 (e) and (b)	Not guilty, request to dismiss indictment denied; Guilty plea to one count of violation of Title 18 U.S.C. §2423(b)	Guilty	3 years in prison (37 months), currently appealing
47. FBI	Paul Ernest Zipszer (2005)	Mexico	Attempt	NAMBLA Sting Operation	18, U.S.C. §2423 (e) and (b)	Guilty plea to 18 U.S.C. §2423(b)	Guilty of violating 18 U.S.C. §2423(b)	2 years (24 months in prison)
48. FBI	Sam Lindblad (2005)	Mexico	Attempt	NAMBLA Sting Operation	18 U.S.C. §2423 (b), (e), and (f) (2 counts)	Jury trial	Guilty on both counts	30 years in prison (360 months), currently appealing
49.	Gary B. Evans (2006)	Honduras	Act (facilitation of travel for a sexual act with minor)	Innocence Images Task Force FBI Operation	18 U.S.C. §2423(e) and (b), 18 U.S.C. § 2423(d), 18 U.S.C. §2252A(a)(2)(A) and (b)(1), 18 U.S.C. §2252A(a)(5)(B) and (b)(2)	Guilty plea to violating 18 U.S.C. §2423(e),	Plea accepted	Sentencing scheduled for 01/22/2007
50.	Michael John Koklich (2006)	Cambodia	Act	None	18 U.S.C. §2423(c), 2 counts	Not guilty, request to dismiss indictment	Motion hearings ongoing	Pending

*Foreign citizens charged for child sex tourism offenses under all applicable U.S. laws (N=3)*

Arresting Agency	Name of Defendant/Citizenship and Arrest Year	Country of Destination	Attempt or Act (sexual act committed with minor)	Code Name of Undercover Operation	Charges Filed	Guilty plea or jury/non-jury trial	Case Outcome	Sentence
1. ICE	Sebastian Sarraute (French citizen); 2005	Mexico (United States as transit)	Attempt	None	Title 18 U.S.C. §2423(b)	Guilty plea	Guilty	4.25 years in prison (51 months)
2. ICE	Manfred Knittel (German citizen); 2005	Mexico (United States as transit)	Attempt	None	Title 18 U.S.C. §2423(b)	Guilty plea	Guilty	4.25 years in prison (51 months)
3. ICE	Nabil Al Rowais (Saudi Arabian citizen); 2006	United States	Attempt	Operation Babynet	Title 18 U.S.C. §2423(b)	Not guilty plea	Pending	Pending

## Endnotes

- 1\* Charges filed do not constitute guilt and the defendant is considered innocent until proven guilty.
- 2\* Charges filed do not constitute guilt and the defendant is considered innocent until proven guilty. Additionally, TPP is using the phrase “evidence suggests” to cover both those cases in which evidence has already been proven conclusive, as well as those in which evidence has been gathered, but final convictions have not been handed down.
- 3\* David Cory Mayer initially pleaded not guilty, but later changed his plea to guilty on one count of charges; Richard A. Schmidt’s guilty plea was rejected and a trial took place.
- 4\* A request to dismiss charges/indictment was filed in seven cases of the total number of 50 cases studied.
- 1 Charges filed do not constitute guilt and the defendant is considered innocent until proven guilty.
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- 7 Department of Homeland Security: ICE Operation Predator, *Child Sex Tourists, ICE Fact Sheet*, (2006), available at <http://www.ice.gov/graphics/news/factsheets/sextourists.htm>.
- 8 *California Man Arrested for Sex With Minor in Costa Rica*, Inside Costa Rica.Com, 25 June 2004, available at <http://insidecostarica.com/dailynews/2004/june/25/nac0.htm>.
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# CHAPTER IV

## Countries of Destination Studies Central America: Costa Rica

### 1. Tourism, Sex Tourism, and Child Sex Tourism in Costa Rica

#### 1.1. Tourism

In recent years Costa Rica has become a major tourism destination in Central America. Boasting both Atlantic and Pacific Ocean coastlines, pristine rainforests, and a stable political and economic climate, Costa Rica attracts surfers, eco-tourists and families seeking a close encounter with nature at its purest. Costa Rica is a small country and the attractions it offers are easily accessible by car or a short domestic flight. It is also a tourism-oriented society that greets its guests with openness and hospitality. With a tourism infrastructure in place to guarantee a safe and hassle-free experience, Costa Rica has become an excellent choice for a holiday destination. It is easily reached from the United States, with short flights from Texas and North Carolina flying directly to San José Juan Santamaria International Airport. Tickets are inexpensive, many Costa Ricans speak English, and the dollar rules the day, especially since it can be used alongside the Costa Rican currency. It is no wonder that tourists from the United States consistently make up over 40 percent of all tourist arrivals to Costa Rica. Overall, Costa Rica is currently receiving approximately 1.5 million tourists annually, and this number is projected to continue to rise. For example, in 2004, a total of 1,452,926<sup>1</sup> persons visited Costa Rica, a significant number for a small country with a population of only 4,016,173.<sup>2</sup> This number also represents a 17 percent increase over the total number of visitors in 2003.

Table 1: Tourism statistics for Costa Rica.<sup>3</sup>

#### Year 2003: Visitor Arrivals to Costa Rica (Total = 1,238,692)

Country of Origin	Number of Visitors	Percent Share of Total
United States	510,751	41%
Nicaragua	163,632	13.2%
Panama	56,490	6.5%
Canada	54,656	4.4%
Mexico	46,113	3.7%
Guatemala	35,174	2.8%
Spain	34,442	2.78%
El Salvador	33,892	2.7%
Germany	29,151	2.4%
Netherlands	24,665	2%

#### Year 2004: Visitor Arrivals to Costa Rica (Total = 1,452,926)

Country of Origin	Number of Visitors	Percent Share of Total
United States	633,640	44%
Nicaragua	191,398	13%
Canada	74,212	5.1%
Panama	63,956	4.4%
Mexico	47,130	3.2%
Spain	42,381	2.9%
Guatemala	40,166	2.8%
El Salvador	38,264	2.6%
Germany	34,154	2.4%

#### 1.2. Sex Tourism

While the vast majority of tourists arriving to the country are persons seeking a romantic getaway or an active holiday full of nature and discovery, Costa Rica has not been able to avoid a tide of sex tourism, which has swept the country in recent years.<sup>4</sup> Indeed, Costa Rica proves that sex tourism destinations are frequently first and foremost, tourism destinations; the phenomenon of sex tourism

in the country appeared alongside the growth in overall tourism arrivals.

Posts on the “World Sex Guide” website used by sex tourists to share impressions regarding their experiences with commercial sex in various countries, consistently refer to Costa Rica’s natural attractions, such as protected parks, rainforests, waterfalls, beaches and volcanoes, indicating that sexual adventures are often planned in parallel to taking in the natural attractions of the country.<sup>5</sup>

### 1.3. Child Sex Tourism

#### 1.3.1. History of the Problem of Child Sex Tourism in Costa Rica

The phenomena of sex tourism and child sex tourism in Costa Rica may, at least in part, be attributed to the country’s initially apparent lack of investment in a tourism development and marketing strategy which clearly established the types of tourism which would not be tolerated. This regulatory vacuum was quickly appropriated by individuals seeking to profit from illegal activity, who successfully developed a marketing image of the country as a welcoming sex destination where illicit sexual conduct involving minors was acceptable.<sup>6</sup>

The extent of this success might be measured by the preponderance of Internet sites concerning Costa Rica within the context of various types of sexual activity.

Research carried out in 2005 by organizations working to combat child sex tourism and commercial sexual exploitation of children in Costa Rica identified numerous websites linking Costa Rica and sex. With a variety of pertinent key words, the Internet was probed utilizing two widely-used search engines. Searches for “Costa Rica escorts” via Google and Yahoo! revealed 271,000 sites and 673,000 sites respectively, while searches for “Costa Rica adult vacations” turned up 684,000 sites when searching using Google and 1,050,000 sites when searching using Yahoo!. These sites, when examined more closely, were found to be connected to materials promoting sex tourism, often illustrated with photographic depictions of faces and bodies of very young women.<sup>7</sup>

Attention was first brought to the problem of child sex tourism in Costa Rica in 1995-1996 by Casa Alianza,<sup>8</sup> a child rights organization which was based in San José.<sup>9</sup> While the problem had likely been in place for some time, it was during these and the following years that it really exploded along with rapidly growing tourism flows into

the country. The Human Rights Committee of the United Nations stated in 1999 that it was “deeply concerned at the high incidence of commercial sexual exploitation of children in Costa Rica,” which it felt was, in Costa Rica, “often related to tourism.” An April 8, 1999, report from the United Nations Committee’s sixty-fifth session concerning the implementation of the International Covenant on Civil and Political Rights described the issue of sexual exploitation of children as an “area for concern” and called upon the government of Costa Rica to take steps to wipe it out.<sup>10</sup>

#### 1.3.2. Child Prostitution, Child Sex Tourism, and Child Trafficking

Child prostitution in Costa Rica is a significant problem, with one of the highest incidence rates in Central America.<sup>11</sup> Even though the country provides one of the most extensive social safety nets and has the highest human development index in the region, and is, by regional standards, relatively wealthy, it is still a developing country with approximately 20 percent of the population living below the poverty line. In addition, a large number of families that are no longer living below the poverty line still barely manage to cover their basic needs and are at risk of being thrown into poverty in the event of adverse circumstances. This negatively impacts the rate of school attendance by Costa Rican children, with parents reluctant to enroll children in school and spend money on their education.<sup>12</sup>

At the same time, prostitution is legal in Costa Rica, and the combination of poverty, demand for social services, and an established commercial sex industry create the conditions for the exploitation of women, as well as children in prostitution.

According to information provided by the Child Exploitation Unit of the Ministry of Public Security of Costa Rica, between 5,000 and 10,000 children are exploited in the Costa Rican sex industry.<sup>13</sup> Approximately 2,000 boys and girls under 18 are reported to be exploited in the commercial sex industry in the capital, San José.<sup>14</sup> The Patronato Nacional de la Infancia (PANI), Costa Rica’s National Child Welfare Agency, estimates that about 3,000 children suffer from sexual exploitation in the cities of San José, Limón, and Puntareñas.<sup>15</sup> The exploitation of children is often connected to the sex tourism industry.<sup>16</sup>

A significant number of children that fall victim to commercial sexual exploitation in Costa Rica are from poverty-stricken backgrounds and dysfunctional families. Many have been abused and are not in school, others may be living on the street, and be addicted to drugs. However, in some cases, the children come from middle class families. In a recent case in Costa Rica, a group of adolescents from relatively affluent backgrounds were discovered who were recruited to work in massage parlors, but were being abused sexually through these establishments.<sup>17</sup>

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**Between 5,000 and 10,000 children are exploited in the Costa Rican sex industry, according to the Child Exploitation Unit of the Ministry of Public Security of Costa Rica.**

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While increased attention by the government to the issue of child prostitution and strengthened law enforcement activity have begun to reduce the visible incidence of child prostitution in entertainment establishments, NGOs in the country agree that it is still possible to obtain access to children through such establishments. Children in prostitution may also be found working on the street. One World Sex Guide poster notes that: *“You can find women on the street. Usually they are there for one of 3 reasons. Either they have been banned, they are illegals or they are underage.”*<sup>18</sup> Finally, minors may be prostituted through more clandestine networks, for example in or out of private condos.

The majority of victims of child sex tourism are reported female adolescents between the ages of 12 and 17.<sup>19</sup>

Importantly, Costa Rica’s relatively wealthy status by regional standards fuels trafficking in persons to the country from poorer countries in the region, such as Nicaragua and the Dominican Republic. Girls and women trafficked to Costa Rica end up exploited in the country’s sex industry. Indeed, many women mentioned in the World Sex Guide by men who purchased commercial sex services in Costa Rica mention not just Ticas (Costa Rican females) but also Dominican, Colombian, Nicaraguan, and Panamanian women. While most trafficking victims originate from Colombia, the Dominican Republic, Nicaragua and Panama, others have come from Russia, the Philippines, Romania, Bulgaria, and Ecuador.<sup>20</sup>

In addition, Costa Rica is facing significant problems with the integration of immigrant communities, whose numbers continue to grow. Costa Rican authorities estimate that there may currently be as many as 600,000 unregistered immigrants from Nicaragua.<sup>21</sup> Children of such immigrants are vulnerable to commercial sexual exploitation.

### 1.3.3. Locations of Sex Tourism and Child Sex Tourism Activity in Costa Rica

#### 1.3.3.1. Popular Establishments for Sex Tourism

With the advent of mass tourism in Costa Rica, numerous establishments catering to the entertainment needs of tourists have opened. Some of these establishments have chosen to orient their business services toward facilitating access of foreign men to the commercial sex industry. A number of locations in San José and Jacó Beach (a beach town about two and a half hours driving distance from San José) have attained almost legendary status in this respect. The Hotel del Rey is the most famous such establishment in San José, and the Beatle Bar has a similarly legendary status in Jacó Beach. Both are often patronized by American visitors. Hotel del Rey, with its Blue Marlin Bar, is the most frequently mentioned establishment on the World Sex Guide pages for Costa Rica. While standing in line to board a flight to San José in Charlotte, NC,

researchers for the present report overheard a conversation between two American men, both flying to San José. The conversation focused on one man’s advice to the other regarding the “must-visit” Hotel del Rey in San José. If it is not possible to find a room there, the man suggested to his fellow traveler, he must at least stop in, simply because “you will have a smile on the whole time you are in Costa Rica.” Postings from the World Sex Guide pages devoted to Costa Rica illustrate the frequency with which Hotel del Rey and the Beatle Bar are recommended as spots to visit when seeking commercial sex. It is important to note that while these establishments are important locations for sex tourism, they may not necessarily constitute locations for child sex tourism.

#### From the San José Pages of the World Sex Guide:

*“Just go to hotel Del Rey and you will see 100’s of girls waiting to get picked up. Prices start from 50-100 per hour. However, if they like you they will charge you 100-200 for the entire night. Note that in order to have a good time you need to pick the correct girl...”*<sup>22</sup>

*“Hello there, my fellow Americans! I am actually writing to you from the Hotel Del Ray this very moment (I believe I’m the first guy ever to do this on the WSG). For all you first-timers, or repeat offenders reading this, Costa Rica is the United Nations of [...]! This place has every kind of girl you can imagine [...] here at the Del Ray. Ticas, Columbians (my personal favorite), Dominicans, Cubans, Panamanians, Nicaraguans, etc... Truth be told, only about 50 - 60% of the girls here are hot (7-9’s and a few perfect 10’s). Enough to go around for everyone [...] Staying here at the Del Ray is every man’s fantasy come true.”*<sup>23</sup>

#### From the Jacó Beach Pages of the World Sex Guide:

*“Just got back after 6 months there. There are 2 places in Jaco for women. The Beatle bar is #1. The other is Pancho Villa. The Beatle bar gets going with women at about 9PM. In the daytime it’s full of local gringos hippies. The going rate is \$100/hr which is top dollar for Costa Rica. Most of the women at the Beatle bar won’t negotiate.”*<sup>24</sup>

*“I went to Beattle Bar and met some great girls. There was initially a girl from the Dominican Republic that would not leave me alone. I didn’t want her, so I made an effort to meet my eyes with this other younger girl. She was 20 and from Nicaragua. I ended up partying with her and her friends (buying a \$2 drink for them all is fine by me.”*<sup>25</sup>

*“The Beatle Bar is the place to be in Jaco. You can’t miss it, it is in the center of town across from the rotisserie chicken place. Action picks up around 9 PM. There were easily 2 women for every guy there the nights I was there...mostly Columbians and Dominicans.”*<sup>26</sup>

Other establishments frequently cited as spots for men seeking commercial sex are, in San José, the Key Largo

bar,<sup>27</sup> Green Door, Hotel Presidente, Zona Blue Massage, and the Casablanca strip club. In Jacó Beach, well-known bar for finding women in prostitution is the Onyx bar. In Quepos, a frequently mentioned location is club Itzamana.<sup>28</sup>

### 1.3.3.2. Geographic Areas where Sex Tourism and Child Sex Tourism Are Prevalent

Downtown San José, Jacó Beach, Limón, Cahuita, Puntareñas region, Golfito region,<sup>29</sup> and Quepos, are considered the main geographic locations for sex tourism and child sex tourism.<sup>30</sup> Parque Morazan, near the Aurola Holiday Inn Hotel in San José is where child prostitution and demand for it may be observed, and the square between the National Theater and Hotel Costa Rica is where sexual exploitation of boys is known to occur.<sup>31</sup> While investigations into sexual exploitation of minors used to focus on San José, emphasis has since shifted to the coastal areas, particularly Puntareñas and Quepos on the Pacific coast and Limón and Sixaola on the Caribbean coast. Child sex tourism there is driven by weaker police control and greater levels of local corruption. The port city of Limón was reported, in 2002, to have a child prostitution ring involving cruise ship crews and operators: intermediaries on the ships were contacting tourists interested in the sex trade and specifically in having sex with young people.<sup>32</sup>

### 1.3.4. Local and Foreign Demand for Child Prostitution

While local demand for prostitution is certainly significant in Costa Rica, foreign demand has greatly increased over the years. In 2000, the Costa Rican government estimated that one in 200 tourists was seeking sex with a child in Costa Rica.<sup>33</sup> According to Costa Rican law enforcement today, although the majority of perpetrators of child prostitution in Costa Rica remain Costa Rican, the presence of foreign tourists has made the problem considerably worse.<sup>34</sup> The Costa Rican Board of Tourism (ICT) currently maintains that about one percent of all tourists arriving to Costa Rica may be sex tourists, however this percentage is based on a report which was published by Casa Alianza in 1998-1999, and may no longer be applicable.<sup>35</sup>

According to the first investigative report on the sexual exploitation of minors in Costa Rica, which was published in 2002, the great majority of sex tourists were reportedly men age 40 and older from the United States, Italy, Canada and Germany.<sup>36</sup> The investigation also found that women may travel to the southern Limón beach towns of Cahuita and Puerto Viejo to engage in illicit sexual acts with local boys. A more recent report looking into the nature of commercial sexual exploitation of children in Costa Rica by the International Labour Organisation's International Programme on the Elimination of Child Labour (ILO/IPEC) in San José, found that a significant percentage of clients of minors in prostitution were indeed foreign tourists and, to

a lesser degree, foreign residents in Costa Rica. Of the 100 children interviewed for this study in San José and Limón, 43 percent stated that their last client was a Costa Rican residing locally, 13 percent stated that their last client was a Costa Rican residing in another part of the country, and 38 percent stated that their last client was a foreigner. Of these, 28 children stated that their last client had been a foreign tourist, and 10 children mentioned a foreigner residing in Costa Rica.<sup>37</sup> Furthermore, the organization Alliance for Your Rights (Alianza por tus Derechos), based in San José, regularly receives children ages 10-16 who recount stories of their sexual encounters with foreign tourists. The men mentioned are mostly American, but at times also British and Spanish.<sup>38</sup>

Additional sources exploring the relative presence of various nationalities of sex tourists arriving in Costa Rica have estimated that nearly 25 percent of sex tourists in the country may hail from the United States.<sup>39</sup> Others have provided much higher numbers, asserting that up to 80 percent of sex tourists in Costa Rica are U.S. citizens or residents.<sup>40</sup> The involvement of U.S. nationals in sex tourism activities in Costa Rica was highlighted when Casa Alianza instigated a media outcry against organized sex tourism perpetrated by a group of American citizens in the Costa Rican town of Playa Flamingo in 2004. The case involved a group of close to 170 U.S. sportsfishermen, referred to as "the Michigan Boys," some of whom had engaged in organized commercial sexual activities with local women as part of their trip to Costa Rica.<sup>41</sup> <sup>42</sup> Among the U.S. citizens involved were a judge, a police chief, a school board president, a sergeant of detectives, and a Detroit Tigers baseball player.<sup>43</sup>

According to NGO sources from Costa Rica, the country is most at risk for child sex tourism perpetrated by situational offenders such as these, who may not realize that a girl is underage or choose to ignore that fact, as opposed to preferential offenders seeking sex with children exclusively, even though these are the ones that attract the most media attention.<sup>44</sup>

Additionally, American men convicted for sexual offenses against children committed in the United States have fled to Costa Rica placing the country at risk for repeat offenses. For example, James A. "Jim" Colwell, a former village official in Fontana, Walworth County, WI, and convicted sex offender, was arrested in December of 2005 at the Emerald Shores Realty in the Costa Rican town of Playa Flamingo, where he had fled while on probation.<sup>45</sup> Likewise, Walter Edward Myer, an American citizen who was indicted on 120 counts by a U.S. Federal Grand Jury for his alleged involvement in sexual activities with six male students while he was employed as a recreation director at Lyman Ward Military Academy, a boy's boarding school in Alabama in 1996. Myer failed to appear for a court hearing on January 14, 1997, having fled to Costa Rica. The Costa Rican police arrested the 66-year-old Alabama fugitive on



November 22, 2005. He was detained in Heredia in the North of Costa Rica, where he had worked as an English teacher under a false name for eight years.<sup>46</sup>

## 2. Initiatives to Combat Child Sex Tourism

### 2.1. Historical Context and Current Trends

#### 2.1.1. “Policy of Denial”

For many years various Costa Rican governments unequivocally denied the existence of the problem of sex tourism, and, more specifically, child sex tourism in the country. Representatives of the government and the NGO sector in Costa Rica agree that, until 2003, the government’s policy on child sex tourism was a “policy of denial.” According to Paul Chaves, Head of the Child Exploitation Unit of the Ministry of Public Security, “we did not want to admit there was trouble in paradise.”<sup>47</sup> Various governments, prior to 2003, had a policy of “blaming the messenger,” in which they dismissed and largely ignored the results of work conducted by Casa Alianza, a local NGO, which for many years was the sole organization sounding the alarm about growing child sex tourism and investigating perpetrators already operating in the country.<sup>48</sup>

#### 2.1.2. Shifting Views

The government has since drastically shifted its approach to the problem, and has become very involved in implementing policies to erase Costa Rica’s image as a country that tolerates sex with minors. In doing so, the government has cultivated a close relationship with the NGO sector.<sup>49</sup> This close cooperation and mutual respect between various government agencies and the NGO sector is readily observed in Costa Rica. Government officials in the tourism and other sectors concur that the official policy of the government is today one of actively discouraging sex as a tourism attraction in the country. NGOs and private sector actors combating child sex tourism in Costa Rica strongly agree that this has indeed become the case. These recent developments, however, mean that the country has only recently begun to tackle the issue and that all involved, but particularly the governmental and the private sectors, are just in the initial stages of beginning to understand the problem and work out ways to most effectively address it.

#### 2.1.3. Implementing Change

Costa Rica must be applauded for prevention efforts that have been carried out jointly by the NGO, governmental and private sectors in this short period of time. The cooperation between the NGO and the private tourism sector, which has embraced the ECPAT International/World Tourism Organization Code of Conduct to Protect Children from Sexual Exploitation in Travel and Tourism

(Code of Conduct/the Code), are especially notable. The private tourism sector in Costa Rica has been becoming progressively more involved in prevention efforts, as well as initiatives to ensure the successful and effective implementation of the Code of Conduct. The Costa Rican Tourism Board (ICT), the main government agency concerned with tourism, is likewise fully on board in the implementation of these efforts. Costa Rica presents a unique case in the implementation of the Code of Conduct, one in which the government embraced the initiative only following the successful engagement of the private sector. Indeed, it was the private sector that took on these efforts first, encouraged by the leadership of the NGO sector in Costa Rica, especially that of Fundación Paniamor, a local NGO leading the project efforts. On the whole, the implementation of the Code of Conduct in Costa Rica may be considered a best practice and a uniquely successful model of implementation of an initiative which has not been readily embraced by tourism sectors in other countries.

Efforts in the protection of victims and the prosecution of perpetrators, however, are still lacking in Costa Rica. PANI, the Costa Rican child welfare agency, has been working hard to develop an effective system of protection and rehabilitation, and the Child Exploitation Unit of the Ministry of Public Security has recently obtained better equipment and training to conduct investigations against child sex tourists. However, in both respects, the current level of effectiveness remains minimal. No specialized shelters are available solely for child victims of prostitution, and throughout the country, police units remain minimally able and trained to tackle cases of commercial sexual exploitation of children.

What is important to mention, however, is that even over the short period of time since Costa Rica acknowledged the existence of the problem of child sex tourism and started to actively address it, the word among would-be offenders appears to be spreading that tolerance for sexual activities with minors in the country has decreased significantly. Various websites providing information to men considering travel to Costa Rica for sex seem to indicate a sense among sex tourists that trouble lurks in paradise, and that legal consequences could await would-be patrons of child sex in Costa Rica. For instance, a website providing information on the Costa Rican night scene, which includes descriptions of topless and nude bars, states explicitly: *“Attention! Prostitutes and prostitution are tolerated in Costa Rica. Promoting prostitution, or pimping, is illegal and carries stiff prison terms if convicted. The Costa Rican government also takes a strong stance against sexual activities, of any kind, with minors. If you are a pedophile or entertain thoughts of having sexual relations with anyone under the age of 18, male or female, Costa Rica is the wrong country for you. You will be severely punished if caught. First time offenses can put you in a Costa Rican prison for the rest of your*

life. And the legal process in Costa Rica employs a system known as Preventive Prison. If you are under suspicion of this crime or any crime, you will spend the next six months in jail while an investigation is conducted. Unlike the United States, getting out on bail until your trial is not an option. Let us put this very bluntly, don't try it here. It's just not worth the risk."<sup>50</sup> Likewise, some contributions to the World Sex Guide pages on Costa Rica refer to the lack of tolerance for sex with minors by the authorities in the country: "I couldn't figure out why a nation that stresses that sex with minors (under 18) is illegal had so many 14 and 15 year-olds carrying babies... Also, don't think about kiddies."<sup>51</sup> The fact that sex tourists conversing with one another through the World Sex Guide are beginning to note that Costa Rica is stressing that sexual contact with minors will be punished is significant.

## 2.2. Prevention

### 2.2.1. Major Actors in Prevention

The main governmental organizations involved in the prevention of child sex tourism in Costa Rica are the ICT and to a lesser extent the Ministry of Public Security. The ICT has been involved in an especially sustained way since 2004.<sup>52</sup> The main non-governmental organizations focusing on the prevention of child sex tourism in Costa Rica are Fundación Paniamor and World Vision. The other, very significant participants in the campaign to prevent child sex tourism are private sector actors.

The ICT became involved in working against child sex tourism in Costa Rica in 2004, following its public recognition of the existence of the problem in 2003. In the beginning, the ICT became involved over concerns regarding the negative effects that child sex tourism could have on Costa Rica's image as a tourism destination. However, as time went on and the ICT became more involved, it shifted its outlook more toward the social reasons for working toward the elimination of commercial sexual exploitation of children.<sup>53</sup> The ICT understood that if the private sector had acknowledged the existence of the problem, which it clearly had done by 2003, the ICT could not continue to deny it.

Today, the ICT unambiguously states that Costa Rica does not welcome even the one percent of tourists it believes are arriving to Costa Rica for sex tourism, stressing that Costa Rica is seeking only healthy, sustainable tourism.<sup>54</sup> One of the first actions taken by the ICT was a public awareness campaign in national newspapers in English and in Spanish entitled "Don't even think about it." The ICT also financed a film about child sex tourism, which was aimed at high school students. The students were given opportunities to discuss the issue following the screening of the film, in a forum moderated by psychologists and sociologists.<sup>55</sup> Currently, the ICT runs the Sustainable Tourism Certification System of Costa Rica, which

is a system of providing special sustainable tourism certification for those hotels that comply with sustainable tourism specifications developed by the ICT, an important initiative considering the emphasis placed in Costa Rica on development of sustainable tourism. The ICT has now included the issue of commercial sexual exploitation of children in tourism as part of the requirements to obtain this certification and is starting to expand the program to tour operators, in addition to hotels. While the idea of the program is highly commendable, its potential impact may be lowered by the voluntary nature of the initiative, which is not required by law.<sup>56</sup>

Establishments such as nightclubs, which in Costa Rica refer solely to strip clubs, and which were in previous years considered as legitimate tourism establishments by the ICT, are no longer eligible for appearing as officially recognized tourism establishments. As such, they can no longer appear on any promotional materials published by the ICT, nor are they featured on its website, the most frequently visited tourism board website in the region.<sup>57</sup>

### 2.2.2. Preventing Child Sex Tourism in Costa Rica: "We Mean It"

The forces being mobilized in Costa Rica toward conducting comprehensive and effective prevention campaigns are truly impressive and present an important best practice particularly for countries with a comparable problem of child sex tourism, and possessing comparable resources to tackle it. Fundación Paniamor, the NGO leading the Code of Conduct effort in Costa Rica, has stated that the aim of the public awareness campaigns against child sex tourism in Costa Rica is to follow the "route of the tourist" and to remind the tourist, every step of the way, that sex with children in the country is not tolerated. The tagline of the campaign, which also appears on many of the materials distributed through various channels and at various locations throughout the country, is "We Mean It." NGOs, the private sector, and the government are doing an excellent job in delivering this message, as researchers were able to observe during their own "tourist route," beginning even prior to landing in Costa Rica. Reminders that sex with children will not be tolerated and that Costa Rican citizens representing the tourism industry will not facilitate sex with children, grab the traveler's attention beginning with the flight into San José, continuing through passport control, on to the taxi ride from the airport, and into the hotel and beyond. Indeed, when encountering these reminders with such a level of frequency almost everywhere one turns, the words "We Mean It" really begin to sink in.

#### 2.2.2.1. "We Mean It" Prior to Arrival in Costa Rica

The would-be traveler to Costa Rica might observe that sex with children in the country is against the law while still in his or her country of origin. The traveler, seeking

information on tourist attractions in Costa Rica, might conduct a Google search on “Costa Rica tourism.” The first webpage the traveler would see in the results of the search would be entitled “Costa Rica, No Artificial Ingredients,” the official webpage of the ICT. As the reader scrolls through the homepage of the website, he or she will notice a public awareness tool regarding the commercial sexual exploitation of children, stating that “The law protects our children. So do we.” (Figure 1).

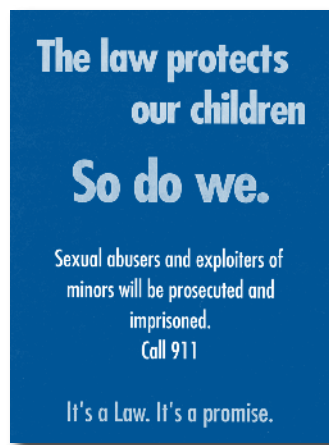


Figure 1. Sample Costa Rican Tourism Board (ICT) website public awareness material.

An alternative message that appears on the ICT’s website, and which is also available as a booklet that can be placed to attract the visitor’s attention in a travel agency or at a hotel, likewise warns against the exploitation of minors, and contains the same message as that of the material described above, but complements the warning with an image of a child (Figure 2). The booklet was developed as part of a collection of public awareness materials created by the ICT and co-sponsored by the Presidency of the Republic of Costa Rica, the Ministry of Public Security of Costa Rica, and PANI.



Figure 2. Additional public awareness material from the Costa Rican Tourism Board (ICT).

An important element of Costa Rica’s approach to the prevention of child sex tourism is that public awareness work is currently shifting from “negative” messages of prosecution of the would-be child sex tourist toward more “positive” messages of protection of Costa Rican children. The two samples of materials discussed above are representative of the negative messages that Costa Rican organizations and government agencies began working

with. The current positive messages being created by various organizations involved in public awareness campaigns are starkly different. The new materials are bright, lively and full of color. The positive messages put forth by these new public awareness tools emphasize the protection of the country’s children, while highlighting the beauty of its natural attractions.

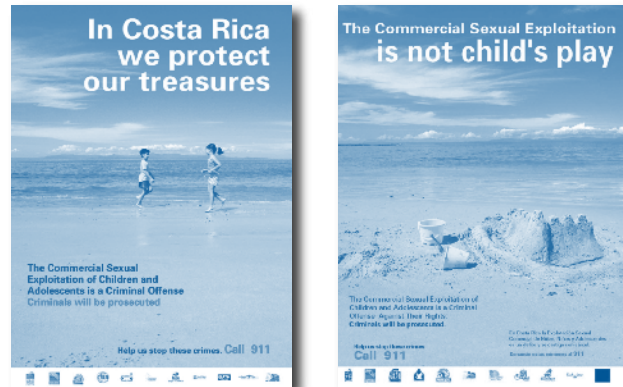


Figure 3. Positive message posters developed by the Association of Costa Rican Tourism Operators (ACOT).

The shift to more positive messages is an important development, especially considering that negative messages have been found to be very difficult to promote with the private tourism sector. For example, representatives of the government in Thailand working with the tourism industry to implement public awareness campaigns have noted that existing campaign materials containing strong prosecution messages, often depicting men in handcuffs or in prison, were not well-received by the tourism sector, which found them off-putting.<sup>23</sup> It would be of significant value to study the level of effectiveness of the Costa Rican positive message public awareness campaigns and to evaluate whether these types of materials would likewise be well-received by tourism industries in other countries.

Excellent examples of positive messages are posters that have been created by the Costa Rican Association of Tourism Operators (ACOT) (Figure 3). The accent in these posters is on a positive message of protection. A valuable observation to be made regarding these public awareness materials is that they steer away from using just the word “children,” stating instead that “commercial sexual exploitation of children and adolescents is a criminal offense.” The usage of both words has evolved in response to a need to clarify that the concept of “children” refers not only to small children, but also to adolescents. It was felt by NGOs working on the development of public awareness campaigns that would-be offenders, especially situational offenders, frequently do not think of adolescents in the same way as they do of children, and while they may be well aware that sex with children is a crime, they might not necessarily think that the same law applies to adolescents. Consequently, a poster stating that sex with children is against the law may not lead a would-be offender to make



the connection that sex with adolescents is also covered by such a law.

Another example of a positive message is a postcard of the Code of Conduct Project for the Protection of Children from Sexual Exploitation in Travel and Tourism in Costa Rica (Figure 4). An important element of this postcard is that the message ties responsibility for protection of the rights of Costa Rican children to the responsibility for protecting the country’s natural environment. This is critical in Costa Rica, as many organizations in the country believe that the protection of children’s rights should indeed become part of its sustainable tourism strategy. The postcard reads, “25% of our territory and 100% of their rights are protected areas. Costa Rica only welcomes sustainable and responsible tourism that abides by these rules.”



Figure 4. Positive message postcard for the Code of Conduct Project in Costa Rica.

2.2.2.2. “We Mean It” en route to Costa Rica

Returning once more to the path the traveler takes en route to Costa Rica, the next stage at which he or she will encounter a reminder that child sex tourism is a crime, is on the flight into San José’s International Airport. Costa Rica is currently the only country in Central and Latin America which includes in both its immigration and customs declaration forms an excerpt from the applicable law on the sexual exploitation of children. On the immigration form, the excerpt from the law is found right beneath the line where the traveler

Figure 5. Costa Rican immigration form.

writes in his or her country of origin and the country of destination (Figure 5). The excerpt is therefore readily noted, especially because it is printed in capital letters. The text states, in English and in Spanish, that “The penalty for sexual abuse towards minors in Costa Rica implies prison, Law #7899.”

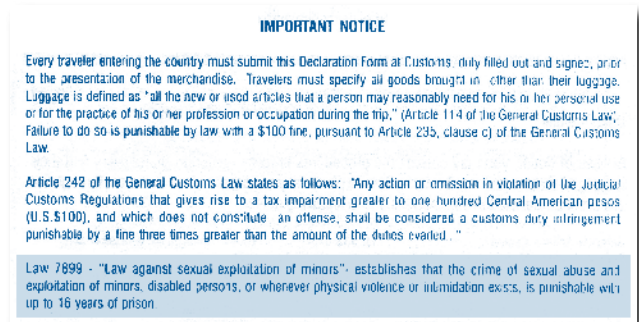


Figure 6. Costa Rican customs form.

The customs form is longer and the placement of the excerpt of the law together with several others renders it less noticeable than the message on the immigration form. Nevertheless, the text is highlighted by the words “Important Notice,” found on the page where the traveler signs the form, attracting the reader’s attention. The text states that “Law 7899 – “Law against sexual exploitation of minors” – establishes that the crime of sexual abuse and exploitation of minors, disabled persons, or whenever physical violence or intimidation exists, is punishable with up to 16 years in prison.” (Figure 6). The inclusion of the message in both forms increases the likelihood of the traveler noticing the message, and emphasizes its importance.

2.2.2.3. “We Mean It” on Arrival to Costa Rica

Following landing, the traveler passes through passport control, and on the way to baggage claim is greeted with a life-size cardboard cut-out figure of a young man or woman holding a sign warning against sex with children in Costa Rica. Similarly, on the way toward customs, a similar reminder appears, stating, as the previous one: “Dear Tourist: In Costa Rica, sex with children under 18 is a serious crime. Should you engage in it, we will drive you to jail. We mean it.” (Figure 7).



Figure 7. Public awareness stand designed for the San José Juan Santamaria International Airport.

Before clearing customs and heading out of the airport, the traveler may also pick up a flyer containing important safety information and practical advice for visitors to Costa Rica, which was produced by the ICT and the Ministry of Public Security, and has been distributed





Figure 8. Tips for the tourist in Costa Rica.

throughout all airports in Costa Rica.

This flyer may also be found at the traveler's hotel or in a taxi, or at a travel agency where he or she might book a trip to one of Costa Rica's rainforests. The flyer is produced at once in English and in Spanish, and once again reminds the tourist that sex with children in Costa Rica is punishable by law, stating that "In Costa Rica we strive to protect our boys, girls and teenagers. The sexual exploitation of minors is a crime punished by the law." This reminder is written in red, distinguishing it from the rest of the text, which is printed in black (Figure 8).

A trip in a taxi is likely to serve as yet another reminder regarding



Figure 9. Taxi stickers in Spanish and English.

the protection of children. Taxi companies have become involved in public awareness efforts and participating companies place stickers on the windows of their vehicles to indicate that drivers will not facilitate sex with children. In Spanish, the stickers state: "I am not an accomplice in the commercial sexual exploitation of children. Report these crimes to 911." Similar stickers have been created in English, declaring "I protect children from commercial sexual exploitation." Both stickers encourage reporting of the crime and provide information regarding the appropriate ways to do so (Figure 9).

### 2.2.3. Community-Based Prevention Activities

Community-based activities constitute another type of prevention initiatives being undertaken in Costa Rica against child sex tourism. These activities are being implemented largely by World Vision Costa Rica, an NGO which is also participating in the public awareness campaigns focusing on raising awareness, about child sex tourism among tourists arriving to the country. In doing so, World Vision has created effective posters, which have been distributed throughout the country and strategically placed on roadside billboards in areas where tourists are most likely to see them. The posters feature memorable and creative messages stating, for example, "Pick on Someone Your Own Size," and emphasizing the legal consequences of child sex tourism.<sup>59</sup>

However, the most significant share of World Vision's activities is devoted to cultivating prevention strategies with vulnerable segments of Costa Rica's population, the children and adolescents themselves. World Vision is working in rural areas, especially in Guanacaste and on the Northern border with Nicaragua, to strengthen community-based networks that can help prevent children from falling into commercial sexual exploitation. The programs are designed as long-term interventions, aimed at educating local communities, members of which may not be familiar with human rights frameworks for the protection of children's rights, and who may not openly discuss issues related to sexuality and sexual abuse. As of December 2005, World Vision had trained 130 teachers in the Northern regions of the country, building their capacity to develop basic activities in schools that could address the wider issues of exploitation relevant to their local communities, thereby also opening a dialogue regarding the subject of sexual exploitation.<sup>60</sup>

## 2.3. Prosecution

### 2.3.1. Legislative Framework in Costa Rica to Combat Child Sex Tourism

Costa Rica was the first country in Central America to enact amendments to the Penal Code to address sexual exploitation of children<sup>61</sup> (a child in Costa Rica is any

person below 18 years of age).<sup>62</sup> Prosecution in Costa Rica has also been far more successful than in other Central American countries, where few to no child sex tourists have been prosecuted.<sup>63</sup>

While prostitution for those over the age of 18 is legal in Costa Rica, Articles 170 and 172 of the Penal Code specifically prohibit child prostitution.<sup>64</sup> Pimping is likewise prohibited by the law.

In June 1999, Costa Rica passed the comprehensive “Law Against Sexual Exploitation of Children, Law #7899.” Law #7899 addresses several crimes, including sexual activities with minors, commercial sexual activities with minors, child pornography, and trafficking in persons. Article 156 of the law prohibits rape “with punishment of prison of between 10 and 16 years, any person who attempts or obtains carnal access, either oral, anal or vaginal, to any person of either gender, in the following cases: 1) when the victim is less than 12 years of age; 2) when the victim is incapable or becomes incapable of resisting; 3) when physical violence or intimidation are utilized against the victim. The same punishment applies if the action consists of the introduction of various objects either vaginally or anally.”<sup>65</sup> Article 159 addresses sexual relations with children, stating “Anyone, who taking advantage of the age, attempts to or obtains carnal access either oral, vagina, or anal, with a person of either gender, who is older than 12 years of age but younger than 15, even with his or her consent, will be punishment with imprisonment of 2 to six years.”<sup>66</sup> Article 160 addresses commercial sexual activities with children, stating that: “Anyone who pays to a child of either gender or promises to pay or give a financial or similar reward, for engaging in sexual or erotic acts, will be punished: 1) with imprisonment of four to ten years if the victim is less than 12 years old; 2) with imprisonment of three to eight years if the victim is more than 12 years old, but younger than 15; 3) with imprisonment of two to six years if the victim is more than 15 years old, but younger than 18.”<sup>67</sup>

While the production and distribution of child pornography is punished by law #7899, its possession is not,<sup>68</sup> which creates a contradiction in the law. Another flaw is that while the law criminalizes trafficking in persons, the punishment is not very severe, with imprisonment of only three to six years. However, the punishment does increase to between four to ten years imprisonment in case of aggravated pimping,<sup>69</sup> which includes the pimping of a child.<sup>70</sup> An additional critique is that the law only criminalizes international trafficking, and does not cover internal trafficking. Finally, the law does not provide for the forfeiture of assets and does not punish the crimes covered as linked to communications technology, including the Internet.<sup>71</sup>

### 2.3.2. Law Enforcement Activity against Child Sex Tourists in Costa Rica: Arrests and Convictions of Child Sex Tourists by Country of Origin

Only a handful of foreign child sex tourists have been arrested, prosecuted and convicted in Costa Rica, and for many years, Casa Alianza was effectively the sole agency monitoring and investigating child sex tourism activities in the country. The Child Exploitation Unit of the Ministry of Public Security, a special police unit addressing commercial sexual exploitation of children was created only in 1999. At the time of its establishment, only six people were assigned to the unit, which had one car and one computer with no Internet connection. Since that time, the situation has improved dramatically and the unit currently employs 40 people, is equipped with six cars, and 32 computers. Moreover, each of the country’s ten police districts has established special delegations with investigators and prosecutors to deal with these kinds of crimes.<sup>72</sup> Nevertheless, much is still needed.<sup>73</sup> The investigation of these crimes needs a lot of improvement especially outside San José, where the capacity of the police to deal with these types of cases remains significantly lower than in the capital city.<sup>74</sup>

Costa Rican law enforcement is now working hard to catch up and close the gap of the years during which nothing was being done to combat child sex tourism and child prostitution. The issue of commercial sexual exploitation of children is being addressed within an organized crime approach, since the commercial sexual exploitation of children is connected with the drug trade. One of the ways in which this is expressed is that many of the sexually abused children in Costa Rica become drug users, often given drugs by their pimps as a form of control.<sup>75</sup>

The re-victimization of children by the Costa Rican court system is also a significant problem. While Costa Rican law enforcement is now working with the government of the United Kingdom, which is sponsoring the videotaping of children’s testimonies, successful utilization of this technology is not guaranteed, as children are normally required to testify in court and video testimonies may be judged as inadmissible. The defense attorney is likely to request the interrogation of the child.<sup>76</sup>

According to available information, between the years of 1999 and June 2005, the Child Exploitation Unit had arrested a total of 74 persons on suspicion of crimes of commercial sexual exploitation of children. Of those arrested, 56 were Costa Rican nationals, and 18 were foreign nationals.<sup>77</sup> However, little more information is available from official sources, and records of arrests as they have been documented by the press are presented. These cases are not meant to provide an exhaustive list, but are presented as an illustration of the extent of the problem of child sex tourism in Costa Rica. The details of arrests are arranged first by the country of origin of

the offender, highlighting those countries that appear to be frequent countries of origin for child sex tourists operating in Costa Rica; and second, chronologically, according to the date of arrest or other available information.

### 2.3.2.1. United States

- In 1997, Costa Rican Ervin “Tony” Castillo and his American wife, Sharon Ann de Castillo were charged with offering services to sex tourists in a house in the upscale western San José suburb of Rohrmoser and later found guilty of aggravated pimping of minors. They were released, however, after paying a fine of 300,000 colones, (\$1,100).<sup>78</sup>
- In May 1998, Craig Eugene Konigsmart, age 60, a retired U.S. military engineer and former Desert Storm veteran from Florida, was arrested by Costa Rican police for sexual abuse of a 14-year-old boy. According to neighbors, Konigsmart took street children to his home, where he lived alone and sexually abused the children. When a child's screams of pain were heard from Konigsmart's home, concerned neighbors called the police and Konigsmart was arrested. The police confiscated two large bags of pornographic material from his residence, which included videotapes of Konigsmart performing sexual acts with very young children.<sup>79</sup> Unfortunately, several months after his arrest, Konigsmart was released.<sup>80</sup>
- In February 2000, Joseph Robert Latimer, age 78, U.S. citizen, was arrested by Costa Rican police on charges of sexual abuse of children.<sup>81</sup>
- In November 2000, U.S. citizen Richard Ridley Casper, age 43, from California, was arrested in San José, Costa Rica, and accused of operating an international child pornography network. Casper, who had been in Costa Rica for more than eight years, had allegedly offered child pornography through two Internet pages and was found to be in possession of more than 600 pornographic photos of young girls. According to police reports, the American worked together with Italian and Costa Rican citizens.<sup>82</sup> Casper allegedly offered minors for “sexual favors” and sent 12 to 14-year-old girls to expensive hotels in Costa Rica to have sex with foreign visitors for between \$300 and \$600. Many of the girls were middle school students.<sup>83</sup> During a three-day, closed-door trial, two young girls offered false testimony in an attempt to exonerate the Californian.<sup>84</sup>
- Arthur Carl Kanev, age 56, a dentist from Boston, first came to Costa Rica in 1996 and moved into a luxurious home in Quepos. Together with another American, Joseph Curtis Baker, he allegedly abused numerous children in Costa Rica. Investigations into these men's lives revealed that as many as 30 minors may have been their victims. Although Baker was convicted on charges of providing drugs to minors in Costa Rica, Kanev managed to escape the country shortly after Baker's arrest. Kanev had been accused of child molestation and child pornography, following the discovery of hundreds of pictures of child pornography found on his computer in January 1999. According to Costa Rican authorities, Kanev and Baker would drug and rape local children before taking pornographic pictures of them. In the United States, Kanev was interviewed on the television program 20/20, where he stated that he felt no remorse for what he had done. He was profiled on America's Most Wanted and on July 24, 2003, was finally detained in Pompano Beach, FL, after living as a fugitive for almost two years. On March 13, 2004, Kanev accepted extradition to Costa Rica in exchange for not being tried in the United States under extraterritorial legislation. Kanev was the first United States citizen extradited to Costa Rica to be tried for sexual crimes against minors.<sup>85</sup> He was sentenced to 16 years in prison.<sup>86</sup> At least three of the eleven girls who testified that they were abused by both Baker and Kanev swore under oath that they had been offered \$580 by the men not to testify in court. The girls, some as young as 14, told the judges they took the money, but decided to testify anyway.<sup>87</sup>
- In 2000, Joseph Curtis Baker, a veterinarian from Oklahoma City, OK, was sentenced to 24 years in prison for supplying drugs to minors in Costa Rica. While he was alleged to have received visits from poor young girls at his home in Costa Rica and was involved with convicted Arthur Carl Kanev, insufficient evidence was presented for a conviction on charges of production of child pornography and sexual abuse of children.<sup>88</sup>
- In January 2001, Daniel Webster Hovis, U.S. citizen, was sentenced to four years in prison for the crime of sexual abuse and corruption of minors in Costa Rica.<sup>89</sup> Hovis was a wanted fugitive in the United States for child sexual abuse, who had fled to Costa Rica. He was the 10<sup>th</sup> fugitive arrested in Costa Rica in the first half of 1999. At that time, the Costa Rican government reported that it had received over 200 requests for captures of foreign citizens residing in Costa Rica, the majority of them being American citizens.<sup>90</sup>
- In January 2003, Scott Thomas Cochran, age 39, U.S. citizen, was arrested in his new apartment in Rohrmoser, a wealthy western suburb of San José. He was charged with multiple counts of production and distribution of child pornography, paid sexual relations with a child, and the corruption of minors. Police found more than 1,000 images of child pornography, as well as child porn videos as well as a series of sex toys. After his arrest, it was discovered that he was a member of an international group of pedophiles with other members reportedly in Costa Rica and the United States. Members of the group had allegedly traveled to many other countries on what appeared to be “sex tourism” trips in November of 2002.<sup>91</sup> Cochran was convicted by the Penal Court of San José to 145 years in prison based on the counts



on which the convictions were handed down, but his sentence was reduced to 45 years due to Costa Rican legislation, which does not allow for imprisonment of over 45 years.<sup>92</sup>

- In June of 2004, Timothy Ronald Obert, age 36, was arrested in Costa Rica, but indicted in the United States for engaging in sexual relations with a minor in Costa Rica while serving there as a Peace Corps Volunteer. Mr. Obert was indicted by a U.S. Federal Grand Jury on one count of traveling in foreign commerce and engaging in illicit sexual conduct under the PROTECT Act. While in Costa Rica, Obert provided a minor with money, drugs and alcohol in conjunction with the sex acts. The minor's birth certificate showed that he was 14 years old at the time of the charged offense.<sup>93</sup>
- U.S. citizen James Kirgin, age 47, a marketing professor, was sentenced to 15 years in prison for the crimes production of child pornography and sexual relations with minors in Costa Rica.<sup>94</sup>
- Richard Francis McIntere, age 52, a resident of San Antonio de Escazu in Costa Rica, but originally from the U.S., was accused of sexual abuse of minors and convicted to three years of prison in Costa Rica.<sup>95</sup>
- A U.S. citizen from Pavas, Costa Rica, was detained in March 2004 for paying for sexual activities with minors and for producing child pornography recording acts of the abuse, according to the Ministry of Public Security in Costa Rica. The man was identified by the last name of Rishfield by investigators who said he was 50 years old and had lived in Costa Rica since 1994. The man was arrested by Costa Rican police during a raid of his residence. Investigators said they found 100 photographs of unclothed young women who may have been underage when the photos were taken. They also found videos and a camera with which the photos had been taken. According to information generated by the two-month investigation, the man was paying about 10,000 colones (approximately \$23.50) for each of the young women who had been supplied by various pimps. The anti-sexual exploitation unit also was responsible for the arrest of a retired physician in Heredia (no information on nationality available) in February 2004 for similar crimes.<sup>96</sup>

### 2.3.2.2. Canada

- Hanny Fahmy, age 50, was a retired accountant who was born in Egypt but a naturalized Canadian citizen. Fahmy was sentenced in 2000 to 30 years in prison for distribution of drugs to minors and sexual abuse of minors in Costa Rica.<sup>97</sup>

### 2.3.2.3. Guatemala

- Zayda Enelda Rodas Gomez, age 53, was sentenced in 2000 to ten years in prison for aggravated pimping of children in Costa Rica.<sup>98</sup>

### 2.3.2.4. Dominican Republic

- In February 2002, a woman from the Dominican Republic was jailed for five years in Costa Rica for trafficking young Dominican girls to Costa Rica, where they were sexually exploited. She offered young girls in the Dominican Republic jobs as waitresses or in hotels in Costa Rica. The girls were then flown from Santo Domingo to San José, where they would then be transported to the tourist town of Quepos (on the Pacific coast) and to Squirres (on the Atlantic side) for sexual exploitation. Most of the victims were between 14 and 18 years of age.<sup>99</sup>

### 2.3.3. Law Enforcement Activity against Costa Rican Facilitators of Child Sex Tourism

- In the first major Internet-based arrest made in 2000 by Costa Rica's Special Prosecutor for Sex Crimes, police near a San José hotel captured a Costa Rican citizen of German descent. The man, George ("Jorge") Buberth, age 49, was arrested in May of 2000 for pimping adults and minors. He had allegedly been running an escort service for foreign visitors to Costa Rica for more than 14 years, which included offering male and female minors for sex. His advertisements had reportedly been published in Costa Rica's official government guide for tourists for more than eight years. Buberth's arrest was the first major arrest by the office of the Special Prosecutor for Sex Crimes, nearly a year after the office's establishment. In 2000, Liliam Gomez, the Special Prosecutor, reported that her office was overwhelmed with complaints of sex crimes and unable to keep up with investigations.<sup>100</sup>
- In 2000, a 38-year-old Costa Rican woman by the name of Laura Martinez Zuniga was arrested for allegedly running a prostitution network that involved girls as young as 12 years of age. Dubbed "Prostitution Express" by the media in Costa Rica, the network was broken by the Organization of Judicial Investigation.<sup>101</sup> Another man was arrested in San José after offering minors for sexual services and sending girls as young as 12 to Costa Rican hotels to have sex with foreign visitors.<sup>102</sup>
- In December 2002, the Costa Rican Immigration Authorities raided the Hotel del Rey in San José, a known center for prostitution in Costa Rica. As the results of the raid showed, many of the women working in prostitution at the hotel had been trafficked or smuggled into the country and were being exploited.<sup>103</sup> While it is currently believed that no underage sex is explicitly taking place at the hotel, unofficial reports indicate that adolescents can be procured with the hotel's assistance.
- Ms. Alfaro Alvarado, age 29, provided underage girls for sexual activities to U.S. tourists and Asian fishermen in Costa Rica in various parts of the country, including Puntarenas, Guanacaste and San José. The victims'



ages ranged from 13 to 16 and the girls were from homes with low economic status in places like Hatillo, Alajuelita and others. More than 30 girls were involved. The eight-month investigation also implicated a taxi driver who provided transportation. Alvarado is serving her sentence in El Buen Pastor, the prison for females in San Rafael Arriba de Desamparados.<sup>104</sup>

## 2.4. Protection

PANI is Costa Rica's National Council on Children's Welfare and is the main government agency responsible for the protection of child victims of commercial sexual exploitation. A National Committee to Combat Sexual Exploitation, which falls under the jurisdiction of the National Council on Children and Adolescents, is tasked with the coordination of actions among various sectors in Costa Rica concerned with the issue of commercial sexual exploitation of children.<sup>105</sup>

However, unlike the prevention efforts being carried out by various governmental and non-governmental organizations in Costa Rica, an effective system of protective services available to child victims of commercial sexual exploitation remains significantly lacking. The government has not, so far, been able to implement a comprehensive system of protection. Likewise, the NGO sector has also not been able to effectively fill in the critical gaps and a small number of independent shelters have taken on the brunt of the responsibility. One of these is the Hotel Grano de Oro located in San José, Costa Rica, which, besides providing luxurious accommodation to its tourist patrons, offers a lifeline to impoverished girls, many of which have been exploited in the commercial sex industry; in April of 2003, they opened their doors as a shelter.<sup>106</sup> As of February of 2004, there were four live-in house mothers, a social worker, a psychologist, two teachers, a nursery worker and two cooks on staff at the shelter. Eldon Cooke, the owner of the Grano de Oro, explains that "our goal is to change lives, so [the victims] can go out and function in society. [The victims] are so badly scarred internally, they're never going to be completely healed."<sup>107</sup> Fundación Rahab, also based in San José, provides shelter, vocational training, and spiritual workshops that help re-establish self-esteem and guide women recovering from prostitution toward healthy lives and healthy relationships.<sup>108</sup> Rahab assists women who want to leave prostitution, and also shelters their children. Activities are available both for the young mothers and their children, and aim toward preventing a return to prostitution among the mothers and to counteract the potential for falling into prostitution among their children. Among the job skills provided for the mothers are sewing courses, baking, and computer training. The primary clients of the Rahab Foundation are women over the age of 18, however close to 90 percent of them were sexually exploited before they had reached the age of 18.<sup>109</sup> The Salvation Army used to run a shelter for

street children in San José, but closed its doors overnight in September 2001 over a dispute with PANI, following which at least 30 children were forced back out into the streets. Facilities for an additional 50 youngsters in a day drop-in center were likewise shut down,<sup>110</sup> and the shelters have not since reopened. Casa Alianza in Costa Rica also closed its doors following a scandal involving its former Executive Director. A new organization, Alianza por tus Derechos, has been formed by four former employees of Casa Alianza, who are striving to take on the complaints and legal cases concerning the sexual exploitation of children in Costa Rica that used to be the main domain of Casa Alianza before it closed its doors.<sup>111</sup>

Permanently available, reliable and well-equipped rehabilitative shelters, especially those designed for children who are victims of sexual exploitation are critically needed in Costa Rica. PANI is stepping in to try and fill that gap, but so far the agency has purchased only one house, and is now looking forward to making it livable.<sup>112</sup> However, this shelter will not be exclusively designed for girl child victims of commercial sexual exploitation, but will also shelter street children. A first of its kind shelter soon to be opened by Fundación Rahab in Puntarenas, will focus on the rehabilitation of women victims of trafficking in Costa Rica.<sup>113</sup>

## 3. Bilateral and Multilateral Initiatives

The United States Department of Justice Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT) has carried out training programs for Costa Rican law enforcement on the commercial sexual exploitation of children. On April 21-25, 2005, OPDAT conducted a forensic interviewing program to assist the government of Costa Rica in responding to the crime of commercial sexual exploitation of children and trafficking in persons. Participants included both governmental and non-governmental representatives. Among these were investigators, prosecutors, social workers and judges. The program was designed to focus on increasing understanding among the participants regarding the child and compliant adolescent victims of commercial sexual exploitation and trafficking in persons. An important aspect of the program was the facilitation of discussion of an interviewing protocol to avoid the revictimization of the children and adolescents in court. Techniques on working with children and adolescents to secure their cooperation as witnesses in court were likewise presented and discussed. Four judges attended the workshops, as well as representatives of the Prosecutor General's Office, PANI, and the National Police.<sup>114</sup> The U.S. Federal Bureau of Investigation (FBI) also trained representatives of Costa Rican and El Salvadorian law enforcement officials in June 2005. Forty-five representatives of the ministries of national securities of Costa Rica and El Salvador attended the 15-day training, which focused on improving investigation

techniques and treatment of victims of commercial sexual exploitation. Fifteen representatives of Costa Rican police attended the training course.<sup>115</sup>

## 4. The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism in Costa Rica

### 4.1. Implementation of the Code of Conduct

In addition to well-thought out and comprehensive prevention campaigns, probably the most impressive action being taken in Costa Rica today to respond to the problem of child sex tourism is the implementation of the ECPAT International/World Tourism Organization Code of Conduct for the Protection of Children From Sexual Exploitation in Travel and Tourism. Costa Rica is currently the only country in the world where the Code has been implemented throughout the entire tourism industry, as opposed to independent implementation by an ad-hoc collection of hotel chains or tour companies. This means that all of the professional tourism associations in Costa Rica have signed on to the Code, which in turn implies that all tourism organizations seeking to gain membership in any of these associations must now sign on to the Code. Even though the government of Costa Rica is now very much engaged in combating child sex tourism, it is the NGO and private sector that continue to lead the Code of Conduct efforts. The government plays little to no role in getting the private tourism sector actors to sign on to or implement the Code of Conduct.<sup>116</sup>

#### 4.1.1. Coordination and Financing of the Code of Conduct Efforts

The Code of Conduct is coordinated by the Costa Rican NGO Fundación Paniamor as a project of the Costa Rican tourism industry. As such, Fundación Paniamor works in partnership with the Asociación Costarricense de Operadores de Turismo (Association of Costa Rican Tour Operators) or “ACOT”, la Asociación Costarricense de Profesionales en Turismo (Association of Costa Rican Tourism Professionals) or “ACOPROT,” World Vision Costa Rica, and Save the Children in executing the project. The project is financed by Fundecooperación (The Dutch Fund for Cooperation) as part of its Sustainable Tourism Program in Costa Rica, and is supported by Save the Children Sweden, the ICT, and the Ministry of Foreign Affairs of Costa Rica. The project is national in scope, but particular attention has been given to the tourism sector in areas experiencing the highest levels of tourism, including Limón, Guanacaste, Puntareñas, and the Greater Metropolitan Area of San José. At least 1600 employees of over 48 signatories to the Code in Costa Rica have already received training through the Code of Conduct project.

Fundación Paniamor aims to shift the lead in coordination of the project fully to the private sector by 2007.<sup>117</sup>

#### 4.1.2. History of Implementation of the Code of Conduct in Costa Rica

The Code of Conduct project in Costa Rica was launched in 2003, at a time when the government was not taking action on combating child sex tourism. The ICT, the main government agency addressing all issues related to tourism did not yet recognize the problem and was reluctant to address the issue. Therefore, Fundación Paniamor, the coordinating NGO for the Code of Conduct project in Costa Rica, began to turn its attention toward the private sector and to engage other entities in the country in addressing the issue, such as taxi driver unions, airport taxis, and the Costa Rican Chamber of Hotels (CHO). Fundecooperacion, the Dutch development agency that had and continues to have an agreement to support Costa Rica in the development of sustainable tourism, funded these initial activities, deciding to include the topic of child sex tourism as an integral part of a sustainable approach to tourism. At that time, the private sector had already recognized the existence of the problem and therefore responded positively to the Code of Conduct initiative. The process of the implementation of the Code of Conduct started off with individual business entities, which, spurred on by their concern with the issue and the promotional activities of Fundación Paniamor, one by one began to sign on to the Code. Hotels in Costa Rica were particularly willing to sign on to the Code because it was perceived as beneficial toward their business economically. For hotels, family tourism often means longer vacationing times than those of men hopping from beach to beach and town to town to meet women; and families tend to spend more money.<sup>118</sup> Following the signatures of numerous hotels, the CHO signed on to the Code of Conduct, which meant that any hotel wishing to become a member of the this Chamber from that point forward would be required to sign on to the Code as well. Noting the actions being taken by the private sector and in step with a government policy shifting toward recognition of the problem of child sex tourism, the ICT, the government’s tourism agency, finally began to get involved, signaling the long-awaited commitment of the government to tackle the issue.<sup>119</sup>

#### 4.1.3. Signing Process

Fundación Paniamor has developed training materials to facilitate the process of joining the Code of Conduct and its implementation by the signatories. For example, Fundación Paniamor published a leaflet providing a summary of relevant information regarding the process of becoming a signatory to the Code of Conduct in Costa Rica (Figure 11).

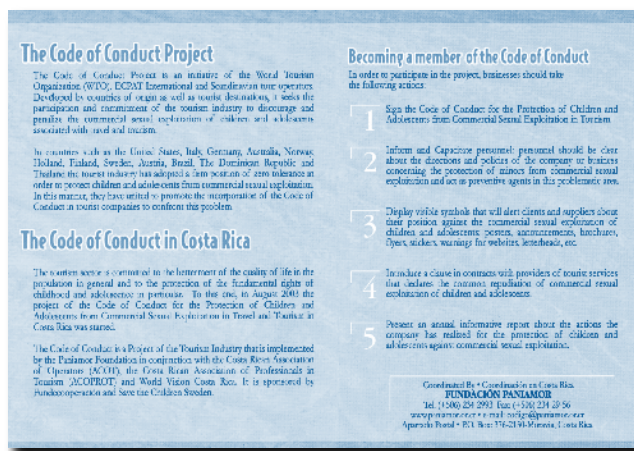


Figure 11: Summary of procedure to join the Code of Conduct in Costa Rica.

Normally, when an agency signs on to the Code of Conduct, Fundación Paniamor staff travel to train the staff of such an entity according to the developed curriculum. The entity takes on a number of obligations to comply with the Code and to submit annual reports regarding their activities. Additionally, each entity is required to engage in a public awareness campaign against child sex tourism. If the entity is unable to create its own materials, Fundación Paniamor provides the promotional materials for them. Training for each entity that signs on to the Code is conducted with everyone from the top management of a hotel, to the gardeners and doormen, as these are the individuals that normally have the most contact with patrons.<sup>120</sup>

#### 4.1.4. Signatories to the Code of Conduct in Costa Rica

All the major private tourism associations in Costa Rica are now party to the Code of Conduct, including: ACOPROT-Asociación Costarricense de Profesionales en Turismo (Association of Costa Rican Tourism Professionals), ACOT – Asociación Costarricense de Tour Operadores de Turismo (Costa Rican Tour Operators Association), Costa Rica’s Temptations, CHO – Cámara Costarricense de Hoteles (Costa Rican Chamber of Hotels), and CANATUR – The Costa Rican Tourism Chamber. Over 80 Costa Rican hotels have signed on to the Code in 2004 and 2005, and over 50 tour operators and tourism transportation companies,<sup>121</sup> as has the Sindicato Costarricense de Taxistas (Taxi Union of Costa Rica).<sup>122</sup> The shuttle bus on which researchers for the present report traveled to their hotel in San José, was an Interbus van. The van was bearing one of the public awareness campaign stickers, the taxi sticker stating: “I Protect Children,” a good indication of the fact that company is complying with its obligations as part of the Code of Conduct project.

While some companies have initially been reluctant to sign on to the Code, citing that facilitation of child sex tourism was not a problem in their companies, seeing the increasingly more extensive list of the signatories to the Code, many have since chosen to sign. This development

is a signal that signing on to the Code may be developing into an industry standard.

### 4.1.5. Initiatives Implemented by Code of Conduct Signatories

#### 4.1.5.1. Costa Rican Tour Operators Association (ACOT)

The Costa Rican Tour Operators Association (ACOT) began working with the Code of Conduct project in 2003. According to ACOT, the Association was aware of the problem of child sex tourism in the country and was interested in doing something to address it. When approached by Fundación Paniamor, the Association took the opportunity to sign on to the Code of Conduct, and expressed its strong willingness to take part in its implementation throughout Costa Rica.

Currently, ACOT is Fundación Paniamor’s main partner in the implementation of the Code of Conduct project. Since the beginning of the cooperation with Fundación Paniamor, ACOT has been focusing on raising awareness of the problem of child sex tourism among its members. ACOT has created its own public awareness campaign, producing several thousand posters and working with organizations throughout the country to assist with their distribution.<sup>123</sup> Many of the posters, which contain positive messages regarding the protection of Costa Rican children from sexual exploitation, have been distributed by ACOT to hotels and tourism agencies to be placed in their offices, as well as to car rental companies, and to the Ministry of Public Security (Figure 12). ACOT is also planning to provide these and other materials to wholesalers of vacations to Costa Rica operating abroad. Some of these materials have been produced in cooperation with the ICT.<sup>124</sup> One outcome of this cooperation has been the creation of safety tip booklets for tourists, which have been distributed with the help of the ICT and various tour operators. Each booklet contains a statement reminding the traveler that sex with minors in Costa Rica is illegal.<sup>125</sup> The relevant text states: “In Costa Rica we protect our children, sexual intercourse with children and adolescents under 18 years of age is a crime punished by law.”



Figure 12: Public awareness poster created by the Costa Rican Association of Tourism Operators (ACOT).

ACOT has also been working with Fundación Paniamor to provide training to the staff of each new signatory to the Code. Following these training programs, the signatories



are requested to develop their own materials and to make them available in their offices and to their staff. If the signatories do not have the necessary budgets, ACOT provides them with existing materials. ACOT also works with each new member in explaining the purpose of the Code and educating on the issue of child sex tourism itself. Fundación Paniamor follows up with more comprehensive training programs. This more comprehensive training aims to clearly explain the nature of child sex tourism to the staff of each Code signatory and to prepare staff members for dealing with a situation in which they may be requested to facilitate access to children. The main goal of the training is to encourage the employees of the tourism industry to reject such requests. This type of training is especially important for tour operator staff, who often receive phone calls and e-mails requesting sexual services. The training focuses on addressing how child sex tourism impacts the image of the tourism establishment and aims to raise consciousness and understanding of the problem.



Figure 13: Message promoting the protection of children by the Costa Rican tourism industry in “Tour Operators Official Guide,” a publication of the Costa Rican Association of Tourism Operators (ACOT).

Finally, in the first edition of ACOT’s publication entitled “Tour Operators Official Guide,” published for the first time in 2006, two pages were devoted to the issue of commercial sexual exploitation of children in tourism

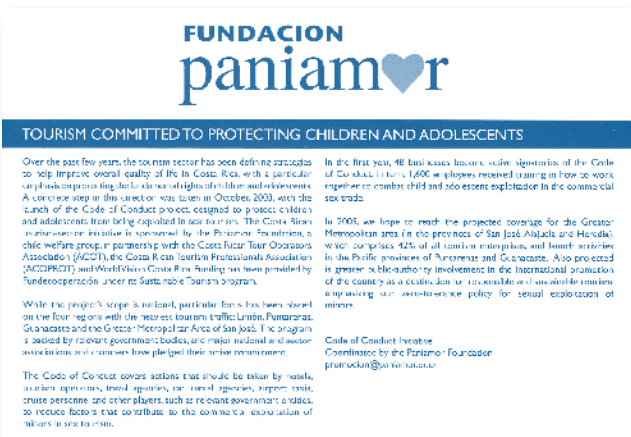


Figure 14: Message providing an overview of the Code of Conduct Initiative in “Tour Operators Official Guide,” a publication of the Costa Rican Association of Tourism Operators (ACOT).

in Costa Rica. One page featured a “Costa Rica Cares” promotional image, a public awareness tool stating that “In our homeland commercial sexual exploitation of children under 18 is a crime penalized with up to 16 years of imprisonment.” (Figure 13). The second page featured an overview of the Code of Conduct Initiative presented by Fundación Paniamor (Figure 14).

#### 4.1.5.2. Cámara Costarricense de Hoteles (Costa Rican Chamber of Hotels, “CHO”)

CHO began working with the Code of Conduct project in 2003, by facilitating initial training programs on the implementation of the Code, conducted by Fundación Paniamor for a number of hotels that had signed on. However, according to CHO, continued and more frequent training is necessary (at least every six months) as the turnover rate of frontline hotel staff is very high.<sup>126</sup> Unfortunately, sufficient budgetary resources are not available to conduct such frequent trainings.



Figure 15: Cover story on child sex tourism from the Costa Rican Chamber of Hotels (CHO) Publication.

CHO is dedicated to promoting awareness of the issue,<sup>127</sup> and has been active in bringing the problem to the attention of its members. For example, the cover story of its quarterly publication for the end of 2005 was entitled “Industria turística en lucha contra el turismo sexual” (“The Tourism Industry Battles Child Sex Tourism”) (Figure 15).

Two pages inside the publication provided an exposé of child sex tourism in Costa Rica, explained the recognition of the problem by the CHO, voiced its desire to combat it, and described initiatives being taken (Figure 16).

A case study was also presented, focusing on a Costa Rican hotel that recently implemented a zero tolerance policy toward all forms of prostitution on its premises, to promote which the owners created publicity materials to be distributed at the hotel (Figure 17). The owners are reportedly satisfied with the results of the campaign and believe that the policy is a solid investment into the future.<sup>128</sup>





Figure 16: Photo from the story on child sex tourism in the Costa Rican Chamber of Hotels Publication (CHO).



Figure 17: Story and images featuring the “No to Prostitution” policy at the Best Western Hotel Jacó Beach and efforts of the Jacó tourism industry to combat prostitution in the Costa Rican Chamber of Hotels (CHO) publication.

### 4.2. Evaluating Code of Conduct Efforts

Bringing the tourism industry on board with the Code of Conduct in Costa Rica has clearly been a success, but measuring the effectiveness of these efforts is less straightforward. While signing on to the Code is becoming an industry-wide standard in Costa Rica, gauging the level of compliance with requirements of the Code is more complex, and it is not always immediately evident to what extent employees of signatory companies have become less likely to facilitate access to children for illicit purposes. No concrete data on the subject is currently available and it would be important to conduct such an evaluation. Several obstacles make the monitoring of compliance with the Code of Conduct difficult. First, it is not always possible to determine to what extent employees of various establishments are following the trainings that they receive. Second, signatories might only report the positive developments toward complying with their Code obligations. Fundación Paniamor conducts regular site

visits, but it is not always possible to glean from periodic visits what the everyday reality might be.

### 4.3. The Future of the Code of Conduct Efforts

The next steps to be taken within the framework of the Code of Conduct project are projected to focus more heavily on tour operators. NGOs in Costa Rica estimate that close to 40 percent of tourists that arrive to Costa Rica arrive alone, and that their travels are normally arranged as part of a group tour. Some members of this population of tourists pose the greatest risk for children, so Fundación Paniamor is prioritizing tour operators as the segment of the tourism sector most commonly interacting with this population. Another important group of potential facilitators are the taxi drivers, who are becoming more and more important in the commercial sex industry in Costa Rica. Because of the more vigilant attention being paid to illicit sexual relations with children, this side of the prostitution industry is becoming more clandestine – sex operators are increasingly utilizing private condos rather than hotels because it is a safer, less risky method. Taxi drivers are intimately involved in this business and are being used by sex operators to pick up victims and drive them to the appropriate condos. Fundación Paniamor has therefore developed a radio spot specifically tailored toward taxi drivers. This radio spot will be aired on local radio stations, which is one of the most effective ways to reach this population.<sup>129</sup> Finally, Fundación Paniamor aims to transfer full leadership and coordination of the Code of Conduct project to the private tourism industry and should therefore be led and fully coordinated by the tourism industry.<sup>130</sup> A comprehensive evaluation of the effects on child sex tourism of the efforts implemented thus far should also be a priority.

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## Central America: Honduras

### 1. Tourism, Sex Tourism and Child Sex Tourism in Honduras

#### 1.1. Current Trends

Honduras is increasingly being reported as a country where child sex tourism is emerging as a problem. Evidence points especially strongly to the involvement of child sex tourists arriving from the United States.

Even though information on the extent of the problem in the country remains relatively scarce, a bird's eye view of the phenomenon reveals that it is growing. A number of factors point to this expanding trend, including an increase in reporting on the problem by local press, a greater level of awareness about the problem, and an expression of serious concern regarding this phenomenon by the government, as well as by NGOs in Honduras. Likewise indicative of an alarming trend is the country's largely conservative establishment's willingness to speak increasingly openly on the subject. This development appears to be driven by the extent of the abuse, which is growing as a result of a progressively greater presence of Western exploiters.<sup>1</sup>

#### 1.2. Tourism in Honduras

Tourism in Honduras has grown steadily in recent years. While the country is still far from being a regional tourism hub similar to Costa Rica, the industry is doing well, and Honduras continues to attract growing numbers of visitors. In 2005, the country received a total of 749,400 tourists, an increase of 11 percent with respect to 2004, when the country received 672,000 tourists. In 2004, the number of tourists went up by 10 percent with respect to 2003, indicating a steady increase in the numbers of visitors. A majority of tourists hail from other countries in Central America (58 percent), followed by those arriving from North America, including United States, Mexico and Canada, (30 percent). Europeans make up a significantly smaller percentage, comprising seven percent of all tourists

arriving to Honduras. This distribution has remained constant in recent years.

Table 1: Tourism statistics for Honduras.

#### Year 2005: Tourist arrivals to Honduras (Total = 749,400)<sup>2</sup>

Country of Origin	Number of Visitors	Percent Share of Total
Central America	433,400	57.8%
North America	227,600	30.4%
Europe	54,100	7.2%
Other	34,300	4.6%

#### Year 2004: Tourist arrivals to Honduras (Total = 672,000)<sup>3</sup>

Country of Origin	Number of Visitors	Percent Share of Total
Central America	388,700	57.8%
North America	204,100	30.4%
Europe	48,500	7.2%
Other	30,700	4.6%

#### 1.3. Child Sex Tourism

According to the Ministry of Tourism, as well as the Prosecutor's Office in Honduras, child prostitution in the country is mainly driven by domestic demand (roughly 80-90 percent).<sup>4</sup> Nevertheless, a handful of foreign citizens have been arrested for sexual exploitation of children in Honduras, and these cases seem to be indicative of a larger problem. In particular, the Atlantic coast of Honduras, with great opportunities for diving, affordable prices, and a genial atmosphere, reportedly attracts not only seekers of a pleasant holiday getaway, but also a variety of illegal pastime seekers, including smugglers, drug traffickers, and increasingly, child sex tourists.<sup>5</sup>

According to Honduran police, sexual exploitation of children is a "grave and delicate problem," and is especially

problematic in the tourist centers of Tela, La Ceiba, and Roatan, which are frequented by American and European tourists.<sup>6</sup> Roatan especially attracts high numbers of tourist visitors.<sup>7</sup>

Those seeking opportunities to engage in sexual relations with children may be attracted to the Honduran Atlantic coast due to the devastating poverty of local communities and the corresponding vulnerability of the children living there.

While exact statistics on the extent of the child sex tourism problem are unavailable, some estimates have been put forward. For instance, the Tourist and Community Police chief in Tela has estimated that as many as 40 percent of the annual 120,000 visitors to the town could be sex tourists as well as pornographers interested in taking pictures of children and women on the beach, and then posting them on the Internet. The NGO Casa Alianza reported in 2002 that some 5,000 children in Honduras were falling victim to child sex tourism.<sup>8</sup> Likewise, in a more recent study conducted by the International Labour Organisation's International Programme on the Elimination of Child Labour (ILO/IPEC), 100 children exploited in the commercial sex industry in Honduras were interviewed with the purpose of finding out the origins of their exploiters. In response to the question "Are the persons that pay you to have sexual relations or to do other sexual activities foreign tourists?," seven percent of children answered that this was the case always, 11 percent of the children answered that this was the case almost always, and 13 percent of the children answered that this was the case sometimes.<sup>9</sup> In response to the question, "Are the persons that pay you to have sexual relations or to do other sexual activities foreigners that live in this country?," five children answered that this was the case always, three children answered that this was the case almost always, and four children answered that this was the case sometimes.<sup>10</sup>

### 1.3.1. Dynamics of Child Sex Tourism in Honduras

The exploitation of children in the child sex tourism industry in Honduras is reported to be an organized process, and criminal networks are profiting from this activity. Studies find that organized networks that are engaged in drug trafficking and in trafficking in persons are also engaged in the commercial sexual exploitation of children in Honduras.<sup>11</sup> Additionally, reports indicate that of the crimes comprising the commercial sexual exploitation of children in Honduras, child sex tourism appears to be the most significant, second only to child prostitution.<sup>12</sup> Results from a number of studies on the topic of commercial sexual exploitation reveal that in all cities in the country where the principal economic activity caters to the tourism sector, signs of child sex tourism are likewise in place.<sup>13</sup>

### 1.3.2. Nationalities of Child Sex Tourists in Honduras

The majority of men soliciting children in prostitution are Honduran men from the larger cities,<sup>14</sup> comprising about 62 percent of demand.<sup>15</sup> The remaining demand comes from other Honduran men and foreign nationals.<sup>16</sup> Most frequently, foreign nationals hail from North America and Western Europe, especially the United States. For example, Casa Alianza found that in 25 of 40 cases of child sex tourism they were able to identify, the sex tourist was from the United States.<sup>17</sup> However, Central American and even Korean perpetrators have also been documented.<sup>18</sup> Several Australians have likewise been arrested in Honduras for sexual crimes against children.

In Puerto Cortés, sex tourism is reportedly driven by the population of sailors disembarking in this port city, and in Comayagua, U.S. soldiers stationed at the Palmerola military base are reported to engage in the sexual exploitation of children.<sup>19</sup>

Additionally, the production of child pornography has been detected in the country, reportedly tailored toward the international rather than the domestic market. Producers of child pornography are reportedly North American and American visitors.<sup>20</sup>

### 1.3.3. Locations of Sex Tourism and Child Sex Tourism in Honduras

Sex tourism is reported as particularly prevalent in La Ceiba and in San Pedro Sula, and especially in La Ceiba, which has come to be known as a center for sexual exploitation of children by foreigners. This city has the most extensive hotel and telecommunications infrastructure in the country and serves not only as a destination in itself, but also as a jumping off point for tourism destined for the North of the country, including Tela, Omoa, and the Islands of the Bay. The highest incidence of child sex tourism was found in La Ceiba in an ECPAT International/Casa Alianza study.<sup>21</sup> This study also found that the majority of children exploited in La Ceiba were from other regions of the country, including Trujillo and Colón, indicating that trafficking toward more developed areas and tourism centers might be taking place.<sup>22</sup> Overall, San Pedro Sula, Tegucigalpa,<sup>23</sup> La Ceiba,<sup>24</sup> Santa Bárbara, Copán and Francisco Morazán are the main cities where child sex tourism is reported.<sup>25</sup> Casa Alianza estimated in December 2003 that approximately 8,335 children fell victim to commercial sexual exploitation in Honduras.<sup>26</sup> Even though no numbers for Comayagua are available, it is reported that underage prostitution is most visible there.<sup>27</sup> Sex tourism, and at times, child sex tourism activities are to be found in karaoke bars, restaurants, bars and discotheques,<sup>28</sup> indicating that many tourist-related venues are involved. In La Ceiba, prostitution is most visible in Zona Viva, a street along the ocean,<sup>29</sup> where Hotel Partenon is reported to allow "girls in the rooms for no extra charge."<sup>30</sup> <sup>31</sup> Street prostitution in San Pedro

Sula can mainly be found at 7<sup>th</sup> Ave., 1<sup>st</sup> Ave., Estadio Morazan, Hacia la Lima,<sup>32</sup> Los Chorritos, Los Dolores, El Guanacasta, El Obelisco, Parque Central, Parque Valle, Zona hotelera,<sup>33</sup> Suncery, Prado Alto<sup>34</sup> and below La Linea.<sup>35</sup> In Tegucigalpa, it is to be found in the street of Hotel Maya.<sup>36</sup> In Comayagua, prostitution is most prevalent at 5<sup>th</sup>, 6<sup>th</sup>, and 7<sup>th</sup> Avenues,<sup>37</sup> as well as nearby Mercado Zoual.<sup>38</sup> According to Los Niños y Niñas Tienen Derecho a la Privacidad de su Cuerpo (Boys and Girls Have Rights to Privacy of Their Body), an NGO focusing on the Atlantida region of Honduras, the main cities in which sexual violence is prominent are La Ceiba, Puerto Cortes, and San Pedro Sula.

### 1.3.4. Trafficking and Commercial Sexual Exploitation of Children in Honduras

Traffickers are reported to move children from rural to urban areas and from the interior points of the country toward cities on the northern coast, such as San Pedro Sula, Puerto Cortes, Tela, and La Ceiba.<sup>39</sup> Importantly, these are also the cities reported as locations of child sex tourism activity.

Children involved in sexual exploitation come from all around Honduras, including urban, rural and town settings such as Orica, Talanga, Morocdí, Choloteca, Sloreto, and Reitoca.<sup>40</sup> About 63 percent of children in prostitution in San Pedro Sula<sup>41</sup> are reported to originate from Cortés, Santa Bárbara, and Copán.<sup>42</sup> About 35 percent of the children are originally from San Pedro Sula.<sup>43</sup> In Tegucigalpa, the numbers are reversed. There, 63 percent of children in prostitution are reported to have been born in the city, whereas 35 percent originated from elsewhere.<sup>44</sup>

## 1.4. Profile of the Victims and Facilitators

Poverty is a critical factor for entry of children into prostitution. Casa Alianza has attended to more than 10,000 street children who were being sexually exploited, often as a result of their devastatingly poor financial situation.<sup>45</sup> Abuse or violence at home<sup>46</sup> are additional factors that may force children from their homes and into the streets, where they are vulnerable to being sexually exploited.<sup>47</sup> According to Los Niños y Niñas Tienen Derecho a la Privacidad de su Cuerpo (Boys and Girls Have the Right to Privacy of their Body), there has historically been a lack of regard for human rights in Honduras, which has allowed a measure of toleration for sex tourism and other sexual violations. According to this organization, most of the victims of sexual abuse in Honduras are between the ages of six and 15, but all children under the age of 18 are vulnerable. Commercial sexual exploitation accounts for 24 percent of sexual abuse, with less than five percent of the aggressors receiving convictions and sentences. A lack of sexual education in Honduras creates a vacuum of knowledge, and a prevailing culture of machismo drives demand.<sup>48</sup>

Another concern is that young girls are generally found especially attractive because they may still be virgins or have little sexual experience.<sup>49</sup> A study carried out in 2004 by the ILO/IPEC highlighted some of the reasons for the existence of a demand for minors in commercial sex in Central America. Honduras was one of the countries included in this study, in which 445 men from Central American countries were asked if and why they engaged in commercial sexual activities with minors. The results demonstrated that young victims were considered to be easier to control or manipulate, that the bodies of young girls were objects that could be bought, that engaging in sexual contact with a young girl who has no or very little sexual experience was viewed as a status symbol among men, and that this behavior was not seen as constituting a violation of the girls' rights, especially in those cases where the girls have reached puberty. Finally, sexual relationships with minor girls in the commercial sex industry were viewed as relationships of reasonable financial exchange, interactions which were harmless and standard procedure within its context. This was considered to be the case even when interviewees were aware that the activities in question were punishable by law.<sup>50</sup>

Child victims of sexual exploitation are often controlled by adults involved in organized crime, and various intermediaries facilitate the transactions taking place between the children and their "clients."<sup>51</sup> At the same time, as prostitution is not always well organized, many children exploited in prostitution may "work" independently.<sup>52</sup> Taxi drivers often act as intermediaries,<sup>53</sup> utilizing their knowledge of locations where prostitution might be found. Other facilitators include hotel and restaurant employees, bar and restaurant owners, and even local police.<sup>54</sup>

## 2. Initiatives to Combat Child Sex Tourism

### 2.1. Prevention

The Honduran government recently collaborated with UNICEF to implement a public information campaign against trafficking and commercial sexual exploitation, and to raise public awareness regarding children and women's rights. In cooperation with NGOs, the government held seminars on the "prevention and eradication" of commercial sexual exploitation of children in cities of Honduras considered high-risk areas. These cities included: Tegucigalpa, La Ceiba, San Pedro Sula, Santa Rosa de Copan, Puerto Cortes and Tela.<sup>55</sup> The Ministry of Tourism and UNICEF planned to work on a project in the coming years to do more to combat the problem of commercial sexual exploitation of children within the context of sex tourism.<sup>56</sup>

Likewise, Honduras participated in a three-year-long public awareness raising and law enforcement reform project that was launched in Costa Rica, Nicaragua, El Salvador,

Honduras and Guatemala, following the Second World Congress against the Commercial Sexual Exploitation of Children held in Yokohama, Japan in December of 2001. The aim of the project was to enhance existing protection mechanisms for children by encouraging implementation of legislative reforms and improving data collection relating to children, as well as improving existing law enforcement mechanisms and operations.<sup>57</sup>

UNICEF Honduras and the Save the Children Fund carried out a capacity building project for Honduran police, aimed at training the police about the commercial sexual exploitation of children and how to handle these types of cases. A manual was developed with information on appropriate procedures, which police should follow when dealing with cases of abuse and sexual exploitation.<sup>58</sup> The Honduran Institute for Children and the Family (IHNFA) was working with other governmental bodies and NGOs on various issues such as child labor, abuse, street children and their commercial sexual exploitation.<sup>59</sup> The Save the Children Alliance worked in cooperation with the government of Honduras to develop proposed solutions toward preventing child sexual exploitation. This included a demand for better management on the government's part regarding the economic situation of children, education and legislation.<sup>60</sup>

## 2.2. Prosecution

### 2.2.1. Legislative Framework

The Honduran Criminal Code punishes women in prostitution as vagrants. Pimping is prohibited,<sup>61</sup> as are promoting and abetting prostitution by adults of either sex.<sup>62</sup> The punishment for such offenses is two to five years of imprisonment. The same punishment applies to anyone who impedes individuals from “abandoning the practice of prostitution.”<sup>63</sup> The law also requires prostitutes to receive medical tests twice a week in public health centers for the prevention of venereal diseases. Under article 148 of the Penal Code, promoting and abetting prostitution by means of the abuse of power or for the purpose of a financial gain is punished by a fine and imprisonment of five to eight years. This penalty is raised by one-half if the victim is under 18 years of age. The same penalty applies to anyone who impedes individuals from abandoning the practice of prostitution. Article 143 criminalizes the production and distribution of pornography. Punishment for the offense is limited to a fine. (10,000 to 20,000 lempiras). No aggravating circumstance is provided when the victim is a minor. Trafficking in persons for any purpose is punished by imprisonment for six to nine years. If the crime is committed by a public official the punishment is raised by one-third. If a trafficked person becomes victim of another crime as a result of being trafficked, the punishment is raised by two-thirds. There is an effort to include sex tourism into this law as well.<sup>64</sup>

Articles 197, 198, 199, and 200 criminalize abduction of minors, but there is no reference to the commercial sexual exploitation of minors. As Honduras is a member of Interpol, Article 148 of the Penal Code directly addresses child prostitution.<sup>65</sup> To improve its functioning, a reform to Title II of the Penal Code is currently pending in the National Congress.<sup>66</sup> Offenses can also be brought under the Code of Childhood and Adolescence and the Police and Social Contact Law, Article 81, Ch. 6.<sup>67</sup> The Code of Childhood and Adolescence protects the dignity, honor and morals of minors.<sup>68</sup> This Code regulates the use of child labor in Honduras. It provides a list of prohibited jobs. In particular, jobs that affect the morals of children are prohibited. More specifically, Article 123 prohibits child labor in brothels and the use of children in the production of pornographic materials. Article 128 provides that the use of children and adolescents in prohibited jobs is punished by a fine of 5,000 to 25,000 lempiras. When the job affects the morals of children and adolescents, penal and civil sanctions also apply.

### 2.2.2. Law Enforcement Activity

Prosecuting cases of child sex tourism and commercial sexual exploitation of children in Honduras is problematic for a number of reasons. First, only sex with a child under 12 years of age is considered a public crime, and only public crimes can be denounced by anyone and need not specifically be reported by the victim him or herself.<sup>69</sup> Another problem is that Honduras does not have a legal age of consent, but according to other laws, that age may be considered to be 15.<sup>70</sup> Honduran courts are also reported to tolerate sex abuse. Speaking on condition of anonymity, a judge was reported as stating that “if the victim is older than 12,” or “if he or she refuses to file a complaint and if the parents clearly profit from their child's commerce, we tend to look the other way. “Private crimes” are very rarely, if ever, prosecuted.”<sup>71</sup> Nevertheless, a number of arrests have been made of foreign child sex tourists, and several of these men have been convicted and sent to prison either in Honduras or in their countries of origin.

One of the most prominent cases involved Americans Marvin Hersh and Nelson Buhler, who repeatedly abused boys under the age of 18 in Honduras. Similarly, Stefan Irving, arrested as part of *Operation Mango*, which targeted a U.S.-owned and operated child sex tourism “resort” in Acapulco, Mexico, was found to have traveled to Honduras with the intent of engaging in sexual conduct with minor boys.<sup>72</sup> A case in 1998 involved a special education teacher, Daniel Gary Rounds, age 38, from Philadelphia, PA. He was arrested by local authorities and found guilty by a Honduran court of sexually abusing two 12-year-old street boys in La Ceiba. Rounds was sentenced to ten years in prison, but was released after serving only three and half following a successful appeal.<sup>73</sup> In April of 1999, on the basis of information provided



by Casa Alianza, the Honduran Bureau of Criminal Investigation raided “Tony Montana’s,” a nightclub located in San Pedro Sula offering sex with girls. They found participation of underage girls as “exotic dancers,” who danced naked for less than \$5 per song.<sup>74</sup> Anthony Robert Bucellato, an American from Portland, OR, acted as the club’s administrator and had a criminal record. He had previously lived in Roatan, Honduras, where it was also alleged that he sexually exploited young girls. An inside report from KOMO-TV based in Seattle, WA, revealed Bucellato selling 14-year-old girls for only \$120 a night. Charles Kasper, another American, from Tampa, FL, was the owner of the club. Terry Clymire of California, a fourth American man arrested but later absolved, and Russell Scott Williams from Vermont, stated that they were “just clients,” although later reports detailed that they had been involved in administration work for the night club. Judge Nicolas Barahona, the First Criminal Judge of Letters of San Pedro Sula, sentenced Anthony Robert Bucellato, age 43, to nine years and nine months in prison, Charles Edward Kasper, age 63 to six years and six months in prison, and Russell Scott Williams, age 34, to four years in prison.<sup>75</sup> Most recently, Gary B. Evans, likewise a U.S. citizen, was charged with facilitating the travel of others to Honduras for the purpose of engaging in sexual activity with minors.<sup>76</sup>

Two Swiss men were accused of sexually abusing a Honduran girl after having drugged her and forced her to drink liquor. Agrinder Kurt Borje Peter, age 58, and Svensson Ake Lennat Chister, age 55, were arrested and jailed on August 22nd, 1998, in Tocoa, Honduras. Also in 1998, an Australian citizen, Daniel John Stepping, age 35, who used the alias of David John Steppings, was arrested in Honduras, and accused of sexually abusing two 12-year-old girls in the town of El Paraiso. Another Australian citizen, Joseph Dunn, age 55, a notorious pedophile with over 60 criminal accusations of pedophilia against him in Australia, was also arrested in Honduras in 1998. He was deported to the United States, as Honduras had no extradition treaty with Australia. He was immediately deported from the United States to Australia to face charges.

### 2.3. Protection

In June 1999, the General Assembly of the Organization of American States (OAS), at its 29th regular session, held in Guatemala, adopted a resolution (AG3804/99) “to instruct the Inter-American Children’s Institute to deal systematically with the problem of the sexual exploitation of children and adolescents.” However, Honduras was one of nine countries that did not have a plan of action in place for the prevention and protection of victims of the sexual exploitation of children at the time of this conference.<sup>77</sup> According to the latest available information, a National Action Plan entitled “Plan de Acción Nacional para la

Erradicación de la Explotación Sexual Comercial de la Infancia, Niñez y Adolescencia,” was being developed by the Comisión Interinstitucional contra la Explotación Sexual Comercial de la Infancia, Niñez y Juventud, an inter-agency commission, which included NGOs, international organizations and government agencies.<sup>78</sup>

Casa Alianza, a non-profit advocacy group for street children working throughout the countries of Central America, in Honduras supports an outreach group of street educators, a crisis center for children, a transition home, rural based drug rehabilitation programs, a family reintegration program, and a legal aid office for street children. The goal of the organization in Honduras is to recognize and approach the problem and then resolve the underlying issues that are the causes of child sex tourism. Casa Alianza believes that the leading factors that contribute to this problem are a shortage in education opportunities, integral health, materials, and a total lack of rights for the victims. In December of 2003 Casa Alianza opened the “Home Querubines” to take care of 60 children who were victims of commercial sexual exploitation. The majority of the street girls seen by Casa Alianza in their programs in Honduras are victims of prostitution. This house takes care of the children and also uses a mixed strategy, implementing direct support and institutional development. Formal education is especially emphasized, so as to improve the quality of life for these children.<sup>79</sup>

## 3. Bilateral and Multilateral Initiatives

In September 2004, 14 Latin American and Caribbean countries, including Honduras, vowed to create a regional information network to fight a number of crimes that affect the entire region. These crimes included, among others, pedophilia and child pornography. At a meeting on public security in La Paz, Bolivia, the countries pledged to fight these crimes jointly, through activities such as community police schemes, facilitation of information exchange, and others.<sup>80</sup>

## 4. Private Sector Initiatives

No private tourism agencies have yet signed on to the ECPAT International/World Tourism Organization Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism.

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### 1. Overview of Child Sex Tourism in Cambodia<sup>1\*</sup>

#### 1.1. Introduction and Current Trends

In the short period of time since the opening of its borders following the fall of the Khmer Rouge regime, Cambodia has grown into a significant country of destination for child sex tourism. While absolute numbers of sex tourists arriving to Thailand, for example, would likely be higher than those arriving to Cambodia simply by virtue of the magnitude of overall tourism to Thailand, the extent of the problem considering Cambodia's small population and rapidly growing numbers of tourist arrivals is alarming. The problem is likely to continue to escalate if the Cambodian government, NGOs, and the private sector do not take immediate and effective action and lay down long-term solutions to address it.

For the moment, Cambodia remains a relatively undiscovered destination, an exotic country where anonymity is high, and where many children are vulnerable – all variables highly sought out by child sex tourists, especially preferential child sex tourists and pedophiles. In addition, corruption of law enforcement and judiciary bodies in Cambodia is widespread, another incentive for the child sex tourist to consider the country as a low-risk and desirable destination.

The problem has grown quickly in Cambodia, and numerous anecdotal reports cite encounters with middle aged Western men on the beaches of Cambodia openly accompanied by very young Cambodian males or females, often children. Such encounters are also not uncommon in local bars, cafés and restaurants where tourists are known to gather. While abuse takes place in rented houses, guesthouses, hotels or other concealed public spaces,<sup>2</sup> the meeting and “grooming” of the child for abuse often takes place in public, as pedophiles will take the children out to the beach, to cafes or restaurants, or shopping areas and buy them gifts and food. Local NGOs that monitor

street pedophilia, most commonly perpetrated by Western pedophiles, often first notice indications of the potentially pedophilic behavior on city streets.

It remains, however, difficult to quantify the extent of the child sex tourism problem in Cambodia. The principal constraint in gathering data is obtaining raw data, or official statistics. For example, a government official based in Phnom Penh who was initially cooperative, later on did not supply the promised statistical information. The researchers followed up with several interviewees who had assured they would send further data; a response came from some, but actual facts eventually transpired from only a few people. The difficulty in getting hold of raw data makes it harder to present reliable figures on the actual extent of child sex tourism.

Additionally, the problem of trafficking in Cambodia is high. The majority of trafficking into, from and within Cambodia—a country of origin, transit and destination for the trafficking of women and children—takes place for the purpose of sexual exploitation.<sup>3</sup> Women and children typically move from their hometowns in remote, rural areas such as Prey Veng or Takeo (or urban slums) to more urban cities, for instance, Phnom Penh, Siem Reap and Sihanouk ville as well as border areas including Poipet and Battambang.<sup>4</sup> These are also the cities where the largest concentrations of tourists may be found. As these cities continue to attract a greater number of tourists and become more developed, there will be an increased perception of opportunity, both for Cambodians seeking better opportunities, and those seeking to make a profit from trafficking and sexual exploitation in such locations. More children and young women may, as a result, find themselves in a position vulnerable to abuse.

Phnom Penh, Siem Reap and Sihanouk ville are the main destinations for tourists traveling to Cambodia; the same applies to sex tourists. Offenders in Cambodia consist more of opportunistic sex tourists rather than full-fledged pedophiles, however the pedophiles are most often the ones apprehended and generating the most

media attention. Perpetrators originate from South Korea, China, Japan and the U.S. primarily; however sex tourists are also known to have come from France, Germany and Australia. Again, it is normally the Western tourists that tend to generate the most attention, even though Asian perpetrators are most commonly cited by those working in Cambodia on the issue of child sex tourism as the main perpetrators. Additionally, the vast majority of perpetrators of commercial sexual exploitation of children in Cambodia are local Cambodians.

## 1.2. Tourism

Tourism is steadily rising in Cambodia. In the year 2000, 466,365 visitors arrived in Cambodia; this figure rose to 786,524 in 2002. In 2004, the number of tourists arriving in Cambodia – 1,055,202 – was a 50.53 percent increase over the previous year. Figures for 2005 had already exceeded one million as of December 2005, and this data set included just the months of January through September; the projected total for 2005 was 1.3 million tourists<sup>5</sup> [this was the projected number provided by the Ministry of Tourism to researchers in December of 2005; according to the latest available statistical data obtained from the Cambodian Ministry of Tourism website, the actual number of tourists that arrived to Cambodia in 2005 exceeded these projections, and totaled 1,421,615 arrivals].<sup>6</sup>

If tourism rates continue to rise at these rates, the Ministry of Tourism predicts that 3,120,000 tourists will visit Cambodia in the year 2010.<sup>7</sup> Cambodia has much to offer in terms of culture, nature and history and at present it remains still relatively new as a tourism destination on the map. Compared to neighboring Thailand, Cambodia is undiscovered, mysterious, exotic and inexpensive. These characteristics appeal to many tourists, including those who might engage in sexual activities with minors. While the growing number of tourists will certainly bring significant benefits to both the economy and development of Cambodia, tourism may likewise have a harmful impact.

With the increase in tourism, there will likely continue to be an increase in sex tourists, unless law enforcement becomes stricter, in which case sex tourists will look for a new destination. Tourist arrivals will indeed continue to rise, especially with the re-opening of the airport in Sihanoukville planned for 2006 and chartered boats that have already begun bringing visitors over from Malaysia. There are also plans to organize a festival including music, sports and culture that would attract even more tourists.

Table 1: Tourism Statistics for Cambodia.

### Year 2004: Top Ten Market Arrivals to Cambodia (Total = 1,055,202)<sup>7</sup>

Country of Origin	Number of Visitors	Percent Share of Total
South Korea	128,423	12.2%
Japan	118,157	11.2%
United States	94,951	9%
United Kingdom	64,219	6%
France	58,076	5.5%
Thailand	55,086	5.2%
Taiwan	53,041	5%
China	46,325	4.4%
Vietnam	36,511	3.5%
Philippines	32,910	3.1%

### Year 2005: Top Ten Market Arrivals to Cambodia for the Months of January-September 2005 (Total = 1,005,648)

Country of Origin	Number of Visitors	Percent Share of Total
South Korea	160,559	16%
Japan	95,760	9.5%
United States	78,420	7.8%
France	50,070	5%
United Kingdom	49,459	4.9%
China	42,750	4.3%
Taiwan	42,688	4.2%
Thailand	41,905	4.2%
Vietnam	35,655	3.5%
Australia	32,795	3.3%

## 1.3. Child Sex Tourism

Twenty-two travel agents and tour operators participating in a study conducted by World Vision Cambodia in collaboration with the Ministry of Tourism and the Cambodian National Children's Council in 2001 estimated that 21.7 percent visitors traveled to Cambodia for the purpose of sex tourism (32.5 percent for cultural tourism, 25 percent for business and 20.8 percent for official visits).<sup>9</sup>

Various reasons might explain the apparent increase of sex tourism in Cambodia. On the one hand, the tourism industry is quickly expanding in Southeast Asia and Cambodia in particular. Low budget airlines that have existed for some time now in Europe are starting to emerge in Asia, allowing more people to travel.<sup>10</sup> Cambodia may be considered a 'new' destination for sex tourism: it is still relatively undiscovered and as such has the image of being mysterious and exotic while remaining cheaper than neighboring Thailand.<sup>11</sup> Moreover, the Thai government is said to be cracking down on sex tourism, compelling sex offenders to find a new destination. And as Cambodia appears to be well known for its lax law enforcement, pedophiles and opportunistic sex tourists alike have come

to explore the scene. Another factor that must be taken into account is the desperate position so many families find themselves in, resulting from extreme poverty. Many children are compelled to find income to support their family and often end up in the sex industry. Alternatively, they may be sent to work in the streets as shoe-shiners, or books or souvenir sellers, or as beggars, placing them in a vulnerable position. And the culture in Southeast Asia being one where elders are highly respected, children are brought up to do what adults tell them to. It follows that when foreigners ask something of them, they are unlikely to refuse.<sup>12</sup> This may especially be the case when the adult is a foreigner, keeping in mind Cambodia's history as part of French colonialism in Southeast Asia, and regional notions of respect and hospitality.

### 1.3.1. Foreign Child Sex Offenders in Cambodia

Situations of child sex tourism in Cambodia, as elsewhere, can vary; different perpetrators may display various preferences, but many follow a similar pattern to seek out children for the purpose of having sex. Sex tourists come from diverse backgrounds and from all around the world.

Some people travel to Cambodia with the sole intent to engage in sexual activities with a minor, some are merely there for business, others take the opportunity to have sex with minors when it presents itself, and some may not even be concerned with making a distinction between a minor and an adult. However, the majority of sex tourists do not necessarily travel to Cambodia intending to engage in sexual activities with underage children. A considerable number of tourists while on holidays far from home are tempted by the availability of young children ready to accompany them back to their hotel or guesthouse for a small fee. This opportunistic behavior is amplified because they know that the likelihood of being caught is slight and in any event, law enforcement is weak and may be corrupted. This category may be considered as “situational” sex tourists: they do not leave home intending to have sex with a child, but when the opportunity comes along, they take it.

There also seems to be some connection between adult and child prostitution in Cambodia. Many “situational” offenders begin by seeking adults in prostitution and then because it is so cheap and accessible, they eventually engage in sexual activities with a minor. Some persons do not care how old a prostitute is or simply believe the age a child gives them (even though it may not be convincing).

One may differentiate between “situational” sex tourists and “preferential” child sex tourists. Preferential child sex tourists seek minors exclusively, and some of these may be pedophiles, if they tend to be adult males who seek to engage in sexual activities with young boys or girls, typically age 12 or younger. Some perpetrators are single, some are married; some claim to love their child victims in their own way. Others “believe that going abroad to sexually abuse a

child is acceptable and that they are actually helping poor people support their families.”<sup>13</sup>

Sex offenders may be tourists (first-time or regular) or foreign residents in Cambodia. Some offenders living in Bangkok regularly visit Cambodia; they know who to talk to, where to go, they arrange for girls (or boys) to be brought to them and they leave the country before anyone has the opportunity to suspect them. The average age of offenders who have been arrested in Cambodia is 45 years old. A recent arrest made in December 2005 resulting from an investigation by Action Pour les Enfants (APLE), a French NGO based in Phnom Penh, involved a 26-year-old Australian national who had been living in Phnom Penh over the last few months. Six children aged between 11 and 14 testified to having been abused by the man, and a seventh had witnessed the abuse. The Australian confessed to having committed acts of debauchery.<sup>14</sup>

Comparing 2004 and 2005, the countries of origin of ordinary tourists arriving in Cambodia differed very little. In fact, the three most frequent nationals coming to Cambodia were the same for both years. South Korea was the most frequent country from which people traveled to Cambodia, then Japan, and the third most common nationality of visitors to Cambodia was American. France and the United Kingdom (UK) were fourth and fifth respectively in 2004 whereas in 2005 France exceeded the UK.<sup>15</sup>

There is no direct link between a tourist's origin and his or her willingness to engage in sexual acts with young children. Sex tourists originate from Cambodia, other parts of Asia, and Western nations. Documented countries of origin of child sex offenders in Cambodia include Australia, Belgium, Canada, China, France, Germany, Korea, Japan, the Netherlands, New Zealand, Switzerland, the UK and the U.S. Nationals of these countries traveled to Cambodia and engaged in sexual activities with minors. Since APLE was set up, the French NGO has assisted in investigations that have led to the arrest of 23 suspected sex tourists. Among these, six suspects originated from the USA; there were four French citizens, four Dutch nationals, two Australians, two Austrians, one Belgian, one Canadian, one New Zealander and two suspects from the UK.

However, foreign nationals might actually comprise a small percentage of sex offenders in Cambodia. Calls made to the hotline set up by the Ministry of Interior typically report many local suspects.<sup>16</sup> At the same time, this may not reflect the real situation as several interviewees complained that the hotline was not accessible to English-speakers. (The researcher from COSECAM, Ms. Caroline Putman-Cramer, called the hotline number twice: nobody picked up and the third time somebody answered but hung up when asked to speak to an English-speaking person.) Despite the fact that the majority of demand comes from Khmers, and the foreigners most involved in sex tourism appear to be

Korean, Japanese and Chinese nationals, it is Western sex tourists who receive the most media attention.<sup>17</sup>

The police commonly obtain information from NGOs that will enable them to carry out an arrest. For investigation purposes, Westerners stand out from the crowd so it is easier to detect suspicious behavior on their part. In addition, Westerners tend not to be organized and slightly naïve, resulting in a higher likelihood of them being discovered. The more organized sex offenders are not caught, and perhaps do not remain in the country long enough for this reason.<sup>18</sup> According to World Vision Cambodia, which has been working on sex tourism for quite some time, known sex offenders originate from China (including Taiwan and Singapore), Japan, France, Australia and the U.S.

Different nationalities utilize different recruitment methods. Chinese offenders include both tourists and residents; they do not all opt for young girls but some of them seek out virgins (for supposed rejuvenation) ranging from 12-16 years old. They do not approach children in public, arranging instead for a child to be brought to their hotel or residence. Sex offenders of Asian origin generally tend to use the phone to procure girls or young women, whereas Westerners are more likely to go out and make direct contact with the children (some applying the ‘grooming’ technique for instance). Persons involved in street pedophilia are typically Western men who target underage boys, whereas Chinese and Japanese nationals rather tend to go to brothels where young girls are more predominantly found than on the streets.

### 1.3.2. Main Destinations of Child Sex Tourism in Cambodia

Sex tourism occurs in various Cambodian cities, such as the capital Phnom Penh, the tourist destinations Siem Reap and Sihanouk ville, as well as in the border provinces Battambang and Banteay Mancheay.

Sex tourism appears most prevalent in Phnom Penh, Siem Reap and Sihanouk ville, which are the three principal destinations tourists travel to while visiting Cambodia. According to the Ministry of Tourism, sex tourism also takes place in the eastern part of the country, which attracts eco-tourism.<sup>19</sup> However, the present study only examined the three most popular tourist destinations, which form the focus of the discussion below, including discrepancies between the incidences of sex tourism in each location.

#### 1.3.2.1. Phnom Penh

In each city, specific areas or neighborhoods may be identified where sex tourists may be found. For instance, they may be seen in or around brothels or other entertainment clubs such as karaoke bars, beer gardens or massage parlors. Alternatively, they may frequent the typical “tourist” areas, such as the riverfront in Phnom Penh, along Sisowath Quay, as a result of which street children begging or

selling souvenirs will also be found there in large numbers. Michael Lewis Clark – a U.S. citizen convicted for sexual misconduct with minors – wandered along the riverside looking for victims; he tempted children with food, money and candy in addition to offering to teach them English.<sup>20</sup>

Recruitment methods vary depending on whether the targeted child is a boy or girl. Sex tourists meet their victims in a public tourist place or in an entertainment club, but most often if it is a girl they take her back to their hotel or guesthouse – or residence, if they are living in Cambodia. Bars in Phnom Penh where girls are plentiful include Martini’s, Walkabout (open 24 hours) and Sharky’s. According to an employee working at a guesthouse in Phnom Penh, guests normally bring adult prostitutes, aged about 20 years old, back to their room. Hotel employees perceive this as rather normal behavior where it concerns girls but not for boys. Once, a guest attempted to take a young shoe-polish child up to his room; both the guest and the little boy were asked to leave.

#### 1.3.2.2. Siem Reap

Siem Reap has long been a popular destination for people traveling to Cambodia owing to the grand temples of Angkor Wat. Recently, however, it has also become known as a location for sex tourism; massage parlors, nightclubs, karaoke bars and the like have been established.<sup>21</sup> In Siem Reap, sex offenders are not necessarily tourists but also comprise foreign residents who either teach English or run a business. A few foreign residents have in fact been arrested for engaging in sexual activities with children who they had brought home – these are people who are there long-term, not visitors who stay a mere two or three days. Short-term tourists looking for sex tend to go directly to a brothel or perhaps to a nightclub or karaoke bar. Several informants from travel companies said that sex offenders typically travel alone rather than as part of a tour group, because in the latter they have both a timetable and a guide. Children appear to have become familiar with the special requests of various visitors, so now a child might smile in a certain way to a passer-by to let him know that sexual services are on offer. Some children who sell souvenirs may also offer sex; they are not old enough to work in a brothel so they venture out to try and find customers on their own.

In Siem Reap, children selling mementos or books tend to linger round the Angkor Wat temples or near places tourists go to eat and drink. In Siem Reap, specific areas are reportedly set aside for Japanese and other Asian tourists, including hotels which are anything but “child-safe”.<sup>22</sup> In Sihanouk ville, the beach is popular both for regular tourists and sex offenders. Children there sell fruits or bracelets, or collect cans, and they are very much at risk of abuse. Tourists are said to buy from these children out of pity, including some who will also offer money or food. The result is that they bring the child with them back to their hotel; after having received gifts or money, the child



feels that (s)he cannot refuse a tourist's request to follow him. Sex offenders have also been said to pick up children who loiter by the market in the town center.

### 1.3.2.3. Sihanouk ville

Sihanouk ville is a beach resort tourist destination, although the number of foreigners living there is increasing.<sup>23</sup> These foreigners might come for a few months, or a year, and among them are child abusers. They know where the children linger, so finding them is very simple. Often, one man will repeatedly abuse the same child for a period of time. As Sihanouk ville is relatively rural, it is considerably easy for people to take a child to a quiet, isolated area unnoticed.<sup>24</sup>

It is common for a perpetrator to pay \$2-5 for the night, although children rarely stay with them the whole night. If they do they will earn more; a child from a M'lop Tapang center received \$10 for an entire night.<sup>25</sup> Sometimes children receive gifts along with, or instead of, money – but there is almost always some money exchanged.

A number of factors contribute to making it easier for perpetrators to remain undiscovered and more difficult for those working to prevent child abuse. First, there are very few NGOs operating in Sihanouk ville. Since the aid organizations there lead the monitoring of child abuse cases (rather than the police), their small number allows for gaps in the monitoring to develop. Secondly, as offenders are often long-term residents, fewer incidents occur within hotels and guesthouses but instead in private homes, which make investigations more complicated. For investigators to linger around private homes is more difficult because it is conspicuous and fewer excuses can be made for being there. Finally, Sihanouk ville is a small community where everybody knows everyone else, making it difficult for investigators to remain anonymous.<sup>26</sup> A great number of offenders also may get involved in an occupation that bring them closer to children, and allow them to build up a relationship of trust with them. A number of children claim to have been abused by a Dutch national who set up a school in Sihanouk ville; the case is still under investigation. Alternatively, offenders might build a relationship with a child and his or her family, and offer to fund the child's education.

As far as tourists are concerned, those looking for sex in Sihanouk ville are more likely to stay in one of the smaller, cheaper guesthouses. Serendipity and Ochhoeuteal beaches appear to be popular with those seeking sex services. Girls working at some of the bars in the area are employed as waitresses or cleaners. They are offered what is a lot of money for them – an opportunity for them to provide for their family – for their bodies as well as their discretion. According to a tour operator employee, many business owners in the area either tell their guests where to find (underage) girls, or provide them with girls. According to

one of the local travel agents, there is a place named “B Bar,” located in the outskirts of Sihanouk ville, which is rumored to offer girls aged 14-16 years old; customers are a mixture of tourists and young Khmer men.

There seems to be a general idea among child sex facilitators regarding the age at which a girl can be offered. In a study conducted to assess the situation of pedophilia in Sihanouk ville in June 2005, two Western researchers posing as pedophiles visited a well-known brothel near the port and noticed a few young girls estimated at 10-14 years old who were offered to them for the purpose of having sex. When they asked for a younger girl, they were presented with a girl of 11-12 years old. When they asked a motodup for an even younger girl, the driver refused to assist them and drove off.<sup>27</sup>

### 1.3.3. Contact between Children and Child Sex Tourists

Some sex tourists approach children directly – by offering them food or money that will persuade them to follow the man to his hotel, guesthouse, or other quiet place – while other perpetrators will use an intermediary. Some sex offenders apply the ‘grooming’ technique, a procedure during which a pedophile takes time to build a relationship of confidence with a child so that eventually the child will have sex with him more easily. Because the whole process takes a certain amount of time, it is a tactic employed mostly by foreign residents, rather than tourists. The offender will start by becoming acquainted with the child and perhaps the child's family as well. Employment in the child sector (such as teaching or social work) is common among such persons as it makes the initial phase easier and quicker. Subsequently, the perpetrator will attempt to determine what the child (and family) need, and provide it for them. The man might offer gifts to the family, sponsor the child's education or even provide them with a place to live. Eventually the family becomes dependent on this man. When the relationship between man and child is stable enough, the perpetrator will begin the seduction phase. When the man abuses the child, the family is unlikely to denounce him – even if they are aware of the abuse – because they need him and feel indebted towards him for all he has done. For instance, a young girl in Battambang was abused from the age of eight till twelve; her family knew of the on-going abuse but did nothing to stop it or report it.<sup>28</sup>

Intermediaries or facilitators are persons who bring together sex offenders and vulnerable children. They include taxi and mototaxi (“motodup”) drivers, tour guides, travel company employees, hotel/guesthouse staff, brothel owners, as well as children themselves. Foreigners (both residents and tourists) may also act as intermediaries for future visitors by telling their friends about their sexual experiences and how to go about finding sex services – either via e-mail or once they return to their home country.

### 1.3.3.1. Facilitators: Taxi and Mototaxi Drivers

Based on documentary research and interviews with various people working in different sectors, taxi and mototaxi drivers appear to be the persons most frequently acting as intermediaries between potential offenders and vulnerable children.<sup>29</sup> A tourist might approach a taxi driver and request to be brought to a “maison de passe” (a brothel containing prostitutes above and below 18 years old of both Khmer and Chinese origin), which the driver is likely to do for a little extra money (according to a Phnom Penh travel agent). Foreigners may request that a taxi driver find an underage prostitute for sex; the driver will look for a child, bring her to the tourist and sell her time. However, most often, tourists will ask mototaxi drivers to bring them to a place where they can find sex services without specifying a preferred age of girls (one mototaxi driver in Sihanouk ville estimated that 30 percent of his customers made such a request). He usually brings customers to New Village, a popular brothel area in Sihanouk ville. But there are also customers who ask for young girls in particular; the driver interviewed was unable to estimate the girls’ age but said they appeared small and young. Another mototaxi driver questioned in Sihanouk ville said he asks customers whether they are interested in finding a girl for sex; about one in ten people respond positively, so he takes them to a brothel. He has also brought girls – aged 15 to 17 years old – to a visitor’s guesthouse upon request (an estimated one or two persons out of ten). A mototaxi driver from Siem Reap said customers typically asked him to find them a girl for the night; he then looks for a girl who offers sexual services and brings her to the customer’s hotel or guesthouse. Another driver said visitors only ask for the location where sex services can be found; actual contact with individual girls or young women is made by the customer himself. Yet another driver from Siem Reap revealed that men inquired after adult male prostitutes – no children – and he has even been offered between \$50-100 to sleep with customers (which was refused). He also brings customers to brothels, Hollywood being a popular place, where he asks the brothel owner to charge extra for a prostitute so that he gets the surplus in commission.

There is no guarantee that a mototaxi driver will receive extra payment for bringing somebody to a brothel, although it is more often the case than not. Normally, if a man chooses a girl from the brothel that the mototaxi brought him to, the driver will get commission from the brothel. This may not be the case with the more popular brothels, however. According to a mototaxi driver from Sihanouk ville, he receives a commission of \$1-2 from brothels. In order to obtain commission, yet another mototaxi driver explained that he tells the customer to pay the woman in prostitution \$12, although she only charges \$10, so that he may keep the two extra dollars. Indeed, the customer will usually pay \$1-2 to the mototaxi driver. There seems to be a higher commission in Siem Reap for

the services of a facilitator. According to a mototaxi driver there, a girl will receive \$20 for a whole night; both the girl and the customer will give the driver about \$2. A mototaxi driver in Phnom Penh said it was very rare to receive a commission for bringing people to brothels – if he did, he received one dollar – but he had never brought a child to a client’s hotel or guesthouse. Another mototaxi driver in Phnom Penh has been asked by hotel receptionists a number of times to bring a prostitute to the hotel, for which he typically receives one dollar from the hotel upon arrival. When taxi drivers bring a girl to a hotel or guesthouse, they will normally wait there until she has finished serving her customer. Then the driver charges her for the transport as well as the opportunity; for instance if she received \$20, he will take at least five dollars.

It must be recognized that not all mototaxi drivers are involved in facilitating sex tourism. For instance in Phnom Penh, of the seven mototaxi drivers who were approached for this study, only three acknowledged being a facilitator and answered the researcher’s questions. Of the four others, two claimed that they never had foreign passengers, one said he knew nothing about child sex tourism and the fourth was afraid to answer any questions for fear it would cause him trouble. A travel company employee in Siem Reap explained that some mototaxi drivers will take customers to brothels but they will not bring them to a place that offers underage girls for sex, because they are afraid of being caught and sent to prison. A study published last year referred to a new regulation forbidding mototaxi drivers from transporting a Western man and Cambodian child together on their motorbikes.<sup>30</sup> Although such a regulation would appear difficult to enforce it demonstrates the will on behalf of local authorities to fight child sex tourism.

### 1.3.3.2. Facilitators: Hotel/Guesthouse Staff

The role of intermediary played by hotel or guesthouse employees might involve a front desk employee arranging for a girl to visit a guest in his hotel room. Alternatively, owners of an establishment might simply turn a blind eye to what is happening in front of them because they are afraid of losing customers. The majority of hotel and guesthouse staff questioned for this study stated that their guests regularly brought adult prostitutes back to their rooms. Children were less often reported to have been brought back with guests. Several hotel and guesthouse employees believe that guests are aware it is illegal to engage in sexual activities with children (from the posters and films on the main roads and in the airports). Visitors will normally ask hotel staff where they can find sex services, but rarely inquire specifically about child sex. The female employees spoken to had never been asked about sex services, purportedly because they are women. Some staff members said that guests would not ask directly about sex services but would ask for a woman who could give a ‘massage’ or provide “entertainment”. A man working for a travel

company in Siem Reap used to work as a hotel receptionist; from his experience customers often requested sex and it is something that is requested in all hotels. Another travel agent employee explained that hotel staff on the night shift are known to facilitate the procurement of girls for clients – especially for a small tip.

There were a few reports of guests who tried – and succeeded – to bring young girls back to their hotel room. According to the practice of a mid-range hotel in Phnom Penh, for instance, staff members have allowed visitors to bring in young girls to their room, not knowing whether or not they are underage. The employee questioned estimated that the age of the girls being brought to guests' rooms must have ranged anywhere from 16 to 22 years old. If a man enters with a girl who is evidently underage, the employees do not want to do anything as it may have a negative effect on their business and tourism in general. Guests often ask at the front desk where the bars with the girls are (without specifying an age though). If a guest requests a massage in his room, the staff will arrange for a girl or young woman to go to the client's room and provide sex as well, if it is wanted. Apparently, hotel employees commonly arrange this sort of thing.

However, a number of hotel employees are aware of the proper action to take if they witness suspicious behavior: report the incident to the police by calling the hotline number. Although that may not happen as often as one would hope, there are a few instances of hotel staff explaining Cambodian laws to guests who request sex. An employee from a mid-range hotel in Siem Reap who was interviewed, told the researchers that tourists have brought minors back to their hotel room, although he is not sure of the exact age of the girls. Not wanting to upset their guests, hotel staff members do not always prevent this from happening.

### 1.3.3.3. Facilitators: Tour Guides and Tour Operators

Tourists traveling in a group tend to rely on their guide for important facts as well as local tips. Visitors taking a trip as part of a tour group almost inevitably ask their guide where to go for sex services. There seemed to be a recurring response from travel companies to questions on this issue: if the client needs something, any kind of information, the tour guides are there to help, so they must assist with all of clients' queries. "Customer is King" was cited on more than one occasion to explain that travel agents will help their clients in any way they can. One man working for a travel company told the researchers that if a visitor has a question that the tour guide is unable to answer, this will have a negative impact on their business. They inform clients where the brothels or girls are, but at the same time they will warn them about relevant laws and rules in Cambodia. The respondents who acknowledged that tour guides have a role in facilitating access to sex for visitors were unable to specify the age of the prostitutes

who tourists were put in contact with. Even if they do not provide direct access to minors, they are still encouraging the sexual exploitation of children, or at the least putting Cambodian children at a higher risk than they otherwise would be. A human rights worker in Phnom Penh told the researchers that he knew of two tourist agencies acting as intermediaries between girls and tourists; he either did not know or did not wish to reveal their names. He also stated that with the increased use of the Internet, facilitation had become simpler, possibly resulting in a greater incidence of child sex tourism.

One travel agent claimed that if a tour guide becomes involved in child sex tourism, his services will no longer be utilized; the same applies for partners including hotels and guesthouses they send visitors to. A hotel employee in Sihanouk ville told the researchers that his friend brings tourists from Phnom Penh down to Sihanouk ville; they ask for young women, according to the tour guide, but not minors. He asserted that visitors understand the law both at home and in Cambodia, and they are aware that child sex is a crime. Another respondent who works for a tour operator held a similar view: he said that people inquire about sex services, but they are afraid to ask about underage girls because they know it is illegal. When they ask about sex services, this man shows them the brothel areas on the map as he is too busy to take them himself.

### 1.3.3.4. Facilitators: Other

The principal facilitators are undoubtedly the taxi and mototaxi drivers, hotel/ guesthouse owners and tour guides. However, these are not the only individuals acting as intermediaries between vulnerable children and sex tourists; trends are constantly evolving, even in the sphere of sex tourism. Children who have been exploited might persuade younger counterparts to enter the sex industry so that they can become their pimps for a living. These pimps are known as "bong thom" or "big brother"; they typically range from 15 to 17 years of age and offer children (aged 10 or more) from their gang to a child sex offender for a price. Children are more and more aware of what child sex tourists want, and what brings in good money quickly; consequently, they have started approaching tourists proposing sex. Some individuals already exploiting children who work on the streets as sellers or shoe-shiners will coerce them into prostitution, in order to make more money off them. Brothel owners may also act as a go-between linking visitors and girls; a tourist contacts a brothel owner who then provides a girl for the visitor. In addition, foreign residents might inform friends or other potential child sex offenders in Cambodia or back home that obtaining sex services in Cambodia is available, cheap and easy. An emerging means of coming into contact with young and vulnerable children is becoming visible; foreigners are increasingly venturing outside the tourist areas of cities and heading into smaller, rural villages. There, they know they will find children and

families who are even more poor and desperate. This is most worrisome because it will spread the areas affected by child sex tourism and will likely encourage more children to migrate to city streets where many tourists are found.

## 2. The Link Between Child Sex Tourism and Child Trafficking

### 2.1. Trafficking in Cambodia

It is difficult to obtain accurate figures on the number of individuals in the sex industry; moreover, estimates are proposed without an explanation as to how or where they were obtained. Research was conducted on the sexual exploitation of children in tourism which found that the number of prostitutes in Cambodia ranges from 40,000 to 100,000 (30-35 percent of which UNICEF estimates are children).<sup>31</sup>

In 1997, the National Assembly conducted a comprehensive survey on the number of women in prostitution in Cambodia and found there were approximately 23,000 girls and young women working in brothels. The research did not include girls in karaoke bars, or beer promotion girls (indirect sex workers),<sup>32</sup> however.<sup>33</sup> Professor Steinfatt carried out a study aiming to determine the number of trafficked persons in Cambodia in 2002. The research considered women who were sexually trafficked (excluding those who were trafficked for other purposes) to Cambodia, Cambodia being their final destination; women trafficked from Cambodia to another country were not included in the study. The “best estimate” for the total number of sex workers in Cambodia was found to be 20,829 and 2,488 women were likely to have been trafficked to Cambodia for sexual purposes.<sup>34</sup>

### 2.2. Trafficking and Child Sex Tourism in Cambodia

According to data received from the Department of Health, there are approximately 1,000 indirect and direct “sex workers” in Sihanouk ville.<sup>35</sup> Victims of child sexual abuse are principally street children from the town itself and surrounding villages (children travel to the coastal town in hope of finding work). Cambodian women are regularly trafficked to Thailand and Malaysia, quite often for the purpose of working in the tourist industry, more specifically to provide sexual services for tourists. Moreover, while Vietnamese women and children were once trafficked into Cambodia in large numbers, it appears that fewer are crossing over the border nowadays. Trafficking into Cambodia still takes place, although girls and young women also come to Cambodia for what they perceive as an opportunity to earn money and a more lenient government.

However, as tourism continues to rise in the most popular tourist destinations that are Phnom Penh, Siem Reap and

Sihanouk ville, victims of trafficking will increasingly be directed there. Individuals will travel from rural provinces such as Pursat, Prey Veng or Kompong Thom to Phnom Penh, Siem Reap and Sihanouk ville, likely in search of employment opportunities. Child sex tourism may be considered a component of trafficking under “other forms of sexual exploitation.” Looking at the elements in Article 3 of the UN Trafficking Protocol, it can be said that children are “recruited” either directly, applying such techniques as “grooming” or via intermediaries. Abduction may not necessarily be part of the process, although children are undoubtedly deceived with various promises made by the perpetrator to persuade them to accompany him. The individual offering gifts of food or money is definitely in a position of power and using the child’s vulnerability to achieve his objective. And there is always the exchange of some money, food or other gift for the services provided by the child. Consequently, it may be said that the two phenomena are inextricably linked.

## 3. Government Initiatives to Combat Child Sex Tourism in Cambodia

### 3.1. Overview

Cambodia has signed and ratified several regional and international agreements to supplement its laws in order to protect its children. The government is currently reviewing a new trafficking law and drafting a new tourism law that will address the exploitation of children in the tourism context more effectively. Law enforcement agencies and police units have increased efforts to arrest offenders and rescue victims of sexual exploitation. Cambodia approved the National Five-year Plan of Action against the Commercial Sexual Exploitation of Children. The Plan was adopted in 2000 and highlights the importance of protecting child victims of sexual exploitation amongst other things. The Plan is part of a national campaign by both governmental and non-governmental agencies to eliminate sexual exploitation of children in Cambodia. The Cambodian National Council for Children (CNCC) is currently drafting a new five-year national plan of action (2005-2009) for the government, addressing trafficking in people for sexual exploitation, which contains a section on preventing child sex tourism and promoting positive tourism in Cambodia. The plan is meant to contain stricter policies and specific responsibilities that will be assigned to each Ministry.

### 3.2. Prevention

#### 3.2.1. Prevention Initiatives Observed upon Arrival to Phnom Penh International Airport

Researchers were impressed with the attention being given to prevention efforts toward enhancing public awareness



among tourists of the problem of child sex tourism in Cambodia.

Upon arrival at the international airport in Phnom Penh, researchers were handed a map of Phnom Penh, which included as the back cover a warning against engaging in sex with children in the country. Researchers found the same warning on the back cover of the Phnom Penh Visitors Guide (Figure 1).<sup>36</sup>

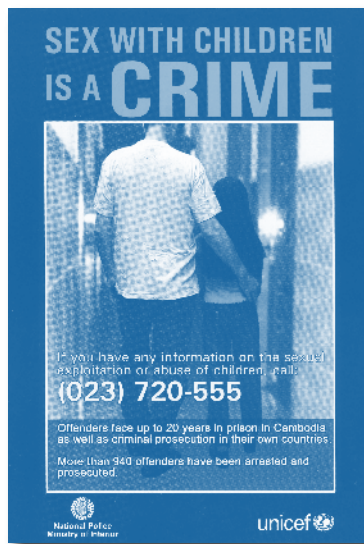


Figure 1: "Sex with Children is a Crime" - warning found on the back cover of the Phnom Penh Visitor's Guide and the Phnom Penh map received upon exiting Phnom Penh International Airport on arrival.

The would-be tourist is again reminded that the law is watching not only in Cambodia but also in the tourist's country of origin by billboards warning against child sex tourism found upon driving away from the Phnom Penh international airport into the city. World Vision and the Cambodian government have erected billboards to this effect upon exiting the airport.

For those tourists traveling or arriving from Siem Reap, yet another warning may be found inside "Cambodian Scene," a locally and privately published English-language color magazine about all things Cambodian. The magazine is distributed widely through bookstores, hotel gift shops, service stations, supermarkets, airport lounges (domestic and international), and Cambodian embassies overseas. It has a circulation of about 7,000 increasing to 10,000 during peak travel periods.<sup>37</sup> Additionally, the magazine may be received compliments of the Royal Khmer Airlines. In its November-December 2005 issue, the first page following the table of contents included a warning against child sex tourism produced by World Vision (Figure 2).

### 3.2.2. Prevention Initiatives Led by the Ministry of Tourism of Cambodia

The Ministry of Tourism (MoT) ought to be commended for its work in combating child sex tourism.

The Ministry began its work on child sex tourism in the year 2000, operating at both the national and provincial levels. It launched the Child Safe Tourism Project in collaboration with World Vision Cambodia and Children Assistance for Mobilization and Participation (CAMP) in 2001.



Figure 2: World Vision warning against child sex tourism in the "Cambodian Scene" magazine.

The Ministry of Tourism has designed a plan for Child Safe Tourism which will be implemented by the MoI, the Ministry of Social Affairs, Veterans' Affairs and Youth Rehabilitation (MoSAVY), the Ministry of Labor and Vocational Training (MLVT), the Ministry of Women's and Veterans' Affairs (MoWVA) and itself. After a preliminary survey was conducted, a program was devised for the implementation of the plan.

The program includes education, awareness raising, training courses and workshops for hotel and guesthouse owners, tour guides, and taxi drivers. Continuous education is being provided to target groups including children, law enforcement agents, people working in the tourism industry, airlines, and residents in tourist destinations.



Figure 3: Title on the cover of the Child Safe Tourism Booklet produced by the Ministry of Tourism of Cambodia which includes the Cambodian Trafficking Law of 1996 in its entirety.

The Ministry of Tourism is collaborating with other organizations to raise awareness among hotel and guesthouse owners and employees as well as taxi and mototaxi drivers. For the moment, it does not appear to be a great success: few cases of child sex tourism have been reported by hotel owners, most probably because they are afraid of losing business. Moto/taxi drivers continue to provide women (and some of them, *children*) for tourists. The Ministry has so far provided training to tourist police officers, officers within the Department of Anti-Human Trafficking, Ministry of Tourism officials, Child Safe Tourism Commission (CSTC) members, tour guides, tourist associations, tour agencies, children at tourist sites as well as business owners near tourist places, beginning with the training of trainers (ToT).

The target group is wide-ranging and consists of all those involved in the tourism sector or otherwise in contact with tourists.

Circulars have been issued forbidding tourist establishments to permit minors to stay in hotels or guesthouses unless accompanied by their parents.

The Ministry of Tourism has also produced booklets on “Child Safe Tourism” (which include the 1996 trafficking law in its entirety) (Figure 3).

These colorful booklets provide an overview of major Cambodian attractions by virtue of lively short texts and beautiful color photos, all the while reminding the tourist that Cambodia does not tolerate the sexual exploitation of its children.

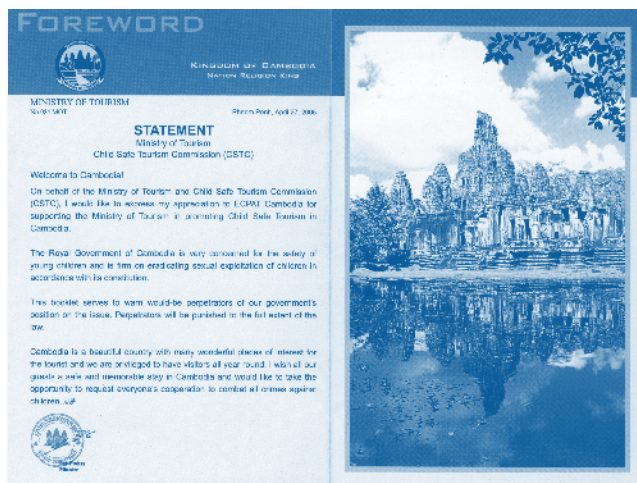


Figure 4: Foreword to the Child Safe Tourism Booklet produced by the Ministry of Tourism of Cambodia stating the government's firm position against the sexual exploitation of Cambodian children.

The foreword to the booklet welcomes the tourist to Cambodia and states openly that the Royal Government of Cambodia is concerned with the safety of Cambodian children and is “firm on eradicating sexual exploitation of children in accordance with its constitution. The booklet serves to warn would-be perpetrators on our government's position on the issue. Perpetrators will be punished to the full extent of the law.”<sup>38</sup> (Figure 4).

The booklets effectively mix both positive and negative messages, with the negative message, as embedded in the law, presented alongside the positive messages of Cambodian cultural heritage, of which children are an integral part (Figure 5).

The Ministry has also, in cooperation with Australia's Child Wise Tourism project, been utilizing stickers with statements such as “Child-sex tourists: Don't turn away, Turn them in” and which provide the Ministry of Interior's hotline number to call in case suspicious behavior is observed.<sup>39</sup> Billboards have been erected on the main road from the airport to the city center in Siem Reap (“Cherish the smiles of the children of Cambodia”) and Phnom Penh, as well as on the capital's riverfront, and near a Poipet

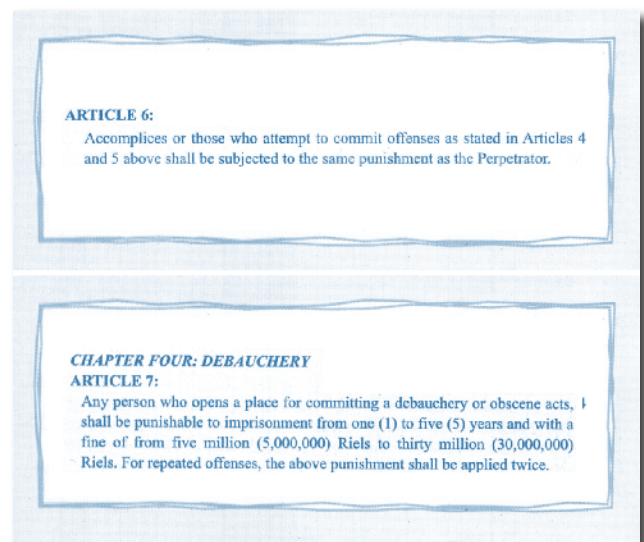


Figure 5: Sample pages of the Child Safe Tourism Booklet produced by the Ministry of Tourism of Cambodia, citing relevant articles of the Law on the Suppression of the Kidnapping, Trafficking and Exploitation of Human Beings.

checkpoint (“Absolutely against child sex tourism”). All signs and posters display the Ministry of Interior's hotline number. The message is that child sex tourism cannot and must not be ignored – all incidents must be reported and all offenders denounced. Posters have also been distributed to all provincial tourism offices for them to give out to cafés, Internet cafés, guesthouses, etc.

The Ministry of Tourism has also established the Child Safe Tourism Commission (CSTC); at the moment a CSTC exists in 12 out of the nation's 24 provinces. There has been considerable achievement at the provincial level, so it is hoped that CSTCs will soon be set up in the remaining provinces. Objectives of the CSTC include the development of child safe tourism policies and encouraging children to tell adults about any incidents of child sex tourism. So far, the CSTC has held eight workshops in Phnom Penh, Siem Reap and Sihanouk ville involving parents (who may then pass on information to peers in their community), local authorities and teachers. In addition, CSTC has met with Asia Pacific government officials; it also cooperates with NGOs such as WV-C, Child Wise Australia, ECPAT Cambodia, AIDéTouS, Mith Samlanh, and Friends International.

The Ministry of Tourism facilitated a National Conference on Child Safe Tourism in collaboration with ECPAT and World Vision Cambodia in December 2005 in Phnom Penh. The idea behind the workshop was to share experiences, review the progress of the CSTCs, deliberate on how the various sectors can best work together, and discuss ideas for an action plan for the years 2006-2008. The conference was presided over by her Royal Highness, Princess Norodom Rattana Devi, Secretary of State of the Ministry of Tourism and Chairperson of the Child Safe Tourism Commission. Government representatives of local tourism industries from around Cambodia



attended the conference, along with representatives from international and local NGOs working on the issue of child sex tourism and commercial sexual exploitation of children in Cambodia.

During its first day, the conference included presentations by Cambodian government officials, representatives of NGOs working in Cambodia and Southeast Asia on the issue of child sex tourism, including: the Ministry of Tourism of the Royal Kingdom of Cambodia, Ministry of Interior of the Royal Ministry of Cambodia, Department of Protection of Women and Children, ECPAT International and Action pour les Enfants (APLE).



Figure 6: Poster exhibited during the National Workshop on Child Safe Tourism, Phnom Penh, Cambodia, December 7-8, 2005.

Amongst others, Her Excellency General Unsokunthea of the Ministry of Interior spoke concisely about the action plan; she explained that in attempting to combat trafficking and exploitation, especially of women and children, enhanced participation should be sought from the general public. Action should be taken against any individual in a position of power who behaves dishonestly. Activities should include further dissemination of information, with more focus near international borders where much trafficking takes place. The Ministry of Interior affirmed that it would close down any establishment permitting the exploitation of children. Her Excellency emphasized the importance of investigations and gathering as much evidence as possible, so that cases may be sent directly to court. General Unsokunthea also recommended working closely with governments of sex tourists’ countries of origin to combat this phenomenon.<sup>40</sup> The action plan has only been implemented in part, so far by the Ministry of Interior, therefore it remains to be seen whether the goals set out will be reached.

During the second day of the workshop, attendees split up into small groups, in which various topics regarding child safe tourism were discussed and strategies for combating child sex tourism in Cambodia at the local level and how local tourism representatives can participate in implementing these strategies, analyzed.

The Ministry of Tourism also works in cooperation with a number of NGOs in combating child sex

tourism. The Ministry has teamed up, for example, with Friends International, with whom they have signed a Memorandum of Understanding (MoU) outlining their motivation and detailing their collaboration in combating child sex tourism. Friends International has launched a project targeting mototaxi and tuk-tuk drivers, which will be described in more detail below. The Ministry of Tourism also signed a MoU with the Association Internationale pour le Développement, le Tourisme et la Santé (AIDéTous) in 2003, committing itself to ‘Stop Paedophile Tourism in Cambodia.’

A project was instigated by ILO/IPEC-TICW and the Ministry of Tourism to develop a strategy plan, operational guidelines, and a training manual to promote Child Safe Tourism in Cambodia, “Project Promoting Child Safe Tourism Policies and Programmes to Prevent Trafficking in Children and Women in the Tourism Sector at the National level and in Three Provinces (PNP, SRP and SHV).” The Siem Reap Department of Tourism (DoT) is collaborating with ILO/IPEC on a project which began in October 2005 and will continue until January 2007, namely “The Improvement of Safety relating to CST of Women and Children in Siem Reap.” This project will be implemented by the provincial departments of the MoT, MoWVA, MOSAVY and MLVT. A survey is presently being conducted among hotels, guesthouses and restaurants, examining resources and employees. Respondents comprise women and children from 15-24 years old who work in tourist establishments. The next step will be to offer training to 20 hotel owners, 60 guesthouse owners and 60 restaurant owners. The objective of the training is to explain to employers the harmful effects of sexual exploitation on employees and to teach employees which tourists to be wary of, what tricks are used, and how to protect themselves from falling prey to sexual exploitation. Subsequently, there will be further training sessions for 200 employees in the hotel sector; in August 2006, guesthouse employees will receive training and in September 2006, 200 more restaurant staff will be trained.

The Siem Reap Department of Tourism also plans to provide training for tour guides, into which the concept of anti-child trafficking will be mainstreamed. It is also planned to distribute t-shirts with anti-sexual exploitation slogans for people to wear around the city. In addition, posters still have to be put up in hotels and guesthouses, booklets need handing out for all tourists who ask for information at the tourist office and stickers must be given out to taxi/moto drivers. Advertisements such as posters and stickers are most effective. When people realize that beyond engaging in sexual conduct with minors, merely showing tourists where or how to procure girls is also wrong, they will stop. Posters and billboards with such messages support other on-going efforts. The DoT has also informed travel agents that if they are found to be

involved in any child sex tourism-related matter, they will temporarily lose their license.

The Sihanouk ville Department of Tourism (DoT) also collaborates with ILO/IPEC on the above-mentioned project, which is to last 16 months. The aim is to educate the general public about tourists and the target group consists of hotel, guesthouse, and restaurant owners as well as moto/taxi drivers. Approximately 50 hotel/guesthouse owners will be invited; unfortunately, current funds are not sufficient to be able to invite more people to participate in the training. These 50 will be selected from among the most vulnerable establishments (those having already been faced with child sex tourism-related issues). If gaps are found, or different needs are discovered, these may be adapted into the following phase of the plan.

Law enforcers have also become more active in the fight against child sex tourism and in their ability to cooperate with the tourism sector. In August 2005, the Ministry of Interior General Commissariat of the National Police, Phnom Penh Commissariat issued a Notice to all club, bar, hotel and guesthouse owners entitled ‘The Report of the Presence of Foreigners.’ Owners of such establishments must provide certain information about their guests to the police on a daily basis: name, sex, nationality, occupation, passport number, VISA expiry, check-in and check-out date and length of stay. Failure to report shall result in the owner being held responsible under the laws in force. With this kind of initiative in place, local authorities will have and be able to keep records of tourists passing through Phnom Penh. This will hopefully expedite the investigation process, at least for repeat visitors who sexually abuse minors. This initiative should be extended to cover all provinces and more information should be gathered regarding the impact of this measure: is the information accurately recorded and properly stored? How is this measure enforced?

### 3.3. Prosecution

#### 3.3.1. Legislative Framework Pertaining to Child Sex Tourism and Related Activities in Cambodia

The United Nations (UN) Convention on the Rights of the Child (CRC) 1989, which Cambodia has ratified, defines a child in article 1: a child is every human being who has not yet attained eighteen years of age. There is no provision under Cambodian law that offers a definition of the child, nor the age at which children become adults. There are currently two draft trafficking laws being reviewed, one was prepared by the Ministry of Justice (MoJ) and the other one has been put together by AFESIP (Agir Pour les Femmes en Situation Précaire) a French NGO; the preparation of the second draft is sponsored by the British Embassy. At present, the applicable law is the 1996 Law on Suppression of the Kidnapping, Trafficking, and Exploitation of Human Beings (the 1996 law). Article

3 defines trafficking, article 4 describes a pimp and article 8 outlines the offense of debauchery; the law consists of ten articles in total. The debauchery provision describes the offense of a person engaging in sexual activities with a child who is less than 15 years of age. Under this article, if the victim is less than 15 years old, the accused may be sentenced from ten to twenty years in prison. Cambodian law sets the legal age of consent to sexual intercourse at 15 years old, meaning that any child younger than 15 is deemed incapable of consent to any sexual activities, i.e. consent is irrelevant.

The Provisions relating to the Judiciary and Criminal Law and Procedure Applicable in Cambodia during the Transitional Period 1992 (UNTAC law) also contains a number of relevant articles, including articles 33 and 42 which address rape and indecent assault respectively. The Law on the Aggravating Circumstances 2002 provides for harsher penalties as regards rape (article 5).<sup>41</sup> Under the Constitution of Cambodia 1993, prostitution is not a crime, although the exploitation of prostitution is prohibited: article 46. In Cambodia, prostitutes do not commit a crime, nor do their customers; however the pimp or anybody facilitating prostitution will be liable for punishment. Owning a place where prostitution is permitted to take place, or making a profit from prostitution constitute offenses under the 1996 law (articles 4 and 7).

At present, there is no legal definition of child sex tourism, nor is there a specific offense pertaining to foreign nationals or tourists engaging in illicit activities on Cambodian territory. Child sex tourism is nonetheless an infringement on the Cambodian Constitution and national legislation. The law as it is today also lacks a definition of child prostitution and child pornography. In the government’s draft trafficking law, child prostitution will apply to all children who have not yet reached the age of 18. However, for the moment, if someone engages in sexual activities with a 16 or 17 year-old, the debauchery provision will not apply. The suspect could be charged with rape; however, the sentencing powers of a judge for that offense are restricted to a maximum of 15 years’ imprisonment under the Law on the Aggravating Circumstances. Moreover, consent then becomes relevant.

There is hence a pressing need for new legislation that will fill the gaps in the current law. The nature of child sex tourism requires a legal response to be put in place that enables governments to punish sex offenders when they are traveling outside their own country. At the moment, a new tourism law is being drafted by the Cambodian government that will address the protection of children in the tourism context. It is still being reviewed, however and has yet to be adopted.

Both draft trafficking laws are significant improvements on the current legislative situation. The government’s



draft contains definitions of a minor (Article 5), human trafficking (Article 11), child prostitution (Article 29), and sexual intercourse with minors under fifteen (Article 43). The latter may be compared to the existing debauchery provision. Although debauchery is not defined in the 1996 law, there is nothing that limits the offense to actual sexual intercourse with a minor under fifteen; it could also include indecent conduct such as touching or caressing a child's genitalia. The corresponding offenses in the draft law carry lighter sentences: 5-10 years' imprisonment for sexual intercourse with a child under 15, and only 1-3 years in prison with a possibility of a fine for indecent acts against minors under fifteen (Article 44), compared to the 1996 law which provides for a sentence of 10-20 years in jail if an individual is found guilty of debauchery. An important development in the draft law is the inclusion of the extraterritoriality principle. This means that the law would apply to offenses committed within the Kingdom of Cambodia in addition to crimes committed abroad by a Cambodian national: Articles 2 and 3. So any Khmer who perpetrates a crime outside his own country would still fall within the remit of Cambodian law.

The AFESIP draft contains numerous definitions including the meaning of a child, child pornography, child prostitution, child sexual exploitation, grooming, pimping/procuring, the sale of children, and trafficking in persons to name a few (Definitions section). All offenses in this draft law are to be considered extraditable offenses according to Article 3. There is a section dedicated to victims of the offenses described therein, including the provision of after care, repatriation of foreign victims and the need for awareness raising about preventive measures to avoid further victimization. Section 9 provides for the setting up of a register of sex offenders; all those convicted of murder, rape, and abuse as detailed in the draft shall be listed on a register for the length of time deemed appropriate by the judge, corresponding to the seriousness of the crime (Article 47). If such an offender returns to Cambodia, entry into the country would either be refused, or close monitoring would ensue until the individual left the territory (Article 51). Section 10 addresses child abuse within the tourism sector. The government is recommended to act with all relevant industries to educate them about the incidence of sex tourism and to warn the general public but also those who come in direct contact with tourists that sex with a child is a crime (Article 54). Article 56 makes it mandatory for all persons or tour operators organizing travel within Cambodia to prominently display this law and the penalties that follow for those who commit any of the offenses herein, in their brochures. Article 58 forbids tourists receiving child visitors in hotels or guesthouses without the child's parents present. If this should nevertheless take place, both the tourist and the hotel would be liable for a fine.

In recent years, the Royal Government of Cambodia has approved various circulars and sub-decrees in addition

to establishing a number of commissions related to the protection of children in the tourism context. The Prime Minister approved a government decree in 2001, the purpose of which was to shut down karaoke bars and nightclubs to protect women and children employed in these establishments. This directive does not appear to have achieved its goal, unfortunately, as it was not strictly enforced. Amongst the circulars that have been adopted, the Ministry of Tourism Circular on Management of Travel Agency Business No.03 srNn imposes on travel agents the responsibility to inform staff and tourists alike of the laws and regulations regarding drug trafficking and sexual exploitation, prohibits the sexual exploitation of children and demands the immediate reporting of any incidents affecting social order or security.<sup>42</sup> Similar circulars have been adopted targeting various other businesses and establishments such as tour guides, tourism resorts, restaurants, nightclubs and discotheques, karaoke bars, massage services, hotels and guest houses to name a few. The Ministry of Tourism Circular on Management of Travel Agencies/Tour Companies, Hotels and Guesthouses, No. 12 srNn forbids these establishments from allowing persons less than 18 years old from entering the premises unless accompanied by family members (article 7). The next step is ensuring that these directives are enforced by hotel and guesthouse owners. The draft tourism law of Cambodia addresses this issue in more detail in articles 44 and 45.

The Cambodian government has also signed a number of international and regional agreements promoting responsible tourism and aiming to protect children in travel and tourism. The government is a signatory of the ASEAN (Association of Southeast Asian Nations) Tourism Agreement (ATA) 2002, which was signed by the heads of state of ten ASEAN nations. In article 5(6), state parties undertake to adopt rigorous measures to avoid tourism-related abuse and exploitation of individuals, especially women and children. The ASEAN Traveler's Code (ATC) 2005 was developed in accordance with Article 5 ATA. ATC comprises six guidelines, targeting Asian travelers from ten ASEAN countries, which aim to ensure that tourism flourishes without damaging local environments, cultures, or peoples.

The U.S. and Cambodian governments collaborate in cases of child sex tourism and sexual exploitation, as will be described in more detail below. Numerous sex offenders of American citizenship have been extradited to the U.S. for prosecution for sexual abuse against children committed in Cambodia.

Offenders who are suspected of having sexually abused a minor in Cambodia are typically charged with debauchery, which carries a maximum sentence of 20 years' imprisonment, or rape, the maximum jail term being 15 years (or 20 years, where certain aggravating elements exist).<sup>43</sup> Arrests in Cambodia have been made

in hotels, guesthouses and private residences. The most recent arrest made at the time of writing was that of U.S. national Michael John Koklich on February 17, 2006. The suspected pedophile “admitted to having sex with underage girls, but downplayed the gravity of the offense.”<sup>44</sup> The detainee was not charged immediately due to the large number of allegations against him. On Tuesday the 21<sup>st</sup> February, the Phnom Penh Municipal Court charged the U.S. national with debauchery for sexual activities with two minors (in addition to injuring a police officer and falsifying his passport).<sup>45</sup> Koklich has since been extradited to face charges in the United States under the PROTECT Act.

Where the offender is a foreign national, the police of that country must obtain permission from the Cambodian Ministry of Interior (MoI) in order to come to Cambodia and assist with the investigation. Regarding prosecutions, it is preferred that they take place in Cambodia, where the crime was perpetrated against a child victim who is most often a Cambodian national. However, in Cambodia there is no certainty that a child sex offender will be convicted, no matter how much evidence is presented against him. Sometimes a suspect is released after being arrested following the exchange of money; unfortunately, most foreigners can afford to bribe a law enforcement officer. On the other hand, if Cambodia transfers its knowledge to the embassy of the offender’s nationality, such as the U.S. embassy, one can be assured that evidence will be collected, the perpetrator will be prosecuted, and if convicted he will receive a harsh punishment. Some offenders have been charged, released and continue to live in Cambodia, while everybody knows what they have done. Although beyond the remit of this paper, it is worth noting here that in the past there has been a considerable amount of criticism directed towards embassies of Western states for protecting their nationals who are suspected of being involved in child sex tourism. While the purpose of embassies is to assist their nationals while abroad, they are not supposed to help them escape when they are suspected child sex offenders.

Many cases undertaken in Cambodia never make it all the way through the judicial process. It is quite common that the suspect or his family either threatens the victim and/or his/her family to drop the case, or offers compensation in return for the family dropping the complaint. In some cases police officers or court officials might even encourage such compensation settlements, because a share has been promised to them by the offender. Unfortunately corruption exists at every level resulting in a great number of cases being settled outside the courtroom, or dropped, never reaching the courtroom. Staff members of an international organization once went to question a suspect in prison; the police officer reported that the suspect was asleep and they should return later. When the individual returned to speak to the prisoner, the latter had ‘escaped’

and managed to leave the country. Investigations led by APLE have resulted in the arrest of 23 suspects, of which 11 have since been released without charge. Now with the Ministry of Interior’s Department of Anti-Human Trafficking and Juvenile Protection (DAHT), even if a victim decides to drop a complaint against a suspect, the case will go through to the courts (depending on the judge’s decision during the bail hearing) – it will not automatically be discontinued. However, corruption continues to pose a big problem in prosecuting sex offenders. Perpetrators have been released after paying off police officers or court officials in cases where there is photographic evidence incriminating the suspect. There was a case in Sihanouk ville some time ago involving a Dutch citizen who was released despite testimonies of abuse from more than one child. All the victims were less than 15 years old. In court, the judge was most unsympathetic to the child and family. The judge reproached the child for voluntarily sleeping with foreigners and reprimanded the parents for the child being on the streets in the first place. It is astonishing that the judge did not pursue the prosecution of this individual who had entered Cambodia, abused children of this nation and infringed Cambodian laws.

According to figures obtained from the MoI, 397 offenders were arrested in 2005, of which 19 were for acts of debauchery. In 2004, 401 suspects were arrested, including 18 for debauchery and 266 for rape and sexual abuse. These numbers demonstrate a significant improvement in law enforcement over recent years: in 2001 and 2002, 82 and 208 offenders were arrested respectively. It cannot be deduced from these figures that the incidence of child sex tourism has increased, because the number of reported cases has consistently risen in recent years. 372 cases were reported to Cambodian authorities in 2002 compared to 665 cases reported in 2005.<sup>46</sup> Between January 2004 and June 2005, 11 foreign nationals were arrested and charged under Article 3 (trafficking) of the 1996 law. Among these were two Americans, one Frenchman, two Canadians, one New Zealander, one Dutch, one Australian, one Chinese and two Japanese. Foreign nationals have been arrested for allegedly engaging in sexual activities with underage girls (or boys) as young as ten years old; most victims are Cambodian minors although occasionally a Vietnamese child falls prey to sex tourists.

Cambodian authorities have also managed to arrest a number of people for trafficking and related illicit activities. In August 2003, a middle-aged woman was charged with trafficking a Cambodian woman to Malaysia for the purpose of engaging in prostitution. In October of that year, two Vietnamese men and two women received a 15-year jail term each for operating one of Cambodia’s largest child prostitution alliances. Several women (from Vietnam and Taiwan) were arrested in Siem Reap in December 2003 for managing a massage parlor, which was simultaneously a brothel (and allegedly held

underage girls ranging from 12-15 years old). In April 2004, a raid on a massage parlor resulted in the arrest of a Cambodian woman for running a place that permitted debauchery (infringing article 7 of the 1996 trafficking law). A Frenchman was arrested for operating a brothel in Phnom Penh in May 2004. A woman from Kampong Cham was sentenced to 15 years in prison in July 2004, for trafficking two of her children as well as five others.<sup>47</sup>

Collaboration across different sectors is vital. APLE investigators gather evidence on suspected sex offenders; when sufficient proof is collected, the facts are handed over to the police. This organization also works closely with embassies, referring cases to them when it becomes relevant for extraterritorial laws to be applied. Twenty-three foreign nationals have been arrested following APLE investigations since the NGO was set up in Cambodia. Among these, two suspects were tried and convicted in a Cambodian Municipal Court, and sentenced to 10 and 15 years' imprisonment respectively; one was found not guilty at trial but was subsequently convicted in a Cambodian Appeals Court and sentenced to 10 years; two were tried and acquitted in a Cambodian Municipal Court; three suspects were extradited to the U.S. of which two have been found guilty and sentenced to 8 and 15 years in prison respectively and the third is still pending trial; four are pending trial in Cambodia, and the remaining 11 have been released without charge.

A couple of years ago, a case involving a Japanese suspect (X) received considerable media attention and demonstrates a number of issues complicating the prosecution of sex offenders in Cambodia. X was caught 'en flagrant délit' with his trousers off in the company of a 12 year-old girl in a brothel in Svay Pak, and was arrested. The police discovered pornographic films of this man with girls who had neither breasts nor pubic hair, so they could not have been older than 12 years old. The judge at the bail hearing could not release the suspect on bail as the case was so publicized, therefore he ordered the case to go forward. Eight months later, however, the Japanese national had still not been charged, although the maximum time permitted for pre-trial detention is six months. When the suspect was arrested, the Japanese police were already in Cambodia investigating another case. A French NGO based in Phnom Penh supplied them with all the evidence they had gathered on the case including physical and photographic proof. The NGO wanted the police to talk to the victims while they were here; as the children were Vietnamese, they would soon be repatriated home. If the police returned to Japan then requested the MoI's permission to come back, it would be too late. But the Japanese believed in following procedure; they returned to Cambodia eight months later. Eventually, the accused was charged and convicted for child pornography, but not for the initial crime of child rape. This case poses a number of questions that

need to be solved so that similar problems do not arise in future cases. With so much evidence including physical and photographic proof against the suspect, there was no room to doubt his part in the abuse. Why was the man not charged sooner? There was no need to exceed the six months' period permitted for pre-trial detention without charging him with the relevant offenses. Why was the accused not charged and tried for debauchery, which carries a harsh sentence, when he was caught 'in the act' doing more than merely taking indecent photographs of children? Moreover, the official procedure for a foreign government to obtain the relevant authorization from Cambodian authorities to take part in such investigations should be expedited so that precious time and evidence are not lost. This should also be done for the sake of the victims; the sooner the case is over, the sooner victims may begin their rehabilitation and reintegration into society. Non-Cambodian victims may have to wait until the trial is over (in case they plan to testify against the perpetrator) before being repatriated back home.

It appears there is limited confidence in the law enforcement and judicial structures among the general public. People are afraid of reporting a suspect to the police if it is only to see him released, as the perpetrator might subsequently decide to take revenge. In addition, the judicial process is lengthy and costly – many prefer not to go through what they perceive as an expensive ordeal. At the moment, there are few measures in place to make the experience less traumatizing for victims. Many NGOs that shelter victims of sexual abuse feel that until adequate protection can be assured for victims, no pressure should be put on them to testify in cases against perpetrators; at present the possibility of a suspect being released is still likely and the chance of him seeking revenge is realistic.

It is difficult dealing with child victims; they have experienced such horrific trauma on the one hand, and have been socialized since a young age regarding sex-related matters in such a way that they may no longer know where the boundary lies between right and wrong. In Cambodian culture, children are accustomed to a considerable amount of touching between parent and child, therefore a child may not recognize when the line has been crossed. Khmer mothers have the habit of stroking their young children's genital areas without any sexual intent; as a result, similar touching by foreigners is not necessarily recognized for the sexual act that it is.

The scope of evidence that may be used in a Cambodian court of law is considerably narrow; unfortunately, not all evidence is considered admissible. Physical evidence is typically needed to successfully prosecute a suspected sex offender. This is a hurdle that police need to overcome; some officers lack the level of knowledge required in investigations, in terms of preserving and analyzing evidence. For instance, they may take possession of a computer from a pedophile's residence without knowing

how to manipulate it. Some files are self-destructive so that if the correct codes are not entered at the right moment, these files may simply delete themselves. For this reason, it is vital that the person attempting to extract data from the computer is an expert. Fortunately, collaboration with the U.S. government is excellent, in particular with the U.S. Immigration & Customs Enforcement (ICE). So, when the police enter a hotel or private residence to arrest a suspect, they take everything they find, even if they are not certain how an item may help the investigation, because they can pass on the evidence to be analyzed by U.S. investigators.<sup>48</sup>

### 3.3.2. Law Enforcement against Facilitating Establishments

Cambodian authorities have temporarily shut down a handful of entertainment establishments for their involvement in child sexual exploitation: Chai Hour II, World One (massage club) and Soksan (an entertainment club in Siem Reap). A police raid on World One massage parlor in 2005 resulted in the closing of the establishment, several arrests, and the removal of 88 women. Three employees as well as the owner of the massage club were charged with debauchery; charges were dropped in relation to the three employees and it is unclear whether the charges still hold against the owner.<sup>49</sup> This type of outcome diminishes confidence amongst the general public in the police and courts. After a six-month closure, the place has now reopened for business; young skimpily dressed women were seen on the premises.

### 3.3.3. Law Enforcement against Foreign Child Sex Tourists: Arrests and Convictions of Child Sex Tourists in Cambodia by Country of Origin

Presented below are details of cases of arrest of foreign child sex tourists in Cambodia, according to information available in the press, NGO and government reports. These cases are not meant to provide an exhaustive list, but are presented as an illustration of the extent of the problem of child sex tourism in Cambodia. The details of arrests are arranged first by the country of origin of the offender, highlighting those countries that appear to be frequent countries of origin for child sex tourists operating in Cambodia; and second, chronologically, according to the date of arrest.

#### 3.3.3.1. United States

Americans appear to feature more prominently than other Westerners amongst known sex offenders. “Some child advocacy groups estimate that as many as 25 percent of all sex tourists abroad come from the United States. Although the data is inexact, Americans who have sex with children abroad are thought to number in the thousands, with hard-core pedophiles, casual tourists and business people

taking advantage of lax law enforcement.”<sup>50</sup> In the case of Cambodia, this estimated percentage is reflected by supported by available arrest information. American child sex tourists indeed appear to constitute about one quarter of foreign child sex tourists arrested in Cambodia in recent years.<sup>51</sup> It is unclear whether this is because there are in fact more Americans who travel to less developed countries and engage in sexual activities with minors there, or whether it is a result of active involvement by the U.S. government to combat child sex tourism. There have been several cases of sex tourism involving Americans, warranting the strict action being taken on behalf of the U.S. government, which might be an example to be followed by other foreign governments. The Prosecutorial Remedies and other Tools to end the Exploitation of Children Today (PROTECT) Act was passed in 2003 by the U.S. government in order to enhance its ability to combat child sex tourism. In relation to Cambodia specifically, three suspects arrested following investigations by the organization APLE have been extradited to the U.S., two of which have been convicted and sentenced to eight and 15 years in prison respectively. The third one, however, succeeded in having his indictment dismissed. The U.S. government is currently appealing the case.

The success in prosecuting U.S. nationals has been due to the American commitment to combat child sex tourism, the great working relationship that exists between the U.S. and Cambodian governments as well as the good connections the U.S. has with the NGO sector in Cambodia. ICE has its regional headquarters in Bangkok (ICE Customs Attaché Office) and agents will come to Cambodia to assist the local police in the investigation of cases implicating U.S. citizens, before the suspect is extradited to the U.S. These U.S. efforts are highly encouraging. In Europe, the German government appears to be making more and more effort in this regard. However, extraterritorial laws are complex and difficult to implement. And they must function in both the offender’s country of residence and the country where the crime was committed to be effective (in this case, Cambodia has yet to enact extraterritorial laws).

- In December 2000, a Hawaiian American, James Curtis Parks, age 57 at the time of arrest, tourist and freelance photographer, was arrested in Phnom Penh after he was found naked with a 15-year-old prostituted child in his hotel room. He was charged with rape and indecent assault.<sup>52</sup> He denied the charges, claiming he had been impotent for seven years and that he only came to Cambodia to teach meditation, English and photography. He faced up to 10 years in prison.<sup>53</sup>
- In June 2003, an American from Seattle, Michael Lewis Clark, age 69, was arrested and deported to the U.S. for having sexual contact with two boys aged 10 and 13. He paid them \$2 each. Subsequent investigations showed he may have abused as many as 50 children, ages ranging from 10 to 18, in Cambodia over five years.



In September 2003 he was indicted by a Federal Grand Jury under the PROTECT Act of 2003 and pleaded guilty.<sup>54</sup> In June 2004, he was sentenced to eight years in prison.<sup>55</sup>

- In September 2003, an American from Seattle, Gary Evans Jackson, age 56, was arrested on charges of engaging in illegal sexual conduct with three boys aged ten to 15. In November 2003, he was deported to the United States, where he was indicted by a Federal Grand Jury on child sex tourism violations of the PROTECT Act of 2003. He pleaded guilty as charged,<sup>56</sup> but has since succeeded in having his indictment dismissed. As of November 2006, the United States government was appealing the dismissal of the indictment.
- In January 2004, Frank Kent, U.S. citizen, age 47, was charged with debauchery for illicit sexual conduct with four Vietnamese girls as young as 15 in Cambodia. He also allegedly took pornographic photographs of them. He was arrested in his hotel room in Phnom Penh. He was extradited to the United States, where he was charged under the PROTECT Act. He requested a dismissal of his charges, but the court withdrew that motion. Kent currently faces 10 to 20 years in prison.<sup>57</sup> As of November 2006, his case was pending in U.S. courts.
- In January 2004, Blake Alan Respini, U.S. citizen, age 47, was arrested and charged with debauchery and the rape of two boys, aged 14 and 16 in the Battambang province of Cambodia. No further information regarding the case is available.<sup>58</sup>
- In January 2004, an American from Baltimore, Richard Arthur Schmidt, age 61, was re-arrested in his guesthouse in Cambodia. He had already been arrested in December 2003 and charged with debauchery, for which he faced up to 20 years imprisonment, but was freed pending an investigation. He was deported to the U.S. where he was charged under the PROTECT Act of 2003 and sentenced to 15 years in prison.<sup>59</sup>
- In February 2004, a Hawaiian American, Charles Landis, age 37 and an English teacher in a local Cambodian school, was arrested in Phnom Penh.<sup>60</sup> He was charged with debauchery for sexual activities with three girls, aged ten to 15. He faces up to 15 years imprisonment in Cambodia.<sup>61</sup>
- Steven Erik Prowler, age 57 at time of arrest, was arrested in May 2005 by the Royal Thai Police in Bangkok, Thailand, on confirmed evidence that he had molested two boys ages 15 and 16.<sup>62</sup> In addition, authorities found Prowler's writings, which detailed his sexual encounters with minor boys in Thailand, Cambodia, Laos, Mexico and the United States, which took place during the past ten years.<sup>63</sup> Prowler, who worked as an English teacher at the Ramkhamhaeng University Demonstration School in Thailand, was prosecuted by Thai authorities

and imprisoned in Thailand to serve his sentence before being extradited to the United States to face charges under the PROTECT Act.<sup>64</sup> He was indicted on May 19, 2006, on one count of engaging in illicit sexual conduct with a minor in foreign places. He has since requested the dismissal of his indictment and motion hearings were ongoing as of time of writing.

- In February 2006, U.S. national Michael John Koklich was arrested in Cambodia. The suspected pedophile "admitted to having sex with underage girls, but downplayed the gravity of the offense."<sup>65</sup> The detainee was not charged immediately due to the large number of allegations against him. On Tuesday, February 21, 2006, the Phnom Penh Municipal Court charged him with debauchery for sexual activities with two minors (in addition to injuring a police officer and falsifying his passport).<sup>66</sup> Koklich has since been extradited to the United States, where he is facing charges under the PROTECT Act.
- In June 2006, Michael Joseph Pepe, age 53 at the time of arrest, was arrested by Cambodian authorities and charged with the sexual abuse of girls between the ages of eight and 13. As of time of writing, Pepe was still awaiting deportation to the United States.<sup>67</sup>
- On September 20, 2006, U.S. citizen Terry Darrell Smith, age 55 at time of arrest, was arrested in Phnom Penh, Cambodia. He was charged by Cambodian authorities for allegedly sexually abusing two girls, aged 13 and 14, and filming close to ten hours of video footage of the abuse, which took place at the bar he owns in Sihanouk ville, Cambodia, called "Tramp's Palace." It was likewise alleged that Smith had kept the two girls as his sex slaves for close to five months prior to his arrest. The tip regarding Smith came from the International Justice Mission, a U.S.-based NGO, which carries out investigations against child sex tourists.<sup>68</sup>
- Donald Rene Ramirez, a 50-year-old police officer from San Francisco, CA, was arrested in Cambodia in October 2006, and charged with sexually abusing two Vietnamese girls, aged 12 and 14. Two days following his arrest, on October 31, 2006, Ramirez committed suicide in a Cambodian prison, using the gun a prison guard left unattended, and which Ramirez was able to pull inside his cell using a broomstick.<sup>69</sup>

### 3.3.3.2. Germany

- In June 2002, a German, Thomas Jansai, age 39, was arrested in a Phnom Penh hotel with photographic equipment and sex toys. He had allegedly had sex with a 14-year-old brothel worker and had taken lurid photographs of her. He was charged with debauchery and faced 10-20 years imprisonment if convicted.<sup>70</sup>
- In March 2003, a German tourist, Michael Rickrim, aged 30, was arrested in Sihanouk ville for paying five boys,

aged 12 to 15, \$1-2 each for committing repeated sex acts with him. He faced up to 10-15 years in prison.<sup>71</sup>

- In November 2003, a German tourist, Bernhard Elmar Marid, age 61, was arrested in Svay Pak while having sex with Cambodian and Vietnamese girls aged 12 to 18. In total he and Japanese national Kanae Masato engaged in sexual conduct with eight different prostituted children. Videotapes were found that showed him having sex with 12 different children that were bleeding.<sup>72</sup> He had been charged with debauchery but the Phnom Penh municipal court dropped the charges against him.<sup>73</sup>
- In February 2006, a German tourist, Tim Edward Schmidt, age 35, was arrested in Siem Reap. He was charged with debauchery with a 14-year-old boy, who says he had performed sexual acts with him many times. If sentenced, he faces up to 20 years imprisonment.<sup>74</sup>
- On April 10, 2006, German national Alexander Moritz Watrin, age 36, was arrested and charged with molesting four boys between 11 and 18 years of age in Cambodia. In October 2006, a court in Sihanouk ville, Cambodia, convicted and sentenced Watrin to ten years in prison. Watrin was also ordered to pay each of the molested boys \$5,000 in compensation.<sup>75</sup>
- German national Karl Heinz Henning, age 61, was detained by Cambodian authorities in August 2006 after videos were found which showed him performing sexual acts with minor Vietnamese girls. Attempting to flee from police, Henning jumped from the second floor of his home, and was taken to a hospital to be treated for injuries he sustained as a result. Child pornography was found on his computer during a search of his residence.<sup>76</sup>
- In August 2006, German national Thomas Sigwart Eugen, age 42 at time of arrest, was arrested by Cambodian police and charged with the sexual abuse of minor Vietnamese girls. Eugen, a teacher of English at a private university in Phnom Penh, was videotaped abusing the girls along with Karl Heinz Henning likewise detained on similar charges. Videos confiscated from Henning's residence showed Eugen performing oral sex with the children.<sup>77</sup>

### 3.3.3.3. Japan

- In June 2000, a Japanese tourist was arrested in Phnom Penh, Cambodia, for taking pornographic photos of young children. Kobata Kazuyuke, age 30, was arrested after the owner of a shop where he developed the film tipped off Cambodian police.<sup>78</sup>
- In December 2001, a Japanese citizen, Takeshi Ozawa, age 38, was arrested in Japan, after being sent back to Japan by Cambodian authorities who previously arrested him. He was sentenced to 2.5 years in prison by the Osaka District Court in Japan for having sex with

minors in Cambodia. He paid a 13-year-old Vietnamese girl \$60, to have sex with him in a hotel in Phnom Penh in August 2000 and a 14-year-old Vietnamese girl \$550 to be available for regular sex for one week in Phnom Penh in December 2000.<sup>79</sup>

- In September 2003, Japanese police arrested a Japanese man, Rikiya Oga, age 41, residing in Cambodia for allegedly posting photos of nude minors on a website in Cambodia that was linked to child prostitution tours he ran for Japanese clients. He was arrested at Tokyo's Narita Airport on suspicion of violating child prostitution laws. Reportedly, this was the first time a foreigner had been arrested for allegedly violating a provision of the child prostitution law concerning public display.<sup>80</sup>
- In November 2003, a Japanese citizen, Kanae Masato, age 54, tourist, was arrested in Svay Pak while having sex with Cambodian and Vietnamese girls aged from 12 to 18. In total he and German national Bernhard Elmar Marid engaged in sexual conduct with eight different prostituted children. Videotapes were found showing him having sex with six different children who were bleeding.<sup>81</sup>
- In February 2004, Hideaki Nakao, Japanese citizen age 48, and a former English instructor in a Tokyo school, was arrested for engaging in sex with minors in Cambodia, facilitated by a sex tour to Phnom Penh, Cambodia.<sup>82</sup>
- In October 2006, Issei Hara, a 28-year-old Japanese citizen, was arrested in Fukuoka Prefecture in Japan for having engaged in and paid for sexual activities with a 15-year-old girl in Cambodia in a Phnom Penh brothel in 2003. The arrest came as a result of an investigation which revealed that photos had been taken by Hara of the abuse. These photos were posted on Hara's no longer functional website.<sup>83</sup>

### 3.3.3.4. Australia

- In August 2002, an Australian from Grafton in New South Wales, Clinton Rex Betteridge, age 35, an English teacher in Siem Reap, was arrested and sentenced in February 2003 in absentia to 10-year imprisonment in Cambodia for raping a 14-year-old girl and assaulting two girls aged between 15 and 18. He fled from his trial back to Australia with a replacement passport.<sup>84</sup> A Brisbane court has decided he is eligible for extradition to Cambodia.
- In August 2002, a Belgian Australian, Bart Lauwaert, age 36, an English teacher, was arrested in Siem Reap for raping six girls. He was sentenced to 20 years in prison and paying compensation to his victims.<sup>85</sup>
- In March 2004, an Australian, Tom Ford, was arrested in Phnom Penh. He was charged with debauchery.<sup>86</sup>
- In April 2004, an Australian, David Ford, age 49,

a chemistry teacher at Phnom Penh University, was arrested. He allegedly had sex with two boys aged 14 and under.<sup>87</sup> The investigating judge released him in April 2004 because of lack of evidence.<sup>88</sup>

- In December 2005, a Cambodian court formally charged an Australian former Christian schoolteacher with debauchery. Damien Walker, age 26, Australian citizen, was arrested December 16, 2005 on a tip from a child rights group that was investigating his suspicious behavior for nearly two weeks. Walker is alleged to have sexually abused at least six Cambodian boys. Walker is charged with one count of debauchery and one count of the production of pornography. He faces up to 20 years in prison.<sup>89</sup>

### 3.3.3.5. United Kingdom

- In May 1999, a Briton from Edinburgh, Philip William, age 38, a schoolteacher in Phnom Penh, was arrested in the Southwestern province of Koh Kong. He allegedly had sex with up to seven girls under the age of 15. Two girls, aged 12 and 13, had been living with him under the pretence that he would pay for their upkeep and schooling. He would beat them if they did not want to have sex with him.<sup>90</sup>
- In 2000, a Briton, John Keeler, in his 50's, was arrested and charged with videotaping four girls aged between 10 and 11 in sexually explicit poses. He was the director of an English language school for young children. He had previously been convicted in Britain for child abuse and has been under police watch there. He was sentenced to three years in prison in Cambodia.<sup>91</sup> He was later deported to Britain, where he was sentenced to 15 years in prison.<sup>92</sup>
- In July 2002, a Briton from Lichfield, Derek Baston, age 69, was arrested in the Svay Pak area of Phnom Penh. He was found with a 12-year-old girl.<sup>93</sup> He was charged with debauchery and faced 10-20 years in prison.<sup>94</sup>
- In June 2005, a British tourist, Matthew Paul Hamilton, age 24, was arrested in Phnom Penh.<sup>95</sup> He was charged with having sex with three boys under 15 and could go to prison for 20 years if found guilty. He allegedly paid each of the boys at least \$50 each time for having sex with him.<sup>96</sup>

### 3.3.3.6. The Netherlands

- In April 2004, a Dutchman, Rene Paul Martin Aubel, age 48, was arrested in a Phnom Penh hotel where he was found with two naked 13-year-old boys. He had sexually abused seven boys under 15 and took pornographic photos of them. He paid them \$10 to have sex with him. He is charged with debauchery and taking pornographic photographs.<sup>97</sup> In August 2004, he was found not guilty by a Cambodian court. The prosecutor filed an appeal and detained Aubel.<sup>98</sup> On appeal, Aubel

was sentenced to 10 years in prison and payment of \$256 to each of his victims.<sup>99</sup>

- In November 2004, a Dutchman, Joseph Ferardus Bouwen, age 50, was arrested in Sihanouk ville. He was charged with debauchery. He was alleged to have molested two boys aged 14 and 15, and he had claimed they had invited him to do so. If convicted, he could face up to 15 years in prison.<sup>100</sup>

### 3.3.3.7. France

- In December 2003, a French citizen, Olivier M. Frenoy, age 35, was arrested in a guesthouse in Phnom Penh for sexual abuse of 13 and 14-year-old boys. In January 2005, he was tried by a Cambodian court and sentenced to 15 years in prison.<sup>101</sup>
- In 2004, a French citizen, Michael Blanchard, age 39, was arrested in his Phnom Penh home on charges of debauchery. He allegedly abused five boys of which four were between 12 and 15 years of age.<sup>102</sup>

### 3.3.3.8. Italy

- In 2001, an Italian from Milan, Alain Filipo Berruti, age 30, electrician, was arrested in Phnom Penh. He was found guilty of debauchery and exploiting four boys aged between 11 and 14. Berruti claims the sex was consensual as he had paid the boys \$3 each. In July 2002 he was sentenced to 10 years in prison and fined to pay \$1,000 to be paid to the families of the boys.<sup>103</sup>
- In June 2002, an Italian, Marco Mazzi, age 40, was arrested in Svay Pak. He was found naked with a 10-year-old girl and faces debauchery charges. If found guilty, he faces 10-20 years imprisonment.<sup>104</sup>

### 3.3.3.9. Belgium

- In July 2006, Cambodian police arrested a Belgian schoolteacher of English in Cambodia, age 53, and charged him with sexually abusing a ten-year-old girl at his Phnom Penh residence.<sup>105</sup>
- Belgian national Philippe Dessart, age 47, was arrested on April 8, 2006 in Phnom Penh, and prosecuted by a Cambodian court following the investigation of Action pour les Enfants. He was arrested by the Cambodian government's Anti-Trafficking and Juvenile Protection.<sup>106</sup>

### 3.3.3.10. Switzerland

- In March 2004, a Swiss citizen, Francois Kehrli, was arrested on charges of debauchery, but released due to lack of evidence.<sup>107</sup>

### 3.3.3.11. South Korea

- In June 2005, a South Korean, Kim Sung, age 55, a car importer, was arrested and charged with debauchery for

taking pictures of a naked underage girl. He allegedly took many more pictures of other underage girls in Cambodia.

### 3.3.3.12. Canada

- In December 2003, a Canadian, Donald Michel Bakker, age 40, a banquet warehouse man, was arrested in Crab beach Park in Vancouver where he was molesting a prostitute.<sup>108</sup> A total of 51 victims of his sexual assault came forward, of which seven were young Cambodian girls aged between seven and 12. He assaulted the girls in Svay Pak in February and March 2003 when he was visiting the country.<sup>109</sup> For these assaults he was charged under Canada's Sex Tourism Law of June 2002. Police found 70 videotapes showing him torturing his victims. Bakker has a wife and young child. He pleaded guilty to all charges (22 counts involving adult women and 16 counts involving underage girls), and said he did so because he felt shame for what he had done. He is effectively sentenced to a 10-year prison term, but will only have to serve seven more years as he has already served 18 months in custody.<sup>110</sup>

### 3.3.3.13. New Zealand

- In March 2004, a New Zealander from Auckland, Malcolm Anthony Hatfield, aged 58, English teacher on his privately run school in Phnom Penh, was arrested. He allegedly had sex with more than 10 boys, but admitted having had sex with three of them since 2001, then aged 13, 14 and 16.<sup>111</sup> In September 2004 he was sentenced to 10 years imprisonment for debauchery with four boys aged between 11 and 16 and required to pay \$2,000 compensation to each victim.<sup>112</sup>

## 3.4. Protection

The MoI maintains a 24-Hour hotline, which conducts emergency rescues. A transit center in Phnom Penh, SKK (Seva Kapear Komar or Child Protection Service) is run by the Department of Social Affairs (within the Ministry of Social Affairs, MOSAVY). It receives children (believed to be victims of trafficking/sexual exploitation) who are rescued from brothels. The transit center refers children to a longer-term NGO shelter within 24 hours. SKK carries out interviews to obtain as much information from the children as possible and provides food, shelter and counseling, but no medical services. SKK often transfers the children to AFESIP (Agir pour les Femmes en Situation Précaire) or CWCC (Cambodian Women's Crisis Center). Other NGO shelters in Phnom Penh and in the provinces include CCPCR (Cambodian Center for the Protection of Children's Rights), Goutte D'Eau (Damnak Teuk), Neavea Thmei (World Vision-Cambodia). Services provided similar among the shelters (with some exceptions) and generally include: shelter, counseling, health care,

legal assistance, non-formal education, skills training, job placement and reintegration.

Apart from SKK, the Poipet Transit Center (PTC) in Poipet, is also operated under MOSAVY supervision, and employs government staff but also receives financial and other forms of support from NGOs and IOs.

The majority of shelters, however, house more street children, orphans (abandonment/ AIDS), children of poor families, and other children 'at risk' rather than actual victims of trafficking and/or sexual exploitation. Numerous establishments exist all over the country in all provinces called long-term alternative care service providers, but in essence these are orphanages run by both NGOs and the government.

Overall, the NGO sector conducts the bulk of work in Cambodia as concerns victim protection. The NGO AFESIP (Agir pour les Femmes En Situation Précaire: Acting for Women in Distressing Situations) has 6 rehabilitation centers located in Phnom Penh and Siem Reap. These centers provide both short term and long-term healthcare. They give the victims vocational training, and some have a psychologist on staff. The names of these six centers are: AFESIP Drop-In Center, AFESIP Tom Dy Center, AFESIP Pre-repatriation center, AFESIP Siem Reap Center, AFESIP Kampong Cham Center, and Open Clinic.<sup>113</sup> AFESIP also helps child victims of sexual exploitation.<sup>114</sup> AFESIP has rescued over 3,000 girls and women since 1996.<sup>115</sup> In Phnom Penh, Global Humanitaria runs "Our Home" since 2002. In total throughout the country, Global Humanitaria maintains three such homes for minors who have been victims of sexual abuse or are in situations of risk for such abuse.<sup>116</sup>

## 4. Multilateral Initiatives

Cambodian authorities work together with British police to track down sex tourists traveling from the UK to Cambodia to abuse children. British officers advise their Cambodian counterparts on how to investigate and prosecute child sex offenders. There are also attempts to harmonize the laws to allow child sex offenders to be tried in either country.<sup>117</sup>

Microsoft is helping Cambodian police fight sex tourism via the Internet. Microsoft has hosted a two-week training program to arm the police with basic investigative and computer evidence-gathering techniques to identify child pornographers and chatroom pedophiles who prey on Cambodian children. This training is organized in cooperation with the British embassy and Britain's National Criminal Intelligence Service.<sup>118</sup> The training program is also open to Indonesian and Thai law enforcement officials and humanitarian workers.<sup>119</sup>

On the January 6, 2004, in response to the growing child sex trade, ASEAN governments met to discuss developments in the region with the aim of establishing a



regional plan to combat child sexual abuse in tourism. The two-day meeting brought together Tourism Authorities from Thailand, Vietnam, Myanmar, Cambodia, Lao PDR, and the Philippines, and was co-hosted by the Indonesian Ministry of Culture and Tourism. It also brought together child protection specialists and non-governmental agencies from the ASEAN region to build stronger links with their governments in the fight against child exploitation. Throughout the two-day meeting an exchange of ideas and strategies took place on how best to tackle child sex tourism.<sup>120</sup>

## 5. NGO and International Organizations' Initiatives to Combat Child Sex Tourism in Cambodia

### 5.1. NGO Activities

An increasing number of NGOs in Cambodia are dealing specifically with the matter of child sex tourism. Campaigns have been launched, innovative approaches developed, and previously overlooked groups are now also being targeted and involved in efforts to combat child sex tourism.

The French NGO AIDéTouS works together with public stakeholders and the private sector including hotel associations and guesthouses. This NGO launched a national prevention campaign in January 2005, the principal aspect of which is featuring videos at international arrivals in Phnom Penh and Siem Reap. The film has two parts: first, the advertisement shows beautiful tourist attractions in Cambodia, and then a man is seen seducing a child. For many visitors disembarking in Phnom Penh or Siem Reap, this is the first thing they see – it would be difficult not to notice the screening. Such preventive films are already projected on flights between Thailand and Cambodia.

AIDéTouS has also produced 50,000 leaflets with the phrase “Child abuse ruins a child’s life; if you abuse a child, it will ruin your life too” with a picture below of a man walking away with a child, and below that the phrase that “child abuse leads to prison sentences of up to 30 years.” The MoI hotline number is on the reverse side. The leaflet exists in 5 languages: English, Khmer, French, German, Chinese and Japanese. The aim is to target the principal child sex offenders, so the choice of languages seems sensible; the majority are of Khmer origin, then other Asians, and finally Westerners. There are now direct flights from Korea to Siem Reap, in addition to which there are many Japanese and American visitors. The leaflets were distributed at airports, ten checkpoints along the Thai/Cambodian border and within the private sector: hotels, guesthouses and travel companies. AIDéTouS has since followed up with hotels in Phnom Penh to verify whether

they still had leaflets on display, which most did. In the future, AIDéTouS would like to produce the leaflet in even more languages (particularly more Asian languages), due to the apparent prevalence of Asian nationalities among child sex tourists in Cambodia. A survey conducted in 2002 among ‘sex workers’ in Phnom Penh and Siem Reap found that the most common nationality of their last client was Japanese, American and French.

Friends International is an international NGO working in Cambodia, Laos, Burma, Thailand and Honduras. In 2005, ChildSafe Cambodia was launched in Phnom Penh and is now also up and running in Siem Reap. The initiative targets mototaxi and tuk-tuk drivers; it involves training them in child rights and explaining the harmful impact of sex tourism. Now, drivers are also instructed and assessed on road safety, so they are all the more safe. Training sessions utilise real scenarios, with facts obtained from guesthouses, mototaxi drivers and children themselves. The participants are explained that taking on ‘bad business’ not only gives them, but also gives Cambodia a bad reputation. They are told to call the police or Friends International in case they witness abuse. Drivers attend five training sessions of 20 minutes after which they must sit a test. The test is taken a week after the last session to determine what they remember from the training. Approximately 70% participants pass the test the first time. Since they make money from taking clients to girls or brothels, a little monetary incentive is included to secure their participation and enthusiasm. In addition, the NGO tries to emphasize legality and morality; the hope is that mototaxi drivers will feel proud being part of such an initiative. The money they lose by no longer facilitating child sex tourism will be earned by joining this program, which will in turn lead to more ‘good clients’. The principal objective is for mototaxi drivers to stop helping men find children for sex. There are currently 102 mototaxi drivers taking part in the program in Phnom Penh and 51 in Siem Reap. These drivers wear a particular blue shirt with a big Thumbs Up sign and the motto ‘Good clients, good business’ so that they may be recognized. The mototaxi and tuk-tuk drivers are promoted on the internet along with a contact number for those who have a mobile; ChildSafe guesthouses are also advertised on the Friends International website.<sup>121</sup>

Certain NGOs focus their resources on carrying out investigations; once sufficient data has been gathered incriminating a suspect, they will refer the case to the police who will then apply to the court for an arrest warrant and execute the arrest. APLE has been very active in the investigation of suspected sex offenders in Phnom Penh and more recently in Sihanouk ville, handing cases over to the police after collecting information and speaking to potential or actual victims. A recent general investigation on pedophilia in Siem Reap resulted in APLE bringing a particular case to the police’s attention, which led to the arrest of a German national who was then charged with

debauchery. The man is suspected of having had a sexual relationship with a 14-year-old boy.<sup>122</sup>

The U.S.-based International Justice Mission (IJM) is a Christian organization that conducts investigations into cases of trafficking and sexual exploitation, provides support to law enforcement agencies and offers training for both municipal police and officers within the Department of Anti-Human Trafficking on how to investigate these types of cases, how to preserve evidence from a crime scene and how to interview child witnesses. At the moment the NGO works in Phnom Penh and surrounding areas, but it hopes to expand its focus to the provinces. IJM is quite unique in its methods and carries out very risky undercover operations with hidden video cameras in order to obtain incriminating footage of perpetrators. Their investigations have so far resulted in the arrest of 34 perpetrators consisting of Cambodian and Vietnamese brothel owners and pimps. 25 suspects have gone to court of which 24 were found guilty and one was acquitted. The rest (nine) are still pending trial. The sentences meted out range between 5 and 18 years' imprisonment.<sup>123</sup> IJM carried out numerous investigations and undercover operations in Svay Pak during 2002 and 2003 in collaboration with Cambodian police that eventually led to a raid resulting in the arrest of several brothel owners and traffickers as well as the rescue of approximately three dozen victims many of who were less than 15 years old. In gathering evidence, an IJM operative managed to capture on video (using a hidden camera) the sale of forty individual girls, all aged between five and 14 years old.<sup>124</sup> One difficulty that arises as a result of such raids as carried out by IJM is that all of a sudden a large number of victims need to be admitted to recovery centers for shelter, health and medical care and counseling services. NGOs may not be prepared for such numbers or equipped to provide the facilities required by these victims. A further difficulty is that such raids may result in forcing the phenomenon underground or simply diffusing the problem. A study was undertaken to evaluate the impact of the Svay Pak brothels closing down and found that the remaining prostitutes simply dispersed to Phnom Penh or Siem Reap.<sup>125</sup> Unfortunately, several victims rescued from these raids were soon found back in brothels.<sup>126</sup>

World Vision Cambodia (WV-C) launched a project named Child Sex Tourism Prevention Project (CSTP) in 2001. WV-C prepares training sessions to teach participants how to avoid becoming a victim of CST. The international NGO is involved in producing billboards and posters that may be seen throughout Cambodia; there are eight billboards around Phnom Penh including by the riverside and near the airport. "Sexually exploit a child here, go to jail in your country." Reactions received based on anecdotal accounts appear to demonstrate that these advertisements instill fear and trepidation among tourists with respect to seeking out sex with minors. Campaigns appear to be

directed mainly at Westerners; they need to be more specific and ought to target tourists of particular nationalities where demand most commonly originates. World Vision Cambodia works together with the Ministry of Tourism and ECPAT to combat child sex tourism. According to a travel agent interviewed in Phnom Penh, ECPAT came around last year and distributed anti-child sex tourism stickers and posters. Employees working in a Phnom Penh hotel told the researchers that an organization named 'Friends' came to talk to staff members about child sex tourism and explained the importance of reporting any incidents by calling the Ministry of Interior hotline number. M'lop Tapang organizes workshops for children and their families in Sihanouk ville. Cambodians do not understand the concept of grooming; they are partly in denial but they are also desperate for the money and support they receive. Grooming was the topic of one session: the participants were shocked by the idea, but at least they have been introduced to the reality that it exists. A mototaxi driver in Sihanouk ville mentioned that he once received booklets on child sex tourism – he was waiting for a customer when someone dropped them off, he thinks it was from an NGO worker.

## 5.2. International Organizations' Activities

This section does not attempt to cover every single effort made by the NGO sector regarding the sexual exploitation of children in the tourism context. The author concentrated on campaigns that were deemed to target child sex tourism specifically as well as initiatives that were felt to be innovative. LICADHO explores human rights violations and investigates cases of rape and other sexual abuse against children. AFESIP shelters women (and some children) victims of trafficking, including for sexual purposes. The International Labour Organisation (ILO) aims to prevent the worst forms of child labor which covers the sexual exploitation of children, including in tourism. UNICEF works to uphold children's rights and has a program in Cambodia which strives to protect children living in the worst circumstances. There also exist a number of networks that endeavor to combine efforts of NGOs working towards achieving similar goals. COSECAM is a coalition that addresses the sexual exploitation of children in Cambodia; it consists of 23 local member NGOs and attempts to coordinate the efforts of these organizations in order to maximize achievements and efficiency. ECPAT is another network with similar guiding principles.

## 6. Private Sector Initiatives to Combat Child Sex Tourism

In this report, the 'private sector' comprises hotels, guesthouses, travel agents and tour operators, which are set up in a tourism context. The purpose of such establishments is to cater to the varying needs of tourists.

These businesses are mainly private-owned, although there are several that belong to high-ranking government officials.

## 6.1. Hotels

Some hotels have strict policies regarding child sex tourism; unfortunately these remain a minority since most hotel owners are afraid of losing business and believe that the ‘customer is king’ – regardless of their demands. The Sunway Hotel in Phnom Penh has firm rules relating to this matter. When a guest enters the establishment with a prostitute, the latter must use a separate entrance, and her identification card is kept at the door until she leaves. If a tourist enters the premises with a minor (or somebody who appears less than 18), the hotel will contact the local authorities; however if the young woman looks over 18, the hotel cannot prevent her entering the hotel. Other hotels of similar status attempt to maintain similarly firm regulations. Difficulties arise however, when there is a café or sports facilities that may be accessed by people who are not hotel guests, because this usually means there is more than one entrance into the hotel. It must be challenging to attempt to monitor everybody who comes and goes from the establishment, while separating day customers from the guests who stay the night and friends of guests. A small guesthouse in the center of Phnom Penh requires an identification card for all visitors accompanying guests back to the hotel; the owner normally stays at the front desk until all guests have returned, at which time he locks the door. One mid/low-range hotel manager told the researchers that if a couple want to rent a room for a few hours only, he charges the same rate as he would for an entire night to prevent people coming to his hotel simply to have sex.

The owner of a hotel, café and restaurant situated near the riverside in Phnom Penh prohibits her employees from facilitating between guests and prostitutes and/or girls, including contacting girls to come to a guest’s hotel room. Staff members are also forbidden from going out with guests, even if they are offered money. Guests generally do not attempt to bring minors to their rooms here. Some time ago a Frenchman tried to bring back a girl of about 15 years old but the owner did not permit the guest to stay as she feared the authorities would remove her business license. This is what she does whenever she suspects a guest is bringing someone in who could be a minor.

The majority of hotels and guesthouses that were visited in Phnom Penh, Siem Reap and Sihanouk ville either had a sticker, poster, leaflet or Visitors Guide containing some anti- child sex tourism message or warning, as well as the Ministry of Interior hotline number to call in case of suspicious behavior. One hotel claimed to have a poster behind each hotel room door warning against child sex tourism. This hotel’s policy is to call the police in the event that a guest should attempt to bring a child to their room.

## 6.2. Travel Agencies

Many travel agents that were approached in the three locations asserted that they do not give out information regarding where or how to obtain sex services. They also said that clients rarely enquire about sex services. A Phnom Penh travel agent told the researchers that they keep the Phnom Penh Visitors’ Guide with the back page picture visible, warning that sex with children is a crime, and if a customer asks for a guide book, they show the back page first. The General Manager of another travel agent based in Phnom Penh (with branches in various provinces) is very strict regarding child sex tourism; he has warned all staff, tour guides and partners that any involvement on their part would lead to the end of employment or partnership, respectively. The Siem Reap office was also visited; there, the employees warn any customers enquiring about sex services of Cambodian laws, though what they do at night time is their own responsibility. Another travel company, based in Phnom Penh, held a meeting for all tour guides instructing them to explain to their groups that sex with minors is illegal and punishable by Cambodian authorities. It cannot be ascertained whether every tour guide explains the consequences of child sex tourism to each new group of visitors.

The majority of international tourism associations have designed guidelines related to the protection of child sex tourism. These guiding principles are designed to assist members and associates create national level strategies. IATA, for instance, put together a code encouraging airlines to instruct employees and notify passengers about ways to stop the sexual exploitation of children. IH&RA (International Hotel and Restaurant Association) affirmed that they will recommend all their members stop their premises being used for child sex tourism. PATA (Pacific Asia Travel Association) promotes travel to this region, boosting tourism and increasing job opportunities. PATA have an agreement with ECPAT that they will exclude any member found to be involved in child sex tourism or related activities.

## 6.3. Impact of the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism in Cambodia

The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism (the Code) is the result of a joint effort between the World Tourism Organization (WTO), ECPAT Sweden and Nordic tour operators. It consists of six guidelines for activities aimed at combating the commercial sexual exploitation of children in the tourism industry.<sup>127</sup> The Ministry of Tourism (MoT) is a member of the WTO and as such the Code applies in Cambodia. The majority of employees working for hotels and travel companies that were interviewed were not aware



of the Code. The few who had heard of it worked for the larger travel agents in Phnom Penh; one staff member also knew that his company was not a signatory of the Code. Travel agents in Siem Reap and Sihanouk ville had mostly not heard of the Code. The same applied concerning hotel staff in the three locations (including the Cambodian Hotel Association (CHA) employee interviewed in Siem Reap). It is evident that the Code has had little impact in Cambodia until now, if individuals working in the tourism industry are not aware of it. It would seem to suggest that an even smaller proportion of the general public (which includes suppliers, travelers, etc.) is conscious that such a Code exists. No organization in Cambodia has so far signed the Code.<sup>128</sup>

The researchers spoke to a man in the NGO sector in Phnom Penh who is very passionate about his work and seemed to think that targeting hotels and travel companies would lead nowhere because of marketing. His argument is that sex sells; a pretty young woman in a bikini appeals to potential customers whereas a woman old enough to be a grandmother in a one-piece swim suit will not sell quite as well. However, it remains that all sectors concerned must be made aware and must join the struggle to eliminate child sex tourism. Every segment has a role to play, and that includes the private sector. The Cambodian government could perhaps attempt to raise awareness among the general public regarding the Code.

## Endnotes

- 1\* The Cambodia country study was authored by Ms. Caroline Putman-Cramer of COSECAM (NGO Coalition to Address Sexual Exploitation of Children in Cambodia), based in Phnom Penh, Cambodia. The Protection Project worked closely with COSECAM and especially Ms. Putman-Cramer in conducting the Cambodia portion of this research study. Ms. Putman-Cramer assisted The Protection Project in carrying out the fact-finding mission to Cambodia. Ms. Putman-Cramer conducted the follow up field investigation throughout Cambodia following the fact-finding mission. The country study was edited by The Protection Project to conform with the rest of the report, with additional information inserted, as appropriate.
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### 1. Evolution of the Sex Industry in the Philippines: Historical and Socio-Economic Perspectives<sup>1\*</sup>

#### 1.1. The Vietnam and Post-Vietnam War Period

The growth and development of the sex industry in the Philippines draws its origins, not unlike a number of other countries in Southeast Asia, to the time of the Vietnam War. During the conflict, U.S. military presence in countries of the region fueled a high demand for prostitution services.<sup>2</sup> As a result, brothels, clubs, bars, and massage parlors emerged around U.S. military bases in Thailand, the Philippines and Taiwan in the late 1950s.<sup>3</sup>

In the Philippines, a number of these bases remained even following the end of the war and the withdrawal of the bulk of U.S. forces from the region. Moreover, effective actions to fight the expanding prostitution industry were not taken, and the industry continued to grow, especially around port cities and remaining U.S. military bases.<sup>4</sup> Toleration of the sex industry and the profits to be made from its revenues promoted its continued proliferation and allowed it to attain today's immense proportions.<sup>5</sup> Recent reports assert that currently, the prostitution industry may constitute the fourth largest source of gross national product in the country (GNP).<sup>6</sup> This expansion of prostitution in the Philippines may be linked to a complex interaction of a number of factors, not least of these being the continuous presence of the United States military in the country since 1947. More generally, scholars have noted that violence against women in the Philippines has historically been closely correlated with high levels of militarization by foreign troops.<sup>7</sup>

Altogether, twenty-two U.S. military facilities were established in the Philippines in 1947, several of which remained active until 1990. All U.S. troops were officially withdrawn from the country's bases in 1992. Two of the largest and most important of these military

installations were the Subic Bay Naval Base, in Zambales Province, and Clark Air Base, a large facility in Pampanga Province, northwest of Manila. Not coincidentally, the two Philippine cities best known for the size of their sex industries, Olongapo City and Angeles City, are the same two cities most nearly adjacent to these two bases. Even today, following the closure of the bases, these cities remain significant centers for prostitution and sex tourism perpetrated by local and foreign men, including U.S. citizens. In other areas of the Philippines, the prostitution industry has also continued to grow.

In addition to factors of poverty, lack of economic opportunities for large proportions of the Philippine population, and corruption of the law enforcement system, this state of affairs is, in no small part, also linked to the fact that U.S. military presence did not completely cease with the withdrawal of U.S. troops in 1992. Following that date, military agreements were signed between the United States and the Philippines, in which the Philippines agreed to provide limited access to the United States military in the country. More specifically, under the U.S.-Philippines Visiting Forces Agreement (VFA), which was signed in 1998, the U.S. military was provided access to Philippine ports and airports for refueling, supplies, repairs, and rest and recreation. As a result, the U.S. military continues to be present in the country, and various sources in the Philippines maintain that this presence has fueled the continued expansion of the sex industry. NGOs in the Philippines voice their strong concerns that this presence is still driving the prostitution industry especially in various ports in the Philippines. In addition, following September 11<sup>th</sup>, when President Bush declared the Philippines America's "second front" in the war against terrorism, several thousand U.S. troops were deployed to the country. This return of military forces has been linked by some to increased trafficking of Filipinas and their exploitation in the prostitution industry. For example, in Zamboanga City, where most U.S. military personnel are currently based, local rights activists estimate that 2,000 women are now involved in prostitution, in contrast to almost

none before this new deployment. Estimates from the International Organization for Migration (IOM) indicate that between 2001 and 2003, the rate of recruitment for prostitution toward this area had risen six-fold.<sup>8</sup> Reports in the Philippine press regarding the sexual conduct of U.S. military personnel in the country even prompted the U.S. Embassy in the Philippines to issue a statement in February 2006 reiterating the U.S. military's lack of tolerance for solicitation of prostitution of any kind by U.S. military personnel and stressing the strict rules that apply to such behavior. The Embassy stated that "Orders to visiting U.S. military personnel regarding sexual conduct and prostitution are unequivocal: soliciting a prostitute is a crime and a violation of the Uniform Code of Military Justice, the foundation of military law in the United States. Solicitation of prostitutes by any U.S. military personnel visiting the Philippines is strictly prohibited."<sup>9</sup> Nevertheless, a key challenge is the status of relative impunity of the American military personnel involved. A clause in the Visiting Forces Agreement makes it difficult to hold U.S. troops accountable to a foreign country for crimes committed on its soil, including violence against women. A recent case involving a group of U.S. marines who allegedly raped a local woman during shore leave, has demonstrated the difficulties associated with invoking jurisdiction in such cases. While the Philippines has officially requested custody of the accused in this case, according to the latest information from the U.S. Embassy in Manila, "The U.S. will continue our cooperation with Philippine authorities as this case moves to trial under Philippine jurisdiction, in accordance with the Visiting Forces Agreement. After full and careful consideration of the request of the government of the Philippines to take custody of the accused before the completion of judicial proceedings, as required by the VFA, the U.S. informed the Philippine government on January 16 [2006], that we would retain custody of the accused in this case. The VFA provides a mechanism for consultations on requests for custody on a case-by-case basis. The accused remain confined to quarters under custody of the U.S. to ensure that they are available for Philippine judicial proceedings."<sup>10</sup> While this case has shed light on the difficulties involved in these types of cases, and some of the marines allegedly involved in the case were dropped from the case, one, Lance Corporal Daniel Smith, was convicted by a Philippine court in December 2006, as charged. His conviction is the first of its kind since the establishment of the Visiting Forces Agreement in 1998.

## 1.2. Tourism Promotion and Development

While the impact of the presence of U.S. military personnel in the Philippines on the growth of prostitution and trafficking has certainly been significant, it is far from being the sole explanation for the extent of both of these tremendous industries in the Philippines. The Philippines is a populous (population 87,857,473), but poor country which has for years struggled with dictatorship, political

instability, poverty, and corruption; all alongside high rates of population growth. These factors are all behind the magnitude of the sex industry in the country.

However, the boom of the sex tourism industry more specifically, not unlike that in many other countries, coincided with the development and promotion of the tourism industry in the Philippines, which was seen as a way to boost economic development. President Ferdinand Marcos, who, impelled by the frail state of the Philippine economy, sought to develop foreign tourism in order to stimulate economic growth. While these policies never openly promoted sex tourism, a climate of tolerance developed toward the behavior by foreigners in the country, largely because their presence was seen as key to the influx of foreign currency, regardless of what that foreign currency was being spent on.<sup>11</sup>

## 1.3. Child Pornography Industries in the 1960s and 1970s

In addition, the Philippines was also impacted by the growth of child pornography industries in the 1960s and 1970s in the West. In response to this development, the United States and a number of Western European countries enacted and began enforcing stricter laws aimed at curbing the burgeoning industry, punishing the production and distribution of child pornography materials. Likewise, some of these countries also passed laws banning the possession of such materials. In order to continue supplying existing demand (whether public or personal), child pornographers and pedophiles were compelled to move their operations to countries which lent themselves better to these activities. Developing countries, including the Philippines, Thailand, and Brazil, where relevant laws were either lenient or altogether lacking, were attractive destination options. The combination of this weak legal protection of children, and the poverty in which many local children found themselves, attracted those Westerners seeking a safe haven for their illicit activities. Many of these men sought out ways to obtain permanent residence in their chosen countries of destination, either by retiring or establishing small scale business ventures, all the while taking advantage of local socio-economic circumstances to obtain access to vulnerable children.<sup>12</sup> Such practices became entrenched in a number of locations, and in the Philippines, where corruption of law enforcement is rampant and children continue to be extremely vulnerable to abuse, continue to this day.

## 1.4. The 1980s

The issues of adult and child sex tourism as matters of grave concern began to receive widespread publicity in the 1980s, when cases of foreigners sexually abusing children in the Philippines were revealed. It was also around this time that women's groups working to raise



awareness of the plight of women in the Philippines began to bring attention to widespread sex tourism activities and the sexual exploitation of women and children in the prostitution industry.

The sexual abuse of children by foreigners, especially as linked to child pornography, was first brought to the fore with the publication of high-profile cases in Pagsanjan, Laguna, in the late 1980s. News broke in 1998 of widespread sexual abuse of children which was being perpetrated by foreign men in this small, quiet tourist town, and a raid was ordered by the Philippine Bureau of Immigration and Deportation, resulting in the arrest of 23 foreign men. These men were given the opportunity to voluntarily depart from the country or face detention in the Philippines, pending the investigation of their cases.<sup>13</sup> An American by the name of Andrew Harvey chose to remain in the Philippines and investigation into his case revealed records of abuse of over 590 Filipino children ages seven to 17. Included in these records were descriptions of sexual acts Harvey asked the children to perform and photos of the children in the nude or while performing these sexual acts.<sup>14</sup>

It was also around this time that a campaign was launched by the Third World Movement against Exploitation of Women (TW-MAE-W) in coordination with other groups throughout the Philippines to focus attention on organized sex tours, which were bringing large numbers of Japanese men to the Philippines.<sup>15</sup> In 1981, in response to the “sexploitation” of Filipinas by visiting Japanese tourists, the movement initiated synchronized demonstrations in capital cities throughout Southeast Asia, which gained momentum and elicited support and commitment from all continents.<sup>16</sup>

## 2. Tourism, Sex Tourism, and Child Sex Tourism in the Philippines

### 2.1. Tourism

The tourism industry in the Philippines is light in comparison to some regional neighbors, especially Thailand. The beautiful natural landscapes, lovely beaches, and fantastic scuba diving locations in the Philippines are often overlooked by Southeast Asian travel itineraries due to the country’s position off the land route that many traverse between Thailand, Cambodia, and increasingly, Vietnam and Laos. In addition, political instability, corruption, and terror warnings have served to stall the tourism industry from experiencing the kind of rapid development currently witnessed by regional neighbors Cambodia and Vietnam, and that which Thailand has experienced for some time.

Nevertheless, the Philippines does receive between 1 and 2.5 million travelers annually, according to the latest statistics. These visitors include both tourists and businessmen from Asia and other regions, as well as Filipinos residing abroad.

A large percentage of arrivals from the United States into the Philippines are actually those of Filipino-Americans. South Korea is quickly becoming the most significant country of origin for inbound travel to the Philippines and a current plan for a visa-free regime with China is likely to create an influx of Chinese visitors to the country.

Overall, the greatest numbers of visitors to the Philippines in absolute numbers and, in order of decreasing magnitude, hail from the United States, Japan, South Korea, Hong Kong, Taiwan, Australia, Canada, the United Kingdom and Germany.

Table 1. Tourism statistics for the Philippines.<sup>17</sup>

#### Year 2003: Visitor Arrivals to the Philippines (Total = 1,907,226)

Country of Origin	Number of Visitors	Percent Share of Total
United States	387,879	20.3%
Japan	322,896	16.9%
South Korea	303,867	15.9%
Hong Kong	139,753	7.3%
Overseas Filipinos (Filipino passport holders permanently residing abroad)	110,324	5.3%
Taiwan	92,740	4.9%
Australia	69,846	3.7%
Canada	53,601	2.8%
United Kingdom	47,447	2.5%
Germany	38,684	2.0%

#### Year 2004: Visitor Arrivals to the Philippines (Total = 2,291,352)

Country of Origin	Number of Visitors	Percent Share of Total
United States	478,091	20.9%
Japan	382,307	16.7%
South Korea	378,602	16.5%
Hong Kong	162,381	7.1%
Overseas Filipinos (Filipino passport holders permanently residing abroad)	103,742	6.6%
Taiwan	115,182	5%
Australia	89,175	3.9%
Canada	64,537	2.8%
United Kingdom	56,770	2.5%
Germany	45,092	2.0%

### 2.2. Sex Tourism

The Philippines is a significant sex tourism destination, which is readily observed based on the magnitude of literature and advice regarding sex in the Philippines available on the Internet and through other sources. Tour packages to the Philippines advertised via various means, including the Internet, were, and continue to be, a popular way of bringing would-be sex tourists to the country. Philippine Adventure Tours (PAT), based in Ventura, CA, in the United States, was one such agency. PAT, according to its own description, “specialized in sex tours to the Philippines” for an average price of about \$1,645. The

agency closed in 1999, but researchers estimated that offers of such tours by other companies to the Philippines could still be identified as of 2005.<sup>18</sup> Since prostitution in the Philippines is widespread, it often fuses with sex tourism, especially in urban, port and tourist areas. To illustrate the scope of the problem of sex tourism in the Philippines, information on Angeles City and Cebu City, two important centers for sex tourism was compiled from *The Hedonist: World Vacation Guide for Sex Tourism*, a book published to provide advice for those seeking “adult vacations,” and supplemented by Internet-based information, so as to paint a picture of the availability of “data” on the subject.

### 2.2.1. Angeles City

In Angeles City, said to cater mostly to American men, many bars and clubs employ not only adult women, but also underage girls. The city grew up around the huge U.S. Clark Air Base and although the base closed in 1992, prostitution is still the only industry of significance in town<sup>19</sup> and even the doormen at many of the hotels are said to be available to provide girls.<sup>20</sup> Field Street/Avenue has been called an “orgy central” and the girls that may be found there are reportedly very young.<sup>21</sup> Some clubs recommended to the interested tourist are, among others: Blue Nile (which is advertised as having “young girls” and where “cameras are welcome”), and others with names such as: Bunny Ranch, Treasure Island, Brown Sugar, Camelot, Blue Fox, and Pick Up Disco. Some of these establishments also operate in the afternoon, and of these, the most highly recommended are: Dirty Duck, Blow Row and Black Pearl. Regarding the prices during this time of day, it is said that in the afternoon, 500PHP (\$10) “gets you 2 hours with a girl.”<sup>22</sup>

### 2.2.2. Cebu City

In Cebu, at the Waterfront Airport Hotel and Casino and the Waterfront Cebu City Hotel Casino, “tons of girls” are said to be available. Strip clubs include: Exotica, Dimples, Caities, La Dolce Vita, Misty’s and Papillon, and the Silver Dollar Bar. All clubs charge 1000-1500PHP (\$20-30) for a girl and have a “bar” fine, which must be paid to the bar to take a girl outside its premises.<sup>23</sup> The Silver Dollar, Babylon, and the Black Hole are bars known to cater to Western customers, especially British ones.<sup>24</sup> Massage parlors are said to include: Great Hearts Health Service Massage (where a distinction is made between a massage, which is reported to cost 250PHP (\$5), and “full service,” for a higher fee, or 1000-1500PHP (\$20-30)), Finland, Bodyflex Massage (600P (\$12) for massage and 1000PHP (\$20) for “extras”), and many others.<sup>25</sup>

Researchers for the present report traveled to Cebu City and spent an evening in Barangay Kamagayan, Cebu’s slum red light area. This experience will be presented later in this report as a case study of the prostitution and child sex tourism industry in the Philippines. At this point, it should be mentioned, that one evening spent in Kamagayan does

provide telling insight into the extent of the problem of sex tourism in the Philippines, especially as it concerns children. The incidence of child sex tourism witnessed in this area was alarming.

## 2.3. Child Sex Tourism

### 2.3.1. Current Trends

Child sex tourism is a problem of significant magnitude in the Philippines. The country is generally regarded as being one of the major destinations for global child sex tourism; interviews conducted, press reports, and documentation circulating throughout the years all point to this fact. For instance, sites on the Internet have been found that speak of the Philippines as “a sex haven where cheap girls can be had.”<sup>26</sup>

It is a problem made especially acute by a very high incidence of child prostitution in the country. The Philippines was recently documented as fourth among nine nations with the highest numbers of children in prostitution.<sup>27</sup> According to various estimates, of between 300,000–500,000 prostitutes in the Philippines, nearly 60,000–100,000, according to various sources, are estimated to be minors.<sup>28</sup> The Philippines has, in the past, been considered by some second only to Thailand for the prevalence of child sex tourism, and even this dubious status is precarious—according to UNICEF—the Philippines may actually take the number one status from Thailand, where the economic situation and law enforcement have been improving. Some child sex tourists may have shifted their travels to the Philippines, as the country is in the same region, and law enforcement is less strict.

Concerns have also recently been raised that an increase in preferential child sex tourism in the Philippines may have resulted as a consequence of the devastating tsunami of December 2004, which affected a number of nearby locations in South and Southeast Asia, where child sex tourists may normally be found, particularly Sri Lanka and Thailand. As the Philippines was unaffected by the tsunami, local NGOs fear a rise in the presence of child sex tourists in the Philippines along with increased tourism as a result of the tsunami. In fact, Philippine authorities registered a 16 percent rise in visitors to the Philippines following the tsunami.<sup>29</sup>

A comprehensive literature search on the subject of child sex tourism in the Philippines revealed a great deal of information regarding the problem until the years of 1998-2000, with very little information available after that time. For example, a sizeable list of documented arrests and prosecutions of child sex tourists in the Philippines dating back to the 1990s was compiled, while only a few such cases could be documented after the year 2000; those being mostly of men prosecuted in the United States for crimes committed in the Philippines in previous years, as well as several recent arrests in the Philippines.

These findings raised an important question regarding the extent of the problem in the Philippines today – had child sex tourism abated in the country since the 1990s? Research conducted in the Philippines confirmed that child sex tourism is indeed still a considerable problem, but revealed that the Philippines had taken on combating trafficking in persons as a national priority, which at the same time resulted in a decreased level of attention to child sex tourism. While the government of the Philippines publicly recognizes the severity of the problem of child sex tourism,<sup>30</sup> the efforts being taken to combat trafficking in persons, which do not always focus on related issues such as child sex tourism, are by far more significant. In fact, not just government officials, but also NGOs consulted, had far more information available regarding trafficking than about child sex tourism. This was likewise the case for initiatives being taken to combat these crimes.

### 2.3.2. Major Locations of Child Sex Tourism Activity

The primary locations for child sex tourism activity in the Philippines are Sabang and Puerto Galera in Mindoro; Cebu City and adjacent areas in the Visayas; Boracay; Angeles City; and Pasay City.

Angeles City is considered one of the most notorious places in the Philippines for child prostitution, as is Sabang. Angeles City is probably the most famous sex destination in the Philippines,<sup>31</sup> and it has been referred to by some sex tourists as a city where the entire economy is based on the sex trade.<sup>32</sup> An estimated 13,000 Australians per year, second in number only to Americans, are reported to visit Angeles City, a center of prostitution surrounding the former Clark U.S. Air Force base in the Philippines.<sup>33</sup> Sabang is a quieter, more secluded location. Consequently, the dynamic behind the commercial sexual exploitation of children varies greatly between Angeles City and Sabang. While Angeles City is witness to a flurry of activity, and receives organized sex tours, Sabang is a clandestine location to which preferential child sex tourists travel alone to feel anonymous and protected.<sup>34</sup> It is a place where one finds mostly Western preferential child sex tourists and pedophiles, and where the locals would be surprised to find a Western visitor who is there purely for leisure, with no other intentions. The community is small, and most hotels are reported to tolerate child sex tourism, generally in collusion with local security.<sup>35</sup>

Pedophiles seeking young children are strongly believed to be operating in Puerto Galera, where recent arrests of foreign men abusing children have been documented. Pasay is another important location for pedophilia in the Philippines. However, in this area, the perpetrators are normally expatriates rather than tourists.<sup>36</sup>

Cebu City, a major tourism destination, and its surrounding areas, are currently cited by Philippine law enforcement as the favorite place for preferential child sex tourists and pedophiles in the Philippines.<sup>37</sup>

Boracay, another major tourism destination, has been identified by ECPAT Philippines as a haven for sex tourism, particularly for cyber sex.<sup>38</sup>

Manila, the capital city of the Philippines is not as significant a destination for sex tourists as are other parts of the Philippines mentioned hereto, due to the city's relatively minimal appeal as a tourist destination. The city is plagued by severe traffic congestion and smog is a problem. Nonetheless, businessmen traveling to the capital may be seen at various entertainment establishments, bars and clubs around the city, which clearly cater to sexual needs of its customers. It is possible that some of these men may exploit underage girls if given the opportunity to do so. For instance, "Lolicon Land," a Japanese pornography magazine, stated that "If you want to buy young girls but cannot afford to go to Thailand, Manila is the best place to go."<sup>39</sup>

### 2.3.3. Profile of Sex Tourists and Child Sex Tourists

As in many other countries, the majority of child sex tourists in the Philippines are thought to be situational sex tourists. However, the majority of foreign men who have been prosecuted either by Philippine authorities or extraterritorially for child sex tourism perpetrated in the Philippines have been preferential child sex tourists, likely because they are typically repeat offenders who stay in the country where they are seeking children for extended periods of time. Situational offenders, on the other hand, tend to be short-term tourists who quickly move on from the country they are visiting.

Preferential child sex tourists, a group that includes pedophiles, can also be distinguished based on the way they organize their travels. Many pedophiles are members of associations, which give them information about who to contact once they are inside the country of destination. They rarely use travel agencies and often travel alone or with one friend.<sup>40</sup> They are likely to take advantage of child-sex related information disseminated and easily found on the Internet or in magazines, which may feature pornographic pictures of Filipino children.<sup>41</sup> One magazine's advertisement of Pagsanjan, a tourist town in the Philippines, stated that visitors can "shoot the rapids by day and shoot the boys at night."<sup>42</sup> Pagsanjan was a notorious destination for foreign pedophiles especially in the 1980s.

The majority of "customers" of children engaged in prostitution in the Philippines are local Filipino males. Statistics vary as to the exact numbers, with some studies showing that nine out of 10 "customers" of child prostitutes in the Philippines are Filipinos.<sup>43</sup> According to law enforcement authorities of the Philippines, 10-15 percent of sexual crimes against children in the Philippines are committed by foreigners.<sup>44</sup> Female tourists are also known to purchase sexual services from children in the

Philippines; however, their numbers are significantly lower.<sup>45</sup>

Foreign perpetrators range from foreign sex tourists who are on “vacation” for that purpose specifically (this group includes the preferential child sex tourists and pedophiles), to military personnel on rest and recreation, to foreign businessmen, who may see the widespread phenomenon of child prostitution as an opportunity for cheap and “young” sex.<sup>46</sup> It is very difficult to find statistics showing the exact numbers of foreign visitors who have sex with minors and to identify the relative percentages of various nationalities.

Nonetheless, certain nationalities appear as perpetrators more frequently than others. In the past, official police statements have claimed that overall, the highest numbers of sex tourists in the Philippines hail from Europe, Australia and Japan.<sup>47</sup> This continues to be the case today, with the majority of sex tourists and child sex tourists in the Philippines reported as arriving from Japan, South Korea, the United States, Australia, the United Kingdom, Germany, and other Western European countries.<sup>48</sup> “Chinese” are also frequently mentioned, and refer to men from Hong Kong and Taiwan, as mainland Chinese are not yet frequent visitors to the Philippines. Foreign businessmen who solicit sexual services from children in prostitution while in the Philippines are typically from Japan, Hong Kong and Taiwan, as well as the wider Asian region, including in rising numbers, from South Korea.

Virginity-seeking is reported to be highly prevalent in the Philippines and the demand for virgins in the Philippines, as well as in other Southeast Asian countries facing the problem is driven largely by Japanese, Korean and Chinese men traveling to these countries. Chinese men value sexual relations with children, and especially virgins because of the belief that the act would be “rejuvenating”<sup>49</sup> or would bring good luck to a planned business venture.<sup>50</sup> In the Philippines, Taiwanese and Japanese customers are reported as the dominant nationalities seeking virgins.<sup>51</sup> A virgin in the country may be bought for between 20,000 and 50,000PHP (\$400-1,000), which is a price especially affordable for Japanese customers.<sup>52</sup> On the other hand, pedophiles coming from the West seem to be especially interested in Asian children because their smooth skin free of body hair gives the impression that they are even younger than their actual age, thus “the illusion of having sexual relations with an infant is heightened.”<sup>53</sup>

Many foreign nationals “own” property throughout the Philippines, including bars and clubs that cater to foreign demand for prostitution.<sup>54</sup> While strictly speaking foreign nationals are not allowed to own property in the Philippines, many do so anyway, by virtue of marriage to a Filipina, for example, or through another form of partnership which allows the foreign national the desired level of control over a property. Many Australian citizens have entered

into such arrangements, and own bars and clubs in the Philippines. Similarly, in Puerto Galera, which is a hot spot for child sex tourism, most of the local bars are owned by Europeans.<sup>55</sup> South Korean nationals are reported to be increasingly obtaining property in Boracay, where child sex tourism is a big concern. Korean men utilizing services of Filipino child prostitutes are reported to be very brutal and often abuse the children physically. Most are reported to be seeking girls between the ages of 14 and 16. Philippine NGOs are reporting more and more cases of involvement of Korean men in child prostitution in the country. ECPAT Philippines has stated that Korean men are outpacing the Japanese in taking sex tours to the Philippines and has urged the Korean government and Korean citizens to help protect Filipino minors from sexual abuse through these organized sex tours.<sup>56</sup> ECPAT International has documented a number of cases of Korean men in the Philippines who were investigated on child sexual abuse. Additionally, in 2005, six Korean marriage brokers were arrested after their Korean clients had sexual affairs with multiple Filipina women before choosing to marry one.<sup>57</sup> Some Koreans were also reportedly bribing police to evade charges of sexual assault and encouraging corruption.<sup>58</sup> In a positive development, the Korean government, at least according to ECPAT Philippines, is concerned with these issue and is keen to look into it.<sup>59</sup> In addition, at least three Korean tourism agencies have signed agreements that they will not facilitate this type of behavior.<sup>60</sup>

## 2.4. Child Trafficking and Child Sex Tourism in the Philippines

A link between child trafficking and child sex tourism is noted in the Philippines. Over 40 percent of the Philippine population currently lives below the poverty line<sup>61</sup> and both international and domestic trafficking are significant. Many of the children who are exploited in prostitution are also victims of trafficking. Trafficking for prostitution toward urban areas, port cities and tourism destinations is particularly common. For example, an ECPAT Philippines study from 2004 on child trafficking in the country found that two of the four most common routes for child trafficking included Cebu as the destination, a city which is considered as having one of the highest incidence rates of sex tourism and child sex tourism in the country.<sup>62</sup>

Child victims come mainly from the more impoverished parts of the country and may be sent to secluded places with bars and videokes that often cater to the needs of tourists.<sup>63</sup> Some children are trafficked repeatedly and are continually transferred from one location to another.<sup>64</sup> The majority of the victims are girls, from as young as 13 to as old as 17. Trafficked children tend to come from very poor and dysfunctional families from either rural or urban areas, and the children most at risk of being trafficked are those from households with more than eight members,



and whose parents have irregular or inadequate sources of income. Fifteen minors exploited in prostitution in Cebu who were interviewed for the ECPAT Philippines study came from families with between five to seven members; in Metro Manila, most of the victims interviewed for the study came from families with between four and eleven members; and in Cagayan de Oro City, the majority of the children interviewed came from families with more than eight members. According to the children, when money for food in the family was severely lacking and there was little to eat at home, they were forced to drop out of school and obtain any type of employment that could somehow feed them or buy some food for the family.<sup>65</sup> Many of the children found in prostitution had run away from home to escape parental abuse, extreme poverty and neglect.

In some cases, children may be pushed into the business by their parents, or else follow in their footsteps (usually of the mothers) into prostitution.<sup>66</sup> For trafficked children, the circumstances of their “employment” are difficult. They may be deprived of freedom of movement, imprisoned and blindfolded while being transported from one place to another. They may be locked up and abused. The children endure violence and harassment at the hands of clients, policemen who may demand their services for free, as well as that perpetrated by their managers. They suffer threats, forceful de-virginization and taking of drugs, and rape.<sup>67 68</sup>

## Child Sex Tourism in the Philippines Case Study: Cebu City and Barangay Kamagayan

### *Cebu City*

Cebu, currently one of the top tourism destinations in the Philippines, is also one of the top five areas for child prostitution and child sex tourism.<sup>69</sup> Cebu was featured alongside Manila by a Japanese pornography magazine entitled *Lolicon Land*, which hailed the two cities as “treasure lands of child prostitutes.”<sup>70 71</sup>

According to the work of the Third World Movement against the Exploitation of Women (TW-MAE-W), Cebu only recently became an important destination for international tourists from Europe, the United States, Australia, Japan, South Korea and elsewhere. Local officials have stated that the trafficking of minors for prostitution is “always identified whenever there is a boom in tourism.”<sup>72</sup> However, these same officials deny the extent of the problem in the area. The mayor of Cebu City, Tomas Osmeña, has made public statements alleging that local NGOs were exaggerating the figures of child prostitution and child sex tourism in Cebu City. Osmeña attributed the high numbers provided

by a consortium of NGOs (Catch-Wise, “Consortium against Trafficking of Children and Women in Sexual Exploitation”) to their desire to obtain funding, stating that “I suspect they are using the cause of the children as a livelihood for themselves.”<sup>73</sup>

An estimated 70-100 girls under the age of 18 may be found in Cebu City on the streets of Colon, Jones, Sanciango and secluded areas near the San Jose Recolettos, Baseline, Plaza Independencia and Fuente Osmeña.<sup>74</sup> Well-known “casas” and brothels are Ivory, Hanna Valley I, I and III, and Happy Valley house, where an estimated 60-100 girls are reported to provide various sexual services that range from entertaining to servicing sex tour packages. Bars, videokebars, massage parlors, dirt floor beer houses scattered around downtown Cebu City, and nearby Mandaue and Lapulapu City offer, at a minimum, between 30-60 girls per night each. Some clubs offer up to 350 girls. Some of the best-known bars in Cebu City frequented by Western men are Silver Dollar, Babylon, and Black Hole. Male prostitution also exists in Cebu and Cebu City’s male sex workers range in age from 12 to 63.

Social workers in Cebu City estimate that the demand for prostitution in the area is divided between foreign and local demand relatively equally.<sup>75</sup> The most frequently visible foreign customers in Cebu are cited as men of Japanese, Korean, and Taiwanese origins. Japanese and South Korean perpetrators especially are known to fly directly to the international airport in Cebu, from which they move on to Cebu City and the surrounding areas, where they may sexually exploit children.<sup>76</sup> Korean men are especially feared by the women and girls in prostitution in Cebu. Often, when these men take a girl to a hotel, she may be abused by a much larger group of men, both sexually and physically. Pornography making is frequently involved in these cases as well.<sup>77</sup> Europeans, North Americans and Australians are also reported in significant numbers. Local NGOs are very concerned about the impending implementation of a visa-free regime with China, which, they are afraid, will fuel the sex industry in Cebu even further.<sup>78</sup>

An estimated 10,000 women and girls work in prostitution in Cebu province, with about 40 percent of these reported to be under the age of 18.<sup>79</sup> Many of the children are trafficked. As a large urban center, Cebu City already constitutes an expected destination for victims of trafficking. However, Cebu’s status as a major tourism destination likely fuels trafficking all the more, due to the abundance of financial influx to this area by the tourists. In fact, at least 114 cases of

trafficking have been documented by ECPAT Cebu in the Visayas and Mindanao in recent years (October 2000-November 2003). In all these cases, Cebu was the point of destination. The ages of the victims in these cases were between 13 and 19 and they were all trafficked into the sex tourism industry.<sup>80</sup>

### ***Barangay Kamagayan***

Barangay Kamagayan, a neighborhood of Cebu City located nearby the campus of the University of San Carlos, was born as a red light district following World War II. It was torn down several times throughout its subsequent history, and was once again recently rebuilt as a marketplace. However, squatters moved in, and the Barangay now holds a population of about 2,500 people, made up by about 300 families. The main sources of income in the Barangay are prostitution, small-scale gambling, and drugs. It is a small neighborhood, essentially walled off from the surrounding area by virtue of concrete walls that were built to designate the boundaries of the marketplace. Inside, it is a dark maze of compartments, transformed from their original purpose as market stalls and turned into the various structures comprising the everyday life of the community: living quarters, cigarette stalls, brothels. Privacy is largely non-existent and everything happens in plain sight of everyone else. Funerals are held here, drug deals are made, laundry water spilled out into the narrow passageways between what were meant to be market stalls and what are now the thoroughfares of the neighborhood.

These passageways are the arteries of the slum area. Some are wide enough to be considered streets, others are simply too narrow. In the poorest, most devastating part of the slum, people are living so closely together that the only way to get through that area is to literally walk through their living quarters.

Some open areas are used for larger gatherings and as a marketplace.

The entire neighborhood may be considered a brothel. Grandmothers, mothers, uncles, even the youngest children are involved in the prostitution business in some way. Many of the pimps in the neighborhood are third-generation pimps – their fathers and grandfathers had done the same. By far the vast majority of the girls living in the slum are prostituted.

Because of the nature of this neighborhood, few customers venture inside. When they do, these are generally poor locals, looking for the cheapest women they can find. They utilize the girls' services in the slum

itself, in brothel houses that are available there. In the past, about 52 such brothel houses were to be found in Barangay Kamagayan, although the advent of cell phone technology has lowered that number, as it is no longer as necessary to have rooms available in the red light district: a girl can easily be shipped to another location at a customer's request made by telephone.

What is possibly most appalling is the abundance of foreign clients visible in the area on a Friday evening, about 10 PM. A visit to the area lasting less than one hour pointed to a shocking trend: at least four Western men turned up in the neighborhood requesting girls. The implications for the extent of the numbers of foreigners seeking prostitution in Cebu are staggering, as Kamagayan is the least sought after location for prostitution in the area, associated as it is with poverty and crime. For example, one sex tourist sharing his insights on prostitution in Cebu City states that: *"Kamagayan or Junquera (pronounced hong-ke-ra)--this is consider[ed] the bottom of the hooker ladder in Cebu. Best way to access this scene is by getting into a cab and telling the driver you want to get a whore in kamagayan/junquera. the scene starts as soon as the sun goes down until 3 in the morning. The taxi will drive up into a small street and young women will fall in line in front of your taxi for your viewing. This will cost you 300 to 500 [PHP]. you hand the money to a bugaw (boo-gaw), their agent. 50% goes to the girl, 40% to the mamasan (usually not scene, but is in-charge of the women's food and lording in the area), and 10% to the agent/ bugaw. But you don't have to worry about any of that. just pay the money to her agent and off you go."*<sup>81</sup> Indeed, this is exactly how it works, as the researchers for the present report witnessed with their own eyes.

Unlike some of the local clients, Western men do not venture inside the slum. Instead, they utilize the services of pimps (the *bugaws*), who are also slum residents, and who stand at each corner of the neighborhood, monitoring and scanning the nearby streets for potential clients. Western men pull up in taxi cabs and the pimps approach the taxis. The customer "places his order" and requests a girl. The pimp then disappears inside the slum and calls on the girls that are around to come outside with him. A group of eight to 10 girls follow the pimp to the taxi cab. They are lined up in front of the taxi's headlights and the customer chooses the one that he will take. The taxi cab then takes the customer away with the chosen girl to another destination; possibly a hotel, possibly a private residence.

Most of the girls that are prostituted from the slum are

between the ages of 16-18. Groups of children, some as young as five or six years old who are all still up and about at this time, run and grab the girls to go out to meet the customer upon hearing that one might be outside. Most of these children are anywhere from five to 10 years old.

The girls who are living and are prostituted in the Barangay subsist on a meager existence, and rarely know how much they should be getting paid. In contrast to information provided by the sex tourist quoted above, the reality seems to be that the girls are not paid per customer. Instead, they are given cash advances, on the basis of which they are then provided a monthly balance sheet by their “maintainers.” The balance sheet details their “expenses” as subtracted from the cash advance. This information is supposedly based on each girl’s earnings. “Expenses” include food, return taxi fares to the Barangay from hotels where the girls are taken by the clients, and other types of living expenses. Time after time, however, the girls’ expenses, at least as presented to them by their maintainers, end up at three to six percent higher than their incomes.

On average, about 10 to 15 new girls arrive in the Barangay every week, many of them trafficked from Mindanao. These girls normally reside with their maintainers, who each keep about 15-20 girls and “take care” of their living arrangements and expenses. Altogether, about 250 girls are reportedly prostituted at any one time in the Barangay. The girls that are sold for the least amount serve on average 15 customers per night. The more “expensive” girls normally service between three and five customers per night. Each girl must serve at least two customers a night, otherwise she will not be fed.

Generally, the whiter the skin of the customer, the higher the price charged by the pimp. Japanese clients are the exception, and are generally also charged higher prices. For the girls that are provided to customers for the cheapest price, the pimps will charge about 50 pesos (about \$1) and the most expensive ones for about 5,000 pesos (\$100). Tourists often request so-called “package deals,” taking several girls away with them from Barangay Kamagayan for extended periods of time.

## 2.5. Child Pornography in the Philippines

Child pornography, which is also linked with child sex tourism, is an alarming problem in the Philippines. It can be characterized both by small scale, local operations, as well as by large-scale, international organized networks operating in, through and outside of the Philippines.

Many foreign child pornographers operating in the Philippines or with the assistance of Filipino nationals who procure Filipino children for this purpose are of the same nationalities as the child sex tourists that are identified as frequent offenders in the Philippines: Japanese, American, Australian, British and others. Based on documented cases of child pornography in the Philippines,<sup>82</sup> and according to sources consulted in the country, child pornography in the Philippines is produced more frequently by foreign nationals than by Filipinos. Among these perpetrators, Japanese nationals are cited most often. For instance, the best-known case of an organized child pornography network in the Philippines involved a Japanese national. In this case, some 70 children (aged five to 18) were reported to have fallen victim to a well-organized syndicate of child pornographers. The syndicate’s alleged activities included a Japanese national (Noritaka Ota, age 67) in collusion with Filipino nationals (Butch Manukon, age 44; Annaliza de la Cruz, age 34; Abigail Capili, age 36; Mae Anne de los Santos, age 27; and Roberto de Lara, age 53<sup>83</sup>) who acted as mediators and procured the children that were hired to perform for pornographic videos and model for pornographic images. These individuals were arrested while trying to conduct a pornographic shoot in Los Baños, Laguna, through a joint operation involving several Philippine government agencies. The children that were involved in the shoot originated from Metro Manila and a town in the province of Rizal. Some were alleged to be as young as five years old, although police had not made the final determination regarding the involvement of children under 10 years of age.<sup>84</sup> This group had reportedly been operating in the Philippines for at least three years. According to Philippine authorities, many of the children were abused repeatedly by this syndicate.<sup>85</sup> As in this case, Filipino nationals are most commonly involved in child pornography production as mediators and accomplices of foreign nationals, acting as procurers or as business partners. When Filipinos are engaged in child pornography production, it is generally as part of small-scale operations, via mobile phones with picture-taking and video-making capacity. These images are often produced for personal use, but also for sharing the material with others.<sup>86</sup> In 2001, a Filipino male was caught distributing child pornography online, but was able to escape prosecution after a local judge dismissed the case against him for lack of evidence and pertinent laws related to the case. The Filipino national was operating a web-ring that sold child pornography over the Internet from a resort in Boracay.<sup>87</sup> Angeles City is likewise notorious for production of child pornography. In a recent case there, child victims of prostitution and pornography were murdered by the perpetrators. Tragically, this case is illustrative of a larger trend in Angeles City, which is known as a center of the hard-core child pornography industry; law enforcement risk in the city low, with police largely looking the other way, as is likewise the case with most politicians and the military.<sup>88</sup> Indeed, some sources claim

that the city is a protectorate of the police, politicians, and the military.

A recent, but rapidly expanding trend in the Philippines is that of cybersex dens. These establishments employ men, women, and children to perform live sexual acts, which are then beamed via a webcam to the Internet. Customers may view these performances on the Internet from anywhere in the world.<sup>89</sup> Authorities in the Philippines have classified these establishments as “a form of prostitution where a client and the commercial sex worker (CSW) transact business over the Internet using web cams.” Payment in these types of transactions is normally made by credit card via an Internet connection. This type of business is quickly becoming a lucrative source of income for Internet café owners promoting this form of prostitution.<sup>90</sup> Studying the documented cases of child pornography and child sex tourism in the Philippines, it is clear that a strong link may be found between the two phenomena. Indeed, often the cases are one and the same – a child is sexually abused by a foreign pedophile, for example, and at the same time, a videotape is made of the encounter. In the Philippines, child sex tourism cases are almost always also child pornography cases.<sup>91</sup>

### 3. Initiatives to Combat Child Sex Tourism

#### 3.1. A Need for Intervention

The government of the Philippines recognizes child sex tourism to be a problem in the country, and a law to tackle the crime was passed in 1992, under which a number of prosecutions took place, with the first conviction against a foreign child sex tourist secured in 1997.<sup>92</sup> It took a long time to secure the first conviction due to the fact that the process of dissemination of laws in the Philippines is time-consuming and very slow, and the NGOs, as well as the government had to work hard to disseminate information about the new legislation throughout the country.<sup>93</sup> In fact, the scattered island geography of the Philippines and the consequent decentralization of authority create significant obstacles for the implementation of any nationwide initiatives. Nevertheless, the rate of arrests of foreign child sex offenders in the Philippines has been rather high. Unfortunately, few of these arrests resulted in convictions, indicating high levels of corruption, the need for improvements in investigation, and other problems such as the lack of resources to combat the problem in a sustained and institutionalized way, as well as priorities that are geared toward addressing the issue of trafficking in persons. Some NGOs have attributed the declining rate of arrest of child sex tourists over the years to a policy shift from an emphasis on prosecution toward one of prevention, driven in part by high levels of corruption of law enforcement, which prevents cases of arrest from making it all the way through the prosecutorial process. Even so, the prevention efforts that are being implemented

are in great need of expansion. Overall, because child sex tourism and the commercial sexual exploitation of children have been somewhat detached from the wider concept of trafficking in persons, the policies being implemented to combat the phenomenon have tended to overlook these crimes. One exception has been child pornography, which is receiving a greater deal of attention than is child sex tourism. As child sex tourism is linked closely to both trafficking and child pornography, a shift in policy is needed toward establishing a framework that would incorporate all of these issues as priority concerns, possibly under the umbrella of trafficking in persons, so as to ensure that they receive the requisite attention and resources. The foundation for such work has already been established in the Philippines with the groundbreaking Anti-Trafficking in Persons Act of 2003, which covers all three phenomena. The Philippines is currently the only country in the world where child sex tourism is incorporated as part of its anti-trafficking legislation.

Additionally, program planners in the Philippines seeking to address child sex tourism have been constrained by a lack of comprehensive and tangible data on which to anchor programs. Though comprehensive studies have been conducted on issues related to the commercial sexual exploitation of children, these have largely focused on trafficking in persons, child trafficking or child pornography. While generating a good deal of media attention, child sex tourism has not received the same type of vigorous scholarly research attention as these other phenomena have. When child sex tourism is addressed in the research literature, it generally receives a cursory mention and little in-depth analysis. No comprehensive, Philippines-based study of commercial sexual exploitation of children in the country, especially not one that addresses the issue of child sex tourism in any systematic way, could be identified. Similarly, while policies to combat trafficking in persons, including trafficking in children are being developed, with both the governmental and non-governmental sectors heavily engaged in research into the problem, as well as in the development of effective mechanisms to prevent it and provide protection to victims, the same is not being done to the necessary degree for child sex tourism. This problem, however, is in critical need of intervention, especially because it requires initiatives that go beyond the scope of those that are currently being implemented to combat trafficking. Effective intervention requires outreach to foreign visitors to the country, engagement of the private sector, and other policies not currently receiving priority status. Significant steps to tackle child prostitution are likewise critical, as the extent of the problem in the country is at alarming levels and contributes to the high levels of child sex tourism.

#### 3.2. Prevention

A number of initiatives in prevention of child sex tourism are being carried out largely by the Department of



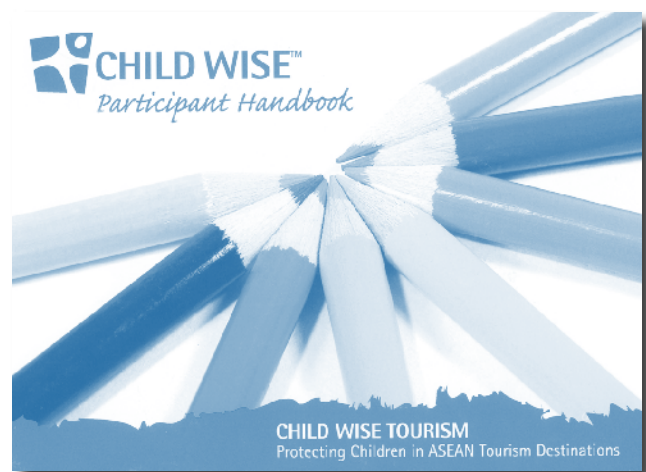
Tourism (DoT). The DoT is cooperating with international organizations and local NGOs in the production of materials that are aimed at raising awareness regarding child sex tourism in the country. For example, the DoT is working closely with ECPAT Philippines in implementing a child-friendly tourism initiative. As part of this initiative, ECPAT is conducting training with local government officials in relation to child protection and commercial sexual exploitation of children. Toward implementing child-friendly tourism throughout the country, ECPAT is promoting the “ASEAN Traveller’s Code” in partnership with UNICEF.

ECPAT is likewise conducting workshops with private hotel and restaurant chains. All of these activities are conducted hand in hand with the DoT.<sup>94</sup> A sample booklet promoting the ASEAN Traveller’s Code was developed by ECPAT Philippines and ECPAT Cebu in cooperation with the Department of Tourism, and with support from UNICEF and Cooperazione Italiana.<sup>95</sup> The material in the booklet is based on the ASEAN Traveller’s Code and ASEAN is one of the partners in this publicity campaign. The booklet encourages the traveler to be a responsible tourist, respecting the natural, historical and cultural heritage of Southeast Asia, and encourages visitors to “help prevent the abuse and exploitation of people.” The paragraph of the booklet specifically addressing child sex tourism reads: “The sexual abuse of children is illegal in ASEAN countries. Strong laws exist to prosecute travelers in their home country for the sexual exploitation of children overseas.” The three-page booklet is designed to be shaped as a three-dimensional triangle which can stand up and be placed on tables, reception desk areas, and other appropriate locations in hotels, tour company offices, travel agencies, etc. where tourists are likely to see it (Figure 1). Such booklets have been distributed to various travel and tourism establishments throughout the Philippines.



Figure 1. Page one of the ASEAN Traveller’s Code Promotional Booklet.

The DoT is likewise participating in an Asia-wide “Child Wise (ECPAT Australia) Tourism” training of trainers program. Child Wise Tourism is a training and network development program that promotes ethical and sustainable tourism practices to prevent the sexual exploitation of children. Child Wise has developed a curriculum that it is implementing throughout the Asia and Pacific region. This



*Child Wise Tourism Workshop Agenda*

Components	Content	Components	Content
Registration		MODULE 5: Current Efforts to Protect Children in Tourism Destinations	5.1 International Interventions 5.2 Regional Interventions 5.3 Local Interventions
Opening Ceremony	Opening Speech	Afternoon Tea	
MODULE 1: Introduction	1.1 Welcome 1.2 Icebreaker 1.3 Who is Child Wise? 1.4 Workshop Agenda 1.5 Important Information 1.6 Pre-Workshop Quiz	MODULE 6: What Can We Do To Protect Children?	6.1 Child-safe Tourism Simulation Exercise 6.2 Five Easy Steps 6.3 Be Vigilant 6.4 Speak Up 6.5 Report It 6.6 Develop a Child Protection Policy 6.7 Raise Awareness
MODULE 2: The Tourism Industry	2.1 Tourism in My Country 2.2 Tourism Quiz 2.3 The Impact of Tourism	MODULE 7: Closing Remarks	7.1 Post-Workshop Quiz 7.2 Protecting Children-Protecting Tourism 7.3 My Commitment 7.4 Where To From Here?
Morning Tea		Official Close of Workshop	Closing Speech and Thanks Presentation of Certificates
MODULE 3: Child Sex Tourism	3.1 Group Discussion 3.2 What is Child Sex Tourism? 3.3 The Global Perspective 3.4 The Local Perspective 3.5 Children’s Rights 3.6 The Impact of Child Sex Tourism	Workshop Evaluation	Participants complete Child Wise Tourism Workshop Evaluation Forms
Lunch		Finish	
MODULE 4: Who Are the Offenders?	4.1 Respecting Responsible Tourists 4.2 Who is A Sex Offender? 4.3 Media Review 4.4 Classification of Offenders 4.5 Myths about Child Sex Tourism		

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Figure 2. Cover and workshop agenda from the Child Wise Participant Handbook for the Child Wise Tourism Training.

curriculum is being used as a training of trainers program for tourism establishments throughout the Philippines. The program aims to raise awareness regarding the prevention of commercial sexual exploitation of children in tourism in the Philippines (Figure 2).

In addition to the curriculum materials developed for the training programs, public awareness materials developed by Child Wise are being utilized to encourage public attention to and reporting of child sex crimes against children. The materials include posters and stickers warning of the dangers of child sex tourism, providing a hotline number to report such crimes, and are meant for distribution to tourism establishments throughout the Philippines (Figure 3).<sup>96-97</sup> These materials are co-sponsored by the DoT. The Philippine Tourism Security Office is in charge of operating the hotline and receiving calls that come through the Child Wise campaign. Taxi drivers are a key target group the DoT is currently aiming to engage, since they are often on the front lines of interaction with tourists and frequently serve as mediators between the child sex tourists and the children.

The DoT provides accreditation to tourism and travel establishments and can revoke this accreditation if the

establishment is found in violation of provisions that form part of the accreditation code, such as the zero tolerance policy in regard to prostitution and the requirement that anyone under the age of 18 must be accompanied by a parent on the premises of the establishment. However,

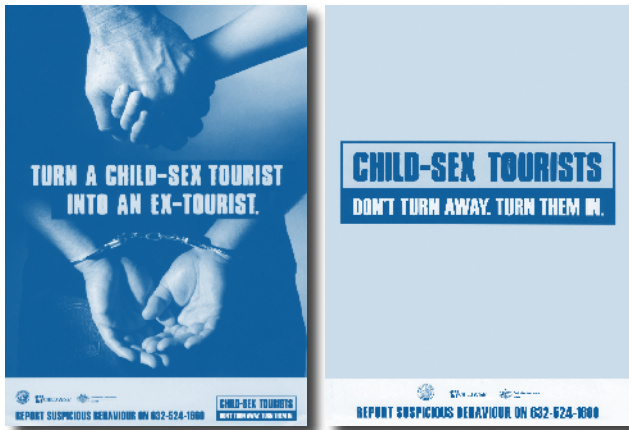


Figure 3. Child sex tourism public awareness posters developed by Child Wise.

the accreditation process is voluntary and therefore does not pose a significant risk to violators. Additionally, licensing of travel and tourism establishments is regulated at the local government level, and therefore the DoT can only recommend to the local government that a specific establishment's license be revoked—the DoT does not itself have the authority to revoke the license. To date, the DoT has not recommended any establishment's license for revocation. However, local authorities in Fort San Pedro Park in Cebu revoked the license of a tour agency that facilitated the taking of pictures of nude women by a tour group of Korean men.<sup>98</sup>

The DoT also cooperates closely with the Council for the Welfare of Children. The cooperation between these two agencies focuses on the prevention side of child sex tourism. The main mandate of the Council for the Welfare of Children, however, is policymaking. The agency is involved in lobbying for the passage of laws addressing the commercial sexual exploitation of children, and was instrumental in lobbying for the trafficking law passed in 2003.<sup>99</sup>

The DoT faces a number of obstacles in its work to combat child sex tourism. These obstacles include limited funds, the lack of jurisdictional power to enforce relevant regulations, largely due to the devolution of tourism regulatory powers away from the central government, and the reliance on the private sector and NGOs to address the issue. Nevertheless, the DoT plans to conduct research in a number of target areas on child sex tourism in the future as well as to produce additional public awareness materials.<sup>100</sup>

A number of NGOs in the Philippines are addressing the issue of child sex tourism, however, few are devoted exclusively to this issue. ECPAT Cebu is one NGO

particularly concerned with the issue of child sex tourism, largely due to its location in a city where the incidence of the crime is high. ECPAT Cebu is working alongside ECPAT Philippines and in cooperation with the Department of Tourism to emphasize prevention. Additionally, research is being conducted on child sex tourism throughout the country, especially in Cebu and Bujol.<sup>101</sup> As Koreans are now moving steadily toward making up the single largest group of tourists in the Philippines, ECPAT is conducting a study into their behavior in the Philippines. As the research results discussed above indicate, Koreans do indeed appear to make up a significant number of men utilizing the services of both minor and adult prostitutes in the Philippines, so this research is very timely.<sup>102</sup>

### 3.3. Prosecution

#### 3.3.1. Legislative Framework in the Philippines

A number of laws passed recently in the Philippines form the framework for the protection of children and the punishment of offenders related to child sex tourism. These laws are Republic Act 7610, Republic Act 7658, Republic Act 9208, Republic Act 9231, and Republic Act 9262.<sup>103</sup>

Republic Act 7610, known as the “Special Protection of Children against Child Abuse, Exploitation and Discrimination Act,” penalizes child prostitution and child pornography to a limited extent. This act does not explicitly address trafficking in children for sexual purposes, but does provide for punishment for child trafficking, which, for the purposes of this act, is defined as “trading and dealing with children, including, but not limited to, the act of buying and selling of a child for money, or for any other consideration, or barter, shall suffer the penalty of reclusion temporal to reclusion perpetual. The penalty shall be imposed in its maximum period when the victim is under twelve (12) years of age.”<sup>104</sup> For the purposes of the implementation of the provisions of this act, children, whether male or female, who for money, profit, or any other consideration or due to coercion or influence of any adult, syndicate or group, indulge in sexual intercourse or lascivious conduct, are deemed to be children exploited in prostitution and other sexual abuse.<sup>105</sup> In such cases, the child is considered a victim of sexual exploitation. A child, for the purposes of this act, is considered as “a person below eighteen (18) years of age or one over said age and who, upon evaluation of a qualified physical, psychologist or psychiatrist, is found to be incapable of taking care of himself fully because of a physical or mental disability or condition or of protecting himself from abuse.”<sup>106</sup> The following persons may be penalized for committing child prostitution: (a) those who engage in or promote, facilitate, or induce child prostitution, which include, but are not limited to the following: 1) acting as a procurer of a child prostitute; 2) inducing a person to be a client of a child prostitute by means of written or oral advertisement

or other similar means; 3) taking advantage of influence or relationship to procure a child as a prostitute; 4) threatening or using violence towards a child to engage him as a prostitute; or 5) giving monetary consideration, goods or other pecuniary benefit to a child with the intent to engage such child in prostitution; (b) those who commit the act of sexual intercourse or lascivious conduct with a child exploited in prostitution or subjected to other sexual abuse: *provided*, that when the victim is under twelve (12) years of age, the perpetrators shall be prosecuted under Article 335, paragraph 3, for rape and Article 336 of Act No. 3815, as amended, the Revised Penal Code, for rape or lascivious conduct, as the case may be: *provided*, that the penalty for lascivious conduct when the victim is under twelve (12) years of age shall be reclusion temporal in its medium period; and (c) those who derive profit or advantage therefrom, whether as manager or owner of the establishment where the prostitution takes place or of the sauna, disco, bar, resort, place of entertainment or establishment serving as a cover or which engages in prostitution in addition for which the license has been issued to said establishment.<sup>107</sup> The act also punishes the attempt to commit such prostitution.<sup>108</sup> Article V section 9 of R.A. 7610 also establishes that any person who shall hire, employ, use, persuade or coerce a child to perform in obscene exhibitions and indecent shows, whether live or in video, pose, or model in obscene publications or pornographic materials or to sell or distribute the said materials shall suffer the penalty of prison mayor in its medium period. If the child used as a performer, subject or seller/distributor is below twelve (12) years of age, the penalty shall be imposed in its maximum period. Any ascendant, guardian, or person entrusted in any capacity with the care of a child who shall cause and/or allow such child to be employed or to participate in an obscene play, scene, act or movie shall be imposed a penalty of prison mayor in its medium period. However, these protections are limited in that the act does not address the use of new technologies like computer simulations of children or the use of the Internet to post pictures of children.<sup>109</sup>

The Philippines is currently the only country in the world that includes child sex tourism under its trafficking legislation, which was passed in 2003, entitled the Anti-Trafficking in Persons Act (R.A. 9208). The act was created to institute policies and establish the necessary institutional mechanisms to protect and support trafficked persons, and provide penalties for trafficking violations.<sup>110</sup> Trafficking, under this act, is defined as “The recruitment, transportation, transfer or harboring, or receipt of persons with or without the victim’s consent or knowledge, within or across national borders by means of threat or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or position, taking advantage of the vulnerability of the person, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the

purpose of exploitation which includes at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, servitude or the removal or sale of organs. The recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall also be considered “trafficking in persons” even if it does not involve any of the means set forth in the preceding paragraph.”<sup>111</sup> The groundbreaking aspect of the act, as mentioned, is the inclusion of sex tourism under the anti-trafficking provisions, as a category of an act of trafficking (which includes the recruitment, transportation, transfer or harboring, or receipt of persons). Section 4(d) of the act includes, under acts constituting the crime of trafficking, the punishment for the following: “a) the offender undertakes or organizes tours or travel plans; b) the offender’s tours or travel plans are for the purpose of utilizing of offering persons for prostitution, pornography, or other sexual exploitation.”<sup>112</sup> Also included under acts of trafficking are provisions regarding child pornography, stating “a) the offender maintains or hires a person; b) the person maintained or hired is engaged in prostitution or pornography.”<sup>113</sup> Pornography is defined by this act as “any representation, through publication, exhibition, cinematography, indecent shows, information technology, or by whatever means, of a person engaged in real or simulated explicit sexual activity or any representation of the sexual parts of a person for primarily sexual purposes.”<sup>114</sup> Acts of trafficking are punishable with a penalty of imprisonment of twenty (20) years and a fine of not less than one million pesos but not more than two million pesos.”<sup>115</sup> A child, for the purposes of this act, is “a person below eighteen (18) years of age or one who is over eighteen (18) but is unable to fully take care of or protect himself/herself from abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition.”<sup>116</sup> Section 6 or R. A. 9208 provides that life imprisonment and a fine can be imposed on anyone who commits any of the acts constituting qualified trafficking in persons. Qualified trafficking in persons takes place if the trafficked person is a child.<sup>117</sup> Section 8 of the act provides that any person who has personal knowledge of the commission of any offense under this act, may file a complaint for trafficking.

### 3.3.2. Law Enforcement Activity against Child Sex Tourists in the Philippines

The Philippines saw a flurry of activity against child sex tourists in the mid-1990s. In 1995, the national government in Manila appointed a special prosecutor, Dorentino Floresta, during whose first year in office 181 people prosecuted for sexually exploiting children. Likewise that year, the police began making lightning raids against suspected pedophile activities, which sparked the high rates of prosecution. In August 1996, when as part of these



activities, the Filipino government began a crackdown on the child sex industry in Pagsanjan, 23 people of varying nationalities were arrested. In the home of a U.S. national, one of those arrested, police found dozens of pornographic pictures of children and 600 index cards. Each card had the name and address of a child—most of them boys—along with graphic descriptions of the child’s sexual organs, the sexual acts performed by the youngster, fees and the dates of each encounter. From September that year to April 1996, 39 foreign suspects were arrested—mainly by officers of Task Force Zebra, a unit set up on the orders of President Fidel Ramos.<sup>118</sup> However, few convictions were handed down, and many foreigners left the country before they could be arraigned.<sup>119</sup> More recently, the Philippines has had successful cooperation with Dutch, Swiss, and U.S. authorities in carrying out extraterritorial prosecutions of child sex tourists who operated in the Philippines.<sup>120</sup> One of the best-known cases of such cooperation was the arrest and prosecution of Edilberto Datan, who had been traveling to the Philippines since the 1980s to abuse children. He was arrested at the Los Angeles International airport by U.S. Immigration and Customs Enforcement (ICE) agents, who also seized his computer equipment. Forensic examination of Datan’s flashcard showed over 300 pornographic materials depicting Filipino children. The cooperation of the Philippine National Police was requested by ICE in his investigation, and eight children were located in Cebu with its help who had been abused by Datan. A conviction was secured against Datan, who was sentenced to 17 years in prison and ordered to pay \$16,000 in restitution to the children. The Philippine National Police Child Protection Unit was requested to manage these funds. However, because such activities are normally outside the purview of the Child Protection Unit, the Police passed the responsibility on to World Vision, which will be in charge of utilizing the funds appropriately.<sup>121</sup> NGOs in the Philippines cooperate closely with law enforcement authorities (the National Bureau of Investigation and the police) in tackling cases of child sex tourism. NGOs such as ECPAT provide info to the police on leads that the police then follow.<sup>122</sup>

### 3.3.3. Arrests and Convictions of Child Sex Tourists in the Philippines by Country of Origin

According to the latest information available from the NGO sector in the Philippines, two new cases of child sex tourism involving several foreign nationals were pending in the Philippines in December 2005. These cases involved a French citizen and an American citizen allegedly committing sexual offenses against children in the Puerto Galera area of Mindoro, as well as in Boracay.<sup>123</sup> The case of the U.S. citizen arising from Mindoro also involved two German nationals, however one of them committed suicide and the other was at large. The men had allegedly been committing sexual abuse of children and producing child pornography, including video footage of the children

undressed and in some cases performing sexual acts with each other or with the perpetrators themselves.<sup>124</sup> A total of 17 children were alleged to have been abused by these three men.<sup>125</sup> The American, Paul Jeffrey Anderson, 55 years of age, was arrested on February 20, 2005, on charges of rape and incidental assault of minors (this case was reported by ECPAT as early as in 2003). He was also being sought by U.S. authorities for alleged sex crimes in and outside of the United States and the United States has since cancelled his passport.<sup>126</sup> He had also overstayed his visa in the Philippines.<sup>127</sup> The girls victimized by Anderson were allegedly between the ages of eight and 13. He was charged with rape of a nine-year-old girl in a beach resort in Palawan in 2003 and for sexually abusing three other girls in that area.<sup>128</sup> ECPAT petitioned to have this case be prosecuted in the Philippines. Rainer Fohrenhorst, the German national who committed suicide, was a 71-year-old male friend of Anderson. He was also allegedly involved in the rape of the nine-year-old girl. Altogether, 13 children had filed complaints him (these girls had also filed charges against the American).<sup>129</sup> It is alleged that some parents were involved as pimps in this case.<sup>130</sup> Reinhard Havikost, the German national who was still at large, was charged with sexual abuse of children by the office of the prosecutor of Capalan City in March 2005. At least 10 girls filed charges against him, alleging that he had abused them in Puerto Galera, a tourist town in Mindanao. The girls, aged seven to 14, stated that they were abused by Havikost in his cottage from November 2003 through January of 2005, where they were lured with money, food and school supplies. The town’s local office of the Department of Social Welfare and Development (DSWD) assisted the children in filing the charges. Havikost allegedly came to Puerto Galera from Ermita, Manila, where he had been residing.<sup>131</sup> The case from Boracay involved a resort that was allegedly run by a French businessman in this area, and from which two minor girls were rescued from alleged sexual exploitation two years ago. The Philippine Center for Transnational Crimes and the Philippine National Police identified a spa in Boracay as the likely cyber sex den and the French businessman as the promoter of high-tech prostitution on this famous white sand beach island in the Philippines.<sup>132</sup> ECPAT Philippines brought this case to the attention of police in 2005, but the girls involved who were willing to testify, have since faced harassment.<sup>133</sup>

Additional detailed cases of arrests and prosecutions of foreign nationals for committing child sex offenses are presented below, according to information available in the press, NGO and government reports. These cases are not meant to provide an exhaustive list, but are presented as an illustration of the extent of the problem of child sex tourism in the Philippines. The details of arrests are arranged first by the country of origin of the offender, highlighting those countries that appear to be frequent countries of origin for child sex tourists operating in the Philippines; and second, chronologically, according to the date of arrest.



### 3.3.3.1. United States

- Daniel J. Dougherty, Jr., an American serviceman, was found guilty of sexually abusing 18 children from Olongapo City, Philippines in 1982, in Guam. The case was brought to the attention of People's Recovery, Empowerment, and Development Assistance Foundation (PREDA), located in Olongapo City, by a nun who identified 18 children who had been infected with sexually transmitted infections, and who identified that one of several suspects who had allegedly sexually abused them was a U.S. serviceman. PREDA publicized the case following inaction on the part of both the U.S. and Philippine authorities and the resulting public outcry forced the U.S. Navy to prosecute Dougherty, but in Guam, rather than in the Philippines, and under military law.<sup>134</sup> Dougherty was found guilty on 13 counts of sexual abuse of Filipino children in Olongapo. PREDA had produced much of the evidence, corroborating that he had molested the children, the youngest of which was nine years old.<sup>135</sup>
- In 1990, PREDA supplied documentary evidence against American Andrew Mark Harvey, who perpetrated child sex abuses against children and facilitated child sex tourism committed by third parties in the Philippines. He was deported from the Philippines without trial.<sup>136</sup>
- Thomas Peifer, a former U.S. Navy serviceman who was wanted in Pennsylvania for nine counts of child sexual molestation, fled from the United States to Olongapo City in the Philippines. PREDA was asked by the Bureau of Immigration and Deportation of the Philippines to assist in tracking him down, and he was arrested in 1996 at West Bajac-Bajac, Olongapo City. When caught, Peifer had no visa or passport and the only paper he carried was a Working Permit issued by the Subic Free Port. He had been working at a Children's Petting Zoo in the Subic Free Port area. He was deported to the U.S.<sup>137</sup>
- In October 2003, John W. Seljan, age 85 at time of arrest, was arrested in Los Angeles as he attempted to board a flight to the Philippines, where he allegedly intended to have sex with two Philippine girls ages nine and 12. At the time of his arrest, Seljan was found to have pornographic materials, sexual aids, and nearly 100 pounds of chocolate in his luggage. Seljan was arrested by ICE agents of the U.S. Department of Homeland Security, following a probe, which began in August 2003 after U.S. postal inspectors intercepted his correspondence to the Philippine girls indicating that he planned to have sex with them when in the Philippines. On March 28, 2005, Seljan was sentenced in the United States to 20 years in prison for six counts related to child sex tourism. In addition, Seljan was required to register as a sex offender and must remain under court supervision for the rest of his life.<sup>138</sup>
- In November 2004, Edilberto Datan, age 60 at time of arrest, was indicted in the United States on child sex tourism and charges of producing, importing, and possessing child pornography. Datan was arrested on November 4, 2004, as he returned from a two-month trip to the Philippines. U.S. Customs and Border Protection officers at Los Angeles International Airport contacted ICE agents after finding computer memory sticks taped inside a jeans pocket in the Datan's luggage. A fourth memory stick was later found; a review of the material contained on the memory sticks showed that they contained approximately 100 sexually explicit images of Filipino boys. A search of Datan's home also revealed an extensive child pornography collection. Datan pleaded guilty in March 2005, admitting he had sex with four Filipino boys and had produced child pornography. On June 17, 2005, he was sentenced to 17 years in Federal prison and lifetime supervision. In addition, Datan was required to pay restitution to his victims.<sup>139</sup>
- In December 2004, Bernard Russell was charged in San Diego, CA, in a three count indictment with traveling in foreign commerce with intent to engage in a sexual act with a juvenile, producing child pornography, and possessing child pornography for importation into the United States. The indictment alleged that Russell traveled to the Philippines in October 2002 with the intent to engage in sexual activity with minors, and that he produced child pornography while there. Russell was convicted on April 22, 2005 and sentenced to three years in a U.S. Federal prison.<sup>140</sup>
- A case in 2004 involved a U.S. national, known as "Christian John Cole", who was arrested by local authorities for engaging in an online pornography business in the Philippines. He was facing charges of indecent publication, which carries a jail term of one to six years for every count. Cole was linked to online pornography operations in Cebu City and Angeles City, Pampanga province, according to the National Bureau of Investigation in the Philippines. He was allegedly operating another office in a posh village in Makati City, Metro Manila, when authorities raided it, and arrested several Filipino women hired by the American national. Cole was facing criminal charges for violating Article 201 of the Philippine Revised Penal Code, which prohibits the exhibition or publication of pornographic materials. He was also alleged to be the owner of a company called Net Ventures International, which was selling interactive pornographic videos of Filipino women through the Internet. Net Ventures was registered at the Securities and Exchange Commission in 1999. Recruiting women mostly from the Visayas region, Net Ventures' operations were tagged by authorities as the "biggest online pornography ring in the country," with operations uncovered as of 2004 earning between 100 and 200 million PHP annually, according to local authorities.<sup>141</sup>

- In May 2005, Richard Arthur Schmidt, age 61 at time of arrest, and a former Baltimore, MD, schoolteacher, was sentenced to 15 years in prison in the United States followed by supervised release for life in connection with his July 8, 2004, guilty plea to one count of traveling overseas to engage in illicit sexual conduct with a minor and one count of traveling overseas and engaging in illicit sexual molestation of a minor. The offenses to which Schmidt pleaded guilty involved the sexual molestation of a minor teenage boy in Cambodia in December of 2003. However, en route to Cambodia, Schmidt traveled through the Philippines in June 2002. He was in violation of his parole, having been previously convicted on multiple counts of molestation of minors in the state of Maryland. He had also been charged previously in both the Philippines and Cambodia for other crimes of sexual molestation of minors. Schmidt was arrested by Cambodian National Police in December 2003, and was held in custody in Cambodia until deportation to the United States on February 18, 2004. Schmidt's case was the first unconditional plea to crimes under the U.S. PROTECT Act - Schmidt waived his right to appeal.<sup>142</sup>
- In August 2005, in the Baligbago village in Angeles City, police busted a cybersex den allegedly run by an American couple, Tom and Virginia Deassy. The couple, who were alleged to be the owners of cybersex dens operating in different tourist areas in the Philippines, managed to escape and were at large as of 2005.<sup>143</sup>
- In September 2005, Philippine Police identified American James Paul Kelly as allegedly running a cybersex den in Baligbago village in Angeles City, together with a Canadian by the name of Dave Fischer. Philippine police were hunting Fischer for operating the cybersex den, but when police raided a computer shop seeking to find Fischer, he was gone. However, six Filipino cybersex models and Kelly were found. Several units of computer sets were confiscated from this house. Fischer is believed to be on the run from Philippine authorities.<sup>144</sup>

### 3.3.3.2. United Kingdom

- Douglas Michael Slade, British national, was accused of child molestation in Angeles City, Philippines, in 1995. PREDA investigated and assisted on of his victims in filing charges against him. He was tried in Angeles City.<sup>145</sup>
- Michael Clark, age 50, was sentenced in 1996 to 16 years in jail in Olongapo City, Philippines on charges of "inducing child prostitution." Clark had organized child sex tours to the Philippines and was caught on film by a British social worker who had posed as a customer. The social worker had seen an advertisement from Clark's company, "Paradise Express Travel Promoters," in a British magazine and called the telephone number in the advertisement and spoke to Clark who assured him that a girl as young as 12 would be available to him. This was

in accordance with the magazine advertisement, which described the girls as "cherry girls who have had sex only a couple of times." Clark also sent the social worker a brochure saying that with prices rising in Thailand, the Philippine cities of Olongapo and Angeles were poised to become the new destinations of "pleasure-seeking men throughout the world." The brochures also invited investors to put their money into these places, saying that Angeles would soon become "the home of the devil himself, Satan's place," while Olongapo would become known as "sin city." The social worker arrived in the Philippines with cameraman Adam Holloway of the International Television Network who took footage of a meeting with Clark, throughout which the social worker was posing as a customer. The social worker asked Clark if girls would be cooperative if they were forced into sex and was told by Clark to "treat them well by giving them hamburgers and some chips and the girls will certainly be more open to a man's advances," the court records said. Footage of this trip was aired over CNN, drawing attention of local activists in the Philippines opposed to child sex, including Senator Ernesto Herrera who pressed justice department investigators to act. Clark was arrested in a beach house in Olongapo in June 1995. Also seized were graphic promotional posters.<sup>146</sup> Clark was to serve out his sentence, then be deported and barred from ever returning to the Philippines.<sup>147</sup>

- British national Derick Turner was arrested in 1995 for drug pushing in the Philippines. However, upon further investigation into the case, four photo albums of child pornography with Filipino children were discovered in his possession.<sup>148</sup>
- Stephen Mitchell, a British national, was arrested in March 1996 for sexually abusing two young brothers in the Philippines. He was convicted and sentenced to 17 years in prison on July 30, 1996. Mitchell had previously been arrested in the Philippines in 1989 for the sexual abuse of young boys and adolescents, but escaped prosecution by leaving the country in 1990.<sup>149</sup>
- Barry Raymond Edwards, age 58, British national, was arrested by Philippine National Police in Angeles City in 2004. Edwards was wanted in Angeles City since August 2003 on allegations of child rape and pornography. Angeles City police chief said the arrest of Barry Raymond Edwards by operatives of the city police women and children concerns section, led by Senior Inspector Cristina Bernardez, ended more than 10 months of search in various resort islands in the country. Edwards was arrested in Barangay Sabang in Puerto Galera town, Oriental Mindoro province. However, the allegations had been dismissed in July 2003 due to lack of evidence by Assistant City Prosecutor Ruben Hilario. Hilario has since been dismissed from the case and the police maintained that there was "overwhelming evidence" against Edwards. The preliminary

investigation for the complaint involving pornography, outlawed in the Philippines by Article 201 of the Revised Penal Code, was likely to proceed following Edwards' arrest, according to police statements. Three girls had been rescued by Philippine police in July of 2003, and at least four videotapes were seized, as well as about 50 photographs of nude girls and women from Edwards' room at the Maharajah Hotel in Angeles. The tapes contained scenes of sexual intercourse, with the British national acting the part of the "principal actor." Edwards said the search and his subsequent arrest and two-month detention at the police headquarters in the Philippines were illegal.<sup>150</sup>

### 3.3.3.3. Australia

- Victor Keith Fitzgerald, an Australian priest was arrested January 21, 1994, at Nagbaculao Beach, Upper Kalakan, Olongapo City, Philippines, by a team of investigators which included the National Bureau of Investigation of the Philippines in cooperation with the PREDA Foundation. Fitzgerald was arrested at his yacht named "Mariposa," where three female minors were found with him. Allegedly, Fitzgerald had found a small cove in Nagbaculao Beach, where he befriended some fisherman families and took some of their children to his yacht, where he gave them gifts and money. This location happened to be next to the offices of the PREDA Foundation, and PREDA staff was able to identify that Fitzgerald was sexually abusing the children aboard his yacht, having observed his activities by utilizing video technology from their offices. PREDA contacted the National Police to arrest him. Further investigations found that Fitzgerald regularly brought children to his yacht in the Subic Free Port area, where he sexually abused them. On April 22, 1994, four female victims between the ages of 11 and 14 filed charges at the Department of Justice in Manila against Fitzgerald. On September 21, 1994, Fitzgerald was arraigned, and on February 9, 1995, an 11-year-old child sexually abused by Fitzgerald testified, corroborating the charges filed by the complainants. Father Shay Cullen of PREDA testified in support of the prosecution in February 1995. The head social worker for the Department of Social Welfare based in Olongapo City stated likewise that the minors had confessed to her regarding the sexual abuse that was perpetrated against them by Fitzgerald. Fitzgerald testified in June-July 1995, denying the accusations brought against him. In May 1996 Fitzgerald was acquitted on some of the charges, and found guilty on others. He was sentenced to a prison term of between eight and 17 years.<sup>151</sup> Fitzgerald appealed the court's decision, but the court's verdict was upheld. His sentence was modified to 14 years, 8 months and one day in prison. On September 6, 2001, Fitzgerald was released from prison on the basis of "new evidence," which included testimony in his favor by 17

priests and following a bail payment of \$2,000 made by an Australian Catholic Priest Michael Duffin, Bishop of the Diocese of Iba, Zambales province, Philippines. According to the latest available information, Fitzgerald was to undergo retrial with the Supreme Court of the Philippines, beginning November 14, 2001. According to PREDA, Fitzgerald was not retried and is sometimes still seen with children.<sup>152</sup>

- Lee Jesse Montana, Australian national, was arrested in 1995 along with his counterpart from Belgium, Felix van den Haus, and charged with pedophilia. These men came to the Philippines under the guise of seeking to adopt Filipino children. Caught in their possession were pictures of them abusing boys.<sup>153</sup>
- Australian national David John Gillard, age 57, and a Baptist church missionary, was sentenced May 23, 2003, in Sydney, Australia, to eight years in prison on 12 counts of indecency against children less than 16 years of age in the Philippines, following his guilty plea to charges. Gillard attempted to bribe the victims while in a Philippine jail by offering them 100,000PHP to drop the charges. Gillard was deported and was later charged under 1994 child sex tourism legislation by the Australian Federal Police. The Australian Federal Police alleged that Gillard, who was married, traveled to the Philippines on behalf of the Church which ran camps for Filipino children.<sup>154</sup>

### 3.3.3.4. Germany

- German sex tourist and child pornographer Hans Riemar, who had been under surveillance by PREDA and was identified, photographed and reported to the German Federal Police in Frankfurt, was arrested in 1994 in Manila and was tried in the Philippines.<sup>155</sup>
- In February 1996, German national Hans Joachim Gunter Schnoor was investigated and arrested for the sexual abuse of a minor in Olongapo City, Philippines.<sup>156</sup>
- In 1996, the PREDA Foundation succeeded in bringing charges against Thomas Brewer, age 32, German national, following his escape to Germany. Brewer had posted bail in the Philippines along with a Dutch companion, Lennart van Empel, age 24, and escaped. The two men were first charged in the Philippines for child sexual abuse with a nine-year-old and a 15-year-old. In November 1996, Brewer was convicted in Germany to three and half years in prison. In January 1997 van Empel was convicted by a Dutch court for two years in prison.<sup>157</sup>

### 3.3.3.5. Switzerland

- In 1995, Swiss national Hans Ballmoss was arrested for inducing others to use children for prostitution and selling minors into prostitution in the Philippines.<sup>158</sup>
- Following an original charge in 1996 for the sexual

prostitution of two boys in the Philippines, in June 1999, Pierre Meyer, Swiss national, was convicted and sentenced in a Swiss court to six years in a rehabilitation centre in Switzerland. PREDA assisted Swiss police in their investigation into the case in the Philippines. PREDA was also instrumental in assisting Swiss police in locating Meyer's whereabouts in the Antique province of the Philippines.<sup>159</sup>

- A case was brought against a child sex tourist in Pagsanjan, Philippines in 2000 [name unknown] and involved a Swiss national. This case was lost, however, due to the fact that the evidence was not properly collected and presented, even though there were witnesses in the case.<sup>160</sup>

### 3.3.3.6. Canada

- In June 2000, PREDA helped track down Jean Guy Heroux, Canadian national who was charged four years before for sexually abusing a six year-old boy in the Philippines. In 1996, Heroux jumped bail and had been at large since that time.<sup>161</sup>
- In September 2005, Philippine Police were hunting a Canadian national by the name of Dave Fischer for operating a cybersex den in Baligbago village in Angeles City. When police raided a computer shop seeking to find Fischer, he was gone. However, six Filipino cybersex models and an American by the name of James Paul Kelly, 66, were identified. Kelly was alleged to have been operating the cybersex establishment along with Fischer. Several units of computer sets were confiscated from this house. Fischer is believed to be on the run from Philippine authorities.<sup>162</sup>

### 3.3.3.7. Japan

- Japanese national Hisayoshi Naoyoshi Maruyama was arrested in 1991 and charged with the sexual abuse of children production of child pornography. Maruyama was arrested following a complaint of two Filipino siblings that the Japanese national had taken photographs of them and had videotaped them in the nude and hog-tied. The two children were also requested by Maruyama to perform sexual acts with each other, while he documented what was taking place. The two children were 10 and 11 years old at the time. Another child, aged seven, was also taken pictures of naked. All three children were asked to engage in sexual acts with each other. In 1996, Maruyama was arrested once again and charged once more with pedophilia after being caught taking pictures of a 10-year-old girl in his room at an inn in the Philippines. The film confiscated from Maruyama was examined and sadomasochistic images of blindfolded and nude boys and girls were found.<sup>163</sup> Two young children were taken into care from his house after he was arrested.<sup>164</sup> He was sentenced to 42 years in jail in January 1998.<sup>165</sup>

- The largest child pornography syndicate broken in the Philippines involved a Japanese national. In this case, some 70 children (aged 5-18) were alleged to have fallen victim syndicate of child pornographers, among them Japanese national Noritaka Ota, age 67 and several Filipinos who acted as mediators and procured the children that were hired to perform for pornographic videos and model for pornographic images. These individuals were arrested while trying to conduct a pornographic shoot in Los Baños, Laguna, through a joint operation involving several Philippine government agencies. The children that were involved in the shoot originated from Metro Manila and a town in the province of Rizal. Some are alleged to be as young as five years old, although police had not made the final determination regarding the involvement of children under 10 years of age.<sup>166</sup> This group had reportedly been operating in the Philippines for at least three years. According to Philippine authorities, many of the children were abused repeatedly by this syndicate.<sup>167</sup>

### 3.3.3.8. Norway

- In 1989, PREDA followed up on two cases in Norway of sex tourists who had abducted 6 children from Pagsanjan and had taken them to Oslo. Working with the police and Interpol, the suspects were investigated and the children taken into care. The police found video taped evidence in the possession of the two, both professors, and they were jailed for 11 years. Video taped evidence of the two men sexually abusing children and found in their possession assured that the two professors were convicted in Norway for 11 years in prison.<sup>168</sup>
- In early 1999, PREDA helped to break up a Norwegian pedophile ring operating in the Philippines. Its members had been active in the Philippines in the early seventies, abusing young boys in Pagsanjan. Five men were arrested in 1984 but were deported in 1985 without trial. One suspect married the mother of six of the boys who were taken to Norway where the abuse continued. The suspects returned repeatedly to the Philippines to abuse boys. Fr Shay and PREDA continued investigations and identified the victims and the ringleader for the Norwegian police who opened an investigation which led to arrests.<sup>169</sup>

### 3.3.3.9. South Korea

- A South Korean doctor was indicted in Cebu in 2003 for alleged sexual relationships with six girls who were less than 15 years old.<sup>170</sup>
- In June 2004, policemen in Angeles City arrested Sang Ko, a South Korean who had assumed a Canadian citizenship. Sang was wanted for the rape of a 16-year-old girl on June 7, 2004. He was detained at the Angeles City jail.<sup>171</sup>



### 3.3.3.10. Austria

- Austrian national Stefen Ritter was arrested and convicted for the sexual abuse of a Filipino minor, Rosario Baluyot, who died after a piece of a vibrator inserted inside her vagina broke off and became lodged inside. A private investigator hired by PREDA Foundation to investigate the case identified Stefen Ritter as the alleged suspect. Ritter denied all the charges and claimed he was being set up to deflect the public anger away from a U.S. serviceman who had allegedly abused the child. He was, nevertheless, charged and tried. During the litigation, his lawyers were caught bribing the grandmother of the victim to withdraw from pursuing the case. However, PREDA and Prosecutor Dorentino Floresta, then in charge of the prosecution of sexual abuse crimes, went ahead with the trial and the grandmother admitted in court that she was paid by the defense lawyers to desist. Ritter was convicted, but the decision was overturned on appeal on a technicality.<sup>172</sup>

### 3.3.3.11. Belgium

- Felix van den Haus, Belgian national, was arrested in 1995 along with his counterpart from Australia, Lee Jesse Montana, and charged with pedophilia. These men came to the Philippines under the guise of seeking to adopt Filipino children. Caught in their possession were pictures of them abusing boys.<sup>173</sup>

### 3.3.3.12. France

- In 1995, French sex tourist Charley Lutun was apprehended and charged for sexual abuse of young boys in Olongapo City. He had allegedly molested several children, the youngest of which was nine years old.<sup>174</sup>

### 3.3.3.13. Greece

- In October 1996, a Greek physics instructor, facing charges of frequenting child prostitutes was recaptured in Manila after police recognized him from a picture in a tabloid.<sup>175</sup>

### 3.3.3.14. The Netherlands

- Lennart van Empel, age 24, Dutch national, escaped from the Philippines along with his companion, German Thomas Brewer. The two men had been charged in the Philippines for child sexual abuse of children of nine and 15 years of age. In January 1997, van Empel was convicted by a Dutch court for two years in prison.<sup>176</sup>

## 3.4. Protection

A number of governmental and non-governmental agencies in the Philippines are responsible for providing assistance and protection to victims of exploitation. An Inter-Agency Council against Trafficking (IACAT) was created

under R.A. 9208, the Anti-Trafficking in Persons Act, to coordinate and monitor the implementation of the law. IACAT is comprised by secretary-level representatives of the following agencies: Department of Justice, Department of Social Welfare and Development, Department of Foreign Affairs, Administrator of the Philippine Overseas and Employment Administration, Commissioner of the Bureau of Immigration, Director-General of the Philippine National Police, Chairperson of the National Commission on the Role of Filipino Women, and representatives from the NGO sector, including one representative from the women's sector, one representative from the overseas Filipino workers, and one representative from the children's sector.<sup>177</sup> ECPAT Philippines is the NGO representative to IACAT from the children's sector. In September 2003, IACAT approved and adopted the Rules and Regulations Implementing Republic Act No. 9208. This document provided for the detailed implementation of the provisions of the law, including specific roles and functions of national government agencies, roles and responsibilities of local government units, procedure for rescue, recovery and repatriation and rehabilitation of victims, and for the interception arrest and investigation of traffickers, among other issues.<sup>178</sup>

DSWD is the primary agency in the Philippines that implements policy on the protection of Filipino citizens, and Filipino children. It works closely with NGOs and other government agencies in providing assistance to children who have been abused, including legal, medical and psychological help. NGOs providing shelter, medical and legal services to victims of sexual abuse and commercial sexual exploitation often collaborate with DSWD offices in their respective locations to assist victims.

A number of agencies devote their work to minimizing the unintended stress and trauma abused children may experience while their cases are being handled, especially during legal proceedings. The Child Protection Unit (CPU), affiliated with the Philippine General Hospital in Manila is a "child-friendly unit" that uses a "multidisciplinary approach and networking in providing comprehensive medical and psychosocial services to abused children and their families to prevent further abuse and initiate the process of healing." The CPU is located across the street from the emergency room of the Philippine General Hospital and primarily receives referrals from that emergency room of children with suspicious symptoms and/or suspicious pregnancies. The unit is open five days a week, but operates on an on-call basis 24 hours a day. Many other cases are referred to the CPU by the police, which often requests medical and legal certifications for abuse cases. Some cases are also referred to the CPU by the schools (approximately 10 percent of all the cases handled by the CPU of child abuse are perpetrated by the children's teachers). The CPU has child psychiatrists on hand to assist the children. The CPU also looks for a safe shelter for the

child if it is dangerous for him or her to remain at home.<sup>179</sup> The CPU offers training courses for medical and other key professionals handling cases of child abuse. The courses aim to improve professional standards and to promote child-friendly. Although the Philippine National Police (PNP) has its own experts and facilities to document cases of abuse, they still refer cases that need medical intervention to the CPU. CPU spent almost three years advocating and discussing with judges and concerned government agencies before video testimonies of abused children were accepted in court.<sup>180</sup>

The Children's Legal Bureau, based in Cebu City, provides legal assistance on cases specifically concerned with children. It is currently running three projects: Empowering Communities through Development Legal Aid, Child Rights Protection Unit, and Anti-Child and Woman Trafficking for Commercial Sexual Exploitation project. The bureau has handled a number of cases of trafficking of children to Cebu for commercial sexual exploitation. The bureau works closely with the DSWD in the handling of such cases, cooperating in providing shelter to the victims and interviewing the victims for building the cases against their traffickers. The bureau has also created the "Paralegal Manual for Child Abuse Cases," which provides comprehensive advice and techniques for working with children in the legal process, with the protection of the rights of the child in mind as the primary concern. The manual includes advice on interviewing techniques, investigation, and the preparation of a child for appearing in court. The manual was produced with funding support from Terre des Hommes Netherlands.<sup>181</sup>

TW-MAE-W was founded twenty-five years ago by Sister Mary Soledad Perpiñan. The organization currently serves the needs of women and girls in prostitution throughout the Philippines. TW-MAE-W has established a network of rehabilitative shelters and drop-in centers in those cities and areas where prostitution is most significant. Shelters take in vulnerable women and girls living on the street, who have been abused, or who have been rescued from a situation of trafficking and/or commercial sexual exploitation, or those that decide that they want to leave prostitution. Shelters provide safety, vocational trainings, such as sewing and accessory design, as well as psychological, medical and spiritual healing. Drop-in centers, located strategically in neighborhoods that can be reached by women and girls in prostitution receive women who are considering leaving prostitution or who are looking to gain professional skills or spend some time in a safe and warm environment, learning, having a good time or simply resting. For instance, the drop in center in Cebu organized a Christmas party for the girls in prostitution from around Cebu City, and especially from Barangay Kamagayan in December 2005. The girls come to the centers voluntarily, and often the social workers have been able to reach an agreement with the girls' pimps to allow them time out

of the day for visiting the centers. Social workers from the centers frequently visit areas of prostitution and talk with the girls, hand out flyers for the center, and try to encourage them to attend the centers' activities. TPP observed the interaction of the social workers with the girls and women in prostitution in Barangay Kamagayan, and they have a very warm and confident relationship with one another. In total, TW-MAE-W runs a total of 10 drop-in centers and homes for women and girls in prostitution. The specific services rendered by the various drop-in centers and homes are: direct fieldwork (reaching out to women and girls in prostitution), counseling, skills training, spiritual enhancement, economic assistance, residential care, medical assistance, educational assistance, referrals to other organizations, home visits, and aftercare and monitoring. Some of the activities implemented have been a livelihood program, which provides basic typing, computer, cosmetology and nursing aid skills, and educational program focusing on literacy and numeracy, a health program of HIV/AIDS information and reproductive health information, as well as an arts and culture program, and an outreach program providing meals in red light zones. Most of the women and girls assisted by TW-MAE-W are prostituted girls and women, victims of trafficking, women and girls abused in the home, survivors of sexual abuse, child victims of incest and rape, and women and girls victims of other forms of abuse. In 2004, TW-MAE-W reached 3,281 women through the various activities of its centers and home. Over 2000 of the beneficiaries were girls and women below 18 years of age.<sup>182</sup>

The PREDA Foundation, led by Father Shay Cullen, and based in Olongapo City, has long been involved with assisting Filipino children victims of abuse or those vulnerable to abuse. PREDA has been instrumental in a significant number of arrests of both local and foreign child sex offenders in the Philippines, as well as in assisting a number of convictions of these men, both in the Philippines and abroad. However, PREDA is also deeply involved in providing protective and rehabilitative services to children victims of sexual exploitation. Through its residential care program, PREDA takes care of a community of 18 female children ages seven to 17, who live together with professional social workers and house parents. They are educated in a community-based elementary and private high school. When their parents and family have developed emotional and economic stability they are reintegrated with their families. PREDA follows up with each case, and provides aftercare and any additional assistance the children may require.<sup>183</sup>

Father Heinz Kulüke, a German priest and a professor at the University of San Carlos in Cebu City, is one of a few people that provide the lifeline desperately needed by the community of the Barangay Kamagayan, a red light slum area of Cebu City. On an almost nightly basis, Father Heinz takes candy for the children, fruits and vegetables,

medicine, and condoms for the girls and women in prostitution, as well as for the men in the Barangay.<sup>184</sup>

## 4. Multilateral Initiatives

In August 1996, the World Congress Against Commercial Sexual Exploitation of Children was held in Stockholm, Sweden. This major initiative paved the way for participating countries to declare their commitment to the cause and to formulate an Agenda for Action to eradicate child prostitution, pornography and trafficking. To fulfill its commitment, the Philippine government mandated the DSWD and the Council for the Welfare of Children to work as partners in the national campaign against the commercial sexual exploitation of children.<sup>185</sup> The second AusAid-funded Child Wise Think Tank meeting was held in Hanoi, Vietnam in early July 2003 in cooperation with the Vietnamese National Administration of Tourism. Participants from National Tourism Associations of Cambodia, Laos, Indonesia, Myanmar, the Philippines, and Vietnam were in attendance, as well as representatives from private sector tourism and NGOs working in the area of child protection. Reiterated in this meeting was the need to pursue development of the ASEAN Traveller's Code that calls for the protection of children from sexual exploitation in tourism. In January 2004, ASEAN tourist authorities and NGOs adopted the draft of the ASEAN Traveller's Code.<sup>186</sup> On January 6, 2004, in response to this growing child sex trade, ASEAN governments met to discuss developments in the region with the aim of establishing a regional plan to combat child sexual abuse in tourism. The two-day meeting brought together Tourism Authorities from Thailand, Vietnam, Myanmar, Cambodia, Lao PDR, and the Philippines and was co-hosted by the Indonesian Ministry of Culture and Tourism. It also brought together child protection specialists and non-governmental agencies from the ASEAN region to build stronger links with their governments in the fight against child exploitation. Throughout the two-day meeting, ideas were exchanged and strategies were discussed on how best to tackle child sex tourism.<sup>187</sup> The Philippines is likewise participating in the "Bali Process," an inter-ministerial process focusing on bringing participants together to work on practical measures to help combat people smuggling, trafficking in persons and related transnational crimes in the Asia-Pacific region and beyond. The Bali Process, was initiated at the Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime, held for the first time in Bali in February 2002.<sup>188</sup>

## 5. Private Sector Initiatives

No private tourism agencies have yet signed on to the ECPAT International/World Tourism Organization Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism in the Philippines.

## Endnotes

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### 1. Evolution of the Sex Industry, Tourism, Sex Tourism, and Child Sex Tourism in Thailand<sup>1\*</sup>

#### 1.1. Evolution of the Sex Industry

Thailand is widely considered one of the most significant international sex tourism and child sex tourism destinations. The Thai sex industry flourished during the Vietnam War, when the country became a destination for American soldiers seeking rest and recreation following an official “Rest and Recreation” agreement signed between the United States military and the Thai government in 1967. An extensive network of sexual services grew in Thailand as a result of the treaty, catering largely to the presence of the U.S. military and transforming the local Thai prostitution market into a large-scale industry. Following the end of the Vietnam War and the massive withdrawal of American troops from the region, the industry continued to grow, with sex tourism largely taking over the existing sex industry infrastructure, especially as Thailand strove, following the 1960s, to expand tourism as a critical tool toward fostering economic development.<sup>2</sup> Intersecting with domestic economic development policies that sparked massive rural to urban female migration, the supply and demand factors were firmly in place toward the perpetuation of a vibrant sex industry in Thailand.<sup>3</sup> Bangkok and Pattaya, where prostitution became most entrenched during the Vietnam and post-Vietnam era, as well as Phuket, developed into sex tourism destinations on a global scale, receiving men from all corners of the world.<sup>4</sup> Over time, as the Thai tourism industry grew, and the prostitution industry continued to expand alongside, a segment of tourists arriving to Thailand spread the word about Thailand’s sex industry, fueling increasingly greater demand. Poverty and lack of effective child protection laws likewise allowed child sex tourism to develop in parallel.

Rooted in local demand, and spurred by the infusion of foreign demand, the Thai sex industry exploded. Over the

years, this industry has grown to constitute a significant percentage of the country’s gross domestic product (GDP). While overall in Southeast Asia (for example, in Indonesia, Malaysia, the Philippines and Thailand), it is estimated that the sex industry accounts for between 2 percent and 14 percent of GDP;<sup>5</sup> Thailand is generally thought to be at the higher end of this range. Some estimates suggest that the total gross income from the sex sector in Thailand is between 40 to 50 billion baht a year (933.5-1,166 million U.S. dollars).<sup>6</sup> In the late 1990s, it was estimated that close to 300 million U.S. dollars (7.2 million baht) was being transferred annually from urban to rural areas by women moving into urban areas to work in the sex industry in Thailand.<sup>7</sup> Between the years of 1993 and 1995, profits from the Thai sex industry were estimated to be three times higher than those from the trade in drugs.<sup>8</sup>

#### 1.2. Tourism

Thailand is a major tourism destination. Stable politically, safe, and hospitable to visitors, Thailand is an appealing destination. It boasts spectacular beaches, a delightful cuisine, and a rich cultural heritage. It is a highly developed country from the standpoint of tourism infrastructure, with tourist services available in all price ranges and for a variety of tastes. Visitors to Thailand can choose between secluded beaches and tiny bed and breakfast guesthouses on the one hand, and full-scale luxury resorts catering to the most particular of clients on the other. Adding to the list of attractions are local prices—Thailand is still a highly affordable travel destination, offering plenty for rather little.

In the ASEAN region, Thailand receives the 4<sup>th</sup> highest number of tourism arrivals, preceded only by China, Hong Kong, and Malaysia.<sup>9</sup> Tourists of various nationalities prefer various locations, and Western European tourists are generally known to flock toward Bangkok and Chonburi (Pattaya), while Asian tourists, especially Malaysians and Singaporeans are found largely in the South, with the Japanese in the North.<sup>10</sup> According to the latest World

Tourism Organization (WTO) statistics, Thailand was, in 2004, the 18<sup>th</sup> top tourism destination in the world, as based on absolute numbers of international tourist arrivals.<sup>11</sup> Correspondingly, tourism is Thailand's biggest foreign exchange (dollar) earner.<sup>12</sup>

Table 1: Tourism Statistics for Thailand.

**Year 2003: Visitor Arrivals to Thailand<sup>13</sup>**  
(Total = 10,082,109)

Country of Origin	Number of Visitors	Percent Share
Malaysia	1,354,295	13.4%
Japan	1,042,349	10.3%
United Kingdom	736,520	7.3%
South Korea	695,313	6.9%
China (PRC)	606,635	6.0%
Singapore	515,630	5.1%
United States	514,863	5.1%
Taiwan	501,573	5.0%
Hong Kong	411,242	4.1%
Germany	386,532	3.8%
Australia	291,872	2.9%
India	253,752	2.5%
France	237,690	2.4%

**Year 2004: Visitor Arrivals to Thailand<sup>14</sup>**  
(Total = 11,737,413)

Country of Origin	Number of Visitors	Percent Share
Malaysia	1,404,929	12%
Japan	1,212,213	10.3%
South Korea	898,965	7.7%
United Kingdom	757,268	6.5%
China (PRC)	729,828	6.2%
United States	627,506	5.3%
Singapore	578,027	4.9%
Taiwan	540,803	4.6%
Hong Kong	489,171	4.2%
Germany	455,170	3.9%
Australia	399,291	3.4%
India	332,387	2.8%
France	274,049	2.3%

### 1.3. Sex Tourism

While foreign tourists travel to Thailand for a variety of reasons including business, leisure, history and adventure, some tourists, particularly some male visitors, also seek to engage in sexual contact with Thai women (or men), including girls and boys under the age of 18. While measuring the extent of sex tourism and child sex tourism is a highly inexact science, proxy indicators may be used to derive rough estimates and to delineate specific variables which might illuminate trends or point toward specific conclusions. One statistical source which can be used very

roughly toward this end is inbound tourism data for a specific country. One can look at tourism statistics by nationality, gender, purpose of visit, and repeat visitation to draw out information potentially useful to a better understanding of the scale of the sex tourism phenomenon.

Accordingly, some studies have sought to identify the numbers of sex tourists arriving in a particular country, and some estimates pertaining to Thailand have been put forth. One estimate, arrived at in the 1990s, placed the number of foreign tourists annually visiting prostitutes in Thailand at 500,000.<sup>16</sup> By contrast, the number of Thai men regularly visiting prostitutes was as an estimated 4.6 million annually,<sup>17</sup> underlining that the demand for sex services in Thailand, similarly to other countries, is, in large part, locally driven. Nevertheless, the international sex tourism business is a significant driving force behind the magnitude of the Thai prostitution industry and its tremendous profits derive in no small part from the large influx of foreign exchange that foreign visitors contribute.<sup>18</sup> As a tragic illustration, post-tsunami research revealed that a very large percentage of those that disappeared or were killed in the devastating tsunami of December 2004 in Thailand were single foreign men, especially those that were staying alone at beach resorts.<sup>15</sup>

It can be said definitively that prostitution is booming in Thailand. One might even be shocked to find out that prostitution is illegal in the country, given the sheer magnitude of its visibility and the openness with which transactions are conducted.<sup>19</sup> <sup>20</sup> Adult sex tourism is likewise highly visible. For example, the director of a local Christian charity described how “there is prostitution in Bangkok and Chiang Mai. But here [in Pattaya], tourism means only sex tourism. How many women tourists do you find here?”<sup>21</sup> With hundreds of go-go clubs, bars, and massage parlors, Pattaya's sex industry has been described as “mammoth.”<sup>22</sup>

Generally, the provinces of Thailand with the highest levels of prostitution are the Bangkok Metropolis, the Central region, Chonburi (Pattaya), Songkla (Hat Yai District), Phuket and Chiang Mai provinces. While local men frequent all provinces, often seeking out children for sex, foreign tourists tend to flock to Bangkok, Chonburi, Songkhla, Phuket and Chiang Mai.<sup>23</sup>

Sex tourism is easily noted on the streets of Bangkok, where middle-aged Western men can be readily seen in the evenings accompanied by young Thai women. Such couples may be observed walking hand in hand through the city. While it is not always the case that a particular couple is engaged in a commercial sexual transaction, in a percentage of instances, it is. Areas of so-called “fishbowl” clubs<sup>24</sup> are easily spotted in some areas of Bangkok, and a Western-looking male is readily approached on the street by “vendors,” or men promoting specific clubs, who intercept one's evening souvenir shopping with fold-



out color brochures showcasing young women. One can encounter such phenomena in several areas of Bangkok, whether on the streets (in certain districts), in restaurants frequented by foreigners, or in hotels, including those of the up-market variety. For example, fishbowl clubs may be found on Ratchadapisek and New Petchburi Roads; women may be seen hanging out by the side of the road or in the Sois (side streets) off Sukhumvit Road, just a few steps away from the famous “Condoms and Cabbages”<sup>25</sup> restaurant, often frequented by foreign visitors.<sup>26</sup> While well-dressed young women seated on a couch by the entrance of a local restaurant in Bangkok may appear to be just a group out for an evening, in many cases, they are girls who are engaged in prostitution.<sup>27</sup>

Exclusive and obviously recognizable brothels or bordellos, however, are rarely seen in Bangkok. As prostitution is illegal in Thailand, Thais themselves would not easily recognize the word “brothel” or “bordello,” the more common term normally being “massage parlor.” In a conversation with a young female Thai, when asked about brothels and bordellos in Bangkok, she replied “What is a brothel? Oh! You must mean a massage parlor!”<sup>28</sup>

The most prevalent nationalities of sex tourists in Thailand tend to mirror the most prevalent nationalities of legitimate tourism visitors, however the correlation is not a strictly scientific one. It is rather a logical connection, one reflecting the sheer relative magnitude of some nationalities arriving to Thailand as opposed to others. This correlation is important toward developing prevention mechanisms, as it is clear that a focus on the populations most prevalent as tourists in the country is necessary in order to target potential offenders, as they may likely be found among these populations.

A compilation and analysis of research reveals certain nationalities as the most frequent child sex tourism perpetrators in Thailand. These include citizens of Japan, “Chinese” citizens (incorporating under this umbrella nationals from mainland China, Taiwan, Singapore, Malaysia, and Hong Kong), citizens of South Korea, Australia, the United States, the United Kingdom, and Germany. According to ECPAT International, which is based in Bangkok, “Western European men make up the highest number of sex tourists in Bangkok and Chonburi. Malaysians and Singaporeans make up the highest percentage of foreign tourists seeking prostitution in Southern Thailand.”<sup>29</sup> In Pattaya, the numbers of female tourists are minimal, likewise pointing to a potential trend for sex tourism toward that area.<sup>30</sup> Sex tourists in Thailand come from all walks of life, and may be leisure tourists or businessmen. As one interviewee put it, “with incoming Chinese businessmen, you take them out for dinner, and you make sure that they are *happy* at the end.”<sup>31</sup> Providing business visitors with the services of a prostitute continues to be relatively common practice in Thailand. Sex tourists

may also be long-term foreign residents in the country, who live and work in Thailand.

The most common facilitators of sex tourism in Thailand are taxi and tuk-tuk drivers, who are also often ready to provide a male visitor with the glossy brochures discussed above, and who work on a commission basis with various nightclubs, massage parlors, and karaoke bars, where girls might be available to provide sexual services. These drivers will insist on taking a potential client to a specific location, where the driver will then receive a commission for bringing the client.<sup>32</sup> In addition, in the cases of very young children, international organized crime is involved in bringing them to tourists, for example, through organized tour groups.<sup>33 34</sup>

## 1.4. Child Prostitution

Child prostitution in Thailand is a problem which contributes to the availability of children that are vulnerable to foreign sexual predators. Historically, girls in Thailand have entered prostitution before the age of 18. As elsewhere in Asia, there is a high demand for the young in prostitution in Thailand, and the most desired girls in the commercial sex industry tend to be those between the ages of 12 and 16.<sup>35</sup> The understanding of a child in Southeast Asia, culturally speaking, tends to coincide with this age range, with many girls marrying in their teens, and frequently considered adults past the age of 12, and certainly past the age of 14-16. More specifically, children in Thailand are unofficially/socially considered to be persons who have not yet reached 14 years of age.<sup>36</sup> In 1996, Thailand sought to eliminate this social definition of a child and adopted the national legal definition of a child as anyone under 18 years of age. However, the social definition of 15 is still prevalent in the country. Consequently, many girls that enter the prostitution industry, do so in their teens. Moreover, a third of foreign girls, many of whom have been trafficked into prostitution to Thailand from neighboring countries, are less than 18 years old.<sup>37</sup> At the same time, sexual predators seeking children under 15 are offensive in Thai culture, with the degree of offense increasing as the age of the child decreases. Therefore, while male Thai mentality in reference to commercial sex might be one of “boys will be boys,” when it comes to girls under the age of 15, that notion is no longer considered applicable,<sup>38</sup> especially if the child is under the age of 12.<sup>39</sup> According to sources consulted in Thailand, “if a man came with a 10 year-old boy to a hotel in Thailand, this would be reported to the police right away.”<sup>40</sup> This distinction is likewise evident in Thai legislation on prostitution, which provides for different penalties in cases involving children between the ages of 15-18 and those under the age of 15. Therefore, minors above the age of 15 have historically been present in the Thai prostitution industry and therefore also the sex tourism industry.

Various reasons may be given for children entering prostitution in Thailand. According to the Tourism Authority of Thailand (TAT), for example, “For survival, children from impoverished families are forced to drop out of school in order to help their parents earn a living. When children enter the ‘labor pool’ early in life, their fate is sealed and they are likely to remain [in] the cycle of poverty and illiteracy. This leads to an ever-ready supply of child labor, a situation that fuels the child sex trade.” The demand for child sex tourism is another contributing factor, as are social pressures, parental expectations, poverty, and a lack of educational and employment opportunities, which can all put children, especially girls, at risk of economic and sexual exploitation. For instance, each year thousands of young women flock to Bangkok and other urban areas in search of work. Many young women without appropriate skills end up working for bars, massage parlors, and brothels. Some girls may even be sold into prostitution by parents and relatives. Research conducted by the Office of the National Commission on Women’s Affairs in 2000 indicates that between 22,500 and 40,000 girls under the age of 18 are engaged in commercial sex work in Thailand.<sup>41</sup> The Children’s Rights Protection Center in Thailand likewise states that 40 percent of prostitutes in Thailand are less than 18 years of age.<sup>42</sup>

Currently, of the young Thai girls found in traditional prostitution, through bars, massage parlors, or brothels, the majority come from the North of Thailand, reflecting the lower standard of living that remains in this region compared to other parts of the country.<sup>43</sup> As in the past, these girls are drawn into prostitution to survive or to help their family survive. However, many other adolescent girls who may be entering the prostitution industry in today’s Thailand are increasingly entering the industry for other reasons, such as to support themselves through college, financing tuition costs which have risen to cost nearly a full year’s average income annually. Field research indicates the presence in Thailand of an emerging population of adolescent girls in prostitution who have no specific financial goals in sight, but who may engage in this activity to be able to afford various luxury goods.

As reasons for entry into prostitution change, so does the dynamic of the financial transaction. To some extent, prostitution in Thailand today is increasingly taking on non-traditional forms, such as short-term or longer-term “relationships” between a young Thai girl and a foreign citizen. Such relationships are applicable largely to girls found in the latter categories mentioned, girls that, strictly speaking, are not in desperate need for financial support, and who are engaged in these relationships for economic reasons other than survival. These relationships, most frequently between adolescent Thai girls or younger women, entail a sexual or romantic interaction, but with a financial component in the form of dinners and/or shopping trips, and travel paid for a male, most frequently, foreign

citizen. While these relationships are not prostitution in the strictest sense, they are still not bona fide romantic interactions between two persons. The emergence of such non-traditional forms of prostitution in higher numbers is largely due to improvements in Thailand’s economic status, which have strongly decreased the necessity to enter prostitution for survival among many Thais. Many of the girls involved in these non-traditional relationships, therefore, also do not see themselves as prostitutes.<sup>44</sup> Rather, they view such relationships as a way to be able to afford the type of car they like, a better condo, better clothing. Foreigners, in this sense, are seen as “walking ATMs,” according to local sources. One Thai girl might have four or five such foreign men for this purpose at various points in time. Once these men return home to their countries, the girls may request money to be sent to them. As the men in question will often agree, the interaction often turns into a long-term cash flow relationship.<sup>45</sup>

### 1.5. Child Sex Tourism

With Thai authorities beginning to crack down on child prostitution, and with economic development in the country, child sex tourism appears to be on the decline. Studying the country as a whole, realistic changes for the better are visible. The economic growth of Thailand, strongest in the region, has contributed significantly to the decrease in the problem in recent times. Alongside the enactment of a “legislative framework and comprehensive action taken in 1996 [addressing the commercial sexual exploitation of children], [anti-child sex tourism] efforts are seen as finally starting to bear fruit,”<sup>46</sup> according to ECPAT International. Organized crime is no longer as involved with the child sex tourism industry, as it is involved with the adult prostitution industry in Thailand, although in the cases of very small children, this still continues to be the case. For example, evidence indicates that organized groups bring children from Northern Thailand and from Cambodia to Pattaya for the purpose of providing sexual services to foreigners.<sup>47</sup>

Other changes in the characteristics of child sex tourism in Thailand are noticeable. Child sex tourism has shifted toward becoming a more street-based rather than brothel-based phenomenon. The child sex tourism industry is now, for the most part, a matter of having direct access to poor children on the street. Child prostitutes in Thailand are currently largely of foreign origin - this is especially the case because borders between Thailand and neighboring countries have become more open and because of Thailand’s relative affluence in comparison to other countries in the region, especially Myanmar and Cambodia.<sup>48</sup> Law enforcement crackdowns are reported to be having a deterrent effect, with offenders now going to Cambodia, Laos, Vietnam and even Bangladesh to look for children.<sup>49</sup>

Child sex tourism in Thailand may currently be characterized by foreign men seeking sex without a specific preference for a child, but with a desire for a young, attractive female (or male), who may or may not be 18 years of age. By far, this is the most prevalent form of child sex tourism in Thailand today. Preferential child sex tourists, those intentionally seeking sex with children, have traveled to Thailand for years, hailing Thailand as a child sex tourist's playground. However, according to field research and secondary data, this sentiment is becoming increasingly irrelevant to Thailand.

In addition, children in prostitution are no longer visible in Bangkok's "brothels." While it is indeed still possible to request a girl under the age of 18 through brothel (massage parlor, karaoke, etc.) networks, it has become significantly more difficult to do so, and child prostitution, at least in Bangkok, has become much less abundant. ECPAT International, which receives tips and cases from various sources, has hardly received a single child sex tourism case or notice in recent time from Bangkok.<sup>50</sup> As a result, preferential child sex tourists have been disappearing into the hill-top villages and into less risky neighboring countries, such as Cambodia. Consequently, the population of preferential child sex tourists is on the decline in Thailand. This does not, however, appear to be the case in Pattaya and Phuket, where children continue to be vulnerable to foreigners preferentially seeking out minors for sexual contact.<sup>51</sup> Pattaya is still the most well-known area in the country catering to sex tourists, as well as child sex tourists.

While most sources tend to agree that it has become significantly more difficult to procure a child for prostitution in Bangkok, some diverge in their opinion as to what the reality is behind the appearance of child-free prostitution in the Thai capital. Field research in Thailand reveals that finding a child prostitute under 15 years old is not easy and the customer would have to go to a bar and make a discreet request. In the vast majority of such situations, special arrangements would have to be made as establishments providing sexual services would not have prostitutes under 15 years old readily available, what these sources note is that the 'special arrangements' can indeed be made, citing that "money in Thailand will buy anything." Reiterating this point, it has been noted that if a tourist discreetly asked a hotel in Bangkok for a young girl (15-16), the hotel might accommodate the request, even though overt solicitation on the hotel's premises would not be tolerated; additionally, as mentioned previously, 40 percent of women in prostitution found in Bangkok's massage parlors may, according to some, still be underage (this implies adolescents rather than very young children).<sup>52</sup>

### ***Case Study: The Autumn of the Child Sex Industry in Thailand***

Like all industries, child sex tourism in Thailand adheres to a life cycle. A product is born and profits are made, but eventually a new supplier sells for cheaper and the customers move on. Resort tourist destinations experience this problem in terms of commercialization, not price. By analogy, a beach is beautiful, secluded, and known only to a few adventurers. Eventually one of the adventurers decides to retire on that very beach and builds a boutique hotel and advertises to finance his operation. Indeed everyone who arrives to the bungalow is enchanted and word spreads. A bigger hotel is built and more and more people are enchanted by the ironically steadily decreasing seclusion and serenity. The government is elated with the revenue generated and springs for an airstrip or improved road. Eventually the beach is commercialized and those who found it "leave it to the wolves" and move on to other secluded beaches. Thailand's child sex tourism industry is in the autumn of its life cycle. Pattaya, for instance, has received so much international attention as a sexual Disneyland that sex tourists and curious onlookers alike have flooded the beach with foreign currencies. Grafters, pimps, and criminals have diluted the sexual Disneyland experience that sex tourists originally sought.<sup>53</sup> Additionally, public outcries against the sex industry in Pattaya have prompted the police to undertake the unpopular duty of enforcing the laws. The combination of commercialism, law enforcement, and availability of "friendlier" sex industries elsewhere has prompted many sex tourists to consider giving up Pattaya and Thailand in general. To some degree the hard core sex tourists have merely retreated to other secluded beaches or hill stations within Thailand. But the true child sex tourist, who seeks children under 15, is living out his last day in Thailand. Child sex tourists are already moving along to less commercialized neighbors like Cambodia. No-name towns, bordering Laos and Myanmar harbor Westerners preying on children, seeking their revered seclusion and serenity.<sup>54</sup>

## 1.6. The Link between Child Sex Tourism and Child Trafficking in Thailand

A link between child sex tourism and child trafficking into Thailand may be recognized as a problem. As already pointed out, a large percentage of minors in Thailand's prostitution industry are foreign girls, particularly from Cambodia. The large-scale trafficking of Cambodian children into Thailand is a well-documented phenomenon. Insofar as the Thai sex industry caters to foreign as well as local demand, it may be suggested that the foreign demand is, at a minimum, one of the contributing forces behind the continued trafficking of children into Thailand for prostitution. It is also clear that trafficking takes place into areas where money can be made from sexual exploitation. Due to the size of the Thai sex industry, it is definitely a place where business is big and the profits are higher than in Cambodia, where the scale is smaller. The presence of foreign demand increases the profit margin, since foreign citizens pay more than locals. In addition, several sources interviewed did point out that international organized crime still traffics children from Northern Thailand toward Pattaya, which is probably the most significant international sex tourism destination in Thailand, and from Cambodia into Thailand more generally. It is also documented that women and girls are trafficked from the Yunnan province of China to the south of Thailand, due to a demand for lighter-skinned women to provide sexual services to Chinese Malaysians who arrive from across the Malay-Thai border for tourism. Women and girls from Myanmar tend to be found in the north of Thailand, and girls and women from Laos and Cambodia may be found in Bangkok and Northeastern Thailand.<sup>55</sup>

## 2. Initiatives to Combat Child Sex Tourism

### 2.1. Current Trends

As discussed, it may be concluded that the child sex tourism industry is on the decline in Thailand. This may be stated with a degree of confidence particularly for the city of Bangkok, where it has become significantly more difficult to obtain a minor for sexual services. Overall throughout the country, the situation is also seen as having improved. Problems remain particularly in Pattaya, Phuket, and Chiang Mai, which are frequently cited as locations where child sex tourism is still prevalent. Additionally, the trafficking of foreign children into Thailand likewise continues largely unabated.

The improvements may be attributed to a combination of several factors: 1) Thailand's economic growth (strongest in the region) and concomitant decreases in poverty; 2) enactment and enforcement of a comprehensive legislative and government action program to combat the commercial sexual exploitation of children; and 3) improvements in child protection policies.

Attention in Thailand at the governmental level remains, however, especially focused on the issue of trafficking in persons, as separate from other forms of commercial sexual exploitation of children. Government officials have, and continue to focus on combating trafficking, but significantly less information on activities to combat child sex tourism specifically is available. In addition, according to some sources, child sex tourism and child prostitution taking place in Thailand are not regularly covered in local Thai press. While the media does address the issue of child sex tourism, it normally does so within the context of Cambodia, Vietnam, or even Laos, but not Thailand.<sup>56</sup> It would be important to raise awareness to the issue in Thailand through the press as part of any initiative focusing on the prevention of child sex tourism in the country.

### 2.2. Economic Growth

Thailand's economic growth is one of the crucial factors that have contributed to the decline of entry of children into prostitution. Economic growth has also permitted the country to devote a greater amount of resources toward child protection policies. Families can, in significantly greater numbers, afford to send their children to school, and as the number of years of mandatory schooling has increased, children have become less vulnerable to exploitation.

### 2.3. Prevention

Economic growth, however, has not improved the lives of all Thais equally, and members of the Northern Hill Tribe communities, for example, remain vulnerable to poverty. Many social problems have to do with the lack of education in such underdeveloped areas of the country. The Royal Thai government and the Thai Education and Labor and Social Welfare Ministries recognize that better education is vital and have set up a "Fund of Thailand" to ensure that all children have the opportunities to go to school. Educational scholarships are granted by this fund. Likewise, the fund is utilized to disseminate revenue to poor provincial areas to reduce vulnerability to exploitation due to economic difficulties. Another fund provides for continued education, and is the Ministry of Interior's Center for the Prevention and Suppression of the Trafficking of Children for Prostitution and Labor. It operates a fund that allows disadvantaged children in northern and northeastern Thailand to continue their education.<sup>57</sup> The government has also granted educational scholarships as well as long-term and interest-free loans for children from low-income families, which has resulted in a significant decline in child workers. The number of child workers between 15-17 years of age decreased from 230,000 in March 1998 to 55,000 in July 2000.<sup>58</sup> Local economic development has further been enhanced by the "One Village. One Product" campaign and the "Village Fund." These initiatives set out



to stimulate the entrepreneurial spirit of local residents and allow them the financial flexibility to become less prone to the inherent swings of income from rice farming.<sup>59</sup> Additionally, the National Council for Children and Youth Development promotes coordinated efforts between the Thai government and NGOs in support of the nation's children and youth.<sup>60</sup>

TAT, Thailand's premier governmental organization tasked with the promotion of tourism, has taken a strong stance on preventing and discouraging sex tourism and child prostitution. In doing so, it has been cooperating closely with law enforcement agencies and monitoring the tourist sector for malevolent organizations, against which TAT is able to take some administrative actions. TAT is also engaged in implementing the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism along with ECPAT International in Thailand. To raise awareness regarding its no tolerance stance on child sex tourism, TAT disseminates its point of view through various channels, including its website.<sup>61</sup> The TAT NewsRoom, hosted on the website, contains comprehensive information regarding the nature of child sex tourism, TAT's commitment to combat child sex tourism in Thailand, and activities undertaken by TAT independently, jointly with local and international NGOs, and with the private sector. TAT outlines its commitment to protecting children in Thailand in the following way:

***“Protect Our Children: A Tat Initiative”***  
***As an agency of the Thai Government,***  
***the Tourism Authority Of Thailand (TAT)***  
***supports and works within the national plan***  
***to prevent human trafficking.***

1. In order to reiterate the message that Thailand does not support or promote sex tourism and extends full cooperation to the agencies that are working to solve and prevent the problem, as part of the tourism agency's overall plan for 2006, TAT will be launching a public relations campaign to raise public awareness. TAT will be publishing a pamphlet entitled “Protect Our Children” for distribution at TAT offices overseas, airports and elsewhere.
2. In its work to prevent child sex tourism, TAT wants to make it unambiguously clear that the Thai government does not condone or support child sex tourism and is willing to cooperate fully with other countries in working earnestly to solve this problem.
3. TAT is taking part in the following activities to combat child trafficking:
4. Membership of the World Travel Organization (WTO) Task Force to Protect Children from Sexual Exploitation in Tourism. This is an umbrella committee that oversees activities on ethics and training for people in the tourism

industry and publishes informative materials for wide distribution. The task force is led by an executive committee.

5. Membership of the Steering Committee on the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism, which is in charge of various activities to promote ethics and raise awareness.
6. Jointly hosted the TAT/WTO Regional Consultation on the Protection of children from Sexual Exploitation in Tourism on 1-2 July 2001 at the Asia Hotel, Bangkok
7. Public relations activities to build consciousness among tourism industry workers and tourists by educating them on the legal penalties for the commercial exploitation of children or purveying children for sexual services; encouraging them to see the value of children and urging them to help protect children. These activities are undertaken through various media such as newsletters, pamphlets and websites.

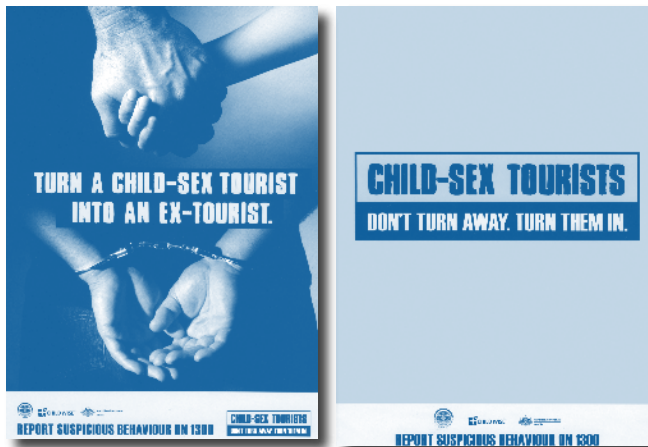
Joining ECPAT International's Bangkok office and the Accor Group to hold a training session on “Preventing Child Abuse in Tourism Destinations” for management-level and front desk personnel of the Novotel hotels in Bangkok. Information posters have been placed at all Accor Group hotels (Novotel, Sofitel and Le Meridien) in Thailand.”<sup>62</sup>

In August 2000, Child Wise, the Australian affiliate of ECPAT International, launched a training program for tourism authorities of foreign governments and for the travel and tourism industries in Cambodia, Indonesia, Laos, Myanmar, the Philippines, Thailand and Vietnam, all with the aim of combating child sex tourism. Child Wise was joined in its efforts to raise awareness against child sex tourism by government officials from six ASEAN member nations during the annual Regional Think Tank Meeting held in Bali in January 2004. This regional meeting was upgraded to a Regional Taskforce in 2005 “to better reflect the senior level of government commitment to the issue of child protection across ASEAN,” and all ten ASEAN members were present at the meeting of the Regional Taskforce in Vientiane, Laos, in September 2005.<sup>63</sup> Following this meeting, Thailand's Ministry of Tourism and Sports and the Ministry of Social Development and Human Security made a commitment to work with airlines and hotels to distribute the Regional Education Campaign messages developed in cooperation with Child Wise.<sup>64</sup>

As part of this program, Child Wise tourism training has been introduced to hotel staff members and management in Bangkok to raise awareness regarding child sex tourism.<sup>65</sup> Likewise, the training was tailored for travel and tour agencies, tuk-tuk drivers, photo-shops, karaoke staff and café staff, as well as government tourism officials. The Ministry of Tourism and Sports of Thailand had plans for at least four Child Wise trainings to be held in 2006, with

two planned for March 2006, one for May 2006, and one for November 2006.<sup>66</sup> The Ministry is also cooperating with the Accor hotel chain to place public awareness stickers developed by Child Wise in Accor group hotels. The Ministry is working with the Tourist Guide Association of Thailand and taxi drivers, also distributing the publicity materials to them. According to the Ministry of Tourism and Sports, Accor was the only hotel chain in Thailand that agreed to distribute the Child Wise stickers in their hotels. This was attributed to the fact that Accor already has a clause in its mandate to combat child sex tourism as part of their implementation of the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism within the Accor group.<sup>67</sup> Some hotels have been reluctant to utilize these materials, concerned about the possible negative effects they may have on the hotels' public image.

The Child Wise anti-child sex tourism hotline, which accepts tips regarding child sex tourism activities, and the telephone number for which is provided on all Child Wise materials, is currently hosted by the Ministry of Social Development. In the future, the hotline will be hosted independently by the Royal Thai Police. As of December 2005, the Child Wise campaign in Thailand was in its nascent stage, having only been implemented for one month.<sup>68</sup>



Sample public awareness materials developed by Child Wise for distribution in Thailand.

Additionally, the Bangkok Metropolitan Administration is distributing pamphlets warning tourists that sex with children is illegal. It also supports events organized by ECPAT International/World Tourism Organization in the implementation of the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism, such as the Charity walk, in their efforts to combat child sex tourism.<sup>69</sup>

The Office of the Attorney General-Thai Criminal Law Institute determines the steps necessary to bring national law in into harmony with the United Nations National Convention against Transnational Organized Crime and prosecutes child sex tourism cases.<sup>70</sup>

In 2006, the establishment of a task force on the issue of child sex tourism was in its planning stages, with the Ministry of Tourism and Sports envisioned as the focal point agency. As part of this task force, the Ministry of Tourism and Sports will cooperate with the Tourism Police, the Ministry of Social Development, the Ministry of Education, and the Ministry of Justice.<sup>71</sup>

## 2.4. Prosecution

### 2.4.1. Legislative Framework<sup>72</sup>

Thailand currently has a number of laws in place to combat child prostitution and child trafficking, both of which are relevant to child sex tourism. Section 8 of the “Prostitution Prevention and Suppression Act of 1997” states that, “Whoever, for sexual gratification of that person or of the third person, commits sexual intercourse or any other act against a person who is over fifteen (15) years but not yet over eighteen (18) years of age, with or without his or her consent, in a place for prostitution, shall be punished with imprisonment of one to three years and a fine of twenty thousand to sixty thousand baht. If the commission of the offense as specified in the first paragraph is committed against a child not over fifteen (15) years of age, the offender shall be punished with imprisonment of two to six years and a fine of forty thousand to one hundred and twenty thousand baht. Section 9 of the “Prostitution Prevention and Suppression Act” provides that, “Whoever procures, seduces, or traffics the other person to commit the act of prostitution, even with consent of the other person, no matter whether the commission of various acts which constitute the offense are committed inside or outside the territory of the Kingdom, shall be punished with imprisonment of one to ten years and an fine of twenty thousand to two hundred thousand baht. If the commission of the offense as specified in the first paragraph is against a person who is over fifteen (15) years but not yet over eighteen (18) years of age, the offender shall be punished with imprisonment of five to fifteen years and a fine of one hundred thousand to three hundred thousand baht. If the commission of the offense as specified in the first paragraph is against a child not over fifteen (15) years of age, the offender shall be punished with imprisonment of ten to twenty years and a fine of two hundred thousand to hundred thousand baht. Section 11 of the “Prostitution Prevention and Suppression Act” states that, “Whoever is the owner of a prostitution business or place for prostitution as specified, has a person not yet over eighteen (18) years of age performing the act of prostitution in such place, the offender shall be punished with imprisonment of five to fifteen years, and a fine of one hundred thousand to three hundred thousand baht.” If the prostitution business or place for prostitution as specified, has a child not yet over fifteen (15) years of age performing the act of prostitution in such place, the offender shall be punished with imprisonment of ten to twenty years, and a fine of

two hundred thousand to four hundred thousand baht. Section 287 of the Penal Code Punishes child pornography. The law states that, whoever for the purpose of trade or by trade, for public distribution or exhibition, makes, produces, possesses, brings, or causes to be brought into the Kingdom, sends causes to be sent out of the kingdom, takes away or causes to be taken away, or circulates by any means whatever, any document, drawing, print, painting, printed matter, picture, poster, symbol, photograph, film, audio tape, video tape or any other thing which is obscene shall be punished with imprisonment not exceeding three years or fine not exceeding six thousand baht, or both.

The “Measures in Prevention and Suppression of Trafficking in Women and Children Act” of 1997 states in Section 5 that “In committing an offense concerning the trafficking in women and children, buying, selling, bringing from or sending to, receiving, detaining, or confining any woman or child, or arranging any women or child to act or receive any act, for sexual gratification of another person, for an indecent sexual purpose, or for gaining any illegal benefit for his/herself or another person, with or without the consent of the woman or child, which is an offense under the Penal Code, the law on prostitution prevention and suppression, the law on safety and welfare of children and youths, or this act, the official is authorized to enforce power under this act.” Section 11 provides for protection for the victim of trafficking, stating that “The official shall use his/her judgment in giving appropriate assistance to the woman and child, who is the victim of the offense as specified in Section 5, in providing food, shelter, and repatriation to her/his original country of residence. In providing assistance according to the first paragraph, the official may arrange for the woman or child to be in the care of a “primary shelter” provided by the law on prostitution prevention and suppression, a “primary shelter for children” provided by the law on child and juvenile safety and welfare, or other governmental or non-governmental welfare institutions... The repatriation of the victim, whose residence is in a foreign country, shall be done in accordance with the agreements set forth in a treaty with the state party, or a convention of which Thailand is an acceding state.”

Importantly, age of consent to sexual activity in Thailand is 15 years, which makes sexual relations outside of a strict prostitution framework as outlined in the “Prevention and Suppression of Prostitution Act” between a minor of 15 to 18 years old and an adult difficult, if not impossible to prosecute in Thailand. Alongside social acceptance of sexual activities with adolescents of 15 years and above, and the general lack of enforcement of prohibitions of prostitution in Thailand, it is likely that a high proportion of children ages 15 to 18 may indeed still be engaged in the prostitution industry in Thailand. The penalties provided by the “Prevention and Suppression of Prostitution Act” for prostitution of children under the age of 15 and between

the ages of 15 to 18 are also distinct, as elaborated in the previous section.

#### 2.4.2. Law Enforcement Activity against Child Sex Tourists

The Thai government has taken some significant steps from the law enforcement standpoint to attempt to curb child sex tourism and child trafficking. Since 1995, FACE (Fight against Child Exploitation), an NGO working to combat the commercial sexual exploitation of children in Thailand, has compiled a database of about 100 cases, most of them involving foreign men arrested for engaging in sexual contact with a child under 15 years of age in Thailand. This database likewise includes cases of pornography involving foreigners. Additionally, three cases are currently pending in Pattaya, which involve two British men and one French man, having to do with sexual contact with children under the age of 15. According to FACE, in the two years prior to 2006, there have been between 10-15 arrests of foreigners for sexual activities with minors in Thailand.<sup>73</sup> Another report indicates, however, that in Pattaya alone, Thai police arrested more than 25 foreigners for sexually abusing children in recent years.

The United States Immigration and Customs Enforcement (ICE) Attaché Office based in Bangkok, and tasked with investigating cases of U.S. child sex tourists in Southeast Asia, was, in December 2005, working on the investigation of between 10 and 15 cases in Thailand,<sup>74</sup> many of which were being carried out in cooperation with Thai authorities. Thai police notes that Thailand is “lucky” to have law enforcement representation from at least 23 countries in Thailand, and these agencies inform the Thai police of any known facts they might have regarding foreign pedophiles operating in Thailand.<sup>75</sup>

A number of notable law enforcement actions should be mentioned. According to Police Major General Krerkphong Pukprayura, Deputy Commissioner for Strategy at the Office of the Commissioner-General of the Royal Thai Police, the Prime Minister of Thailand convened a meeting of the Royal Thai Police in August 2005, and placed trafficking in persons, child sex tourism (and sexual exploitation), as well as human smuggling high on the national agenda (second only to combating the drug trade).<sup>76</sup> In 2005, the Prime Minister allocated an initial 500 million baht (\$2.5 million) to support activities to assist victims of trafficking and “those afflicted by other social problems.”<sup>77 78</sup> The Major General was asked to focus more on issues of trafficking and child sex tourism in the development of police strategies.<sup>79</sup>

In addition, the Thai government has engaged in several activities to assist the work of law enforcement personnel and to curb the incidence of child sex tourism, including the hiring of Public Relations professionals to design campaigns to deter demand through TV spots and in-flight videos on Royal Thai Airlines flights coming into the



country. These publicity materials focus on prosecution side of the issue, informing visitors that child sex tourism is illegal in Thailand.<sup>80</sup> A special police unit was set up in July 2005 in Bangkok, focusing on children, women and juvenile protection, staffed by 100 policemen.<sup>81</sup>

### 2.4.3. Challenges to an Effective Law Enforcement Response

However, the police, particularly in Pattaya where child sex tourism remains an especially critical problem, are still reluctant to address child sex tourism. A number of reasons appear to play a role: 1) reluctance of police to arrest foreigners having a good time; 2) difficulty and reluctance to make the arrest stemming from strict legal requirements stipulating that the perpetrator must be caught in the act (sexual act) for an effective case; 3) reluctance to make the arrest due to additional limitations associated with bringing the case to successful prosecution, such as the difficulties of getting children to testify and obtaining a complaint against the offender to start the investigation; and 4) the low likelihood of a strong sentencing in the case.<sup>82</sup>

The obstacles associated with Thai law regarding the basis for making an arrest and building a case of the sexual exploitation of children prove to be particularly challenging. According to Thai legislation, either a complaint must be brought against the offender, or the police must catch the offender in or right before the sexual act is being committed with a minor. The concept of “right before,” according to legislation, refers to the moment prior to the penetration, for example, which is extremely difficult for the police to catch, as is normally the act itself.<sup>83</sup> The police, whether local Thai police or foreign law enforcement active in Thailand, are thus unable to press charges unless that attempt is intercepted in situations as described above. Additionally, complaints are rarely brought by children or their families against the perpetrators. Most frequently, the children, especially the younger children who are sexually exploited in Thailand, are either street children (runaways) or foreign children trafficked to Thailand.<sup>84</sup> Their families are therefore generally unavailable to lodge a complaint. The children themselves are unlikely to bring a complaint against the offender – they may be fearful and feel dependent on the offender. For these children, being sexually exploited may be viewed as one of a very limited number of ways to make a living. For example, children exploited in this way in Pattaya are generally willing to provide sexual services to foreigners for 100-200 baht (\$2.5-\$5).<sup>85</sup> Children taken out of such situations often escape the shelters to return to work.<sup>86</sup> It is therefore extremely difficult to get children to testify in court against offenders, as they do not feel that they are being abused, but rather that they are finding a way to make a living and be fed;<sup>87</sup> additionally, children are unlikely to testify against somebody who is paying them.<sup>88</sup> Largely for these reasons, and because a testimony of a child is of utmost importance in these cases in the courts, police are reluctant

to pursue them, as only a few are likely to make it to and through prosecution successfully. Furthermore, due to their complexity, these cases take a long time to complete, and the chances of the perpetrator being punished with a long sentence are low. Thai prisons are very crowded, and, according to sources in Thailand, in the minds of many judges, such crimes are still not considered “serious” crimes. Judges will therefore often suspend sentences in such cases. Consequently, motivation on the part of the police officer to make an arrest is very low – officers have quotas to fulfill, and they would be very averse to spending their time bringing a case which is, at best, only likely to receive a suspended sentence.<sup>89</sup> The police would rather go after the cases considered as more “serious” in the minds of the judges, and work the cases that are likelier to receive a strong sentence and therefore look better on the police officer’s record.<sup>90</sup>

Nevertheless, according to Thai police and NGO sources in Thailand, word of mouth among preferential child sex tourists does seem to be that Thai law enforcement is getting progressively stricter and should be bypassed. And because stricter law enforcement in one country leads to spillover of pedophiles into others, Thailand is working with neighboring countries to prevent the spread of child sex tourists across borders into neighboring states like Vietnam, Laos, and Cambodia. For example, the arrest in late 2005 of former British glam rocker Gary Glitter in Vietnam on child sex offense charges was assisted in part by Thai law enforcement authorities, which passed information about him to ASEANPOL. Glitter was eventually convicted on these charges by Vietnamese authorities.<sup>91</sup>

### 2.4.4. Arrests and Convictions of Child Sex Tourists in Thailand by Country of Origin

The following are cases of arrest of foreign child sex tourists in Thailand since 1995, according to information available in the press, NGO and government reports. These cases are not meant to provide an exhaustive list, but are presented as an illustration of the extent of the problem of child sex tourism in Thailand. The details of arrests are arranged first by the country of origin of the offender, highlighting those countries that appear to be frequent countries of origin for child sex tourists operating in Thailand; and second, chronologically, according to the date of arrest.

#### 2.4.4.1. Australia

- Australian Pen Dragon was the first foreigner to be imprisoned for child sex offenses in Thailand close to ten years ago. He was convicted of a rape of a nine-year-old handicapped girl and imprisoned in 1997 in a Thai jail. He received a Royal pardon in June 2006, and as of time of writing was awaiting deportation to Australia.<sup>92</sup>



- In 1997, Jesse Spencer Pearce, age 76, was charged with having sex with Thai children under the age of 16. He allegedly had sex with one girl and one boy in Bangkok between July 5, 1994 and March 1, 1996. His case was tried in the Brisbane District Court<sup>93</sup> in Australia and he was sentenced to nine years in prison after pleading guilty to 38 sexual offenses against children.<sup>94</sup>
- An Australian businessman, age 58, was accused of “having sex with a Thai girl under 16 three times between December 5 and 13 in 2001.” He was charged with “three counts of being an overseas Australian engaging in intercourse with a person under 16.”<sup>95</sup>
- Jonathon Kaye, age 71, was charged in 2003 with committing sexual offenses against minors abroad. Kaye ran a travel company that promoted sex with young boys, and allegedly had sex with a 16-year-old Thai boy and performed oral sex on a 15-year-old. He denied any wrongdoing, but was eventually sentenced to a six year term.<sup>96</sup>
- An Australian diplomat, Robert Scoble, age 55, was arrested in Thailand in 2004 with large amounts of child pornography. In March 2004, he was accused of running a child sex trafficking ring behind the façade of one of Southeast Asia’s largest gay tourism agencies, which was alleged to be a front for child sex tourism<sup>97</sup> and for bringing foreign pedophiles to Thailand.<sup>98</sup> His arrest was the result of a joint investigation by Thai immigration police, Thai tourism authorities and Australian Federal Police at the Australian embassy in Bangkok.<sup>99</sup> He was cleared of child pornography distribution charges, and possession of child pornography is not illegal in Thailand.<sup>100</sup> However, he was fined and received a suspended sentence on lesser charges.<sup>101</sup>
- Australian police officer Christopher Ronald White, age 46, was arrested in Bangkok in August 2005 for two charges regarding the sexual abuse of a 13-year-old girl.<sup>102</sup> White was being held in a jail in Chiang Mai, pending trial.<sup>103</sup> However, the charges were later dropped when Thai authorities failed to establish proof of sexual relations with the girl. However, in June and August of 2006, Australian Federal Police and Australian Customs allegedly intercepted parcels containing child pornography on video disks bearing White’s fingerprints. White was detained once more by Thai authorities in October 2006, and has since been deported to Australia. His Australian passport has been revoked and he has been placed on an immigration blacklist in Thailand.<sup>104</sup>
- Convicted child sex offender and a former Junior Cricket Development Officer, Australian Paul Thompson was arrested in Thailand in August 2006, where he was found in violation of a ban on his ability to travel abroad as a result of his conviction. He was awaiting deportation to Australia as of the time of writing.<sup>105</sup>
- Jason Mizner, an Australian teacher, was recently arrested for allegedly sexually abusing a two-year-old girl in Thailand.<sup>106</sup>
- Leon Wicks recently pleaded guilty in Australia to having sex with boys in Thailand.<sup>107</sup>
- John Mountford, an Australian teacher and chaplain, has been extradited from Thailand to face alleged child-sex offense charges in South Australia.<sup>108</sup>

#### 2.4.4.2. United States

- In March 2000, Thai police arrested an American musician who worked at a Bangkok hotel and charged him with molesting several Thai girls.<sup>109</sup> Out on bail, he vanished.
- American Eric Franklin Rosser, aged 49, was arrested by Thai authorities in Bangkok on August 21, 2001.<sup>110</sup> He was charged with numerous offenses including the production of a videotape allegedly depicting him having sex with an 11-year-old Thai girl.<sup>111</sup> He had been previously indicted in the United States in 2000 on child pornography offenses committed in the United States and was placed on the Federal Bureau of Investigation’s (FBI’s) Most Wanted List.<sup>112</sup> Following his arrest in Thailand, he was extradited to the U.S., where he pleaded guilty as charged and was sentenced to 16 years in prison.<sup>113</sup>
- Nicholas Bredimus, a 52 year-old owner of a U.S. consulting business, was convicted in the United States under the Sexual Abuse Prevention Act for child sex offenses committed in Thailand.<sup>114</sup> In October 2001, Bredimus traveled to Thailand, where he hired a Thai female to accompany him and act as an interpreter and procure children for him. Together they traveled to Mai Sae in the Chiang Rai Province where they obtained two rooms in the Srisamoot Hotel. Bredimus asked the interpreter to find young boys or girls to come to his hotel, and several local boys between the ages of 11 and 14 were brought to his room.<sup>115</sup> Bredimus molested three of these boys, and was recording the acts with a compact video camera, when local police entered his room, following a complaint made by several of the parents that their children were missing.<sup>116</sup> Following the arrest, the Thai police kept Bredimus’ passport and required him to appear in court on November 13, 2001. However, Bredimus posted bail (approximately \$7,000), after which he went to the U.S. Embassy in Bangkok and applied for a new passport. Upon receiving the replacement passport he fled Thailand and returned to the United States. A U.S. Customs agent arrested him in Hawaii on February 28, 2002.<sup>117</sup> Bredimus was originally charged with a six-count indictment, which included offenses of traveling in foreign commerce to engage in sexual activity with a minor, offering to obtain control of a minor with the intent of promoting sexually

explicit conduct to produce child pornography, among other charges.<sup>118</sup> Bredimus pleaded guilty to traveling in foreign commerce with the intent to engage in sexual conduct with a minor, reserving his right to appeal the constitutionality of the charges.<sup>119</sup> His appeal was denied<sup>120</sup> and he was sentenced to five and a half years in prison and ordered to pay a \$30,000 fine.<sup>121 122</sup>

- Karl Kaechele, a 62-year-old American truck driver, was indicted in August 2005 in the United States under the PROTECT Act for allegedly engaging in child sex tourism in a number of Southeast Asian countries, including Thailand.<sup>123 124</sup> He was indicted on charges of allegedly traveling to these countries to knowingly engage in sexual acts with victims between the ages of seven and 15.<sup>125 126</sup> During the investigation, Kaechele was found to have photographs of child pornography of Asian females and journals containing information of sexual encounters with females, the majority of whom were under the age of 15.<sup>127</sup> These journals contained specific details including the dates of the sexual encounters, the log numbers of the photos taken of the females, the girls' names and ages, the cities in which the acts were committed, amounts paid, comments regarding what sexual acts took place, and his rating of each sexual encounter.<sup>128</sup> A search of his house resulted in Federal agents seizing a computer, photographs, and videos.<sup>129</sup> Kaechele is currently facing charges of traveling in foreign commerce for the purpose of engaging in illicit sexual conduct with a minor. However, Kaechele is requesting a dismissal of the indictment on the grounds that the charges are unconstitutional.<sup>130</sup> Hearings on the motion to dismiss the charges were ongoing as of the time of writing.<sup>131</sup>
- San Francisco, CA, financier Thomas Frank White, age 69, awaits trial for sex crimes in Mexico and the United States. White was arrested at the lobby of his hotel in Bangkok on February 11, 2003, for the rape of a teenage boy in Mexico. However, a videotape likewise showed White frolicking with boys at the Pattaya beach in Bangkok. He was detained at the Bangkok Remand Prison for two years before he was extradited to Mexico in May 2005. In 2003, White was likewise sued in a U.S. District Court in San Francisco, CA, by a victim that he allegedly molested in the United States.<sup>132</sup> Consequently, White's Federal Grand Jury indictment under the PROTECT Act of March 2003 was unsealed and reopened in June 2004. The investigation against White has revealed that White had traveled to Thailand between the years of 2000 and 2003 to allegedly molest young boys. White had funded a children's school and a shelter in a Thai resort area.<sup>133</sup> White has since settled the private suit against him in San Francisco, CA.<sup>134</sup>
- Walter Schirra, a 54-year-old American property manager at time of arrest, was arrested when boarding a flight to Thailand, where he allegedly planned on

soliciting sex with juvenile boys.<sup>135</sup> ICE agents found photos of shirtless 12-14 year-old Asian boys, large amounts of candy, and prescription drugs and other aids to enhance sexual pleasure in his suitcase. A search of Schirra's home revealed roughly 15-20 images of child pornography on his computer. The investigation of Schirra had begun three months before his arrest, when ICE agents became aware of his interest to travel overseas to engage in sexual relations with minors. As part of this investigation it was discovered that Schirra had also traveled to Thailand in May 2004. Schirra was formally charged in the United States with traveling for the purposes of engaging in sexual contact with a minor under the PROTECT Act.<sup>136</sup> Schirra pleaded guilty to charges of child pornography and was sentenced to three and a half years in prison, followed by three years of supervised release.<sup>137</sup>

- Steven Erik Prowler, age 57 at time of arrest, was arrested in May 2005 by the Royal Thai Police in Bangkok, Thailand, on evidence that he had molested two boys ages 15 and 16. Thai authorities contacted ICE agents, and conducted a joint search of Prowler's residence in Bangkok, finding more than 100 photos of naked Thai boys, aged 14-16.<sup>138</sup> In addition, authorities found Prowler's writings, which detailed his sexual encounters with minor boys in Thailand, Cambodia, Laos, Mexico and the United States, which took place during the past ten years.<sup>139</sup> Prowler, who worked as an English teacher at the Ramkhamhaeng University Demonstration School in Thailand, was prosecuted by Thai authorities and imprisoned in Thailand to serve his sentence. He was extradited to the United States to face Federal charges under the PROTECT Act on May 13, 2006, for illicit sexual conduct with a minor in foreign places.<sup>140 141</sup> Prowler has requested dismissal of his indictment, and motion hearings were ongoing as of time of writing.<sup>142</sup>

#### 2.4.4.3. United Kingdom

- James Ronald Hammond was arrested in 1997 for having sex with a 17-year-old girl in Chiang Mai. He served a one-year sentence in Thailand.<sup>143</sup>
- In July 1999, Philip Howarth, age 39, a British teacher, was charged with molesting and having sex with a 14-year-old Thai boy. He was later acquitted of molestation charges, however.<sup>144</sup> On the plane trip from Bangkok to Heathrow he disappeared on a refueling stop in Athens.<sup>145</sup>
- Londoner Nicholas Rabet, age 56, lured young Thai boys to his rental home in Pattaya by letting them play video games. He insisted they strip to prevent them from stealing the games, and then paid them between seven and 14 pounds to perform sexual favors. It is estimated that he may have victimized as many as 300 young boys. He was arrested in July 2005 and was charged

with child molestation. He awaits trial as of the time of writing.<sup>146</sup>

#### 2.4.4.4. France

- Frenchman Amon Ithsaac Chemouil, age 48, was prosecuted in France in 2000 for having oral sex with a 16-year-old girl in Chonburi. He had to pay compensation to his victim and was sentenced to seven years imprisonment.<sup>147</sup> He also sexually assaulted an 11-year-old girl while on holiday in Thailand.<sup>148</sup>
- Frenchman Jean Claude Chamoux, age 56, was arrested in August 2005 by Thai police for having sex with an eight-year-old girl who was sold by her mother, who was HIV-positive, for 1,000 baht (\$24) each time in order to pay for her medication.<sup>149</sup> Chamoux faces life imprisonment.<sup>150</sup>

#### 2.4.4.5. Sweden

- Bengt Bolin, age 69, a native of Sweden, sexually abused a 13-year-old boy while vacationing in Thailand. He was arrested during a police raid in the Thai beach resort of Pattaya but fled to Sweden while on bail. However, he was eventually apprehended and found guilty by a Swedish court on June 22, 1995, and sentenced to three months imprisonment. The Bolin case was considered a landmark by anti-child prostitution campaigners as it was the first time a European was convicted under extraterritorial legislation for sexually abusing a child abroad.<sup>151</sup>
- In March 2000, Thai police arrested a Swedish tourist in Hua Hin, a southern Thai resort, for allegedly paying an underage flower-seller to fondle him. The Swede vanished on bail.<sup>152</sup>

#### 2.4.4.6. New Zealand

- New Zealander Ryan William James, age 48, was taken into custody by Thailand's Youth and Women Protection Division in 2005<sup>153</sup> after being found in the company of six boys aged 13 to 14 at his apartment in Bangkok. He allegedly separated the boys from their parents in order to sexually exploit them.<sup>154</sup>
- As of August 2005, Thai police were looking for former New Zealander policeman Alan Soloman who ran a security business in Chiang Mai and was a close friend of Christopher White, previously charged with sexually abusing and enslaving a 13-year-old girl in Thailand.<sup>155</sup>

#### 2.4.4.7. Japan

- In November 1999, a Japanese man who was caught naked with a 12-year-old boy returned home free and subsequently informed the Mainichi Shimbun newspaper that he had paid Thai police \$15,800 to escape.<sup>156</sup>

- In November 2000, Tadimitsu Kitahara, Japanese citizen, age 57, was arrested by Thai police in Chiang Rai for sexual activities with a 13-year-old girl. Kitahara admitted that he had previously conducted 21 such trips to Thailand.<sup>157</sup>

#### 2.4.4.8. Finland

- Miika Tetteri Pitkanen, age 30 at time of arrest, was arrested in March 2005 in southeastern Thailand when the police raided his hotel room in the resort town of Pattaya. They found him with two boys, aged 11 and 15, whom he had paid 300 Baht (\$7.80) a day for performing oral sex on him. The boys allegedly used this money to buy glue for inhaling.<sup>158</sup> He was detained pending an investigation and faced charges of allegedly having a boy under 15 in his custody, for intent to engage him in sexual conduct, and for having had sexual contact with the boy. If convicted, he could face 15 years for the offense.<sup>159</sup>

#### 2.4.4.9. Norway

- Bjorndal Alf Oddvar, Norwegian, served a 40-months sentence for having sex with a 11-year-old boy in Pattaya. Charges were pressed in January 1998.<sup>160</sup>

### 2.4.5. Convicted Child Sex Offenders Fleeing to Thailand

Some men convicted on child molestation charges in their countries have fled to Thailand. For example, an American from San Diego, CA, William Lamar Woslum, aged 70 and a convicted child molester, fled to Thailand after being charged with sexually assaulting a six-year-old girl from San Diego. He was arrested in Thailand for using a fraudulent passport and extradited to San Diego in June. He was sentenced to 10 years in prison for the most recent charge, and five additional years for each prior offense.<sup>161</sup> He had a prior child molestation conviction involving a 12-year-old girl in Ventura, according to the Deputy District Attorney.<sup>162</sup> A British citizen, Bernard Scullion, aged 53, fled to Thailand after being released from prison in January 2005. He was incarcerated in the United Kingdom for indecent assault of a 13-year-old and initially sentenced to two years in prison in January 2004, which was halved on appeal. His parole did not allow him to leave the country. The father of his victim traced him in Thailand by using private investigators and presented the evidence to Thai police, on the basis of which Scullion was arrested and incarcerated.<sup>163</sup>

## 2.5. Protection

With the passage of the Child Protection Act in 2003, and a greater availability of financial resources, the overall level of protection afforded to children in the country has improved dramatically.<sup>164</sup> The Child Protection Act

provided for a definition of a “child” as any person below 18 years, and stipulated that such a person was eligible to receive special protection and welfare assistance in conformance with the principles of non-discrimination and the best interests of the child. It follows that the principles of the act can be applied to children with no legal status in Thai territory, pending the determination that an act in this spirit will be stipulated and enforced through subsequent ministerial regulations. This is important considering that foreign children are known to be trafficked to Thailand and taking into account the high numbers of refugees, many of whom are children, residing in the country.

The act mandated the establishment of a National Child Protection Committee, along with the Bangkok Metropolitan and other Provincial Protection Committees tasked with recommending policies, plans, budgets and measures, to issue regulations and appoint sub-committees or working groups toward the promotion of social welfare, safety protection and behavior promotion of the child. The act also permitted licensees to arrange for facilities, education, recreational activities, occupational training and physical and mental health examination, among others, for the children under care. Monitoring systems of child welfare centers are embodied in the act.<sup>165</sup> Also as part of the new child protection policies, and reflecting the improving economic circumstances of the country, Thailand has raised compulsory education from six to nine years of schooling by enacting the Compulsory Education Act BE 2544 (2002), provided for free education for up to 12 years of schooling, and has allocated resources to support non-formal education programs.<sup>166</sup> These developments have had a tremendous impact on children, decreasing their vulnerability to exploitation both by adding to their maturity level in terms of responding to dangers<sup>167</sup> as well as by extending the length of time children have to grow up without having to worry about financially supporting themselves. Importantly, these policies have proven workable and beneficial; school attendance in Thailand has become very high.<sup>168</sup> In September 2000, Thailand likewise enacted legislation encouraging the development of a more child-friendly legal process, requiring a multidisciplinary team to carry out the child victim interview process. The interviews will now be recorded on videotape and then played back in court. During the trial, the child victim is placed in another room and testifies via a video-link that is relayed into the room where the trial is in progress.<sup>169</sup>

Inter-agency cooperation in Thailand has also been developing in regard to trafficking in persons, especially women and children. While these measures do not always apply specifically to cases of child sex tourism, they are nevertheless relevant and can serve as a model for or be expanded to cover child sex tourism more specifically. To start, it is important to mention the shift in the Thai government’s approach to treating victims of trafficking and the corresponding duties that have been placed

on government agencies to cooperate in implementing policies in accordance with this shift. In 2004, in placing trafficking in persons as a priority on the National Agenda, the Prime Minister of Thailand stated that: “Victims must be regarded as victims, not criminals, and they must not be subject to prosecution. Instead, rehabilitation and services must be provided to reintegrate them into society...Human trafficking is now on the national agenda, all stakeholders should cooperate in combating all aspects of the problem in a sincere and serious manner with sympathy for trafficking victims.”<sup>170</sup> Additionally, a National Committee on Prevention and Suppression of Human Trafficking was established on March 31, 2005, following the placement of trafficking on the National Agenda, to be chaired by the Deputy Prime Minister. The Committee is responsible for the implementation of the National Action Plan (2002-2007, approved by the Cabinet on July 1, 2003<sup>171</sup>); the development of new policies to combat trafficking; and is required to “assist, protect, and rehabilitate victims including in coordination with other countries, international organizations, and NGOs both inside and outside Thailand.”<sup>172</sup> In addition, the government, on January 25, 2005, approved the “Integrated Plan on Prevention and Resolution of Human Trafficking,” which is intended to integrate the work and budget of governmental organizations to “ensure close coordination among concerned organizations so that they can utilize their resources in an efficient manner to combat human trafficking.”<sup>173</sup> Finally, related more specifically to child sex tourism, on May 16, 2000, the Cabinet approved a policy and National Action Plan to eradicate and prevent violence against women and children and included this in the national agenda.<sup>174</sup> The Thai government has elaborated and signed a number of inter-agency Memoranda of Understanding that provide guidelines toward protection of victims of trafficking. These MOUs are designed to foster effective coordination among agencies in assisting both foreign and Thai women and children victims of trafficking.<sup>175</sup> Importantly, two of the MOUs outline a model of cooperation between the government and NGOs in providing assistance to victims. The five MOUs are as follows: 1) MOU on Common Guidelines and Practices for Government Agencies Concerned with Cases of Trafficking in Women and Children (2<sup>nd</sup> Issue, 2003); 2) MOU on the Procedural Cooperation between Government and Non-Government Agencies Working with Cases of Trafficking in Women and Children (2003); 3) MOU on the Operational Guidelines of Non-Governmental Agencies Concerned with Cases of Trafficking in Women and Children (2003); 4) MOU on Common Guidelines and Practices for Agencies Concerned with Cases of Trafficking in Women and Children in the Nine Northern Provinces (2003); 5) MOU on Cooperation in Educating Female Youth for Prevention of Luring in Women and Children (2005).<sup>176</sup>

While these initiatives are crucial to combating trafficking in Thailand, child sex tourism has not received the same



level of attention. Especially because these phenomena are closely linked with one another, and because child sex tourism, while on the decline, still persists in various parts of Thailand, emphasis must likewise be placed on combating this crime either within the framework of, or as linked to anti-trafficking in persons initiatives in Thailand.

The government has been cooperating with the NGO sector in Thailand to rescue and provide protection to victims of sexual exploitation in Thailand. Shelters are open to victims of trafficking, as well as to sexually exploited children. The government is setting up a total of 93 temporary shelters and six welfare homes to provide assistance to Thai and foreign victims of trafficking.<sup>177</sup> The Bureau of Antitrafficking in Women and Children offers victims of trafficking medical support, protection and recovery.<sup>178</sup> The Ministry of Social Development and Human Security, in coordination with NGOs and international organizations, has created handbooks for psychosocial rehabilitation of victims of trafficking, along with a training of trainers manual on multidisciplinary law enforcement methods to ensure a strict enforcement. The ministry also took over responsibilities of the National Youth Bureau that had previously implemented a capacity-building project for child rights networks focusing on child sexual abuse and prostitution in Phuket and Udon Thani.<sup>179</sup> The Office of Children, Youth, the Disadvantaged, Persons with Disabilities, and Older Persons provides assistance and counseling to children, investigates child abuse cases and provides for protection and rehabilitation.<sup>180</sup> Importantly, the Ministry of Public Health has recently started issuing birth certificates to newborns of undocumented immigrants<sup>181</sup> in Thailand, aiming to alleviate their consequent vulnerability to trafficking and exploitation.

Few NGOs address the commercial sexual exploitation of children and/or child sex tourism exclusively. However, numerous NGOs in Thailand focus on the protection of victims of trafficking and related crimes. Two examples most relevant to the issue of child sex tourism will be provided here.

Fight Against Child Exploitation, or “FACE,” a well-established local NGO, is one organization that has maintained a strong focus on commercial sexual exploitation of children and child sex tourism in Thailand. FACE is working in close coordination with the Thai government to assist victims in testifying in court and working on cases of trafficking, as well as on cases of sexual exploitation of children in Thailand by foreign pedophiles. FACE also works with the government to place children rescued from such situations in appropriate government shelters.<sup>182</sup> Likewise, FACE escorts and assists victims in testifying against their abusers in foreign courts. As a result, FACE has been instrumental in achieving extraterritorial prosecutions for child sex tourism offenses committee in Thailand in the countries of Sweden, France and Japan. Additionally, FACE monitors child abuse cases

throughout the entire judicial process, works to combat child trafficking, lobbies for laws that will better protect children, campaigns publicly to raise awareness, documents cases for research and publication, and networks with governments and NGOs in other countries to coordinate the arrest, prosecution and conviction of child sex offenders and traffickers.<sup>183</sup>

Servantworks, a Christian rehabilitation group working in Bangkok, has helped over a dozen women ranging from the ages of 16 to 39 to leave the Thai sex industry and begin training for other jobs. Servantworks has also taken prevention steps with a number of teen girls in slums and villages. In addition, the main interest of the organization is to look broadly at the factors that have created and continue to sustain the vast sex industry in Thailand, of which child sex tourism is just a part.<sup>184</sup> Similar Christian organizations are found throughout Thailand, providing rehabilitation services to girls and women leaving or wanting to leave the commercial sex industry. One other such organization, the Project Life Foundation in Thailand, operates the Tamar home in Pattaya, a major sex tourism destination. The staff working at this home reaches out to bar girls in the city to provide them with emergency shelter, English skills, job retraining, and counseling.<sup>185</sup>

### 3. Bilateral and Multilateral Initiatives with Foreign Governments

Thailand is participating in the Bali Process, an inter-ministerial process focusing on bringing participants together to work on practical measures to help combat people smuggling, trafficking in persons and related transnational crimes in the Asia-Pacific region and beyond. The Bali Process, “initiated at the Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime, held for the first time in Bali in February 2002, the Bali Process follow-up is a collaborative effort participated in by over 50 countries and numerous international agencies.”<sup>186</sup> Police Major General Krerkrong of the Royal Thai Police chaired the Bali Process Regional Strategy Seminar on Child Sex Tourism in Bangkok, Thailand, on the dates of 14-16 November 2005.<sup>187</sup> The Seminar was co-organized by the International Organization for Migration, the Royal Thai Police and the Australian Federal Police. Over 20 countries participated in the Seminar, either as participants or as observers. The Seminar was held as a result of a decision taken at a Bali Process Steering Group Meeting, where it was agreed that child sex tourism would become a priority for the Bali Process and for law enforcement agencies, under the transnational crime umbrella of the Process. The Seminar held was designed as a commencement activity toward the implementation of child sex tourism as a priority. The seminar was therefore designed to be a first in a series of such seminars focusing on child sex tourism. The

major objective of the Seminar was to focus on strategies for “improvement operational cooperation among police, justice ministries, and NGOs to increase the prosecution of offenders and strengthen prevention and protection mechanisms in relation to child sex tourism.”<sup>188</sup> The outcomes were planned as development of a framework toward future enhanced cooperation on the issue in the region to encompass: best practices for law enforcement, including developing best techniques in the investigation of child sex offenses in the region, discussing possible MOUs among participating countries in the region in the investigation and prosecution of such offenses, discussing the development of a model legislation, and development of best ideas for victim support, as well as working out some of the ambiguities between laws, culture and religion that sometimes exist in relation to this issue.<sup>189</sup> A follow-up meeting was planned for March 2006.<sup>190</sup> As mentioned previously, Thailand also cooperates widely with foreign law enforcement agencies in the investigation of child sex tourism cases taking place both in Thailand and in other countries in the region.

#### 4. Private Sector Initiatives to Combat Child Sex Tourism

A number of private travel and tourism organizations in Thailand have signed on to the ECPAT International/World Tourism Organization Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism, although the number is relatively small considering the significance of the problem in Thailand, as well as the size of the tourism industry in the country. Among those that have signed are Ko Lanta, Sanctuary Resorts, and Accor Hotels Asia. The Accor chain has been particularly active in the implementation of their commitments under the Code of Conduct. Accor joined the code on September 9, 2002. In cooperation with ECPAT International and the TAT, a training program was launched for Accor hotel General Managers and Certified Trainers in Thailand that will be extended to all properties in the country. Accor will then extend the campaign to other destinations where ACCOR hotels are located, working in cooperation with ECPAT and the respective National Tourism Organization in each country. The employee-training program focuses on educating existing staff on how to deal with situations involving child prostitution as they arise. Accor also developed a brochure on commercial sexual exploitation of children to be placed along with welcome packets for all new employees. Accor also printed posters to be prominently displayed in all hotels aimed at educating guests on its commitment to protecting children, sustainable tourism and protecting the environment. This will include communicating information to customers to raise awareness regarding commercial sexual exploitation of children, while educating tourists on each country’s

legal code regarding child prostitution and the penalties for unlawful behavior.<sup>191</sup> Each party signatory to the Code of Conduct undertakes, among other responsibilities, to report on their activities in implementing the mandate of the Code of Conduct. As of the time of writing, of those agencies party to the Code of Conduct in Thailand, only Accor Hotels Asia has filed a report on the activities employed to implement the Code.<sup>192</sup> However, other members of the tourism industry in Thailand have done their part in combating child sex tourism in ways other than signing on to the Code of Conduct. One very successful example of a private sector initiative in Thailand has been the Youth Career Development Program. First launched by the Pan Pacific Hotel Bangkok and the UNICEF Office in Thailand as a preventive strategy against the exploitation of children and youth in 1995, the program has since expanded greatly. At the time of its launch, the program sponsored only nine participants, in comparison to the more than 550 participants from 17 provinces of Thailand currently sponsored as part of the program. The support for this initiative has also grown substantially, and it is now supported by 17 hotels in Thailand. The program consists of a 20-week long training curriculum in hotel hospitality for vulnerable youth, and covers technical training, basic English language instruction and life-coping skills, such as sex education, AIDS awareness, job interview skills and child rights awareness and protection. The program has been a success, with most participants obtaining employment upon its completion (60 percent of the time in the hotels they were being trained in).<sup>193</sup>

#### Endnotes

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### 1. Tourism, Sex Tourism, and Child Sex Tourism in Vietnam

#### 1.1. Current Trends

Vietnam is at a high risk of becoming a significant child sex tourism destination. Recent arrests of foreign men of various nationalities for child sex offenses in the country strongly indicate an emergence of the problem. Concern on the part of NGOs and government officials addressing the issue of child sex tourism in Southeast Asia, as well as reports by local NGOs in Vietnam all corroborate this trend.

A combination of various factors is driving this development. First, Vietnam is a close neighbor of Thailand and Cambodia, both significant destinations for child sex tourism. Pressure from improved law enforcement as a result of the outcry of the international community to end child sexual exploitation especially in Thailand and increasingly in Cambodia, is reported to be creating a spillover effect – pushing perpetrators across borders into neighboring countries considered to be “safer” destinations – where law enforcement is not as strict and the level of anonymity is greater. Vietnam is likely to be affected by this trend.<sup>1</sup> Second, Vietnam is less closed than is neighboring Laos, and significantly safer and more stable than Myanmar, another regional neighbor, and therefore regionally speaking, it faces the greater risk. Third, this trend is especially likely to grow if tourism continues to develop in Vietnam – a likely scenario if current visitor arrival statistics are any indication. Fourth, since prostitution and child prostitution are reported to be growing in Vietnam, more children will be vulnerable to exploitation by foreigners alongside their growing presence in the country. Fifth, the nearly absolute lack of awareness of the problem in many local communities in Vietnam is heightening these vulnerabilities not only among children already involved in prostitution, but also among poor children, as well as children working or living on the street.

At the same time, there is reason to be cautious about making these predictions. The extent to which child sex tourism could potentially grow in Vietnam depends on the interaction of a variety of factors, not least of which is the law enforcement stance the country will take in tackling the problem as it emerges. At the moment, it could be argued that the stricter law enforcement situation in Vietnam as compared to nearby Cambodia, for example, could curtail a rapid escalation of child sex tourism in the country. The swift and high-profile conviction of Gary Glitter, former British rock star for the sexual abuse of children in Vietnam, could serve as a deterrent to would-be offenders, and is a case in point.<sup>2</sup> Finally, Vietnam is still a relatively isolated country in comparison to regional neighbors Thailand and Cambodia, which, at least for the time being, could likewise stem a quickly rising tide of child sex tourism.

On the whole, the current indicators of an emerging problem are grave enough to merit an immediate and sustained response to the problem to thwart any potential for its further development.

#### 1.2. Tourism

Tourism in Vietnam is growing rapidly. Vietnam is a beautiful country, with an ancient and fascinating history, and art, customs and traditions that reflect an intersection of epochs and influences, both Asian and European. While volatile history and Communist past and present have been deterrents for many travelers, recent internal political and economic changes seeking greater integration with the world community have spurred the country to open up to the global tourism market and tourists have begun to take notice. When it comes to Western tourists, this is a development especially visible in the South of the country, likely due to the greater connection the South of Vietnam has had with the West in its recent history than did the Communist North. In 2005, Vietnam received 3.43 million foreign tourists, and national revenue from tourism increased by 15.4 percent as compared to 2004. The

number of tourists from China topped the list of foreign visits to Vietnam, followed by the Republic of Korea, the United States, Japan, Taiwan, Cambodia, Australia, France, Thailand and Singapore.<sup>3</sup> The cities that attract the greatest numbers of tourists are Hanoi, Ho Chi Minh City, Quang Ninh, Da Nang, Hai Phong, Hue, and Nha Trang.<sup>4</sup>

Table 1: Tourism Statistics for Vietnam.

**Year 2004: Tourist arrivals to Vietnam  
(Total = 2,927,876)<sup>5</sup>**

Country of Origin	Number of Visitors	Percent Share
China (PRC)	778,431	26%
USA	272,473	9.3%
Japan	267,210	9%
Taiwan	256,906	8.8%
South Korea	232,995	8%
Australia	128,661	4%
France	104,025	3.6%
Cambodia	90,838	3%
United Kingdom	71,016	2.4%
Germany	56,561	1.9%

**Year 2003: Tourist arrivals to Vietnam  
(Total = 2,428,735)<sup>6</sup>**

Country of Origin	Number of Visitors	Percent Share
China (PRC)	693,423	29%
USA	218,928	9%
Taiwan	207,866	8.6%
Japan	209,730	8.6%
South Korea	130,076	5.4%
Australia	93,292	3.8%
France	86,791	3.6%
Cambodia	84,256	3.5%
United Kingdom	63,348	2.6%
Germany	44,609	1.8%

### 1.3. Child Prostitution and Child Sex Tourism<sup>7</sup>

Child prostitution has increased in Vietnam since the country began to pursue its policy of market reforms (known as the “doi moi,” or “renovation”) in the mid-1980s. While the economic liberalization process has largely been a success, the associated transformations have not impacted communities throughout the country equally positively. Increasingly, new push and pull factors are emerging, causing children to enter the prostitution industry in growing numbers. On the one hand, poverty and lack of opportunities resulting from uneven economic development have widened gaps between rich and poor. On the other, young Vietnamese have acquired much greater access to information about the world, leading some, especially adolescents, to strive for material goods which they might not be able to afford, lacking access to

the economic opportunities indispensable to reach these dreams. These changes have also created new pressures especially in the realm of social and family structures, as values and mentality espoused by different generations have become increasingly more disparate. Situations of family instability, domestic violence, and child abuse in the home, especially when made more acute by these factors, may likewise contribute to reasons pushing a child or adolescent to leave home and enter the prostitution industry.

#### 1.3.1. Incidence of Child Prostitution

Little information is available in Vietnam regarding the extent of child prostitution. In fact, an International Labour Organisation/International Programme on the Elimination of Child Labour (ILO/IPEC) 2002 Report entitled “Viet Nam, Children in Prostitution in Hanoi, Hai Phong, Ho Chi Minh City and Can Tho: A Rapid Assessment,” was and appears to continue to be banned for publication and distribution in the country. Child prostitution remains a largely taboo subject. In fact, while NGO and international organization representatives interviewed for the present research were willing to speak on the subject of child sex tourism, an air of reluctance characterized their responses and all mentioned that these topics had not really been explored in Vietnam in any comprehensive research to date. Agreement was nearly universal, however, in that these issues are becoming more prominent and the government is likely to address them more and more, as it had previously done with the issue of trafficking in persons. The presence of researchers in Vietnam during the former British glam rocker Gary Glitter child sex abuse scandal in the country was cited by a number of respondents as an opportune time to be in Vietnam for conducting research on the topic and for being able to talk about it with a degree of openness not readily observed before the high profile case. Respondents were also convinced that the Gary Glitter case would spur the government to examine the issues of child prostitution and especially child sex tourism in the country more closely.

Information that is available indicates that Vietnamese women are becoming involved in prostitution at progressively younger ages and that child prostitution is growing. For example, up to 20 percent of local women in prostitution in Ho Chi Minh City were reported to be minors as of 2003, up from just eight percent in 1995.<sup>8</sup> However, studies conducted by Vietnam’s Youth Unions in Hanoi and Ho Chi Minh City already in the 1990s revealed that 34 percent of those engaged in prostitution in these cities were between the ages of 14-18.<sup>9</sup>

Likewise in the 1990s, according to the Vietnam General Statistics Office, 200,000 women and children were engaged in prostitution throughout the country, with 10.5 percent of those being child prostitutes.<sup>10</sup> Current country-wide estimates suggest that minors make up between 10-15 percent of men and women engaged in the prostitution,



as compared to only 2.5 percent reported in 1989.<sup>11</sup> The Ministry of Interior has suggested 15 percent as its current estimate.<sup>12</sup>

### 1.3.2. Locations of Child Prostitution

According to research conducted in the late 1990s, child prostitution was found to be more prevalent in border areas, ports and major urban areas, and involved both girls and boys (although boys were fewer in number).<sup>13</sup> According to other studies, the commercial sex industry in general was found to be a more visible and open phenomenon in the South than in the North of the country.<sup>14</sup> Overall, prostitution was reported to be particularly prevalent in the cities of Hanoi, Ho Chi Minh City, Quang Ninh, Khanh Hoa, Ba Ria, Vung Tau, Da Nang, Hai Phong, Hue, and Da Lat. A workshop organized by the Vietnam Women's Union and UNICEF also revealed that in An Giang, Can Tho, Long An, Binh Dinh, Binh Duong, and Binh Phuoc child prostitution was likewise prevalent. In Hai Duong City, the risk of being sexually abused for those children who were working in karaoke bars was found to be high. Between one and two minors in each of the city's 120 karaoke bars were identified. In the city of Nghe An, police had arrested 352 women and men in prostitution, including many underage children aged from 15-18 between the years of 1993-1997.<sup>15</sup> Hanoi and Ho Chi Minh City are widely recognized as constituting the major centers of prostitution in the country.<sup>16</sup>

### 1.3.3. Victims of Child Prostitution

In the 1990s, boys were generally found to operate voluntarily, casually, and individually in cities, towns, and tourist areas such as Hanoi, Ho Chi Minh City, Vung Tau, and Nha Trang. The presence of procurement networks in Ho Chi Minh City and Nha Trang were reported, present mainly for "sex tour rings" within the country and which predominantly targeted foreigners who were already in Vietnam. Between 1992 and 1997 the police had uncovered three such rings.<sup>17</sup>

Regarding the gender of children in prostitution in Vietnam, the number of boys found in prostitution was reported in 1998 to be small but growing.<sup>18</sup> Currently, boys are reported to have far more foreign clients than are girls.<sup>19</sup>

### 1.3.4. Field Research Findings: Locations of Child Sex Tourism and Characteristics of Child Sex Tourism<sup>20</sup>

Field research from late 2005 and throughout 2006 revealed a number of locations which facing the highest risk for the growth of child sex tourism. Locations mentioned most frequently by respondents where child sex tourism is already occurring or may be occurring in the future included Hanoi, Ho Chi Minh City, Vung Tau,

Nha Trang, Danang, and Sapa, where H'mong minority girls are vulnerable to abuse.<sup>21</sup> These cities are also the most frequently visited and quickly developing tourism destinations in Vietnam. Cities of greatest concern include Ho Chi Minh City, Hanoi, Danang and Vung Tau.<sup>22</sup>

The Research Center for Family Health & Community Development (CEFACOM) a local NGO based in Hanoi, conducted field research in three locations in Vietnam where child prostitution was reported to be prevalent and where indicators of child sex tourism exist, namely Hanoi, Nha Trang and Ho Chi Minh City. Field research was conducted between February and April of 2006, employing various methods to ensure thorough and reliable outcomes, including questionnaires, mapping, group discussions, group interviews, individual in-depth interviews, and observation. The various methods were used depending on the interviewees' characteristics. The CEFACOM research team worked with a number of key informants in the field of child prostitution. Group discussions were conducted with street adolescents in the KOTO Center in Hanoi, an NGO working with youths to provide them with vocational training and job placement and in the Thao Dan Center in Ho Chi Minh City. Street children on the beaches of Nha Trang city were also interviewed, as were women working in prostitution in Hanoi and Ho Chi Minh City. Collected information was supplemented by in-depth interviews with key informants from the Women's Unions in Hanoi and Ho Chi Minh City; representatives of the Police Investigative Department on Social Crimes in Ho Chi Minh City and MOLISA in Nha Trang City.<sup>23</sup>

#### 1.3.4.1. Field Research Findings: Hanoi

Located in the northern part of Vietnam, with more than 3 million inhabitants, Hanoi is the most ancient capital city in Southeast Asia. It has long been a destination for tourists visiting Vietnam. According to the "World's Best 2005 List" released by the U.S. "Travel and Leisure magazine," Hanoi was ranked as one of the five best tourism destinations in Asia.<sup>24</sup> In 2005, Hanoi attracted more than 1.1 million foreign visitors, accounting for 32 percent of the total number of foreign visitors to Vietnam. The city is vulnerable to the growth of child sex tourism due to a rapid growth of foreign tourist arrivals as well as increasing child migration to large urban areas. Migrant children in Hanoi, as well as street children, who tend to gravitate toward areas where tourists may be found, are especially vulnerable to exploitation by foreign visitors.

Research revealed that places where child prostitutes were found to be most visible in Hanoi included Hoang Hoa Tham street, Giai Phong street, Buoi street, the Ngoc Khanh Lake area, and the area surrounding the West Lake, as reported by street children interviewed at the KOTO Center in Hanoi. Women in prostitution in Hanoi also revealed that the Quang Ba area of Hanoi is notorious for underage girl prostitutes.

Street children in Hanoi emphasized that when customers were looking for females in prostitution, they preferred young girls, particularly between 12 to under 20 years of age. Child prostitutes were reported to be “working” under the umbrella of local karaoke bars; few work independently.

#### 1.3.4.2. Field Research Findings: Nha Trang

Nha Trang City, located in the Khanh Hoa province of the central region of Vietnam, is one of the most popular beach destinations in Vietnam. In the first two months of 2005, as many as 46,000 foreign tourists arrived in central Khanh Hoa province. Nha Trang is an especially popular destination. The research team observed many children congregating around the beach, selling postcards, lotto tickets, or newspapers, or working as shoe-shiners. These children are vulnerable to exploitation by visitors to Nha Trang.

In recent years, the rapid development of Khanh Hoa province has been accompanied by an increase in social crimes, including drugs, prostitution, and child sexual abuse, which tend to be entangled among the various tourism services. Sexual abuse of children in Khanh Hoa is reportedly on the increase and is cited as getting more serious in nature. According to official statistics in Khanh Hoa for 1999-2000, 40 cases of sexual abuse of children were uncovered; in 2001-2004, that number reached 75. On January 23, 2005, police uncovered a case in which a sexual encounter between a foreign national and a 15-year-old boy was facilitated by and took place at a local hotel.

In Nha Trang, children in the following places were believed to be at high risk for being sexually abused: Dat Lanh, Dong Ro – Vinh Thai area, Vinh Ngoc, Vinh Thanh, Vinh Hiep communes; Tran Phu beach area (in Huong Xuan ward, Loc Tho), where approximately 100-120 children work as postcard sellers and shoe-shiners, providing these services especially to tourists. These children are able to communicate with and contact tourists directly, and anecdotal evidence of children being sexually abused in this area was strong. Additionally, street children around the beach in Loc Tho ward (approximately 250 children) are at highest risk. Most of the children found in this area hail from other provinces (mainly from the Northern parts of the country) and work as shoe-shiners, postcard sellers, and garbage collectors. Researchers noted that many children appear willing to have sex with foreign tourists to earn money. An officer from a local center for health education in Nha Trang revealed that child sexual abuse occurs in Nha Trang, and is at times, perpetrated by foreigners. According to this representative, the issue was alarming and that as early as five years ago, the center provided children who worked along the local beaches and on the streets with T-shirts stating “Child sexual abuse is crime” to wear when they were working. However the

representative refused to disclose any further information relating to this current state of the issue, stating that the subject was too sensitive.

## Case Studies From Nha Trang, Khanh Hoa Province

### Case Study 1: Interview with Tung,<sup>25</sup> Shoe-Shiner on the Beach

Tung is 14 years old and living in an “open house” which accommodates street children in Nha Trang City. The open house provides shelter and two meals each day for the children. Tung comes from Dac Lac, a mountainous province in the central area of Vietnam. Tung came to Nha Trang to earn a living four years ago because of his father’s alcohol addiction and the abuse he experienced at home. Tung’s father was often drunk and would frequently hit him, his siblings and his mother.

In Nha Trang, Tung works as a newspaper and lotto ticket seller and normally sends home to his mother VND 300,000 to 400,000 (\$19-25) a month to help his family.

Tung witnessed a case in which a boy was taken to a hotel by a foreigner (who he thinks was an Englishman because “he was thin, tall and had white hair”). However, Tung said that as soon as the boy and the foreigner got into the hotel, a policeman came and stopped them, then took the foreigner away. Tung said that when he talked to the boy and asked him what the man did to him, the boy just smiled and did not tell.

Tung also said that the boy told him that foreigners often give him lots of presents and clothes to make friends with him.

### Case Study 2: Interview with Trang,<sup>26</sup> 16-year-old Street Vendor

Trang is a 16-year-old girl who comes from a village 50 km away from Nha Trang City. When she arrived to Nha Trang she started working in a restaurant as a waitress. However, because the wage was too low, she switched jobs and rented a small house to live in with her older sister. Her sister works in a garment factory.

Trang says that recently a foreigner, who she thinks was an American, approached her and asked her to

have sex with him, and told her that he would pay her VND 200,000 (\$13). When Trang refused to do so, the man tried to persuade her, saying that what Trang was doing was not suitable for her, and that she could only earn a little bit of money. Going out with him, however, she could earn far more.

Trang tried to turn him down by telling him that she's married and has a baby, and the man finally accepted her refusal. Trang also said that she has heard of and witnessed cases in which foreigners try to use money, presents and clothes to lure children into having sex with them in Nha Trang. They first try to make friends with the child and build trust with him or her and then eventually sexually abuse the child.

### 1.3.4.3. Field Research Findings: Ho Chi Minh City

Ho Chi Minh City (formerly Saigon), is the largest city in Vietnam and a bustling economic and entertainment center of the South of Vietnam. Over the past decade, this “Pearl of the Far East” has become a prime destination for foreigners, likely due to the legacy of the Vietnam War, a more Westernized culture than that of the North, and the city's dynamic economic development which has attracted many business visitors.

The majority of respondents taking part in the field study revealed that child prostitution in Ho Chi Minh City was most visible in areas where foreign backpackers may be found, including in Districts No. 1, 2, 4, 8, (Phu Nhuan). In District 1, the places where this was most significant included Pham Ngu Lao, Bui Vien, Mac Thi Bui, and Nguyen Thi Minh Khai. Massage parlors, discotheques, and cinemas in these areas were cited by the representative of the Women's Union in Ho Chi Minh City as key areas where exploitation of children in prostitution might be occurring. Respondents likewise mentioned the De Nhat hotel (Tan Binh district) where “gigolos” are known to hang around. The services by these young male prostitutes are provided to foreign as well as domestic women between 50 and 60 years of age. The phenomenon of buying male virginity was likewise reported.

Children working in the streets selling newspapers and lotto tickets, or shining shoes are easily approached by foreigners. Police in Ho Chi Minh City confirmed that adolescent sex rings were operating in the city. In 2005, the Police Department uncovered 106 locations where prostitution was taking place and arrested a total of 729 people, five percent of them children. Most of the arrestees were sent back to their hometowns. In Pham Ngu Lao Street, considered to be the hottest area for child sex tourism in Ho Chi Minh City, approximately six-seven girls are reported to be prostituted, all under 17 years of

age. Most of them come from provinces in the West of the country and from Ho Chi Minh City and Dac Lac (Central highlands of Vietnam).

Underage prostitution of boys was also mentioned. Boys were reported as more vulnerable to being caught by the police, as they are often also involved with drugs and crime. They work as book, cigarette, or chewing gum sellers on the street, shoe-shiners, and are willing to engage in prostitution if a customer approaches them. These children were reported to only engage in these types of activities with foreigners. According to the child respondents, most of the children in this area can speak English and know how to offer and bargain themselves. They do not have any owners who mediate between them and the customers. Their friends tell them how to contact foreigners and the children do so independently, without mediators. However, other sources reported that pimps and mediators may indeed be present there and have a strong control over the situation. A foreign informant participating in the research recounted that a friend who tried to follow a suspected case in Pham Ngu Lao Street was threatened and told to stop his activities.

### 1.3.4.4. Field Research Findings: Nationalities of Child Sex Tourists in Vietnam

In 2002, based on interviews with children in prostitution in Vietnam, it was reported that customers of child prostitution in Vietnam could be divided into five groups. Four groups were found to consist of local Vietnamese clients, including government officials and businessmen, young people from affluent families, military and policemen. The fifth group consisted of foreign nationals, who were reported to be mainly businessmen from Asia, including China, Japan, South Korea and other Southeast Asian countries. The children considered these their best clients as they paid the highest prices. Additionally, the report found that many of these clients were interested in buying children's virginity.<sup>27</sup>

According to the field research conducted in 2005-2006, street children in Hanoi reported that most of customers who approached them were domestic, however they mentioned occurrences of foreign customers from other countries in Asia, as well as Europe (the group acknowledged the fact that it was hard to tell their exact nationalities, but that they could only tell from their physical appearance whether they were Asian or European). Respondents from international organizations mentioned especially Chinese (PRC) and Taiwanese clients. Others mentioned as perpetrators included French, American, German, and Australian nationals.<sup>28</sup>

German, Austrian, Australian and American perpetrators have been charged for child sex crimes committed in Vietnam. Taiwanese and Chinese perpetrators are widely reported as seeking virgins in the country.<sup>29</sup>

Adult women in prostitution in Hanoi reported many foreign clients and stated that prostitution was more prevalent in discotheques or nightclubs in the city, including those frequented by foreigners – both expatriates and tourists. These women stated that the majority of their foreign clients were from Asia, i.e. China and Japan, and others were from European countries such as France, Russia, and the Netherlands (when asked whether any clients were from the United States, the response was negative). Street observations by researchers in Hanoi revealed that the majority of Western tourists in the city as European or Australian rather than American. A girl engaged in prostitution in Hanoi shared a story regarding two French clients who were students of the National University, and had been long-term residents in Vietnam, and spoke Vietnamese fluently. This girl, originally from Hung Yen province, stated that in her province most of the foreign clients were South Korean and Chinese, largely due to Hung Yen's industrial zones, where many South Korean and Chinese expatriates are working.

Police officers in Ho Chi Minh City indicated that commercial sex buyers were British, American, French, Spanish, and of other European nationalities, and of a variety of ages. Vietnamese-Americans (“Viet kieu”) were also included among these foreign men.

Street children in Hanoi and Ho Chi Minh City shared the view that foreign “customers” were mainly males and they were largely middle-aged (ages ranging from 40-60 years old). Female customers seeking boy prostitutes aged 13-15 years old were also mentioned, albeit rarely, and these women were reported to be above 40 years old (ranging in age from 50-60 years old). Street children from Hanoi maintained that females were usually more “secretive” than males, and it was therefore difficult to identify whether male customers outnumbered female customers on the whole.

Virginity-seeking by foreigners was reported widely as a phenomenon in the major cities and tourist areas, such as Nha Trang, where cyclo drivers and hotel staff acted as mediators.<sup>30</sup> Men interested in virgins are reported to seek out small children, believing that the smaller the child, the more likely he or she is to be a virgin. A majority of “clients” looking for virgins were reported to be over the age of 50, rich and powerful, willing to pay up to VND 20,000,000 (which is equivalent to approximately \$ 1,250) to sleep with a virgin, as reported in Hanoi. In the South, it was reported that a network takes children from places like An Giang to larger urban areas to sell their virginities. Cases of children selling their own virginities have likewise been reported, often to help the child's family “rejuvenate” a business. Most of the girls who sell their virginities end up entering the prostitution industry.

Child abusers, especially those seeking children preferentially, frequently look for employment teaching

English in local Vietnamese schools or approach local shelters for street or abused children to make acquaintance with the children there. This is an alarming trend, and one which may frequently be observed throughout the countries where child sex tourism is a problem.

#### 1.3.4.5. Field Research Findings: Profile of Victims

Girls, as well as boys are exploited in prostitution in Vietnam and boy prostitution is becoming more prevalent. One educator interviewed expressed her concern regarding the extent of child prostitution in Ho Chi Minh City, especially among street boys and girls. While a study in 2005 revealed that child prostitution in Vietnam affected girls almost exclusively and was more widespread in the South of the country, field research conducted for the present study indicated that the phenomenon of boy prostitution is instead increasingly more prevalent and alarming.

Boy children are increasingly desired more frequently than girl children, not only by foreign customers, but also by domestic ones. Generally, boys considered good-looking are paid between VND 50,000 and 70,000 (\$3 – 5) while the average amount of payment for others is VND 20,000 (just over \$1), according to the Ho Chi Minh City Women's Union.

A common understanding shared among respondents was that most children in prostitution come from poor families and those where parental care is missing. They also lack crucial knowledge about sexual and other types of abuse. Being sexually abused at home is one of the main reasons for girls to enter prostitution. Many of the women in prostitution interviewed in Ho Chi Minh City had been sexually abused (by a stepfather, or cousin or birth father, etc.) when they were small. Heroin addiction was also reported as a problem, as was entry into the sex industry as a solution to obtain money to feed the addiction.

#### 1.3.4.6. Field Research Findings: Facilitators and Mediators of Child Prostitution and Child Sex Tourism

Short-term tourists in Vietnam contact children and women in prostitution mainly via mediators who could be karaoke bar owners, bike drivers, taxi drivers, hotels, café security and street vendors. Most of these individuals are men. Tourists seeking children may offer money to taxi drivers or street vendors to solicit their assistance in getting in touch with a child. At the same time, some foreigners are reported as reluctant to request underage girls, fearing Vietnamese legislation and police. In these cases, when foreign clients were unable to identify the age of the girl, they asked the girl for her ID to be sure.

Longer-term tourist offenders who may be residents in Vietnam utilize a different approach. Usually they take the child to his or her place of residence, give the child



some food and offer games to play before proceeding to the sexual acts. Before leaving, the child is often given a present.

Foreigners have been reported to approach shelters to ask for adoption or fostering of children and tried to get close or make friends with the children. These men “groomed” the children at the centers, as well as the staff, such as by bringing expensive presents, then gradually asking the staff to take the child with them for outings. An educator at the Thao Dan center in Ho Chi Minh City shared a story of a child who told her that a foreigner took him for an outing and then took him to his house, gave him presents and money, much more than what he could earn for a normal working day as a newspaper seller. The child liked the foreigner and sought the man out himself. However, the next time the child saw the foreigner he asked the boy to touch and kiss him, including kissing in his private parts, as the boy recounted. Others may seek out children in public places, such as on the street and in locations where they may be working as newspaper or souvenir sellers or shoe-shiners.

### 1.3.5. Child Sex Tourism and Trafficking in Persons

Trafficking in persons is a considerable problem in Vietnam that has received a lot of attention. In connection with child sex tourism, it may be said that Vietnam is a country of origin for the trafficking of minors especially to Cambodia, where child sex tourism is a major concern. Vietnamese girls are trafficked to Cambodia as there they are supposedly prized for their fairer skin.<sup>31</sup> A number of foreign nationals have been arrested and prosecuted for sexually abusing minor children who hail from Vietnam in Cambodia. For example, in December 2001, a Japanese citizen, Takeshi Ozawa was arrested in Japan, after being deported by Cambodian authorities who had previously arrested him. He was sentenced to 2.5 years in prison by the Osaka District Court in Japan for having sex with two minor Vietnamese girls in Cambodia.<sup>32</sup> In January 2004, Frank Kent, U.S. citizen, was charged with debauchery for illicit sexual conduct with four Vietnamese girls as young as 15 in Cambodia.<sup>33</sup> Likewise, another U.S. citizen, Donald Rene Ramirez, a police officer from San Francisco, CA, was arrested in Cambodia in October 2006, and charged with sexually abusing two Vietnamese girls, ages 12 and 14.<sup>34</sup>

Svay Pak, a brothel village in Phnom Penh Cambodia operated largely by Vietnamese nationals, was, until recently, a hub of prostitution activity involving foreigners and trafficked Vietnamese children. Despite a crackdown in 2003, brothels are reported to still operating there. In November 2003, a German tourist, Bernhard Elmar Marid, was arrested in Svay Pak while having sex with Cambodian and Vietnamese girls aged 12 to 18.<sup>35</sup> Also in that month, a Japanese citizen Kanae Masato was arrested in Svay Pak alongside Marid.<sup>36</sup> German national Karl

Heinz Henning was detained by Cambodian authorities in August 2006 after videos were found which showed him performing sexual acts with minor Vietnamese girls.<sup>37</sup> In August 2006, Thomas Sigwart Eugen, another German national, was arrested by Cambodian police and charged with sexual abuse of minor Vietnamese girls.<sup>38</sup>

The trafficking of children from Vietnam to Cambodia for sexual exploitation is reported to be a highly organized criminal activity. However, recent reports indicate that while Vietnamese women and children were once trafficked into Cambodia in very high numbers, it appears that fewer are crossing over the border today.<sup>39</sup>

## 2. Initiatives to Combat Child Sex Tourism

### 2.1. Prevention<sup>40</sup>

While few activities specifically targeting child sex tourism may be noted, the Vietnamese government has issued a number of ordinances and engaged in activities to prevent child prostitution and trafficking in persons, especially women and children, through education and communications strategies. However, while not addressing child sex tourism explicitly, some of these strategies aim to engage the travel and tourism sector in the fight against child prostitution, thereby implicitly targeting potential facilitators of child sex tourism.

Prime Minister’s Decision No. 151/2000/QD-TTg dated 28/12/2000 on the “National Program of Action for Prostitution Control and Prevention in 2001-2005” set out a number of urgent measures, including accelerating educational communication, increasing dissemination of information through public media and expanding various activities of civil society organizations, all aimed to encourage the public to fight against prostitution and trafficking of women and children in all its forms.

A 2003 “Ordinance on the Prevention of Prostitution” stipulated the responsibilities of concerned bodies in education and communication activities toward preventing prostitution, including:

- Article 11: Information and communication agencies have a duty to work out appropriate themes and forms of communication to raise the awareness of all citizens on the prevention of prostitution, and as combined with the dissemination on prevention of the use of drugs and spread of HIV/AIDS;
- Article 12: Schools and other educational centers are responsible for disseminating information and engaging in preventive measures against prostitution with appropriate themes for each type of school, level, age-group, gender and ethnic customs; coordinating with families, agencies, organizations and the local people’s committees to closely manage students, hamper illegal acts against the prevention of prostitution; and encourage

students to take an active part in the dissemination of information toward preventing prostitution.

- Article 15: Hotels, motels, restaurants, dance clubs, karaoke bars, massage parlors, saunas and other business service places, which can easily be misused for prostitution, must have the signed written labor contracts with laborers and be registered with the local labor management authority; the employment of laborers under the age of 18 for jobs which can negatively affect their physical and intellectual development and dignity is prohibited.
- Article 16: Agencies, organizations, and individuals are not allowed to produce, circulate, transport, store, buy, sell, export, import, or publicize pictures, materials, products, or information, which may be rated as pornographic.

Vietnam is paying a lot of attention to communication, dissemination and education regarding laws on “social evil” prevention in general, and the sale of children, prostitution, and pornography in particular. Such activities are aimed at promoting awareness and responsibilities of all people, including children, regarding preventive activities and participation in the fight against these activities.

Communication and education on prevention of prostitution and trafficking have been implemented through various mass media forms such as: child-protection and child-care columns in 635 newspapers and journals, as well as through four national television programs and 93 provincial television programs on the subject. Diversified methods such as workshops and seminars regarding relevant legal documents, law-learning contests, reporting contests, and drawing campaign-poster contests have been organized together with traditional campaigns in districts and cities on high-alert regarding prostitution and trafficking, on such occasions as the “Action Month for the Children,” “Vietnam’s Family Day,” and others. Moreover, the mass media have also paid great attention to the investigation and reporting of news concerning cases of child trafficking, prostitution and pornography. Besides using mass media to disseminate relevant information, various agencies and organizations have produced videotapes, cassettes, printed hundreds of leaflets, brochures with clear, easy to remember messages and attractive layouts to disseminate directly to the families, women and children; organized hundreds of club activities, artistic performances, held talks and group meetings to disseminate laws and preventive experiences with the view to raising families’ awareness on and responsibility for the protection of women and children, and educating everyone to be aware of tactics used by criminals.

Documents addressing prostitution have also been distributed to hotels, restaurants, and entertainment centers. When relevant, these documents have been translated into ethnic minority languages and made available throughout the country.

Such communication and education efforts have also been carried out through seventy-two information, education and advisory centers of the Committee on Population, Family and Children, through mobile legal-assistance teams of the judicial bodies of Vietnam, and consultative centers of the Women’s Union throughout the country.

## 2.2. Prosecution<sup>41</sup>

### 2.2.1. Legislative Framework

The 1999 Penal Code imposes sentences from 3 to 10 years of imprisonment for acts relating to child trafficking and child prostitution.<sup>42</sup> Any person who commits the acts of buying, selling, or fraudulently exchanging a child for the purpose of prostitution shall be convicted to imprisonment for a term ranging from 10 to 20 years or to life imprisonment.<sup>43</sup> In addition, the offender shall possibly be subjected to a fine from VND 5 million to 50 million, or a liability of probation from one to 5 years.

According to the Penal Code, other acts related to child prostitution shall also be punished, such as:

- Trafficking, exchanging fraudulently or appropriating children irrespective of the ways by which the crime was committed shall be sentenced from 3-20 years or life imprisonment depending on the severity of the violations. Additionally, the offender may be fined from VND 5-50 million and may be prohibited from undertaking positions (in state agencies), carrying trades or doing jobs those are relevant to crimes which the offender has committed for a period of between 1-5 years or may be kept under surveillance from 1-5 years;<sup>44</sup>
- Harboring prostitutes aged 16 to 18 shall be sentenced from 5-15 years of imprisonment. In case prostitutes harbored are aged 13 to 16, the offender shall be sentenced from a minimum of 12 years to life imprisonment. Additionally, the offender may be fined from VND 5-100 million, his/her property that was used to commit crime may be seized, or the offender may be kept under surveillance from 1-5 years;<sup>45</sup>
- Enticing or drawing children aged 16 to 18 into prostitution shall be punished for 3-10 years of imprisonment. In case victims are between the ages of 13 and 16, the offender shall be sentenced for 7-15 years of imprisonment. Additionally, the offender may be fined VND 1-10 million;<sup>46</sup>
- Buying sex from children aged 16 to 18 shall be sentenced to 1-5 years of imprisonment. In case the seller is aged 13 to 16, the offender shall be sentenced to 3-8 years of imprisonment. Additionally, the offender may be fined VND 5-10 million;<sup>47</sup>
- Propagating pornography to children shall be punished by 3-10 years of imprisonment.<sup>48</sup>

### Aggravating Circumstances

Aggravating circumstances shall be submitted to the court during the consideration of penalties.<sup>49</sup> The following are the fixed aggravating circumstances provided for by specific provisions:

- Buying, selling, fraudulently exchanging or appropriating children – provides for the following aggravating circumstances, namely: commission of these offenses by an organized group; for vile purposes; buying, selling, fraudulently exchanging or appropriating many children to transfer abroad; to use for inhuman purposes; to use for prostitution; dangerous repetition of the offense; causing severe consequences.<sup>50</sup>
- Harboring prostitution – provides for fixed aggravating circumstances, namely regarding commission of this offense against children 13 to 16 years of age or causing severe consequences.<sup>51</sup>
- Brokering prostitution – provides for fixed aggravating circumstances, namely commission of this offense against children 13 to 16 years of age or causing severe consequences.<sup>52</sup>
- Buying sex from minors – provides for aggravating circumstances, namely repeated commission of this offense against children 13 to 16 years of age, commission of this offense with the offender being fully aware of his/her HIV infection, damaging the victim's health with an injury.<sup>53</sup>

### Limitations for Penal Liability Examination

- Para. 2 Art. 23 of the Penal Code stipulates that the statute of limitations for penal liability examination is 5 years for less serious offenses, 10 years for serious offenses, 15 years for very serious offenses and 20 years for especially serious offenses. Under this article, the statutes of limitations are specified as follows:
- Buying, selling, fraudulently exchanging or appropriating a child shall be subject to a statute of limitations for penal liability examination of 15 years; buying, selling, fraudulently exchanging or appropriating many children or for the purpose of prostitution shall be subject to a statute of limitations for penal liability examination of 20 years.<sup>54</sup>
- Harboring prostitution shall be subject to a statute of limitations for penal liability examination of 20 years.<sup>55</sup>
- Brokering prostitution shall be subject to a statute of limitations for penal liability examination of 15 years if this offense is committed against children 13 to 16 years of age.<sup>56</sup>
- Buying sex from minors shall be subject to a statute of limitations for penal liability examination of 15 years if this offense is committed or repeatedly committed against children 13 to 16 years of age.<sup>57</sup>

### 2.2.2. Law Enforcement Activity against Child Sex Tourists in Vietnam

The following are cases of arrest of foreign child sex tourists in Vietnam according to information available in the press, NGO and government reports. These cases are meant to illustrate the emerging problem of child sex tourism in Vietnam. The details of arrests are arranged first by the country of origin of the offender, highlighting those countries that appear to be frequent countries of origin for child sex tourists operating in Vietnam; and second, chronologically, according to the date of arrest.

#### 2.2.2.1. United States

- Karl Kaechele, a 62-year-old truck driver, was arraigned in May 2005 in the United States after being indicted for allegedly engaging in child sex tourism.<sup>58 59</sup> He was indicted under the PROTECT Act on charges of allegedly traveling to multiple Asian countries including Thailand, Cambodia, Vietnam, and the Philippines to knowingly engage in sexual acts with victims aged seven to 15 years of age. His case is currently pending in U.S. courts.<sup>60 61</sup>
- American George Hoey Morris, a.k.a. Johnny Ray Fortune, age 59, was arrested following an investigation, which was initiated following a tip from the Library of Congress in Washington, DC, provided to the Immigration and Customs Enforcement (ICE) Cyber Crime Center in Virginia. The tip was forwarded to the Cyber Crime Center following Morris' visit to the Library of Congress, where he was seeking copyrights for a book he had written entitled "virginbride.net." The ICE investigation revealed evidence that Morris, under the name of George Hoey Morris, as well as that of Johnny Ray Fortune, traveled extensively to the Socialist Republic of Vietnam where he allegedly engaged in sexual conduct with Vietnamese girls under the age of 16. Morris was deported from Vietnam on numerous occasions, and had changed his passport to Johnny Ray Fortune so as to re-enter the country. Evidence demonstrated that Morris made over 20 such trips to Vietnam throughout the 1990s.<sup>62</sup> In June 2006, Morris was indicted on numerous charges, including those of sexual abuse of minor girls in Vietnam, visa fraud, firearm possession violations (Morris is a previously convicted felon), and others.<sup>63</sup> He was convicted on all charges, except one charge of unlawful firearm possession, following two jury trials in the United States in 2006.

#### 2.2.2.2. Germany

- Interpol Vietnam reported in January 2006 that it received a list of 21 German child sex offenders who had either already entered Vietnam or had plans to do so.<sup>64</sup> A German and an Austrian national were arrested

in Vietnam in 2005 and 2006 on charges of sexual offenses perpetrated against Vietnamese minors.<sup>65</sup>

- In early 2005, German national Nils Waga, age 44, was arrested by Vietnamese police on child abuse charges in Nha Trang City in the Khanh Hoa Province of Vietnam. He had entered the country as a tourist, and had been allegedly luring boys selling newspapers and working as shoe-shiners, taking them to his hotel, and molesting them there.<sup>66</sup>

### 2.2.2.3. Australia

- Australian national Gregory Roy Cook was sentenced to 18 months in jail in March 2005 for child sexual abuse committed against a Vietnamese girl in Da Nang, Central Province, Vietnam, in 2003. He was prosecuted by a court in Sydney under the Australian child sex tourism law.<sup>67</sup>
- As of time of writing, Charles White, an Australian volunteer for street children, was wanted for alleged child sex crimes committed in Vietnam.<sup>68</sup>

### 2.2.2.4. United Kingdom

- Former British glam rock star Gary Glitter was arrested in Vietnam in November 2005 for allegedly abusing two Vietnamese girls under the age of 18 in the resort town of Vung Tau, where he had been living.<sup>69</sup> He was convicted by a Vietnamese court and sentenced to three years in prison by Vietnamese authorities in March 2006 for the sexual abuse of these two girls, aged 11 and 12.<sup>70</sup> He was likewise ordered to pay 5 million VND (315 \$) in compensation to the victims' families.<sup>71</sup>

### 2.2.2.5. Austria

- On December 27, 2005, Peter Mueller, age 68, an Austrian national, was arrested by Vietnamese police in Ho Chi Minh City on charges of sexually abusing children. He was alleged to have been living with and abusing a 14-year-old boy. Mueller admitted to having had sexual relations with this boy, as well as and many other boys during his stay in Vietnam.<sup>72</sup> He was extradited to Austria to face charges in January 2006.<sup>73</sup> Mueller had been teaching English at a local school in Ho Chi Minh City.<sup>74</sup>

## 2.3. Protection

In February 2004, the Vietnamese government approved a program to reduce the increasing number of street children, sexually abused children, and children involved in child labor. The program is aimed at reducing the number of street children by 90 percent. Another goal is the elimination of sexual abuse of children and the reduction of the number of child workers by 90 percent, especially those working in dangerous environments.<sup>75</sup>

About 40 shelters for street children and children who are at risk for or have been sexually abused are in operation in Ho Chi Minh City alone. Of these, between eight and nine are geared specifically for girls. These homes are built and sponsored by Save the Children Vietnam, AFESIP International, and the Vietnam Women's Union. Similar shelters are found in Hanoi.

Rehabilitation and vocational training centers for street children and other vulnerable children have been springing up in Vietnam. These centers seek to provide skills that can be transferred to the job market in Vietnam, especially as part of the expanding tourism industry in the country. For example, the KOTO Training Center in Hanoi is a not-for-profit restaurant and vocational training program seeking to provide alternatives for disadvantaged youth and street children. The training center offers cooking and hospitality training to children and adolescents, providing them with their first employment experience at the KOTO restaurant in Hanoi. Following this experience, they are able to seek employment in the Vietnamese hospitality industry.<sup>76</sup>

The Research Center for Family Health & Community Development (CEFACOM), is working with international schools in Vietnam to screen teachers so as to prevent sexual abuse of children at the hands of unscrupulous foreign nationals who could be seeking employment in close proximity of children for this purpose.<sup>77</sup>

## 3. Bilateral and Multilateral Initiatives

Child Wise - the Australian affiliate of ECPAT International - launched a training program in August 2000 for foreign government tourist authorities and the travel and tourism industry in Cambodia, Indonesia, Myanmar, Laos, the Philippines, Thailand, and Vietnam.<sup>78</sup>

The second AusAID-funded Child Wise Think Tank meeting was held in Hanoi, Vietnam, in early July 2003, in cooperation with the Vietnamese National Administration of Tourism. Participants attended from national tourism associations of Cambodia, Indonesia, Laos, Myanmar, the Philippines, and Vietnam, as well as representatives from private-sector tourism and NGOs working in the area of child protection. Reiterated in this meeting was the need to pursue development of the Association of Southeast Asian Nations (ASEAN) Traveler's Code, which calls for the protection of children from sexual exploitation in tourism.<sup>79</sup> In January 2004, ASEAN tourist authorities and NGOs adopted the draft of the ASEAN Traveler's Code.<sup>80</sup>

UNICEF and the Vietnamese government financially supported the 2004 Children Protection Project, which was to be implemented in major cities and a number of northern and southern provinces across the country. The technical project included subprojects dealing with issues concerning of street children, the worst forms of child exploitation, trafficking in children, child sexual abuse and



other forms of child abuse.<sup>81</sup> UNICEF is supporting the government of Vietnam in a review of laws and policies to combat trafficking in women and children and of the law on protection, care, and education of children.<sup>82</sup>

The Mekong Children's Forum was a joint advocacy effort of the ILO–IPEC Mekong Subregional Project to Combat Trafficking in Children and Women and Save the Children U.K. In October 2004, at a conference in Bangkok, Thailand, the forum presented the Mekong Children's Recommendations for Action on Human Trafficking to government officials from five Mekong countries—Cambodia, China (Yunnan and Guangxi provinces), Laos, Thailand, and Vietnam. Recommendations included closing karaoke bars linked to the sex trade, clamping down on corruption and bribery, and calling on parents and the public to do more to protect children from trafficking.<sup>83</sup>

## 4. Private Sector Initiatives

No private tourism agencies have yet signed on to the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism.

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- 21 Interviews with Mr. Troels Vester, Technical Adviser, Legal and Law Enforcement, United Nations Office on Drugs and Crime; Ms. Le Hong Loan, Chief, Child Protection Section, UNICEF Vietnam, and Ms. Nguyen Thi Ha, Project Officer, Child Protection Section, UNICEF Vietnam, Hanoi, Vietnam (December 20, 2006).
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  - 6 women in prostitution in Ho Chi Minh City
  - 3 street children engaged in prostitution on Pham Ngu Lao street, District 1, Ho Chi Minh City
  - Vice-President of the Women's Union in Ho Chi Minh City
  - Director of the Small Rose Warm Shelter in Ho Chi Minh City
  - Educators of Thao Dan Warm Shelter
  - Investigation Police Department on Social Crimes – Ho Chi Minh City and Hanoi Police Department
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# CHAPTER V

## Model Law<sup>1\*</sup> on Combating Child Sex Tourism

### Introduction

On May 25, 2000, States Parties to the “Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography” [Optional Protocol] agreed that the widespread and continuing practice of child sex tourism was a matter of deep concern as it directly promotes the sale of children, child prostitution and child pornography. Article 10 of the Optional Protocol states that:

*“States Parties shall take all necessary steps to strengthen international cooperation by multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for acts involving the sale of children, child prostitution, child pornography and child sex tourism.”*

*“States Parties shall also promote international cooperation and coordination between their authorities, national and international non-governmental organizations and international organizations. [...]”*

Enacting specific legislation addressing the issue of child sex tourism is one of the first steps to be taken to combat the problem. However, most countries have not taken such a step and the few child sex tourism laws already in place still present inconsistencies and difficulties in practice. Harmonization of existing laws is therefore crucial to successfully address what constitutes a transnational crime. The Model Law on Combating Child Sex Tourism attempts to achieve both these goals, namely to serve as a guide to countries that wish to enact a comprehensive legal framework against child sex tourism, and to provide a model for harmonization of existing legislation.

The Model law is based on comparative models and aims to comprehensively address the problem of child sex tourism

by criminalizing the act and providing strict penalties as well as calling for effective preventive measures.

### Model Law

#### Article I: DEFINITIONS

- A. A “**child**” is a person who is under the age of 18 years.<sup>2</sup>
- B. The term “**illicit sexual act**” is any sexual contact, including, but not limited to, the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.<sup>3</sup>
- C. “**Trafficking in persons**” means the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.<sup>4</sup>
- D. “**Child sex tourism**” means traveling with the purpose of engaging in commercial sexual relationship with a minor at destination.<sup>5</sup>

#### Article II: OFFENSES AND PENALTIES

(1) **Child Sex Tourism.** The following shall constitute the crime of child sex tourism:

- A. **Traveling with the Intent to Engage in Illicit Sexual**

**Acts.** A person who travels with the intent to engage in a sexual act with a child shall be fined and imprisoned for up to 30 years.<sup>6</sup> The penalty shall include forfeiture of travel documents and any property used or intended to be used to commit or promote commission of the offense.

B. **Traveling and Engaging in Illicit Sexual Acts.** A person who travels and engages in a sexual act with a child shall be fined and imprisoned for up to 30 years.<sup>7</sup> The penalty shall include forfeiture of travel documents and any property used or intended to be used to commit or promote commission of the offense.

C. **Attempt and Conspiracy.** Attempt or conspiracy to commit the crime of child sex tourism is punished with the same penalty provided for commission of the crime of child sex tourism.<sup>8</sup>

(2) **Child Sex Tourism as a Form of Trafficking in Persons.** It shall be considered an act of trafficking in persons when a person undertakes tours and travel plans consisting of tourism packages or activities utilizing a child for prostitution or sexual exploitation.<sup>9</sup>

(3) **Liability of Corporate Persons.**<sup>10</sup> Any legal person directing, organizing, promoting, procuring or facilitating the travel of a person with the knowledge that such a person will engage in child sex tourism shall be liable.<sup>11</sup> Penalties include closure of business, withdrawing of licenses or authorizations, and freezing or confiscation of proceeds of crime.<sup>12</sup>

(4) **Double Criminality.** Liability of a person for the crime of child sex tourism is imposed regardless of whether such offense is punishable in the country where the act has been committed.<sup>13</sup>

#### Article III: PREVENTION

A. The State shall conduct research to examine the causes of child sex tourism, the profits generated there from, the link between child sex tourism and trafficking in children and related issues, including health and the spread of HIV/AIDS, that may help design an effective response to the problem.<sup>14</sup>

B. The State shall establish initiatives to enhance economic opportunity for victims of child sex tourism as a method to deter the crime. Such initiatives will include:

- a. Vocational training and job counseling;
- b. Programs to keep children, especially girls, in school;
- c. Grants to non-governmental organizations to advance the political, economic and educational role of women in their countries.<sup>15</sup>

C. The State shall conduct public awareness campaigns, particularly among potential victims of sex tourism, and shall develop and disseminate information warning travelers that sex tourism is illegal, will be prosecuted, and presents dangers to those involved.<sup>16</sup>

#### Article IV: PROCEDURES

A. **Statute Of Limitations.** The crime of child sex tourism shall not be subject to the statute of limitations.<sup>17</sup>

B. **Child Testimony.** The court shall make a preliminary finding regarding whether at the time of trial the child is likely to be unable to testify in open court in the physical presence of the defendant, jury, judge, and public for any of the following reasons:

- (a) The child will be unable to testify because of fear;
- (b) There is a substantial likelihood, established by expert testimony, that the child would suffer emotional trauma from testifying in open court;
- (c) The child suffers a mental or other infirmity;
- (d) Conduct by defendant or defense counsel causes the child to be unable to continue testifying.<sup>18</sup>

The attorney for the government may request and apply for an order that a deposition be taken of the child's testimony and that the deposition be recorded and preserved on videotape.

C. **Cooperation.**<sup>19</sup> Sending and destination countries shall promote communication and assistance in the prosecution of child sex tourism, including training of police officers in apprehending suspects, investigating cases, and questioning child witnesses.

Embassies shall cooperate in the prosecution of sex tourists, including immediately informing the sending country upon arrest of a suspect. Embassies of sending countries shall also immediately notify the police of a destination country if a convicted child sex tourist or sex tourist suspect has requested a passport to travel to such destination country.

## Endnotes

<sup>1\*</sup> In the absence of a specific provision on sex tourism, national laws use extraterritorial application of existing penal laws to criminalize the offense. Some countries, such as Belgium and Sweden, extend the scope of jurisdiction not only to nationals, but also to residents in the territory of the country.

<sup>2</sup> The Convention on the Rights of the Child defines a child as "every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier." Convention on the Rights of the Child, G.A. res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force Sept. 2 1990. The age of consent to sexual activities also varies between nations. For example, Australia's



- Crimes (Child Sex Tourism) Amendment Act of 1994 criminalizes sexual intercourse with a child younger than 16 years of age. Switzerland, the Netherlands and Belgium set the age of protection at 16. France and Sweden's age of protection is 15.
- 3 See 18 U.S.C. § 2246(3).
  - 4 United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, Nov. 20, 2000, art. 3(a), UN Doc. A/45/49 (2001), 40 I.L.M. 335, 378.
  - 5 World Tourism Organization Statement on the Prevention of Organized Sex Tourism, Adopted by the General Assembly of the World Tourism Organization, 11th Sess., Cairo (Egypt), Oct. 17-22, 1995, UN Doc. A/RES/338(XI). [hereinafter WTO Statement]. The widespread practice of traveling with the purpose of engaging in sexual activities with children has given rise to multiple definitions of child sex tourism. The Office of the United Nations High Commissioner for Human Rights has defined child sex tourism by focusing on the activities of facilitators, rather than on the purposes of tourists. It defines child sex tourism as "tourism organized with the primary purpose of facilitating the effecting of a commercial-sexual relationship with a child." Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, Office of the U.N. High Commissioner for Human Rights, 52nd Sess., Agenda Item 20(b), U.N. Doc. E/CN.4/1996/100 (1996). Also, End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT) defines child sex tourism as "the commercial sexual exploitation of children by persons who travel from their own country to another usually less-developed country to engage in sexual acts with children." ECPAT, Frequently Asked Questions about CSEC [Commercial Sexual Exploitation of Children] at "Child Sex Tourism" page, available at <http://www.ecpat.net/eng/CSEC/faq/faq.asp>. In addition, the most basic definition of sex tourism, a practice that consists of an act: "tourism," and a purpose: "having sex" is provided by "TheFreeDictionary.com by Farlex," which defines sex tourism as "tourism, partially or fully with the purpose of having sex, often with prostitutes." TheFreeDictionary.com by Farlex available at <http://encyclopedia.thefreedictionary.com/tourism>. The Oxford Dictionary defines sex tourism as "the organization of holidays with the purpose of taking advantage of the lack of restrictions imposed on sexual activity and prostitution in some foreign countries." Compact Oxford English Dictionary, Sex Tourism, available at [http://www.askoxford.com/concise\\_oed/sextourism?view=uk](http://www.askoxford.com/concise_oed/sextourism?view=uk).
  - 6 See The PROTECT Act, 18 U.S.C. 2423 § 105(b) (2004). TRAVEL WITH INTENT TO ENGAGE IN ILLICIT SEXUAL CONDUCT.— A person who travels in interstate commerce or travels into the United States, or a United States citizen or an alien admitted for permanent residence in the United States who travels in foreign commerce, for the purpose of engaging in any illicit sexual conduct with another person shall be fined under this title or imprisoned not more than 30 years, or both.
  - 7 See The PROTECT Act, 18 U.S.C. 2423 § 105(c) (2004). ENGAGING IN ILLICIT SEXUAL CONDUCT IN FOREIGN PLACES.—Any United States citizen or alien admitted for permanent residence who travels in foreign commerce, and engages in any illicit sexual conduct with another person shall be fined under this title or imprisoned not more than 30 years, or both.
  - 8 See The PROTECT Act, 18 U.S.C. 2423 § 105(e) (2004). Some legal systems allow for a shorter penalty for attempting to commit the crime. For example, article 56 of the Italian Criminal Code provides that attempt to commit a crime is punished with imprisonment for up to twelve years if the penalty for complete commission of the crime is life imprisonment or, in other cases, with the same penalty provided for the complete commission of the crime reduced by one third to two thirds. C.P., art. 56 (Italy).
  - 9 See Anti-Trafficking law in Persons Act of 2003 of the Philippines, Republic Act 9208, Section 4(d).
  - 10 Legal persons involved in the crime of child sex tourism include: travel agents, sex-tour operators, airlines, hotel chains, advertisers and criminal networks.
  - 11 The Australian law holds liable those who encourage, advertise, benefit from or assist a person to travel for sex tourism. See Crimes Act, Sections 50DA, 50DB (Austl.). The provisions are directed at travel agents, tour operators, pedophile networks, advertisers and emigrant Australian bar and brothel owners who participate in sex tourism. Like the penalty for the offender, the maximum penalty for these offenses is also 17 years imprisonment.  
Colombian Law, Title XI – Crimes Against Sexual Liberty And Human Dignity, (Colom.), article 219, provides: "Any person who directs, organizes, or promotes tourist activities that include the sexual use of minors shall be punished by imprisonment of three (3) to eight (8) years."
- The Irish Sexual Offenses (Jurisdiction) Act (1996) (Ire.), Section 3 provides: (1) A person who, in the State, makes an arrangement to transport a person to a place in or outside the State or who authorizes the making of such an arrangement for or on behalf of another person, knowingly for the purpose of enabling that person or any other person to commit an offense, which is an offense by virtue of section 2 (1) of this act, shall be guilty of an offense.
- (2) A person who transports another person from a place in the State to a place in or outside the State, knowingly for the purpose of enabling that person or any other person to commit an offense, which is an offense by virtue of section 2 (1) of this act, shall be guilty of an offense. A person who publishes information which is intended to or, having regard to all the circumstances, is likely to promote, advocate or incite the commission of an offense, which is an offense by virtue of section 2 (1) of this act, shall be guilty of an offense.
- The Irish Sexual Offenses (Jurisdiction) Act (1996) (Ire.), Section 5 provides: Where an offense under this act is committed by a body corporate and is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of any person, being a director, manager, secretary or other similar officer of such body, or a person who was purporting to act in any such capacity, that person as well as the body corporate shall be guilty of an offense and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offense.
- 12 Law 269 of 1998 Against the Prostitution of Minors, Pornography, Sex Tourism and Other Contemporary Forums of Slavery, (Italy) article 7, provides that the penalty for the legal person involved in sex tourism is confiscation of the proceeds of crime, closing of business and withdrawing of any license or authorization for operating the business. Law n. 146 of March 16, 2006 (Italy) implementing the Transnational Crime Convention, provides that the legal person is subjected to the monetary sanction of 600 to 1,000 shares of the corporate body for the crimes of trafficking in persons and slavery or servitude. Moreover, the legal person is subjected to a two-year freezing of the proceeds of crime. When this is not possible, the judge orders the seizure of money or other properties of the legal person for an amount equal to the proceeds of crime.
  - 13 Double criminality provisions exist to disallow enforcement of a law against an offender who acts in a country where the offense is not a crime. The Swedish law, for example, requires double criminality. The law mandates that a Swedish citizen who has committed a crime outside of Sweden is liable only if the act is criminal both in Sweden and in the country where the offense occurred. The penalty for the crime may not exceed the maximum penalty prescribed for the crime under the law of the country where the offense was committed. Swedish Penal Code 2:2 1 paragraph 7. Belgium, The Netherlands and Switzerland also require double criminality. Germany and Australia do not require double criminality.  
Non bis in idem or double jeopardy means freedom from repeated prosecution or punishment for the same offense, irrespective of the prosecuting system. See M. Cherif Bassiouni, Human Rights in the Context of Criminal Justice: Identifying International Procedural Protections and Equivalent Protections in National Constitutions, 3 Duke J. Comp. & Int'l L. 235, 288 -289 (1993). Legal systems differ as to when jeopardy attaches. Some approaches to double jeopardy are limited to the non applicability of double punishment, but do not exclude repeated prosecution. Id.
  - 14 The U.S. Trafficking Victims Protection Reauthorization Act (TVPRA) of 2003, Public Law No. 108-193, (2004) Section 112A. RESEARCH ON DOMESTIC AND INTERNATIONAL TRAFFICKING IN PERSONS, provides the following: "The President ... shall carry out research, including by providing grants to nongovernmental organizations, as well as relevant United States Government agencies and international organizations, which furthers the purposes of this division and provides data to address the problems identified in the findings of this division. Such research initiatives shall, to the maximum extent practicable, include, but not be limited to, the following: (1) The economic causes and consequences of trafficking in persons; (2) The effectiveness of programs and initiatives funded or administered by Federal agencies to prevent trafficking in persons and to protect and assist victims of trafficking; (3) The interrelationship between trafficking in persons and global health risks."
  - 15 See U.S. Trafficking Victims Protection Act (TVPA) of 2000, Public Law 106-386, Section 106. PREVENTION OF TRAFFICKING. (a) ECONOMIC ALTERNATIVES TO PREVENT AND DETER TRAFFICKING.— The President shall establish and carry out international initiatives to enhance economic opportunity for potential victims of trafficking as a method to deter trafficking. Such initiatives may include— (1) microcredit lending programs, training in business

development, skills training, and job counseling; (2) programs to promote women's participation in economic decisionmaking; (3) programs to keep children, especially girls, in elementary and secondary schools, and to educate persons who have been victims of trafficking; (4) development of educational curricula regarding the dangers of trafficking; and (5) grants to nongovernmental organizations to accelerate and advance the political, economic, social, and educational roles and capacities of women in their countries.

- 16 The United States Trafficking Victims Protection Reauthorization Act of 2003 (TVPRA) Public Law No. 108-193, Section 3(e)(1) provides: “(e) COMBATING INTERNATIONAL SEX TOURISM.— (1) DEVELOPMENT AND DISSEMINATION OF MATERIALS.— The President, pursuant to such regulations as may be prescribed, shall ensure that materials are developed and disseminated to alert travelers that sex tourism (as described in subsections (b) through (f) of section 2423 of title 18, United States Code) is illegal, will be prosecuted, and presents dangers to those involved. Such materials shall be disseminated to individuals traveling to foreign destinations where the President determines that sex tourism is significant.

Law To Fight Trafficking in Persons n. 25-353 of 2004, (Ecuador), Article 20, provides: “Executive Function: The Executive shall take the necessary steps to inform Ecuadorians regarding sex tourism. They shall alert citizens that to travel to another country to engage in sexual relations with a minor or with a victim of trade of persons can constitute a crime in the country of destination or country of origin, or could constitute abuse of minors. Such measures should include: Cooperation with airlines, hotels, taxis and others to jointly produce educational material that can inform them as to the sex tourism test of their clients and warn them that they should not facilitate such behaviors. Warn the citizens and employees of the companies dedicated to tourism, that a crime can be committed when someone has sexual relations with a minor, practices sex tourism or visits a brothel where one can find women and minors who are victims of the trade and exploitation of persons. Provide updated information with respect to the links between HIV/AIDS and other sexually transmitted diseases and the trade and exploitation of persons.”

Law n. 269 of 1998 Against the Prostitution of Minors, Pornography, Sex Tourism and Other Contemporary Forums of Slavery (Italy) provides: “1. Tour operators who organize collective or individual trips to foreign countries are obliged, for at least 3 years from the date given in para.2 to insert in a prominent manner in their advertising material and programmes, or otherwise in the travel documents given to customers, as well as in their brochures and catalogues (whether for single or multiple destinations), following notice: “Obligatory notice for the purposes of Article... of law No...- Italian law punishes with imprisonment offenses relating to child prostitution and child pornography, even if these offenses are committed abroad.” 2. The materials referred to in paragraph 1 include illustrative material and advertisements or other documentation which is made available after 180 days from the entry into force of this law. 3. Tour operators who fail to comply with the obligations in paragraph 1 will be liable to a fine of from 2 to 10 million lire.”

- 17 For instance, the U.S. PROTECT Act of 2003, Public Law No: 108-21, Section 202 provides: “No statute of limitations that would otherwise preclude prosecution for an offense involving the sexual or physical abuse, or kidnapping, of a child under the age of 18 years shall preclude such prosecution during the life of the child.”
- 18 See 18 U.S.C. § 3509 providing that: “(2) Videotaped deposition of child.-- (A) In a proceeding involving an alleged offense against a child, the attorney for the Government, the child's attorney, the child's parent or legal guardian, or the guardian ad litem appointed under subsection (h) may apply for an order that a deposition be taken of the child's testimony and that the deposition be recorded and preserved on videotape.
- (B)(i) Upon timely receipt of an application described in subparagraph (A), the court shall make a preliminary finding regarding whether at the time of trial the child is likely to be unable to testify in open court in the physical presence of the defendant, jury, judge, and public for any of the following reasons:

- (I) The child will be unable to testify because of fear.
- (II) There is a substantial likelihood, established by expert testimony, that the child would suffer emotional trauma from testifying in open court.
- (III) The child suffers a mental or other infirmity.
- (IV) Conduct by defendant or defense counsel causes the child to be unable to continue testifying.
- (ii) If the court finds that the child is likely to be unable to testify in open court for any of the reasons stated in clause (i), the court shall order that the child's deposition be taken and preserved by videotape.
- (iii) The trial judge shall preside at the videotape deposition of a child and shall rule on all questions as if at trial. The only other persons who may be permitted to be present at the proceeding are--
- (I) the attorney for the Government;
- (II) the attorney for the defendant;
- (III) the child's attorney or guardian ad litem appointed under subsection (h);
- (IV) persons necessary to operate the videotape equipment;
- (V) subject to clause (iv), the defendant; and
- (VI) other persons whose presence is determined by the court to be necessary to the welfare and well-being of the child.

The defendant shall be afforded the rights applicable to defendants during trial, including the right to an attorney, the right to be confronted with the witness against the defendant, and the right to cross-examine the child.

- (iv) If the preliminary finding of inability under clause (i) is based on evidence that the child is unable to testify in the physical presence of the defendant, the court may order that the defendant, including a defendant represented pro se, be excluded from the room in which the deposition is conducted. If the court orders that the defendant be excluded from the deposition room, the court shall order that 2-way closed circuit television equipment relay the defendant's image into the room in which the child is testifying, and the child's testimony into the room in which the defendant is viewing the proceeding, and that the defendant be provided with a means of private, contemporaneous communication with the defendant's attorney during the deposition.”

Australia (Victoria State); Evidence Act 1958

37D. Video link evidence from overseas in certain proceedings

: When court may take evidence by video link

“50EA. [T]he court may direct that a witness give evidence by video link if:

- (a) the witness will give the evidence from outside Australia; and
- (b) the witness is not a defendant in the proceeding; and
- (c) the facilities required by section 50EC are available or can reasonably be made available; and
- (d) the court is satisfied that attendance of the witness at the court to give the evidence would:
- (i) cause unreasonable expense or inconvenience; or
- (ii) cause the witness psychological harm or unreasonable distress; or
- (iii) cause the witness to become so intimidated or distressed that his or her reliability as a witness would be significantly reduced; and
- (e) the court is satisfied that it is consistent with the interests of justice that the evidence be taken by video link.”

- 19 See, e.g. Article 10 of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, U.N. Doc.A/RES/54/263 of 25 May 2000, 39 I.L.M. 1285, which states that: “States Parties shall take all necessary steps to strengthen international cooperation by multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for acts involving the sale of children, child prostitution, child pornography and child sex tourism.” See also: Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 266 U.N.T.S. 3, which provides that “States Parties to this Convention undertake to co-operate with each other and with the United Nations to give effect to the foregoing provisions” on the ending the slave trade.

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