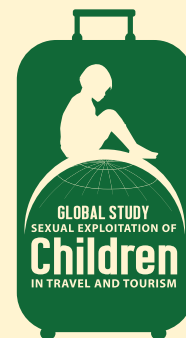


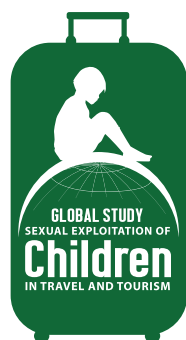
GLOBAL STUDY ON SEXUAL EXPLOITATION OF CHILDREN IN TRAVEL AND TOURISM

REGIONAL REPORT

NORTH AMERICA

2016





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MAY 2016

The regional report on Sexual Exploitation of Children in Travel and Tourism was written by Catherine Beaulieu.

The research was conducted in the framework of the Global Study on Sexual Exploitation of Children in Travel and Tourism. More information can be found in www.globalstudysectt.org.

The views expressed are those of the author and do not necessarily reflect those of ECPAT International.

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- Lieutenant-Detective Nathalie Morin, Head of the Commercial Sexual Exploitation of Children Unit of the SPVM/Montreal Police (Quebec, Canada);
- Christine Raino, Esq., Director of Public Policy, Shared Hope International.
- Stephen Sauer, Systems Analyst at Cybertip.ca; and
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FOREWORD

More children than ever are at risk of being sexually exploited by travellers and tourists and no country is immune. Since the early 1990s when evidence came to light that travellers were sexually abusing and exploiting children in developing countries, sharp increases in travel and tourism have multiplied the opportunities and venues available to travelling child sex offenders worldwide.

The U.S. and Canada are mobile societies. The U.S. had over 2 billion domestic tourist and travellers in 2013. While the domestic travel market surpasses inbound tourists and travellers, there are a considerable number of visitors from the Americas, Europe, East Asia and the Pacific. In Canada the domestic travel is growing fast, demonstrating increased mobility and outnumbering the inbound trips by international tourists and travellers.

The explosion of the internet and mobile technology has afforded perpetrators anonymity and hidden pathways to groom children and seduce them via social media and internet games. Likewise, new travel and tourism services like home-stays, voluntourism and the *sharing economy* have increased this anonymity and heightened children's vulnerability.

However, progress has been made since the First World Congress against Commercial Sexual Exploitation of Children held in Stockholm in 1996. Twenty years later, world leaders from nearly every country in the world have approved global targets to end the sexual exploitation of children in the Sustainable Development Goals, which replace the Millennium Development Goals from 2016 onwards. The world has recognised that we cannot allow children to fall victim to this devastating experience, which has life-long consequences on their mental and physical well-being.

This report provides an updated picture of the environment in which SECTT persists in the US and proposes a set of recommendations to improve government, non-government and private sector responses to prevent and combat this crime. As such, it will assist in the realisation of the Sustainable Development Goals related to children's right to live free from sexual exploitation.

After twenty five years of working on the issue, ECPAT cannot emphasise enough how important it is to join efforts and take advantage of multi-sector cooperation to fight this deplorable trend. This report is an open invitation to work with ECPAT and its partners and join the fight against sexual exploitation of children in travel and tourism because together we can eliminate this crime and make childhood safe again.



Ms. Carol Smolenski
ECPAT Regional Representative
for North America

ACRONYMS

AHLEI	American Hotel and Lodging Educational Institute	NGO	Non-Governmental Organization
APLE	Action Pour Les Enfants	NHTRC	National Human Trafficking Resource Centre
ACTA	Association of Canadian Travel Agencies	NSOR	National Sex Offender Registry
CBP	Customs and Border Protection	OPSC	Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography
CBSA	Canada Border Services Agency	PROTECT ACT	Prosecutorial, Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (U.S.)
CPCMEC	Canadian Police Centre for Missing and Exploited Children	PSC	Public Safety Canada
CRC	Convention on the Rights of the Child	RCMP	Royal Canadian Mounted Police
CSEC	Commercial Sexual Exploitation of Children	SECTT	Sexual Exploitation of Children in Travel and Tourism
CSR	Corporate Social Responsibility	SOIRA	Sex Offender Information Registration Act (Canada)
CST	Child Sex Tourism	SORNA	Sex Offender Registration and Notification Act (U.S.)
DHS	United States Department of Homeland Security	SHI	Shared Hope International
DOJ	United States Department of Justice	SPVM	Service de Police de la Ville de Montréal (Montreal's Police)
DOT	United States Department of Transportation	TIP Report	United States' Department of State's annual Trafficking in Persons Report
ECPAT	End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes	TVPA	Trafficking Victims Protection Act (U.S.)
GDP	Gross Domestic Product	UN	United Nations
HIS	United States Homeland Security Investigations	UNICEF	United Nations Children's Fund
IBCR	International Bureau for Children's Rights	UNWTO	World Tourism Organization
ICE	United States Immigration and Customs Enforcement	U.S.	United States
ICMEC	International Centre for Missing and Exploited Children	WCIII	World Congress III Against the Commercial Sexual Exploitation of Children
ICT	Information and Communication Technology		

EXECUTIVE SUMMARY

SECTT IN THE NORTH AMERICAN CONTEXT

In the North American context, the sexual exploitation of children in travel and tourism (SECTT) is perpetrated in two main ways: international SECTT and domestic SECTT.

International SECTT takes place when North American child sex offenders travel to another country and there engage in illicit sexual activity with a child, a phenomenon also known as “international child sex tourism”. While data on international SECTT is limited and does not account for the full extent of the situation, research has shown that North Americans do engage in this crime. While long preferred destinations such as Southeast Asia continue to be targeted, Central and Latin America are also affected because of their proximity and the low costs of travel to the region. However, no country is immune and cases have been documented in virtually every region of the world. The literature distinguishes “preferential” offenders who actively seek prepubescent children for sex from “situational” offenders who may occasionally engage in sex with children. However, there is no single profile of a traveling child sex offender. Travel patterns also vary, with offenders spending short or long periods abroad, sometimes buying or renting property to aid their crimes. There have been several documented cases of North Americans committing sex crimes against children under the guise of humanitarian work. Such cases have involved NGO staff, English teachers and aid workers occupying positions providing direct access to vulnerable children. With increasing attention being paid to “voluntourism” and the risks associated with close, often unsupervised contact between adults and vulnerable children, a number of North Americans visiting or working in orphanages have been found guilty of sex crimes against children. Another dimension of international SECTT concerns the military, with ample evidence that SECTT has grown on defunct U.S. military bases in the Philippines. In Canada, child marriage is yet another form of child sexual exploitation which can equate to SECTT: in many cases, both perpetrators and victims move within or across borders.

Domestic SECTT is widespread and takes a number of forms. While North America is not usually considered a “sex tourism” destination, some research has examined the linkages between sex industries and tourism in a small number of cities. Of serious concern is the extensive use of the North American travel and tourism infrastructure by offenders, locals and outsiders alike. Venues such as hotels, motels, roadside rest areas, bus and railroad stations, airports, travel agencies and cruise ships may all provide an enabling environment to the sexual exploitation

of children. In addition, specific groups of buyers who belong to transient populations have long been associated with the sexual exploitation of children. Because these individuals live in a different place from that where offences are committed, they may qualify as SECTT perpetrators. This is the case of truckers, who have long been involved in “truck stop prostitution”. Another recent example is that of temporary oilfield workers in the U.S. state of North Dakota, the presence of whom has increasingly been linked to prostitution including child sexual exploitation. Major sporting events are also attracting publicity for creating a demand for child sex trafficking, with the annual U.S. Super Bowl the most salient example. However, there still lacks conclusive evidence regarding these events causing a spike in SECTT.

ICT TRENDS

The ICTs are used to facilitate SECTT crimes in a number of ways. **First**, in North America, child sexual exploitation has largely migrated away from the street and into the online environment, and ICTs facilitate contact between buyers and victims. With the click of a button, offenders can easily access children to be delivered to their hotel room or any other locale. While potential clients may communicate directly and anonymously with children, traffickers usually remain out of sight. Of grave concern is the use of major classified advertising websites such as Backpage.com to advertise sexual services from minors. While law enforcement regularly traces CSEC victims back to this website, efforts to stop the proliferation of such advertising have so far been unsuccessful. **Second**, offenders make use of ICTs to network among themselves and to gain information about destinations where children may be available. Offenders also use ICTs to organize cross-border criminal activity. While instances of formally organized “child sex tours” are now rare, some recent cases indicate these still occur. **Third**, many travelling child sex offenders use ICTs to produce child abuse imagery (child pornography) at destination. Such imagery may be used for self-gratification or to obtain further images from other offenders, among other purposes. **Fourth**, offenders may groom their victims online prior to traveling to meet them. These cases are frequently referred to as child sex tourism when travel does occur, however, in many cases of online grooming, there is no movement involved.

LEGAL FRAMEWORK TO ADDRESS SECTT IN NORTH AMERICA

When it comes to addressing domestic SECTT, a first step is to strengthen national legal frameworks that sufficiently protect the rights of all children from sexual

exploitation. Over the years, considerable progress has been achieved to strengthen laws against CSEC both in Canada and the U.S. Both countries count with strong laws that can be used against child prostitution, child pornography and child trafficking. However, some important weaknesses remain: demand for commercial sex with children continues to be a challenge, with buyers insufficiently arrested and prosecuted overall. And, while some progress has been achieved towards the treatment of children who are sexually exploited as victims and not as offenders, significant variations remain between the different Canadian and U.S. jurisdictions. Another critical issue is that of online advertising for commercial sex with minors, against which attempts to legislate have so far been unsuccessful. And, while there are laws that can be used against individuals who facilitate SECTT within the travel and tourism industry – such as taxi drivers, hotel staff, etc. – there are very few reported cases of successful prosecutions; the same holds true regarding financial penalties imposed on companies that may be involved in SECTT, as required by the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

One important step in the fight against international SECTT has been the use of extraterritorial jurisdiction, or the application of Canadian and U.S. laws to offences committed outside those countries by their citizens or permanent residents. By and large, Canada's extraterritorial laws remain underused, with only seven successful prosecutions so far. In contrast to Canada, the U.S. holds the reputation of aggressively prosecuting its child sex offenders who commit crimes against children overseas, with hundreds of convictions on record. Yet many challenges stand in the way of extraterritorial prosecutions. Investigations can be lengthy and resource-intensive; there may be prerequisites to the launching of proceedings. There are also difficulties in gathering evidence abroad and in producing foreign child witnesses, who may remain without adequate protections while the trial is prepared.

National sex offender registries are another tool that can be used to curb international SECTT. Both Canada and the U.S. maintain sex offender registries, yet differ in their approach to registration and the use that can be made of registries. In Canada, weaknesses include the relative ease with which registered offenders can leave the country and the lack of information sharing between law enforcement and border authorities. The passing of *Bill C-26*, also known as *Tougher Penalties for Child Predators Act* is awaiting Royal Assent as of June 2015 and is meant to close some of these gaps. In the U.S., there are concerns about insufficient information sharing between U.S. and foreign law enforcement. The *International Megan's Law* if passed, could provide a basis for stronger collaboration between U.S. law enforcement and officials in foreign countries.

Both countries have hotlines that can be used to report international SECTT. In Canada, individuals can report suspected cases of child sexual exploitation, including international child sex tourism to the RCMP or to the national tip line, Cybertip.ca. Cybertip.ca has concentrated its efforts on raising awareness and promoting the reporting of child sexual abuse material and luring incidents. It is planning a campaign in the future to raise awareness about the issue of child sex tourism. Reporting overseas can also be made through Canadian liaison officers posted in embassies worldwide. However, it has been noted the presence of such officers is limited. In the U.S., CyberTipline is the national hotline mandated by Congress to collect information on child exploitation, including international child sex tourism. Anonymous reports of human trafficking as well as extraterritorial sexual exploitation can also be made in the U.S. to the National Human Trafficking Resource Centre (NHTRC). Reporting overseas can be made through American liaison officers posted in U.S. embassies worldwide. The U.S. Department of Homeland Security (DHS) deploys dozens of special agents in 48 countries, with child exploitation considered the “major pillar” of their mission in popular “sex tourism” destinations.

CROSS-SECTOR PARTNERSHIPS AS A RESPONSE TO SECTT

In North America the fight against SECTT has increasingly been characterized by cross-sector initiatives. Over the years, a number of partnerships have been developed between government, NGOs and the private sector to address the issue, in both its domestic and international aspects. Corporate social responsibility has been a cornerstone of private sector involvement when it comes to protecting the rights of children from sexual exploitation. In this regard the *Code of Conduct for the Protection of Children from Sexual Exploitation in travel and Tourism* (“the Code”) has been one of the most successful tools. In the U.S. there are 40 companies, associations and others that have signed the Code, with major signatory corporations including Delta Air Lines, Hilton Worldwide and Wyndham Worldwide. Other initiatives include a partnership between the American Hotel and Lodging Association, the primary hospitality industry trade association in the country and ECPAT-USA to create an online training course for members and non-members alike. A number of individual hotel companies also provide training to their employees.

The transportation sector has also played a vital role to better protect children. North American airlines have worked in partnership with government and NGOs in their efforts to eradicate human trafficking and child sexual exploitation, through public awareness raising and training of their employees. Beyond Borders ECPAT Canada has established novel and valuable relationships with the three leading airlines in Canada. In the U.S., Delta airlines was the first signatory to The Code and at least four

other airlines also provide training to their staff on how to combat human trafficking. Other transportation services such as train, buses and trucking companies have also joined efforts to fight these crimes in North America. Good practice examples exist, such as the *Transportation Leaders against Human Trafficking* initiative, which could inspire further action and activism in the continent.

A number of multi-stakeholder, North-South collaborative projects have also been implemented to fight international child sex tourism, involving both Canada and the U.S. ECPAT USA has promoted the Code and worked to reduce the vulnerability of children in Belize, Brazil and Mexico. In Canada, the International Bureau for Children's Rights (IBCR) and the Costa Rican NGO and ECPAT Group Paniamor implemented a bilateral project funded by the Canadian government to raise awareness about child sex tourism and empower communities to better protect themselves and respond to SECTT. These projects offer good potential for successful replication in other locales affected by SECTT.

Efforts to prevent SECTT do not have to be restricted to travel and tourism companies. In addition to company policies which enable employees to identify and report instances or suspicions of trafficking, some companies whose staff travel for work purposes have adopted codes of conduct to deter employees from engaging in criminal activity as part of corporate travel policies.

RECOMMENDATIONS

Based on the information reviewed, the report provides a number of recommendations to government, NGOs and the private sector to address SECTT both in its domestic and international dimensions. These pertain to, *inter alia*, the ratification of international child rights instruments and the strengthening of national and extraterritorial laws, the need to collect reliable data on SECTT, the need for further awareness raising among the public, the necessity to address demand, the importance of private sector involvement and of continued cross-sector partnerships.

BACKGROUND AND RATIONALE

This report forms part of ECPAT International's Global Study on the Sexual Exploitation of Children in Travel and Tourism (SECTT). The main objective of the Global Study is to provide evidence-based knowledge to guide and support effective decision making. The Global Study is guided by a multi-stakeholder, High-Level Global Taskforce representing government, non-governmental

organizations and the private sector. It includes several components, namely: local research conducted by the global ECPAT Network; thematic contributions from partners and experts; a desk review of existing research in nine regions; and victims' voices. The present report constitutes the North American portion of the regional desk reviews.

OBJECTIVES AND METHODOLOGY

The objectives of the North American portion of the Global Study are the following:

- To provide an updated picture of SECTT in North America;
- To provide, where possible and available, statistical data and figures on child victims and travelling sex offenders, including quantitative trends in North America;
- To map and assess current responses to SECTT, including legislation, sensitization campaigns, capacity building and a range of measures and interventions by different stakeholders to address this challenge in North America.

This research takes the form of a web-based desk study. The main sources of relevant data and information include government, law enforcement and UN agencies, data from helplines, academic studies and NGO reports and projects. In addition, the following experts have been consulted:

- Professor Stephen Barth, professor of hospitality law at the University of Houston (Texas, U.S.);
- Nadine Grant, Director of Programs, Plan Canada;
- Jacques Moïse, social worker and expert on juvenile prostitution in Montreal (Quebec, Canada);
- Lieutenant-Detective Nathalie Morin, Head of the Commercial Sexual Exploitation of Children Unit of the SPVM/Montreal Police (Quebec, Canada);

- Stephen Sauer, Systems Analyst at Cybertip.ca;
- Dr. Roberta Sinclair, Manager, Program Research and Development, The Canadian National Police Center for Missing and Exploited Children;
- Christine Raino, Esq., Director of Public Policy, Shared Hope International.

The ECPAT groups of North America, namely Beyond Borders ECPAT Canada and ECPAT USA have provided comments and input. The International Bureau for Children’s Rights (IBCR) was also consulted because of its expertise on the topic child sexual exploitation including child sex tourism. Due to significant information

gaps, the report includes, to some extent, anecdotal evidence and media reports. In particular, this research refers to reports and interviews by journalists Robert Cribb, Isabelle Hachey, Victor Malarek, Jennifer Quinn and Julian Sher, all of whom have been recognized for the quality of their work by Beyond Borders ECPAT Canada during their annual Media Awards.

The geographic scope of this section of the Global Study is North America including the United States (the U.S.) and Canada, but excluding Mexico, which is covered in the Latin American section of the Global Study.

TERMINOLOGY

This report considers SECTT as a sub-set of the commercial sexual exploitation of children (CSEC). While there is no single agreed upon definition of CSEC,¹ the term has been defined in the *Stockholm Declaration and Agenda for Action* issued at the First World Congress against CSEC in 1996 as follows:

*The commercial sexual exploitation of children is a fundamental violation of children’s rights. It comprises sexual abuse by the adult and remuneration in cash or kind to the child or a third person or persons. The child is treated as a sexual object and as a commercial object. The commercial sexual exploitation of children constitutes a form of coercion and violence against children, and amounts to forced labour and a contemporary form of slavery.*²

ECPAT International has defined the primary forms of CSEC as the sexual exploitation of children in prostitution, child pornography and trafficking of children for sexual purposes, with other forms including the sexual exploitation of children in tourism, and in some cases, child marriage.³ This report uses the terms

CSEC and child sexual exploitation interchangeably, as they are in the literature. Both terms refer to demeaning, degrading practices that treat the child as a sexual object. The term “child” refers to anyone, child or adolescent, boy or girl, under the age of 18, in compliance with the United Nations Convention on the Rights of the Child (CRC). The term “minor” is used because while the CRC defines a child as anyone under the age of 18, it leaves it up to countries to establish the age of majority. The term “sexual exploitation of children in prostitution” will be preferred to “child prostitution”, as the former conveys more clearly that children can never consent to being exploited and that they should always be treated as victims. Also, this report uses the term CSEC interchangeably with the term “child sex trafficking” when used in the U.S. context, in line with the federal *Trafficking Victims Protection Act* (TVPA). Under the TVPA, anyone under the age of 18 who is “induced to perform” a commercial sex act is considered a trafficking victim who is in need of protection, regardless of the use of fraud, coercion or force. No movement is required under this definition.⁴

¹ See for e.g.: “the literature on the subject constricts or expands usage of the term depending on the methodology, audience, and purpose of the report. Some research has taken a very strict interpretation of the word “commercial” so that monetary exchange must occur in order for it to be classified as CSEC, other academics have adopted a looser definition that includes any exchange, whether in cash or in-kind. Yet others have suggested that it is impossible to distinguish between commercial and non-commercial sexual exploitation since one invariably will lead to the other” [Mark Hecht, *Private sector accountability in combating the commercial sexual exploitation of children. A Contribution of ECPAT International to the World Congress III against Sexual Exploitation of Children and Adolescents. Rio de Janeiro, Brasil. 25-28 November 2008* (Bangkok: ECPAT International, 2008), 5, accessed 10 March 2015, http://www.ecpat.net/sites/default/files/Thematic_Paper_CSR_ENG.pdf].

² “Declaration and Agenda for Action: 1st World Congress against Commercial Sexual Exploitation of Children”, Stockholm, Sweden, 27-31 August 1996, article 5, accessed from http://www.ecpat.net/sites/default/files/stockholm_declaration_1996.pdf.

³ ECPAT International, *Questions and Answers about the Commercial Sexual Exploitation of children* (Bangkok: ECPAT International, 2008).

⁴ ECPAT USA, *Alternative Report. An NGO Response to the Periodic Report of the United States of America to the UN Committee on the Rights of the Child concerning the Optional Protocol to the Convention on the Rights of Children on the Sale of Children, Child Prostitution and Child Pornography* (New York: ECPAT USA, 2012), 9, accessed 25 May 2015, <https://d1qkyo3pi1c9bx.cloudfront.net/00028B1B-B0DB-4FCD-A991-219527535DAB/e8bda704-a6ca-4e55-bcf3-af69403960a4.pdf>.

The Global Study Taskforce has suggested that the term SECTT be used as a replacement to the term “child sex tourism” (CST), defined by ECPAT International as:

The sexual exploitation of children by a person or persons who travel from their home district, home geographical region, or home country in order to have sexual contact with children. Child sex tourists can be domestic travelers or they can be international tourists. Child sex tourism often involves the use of accommodation, transportation and other tourism-related services that facilitate contact with children and enable the perpetrator to remain fairly inconspicuous in the surrounding population and environment.⁵

The Taskforce has found that the term “child sex tourism”⁶ is inadequate for a number of reasons. First, the term seems to refer to a type of tourism or a niche in the tourism sector, when in fact it describes a criminal activity. Second, the Taskforce is of the view that the term “tourist” may exclude other traveling individuals who may engage in SECTT, such as business travelers.⁷ The Taskforce also recommended the inclusion of domestic travelers in the scope of the Global Study, because local demand constitutes a key component of SECTT, often paving the way for foreign tourists to sexually exploit children. The definition also includes long term residents, for example individuals who have entered a country as tourists and extended their stay, as well as those who go abroad and work as teachers, NGO workers, etc. The abuse of children by military servicemen is also included. While this may not qualify strictly as SECTT, it is important to acknowledge that a foreign military presence can lay the foundation for SECTT to flourish as has been the case in the Philippines. Transient populations including temporary workers and truckers, are also to be included in the scope of the Global Study.

In this report the term SECTT is used to discuss two different but interrelated manifestations of CSEC committed by North American offenders through the travel and tourism infrastructure. The first is international

SECTT, also known as “international child sex tourism”, and involves North Americans who travel overseas and there engage in sexual activity with children.

The second is domestic SECTT and involves the use of the North American travel and tourism infrastructure to sexually exploit children within the continent. In North America, there is very little research available on child sex offenders traveling domestically for the purpose of sexually exploiting children at destination. On the other hand, there exists good evidence that North American travel and tourism services are used, often by locals, to perpetrate crimes against children. While research on international SECTT has focused more on the offenders, their profiles, preferred destinations, as well as on laws enabling their arrest and prosecution for crimes committed in foreign countries, the discussion of domestic SECTT – which involves mainly local offenders – has been more centered on the travel, tourism and transportation industries and their role in combating the problem. In accordance with the definition of SECTT proposed by the Taskforce, this desk study offers a broader perspective on domestic SECTT by also including offenders who commit sex crimes against children in a place where they do not habitually live. Research has long established that the presence of large groups of unattached, passing men may pose an increased risk of child sexual exploitation insofar as these individuals create a demand.⁸ This report discusses the possible involvement of truckers, oil company employees working on a rotational basis, and major sporting events attendees in SECTT.

In this report, the term travel and tourism infrastructure is not limited to the hospitality sector but also includes transportation services such as airlines, trucking companies, bus, taxi and railway companies. While international and domestic SECTT may differ on a number of fronts, their common denominator is *the use of the travel and tourism infrastructure, in one way or another, to perpetrate an offence of child sexual exploitation*. The table below summarizes SECTT as it is presented in this report.

⁵ ECPAT International, *Combating Child Sex Tourism: Questions and Answers* (Bangkok: ECPAT International, 2008), 6, accessed 31 March 2015, http://ecpat.net/sites/default/files/cst_fa_q_eng.pdf.

⁶ This report will use the term “child sex tourism” in reference to laws, projects or government and law enforcement reports which specifically use the term.

⁷ Also, because anyone living in a foreign country for periods in excess of one year would not qualify as a ‘tourist’ according to the UNWTO, expatriates would have to be excluded. See Muireann O’Briain, Milena Grillo and Helia Barbosa, *Sexual Exploitation of Children and Adolescents in Tourism. A Contribution of ECPAT International to the World Congress III against Sexual Exploitation of Children and Adolescents. Rio de Janeiro, Brazil. 25-28 November 2008* (Bangkok: ECPAT International, 2008), 6, accessed 10 March 2015, http://ecpat.net/sites/default/files/Thematic_Paper_CST_ENG.pdf.

⁸ Richard J. Estes and Neil Alan Weiner, *The Commercial Sexual Exploitation of Children in the U. S., Canada and Mexico* (Philadelphia: University of Pennsylvania, 2001).

FACETS OF SECTT IN NORTH AMERICA

SECTT is the intersection between child sexual exploitation and the travel and tourism infrastructure

DOMESTIC SECTT

Involves any offender who sexually exploits a child within the travel and tourism infrastructure, in North America

Includes offenders who use hospitality, travel/tourism and transportation services in North America to sexually exploit children. This includes locals as well as “sex tourists” from another country, even though limited information exists in regards to the latter.

Includes offenders who commit sexual crimes against children within North America, in a place where they do not usually live (transient populations), such as truckers, temporary workers and major sporting events attendees.

Includes “solicitation offenders” who groom their victims online and subsequently travel domestically to meet them.

Includes international child sex offenders found in North America, most often following online exchanges with undercover law enforcement.⁹

May also include child marriage, in cases involving the movement of perpetrators within a country or across borders.

INTERNATIONAL SECTT

Involves North American offenders who sexually exploit children while abroad

Includes the category referred to by law enforcement as “travelling child sex offenders”, i.e. offenders who travel abroad for the specific purpose of engaging in sexual activity with children,

Also includes situational offenders, i.e. North American offenders who seize an opportunity to sexually exploit a child while abroad. This includes short and longer-term residents who are working abroad, business travelers and the military.

Includes North American “solicitation offenders” who groom their victims online and subsequently travel abroad to meet them.

For a number of reasons, it is important that the term SECTT continue to be used among all child protection stakeholders, especially as it concerns its international dimensions. First, while the topic of “child sex tourism” (CST) had previously gained good visibility due to efforts on the part of governments and NGOs, over the years it has become somewhat diluted in broader talks about human trafficking, in particular sex trafficking. In Canada, projects have stopped for lack of funding under this particular caption to the benefit of projects which address the broader topic of child sexual exploitation but do not necessarily include SECTT. In the U.S., the 2008 and 2009 editions of the U.S. Department of State Trafficking

in Persons report considered child sex tourism as one of the major forms of trafficking. However, in subsequent reviews, child sex tourism received much less attention. Second, a persistent focus on sex trafficking in general may occult the scale and extent of this particular issue and downplay the central role that the travel and tourism infrastructure can play in the elimination of this problem.

In closing, it is hoped that the Global Study can be a catalyst to new initiatives, stronger prevention mechanisms and a more thorough, effective child protection response to the ever-evolving threat posed by SECTT.

⁹ This category may be qualified either as domestic or international SECTT as it involves international child sex offenders who abuse children in North America.

INTRODUCTION

This report is divided in five sections. Section 1 provides a picture of SECTT in the North American context. It opens with an overview of the linkages between travel, tourism and the sexual exploitation of children. It then provides a summary of available data on CSEC and SECTT as a subset thereof. The report then discusses both the domestic and international dimensions of SECTT. Section 2 discusses the ways in which ICT may facilitate SECTT, both domestically and internationally. Section 3 examines legal frameworks against SECTT, more specifically the importance of strong national laws that address demand and treat affected children as victims; the need to tackle the online advertising of commercial sex with children; and the importance of adopting and enforcing laws against CSEC facilitators. The topic of extraterritorial legislation is then discussed, with a focus on achievements in Canada and the U.S. and existing challenges. The next part concerns national sex offender registries as a tool to curb travelling sex offenders and the need for better information exchange

among law enforcement and other agencies. The section closes with an overview of tip lines as a way to report instances and suspicions of SECTT abroad. Section 4 presents the response provided so far by governments, NGOs and the private sector to the issue of SECTT. This includes awareness raising campaigns and corporate social responsibility initiatives such as employee training and child protection policies. Section 5 offers a number of recommendations for governments, NGOs and the private sector, based on the information discussed in this report.

This research report also offers additional information which, while not specific to travel and tourism, may nevertheless be useful for a better understanding of the CSEC situation in North America. Annex I outlines some key causes and contributing factors to CSEC as documented in North America; and Annex II provides some information on child victims and the central role of pimps and traffickers in Canada and the U.S.

CHAPTER 1

SECTT IN THE NORTH AMERICAN CONTEXT

1.1 THE TRAVEL AND TOURISM INFRASTRUCTURE AND ITS LINKAGES TO CSEC

Around the world, citizens are enjoying increasing mobility. The overall costs of international travels are decreasing, driven in part by a growing tourism demand at global scale and by the proliferation of low-cost air carriers and budget accommodation. The travel and tourism industry is a key driver of North American economies. In 2013, the total contribution of travel and tourism to Canadian GDP was 84.3 billion CAD dollars (4.5% of GDP)¹⁰ and in the U.S., this contribution amounted to approximately 1.34 trillion U.S. dollars.¹¹

With their passports considered some of the most desirable in the world, Americans and Canadians can respectively visit 172 and 170 countries without a previously secured entry visa.¹² Americans and Canadians are their own main travel beneficiary. Canadian spending on domestic travel accounted for 80 percent a total visitor spending in 2012 and this figure is forecast to increase.¹³ The U.S. provides a wide array of domestic opportunities for tourists at significantly lower costs than international travel.¹⁴ In 2013, Americans spent 748 billion dollars on domestic travel and this figure

is forecast to reach 903 billion dollars in 2017.¹⁵ North Americans are also avid international travelers. In addition to the U.S., Canadians travel mostly to sun destinations for pleasure during winter (specifically Cuba, Dominican Republic, Mexico, and Jamaica). In the summer, their preference goes to Europe (specifically France, the UK, and Italy) in addition to China and Hong Kong.¹⁶ The two main outbound markets for the U.S. are Canada and Mexico,¹⁷ due to their proximity and low costs, followed by Europe (specifically the United Kingdom, France, Italy and Germany) and the Caribbean.¹⁸

In North America, airlines handle more passengers and cargo than in any other region, and the continent is home to more than half of the world's 20 busiest airports.¹⁹ In 2014, Amtrak – the United States' national rail operator²⁰ – reported an increase in its tickets revenue and ridership reflecting a strong, continued demand for passenger rail.²¹ Trucking is the primary mode of freight transportation in both Canada and the U.S. and is a key trade conduit between the two countries. In the U.S. alone, there are 3.5 million professional truck drivers.²² In Canada, there are approximately 8,508 hotels, motels, inns and resorts. This translates into about 461,537 guest rooms.²³ In the U.S., there are 51,214 hotel properties and 4,874,837 guestrooms.²⁴

¹⁰ World Travel and Tourism Council, *Travel and Tourism Economic Impact Canada 2014* (London: WTTC, 2014), 3, accessed 3 April 2015, <http://www.wttc.org/-/media/files/reports/economic%20impact%20research/country%20reports/canada2014.pdf>.

¹¹ Statista, "Contribution of travel and tourism to GDP in the United States from 2008 to 2025 (in trillion U.S. dollars)", accessed 1 December 2015 <http://www.statista.com/statistics/292518/contribution-of-travel-and-tourism-to-gdp-in-us-time-series/>.

¹² "The world's most powerful passports: Infographic reveals which nations have the best access to the world", *The Daily Mail*, 25 June 2014, accessed 8 April 2015, <http://www.dailymail.co.uk/travel/article-2669375/The-powerful-passports-world-revealed.html>.

¹³ Canadian Tourism Commission, "Global Tourism Watch, 2013 Canada Summary Report", 2, accessed 17 March 2015, http://en-corporate.canada.travel/sites/default/files/pdf/Research/Market-knowledge/Global-tourism-watch/Canada/gtw_summary_report_canada_2013.pdf.

¹⁴ EuroMonitor International, *Tourism flows outbound in the US. September 2014*, accessed 10 March 2015, <http://www.reportlinker.com/p01627487-summary/Tourism-Flows-Outbound-in-the-US.html>.

¹⁵ Statista, "Domestic travel spending in the United States from 2000 to 2017 (in billion U.S. dollars)", accessed on 3 April 2015, <http://www.statista.com/statistics/207075/domestic-travel-spending-in-the-us-since-2000/>.

¹⁶ Canadian Tourism Commission, "Global Tourism Watch, 2013 Canada Summary Report", 4, accessed 17 March 2015, http://en-corporate.canada.travel/sites/default/files/pdf/Research/Market-knowledge/Global-tourism-watch/Canada/gtw_summary_report_canada_2013.pdf.

¹⁷ International Trade Administration, "U.S. Resident Travel to International Destinations", 2015, accessed on 1 December 2015, http://travel.trade.gov/outreachpages/download_data_table/2014_Outbound_Analysis.pdf.

¹⁸ Government of the U.S., Department of Commerce, (National Travel and Tourism Office(2014), *2013 Market Profile: U.S. Outbound*, Washington D.C.: NTTO, accessed 1 December 2015, <http://www.aci-na.org/content/airport-traffic-reports>.

¹⁹ Airports Council International-North America, "Airport Traffic Reports", accessed 31 May 2015, <http://www.aci-na.org/content/airport-traffic-reports>.

²⁰ With 21,000 route miles in 46 states, the District of Columbia and three Canadian provinces, Amtrak operates more than 300 trains each day to more than 500 destinations.

²¹ Amtrak, "Amtrak ridership and revenues continue strong growth in FY 2014" Amtrak News Release, 27 October 2014, accessed 31 May 2015, <http://www.amtrak.com/ccurl/238/481/Amtrak-FY2014-Ridership-and-Revenue-ATK-14-096%20.pdf>.

²² Alltrucking.com, "Truck drivers in the USA", accessed 14 April 2015, <http://www.alltrucking.com/faq/truck-drivers-in-the-usa/>.

²³ Hotel Association of Canada, "Frequently Asked Questions", accessed 1 May 2015, <http://www.hotelassociation.ca/site/news/faq.htm>.

²⁴ American Hotel & Lodging Association, "2012 Lodging Industry Profile", accessed 20 March 2015, <http://www.ahla.com/content.aspx?id=34706>.

“As a survivor, I can tell you that I was trafficked through airports in this country and in other countries. And the reality is that most people would not have noticed, and would not have known the questions to ask.”

A CSEC survivor from the U.S.²⁵

Research has found that the travel and transportation infrastructure can provide an enabling environment to the violation of children's rights. This is because child sex offenders make use of facilities offered by tour companies, hotels, resorts, restaurants, roadside rest areas and airlines. Employees may not be familiar with CSEC, or turn a blind eye to its warning signs. Travel agents may knowingly or unknowingly make arrangements for their clients to engage in sexual activity with children.²⁶ A hotel receptionist may not pay sufficient attention to a client who is accompanied by a minor and pays in cash only. Airport staff may be faced with a child victim, but lack the means to respond to the situation. The proximity between the tourism industry and travelers and tourists provides opportunities for awareness raising at several points of contact: the booking stage at a travel agent's office or online, at various stages of the journey (airports, railway stations and harbors), and at hotels, motels and other types of accommodation at the chosen destination.²⁷ The private sector of travel and tourism has taken concrete steps to remedy the situation. Initiatives have served a number of purposes: to raise awareness of mainstream travelers and tourists; to deter offenders; and to inform and train tourism staff, especially those most likely to witness suspicious situations because of their frequent contact with customers.

1.2 IMPACT OF ICT ON TRAVEL AND TOURISM AND EFFECTS ON OFFENDING

Central to the growth of travel and tourism is the widespread use of the Internet and other Information and Communication Technologies (ICT), which has revolutionized the industry over the last decade. Laptops, mobile phones and tablets are now widely used to virtually explore new destinations, make travel arrangements such as booking flights and hotels

online and even to check into a flight or hotel room; travel guides can also be freely downloaded from the Internet, and social networks allow friendships to be established and communication to take place across borders. Beyond its many and well documented positive repercussions, the widespread use of ICT has also created new channels for exploitation: travelling sex offenders can now easily search the Web for destinations where children are available for exploitation; chose their victims on websites in every country and even communicate amongst themselves as well as with the intended victims and their facilitators to arrange a meeting in person. The anonymity provided by cyberspace, coupled with the ease at which predators can now access children in every part of the world means that children are now more vulnerable than ever. This subject is further discussed in section 2.

1.3 EXISTING STATISTICS ON CHILDREN AFFECTED BY SECTT

There is limited data on CSEC and even more limited data on SECTT as a sub-category of CSEC. Nearly twenty years after the First World Congress against the Commercial Sexual Exploitation of Children, there are very few signs that the problem is disappearing. At the same time reliable statistics are hard to come by. At global scale, UNICEF estimates that as many as 2 million children are sexually exploited each year.²⁸

In Canada, no comprehensive study has been done and the number of CSEC victims is unknown. However, the Royal Canadian Mounted Police (RCMP) estimates that 1,300 missing Canadian children are trafficked annually for sexual activity.²⁹ Data is also lacking in the U.S. One of the most cited numbers is that published by Estes and Weiner in 2001,³⁰ stating that 326,000 children are at risk for commercial sexual exploitation. Following a

²⁵ Tom DuHain, “Survivor: ‘I was trafficked through airports in this country’ – Human trafficking training hosted at Sacramento International”, *KCRA*, 3 September 2014, accessed 26 May 2015, <http://www.kcra.com/news/survivor-i-was-trafficked-through-airports-in-this-country/27869140>.

²⁶ ECPAT International, Questions and answers about the commercial sexual exploitation of children (Bangkok: ECPAT International, 2008), 15 accessed 31 March 2015, http://www.ecpat.net/sites/default/files/faq_eng_2008.pdf.

²⁷ Giorgio Berardi, “Engaging the Travel and Tourism Sector in Protecting Children from Sexual Exploitation”, in *Protecting children against sexual violence, a comprehensive approach* (Strasbourg: Council of Europe, 2011): 303-312, accessed 31 March 2015, <http://www.coe.int/t/dg3/children/1in5/Source/PublicationSexualViolence/Berardi.pdf>.

²⁸ UNICEF, “Fact Sheet on Commercial Sexual Exploitation and Trafficking of Children”, accessed 20 May 2015, http://www.unicef.org/indonesia/Factsheet_CSEC_trafficking_Indonesia.pdf.

²⁹ Beyond Borders ECPAT Canada, “Fact Sheet Child Trafficking”, June 2014, accessed 1 December 2015, <http://www.beyondborders.org/wp/wp-content/uploads/CHILD-TRAFFICKING-%E2%80%94GENERAL-Revised-WD-June-2014.pdf>.

³⁰ Richard J. Estes and Neil Alan Weiner, *The Commercial Sexual Exploitation of Children in the U. S., Canada and Mexico* (Philadelphia: University of Pennsylvania, 2001).

Data collection by an NGO on foreign child sex offenders in Cambodia: the example of APLE

Some destination country NGOs track data on foreign child sex offenders in the country where they operate. This is the case of APLE (Action Pour les Enfants) in Cambodia which documents cases and keeps records of offenders per nationality, including data on Canadian and American offenders. The organization reports that Americans account for the majority of foreign child sex offenders arrested in Cambodia (17.1%).³¹ There is a great need for statistics on American and Canadian child sex offenders abroad, and in this regard the work conducted by APLE is highly valuable.

review of existing estimates in 2008, the Crimes against Children Research Center has come to the conclusion that there is no reliable data on the incidence of CSEC in the U.S. and that even citing existing figures could be misleading.³²

For multiple reasons it is difficult to quantify the issue or even to provide reliable qualitative trends. For one, the overwhelming majority of instances go unreported. Child victims are naturally hesitant to come forward. They may fear reprisals, not understand that they are victims or be taught to distrust others, especially law enforcement. Secondly, when victims do report, law enforcement does not always follow up. In many cases, law enforcement does not have enough evidence to lay charges. Third, law enforcement and court reported data may be misleading. When data on prosecutions is available, it only reflects court-processed cases and not the incidence of the problem.³³ Further, information on victims is lacking. In Canada for instance, information on victims is not available for child prostitution and child pornography offences reported by police³⁴ and data on some prostitution offences does not differentiate between cases involving adults from those involving children.

When it comes to data on international child sex tourists, there are seven known convictions of Canadians for sexual offences committed abroad against children.³⁵

This data does not include cases which may have been prosecuted in foreign jurisdictions and for which no information is available. According to Public Safety Canada (PSC), 212 Canadians have been convicted abroad of sexual crimes against children between 1998 and 2013³⁶ and have asked for help from government. However, there is no published data on the countries where these arrests were made nor on case details. As concerns the U.S., in 2013 only, the federal government reported 57 criminal arrests resulting in 40 indictments and 32 convictions in child sex tourism cases.³⁷ There may be other cases prosecuted under foreign jurisdictions. However, even if data were available on arrests and prosecutions in foreign jurisdictions, cases may be classified as instances of child sexual abuse, prostitution or pedophilia. Furthermore, criminal statistics do not typically specify the nationality of an offender. For these reasons, the number of North Americans who engage in SECTT abroad is unknown.

The lack of reliable data on CSEC has long been reproached by treaty bodies to governments. The Committee on the Rights of the Child recommended to Canada (2012)³⁸ and the U.S. (2013)³⁹ that they establish comprehensive and systematic mechanisms of data collection, analysis, monitoring, and impact assessment covering child prostitution, child pornography and child sex tourism. The Committee further advised

³¹ APLE Cambodia, *Investigating Travelling Child Sex Offenders: An Analysis of the Trends and Challenges in the Field of Child Sexual Abuse and Exploitation in Cambodia*. (Phnom Penh: APLE Cambodia, February 2014), 8, accessed 20 May 2015, <http://www.aplecambodia.org/images/Alytical%20Report%20on%20Investigating%20Traveling%20Child%20Sex%20Offenders%20Web%20Version.pdf>.

³² Michelle Stransky and David Finkelhor, *How Many Juveniles are Involved in Prostitution in the U.S.?* (University of New Hampshire: Crimes against Children Research Center, 2008), accessed 1 March 2015, http://www.unh.edu/ccrc/prostitution/Juvenile_Prostitution_factsheet.pdf.

³³ For example, in 2011, "the U.S. Attorneys' Offices obtained 2713 indictments against 2929 defendants, for offenses involving the sexual exploitation of a minor. This represents a 15 percent increase in the number of indictments over fiscal year 2007" [U.S. Department of Justice, "Fact Sheet: Project Safe Childhood", updated 20 June 2014, accessed 7 April 2015, <http://www.justice.gov/psc/project-safe-childhood-fact-sheet>]. While this is indicative of intensified law enforcement efforts, it does not shed much light on the magnitude of the issue, especially since most cases of sexual exploitation, sex trafficking or crimes involving minors are processed at the state level, not the federal level in the U.S.

³⁴ Adam Cotter and Pascale Beaupré, "Police-reported sexual offences against children and youth in Canada 2012", *Statistics Canada website*, accessed 4 April 2015, <http://www.statcan.gc.ca/pub/85-002-x/2014001/article/14008-eng.htm>.

³⁵ See Section 3.2, below, for a discussion of extraterritorial legislation and its application to North American offenders.

³⁶ Julian Sher, Robert Cribb and Jennifer Quinn, "Almost nothing stops Canadian sex offenders from re-offending abroad", *The Star*, 18 March 2013, accessed 17 March 2015, http://www.thestar.com/news/world/2013/03/18/almost_nothing_stops_canadian_sex_offenders_from_reoffending_abroad.html.

³⁷ US Department of State, Office to Monitor and Combat Trafficking in Persons, *2014 Trafficking in Persons Report*, accessed on 1 December 2015, <http://www.state.gov/j/tip/rls/tiprpt/countries/2014/226844.htm>.

³⁸ UN Committee on the Rights of the Child, *Optional Protocol on the sale of children, child prostitution and child pornography, Concluding observations on the initial periodic report of Canada*, UN doc CRC/C/OPSC/CAN/CO/1, 5 October 2012, para. 7, accessed 14 March 2015, http://rightsofchildren.ca/wp-content/uploads/Canada_OPSC-Concluding-Observations_61.2012.pdf.

³⁹ UN Committee on the Rights of the Child, *Concluding observations on the second periodic report of the United States of America submitted under article 12 of the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography*, UN doc CRC/C/OPSC/USA/CO/2, 2 July 2013, para. 7, accessed 14 March 2015, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fOPSC%2fUSA%2fCO%2f2&Lang=en.

that data should be disaggregated, *inter alia*, by sex, age, national and ethnic origin, geographical location, indigenous status and socio-economic status, with particular attention to children in the most vulnerable or marginalized situations. These guidelines should be used to collect specific data on SECTT as a sub-category of CSEC.

1.4 FACETS OF SECTT IN THE NORTH AMERICAN CONTEXT

SECTT in the North American context occurs in two distinct but interrelated ways. First, Canada and the U.S. serve as points of origins to offenders who travel abroad and there engage in sexual activity with children. Second, the North American travel and tourism infrastructure serves as a conduit to those who sexually exploit children within the continent.

1.4.1 International SECTT

This section is divided in three parts. The first provides an overview of the situation involving North Americans who commit sexual crimes against children overseas, based on available information regarding destinations and offenders. The second examines the infiltration, by North American offenders, of professions such as teaching and aid work to gain access to vulnerable children. The third discusses the linkages between CSEC and the military as a form of SECTT.

a) North American offenders and their chosen destinations

Reliable data and information available on SECTT perpetrated by North Americans outside of their country of origin is limited. However, according to the U.S. Department of State, both Canada and the United States are source countries of tourists who travel abroad for the purpose of engaging in sexual activity with children.⁴⁰ The full extent of the problem remains unknown. A 2011 Canadian law enforcement report indicates that few Canadian travelling child sex offenders have been identified; and that the issue is probably wider than

previously thought.⁴¹ The U.S. Department of Justice (DOJ) describes extraterritorial sexual exploitation of children as a global problem which affects all areas of the world, with American offenders traveling to less developed areas in Southeast Asia, Central and South America as well as to more developed areas in Europe.⁴²

It may be true that some countries – including Brazil, Mexico, the Philippines and Thailand – have long been the preferred destinations for “child sex tourists”⁴³ – or at least perceived as such in public opinion. However, offenders need not travel far to exploit children. With the increase in low cost air travel, they may easily travel to closer, cheaper destinations, such as Central and South American countries.⁴⁴ The Canadian Police Center for Missing and Exploited Children (CPCMEC) found that the most visited destinations for Canadian child sex offenders are Central and South America, followed by Southeast Asia and Europe. Their most visited countries of the Americas have been identified as Cuba, Mexico, Brazil, the Dominican Republic and Haiti. In Southeast Asia, they are Thailand, Cambodia, the Philippines and Vietnam. A number of suspects are known to have travelled to more than one region.⁴⁵

According to a 2007 Report by the Protection Project, American offenders are believed to travel to Central and Latin America in greater numbers than to Asia and Africa.⁴⁶ The Report specifically mentions Costa Rica, Honduras, Mexico, and to a lesser extent the Dominican Republic and Brazil as destinations affected by American child sex tourists.⁴⁷ According to the U.S. Department of State (DOS), Belize is seeing an increase in child sex tourism perpetrated mostly by Americans.⁴⁸ However, when it comes to identifying destinations, no country or region may be ruled out. This desk study located cases involving North American offenders in countries as diverse as Cambodia, Mexico, Indonesia, Nepal and many others. The bottom line is that SECTT happens everywhere, leaving no country immune. In fact, the U.S. may also be a destination for child sex offenders. A 2014 report indicates that most of the Dutch nationals who

⁴⁰ Government of the U.S., Department of State, *Trafficking in Persons Report 2014* (Washington: US Department of State, 2014), accessed 5 March 2015, http://www.state.gov/j/tip/rls/tiprpt/2014/index.htm?utm_source=NEW+RESOURCE:+Trafficking+in+Persons+Report+2014&utm_campaign=2014.07.16+NEW+RESOURCE:+Trafficking+in+Persons+Report+2014+&utm_medium=email.

⁴¹ Michael Serapiglia and Mélanie Laroche, Royal Canadian Mounted Police/National Child Exploitation Coordination Centre, *Canadian Travelling Child Sex Offenders* (2011), accessed 20 May 2015, www.filemobile.com/storage/10470938.

⁴² U.S. Department of Justice, “Extraterritorial Sexual Exploitation of Children”, *Child Exploitation and Obscenity Section*, accessed 14 April 2015, <http://www.justice.gov/criminal-ceos/extraterritorial-sexual-exploitation-children>.

⁴³ ECPAT International, *Combating Child Sex Tourism: Questions and Answers* (Bangkok: ECPAT International, 2008), accessed 31 March 2015, http://ecpat.net/sites/default/files/cst_fa_q_eng.pdf.

⁴⁴ Alexis A. Aronowitz, *Human Trafficking, Human Misery: The Global Trade in Human Beings*, (Westport: Praeger, 2009), 7 and 134

⁴⁵ Michael Serapiglia and Mélanie Laroche, Royal Canadian Mounted Police/National Child Exploitation Coordination Centre, *Canadian Travelling Child Sex Offenders* (2011), 5, accessed 20 May 2015, www.filemobile.com/storage/10470938.

⁴⁶ Protection Project, *International Child Sex Tourism: Scope of the Problem and Comparative Case Studies* (Baltimore: The John Hopkins University, Paul H. Nitze School of Advanced International Studies, 2007), 23, accessed 19 March 2015, http://www.protectionproject.org/wp-content/uploads/2010/09/JHU_Report.pdf.

⁴⁷ *Ibid.*

⁴⁸ Government of the U.S., Department of State, *Trafficking in Persons Report 2014* (Washington: US Department of State, 2014), 97, accessed 5 March 2015, <http://www.state.gov/documents/organization/226845.pdf>.

were arrested or prosecuted for sexual offences against children abroad were found in the US. In 2013, there were 34 such cases including 10 in the U.S.⁴⁹

There is no single profile of a traveling child sex offender. ECPAT International has long adopted the distinction between “preferential” offenders who actively seek prepubescent children for sex and “situational” offenders who may occasionally engage in sexual activity with children,⁵⁰ – and emphasized that offenders represent all age categories and backgrounds. But even preferential and situational offenders do not fit specific categories, and their behavior is best described as falling somewhere along a motivational continuum (from preferential to situational).⁵¹ Within law enforcement, typologies are constantly updated and adapted to reflect changing methods of operation. The use of ICT, for example, adds a new layer of complexity to the understanding of offending. The specific category of “solicitation offenders” who groom their victim online and in some cases, travel to meet them in real life, remains under-researched.⁵²

Both Canadian and U.S. law enforcement use the term “travelling child sex offenders” to describe individuals who travel overseas for the purpose of engaging in sexual activity with children and are working to profile these individuals. For example, experts from the U.S. Marshals Service’s National Sex Offenders Targeting Center (NSOTC) have found that travelling child sex offenders engage in a process of objectifying children or dehumanizing them, often choosing child victims who are very different from themselves. Travelling child sex offenders are distinct from other sex offenders in that they are more methodical in planning their crimes. They spend much time and resources to further their goals, saving funds and conducting research on where to get access to children and victimize them. They are found to be personable individuals, often well-spoken and considered very “good with children”. However, they lack the ability to empathize with others. For this reason, they are considered extremely dangerous.⁵³ The FBI has also been working to create profiles of offenders who travel

overseas to engage in sexual activity with children. It finds that travelling child sex offenders are generally older than domestic child sex offenders and usually have good financial resources and a stable life. They are comfortable navigating in another country and do not lack social skills: to the contrary, they actively engage with communities to gain access to children, often enticing them with their words or gifts. Many offenders have internal conflicts; they are aware their conduct is illegal, but may nonetheless convince themselves that they are helping the child and their family.⁵⁴ This is consistent with existing research showing that sex offenders tend to justify their behaviors with beliefs that prostitution is embedded in the traditions of other countries – an attitude which often stems from racist views to support the exploitation of others they deem inferior.⁵⁵

Travel patterns vary, with some offenders spending short or longer periods abroad, sometimes acquiring or renting property to aid their crimes. Others seek employment as NGO workers, English teachers, humanitarian workers or similar posts where they will have easy access to vulnerable children. This aspect of international SECTT is discussed below.

b) Employment as a gateway to SECTT: Teaching, voluntourism and orphanage tourism

It is well known that many child sex offenders seek employment whereby they will have direct access to children, such as teaching positions, sport coaching and the like. But with increased mobility and ease of traveling, several North American offenders now choose to pursue their criminal activity abroad. Taking up short or long term positions as English teachers, NGO workers or volunteers, North American offenders can be found in any country. No country is immune and this research also found a case involving a French citizen who had offended in his home country and later on moved to the U.S. to work with children he also molested.⁵⁶ Another recent case involves a former catholic priest from Belgium who was sentenced in 2015 to 19 years in prison for sexually abusing children in Nunavut, Canada.⁵⁷

⁴⁹ National Rapporteur on Trafficking in Human Beings, *Barriers against child sex tourism. Summary Report*, (Hague: National Rapporteur, 2013), 4, accessed 1 May 2015, <http://www.dutchrapporteur.nl/reports/child-sex-tourism/>.

⁵⁰ See for e.g. ECPAT International, *Combating Child Sex Tourism: Questions and Answers* (Bangkok: ECPAT International, 2008), accessed 31 March 2015, http://ecpat.net/sites/default/files/cst_faq_eng.pdf.

⁵¹ Kenneth Lanning, *Child Molesters: A Behavioral Analysis* (Alexandria: National Center for Missing and Exploited Children, 2010), accessed 20 May 2015, http://www.missingkids.com/en_US/publications/NC70.pdf.

⁵² See section 2.4 for a more detailed discussion of this issue.

⁵³ Based on interview conducted by Julian Sher with Dr. Michael Bourke, Chief Psychologist at the U.S. Marshalls Targeting Center, *The Star*, accessed 29 May 2015, <http://bcove.me/18gu6ll4>.

⁵⁴ Based on interview conducted by Julian Sher with FBI Special Agent Adrienne Isom, *The Star*, accessed 29 May 2015, <http://bcove.me/18gu6ll4>. See also Michael Serapiglia and Mélanie Laroche, Royal Canadian Mounted Police/National Child Exploitation Coordination Centre, *Canadian Travelling Child Sex Offenders* (2011), accessed 20 May 2015, www.filemobile.com/storage/10470938.

⁵⁵ Protection Project, *International Child Sex Tourism: Scope of the Problem and Comparative Case Studies* (Baltimore: The John Hopkins University, Paul H. Nitze School of Advanced International Studies, 2007), 22-23, accessed 19 March 2015, http://www.protectionproject.org/wp-content/uploads/2010/09/JHU_Report.pdf.

⁵⁶ “Un français professeur aux États-Unis violait ses élèves” (“French teacher raping his U.S. students”), *Le Parisien*, 26 September 2010, accessed 13 April 2015, <http://www.leparisien.fr/faits-divers/un-francais-professeur-aux-etats-unis-violait-ses-eleves-26-09-2010-1082910.php#xtref=https%3A%2F%2Fwww.google.com%2F>.

⁵⁷ “Eric Dejaeger, ex-priest, sentenced to 19 years for child sex abuse”, *CBC News*, 4 February 2015, accessed 15 April 2015, <http://www.cbc.ca/news/canada/north/eric-dejaeger-ex-priest-sentenced-to-19-years-for-child-sex-abuse-1.2943720>.

Examples of cases involving North American teachers

Neil Bantleman, a Canadian teacher, was charged by Indonesian police for sex crimes against children of the Jakarta International School.⁵⁸ In April 2015, he was sentenced to 10 years in an Indonesian prison. Bantleman is still pleading his innocence and will likely appeal the verdict.⁵⁹

In 2010, **Michael James Dodd** received a 10 year sentence in the U.S. for engaging in sexual activity with a girl under the age of 16 while working as a teacher in Cambodia. The U.S. citizen admitted that he traveled to Cambodia because he could not teach in any other country due to prior sex-related convictions.⁶⁰

In 2014, **Hector Orejuela Jr.** was sentenced in the U.S. to 30 years in prison for molesting one girl under the age of 12, producing child pornography and attempting to molest another. The man, a U.S. citizen, was working as an English teacher and tutor in Shanghai, China.⁶¹

William James Vahey is one of the most prolific child sex offender ever encountered by the FBI. As far back as 1969, the 64 year old U.S. citizen was charged with child molestation in California. He was found guilty and ordered to register as a sex offender in the state of California, but did not renew his registration. Starting in 1972 until 2014, Vahey taught in American schools in at least nine different countries, including Nicaragua, the United Kingdom, Venezuela, Indonesia, Saudi Arabia, Greece, Iran, Spain, and Lebanon. He worked in different capacities with direct access to children including teaching, coaching and organizing field trips and other activities. In 2014, an employee of the school he was working for in Nicaragua filed a complaint to the FBI against Vahey and handed over a thumb drive containing pornographic images of boys aged approximately 12 to 14 years old. When confronted, Vahey confessed having been molested as a child and admitted to molesting boys all his life. He added that he didn't hurt anyone because he was giving sleeping pills to his victims. As of April 2014, the FBI had reviewed pictures dating back to 2008 and identified at least 90 victims. Vahey committed suicide in 2014, before any criminal charges could be filed, but the FBI launched a search for his victims in order to provide them with support and assistance.⁶² It is unclear why none of the schools Vahey was working for seem to have conducted background checks.

In recent years many Americans and Canadians have been arrested and charged with sexual offences committed against children whilst employed abroad. Many already have an existing criminal record at home, or at least some history of child sex offending. Offenders may strategically pick locations where they can continue to harm children while facing less risk of being detected, and where they can easily get away with bribes or short sentences. Oftentimes, they are able to infiltrate organizations that do not perform background checks or whose screening processes – when they are in place – are not sufficiently thorough. But even when performed, these processes are never infallible. The table below provides examples of North Americans arrested for sexual crimes against children committed while employed as teachers abroad.

There are also cases involving orphanages. Some North American offenders have been identified either as operating orphanages, working in orphanages or visiting them. Some of these cases may be linked to voluntourism, a growing trend describing the movement of tourists who choose volunteer work as a way to help communities or the environment. As part of this movement, the phenomenon of orphanage tourism has grown significantly in recent years, particularly in Cambodia where the increase in orphanages has been associated with a growth in tourism arrivals.⁶³ The popularity of visiting and volunteering at orphanages, for anywhere between a few hours to several weeks, is increasing among travelers from all around the world. But the trend has been subject to criticism. According to UNICEF, despite there being fewer orphans in Cambodia,

⁵⁸ "Twelve-year jail term sought for Canadian teacher charged in Indonesian child sex case", *Associated Press*, 12 March 2015, accessed 19 March 2015, <http://globalnews.ca/news/1879614/12-year-jail-term-sought-for-canadian-teacher-charged-in-indonesian-child-sex-case/>.

⁵⁹ Laura Booth, "Former Calgary teacher Neil Bantleman slams conviction in Indonesian school sex scandal", *Calgary Sun*, 6 April 2015, accessed 7 April 2015, <http://www.calgarysun.com/2015/04/06/former-calgary-teacher-neil-bantleman-slams-conviction-in-indonesian-school-sex-scandal>.

⁶⁰ US Attorney's Office, "Former Teacher in Cambodia Sentenced to Nearly Nine Years in Prison for Sexually Abusing Minors in Cambodia", FBI Los Angeles Division Press Releases, 20 December 2010, accessed 25 April 2015, <http://www.fbi.gov/losangeles/press-releases/2010/la122010.htm>.

⁶¹ Government of the U.S., Department of Justice, "Former English Tutor Sentenced for Sexually Exploiting Children in China and the United States", *Justice News*, 6 March 2014, accessed 31 May 2015, <http://www.justice.gov/opa/pr/former-english-tutor-sentenced-sexually-exploiting-children-china-and-united-states>.

⁶² FBI, "FBI Seeking Public Assistance in the Investigation of an International Teacher Suspected of Molesting Children Abroad", *FBI National Press Releases*, 22 April 2014, accessed 16 April 2015, <http://www.fbi.gov/news/pressrel/press-releases/fbi-seeking-public-assistance-in-the-investigation-of-an-international-teacher-suspected-of-molesting-children-abroad>.

⁶³ Morgan Hartley and Chris Walk, "Cambodia's Booming New Industry: Orphanage Tourism", *Forbes*, 24 May 2013, accessed 31 May 2015, <http://www.forbes.com/sites/morganhartley/2013/05/24/cambodias-booming-new-industry-orphanage-tourism/>.

Recent cases of SECTT taking place under the guise of humanitarian work

Offenders operating an orphanage

- 1 In 2013, U.S. citizen **Matthew Andrew Carter**, 68, was convicted in the U.S. of engaging in child sex tourism at a residential facility in Haiti that provided shelter, food, clothing, and school tuition to Haitian children. According to the FBI, the offender abused 50 Haitian children over a period of 15 years. He operated a residential facility providing shelter, food, clothing and school tuition to children near Port-au-Prince. During the period between 1995 and 2011, Carter frequently traveled between the U.S. and Haiti to raise funds from churches and other donors. Carter had previously been charged with and acquitted of charges related to child sexual abuse in London, Cairo and Florida.⁶⁴
- 2 In 2014, American **Daniel Stephen Johnson**, 36, was indicted by a U.S. jury while serving a one year sentence for sexually abusing five Cambodian boys under his care at Hope Transitions, an unlicensed Christian orphanage he had been operating for about 10 years. Johnson was handed over to the FBI and deported upon completing his sentence in Cambodia. As of April 2015, Johnson was facing charges in Oregon for engaging in sexual activity with an underage boy abroad during the period 2005-2006. Johnson's arrest was prompted by an FBI tip. According to APLE, Johnson was wanted in the U.S. for similar sexual crimes against children committed in 2000 and 2001.⁶⁵
- 3 In 2013, U.S. citizen **John D. Ott** was sentenced to 20 years in prison for engaging in sexual activity with children in Kenya. Ott was a former medical doctor who had been working in NGOs and hospitals in Kenya for approximately 8 years. He had also set up an orphanage. He admitted to engaging in sexual activity with children between the age of 9 and 17 and to provide them with money and schooling in exchange for sex.⁶⁶

Offenders working in/providing assistance to an orphanage

- 4 In 2014, a 69 year old Pennsylvania priest was indicted on charges of foreign travel to engage in illicit sexual conduct with minors. According to the allegations in this indictment, **Joseph D. Maurizio Jr.** traveled each year between 1999 and 2009 to Honduras to assist a non-profit organization that provides services to local children. While there, Maurizio allegedly provided money or candy to minor boys in an orphanage and engaged in sexual activities with them.⁶⁷
- 5 In Haiti, two Canadian men, **Armand Huard** and **Denis Rochefort**, were also convicted in 2008 under Canada's extraterritorial law for sexual offences against children in an orphanage.⁶⁸

Offenders volunteering in/visiting an orphanage

- 6 In 2014, **Matthew Durham** from Oklahoma was accused of sex crimes against boys and girls aged between 5 and 15 years old while he was a volunteer in an orphanage in Kenya. The 19 year old is set to face trial in June 2015.⁶⁹
- 7 In 2015, **Ernest Fenwick MacIntosh** was sentenced to 7 years in a Nepalese prison for sexually abusing a boy in an orphanage. The offender, a 71 year old man from Canada, faced 17 convictions in his home country for sexual crimes against children, but all had been overturned in 2013. The man entered Nepal on a tourist visa and made several visits to an orphanage where he lured his victim to his hotel room. The boy was in need of a prosthetic arm and MacIntosh promised to pay for it. The judge ordered MacIntosh to pay 10,000\$ in damages to his victim.⁷⁰

⁶⁴ U.S. Department of Justice, "Michigan man sentenced to 165 years for Child Sex Tourism offences", *FBI Miami Division Press Releases*, 31 July 2013, accessed 18 March 2015, <http://www.fbi.gov/miami/press-releases/2013/michigan-man-sentenced-to-165-years-for-child-sex-tourism-offenses>.

⁶⁵ APLE Cambodia, "US Sex Offender Faces 30 Years in Jail after His Conviction in Cambodia", 28 December 2014, accessed 17 April 2015, <http://aplecambodia.org/us-sex-offender-faces-30-years-in-jail-after-his-conviction-in-cambodia/>.

⁶⁶ US Department of Justice, "Former Medical Doctor Sentenced to 20 Years in Prison for Engaging in Illicit Sexual Conduct with Minors in Kenya", *FBI Washington Field Office Press Release*, 4 December 2013, accessed 25 April 2015, <http://www.fbi.gov/washingtondc/press-releases/2013/former-medical-doctor-sentenced-to-20-years-in-prison-for-engaging-in-illicit-sexual-conduct-with-minors-in-kenya>.

⁶⁷ Government of the U.S., Immigration and Customs Enforcement, "Pennsylvania priest indicted on child sexual tourism charges", *ICE News Releases*, 6 October 2014, accessed 25 April 2015, <http://www.ice.gov/news/releases/pennsylvania-priest-indicted-child-sexual-tourism-charges>.

⁶⁸ International Bureau for Children's Rights, "The Canadian Context", February 2010, accessed 20 March 2015, http://www.ibcr.org/editor/assets/Canadian_context_CST.pdf.

⁶⁹ US Attorney's Office, "Edmond Man Charged with Traveling to Kenya to Engage in Illicit Sexual Conduct with Underage Children", *FBI Oklahoma City Division Press Releases*, 21 July 2014, accessed 1 June 2015, <http://www.fbi.gov/oklahomacity/press-releases/2014/edmond-man-charged-with-traveling-to-kenya-to-engage-in-illicit-sexual-conduct-with-underage-children>.

⁷⁰ Myriah Towner, "Canadian pedophile sentenced to seven years in Nepal jail after sexually abusing seven-year-old boy at orphanage", *Daily Mail*, 2 March 2015, accessed 25 April 2015, <http://www.dailymail.co.uk/news/article-2975158/Canadian-gets-7-years-jail-Nepal-child-sex-abuse.html#ixzz3YNGKhPgK>.

the number of orphanages actually doubled between 2009 and 2014.⁷¹ This is because most children in institutional care are not actually orphans, but rather children who are exploited to raise money, either by performing dance or music shows or by directly soliciting donations.⁷²

More importantly for the purpose of this report, orphanage tourism has been found to expose children to sexual abuse and exploitation because of the easy access they provide to ill-intentioned individuals. In Cambodia as in many countries, orphanages rarely have mechanisms in place to screen and supervise visitors and volunteers; most do not perform background checks; and some even offer “orphanage tours” for tourists to go meet and play with resident children for a few hours. All these elements put children at great risk of abuse and exploitation from volunteers and visitors. Campaigns have been led by UNICEF and the Child Safe Network to educate prospect orphanage volunteers about the possible harm to children and alternatives for international service.⁷³

Expectedly, there have been a number of cases where American and Canadian offenders have victimized children in orphanages not only in Cambodia, but in countries as diverse as Kenya, Haiti, Honduras and Nepal as the examples above illustrate.

All the above cases demonstrate the risks of exposing vulnerable children to outsiders in the context of organizations which lack adequate child protection safeguards. As previously mentioned, the above cases are instances prosecuted under Canadian and U.S. law. Other cases may have been processed under foreign laws, in the jurisdiction where they took place, and many other cases are likely going undetected.

As a last comment, while this is not been more fully documented, in one case a Canadian offender adopted a young girl from the Dominican Republic and stated that her sister would film him abusing her.⁷⁴ The linkages between adoption and child sexual exploitation merit further attention.

c) The military and SECTT

There is no shortage of literature on the links between prostitution and the military. The mere presence of large military populations has been associated with a growth in the commercial sex industry and the trafficking of women and girls.⁷⁵ U.S. military servicemen deployed far from home have even been described as a “long-standing source of demand for sexual services from local populations”⁷⁶ in countries including the Philippines, South Korea, Thailand and Vietnam. A disconnect has been noted between U.S. law and policy and the military’s encouragement of prostitution in “Rest and Recreation” areas.⁷⁷

U.S. servicemen are usually considered situational offenders who, while not actively seeking sexual activity with minors, may nevertheless engage in it given the opportunity. This has become a concern for the U.S., especially in countries where many involved in prostitution are under 18 years old. The U.S. counts with approximately 30,000 troops⁷⁸ in South Korea. During the 1990s, U.S. bases have seen an increasing number of trafficked women from the Asia-Pacific and Eurasia, particularly the Philippines and Russia, in nearby bars and brothels.⁷⁹ Today, there are over 2,500 foreign women who face debt bondage in so-called “juicy bars” nearby U.S. military bases.⁸⁰ Filipina women are overrepresented in these establishments, where hostesses entice American servicemen to buy them expensive juice drinks in exchange for conversation and

⁷¹ UNICEF Australia, “UNICEF’s top four travel tips to avoid orphanage tourism”, 11 August 2014, accessed 25 April 2015, <http://www.unicef.org.au/Discover/unicef-australia-blog/August-2014/Travel-tips-to-avoid-orphanage-tourism-and-protect.aspx>.

⁷² Child Safe, “Three things you should know about orphanages in Cambodia”, accessed 25 April 2015, <http://www.thinkchildsafe.org/en/content/tip4/3things.html#>.

⁷³ UNICEF Australia, “UNICEF’s top four travel tips to avoid orphanage tourism”, 11 August 2014, accessed 25 April 2015, <http://www.unicef.org.au/Discover/unicef-australia-blog/August-2014/Travel-tips-to-avoid-orphanage-tourism-and-protect.aspx>. See also Child Safe, “Three things you should know about orphanages in Cambodia”, accessed on 25 April 2015 from <http://www.thinkchildsafe.org/en/content/tip4/3things.html#>.

⁷⁴ Christiane Desjardins, “Tourisme sexuel: un Montréalais de 84 ans coupable” (“Sex Tourism: an 84 year old Montrealer found guilty”), *La Presse*, 9 May 2014, accessed 12 March 2015, <http://www.lapresse.ca/actualites/justice-et-affaires-criminelles/proces/201405/09/01-4765208-tourisme-sexuel-un-montrealais-de-84-ans-coupable.php>.

⁷⁵ Equality Now, *United States: Address role of U.S. military in fueling global sex trafficking*, 4 March 2013, accessed 13 May 2015, http://www.equalitynow.org/take_action/sex_trafficking_action481.

⁷⁶ Alexis A. Aronowitz, “The Global Trade in Human Beings”, in Graeme R. Newman, Ed. *Human Trafficking, Human Misery: The Global Trade in Human Beings (Global Crime and Justice)*, (Westport: Praeger, 2009).

⁷⁷ Emily N. Chang, “Engagement Abroad: Enlisted Men, U.S. Military Policy and the Sex Industry”, *Notre Dame J.L. Ethics & Pub. Pol’y* Vol. 15 (2001) p. 621, accessed 20 May 2015, <http://scholarship.law.nd.edu/ndjlepp/vol15/iss2/7>.

⁷⁸ “U.S. adding 800 troops for South Korea citing rebalance”, Bloomberg, 7 January 2014, accessed 20 April 2015, <http://www.bloomberg.com/news/articles/2014-01-07/u-s-adding-800-troops-for-south-korea-citing-rebalance>.

⁷⁹ Donna M. Hughes, Katherine Y. Chon, Derek Ellerman, “Modern day Comfort Women: The US Military, Transnational Crime, and the trafficking of Women”, *Violence Against Women*. Vol. 13, No. 9. (2007), 901-922, accessed 20 April 2015, http://www.uri.edu/artsci/wms/hughes/modern_day_comfort_women.Pdf.

⁸⁰ Government of the U.S. Department of State, *Trafficking in Persons Report 2014*, accessed 5 March 2015, http://www.state.gov/j/tip/rls/tiprpt/2014/?utm_source=NEW+RESOURCE:+Trafficking+in+Persons+R.

companionship. For a “bar fine”, customers can take these “juicy girls” out of the bar. Juicy bars have long been associated with human trafficking and prostitution.

In this context, in 2005 the U.S. enacted laws against the patronizing of prostitutes by servicemen. Some country-specific directives were also given. As of 2012, there were only 31 reported cases and 19 related convictions. However, it is not known whether these involved children or adults.⁸¹ In 2014, U.S. Forces Korea issued a new policy completely banning servicemen from buying drinks in exchange for company. It remains to be seen how effective the ban will be. As the Protection Project notes, one important challenge lies in awareness raising among commanders and soldiers in the field.⁸²

While the linkages between the military and child sexual exploitation have not been fully documented, there is ample evidence that the former U.S. military infrastructure in the Philippines is being used as breeding ground for SECTT. In that country, defunct U.S. military bases have long been associated with prostitution. The problem became visible in the 1960s around the Clark Air Base. In the 1970s, prostitution grew around the Subic Naval base. Both of these bases were closed in the early 1990s but the neighboring towns of Angeles and Olangapo which served as “recreation centers” for soldiers are now still called the “sin cities”. Both continue to depend on the sex trade and the prostitution infrastructure is thriving with strip bars, karaoke bars, nightclubs, etc. Foreign demand for commercial sex is well established in Subic Bay. Many of the bars are reportedly owned and operated by Americans, many of them former military servicemen.⁸³ In 2013, the organization Equality Now stated that “thousands of US servicemen deployed in the Philippines continue to seek out local women in prostitution”.⁸⁴ According to several NGO and media reports, minor girls are being sexually exploited and bar owners can easily bribe the local police to avoid charges.⁸⁵ This information raises concern because in April 2015, the Philippines and U.S. soldiers began their biggest combined military exercise in 15 years, reaffirming America’s commitment to a long term

ally. Incidentally, during that exercise U.S. soldiers were subject to a strict curfew and banned from frequenting bars and nightclubs.⁸⁶ In conclusion, there continues to be a shortage of information on the involvement of the military in the sexual exploitation of children in other countries. It is important that this facet of SECTT continues to be monitored.

d) Child Marriage and SECTT

In Canada, child marriage is closely linked to polygamous marriage. According to Beyond Borders ECPAT Canada, both child victims and perpetrators are often moved including across borders for the purposes of marriage. In Bountiful, a community of approximately 1,000 in British Columbia, polygamy has been openly practiced for over half a century by members of the Fundamentalist Church of Jesus Christ of Latter-day Saints (FLDS). Members of the FLDS and other sects practicing polygamy can be found in Utah, Arizona, Texas, Idaho and Mexico.⁸⁷ Beyond Borders ECPAT Canada was granted intervener status in the Polygamy Reference brought by the B.C. Government to the British Columbia Supreme Court in 2011, which examined whether the criminalization of polygamy was constitutional. The Court found such criminalization justified.⁸⁸

1.4.2 Domestic SECTT

This section discusses three interrelated components of SECTT in North America. The first presents “child sex tourism” as it has been documented in North America. The second looks at the broader linkages between the travel and tourism infrastructure and SECTT in the continent. The next describes the involvement of three groups of buyers who may be associated with SECTT; these are truckers, temporary oil workers and major sporting events attendees.

a) North America as a “child sex tourism” destination?

The term “child sex tourism” has been used by government agencies, NGOs and law enforcement in Canada and the U.S., to describe the traveling of North

⁸¹ Equality Now, United States: *Address role of U.S. military in fueling global sex trafficking*, 4 March 2013, accessed 13 May 2015, http://www.equalitynow.org/take_action/sex_trafficking_action481.

⁸² The Protection Project, *International Child Sex Tourism: Scope of the Problem and Comparative Case Studies* (The John Hopkins University, Paul H. Nitze School of Advanced International Studies, January 2007), accessed 19 March 2015, http://www.protectionproject.org/wp-content/uploads/2010/09/JHU_Report.pdf.

⁸³ Alexander Marquardt and Alex Waterfield, “Americans Targeted for Allegedly Running Underage Prostitution in Philippines”, *ABC News*, 25 February 2013, accessed 20 April 2015, <http://abcnews.go.com/International/americans-targeted-allegedly-running-underage-prostitution-philippines/story?id=18582802>.

⁸⁴ Equality Now, *United States: Address role of U.S. military in fueling global sex trafficking*, 4 March 2013, accessed 13 May 2015, http://www.equalitynow.org/take_action/sex_trafficking_action481.

⁸⁵ Preda foundation, *Philippines struggling to tackle child prostitution*, 13 March 2015, accessed 20 April 2015, <http://www.preda.org/news/world/philippines-struggling-to-tackle-child-prostitution/>.

⁸⁶ Kumar Kalyan, “American Soldiers Banned From Going to Bars, Clubs in Philippines during the Joint Military Exercises; Murder Trial of A US Marine Said To Be the Reason”, *International Business Times*, 21 April 2015, accessed 10 May 2015, <http://www.ibtimes.com.au/american-soldiers-banned-going-bars-clubs-philippines-during-joint-military-exercises-murder-trial>.

⁸⁷ Beyond Borders, *Polygamy and Child Marriage in Canada Fact Sheet*, June 2012, accessed 21 June 2015, <http://www.beyondborders.org/wp/wp-content/uploads/Polygamy-and-Child-Marriage-in-Canada.pdf>.

⁸⁸ *Ibid.*

American offenders for the purpose of exploiting children abroad. The term has not been widely used to describe North America as a destination for “sex tourists”. However, in one instance research conducted in 2007 by Shared Hope International (the SHI report) discusses the existence of “child sex tourism” in the U.S., defined as “the travel by buyers of sexual services for the purpose of procuring sexual services from another person in exchange for money and/or goods”.⁸⁹ This research concerns three cities in the U.S.: Las Vegas, Atlanta and Washington D.C. These cities were chosen because they are major tourist and conventions destinations for a broad range of visitors from within the U.S. and abroad.⁹⁰ The report discusses, *inter alia*, the tourism infrastructure as a potential facilitator of child sex tourism in those cities.⁹¹

The city of Las Vegas, Nevada, is a major tourism destination in the U.S. In 2013, it hosted nearly 40 million visitors, out of whom 20% came from outside the country. The same year, more than 22,000 conventions were held, and the city counted with over 150,000 hotels. While Nevada is the only state in the U.S. to have legalized prostitution in some of its counties, contrary to popular thinking, it is not legal in the city of Las Vegas.⁹² Despite that, illegal prostitution is spreading. In fact, the city hosts a high number of minors exploited in prostitution. In 2009, the city was identified by the FBI as one of 14 cities in the U.S. with high rates of child exploitation in prostitution. Las Vegas police claimed that “roughly 400 children are picked off the streets from prostitution each year”.⁹³ According to a 2013 investigation, 2,229 minor sex-trafficking victims were identified between 1994 and 2012 in Las Vegas and between 2011-2013, 238 minors, the youngest just 13 years old, were rescued from their pimps in Las Vegas.⁹⁴ Most of the victims are recruited locally and among these, nearly two thirds are from the African-American community. Many are runaways and homeless youth who are recruited at bus stations or in shopping malls. Some

victims are allegedly recruited by traffickers who lure them with the promise of money and gifts. Prostitution takes place in massage parlors, in illegal brothels and through outcall and escort services. Foreign victims may be found in so-called “ethnic brothels” operating out of private homes and apartments and which can only be accessed through word of mouth, often requiring a password and knowledge of the facilitators within the particular ethnic community concerned.⁹⁵ According to the SHI report, some hotels and motels in Las Vegas are known for having designated taxi drivers available to take clients to a brothel of their choice or even to secret locations, and these benefit from commissions paid by brothels.⁹⁶ In addition, sex with young women is openly promoted in advertising visible to any visitor from the moment they land at the airport, through their taxi ride to town and all over the city, where business cards featuring erotic photos and phone numbers are massively distributed to passers-by.

The city of Atlanta, in the state of Georgia, is also well known for exposing minors to sexual exploitation in prostitution. The SHI report describes Atlanta as a “child sex tourism” destination.⁹⁷ Atlanta has a population of 5 million and has the busiest airport in the world, with 96 million passengers in 2014.⁹⁸ The city is well known for its frequent business conventions and large scale sporting events. It is host to a bustling adult sex industry, with studies establishing it as the biggest sex economy in the United States. According to the Urban Institute, the illegal sex trade in Atlanta was worth 290 million USD in 2007.⁹⁹ While the extent of child sexual exploitation in prostitution in Atlanta is unknown, the FBI regularly conducts operations during which children in prostitution are identified and rescued. It is not known whether the demand for sex with children comes with the tourists or whether it is generated after arrival. However, advertising specifically targets convention attendees with promises of VIP treatment at “Gentlemen’s clubs” and hotels reportedly offer courtesy shuttles to strip clubs.¹⁰⁰

⁸⁹ Shared Hope International, *DEMAND. A Comparative Examination of Sex Tourism and Trafficking in Jamaica, Japan, the Netherlands, and the United States*, (Arlington, Shared Hope International, 2007), 1.

⁹⁰ *Ibid.*, 87.

⁹¹ It is important to reiterate at this point that while existing research on CSEC and SECTT in North America is very limited, CSEC takes place in every province, state, city, community and rural area of the continent. The research featured in this report should not be taken to represent the full extent of the problem but rather as presenting case studies based on available information.

⁹² Only those counties with 400,000 residents or less may apply for a license to operate a brothel.

⁹³ “New Law Expands Crackdown on Child Prostitutes”, *Las Vegas Now*, 22 June 2009, accessed 15 March 2015, <http://www.8newsnow.com/story/10575169/new-law-expands-crackdown-on-child-prostitutes>.

⁹⁴ John L. Smith, “Shooting on the strip: Las Vegas’s Prostitution Secret”, *The Daily Beast*, 4 August 2013, accessed 15 March 2015, <http://www.thedailybeast.com/articles/2013/08/03/sex-and-violence-in-sin-city.html?via=mobile&source=email>.

⁹⁵ These are not particular to Las Vegas and are present across the U.S.

⁹⁶ Shared Hope International, *DEMAND. A Comparative Examination of Sex Tourism and Trafficking in Jamaica, Japan, the Netherlands, and the United States* (Arlington: Shared Hope International, 2007).

⁹⁷ *Ibid.*

⁹⁸ Katya Hetter, “And the world’s busiest airport is...”, *CNN*, 26 March 2015, accessed 10 May 2015, <http://www.cnn.com/2015/03/26/travel/feat-worlds-busiest-airport-2014/>.

⁹⁹ Meredith Dank et al., *Estimating The Size And Structure Of The Underground Commercial Sex Economy In Eight Major US Cities*, The Urban Institute (March 2014), accessed 20 May 2015, http://www.urban.org/research/publication/estimating-size-and-structure-underground-commercial-sex-economy-eight-major-us-cities/view/full_report.

¹⁰⁰ Shared Hope International, *DEMAND. A Comparative Examination of Sex Tourism and Trafficking in Jamaica, Japan, the Netherlands, and the United States* (Arlington: Shared Hope International, 2007).

In the province of Quebec, Canada, sex has long been a trademark of Montreal tourism. In its first action plan on prostitution and human trafficking for sexual purposes for the period 2014-2016, the Montreal Police (SPVM) mentions that Montreal is well-known as a sex tourism platform and that due to its proximity to the U.S. and the multitude of sporting and cultural events that it hosts, it is a destination of choice in Eastern Canada. The SPVM notes that this industry appears to be in constant evolution, and that while the exact number of prostitution venues is unknown there is a concentration of escort agencies, strip bars, massage salons and street prostitution in Montreal. The SPVM believes that most individuals involved in prostitution are local women and adolescents who are forced to work in the sex industry and exploited by pimps.¹⁰¹

In a 2013 series of press reports, award-winning journalist Isabelle Hachey¹⁰² describes the extent of Montreal's sex industry as hosting 200 massage parlors, 30-something strip clubs and thousands of escorts on offer on the Internet.¹⁰³ The series of articles also address the issue of sex tourism and the demand of American tourists. To cater to this demand, some U.S. travel agencies reportedly organize sex-themed tours in Montreal. These do not explicitly advertise sex with minors but rather promise the traveler that they will find "any kind of adult experience they are looking for" including "bachelor party weekends", strip bars, massage parlors and all sorts of "adult performances". Every weekend, the agency "Montreal VIP" organizes getaways for 100 to 150 Americans from New York, Boston, Maine, Chicago, Los Angeles and Texas. These men are drawn to different forms of "entertainment" in the province of Quebec, including strip clubs where unlike any other province or the U.S., physical contact is tolerated. The combination of this demand with the ample supply of young girls has raised concerns among frontline workers, because while the prostitution scene in Montreal is populated with minor girls, the harsh reality of vulnerable adolescents who are exploited by criminal networks is too often silenced.¹⁰⁴

This is not the first time that Canada attracts such unwanted attention. In the past, the country was criticized for serving as a destination for U.S. child sex offenders presumably taking advantage of a low age of consent to engage in sexual activity with children just across the border.¹⁰⁵ Canada acknowledged this inherent weakness in its child protection framework and raised the age of consent from 14 to 16 years old in 2008. The 2008 and 2009 TIP reports mention that "Canada is reported to be a destination country for sex tourists, particularly from the United States". The following yearly reports (2010-2014) do not make any mention of this issue, but in light of the above information further research should be conducted.

In closing this section, SECTT may be linked to a culture of tolerance for commercial sex in North America. In cities such as Las Vegas, the sex industry is amongst the main attractions. The city openly markets itself as a city of 'party' and its advertising campaign has been using the slogan "What happens in Vegas, stays in Vegas" since 2003. This famous phrase is probably one of the most notorious ad campaign of any industry and keeps attracting endless streams of visitors year after year. The SHI report suggests this incites visitors to act in ways that transgress the norms of their communities, including indulging in an adult sex industry where minors may be exploited. Though on a significantly smaller scale, Montreal also presents itself as tolerant of the sex industry with its abundance of strip clubs, escort services and massage parlors. This creates an environment where paying for adult sex may be considered normal, but where awareness of the harm inflicted on young people remains very limited.

While the above research examines the sexual exploitation of children by tourists engaging in "sex tourism" in North American cities, the next section looks more broadly at the ways in which offenders, locals and outsiders alike, make use of the travel and tourism infrastructure to perpetrate crimes against children.

¹⁰¹ SPVM, *Plan d'action directeur sur la prostitution et la traite de personnes à des fins d'exploitation sexuelle 2014-2016* (Action plan against prostitution and human trafficking for sexual purposes 2014-2016), accessed 1 June 2015, <http://www.spvm.qc.ca/plan-action-prostitution.pdf>.

¹⁰² The journalist was recognized by Beyond Borders ECPAT Canada's during the 2014 Media Awards.

¹⁰³ Isabelle Hachey, "Les lieux du Vice" ("Where vice takes place"), *La Presse*, 2 October 2013, accessed 20 May 2015, <http://www.lapresse.ca/actualites/dossiers/montreal-capitale-du-sexe/201310/02/01-4695580-les-lieux-du-vice.php>. See also Isabelle Hachey, "Tourisme sexuel à Montréal: une fille comme une pizza" ("Sex Tourism in Montreal: Ordering a Girl like a Pizza"), *La Presse*, 6 June 2013, accessed 13 March 2015, <http://www.lapresse.ca/actualites/montreal/201306/06/01-4658271-tourisme-sexuel-a-montreal-une-fille-comme-une-pizza.php>.

¹⁰⁴ Isabelle Hachey, "Tourisme sexuel à Montréal: une fille comme une pizza" ("Sex tourism in Montreal: ordering a girl like a pizza"), *La Presse*, 6 June 2013, accessed 13 March 2015, <http://www.lapresse.ca/actualites/montreal/201306/06/01-4658271-tourisme-sexuel-a-montreal-une-fille-comme-une-pizza.php>.

¹⁰⁵ ECPAT International, *Global Monitoring Report: Status of Action against Commercial Sexual Exploitation of Children: Canada*, (Bangkok, Thailand: ECPAT International, 2006), accessed 1 April 2015, http://ecpat.net/sites/default/files/Global_Monitoring_Report-CANADA.pdf.

Hotels as victims' prisons

1. In March 2015, three individuals were charged with human trafficking in Toronto, after the police rescued a 14 year old girl who was allegedly forced to provide sexual services in a downtown hotel. Police reported the accused had advertised the victim's services online and arranged meetings with buyers.¹⁰⁶
2. In April 2014, two men and a woman were charged in Toronto for human trafficking and juvenile prostitution. The victim, a 17-year old girl, had been assaulted, threatened and forced into prostitution. She was kept in a hotel room against her will and moved between hotels for the purpose of prostitution.¹⁰⁷
3. In January 2015, a 16 year-old girl was rescued from a motel in Ajax, Ontario. The victim had her image posted online, and had been forced into prostitution.¹⁰⁸

b) The North American travel and tourism infrastructure and SECTT

In North America, a number of travel, tourism and transportation venues have been reported as being used for human trafficking purposes. These include hotels/motels, roadside rest areas, restaurants/bars, bus and railroad stations, airports and airlines, travel agencies and cruise ships.¹⁰⁹

There is limited published information on the role of hotels in relation to SECTT. However, research published in 2008 by the John Jay College of Criminal Justice found that 45% of the sexually exploited youth surveyed in New York City reported that they had been exploited in a hotel.¹¹⁰ According to ECPAT USA, hotel rooms have become a preferred venue for the sale of children because of the sense of anonymity provided to exploiters and the belief that little risk lies in their behavior.¹¹¹ It is common for traffickers to advertise their victims in classified ads websites. Traffickers place their victims in hotel rooms, sometimes providing services in those rooms or meeting with exploiters at other hotels.¹¹² A 2015 research conducted by the Polaris Project identified 1,434 cases and 1,867 survivors of human trafficking in hotels/motels in the U.S. between 2007 and 2015.¹¹³ Cases of sex trafficking represented 92% of instances;

most victims were nationals and 49% were minors.¹¹⁴ There have also been several cases of child victims forced to provide sexual services in hotels, featured in the news, both in Canada and the U.S., as the examples below illustrate.

The RCMP reports that in Montreal, some motels are used exclusively for prostitution.¹¹⁵ According to the SPVM CSEC Unit,¹¹⁶ the sexual exploitation of minors most often takes place in venues which are less susceptible of detection, such as hotels, motels and passage parlors, as well as outcall escort agencies sending minors to hotels and private homes. Motels are a common venue for child sexual exploitation because victims are often runaway teenage girls who are constantly on the move and face less risk of being detected when they are moved from one place to another.

In some instances, U.S. airline staff have also reported contact with potential trafficking victims.¹¹⁷ However, data on the ways in which perpetrators use the travel and tourism is lacking overall. The next three subsections discuss the involvement of specific groups of buyers in child sexual exploitation. These are truckers, temporary oil workers and major sporting events attendees.

¹⁰⁶ "Girl, 14, forced into week of sex trafficking at downtown hotel", *CBC News*, 3 March 2015, accessed 31 March 2015, <http://www.cbc.ca/news/canada/toronto/girl-14-forced-into-week-of-sex-trafficking-at-downtown-hotel-1.2979963>.

¹⁰⁷ "2 men, woman arrested in juvenile prostitution case", *Cable Pulse 24*, 14 April 2014, accessed 9 April 2015, <http://www.cp24.com/news/2-men-woman-arrested-in-juvenile-prostitution-case-1.1776030>.

¹⁰⁸ Jeff Mitchell, "Durham cops track girl in online ad to Ajax hotel, charge man with human trafficking", *Ajax News Advertiser*, 28 January 2015, accessed 31 March 2015, <http://www.durhamregion.com/news-story/5290069-durham-cops-track-girl-in-online-ad-to-ajax-hotel-charge-man-with-human-trafficking/>.

¹⁰⁹ Polaris Project, *Human Trafficking and the Travel Industry: Overview and Indicators* (2012), accessed 27 May 2015, https://www.ustravel.org/sites/default/files/page/2012/09/Travel_Industry_Indicators_Polaris_Project_USTA_Final.pdf. See also SPVM, *Plan d'action directeur sur la prostitution et la traite de personnes à des fins d'exploitation sexuelle 2014-2016 (Action plan against prostitution and human trafficking for sexual purposes 2014-2016)*, accessed 1 June 2015, <http://www.spvm.qc.ca/plan-action-prostitution.pdf>.

¹¹⁰ Ric Curtis et al, *The Commercial Sexual Exploitation of Children in New York City, Volume One*, The CSEC Population in New York City: Size, Characteristics, and Needs (New York: Center for Court Innovation and John Jay College of Criminal Justice, 2008).

¹¹¹ Michelle Guelbart, *The Attorney's Role in Mitigation of Sex Trafficking in the Travel and Tourism Sector* (Adapted from Paper Written and Presented at the: Eleventh Annual Hospitality Law Conference February 11th-13th, 2013 Houston, Texas), accessed 24 May 2015, <https://d11qkyo3pi1c9bxcloudfront.net/00028B1B-B0DB-4FCD-A991-219527535DAB/d29f984d-c4d2-4fb9-af90-57787f4d11ad.pdf>.

¹¹² *Ibid.*

¹¹³ These statistics are based on information received by the National Human Trafficking Resource Center hotline and by the Polaris Project. The data are not intended to represent the full scope of human trafficking, but rather to help identify trends.

¹¹⁴ Polaris Project, *Human Trafficking and the Hotel Industry*, 2015, accessed 27 May 2015, <http://polaris2014.nonprofitsoapbox.com/storage/hotelindustry.pdf>.

¹¹⁵ Isabelle Hachey, "Les lieux du Vice" ("Where vice takes place"), *La Presse*, 2 October 2013, accessed 20 May 2015, <http://www.lapresse.ca/actualites/dossiers/montreal-capitale-du-sexe/201310/02/01-4695580-les-lieux-du-vice.php>.

¹¹⁶ This is the Montreal Police unit in charge of fighting CSEC, known in French as Unité Exploitation Sexuelle des Enfants à des fins Commerciales.

¹¹⁷ See section 4.4.3 for more information.

Key facts about the trucking industry

The overwhelming majority of freight transportation in North America is conducted by trucks. Trucking is the primary mode of freight transportation in both Canada and the U.S. and is a key trade conduit between the two countries. In the U.S., over 80% of the commercial transportation industry revenue is generated by the trucking sector.¹¹⁸ Canada, for-hire carriers transport over 80 percent of the total tonnage shipped intra-provincially and two thirds of the trade with the U.S. uses trucks.¹¹⁹ In the U.S. there are approximately 3.5 million professional truck drivers in the country¹²⁰ and the industry employs 7 million people. The Canadian Trucking Alliance reports that in Canada, the trucking industry employs more than 260,000 drivers and over 400,000 employees overall. The industry is expected to continue growing in both countries.

c) Truckers and SECTT

Truckers form a large population of travelers who spend long periods of time outside their usual environment and who have been associated with CSEC. “Truck stop prostitution” caters to transient male truckers and travelers spending long periods of time on the road. This makes them ideal clients for companionship and commercial sex.¹²¹ Truck stops are roadside commercial facilities which provide fuel, parking, lodging, dining and other services. According to America’s Independent Trucking Association, there are approximately 5,000 truck stops (also called travel centers) in the country.¹²² While many of them provide needed, legitimate services, truck stops have also long been associated with prostitution and other crime. There have been several media reports of minor girls coerced by pimps into selling sex directly to drivers at truck stops. According to the Polaris Project it is also frequent for victims to advertise “commercial company” on the Citizens Band (CB) radio. Truckers may flash their headlights at women or children walking in a parking lot in order to signal their interest. “Truck stop prostitution” is also taking place in nearby massage salons.¹²³ In truckers’ jargon, prostitutes are referred to as “lot lizards”. Information on where to find truck stops with commercial sex can easily be found online, while at a truck stop or beforehand.

The existence of this issue has been acknowledged and U.S. truckers have taken a stance against human trafficking (see Section 4, below).

d) Temporary oilfield workers and SECTT

While this phenomenon is not unique to the state of North Dakota, an emerging trend has been the growth in human trafficking following the massive influx of workers in the context of the new oil boom in that state. North Dakota is home to one of the largest oil deposits in the world: the Bakken formation which also extends into Montana and the Canadian provinces of Saskatchewan and Manitoba. While oil was first discovered there in 1951,¹²⁴ extraction only started not long ago using a new technology called “fracking”, or hydraulic fracturing. As a result, in just a few years North Dakota became the second oil production state in the U.S., second only to Texas. In 2015, the unemployment rate was at 2.8 percent.¹²⁵ And, the state of North Dakota counts with a billion-dollar budget surplus.¹²⁶

The oil boom completely changed the region. North Dakota saw a massive arrival of workers from all across the country, lured by promises of high paying jobs, many not requiring any experience. Many oilfield workers live in “man camps” – or temporary housing camps – and often travel back and forth every few weeks, on a rotational basis. While the oil boom has had favorable economic repercussions on the state, it also triggered concern about the rise in criminal activity. North Dakota is now considered as “hot spot” for human trafficking, a phenomenon believed to be directly linked to growing population of thousands of men workers. There are also alarming reports of minors exploited in prostitution

¹¹⁸ Sam Ro, “The staggering statistics behind America’s trucking industry”, *Business Insider*, 9 April 2013, accessed 14 April 2015, <http://www.businessinsider.com/trucking-industry-infographic-2013-4>.

¹¹⁹ Zhenya Beck, “Fact and figures of the Canadian trucking industry”, *Freightera*, 29 August 2014, accessed 15 April 2015, <http://www.freightera.com/blog/2014/08/facts-and-figures-of-the-canadian-trucking-industry/>.

¹²⁰ Alltrucking.com website, *Truck drivers in the USA* (2014), accessed 14 April 2015, <http://www.alltrucking.com/faq/truck-drivers-in-the-usa/>.

¹²¹ The Polaris Project, *Sex trafficking at truck stops at a glance*, 2012, accessed 14 April 2015, <http://traffickingresourcecenter.org/sites/default/files/Sex%20Trafficking%20at%20Truck%20Stops%20AAG.pdf>.

¹²² America’s Independent Truckers’ Association website, accessed 20 May 2015, <http://aitaonline.com/>.

¹²³ The Polaris Project, *Sex trafficking at truck stops at a glance*, 2012, accessed 14 April 2015, <http://traffickingresourcecenter.org/sites/default/files/Sex%20Trafficking%20at%20Truck%20Stops%20AAG.pdf>.

¹²⁴ Blaire Brody, “11 shocking facts about the North Dakota oil boom”, *The Fiscal Time*, 6 June 2013, accessed 27 April 2015, <http://www.thefiscaltimes.com/Articles/2013/06/06/11-Shocking-Facts-about-the-North-Dakota-Oil-Boom>.

¹²⁵ Government of the U.S., Department of Labor, *Local Area Unemployment Statistics*, 2015, accessed 27 April 2015, <http://www.bls.gov/web/laus/laumstrk.htm>.

¹²⁶ Envoy Group, *History of the Bakken formation* (n.d.), accessed 13 April 2015, <http://envoygroupcorp.com/projects/history-of-bakken-formation/>.

Offender profile: Clayton Louis Lakey¹²⁷

Lakey was legally separated from his wife and had been working in North Dakota for three years. He was allegedly trying to make enough money to get a better place and seek custody of his 5-year-old daughter. “I was just going through a hard time and lonely”, Lakey told the judge. He said he was earning 5,000 US dollars a month doing “solids control” on drilling rigs, drying and storing dirt brought up by drilling. He worked 12-hour days for two weeks, then had two weeks off. “Well, I was working a real – a one-person job and really didn’t have anybody to talk to or anything like that”, he said in court. “And I just got bored and doing – looking back at this now, it just – I don’t know how I could have even did it”.

taking place, often arranged through Backpage.com.¹²⁸ While there have been no prosecutions of trafficking cases involving minors in North Dakota as yet, the strong response to stings advertising underage girls on websites such as Craigslist and Backpage suggests that there likely are minor victims in the state.¹²⁹

In 2014, Homeland Security Investigations (HSI) and the North Dakota Bureau of Criminal Investigation launched “Operation Vigilant Guardian”, specifically targeting online child sex offenders. More than a dozen men were arrested. The first conviction was that of Clayton Louis Lakey, 34, from Montana. The man had exchanged messages online with an undercover officer pretending to organize a sexual encounter with a 13 year old girl in exchange for money. When Lakey arrived at the hotel room where he believed he would meet his victim, he was immediately arrested.¹³⁰ During the sentencing hearing, Lakey’s lawyer mentioned that many oilfield workers were away from their families, isolated, lonely, and that many were struggling with severe depression and feelings of alienation. She claimed many also used alcohol and drugs and that there were no mental health services available.¹³¹

The state of North Dakota enacted new legislation against human trafficking as a response. In April 2015, the House of Representatives passed bills to enact a

uniform law against trafficking and allocate 1.25 million US dollars to victims. Under these new laws, minors involved in prostitution would be treated as victims and would be granted immunity.¹³² On 23 April 2015, the State enacted a law criminalizing the purchase of sexual services.¹³³

There are opportunities for hotels and motels to be engaged. In the town of Williston, entire hotel floors are reportedly rented out by traffickers for the purpose of exploiting young girls.¹³⁴ Some hotel and motel managers are aware that their rooms are widely used for prostitution and have drafted “Do Not Rent” lists which are populated with the name of women “banned for prostitution”. Others have taken measures such as requiring a credit card at check-in or placing certain female guests on the ground floor so staff can call the police if they witness suspicious activity.¹³⁵ It seems important that robust child protection measures be widely promoted and adopted, as minors continue to be at risk. As will be further discussed in Section 4, hotels and motels can play a proactive role to detect and report child sexual exploitation, and several good practice models exist. This is all the more important as the U.S. shale oil boom is likely to propagate to other states including California, Colorado, Oklahoma and Louisiana as they start tapping into their newly accessible oil reserves.¹³⁶

¹²⁷ Amy Dalrymple and Katherine Lynn, “Sex for sale in the Bakken: N.D. trafficking on the rise”, *Forum News Service*, 4 January 2015, accessed 29 May 2015, http://billingsgazette.com/news/state-and-regional/montana/sex-for-sale-in-the-bakken-n-d-trafficking-on/article_67df4f33-425c-5941-894d-f1c279e5af5d.html.

¹²⁸ Backpage has replaced Craigslist as the leading website for prostitution and is now under the spotlight for organizing child prostitution.

¹²⁹ Amy Dalrymple and Katherine Lynn, “Trafficking in North Dakota is on the rise, and often the victims can’t escape”, *Forum News Service* (4 January 2015), accessed 13 April 2015, http://bismarcktribune.com/bakken/trafficking-in-north-dakota-is-on-the-rise-and-often/article_c7f42282-92b7-11e4-819f-5b05c8a62325.html.

¹³⁰ Government of the U.S., Immigration and Customs Enforcement, “Montana man sentenced in North Dakota to 5 years in prison for attempting to arrange sexual encounter with a child”, 6 May 2014, accessed 13 April 2015, <http://www.ice.gov/news/releases/montana-man-sentenced-north-dakota-5-years-prison-attempting-arrange-sexual-encounter>.

¹³¹ Amy Dalrymple and Katherine Lynn, “Trafficking in North Dakota is on the rise, and often the victims can’t escape”, *Forum News Service*, 4 January 2015, accessed 13 April 2015, http://bismarcktribune.com/bakken/trafficking-in-north-dakota-is-on-the-rise-and-often/article_c7f42282-92b7-11e4-819f-5b05c8a62325.html.

¹³² “North Dakota House passes two major anti-trafficking bills”, *Grand Forks Herald*, 15 April 2015, accessed 27 April 2015, <http://www.grandforksherald.com/news/politics/3723515-north-dakota-house-passes-two-major-anti-trafficking-bills>.

¹³³ North Dakota Senate, *An ACT to create and enact section 12.1 29 07 of the North Dakota Century Code, relating to an offender education program; to amend and reenact section 12.1 29 06 of the North Dakota Century Code, relating to hiring an individual to engage in sexual activity; to provide a penalty; to provide an effective date; and to provide an expiration date*, Open States (2015), accessed 10 May 2015, <http://openstates.org/nd/bills/64/SB2332/>.

¹³⁴ Katie Rucke, “North Dakota Asks Nation for Help in Human Trafficking Epidemic”, *Mint Press News*, 8 May 2014, accessed 29 May 2015, <http://www.mintpressnews.com/north-dakota-asks-nation-for-help-in-human-trafficking-epidemic-2/190269/>.

¹³⁵ Katherine Lynn and Amy Dalrymple, “Do Not Rent: Bakken hotels try to curb human trafficking”, *Billings Gazette*, 4 January 2015, accessed 15 March 2015, http://billingsgazette.com/business/features/do-not-rent-bakken-hotels-try-to-curb-human-trafficking/article_74930a19-6989-52b1-9e66-f85ec4a6e23b.html.

¹³⁶ Blaire Briody, “The Next North Dakota: 5 States About to Go Oil Boom”, *The Fiscal Times*, 2 December 2013, accessed 27 April 2015, <http://www.thefiscaltimes.com/Articles/2013/12/02/Next-North-Dakota-5-States-About-Go-Oil-Boom>.

Aboriginal girls, oil and mining in Canada

In Canada, Aboriginal girls are reportedly moved in a triangular fashion between different cities for the purpose of sexual exploitation. These movements are determined by a number of factors, one being the thriving oil rigs and mining businesses in Alberta. Aboriginal girls are increasingly moved around and sexually exploited by men who frequently travel back and forth in Saskatchewan and Alberta to work in oil rigs or uranium mines for short periods.¹³⁷

e) Major sporting events and SECTT

Activists have long warned of the potential link between sport events such as the FIFA World Cup, the Super Bowl and the Olympic Games – and human trafficking. In the U.S., the Super Bowl is the annual championship of the National Football League. It is hosted in a different city every year and the number of visitors to Arizona for the 2015 edition was estimated at over 100,000.¹³⁸ According to ECPAT USA, the increase in visitors during the Super Bowl may contribute to a spike in demand for sexual solicitation.¹³⁹ Over the last several years, many organizations have launched awareness raising campaigns about human trafficking in relation to the Super Bowl.¹⁴⁰ It is believed that the combination of male crowds, large sums of money and a festive atmosphere spurs demand for sexual services from men who gather from all around the country. Law enforcement typically intensifies its presence around the Super Bowl. Before the 2014 edition in New Jersey, the FBI reportedly rescued 16 minors in prostitution and filed criminal charges against 45 pimps.¹⁴¹ And, prior to the 2015 event a police sting led to nearly 600 arrests of men and women attempting to purchase sexual services, the vast majority via websites such as backpage and Craigslist.¹⁴²

It remains that very little data exists as to the involvement of children. A 2015 research¹⁴³ by the McCain Institute for international Leadership collected data during the 2014 and 2015 Super Bowls (in Northern Jersey, NJ, and Phoenix, AZ) and found that both the number of commercial sex ads and the response to decoy sex

ads had grown in both cities during that period. These findings echo some already expressed concerns that the attention given the Super Bowl may detract from the reality of sex trafficking as a crime that happens every day, everywhere.¹⁴⁴ Data on other sporting events is also missing, though awareness raising campaigns are being developed for global soccer events, notably the FIFA World Cup. Despite the lack of data, the U.S. Department of State highlights that governments, civil society, as well as the airline and hospitality sectors should all continue to collaborate through the launch of campaigns, the training of law enforcement and volunteers and the building of partnerships to better identify victims and report cases of sex trafficking in connection with major sporting events.¹⁴⁵

In Canada, there have been media reports of increased prostitution during the annual Grand Prix and on the involvement of minors¹⁴⁶ but no empirical study has been done on the subject. The Formula 1 Grand Prix du Canada is a major sporting event held over a weekend every year in Montreal, Quebec, which attracts a significant number of tourists. It reportedly generates 90 million CAD dollars from tourist spending on hotels, restaurants and bars.¹⁴⁷ At the same time, it is also considered as the busiest weekend for prostitution in Montreal and every year, there are reports of minor girls being involved. According to the NGO Mobilis Project, during that weekend, many adolescent girls run away from youth centers from a few days up to a week, because their traffickers need them to cater to tourist

¹³⁷ Anupriya Sethi, "Domestic Sex Trafficking of Aboriginal Girls in Canada: Issues and Implications", *First Peoples Child and Family Review*, Vol. 3, No 3 (2007), pp. 57-71, accessed 10 April 2015, <http://journals.sfu.ca/fpcfr/index.php/FPCFR/article/viewFile/50/88%3E>.

¹³⁸ Official website of the Super Bowl host committee, accessed 15 April 2015, <https://azsuperbowl.com/about-us/economic-impact/>.

¹³⁹ ECPAT USA, Super Bowl 2015, accessed 29 May 2015, <http://www.ecpatusa.org/super-bowl>.

¹⁴⁰ See for e.g. Julian Bach, *Lifesize Dollbox exposes Superbowl fans to Sex Trafficking. Shared Hope International brings sex trafficking awareness campaign to Phoenix to highlight issue during Super Bowl*, 25 January 2015, accessed 20 May 2015, <http://sharedhope.org/2015/01/25/lifesize-dollbox-exposes-superbowl-fans-sex-trafficking/>.

¹⁴¹ FBI, *Sixteen Juveniles Recovered in Joint Super Bowl Operation Targeting Underage Prostitution*, 4 February 2014, accessed 20 May 2015, <https://www.fbi.gov/newyork/press-releases/2014/sixteen-juveniles-recovered-in-joint-super-bowl-operation-targeting-underage-prostitution>.

¹⁴² James Queally, "National sex trafficking sting nets nearly 600 arrests before Super Bowl", *The LA Times*, 2 February 2015, accessed 15 April 2015, <http://www.latimes.com/nation/nationnow/la-na-nn-sex-trafficking-sting-super-bowl-20150202-story.html>.

¹⁴³ Dominique Roe-Sepowitz *et al.*, *Exploring the Impact of the Super Bowl on Sex Trafficking*, The McCain Institute for International Leadership (February 2015), accessed 14 May 2015, <http://ssw.asu.edu/research/stir/exploring-the-impact-of-the-super-bowl-on-sex-trafficking-2015>.

¹⁴⁴ The Polaris Project, *Human trafficking is a crime 365 days a year*, accessed 15 April 2015, <http://www.polarisproject.org/take-action/365-days>.

¹⁴⁵ U.S. Department of State (2014). *Trafficking in Persons Report 2014*. Accessed 5 March 2015. http://www.state.gov/j/tip/rls/tiprpt/2014/?utm_source=NEW+RESOURCE:+Trafficking+in+Persons+R.

¹⁴⁶ Isabelle Hachey, "Grand Prix: Adolescentes en peril" ("Grand Prix: Endangered Adolescents"), *La Presse*, 6 June 2013, accessed 13 March 2015, http://www.lapresse.ca/actualites/montreal/201306/06/01-4658266-grand-prix-adolescentes-en-peril.php?utm_categorieinterne=traffickingdrivers&utm_contenuinterne=cyberpresse_vous_suggere_4658271_article_POS1.

¹⁴⁷ "Formula 1 inks \$187M, 10-year deal to keep Grand Prix in Montreal", *CBC News*, 7 June 2014, accessed 28 April 2015, <http://www.cbc.ca/news/canada/montreal/formula-1-inks-187m-10-year-deal-to-keep-grand-prix-in-montreal-1.2668266>.

Prostitution and the Grand Prix

“[The tourists] can feel freer to violate more women; to be more abusive during the Grand Prix because they’re really far away from home.”

A woman who worked in prostitution from age 16 to 18.¹⁴⁸

demand. The NGO reports that girl victims as young as 14 start servicing clients at 3PM until 3AM – many are threatened, beaten up and enslaved. Some end up in luxury hotels, while others are sent to understaffed massage parlors to service the usual clients. Most clients are not pedophiles actively seeking prepubescent girls, but do seek very young women and overlook the fact that they may be exploited minors,¹⁴⁹ fitting the description of situational offenders.

In response, organizations such as the Montreal Diocese Social Justice group have been raising awareness about human trafficking and prostitution during the Grand Prix for several years by distributing a RCMP pamphlet on human trafficking and providing information. These efforts, which have led to 19 Montreal hotels requesting training on the issue,¹⁵⁰ are, however, not specific to children.

The 2009 TIP report mentions that Canada incorporated an anti-trafficking component into its 2010 Olympic security plans. Nonetheless, in 2009, a study funded by the Government of British Columbia, Canada and supported by the Vancouver Police Department examined the potential impact of the 2010 Olympic Games on human trafficking. The 100-page report concludes that “the commonly held notion of a link between mega sports events, trafficking in persons and sex work is an unsubstantiated assumption”.¹⁵¹ In 2010, the Global Alliance Against Traffic in Women (GAATW) conducted research with funding from Public Safety Canada on possible increases in human trafficking in British Columbia in connection with the 2010 Vancouver Olympic and Paralympic Games, and found no conclusive linkages between the two.¹⁵² In conclusion, accounts of major sporting events leading to increases in human trafficking are inconclusive and more research is needed in this connection.

¹⁴⁸ “Grand Prix attracts sex trade clients”, *CBC News*, 7 June 2013, accessed 16 March 2015, <http://www.cbc.ca/news/canada/montreal/grand-prix-attracts-sex-trade-clients-1.1329722>.

¹⁴⁹ Isabelle Hachey, “Grand Prix: Adolescentes en péril” (“Grand Prix: Endangered Adolescents”), *La Presse*, 6 June 2013, accessed 13 March 2015, http://www.lapresse.ca/actualites/montreal/201306/06/01-4658266-grand-prix-adolescentes-en-peril.php?utm_categorieinterne=trafficdrivers&utm_contenuinterne=cyberpresse_vous_suggere_4658271_article_POS1.

¹⁵⁰ Interview with the Montreal Diocese Social Group (n.d.), accessed 20 May 2015, https://www.youtube.com/watch?v=a4wvERv_0n0.

¹⁵¹ Bowen and Shannon Frontline Consulting, *Human Trafficking, Sex Work Safety and the 2010 Games: Assessments and Recommendations*, 10 June 2009, accessed 14 May 2015, <http://vancouver.ca/police/assets/pdf/reports-policies/report-human-trafficking-2010-games.pdf>.

¹⁵² Global Alliance Against Trafficking in Women Canada, *2010 Winter Games Analysis on Human Trafficking*, August 2013, accessed 2 June 2015, <http://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/wntr-gms-2010/wntr-gms-2010-eng.pdf>.

CHAPTER 2

ICT TRENDS

This section provides a brief overview of ICT trends as they are linked to SECTT in North America and abroad. These trends are relevant both to the domestic and international dimensions of SECTT.

2.1 THE USE OF WEBSITES ADVERTISING CHILDREN FOR SALE IN NORTH AMERICA

In North America, child sexual exploitation has largely migrated away from the street and into the online environment. In Canada, an estimated 20 percent of prostitution related acts are believed to take place on the street, with the majority happening underground.¹⁵³ Again, this is only an estimate which indicates the vast space now occupied by “online prostitution”. In the U.S., only a small proportion of prostitution is believed to take place on the street. Traffickers are making extensive use of the Internet to advertise their victims. Websites promise to deliver “to any hotel room in twenty minutes”. With a simple phone call, buyers can be connected to victims quickly and anonymously. While a potential client can directly communicate with a victim, traffickers often remain out of sight.

In the U.S., the magnitude of the issue is such that even major national websites advertise young girls for sex services. These websites, which sell all sorts of things, also provide potential direct access to minors in hotels, motels, truck stops and anywhere else. In 2010, the online classified advertisement company Craigslist was forced to close its adult services section, after research proved that it was being used by buyers to purchase sex with children. Following this event, the website Backpage.com was in turn accused of facilitating child prostitution. In 2013, total revenue from U.S. online prostitution advertising totaled 45 million US dollars,

with 82.3% generated by Backpage.com.¹⁵⁴ While law enforcement regularly trace CSEC crimes back to Backpage the company has so far resisted pressure to shut down its adult services section.

2.2 ICT TO NETWORK AMONG OFFENDERS, TO ORGANIZE CRIMINAL ACTIVITY AND ACCESS CHILDREN ABROAD

A 2007 study conducted on American “child sex tourists” by the Protection Project found that offenders frequently rely on the Internet to access information about destinations and the availability of children. The 2008 RCMP report entitled “Canadian travelling child sex offenders” also found that ICT facilitates offences by helping to locate children, serving as a communication tool with facilitators and networking with like-minded individuals, as well as sharing information on how to avoid police detection.¹⁵⁵ Child sex offenders may also communicate with their victims directly through ICT, as the below case illustrates. However, research on this particular topic is lacking.

While there have been instances of organized U.S. based “child sex tours” companies in the 1990s, these are no longer explicitly advertising as such. At one point, there were over 25 companies in the U.S. that offered sex tours.¹⁵⁶ The only company to have ever been charged in relation to child sex tourism is the defunct New York based Big Apple Oriental Tours- but the charges were eventually dismissed for lack of evidence. In a new trend, some U.S. travel companies reportedly arranged fishing expeditions to the Amazon, in Brazil, that included access to local minors for sexual services for European and American exploiters.¹⁵⁷ Richard Schair, a U.S. resident, operated the Wet-A-Line Tours company

¹⁵³ Beyond Borders ECPAT, *Commercial Sexual Exploitation of Children Fact Sheet*, June 2013, accessed 30 March 2015, <http://www.beyondborders.org/wp/wp-content/uploads/CSEC-Fact-Sheet-Revision.pdf>.

¹⁵⁴ Congresswoman Ann Wagner, *Human Trafficking and Online Prostitution Advertising*, accessed 26 May 2015, <http://wagner.house.gov/Human%20Trafficking%20%26%20Online%20Prostitution%20Advertising>.

¹⁵⁵ Michael Seraglia, *Canadian Travelling Child Sex Offenders*, Royal Canadian Mounted Police, National Child Exploitation Coordination Centre (2012), accessed 20 May 2015, www.filemobile.com/storage/10470938. See also Dr. Joe Sullivan, “Travelling Sex Offenders” (paper written as a contribution to ECPAT International’s Global Study on SECTT, 2015).

¹⁵⁶ Brandy Bang *et al.*, *Commercial Sexual Exploitation of Children* (Springer: New York, 2014).

¹⁵⁷ Government of the U.S., Department of State, *Trafficking in Persons Report 2009*, accessed 5 March 2015, <http://www.state.gov/j/tip/rls/tiprpt/2009/>.

Online enticement of victims overseas¹⁵⁸

In March 2014, a Florida school teacher was arrested for enticement of minors. According to the criminal complaint filed against him, the 48 year old man used Facebook to attempt to persuade two minor girls aged 13 and 15 from Belize to have sex with him. He was refused entry in Belize and arrested at the Miami airport by agents from ICE HSI.

and was accused of recruiting underage women from impoverished communities in the Amazon to perform sexual acts on him and his American clients.¹⁵⁹ A civil lawsuit on behalf of the victims was brought in U.S. courts but as of April 2015, it was not clear whether the lawsuit was still ongoing or if the parties had reached a settlement.¹⁶⁰

In one recent case, an offender was charged for organizing “child sex tours” from his home. John Wrenshall, a Canadian citizen and long-term resident of Thailand, was sentenced in 2011 to 300 months in prison by a New Jersey court. Since 2000, Wrenshall had been arranging trips over the Internet for U.S. citizens to travel to his home in Thailand in order to sexually exploit boys as young as four years old. Wrenshall’s customers were allowed to videotape and photograph their abuse. The men also personally victimized the boys in order to “train” them for his paying customers.¹⁶¹ The offender was caught when law enforcement searched the computer of one of his clients. While these instances remain largely undetected, it cannot be concluded that they are not widespread.

2.3 TRAVELLING CHILD SEX OFFENDERS USING ICT TO PRODUCE CHILD PORNOGRAPHY

ECPAT has long documented the linkage between child sex tourism and child pornography, noting that a majority

of offenders produce, collect and exchange child sex abuse imagery¹⁶² and that the child pornography market is a significant contributor to international SECTT.¹⁶³ According to the RCMP, many travelling child sex offenders are known to produce imagery of their crimes, to serve a number of purposes: images and videos often serve as a “trophy”; they can be used for sexual gratification; they can also be used to allow the offender to access further child sex abuse imagery; and they may be used to gain access to groups of like-minded individuals.¹⁶⁴ In the U.S., many of the cases involving child sex tourism also include child pornography charges.

2.4 ICT-FACILITATED GROOMING AND TRAVELING IN OR TO NORTH AMERICA

There are reports of cases of online grooming by offenders who subsequently travel to engage in sexual activity with a child. While the media frequently labels these cases as child sex tourism,¹⁶⁵ these remain largely under-researched.

2.4.1 Situation in the U.S.

Through Project Safe Childhood¹⁶⁶ launched in 2006, the U.S. Department of Justice significantly increased its resources devoted to fighting child online exploitation. As a result, the number of prosecutions grew dramatically. In 2011 alone, there were 2,713 indictments, against 2,929 defendants, for child sexual exploitation offences.

¹⁵⁸ Government of the U.S., Immigration and Customs Enforcement, *Florida teacher arrested for enticement of minors*, 17 March 2014, accessed 24 April 2015, <http://www.ice.gov/news/releases/florida-teacher-arrested-enticement-minors>.

¹⁵⁹ Greg Bluestein, “Amazon Guide and U.S. Resident Richard Schair Faces ‘Sex Tour’ Allegations from Four Brazilian Women”, *Huffington Post*, 15 June 2011, accessed 6 April 2015, http://www.huffingtonpost.com/2011/06/15/amazon-tour-guide-sex-allegations-richard-schair-brazilians-_n_877317.html?

¹⁶⁰ Equality Now, *Campaigns to End Sex Tourism*, accessed 5 March 2015, <http://www.equalitynow.org/endsextourism>.

¹⁶¹ Government of the U.S., Immigration and Customs Enforcement, *Canadian John Wrenshall sentenced on child porn charges*, 31 January 2011, accessed 7 April 2015, <http://www.ice.gov/news/releases/canadian-john-wrenshall-sentenced-child-porn-charges>.

¹⁶² ECPAT International, *Combating Child Sex Tourism: Questions and Answers* (Bangkok: ECPAT International, 2008), accessed 29 May 2015, http://www.ecpat.net/sites/default/files/cst_faq_eng.pdf.

¹⁶³ Muireann O’Brian, Milena Grillo and Helia Barbosa, “Sexual Exploitation of Children and Adolescents in Tourism” (ECPAT International Thematic Paper to the World Congress III against Sexual Exploitation of Children and Adolescents. Bangkok, Thailand. 2008), accessed 10 March 2015, http://ecpat.net/sites/default/files/Thematic_Paper_CST_ENG.pdf.

¹⁶⁴ Michael Seraglia, *Canadian Travelling Child Sex Offenders*, Royal Canadian Mounted Police, National Child Exploitation Coordination Centre (2012), p.8, accessed 20 May 2015, www.filemobile.com/storage/10470938

¹⁶⁵ See for e.g. Diana Mehta, “Canadian man sentenced to over 10 years in prison in Florida sex tourism case”, *Hamilton Spectator*, 4 June 2015, accessed 4 June 2015, <http://www.thespec.com/news-story/5662379-canadian-man-sentenced-to-over-10-years-in-prison-in-florida-sex-tourism-case/>.

¹⁶⁶ Project Safe Childhood is a U.S. Department of Justice initiative launched in 2006 to combat the proliferation of technology-facilitated crimes involving the sexual exploitation of children.

No country immune: International child sex offenders traveling to North America

As this report emphasizes throughout, no country is immune to child sex offenders, and no country can be ruled out as a destination. In fact, a small number of foreign citizens have been apprehended in the United States for child sex tourism offences, following online interaction with potential victims. These include a Saudi Arabian citizen allegedly travelling with the intent of molesting a two and a half year old girl following an e-mail exchange with an undercover agent;¹⁶⁷ a 30 year old French man and a 53 year old German man landing in the U.S. in order to finalize plans to travel to Mexico to engage in sexual activity with young girls ages between 10 and 14¹⁶⁸ and between 6 and 11;¹⁶⁹ and a 51 year old German high school teacher who had had used the Internet to plan a trip to Mexico in order to engage in sexual activity with children between the ages of 5 and 11.¹⁷⁰ It is not entirely clear from the available information whether the offenders were communicating directly with the victim, their families or other intermediaries. However, these examples showcase the formidable potential of ICT as a facilitator of SECTT, linking offenders to victims in ways previously unimaginable. They also challenge existing knowledge that offenders only travel to less developed areas in order to commit crimes against children and confirms that child predators are a threat everywhere.

This represented a 15 percent increase in the number of indictments from 2007.¹⁷¹ Unsurprisingly, the majority of these prosecutions concern child pornography offences. However, the next categories are for “Internet enticers” and “interstate travelers”. These crimes are distinct but are often pursued in the same case. In such instances, crimes usually involve online chats of a sexual nature coupled with travel¹⁷² to meet a victim in the real-world.

Some authors have defined “sex travelers/enticers” as a category of CSEC, defining offenders as those “who travel domestically for the sole purpose of engaging in any illicit sexual act with a minor”, while acknowledging that this category is the most under-researched form of CSEC.¹⁷³ Based on a review of federal cases, the same authors find that “enticers/travelers” use online sources to target youth who are neglected, emotionally unstable or confused, and manipulate them into a sexual encounter. Offenders appear to be mostly interested in adolescent girls, typically between 13 and 15 years old¹⁷⁴ and may spend a considerable amount of time gaining their victim’s trust, finding out information about their interests, their family, sometimes grooming them with child pornography and with gifts. They then convince their victim to meet.¹⁷⁵

This desk study found approximately forty cases in the U.S. involving charges of interstate traveling for the purpose of engaging in sexual conduct with a child. However, these cases do not necessarily fall within the ambit of SECTT for a number of reasons. First, even though offenders often booked or used hotels or motels for the purpose of engaging in sexual activity with a child, there was no case where sex was reported to be exchanged for money, gifts or other consideration. This is consistent with research conducted in 2008, which found that contrary to popular belief, most Internet-initiated sex crimes against minors actually involve offenders who establish a relationship with an adolescent followed by sexual encounters which are illegal because of the age of the victim and therefore fit the model of statutory rape more than that of CSEC as defined by ECPAT (child prostitution, child pornography, child trafficking).¹⁷⁶ In most cases there was no deception regarding the fact that the offender was an adult looking for sex.¹⁷⁷ Second, in some cases offenders were arrested before materializing their travel plans, while in others they were caught at destination. Some of them may fall under the category of fantasy offenders, who have no intention of meeting in real life.

¹⁶⁷ The Protection Project, *International Child Sex Tourism: Scope of the Problem and Comparative Case Studies* (January 2007), The John Hopkins University, Paul H. Nitze School of Advanced International Studies, accessed 19 March 2015, http://www.protectionproject.org/wp-content/uploads/2010/09/JHU_Report.pdf.

¹⁶⁸ Preda Foundation, *United States Getting Tougher on Child Sex Tourism. Immigration agency makes 10th arrest under 2003 law*, accessed 13 March 2015, <http://www.preda.org/uncategorized/germans-americans-and-cambodians-sentenced-in/>.

¹⁶⁹ *Ibid.*

¹⁷⁰ Adam Long, “German man seeking sex with children in Mexico sentenced to U.S. prison”, *Tucson News*, 3 October 2014, accessed 13 April 2015, <http://www.tucsonnewsnow.com/story/26702758/german-man-seeking-sex-with-children-in-mexico-sentenced-to-us-prison>.

¹⁷¹ Government of the U.S., Department of Justice, *Project Childhood Fact Sheet*, 20 June 2014, accessed 7 April 2015, <http://www.justice.gov/psc/project-safe-childhood-fact-sheet>.

¹⁷² Michael Johnson, *Enticement or another for sexual activity and travel to engage in illicit sexual conduct with a minor*, National Center for Justice and the Rule of Law, University of Mississippi (2010), accessed 23 April 2015, <http://www.olemiss.edu/depts/ncjrl/pdf/Traveleroutline.pdf>.

¹⁷³ Brandy Bang et al., *Commercial Sexual Exploitation of Children* (Springer: New York, 2014), p.41.

¹⁷⁴ SMART Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking, *Sex Offender Management Assessment and Planning Initiative* (October 2014), accessed 10 May 2015, <http://www.smart.gov/SOMAPI/pfv.html>.

¹⁷⁵ Brandy Bang et al., *Commercial Sexual Exploitation of Children* (Springer: New York, 2014), pp. 42-43.

¹⁷⁶ Janis Wolak et al., “Online “predators” and their victims: Myths, realities, and implications for prevention and treatment”, *American Psychologist*, 63 (2008), 111-128.

¹⁷⁷ Janis Wolak, David Finkelhor and Kimberly Mitchell, “Internet-initiated Sex Crimes against Minors: Implications for Prevention Based on Findings from a National Study”, *Journal of Adolescent Health*, Vol. 35, No. 5. (2004), 424.e411.

Examples of cases involving Canadian offenders arrested in the U.S.

In May 2008, **Richard Doucet** was arrested following a police sting operation. The man, a New Brunswick native who was teaching at the prestigious Selwyn House School in Montreal, Qc, was caught at a Fredericksburg, VA hotel where he had planned to meet a teenager for sex via the Internet. Over several months, Doucet had sexually explicit conversations online with an undercover police officer posing as a 13-year old boy. Doucet now faces over 28 years in prison in the U.S.¹⁷⁸

René Roberge, 47, of Sherbrooke, Qc who was arrested in November 2014 at the Fort Lauderdale-Hollywood airport in Florida. U.S. authorities said the man had travelled for the purpose of engaging in sexual activity with a 14 year old boy. Roberge admitted to his crime and to planning another similar trip to Texas. Roberge had gone online looking for “fathers who were willing to share their sons for sex” on networking sites, but was caught by an undercover officer.¹⁷⁹

In February 2015, a soccer coach from British Columbia was arrested after traveling from Canada to the U.S. for the purpose of engaging in sexual activity with a 12 year old girl. **Kuldip Singh Mahal**, 47, had responded to an undercover agent posting on Craigslist. Over a three week period, Mahal sent multiple sexually explicit messages and photos of himself to whom he believed was a 12-year old girl.¹⁸⁰

2.4.2 Situation in Canada

In 2002, the *Criminal Code* was amended to include Internet facilitated crime – or “luring of children” and prohibits anyone from communicating directly with a child under the age of 18 via the Internet or a social networking site for the purpose of sexual exploitation.¹⁸¹ This provision can be used against offenders who communicate with their victims online or by mobile phone prior to traveling for the purpose of abusing them. The Canadian government reports that the number of court-processed child luring cases increased consistently between 2003/2004 and 2011/2012.¹⁸² However, because the offence does not require traveling, it is not possible to determine how many luring cases have involved traveling of the offender. Cybertip, the national tip line for reporting online child sexual exploitation, does not specifically track within their database which luring reports may involve the suspect travelling to meet a child.¹⁸³ There are many possible luring scenarios that do not involve travel. While no comprehensive research exists, according to the Montreal Police, most luring cases involve young victims (between 12 and 14 years old) who are sexually exploited online without a physical meeting. Offenders may be locals or foreigners including

Americans and Europeans, but in most cases there is no travel or physical meeting involved.¹⁸⁴ For these reasons, luring may not qualify as SECTT per se, but rather a preliminary step towards perpetrating a sexual crime against a minor.

It should be mentioned that a number of Canadian sex offenders have been arrested in the U.S., under the U.S. prohibition of traveling for the purpose of engaging in illicit sexual conduct. Most cases found involve the offender communicating online with their victim prior to meeting them. Such cases possibly better qualify as sexual crimes against minors with an associated travel component, rather than SECTT.

This research did not find many cases involving international sex offenders traveling to Canada following online interaction with a potential victim. However, in a recent case, a 31 year old man from Belgium was arrested in a hotel room in Montreal, QC, with a 13 year old girl he had allegedly entertained an online relationship with over several months. According to a news report, the contents of these communications made it very clear that the man intended to travel for the purpose of engaging in sexual activity with the girl.¹⁸⁵

¹⁷⁸ “Ex Montreal teacher will serve 24 years in a U.S. jail”, *CTV News*, 14 August 2009, accessed 19 March 2015, <http://www.ctvnews.ca/ex-montreal-teacher-will-serve-24-years-in-u-s-jail-1.425528>.

¹⁷⁹ Domenic Fazioli, “Sherbrooke man arrested in Florida for ‘sexual-tourism’ related crimes”, *Global News*, 11 November 2014, accessed 19 March 2015, <http://globalnews.ca/news/1665759/sherbrooke-man-arrested-in-florida-for-sexual-tourism-related-crimes/>.

¹⁸⁰ “Kelly Singh Mahal arrested in U.S. for allegedly trying to meet 12-year-old girl for sex”, *CBC News*, 4 February 2015, accessed 19 March 2015, <http://www.cbc.ca/news/canada/british-columbia/kelly-singh-mahal-arrested-in-u-s-for-allegedly-trying-to-meet-12-year-old-girl-for-sex-1.2945520>.

¹⁸¹ S. 172.1 C.c.

¹⁸² Government of Canada, Department of Justice, “Online Luring and Internet Use”, *Building Knowledge*, Winter 2013-2014, accessed 2 April 2015, <http://www.justice.gc.ca/eng/rp-pr/cj-jp/victim/knowledge-savoir/issue6-vol6/BuildingKnowledge6.pdf>.

¹⁸³ Based on e-mail communication with Cybertip.ca dated 20 April 2015.

¹⁸⁴ Based on phone interview with Lieutenant-Detective Nathalie Morin, Head of the Commercial Sexual Exploitation of Children Unit, Montreal Police Service, 21 May 2015.

¹⁸⁵ “Un belge arrêté au Canada: pédophilie?” (“Belgian man arrested in Canada: pedophilia?”), *RTBF*, 15 June 2008, accessed 28 April 2015, https://www.rtbf.be/info/monde/detail_un-belge-arrete-au-canada-pedophilie?id=5185813.

CHAPTER 3

LEGAL FRAMEWORK TO ADDRESS SECTT IN NORTH AMERICA

Because SECTT is defined as a subcategory of CSEC, a first step towards addressing its manifestations in North America is to strengthen national legal frameworks addressing all forms of sexual exploitation of children. National laws should define and prohibit all manifestations of CSEC which take place on North American territory, in accordance with international standards. Laws should also include punishments stringent enough to reflect the gravity of the crimes committed, while at the same time protecting the rights of child victims. It is imperative to address a number of critical gaps found in North American legislation. In particular, there is a need to tackle demand and to ensure that children who are victims of sexual exploitation are treated as such and never as criminals. When it comes to addressing the use of travel and tourism services by offenders, laws should prohibit the facilitation of CSEC and be applied more extensively against those who engage in such crimes. This section discusses all of these aspects in turn.

As an opening remark, the U.S. has a dual system of laws. Federal laws apply to all 50 states and the District of Columbia. Each of the states enacts laws in areas not designated within the authority of the Federal government. Laws against child prostitution are mostly addressed at state level¹⁸⁶ and significant variations occur. Canada has two legal systems: British common law which is the basis for federal law and provincial law in 9 of its 10 provinces and territorial law, and the civil code which applies to the province of Quebec. The criminal justice system works as a partnership between the federal government, the 10 provinces and 3 territories. The federal government passes

criminal legislation, while the provinces and territories are responsible for the administration of justice. Because of the enormous body of legislation in North America, this report will focus on federal law in both countries.¹⁸⁷

3.1 NATIONAL LAWS TO ADDRESS CSEC AND SECTT

Over the years, considerable progress has been made to strengthen laws against CSEC both in Canada and the U.S. Both countries count with strong laws against child prostitution, child pornography and child trafficking. However, some important weaknesses remain.

3.1.1 The need to address demand

While media attention has heavily focused on traffickers and organized criminal rings when featuring sexual exploitation of children in prostitution cases, demand for CSEC has not been sufficiently addressed in relation to CSEC and SECTT as a subset thereof. CSEC can be equated to a market driven by supply and demand.¹⁸⁸ Men represent 90% of child sex offenders¹⁸⁹ and it is their demand which creates a constant supply of child victims. Without buyers, child sexual exploitation would not exist. There are several initiatives seeking to tackle the demand side by raising awareness about child sexual exploitation among men across North America.¹⁹⁰ Continued public education and awareness raising is necessary. In addition, it is crucial that laws that define and punish the purchase of commercial sex with children be strictly enforced, in accordance with international standards.

¹⁸⁶ However, federal law does apply when interstate or foreign transactions are involved.

¹⁸⁷ ECPAT International, *Global Monitoring Report: Status of Action against Commercial Sexual Exploitation of Children: Canada, 2nd ed.* (Bangkok, Thailand: ECPAT International, 2012), accessed 1 April 2015, http://ecpat.net/sites/default/files/Global_Monitoring_Report-CANADA.pdf.

¹⁸⁸ See for e.g. ECPAT International, *Combating the Trafficking in Children for Sexual Purposes: Questions and Answer* (Amsterdam, Bangkok: ECPAT Europe Law Enforcement Group, 2006), accessed 22 March 2015, http://ecpat.net/sites/default/files/trafficking_faq_eng.pdf. See also Kristin Finklea, Adrienne L. Fernandes-Alcantara and Alison Siskin, *Sex Trafficking of Children in the United States: Overview and Issues for Congress* (28 January 2015), Congressional Research Service, accessed 22 March 2015, <https://www.fas.org/sgp/crs/misc/R41878.pdf>.

¹⁸⁹ See for e.g. Beyond Borders, *Man to Man*, accessed 25 April 2015, <http://www.beyondborders.org/mtm/>.

¹⁹⁰ In the U.S., see for e.g. The Defenders USA, <http://sharedhope.org/join-the-cause/become-a-defender/>. In Canada, see for e.g. Beyond Border's campaign "Man to man" at <http://www.beyondborders.org/mtm/>.

While the federal TVPRA may be used to prosecute buyers of commercial sex with children, it has rarely been used for that purpose.¹⁹¹ And, addressing and criminalizing demand at state level remains a crucial step in the eradication of CSEC and SECTT as a subset thereof. Through its *Protected Challenge Initiative*, Shared Hope International found that in 2014, there were only 2 states (Louisiana and Tennessee) with adequate laws to criminalize demand for commercial sex with children.¹⁹²

In Canada, the federal *Criminal Code*¹⁹³ makes it an offence for anyone to obtain the sexual services of a young person under the age of 18 years. The Criminal Code was recently amended to criminalize the buying of sex from an adult. It is too early to assess whether the new law will have an impact on purchasers of sex with minors. Law enforcement reports that overall, targeting buyers is challenging in practice because offenders are rarely caught red-handed. Importantly, police units in charge of child sexual exploitation need more resources to tackle the full extent of CSEC.

3.1.2 Treatment of child victims as criminals

Another central issue in both countries remains the treatment of child victims as criminals. In the U.S., while the federal TVPA considers all children exploited in prostitution as victims of sex trafficking, state laws against prostitution are often used to punish children.¹⁹⁴ Minors who are arrested in connection to a sex-related charge may be placed in juvenile detention facilities with other youth who have committed serious crimes instead of receiving protective services. In some cases, law enforcement may not have received the necessary training to identify a trafficking victim as such; in others, law enforcement may identify a victim but nevertheless place them in a detention facility because there are very few safe facilities for juveniles and minors victims of trafficking.¹⁹⁵

Safe harbor laws are one way to prevent child victims from being treated as offenders. These laws can: (1) correct the conflicts between federal and state law by exempting children from prosecution for prostitution; (2) require training for law enforcement and other first responders on how to identify and assist victims; (3) increase the penalties for traffickers and purchasers of sex; (4) prompt the collaboration of a multidisciplinary team to develop a statewide system of care.¹⁹⁶ The adoption of Safe Harbor laws has not been uniform across the country: to date, 20 state and the District of Columbia have passed some version of a Safe Harbor law. Overall, there are insufficient protective provisions for child victims. According to Shared Hope International's *Protected Innocence Challenge*, only 3 states (Louisiana, Tennessee and Washington) have comprehensive laws in this regard.¹⁹⁷ Police, prosecutors and judges often do not perceive child sex trafficking victims as such.¹⁹⁸ Thus important reforms are needed to ensure that state laws mirror the victim-centered federal TVPA.

In Canada, the treatment of children who have been sexually exploited, including in prostitution, varies from one jurisdiction to another. For example, the province of Alberta provides for the involuntary detention of children under the age of 18 who are at risk of becoming involved in prostitution.¹⁹⁹ Saskatchewan child prostitution laws do not allow for involuntary detention, but instead focus on limiting contact by people who sexually exploit children.²⁰⁰ Laws alone are not enough to ensure that law enforcement provides a child protection response to CSEC. One example of good practice in multi-disciplinary law enforcement training can be found in Montreal, Quebec. Since 2010 the SPVM has been implementing a project called "Les Survivantes" ("The Survivors"), offering information sessions to a range of stakeholders working with CSEC victims. This project has contributed to a better understanding of child sexual exploitation and to changing the mentality of law enforcement and social workers alike.²⁰¹

¹⁹¹ See Kristin Finklea, Adrienne L. Fernandes-Alcantara and Alison Siskin, *Sex Trafficking of Children in the United States: Overview and Issues for Congress*, Congressional Research Service (28 January 2015), 37, accessed 22 March 2015. The authors write that "federal statutes generally used to prosecute the buyers of commercial sex appear to require that either the buyer crosses state lines or that he entices the victim to cross state lines".

¹⁹² Shared Hope International, *Protected Innocence Challenge. A Legal Framework of Protection for the Nation's Children* (2014), accessed 5 May 2015, <http://sharedhope.org/wp-content/uploads/2014/11/2014%20Protected%20Innocence%20Challenge%20Report.pdf>.

¹⁹³ Subsections 286.1(2), 286.2(2) and 286.3(2).

¹⁹⁴ Wendi J. Adelson, "Child Prostitute or Victim of Trafficking?", *University of St. Thomas Law Journal*, Vol. 6, Iss. 1, Article 8 (2008).

¹⁹⁵ ECPAT International, *Global Monitoring Report on the Status of Action against Commercial Sexual Exploitation of Children: United States* (2nd Ed.), (Bangkok, Thailand: ECPAT International, 2014), accessed 16 April 2015, http://ecpat.net/sites/default/files/a4a_v2_am_usa_2.pdf.

¹⁹⁶ ECPAT USA, *What we do – Advocate for Protective Laws and Policies*, accessed 5 June 2015, <http://www.ecpatusa.org/advocate-for-protective-laws-and-policies>.

¹⁹⁷ Shared Hope International, *Protected Innocence Challenge. A Legal Framework of Protection for the Nation's Children* (2014), accessed 5 May 2015, <http://sharedhope.org/wp-content/uploads/2014/11/2014%20Protected%20Innocence%20Challenge%20Report.pdf>.

¹⁹⁸ Amy Farrell, Colleen Owens and JackMcDevitt, "New laws but few cases: understanding the challenges to the investigation and prosecution of human trafficking cases", *Crime Law Soc Change* (2014) 61: 139-168.

¹⁹⁹ ECPAT International, *Global Monitoring Report: Status of Action against Commercial Sexual Exploitation of Children: Canada, 2nd ed.* (Bangkok, Thailand: ECPAT International, 2012), accessed 1 April 2015, http://ecpat.net/sites/default/files/Global_Monitoring_Report-CANADA.pdf.

²⁰⁰ *Ibid.*

²⁰¹ Service de Police de la Ville de Montréal (Montreal Police Service), *Les Survivantes*, accessed 2 June 2015, <http://www.spvm.qc.ca/fr/Pages/Decouvrir-le-SPVM/Nos-projets/Les-survivantes>.

3.1.3 Online advertising

Another critical issue to CSEC and SECTT is that of online advertising for child prostitution. As mentioned in Section 2, websites such as Backpage generate millions of dollars in advertising revenue every year. In 2014, 53 state and territorial attorney generals wrote a letter to Village Voice Media, which owns Backpage, to ask for support in prosecuting cases of minors exploited in sex trafficking and to make an appeal for more accountability. The response of Village Voice Media was that it screens all ads and cooperates with law enforcement. To date, efforts to legislate against the advertising of children exploited in prostitution have stalled. In May 2015, a U.S. District Court ruled against three women who alleged that ads on Backpage facilitated their being sold for sex as children and found that Backpage's publication of third party content is protected by federal law.²⁰² In a 2014 amicus curiae brief, NCMEC²⁰³ stated that a majority of the child sex trafficking cases being reported to NCMEC now involve ads posted on backpage.com. NCMEC also stated that Backpage had "rejected most proposals to meaningfully reduce the selling and buying of children for unlawful sex through its website".²⁰⁴ On the other hand, a recent investigation led to the seizure of the website domain www.myredbook.com and to the prosecution of its owner based on allegations that the website and its owner were facilitating prostitution.²⁰⁵

The situation in Canada is not entirely clear. With the reform of prostitution laws which took place in 2014, the advertising of sexual services by third parties is now prohibited. Yet the Canadian section of the website Backpage is still hosting hundreds of prostitution offers under its "adult services" section, and the new law's ability to remedy this situation remains to be seen.

3.1.4 Laws against CSEC facilitators to target SECTT

In the U.S., the organization Shared Hope International advocates for the adoption of state laws targeting individuals who facilitate and profit from SECTT, including

within the travel and tourism infrastructure.²⁰⁶ SHI identifies potential facilitators as including motel and hotel employees as well as taxi drivers, adding these usually face a low risk of detection. In addition, SHI suggests the imposition of financial penalties on businesses such as hotels, including asset forfeiture for the money and property used in connection with or derived from the facilitation of CSEC. The rationale is that while facilitators benefit economically, they are rarely held financially accountable for their participation in child sex trafficking.

There are few cases where the defendants were alleged to have assisted or financially benefited from conduct that may be related to sex trafficking. In a 2012 New York case, drivers working for a livery company were prosecuted for their role in an alleged sex trafficking operation.²⁰⁷ In another reported case, multiple motels were raided and seized for allegedly allowing prostitution activity to occur on their premises.²⁰⁸ A recent case in New York involved drivers, doormen and other alleged facilitators of an international sex trafficking ring.²⁰⁹

It is important that all individuals making use of the travel and tourism infrastructure to facilitate sex crimes against children be criminalized, as research²¹⁰ has demonstrated that their services may sometimes enable CSEC. According to Prof. Stephen Barth, hospitality law expert, laws against the facilitation of CSEC coupled with employee training on how their actions might enable criminal activity, could be a powerful deterrent among employees of the travel and tourism industry.

The Canadian *Criminal Code*²¹¹ makes it an offence for anyone to materially benefit from child prostitution or to procure a person under the age of 18 for the purposes of prostitution. The penalties for these offences include mandatory minimum periods of imprisonment and vary up to a maximum of 14 years imprisonment. However, to date these laws do not appear to have been used against cases involving the travel and tourism infrastructure. And, in its 2012 concluding observations to Canada's report on

²⁰² Debra Cassens Weiss, "Backpage wins dismissal of suit over escort ads said to facilitate child sex trafficking", *American Bar Association Journal*, accessed 1 June 2015, http://www.abajournal.com/news/article/backpage_wins_dismissal_of_suit_over_escort_ads_said_to_facilitate_child_sex_trafficking.

²⁰³ NCMEC operates the CyberTipline, the national reporting mechanism for suspected child sexual exploitation, and the Child Sex Trafficking Team (CSTT), a dedicated staff providing technical and victim assistance and analysis on domestic child sex trafficking cases. See section 3.4 for further detail.

²⁰⁴ *Amicus Curiae Brief of the National Center for Missing and Exploited Children, J.S., S.L., and L.C. v. Village Voice Media Holdings, L.L.C., d/b/a Backpage.com; Backpage.com, L.L.C.; NEW TIMES MEDIA, L.L.C., d/b/a Backpage.com*, (4 September 2014), accessed 1 June 2015, http://www.missingkids.com/en_US/documents/AMICUS_NCMEC_Backpage.pdf.

²⁰⁵ FBI, *Operators of MyRedbook.com Arrested, Websites Seized* (26 June 2014), accessed 2 June 2015, http://www.fbi.gov/news/news_blog/operators-of-myredbook-com-website-arrested-on-prostitution-and-money-laundering-charges.

²⁰⁶ Shared Hope International, *Protected Innocence Challenge Issue Briefs* (n.d.), accessed 29 May 2015, <http://sharedhope.org/what-we-do/bring-justice/reportcards/protected-innocence-challenge-issue-briefs/>.

²⁰⁷ Janon Fisher, "Father and son busted on charges of running multimillion-dollar sex ring", *New York Daily News*, 24 April 2012, accessed 2 June 2015, <http://www.nydailynews.com/new-york/father-son-busted-charges-running-multimillion-dollar-sex-ring-article-1.1066224>.

²⁰⁸ "22 arrests after motels along Highway 99 raided", *KIRO TV* (28 April 2013), accessed 2 June 2015, <http://www.kirotv.com/news/news/hotels-along-hwy-99-raided/nZdN4/>.

²⁰⁹ Erica Pearson, "Hearings begin for suspects in sex trafficking bust; women were lured from Mexico to New York suburbs", *New York Daily News*, 13 May 2013, <http://www.nydailynews.com/new-york/international-sex-trafficking-suspects-face-manhattan-judge-article-1.1343010>.

²¹⁰ See section 1.4.2a), above.

²¹¹ See subsections 286.1(2), 286.2(2) and 286.3(2).

the implementation of the OPSC, the Committee on the Rights of the Child regretted that Canada's legislation does not clearly establish the liability of enterprises involved in child sex tourism.²¹²

The next section discusses extraterritorial legislation as a tool to be used against North American child sex offenders who commit crimes abroad.

3.2 EXTRATERRITORIAL JURISDICTION

One important step towards better protecting children from sexual exploitation in travel and tourism is the use of extraterritorial jurisdiction, or the application of a country's national laws to offences committed outside that country. Extraterritorial jurisdiction may provide a basis for arresting and prosecuting offenders who would otherwise go unpunished, for instance by bribing their way out of an arrest or lawsuit abroad or by returning to their country of origin. In other cases, sentences awarded to foreigners for sexual crimes against children are too lenient. Extraterritorial prosecutions may help fill this gap by providing sentences commensurate to the gravity of the offences committed. Lastly, extraterritoriality sends a clear message that countries will not let their citizens take a vacation from their own legal systems. Both Canada and the U.S. have adopted laws enabling the prosecution of their own nationals for crimes against children committed abroad.

3.2.1 Canadian application

Canadian law applies to Canadian offenders who commit sex crimes against children abroad. In the 1990s, Beyond Borders ECPAT Canada successfully lobbied the Canadian government to adopt extraterritorial criminal jurisdiction, leading to the "Prober amendment" to the Criminal Code in 1997.²¹³ In 2002, the Criminal Code was further amended to allow prosecution without a request from the country where the crime was committed. In 2012, Bill C-310 received royal assent, making human trafficking an extraterritorial offence as well.

By and large, Canada's extraterritorial laws remain underused and the country has been criticized numerous times in this regard.²¹⁴ Since 1997, Canada has only secured seven successful prosecutions of "child sex tourists" under Canadian law. This was "the most glaring law enforcement gap" according to the North American expert Consultation in preparation for the World Congress III Against Sexual Exploitation of Children and Adolescents which took place in Brazil in 2008 (WCIII).²¹⁵ The Committee on the Rights of the Child urged Canada to "take measures to strengthen the enforcement of its legislation on child sex tourism through improved detection, investigation, prosecution and punishment of all perpetrators".²¹⁶ Prior to WCIII, it was recommended that Canada designate one lead law enforcement agency to pro-actively enforce child sex tourism offences, in a similar fashion as the US DHS/ICE is mandated in the U.S.

Beyond Borders ECPAT Canada continues to advocate for a more proactive use of Canada's laws against child sex tourism. In 2014, prosecutor Brendan McCabe was the winner of the Rosalind Prober Award, given out as part of the Beyond Borders ECPAT Canada Media Awards, for his work in regards to child sex tourism. Brendan McCabe was the Crown counsel in Canada's first groundbreaking child sex tourism case, *R. v. Donald Bakker*. Along with a fellow prosecutor, he then successfully defended the constitutional challenge to Canada's child sex tourism law in the multi-jurisdictional case of *R v. Kenneth Klassen*. That case resulted in the longest sentence in Canada to date, 11 years, for child sex tourism.²¹⁷ The table on the next page instead of below summarizes the cases prosecuted under Canada's child sex tourism laws to date.

In Canada, the federal government provides information to travelers about the penalties under Canada's child sex tourism law in a leaflet entitled "Bon Voyage, But...". Every new passport is accompanied by a copy of this document.²¹⁸

²¹² UN Committee on the Rights of the Child, *Optional Protocol on the sale of children, child prostitution and child pornography. Concluding observations on the initial periodic report of Canada* (5 October 2012), UN doc CRC/C/OPSC/CAN/CO/1. Para.7. accessed 14 March 2015, http://rightsofchildren.ca/wp-content/uploads/Canada_OPSC-Concluding-Observations_61.2012.pdf.

²¹³ Beyond Borders, *Success Stories*, accessed 22 May 2015, <http://www.beyondborders.org/wp/about/success-stories/>.

²¹⁴ Benjamin Perrin, "Taking a vacation from the law? Extraterritorial criminal jurisdiction and section 7(4.1) of the Criminal Code", *Canadian Criminal Law Review* 13 (2009), 175-209.

²¹⁵ Beyond Borders, ECPAT USA and Shared Hope International, *Report of the Canada-United States Consultation in Preparation for World Congress III Against Sexual Exploitation of Children and Adolescents* (Arlington, Virginia, USA, 2-3 October 2008), 1, accessed 20 May 2015, http://resources.ecpat.net/worldcongressIII/PDF/RegionalMTGs/canada_us_consult_report_final.pdf.

²¹⁶ Committee on the Rights of the Child, *Concluding observations on the initial periodic report of Canada, adopted by the Committee at its sixty-first session* (17 September-5 October 2012), CRC/C/OPSC/CAN/CO/1.

²¹⁷ Beyond Borders, *Press Release*, 28 October 2014, accessed 20 June 2015, http://www.beyondborders.org/wp/wp-content/uploads/Rosalind-Prober-Award-Winner_2014.pdf.

²¹⁸ ECPAT International, *Global Monitoring Report: Status of Action against Commercial Sexual Exploitation of Children: Canada, 2nd ed.* (Bangkok, Thailand: ECPAT International, 2012), accessed 1 April 2015, http://ecpat.net/sites/default/files/Global_Monitoring_Report-CANADA.pdf.

Canada's record of prosecuting its child sex offenders abroad

- 1 **Donald Bakker**, of British Columbia was arrested in 2003 in Canada for a sexual assault committed in Canada. Evidence on his camera and computer indicated that Bakker had sexually abused children in a Southeast Asian country. Bakker was charged and convicted of sex crimes against children in Cambodia and became the first Canadian charged under extraterritorial legislation. He was sentenced to seven years in prison.²¹⁹
- 2 **Armand Huard** and **Denis Rochefort**, of Quebec were convicted of sexual assaults on boys in Haiti. The two used their roles of humanitarian workers to victimize children. In 2008, Huard received three years imprisonment; Rochefort was sentenced to two years in prison and three years' probation.²²⁰
- 3 **John Duarte**, of Ontario was arrested in the Dominican Republic and returned to Canada. He pleaded guilty to three charges of sexual interference regarding teenagers in Haiti. In 2010, he was sentenced to 18 months in prison plus three years' probation.²²¹
- 4 **Kenneth Klassen**, of British Columbia, unsuccessfully challenged the Criminal Code amendment allowing Canadians to be prosecuted here for crimes overseas.²²² He then pleaded guilty to charges involving more than 12 underage girls in Colombia and Cambodia. In 2010, he was sentenced to 11 years in prison.²²³
- 5 **James McTurk**, a retired postal worker from Toronto, was the first person to be convicted under Canadian law for crimes committed in Cuba. Even though McTurk had been convicted twice on child pornography charges in 1995 and 1998, and placed on the sex offenders' registry, he was nonetheless able to make as many as thirty-one trips to Cuba between 2009 and 2012. His arrest was accidental; a photo lab employee in Canada became concerned when she saw pictures of topless young girls – evidence of McTurk's last trip to Cuba. The Toronto police began investigating and arrested him at the airport as he was coming back from another trip. The 78 year old retired postal worker had sexually abused young girls as young as four. He was sentenced in 2013.²²⁴
- 6 In May 2014, **Joseph Charles Philippe Côté**,²²⁵ 84 years old, was found guilty of possession, production and importation of child pornography as well as of sexual touching on children younger than 14 years old in Dominican Republic.²²⁶

3.2.2 U.S. application

In the U.S., federal law prohibits U.S. residents from engaging in sexual activities anywhere in the world with a child under the age of 18. Extraterritorial legislation was first adopted in 1994 to allow Americans to be prosecuted in the U.S. for the sexual exploitation of children in other countries.²²⁷ It was substantially strengthened in 2003 with the adoption of the federal PROTECT Act²²⁸ which authorized a variety of additional prosecutorial

remedies and other tools to use against those who victimize children. The Act also made clear that there was no statute of limitations for child sexual abuse cases.²²⁹ The Act specifically prohibits U.S. citizens or legal permanent residents from: travelling with the intent of engaging in illegal sexual conduct with a child,²³⁰ for example rape, molestation or prostitution; traveling from the U.S. to a foreign country, and while there, raping or sexually molesting a child or paying a child for a sex act²³¹

²¹⁹ Beyond Borders, Fact Sheet. *Child sex tourism – law*, June 2014, accessed 2 April 2015, <http://www.beyondborders.org/wp/wp-content/uploads/CHILD-SEX-TOURISM-%E2%80%94LAW-Revised-WD-June-2014.pdf>. See also Michael Seraglia, *Canadian Travelling Child Sex Offenders*, Royal Canadian Mounted Police, National Child Exploitation Coordination Centre, 2012, accessed 20 May 2015, www.filemobile.com/storage/10470938.

²²⁰ IBCR, *The Canadian Context*, accessed 20 March 2015, http://www.ibcr.org/editor/assets/Canadian_context_CST.pdf.

²²¹ Jennifer Quinn, "Only five men convicted here of sex crimes against kids abroad", *The Star*, 15 March 2013, accessed 12 March 2015, http://www.thestar.com/news/world/2013/03/15/only_five_men_convicted_here_of_sex_crimes_against_kids_abroad.html.

²²² IBCR, *The Canadian Context*, accessed 20 March 2015, http://www.ibcr.org/editor/assets/Canadian_context_CST.pdf.

²²³ "B.C. man gets 11 years for child sex tourism", *CBC News* (28 July 2010), accessed 20 March 2015, <http://www.cbc.ca/news/canada/british-columbia/b-c-man-gets-11-years-for-child-sex-tourism-1.967488>.

²²⁴ Julian Sher, "Toronto man, 78, guilty of sex crimes against children in Cuba", *The Star*, 14 June 2013, accessed 20 April 2015, http://www.thestar.com/news/world/2013/06/14/toronto_man_78_pleads_guilty_to_child_sex_crimes_in_cuba.html.

²²⁵ See section 3.3.1 for more details about this case.

²²⁶ "Sept ans de prison pour un pédophile de 84 ans (Seven years' imprisonment for a 84-year old pedophile)", *Radio Canada* (10 December 2014), accessed 25 May 2015, <http://ici.radio-canada.ca/nouvelles/societe/2014/12/10/004-pedophile-canadien-prison-set-ans-republique-dominicaine.shtml>.

²²⁷ ECPAT USA, *Over 20 years of success: an ECPAT-USA timeline*, accessed 4 March 2015, <http://www.ecpatusa.org/ecpat-usa-timeline>.

²²⁸ Government of the U.S., *Prosecuting Remedies and Tools Against the Exploitation of Children Today Act of 2003*, 18 U.S.C. § 2423 (Supp. 2004).

²²⁹ FBI, *Bureau initiative focuses on Child Sex Tourism*, 2014, accessed 1 April 2015, <http://www.fbi.gov/news/stories/2014/may/bureau-initiative-focuses-on-child-sex-tourism/bureau-initiative-focuses-on-child-sex-tourism>.

²³⁰ 18 U.S.C. § 2423(d).

²³¹ 18 U.S.C. § 2423(c).

(importantly, under U.S. legislation it is irrelevant whether the conduct the U.S. citizen engages in may or may not be legal in the country where it occurred);²³² and acting as a “child sex tour operator”.²³³ The U.S. Department Justice website contains information on child sex tourism, which it also calls extraterritorial sexual exploitation of children, and its consequences for perpetrators.²³⁴

In contrast to Canada, the U.S. holds the reputation of aggressively prosecuting its child sex offenders who commit crimes against children overseas and has achieved remarkable progress in this regard over the past decade. In 2007, a report by the Protection Project found that 38 Americans had been charged with child sex tourism offences since 2003, following the passage of the PROTECT Act.²³⁵ The U.S. gradually intensified its prosecution of offenders following this enactment. As mentioned in section 1.3, in 2013 only, the federal government reported 57 criminal arrests resulting in 40 indictments and 32 convictions in so-called “child sex tourism” cases. And, according to the U.S. Department of Homeland Security, 205 Americans have been convicted as travelling child sex offenders between 2003 and 2013.²³⁶

The PROTECT Act has been implemented mainly through Operation Predator. Operation Predator was launched in 2003 by ICE as an initiative to identify, investigate, and arrest child predators traveling to and from the U.S. ICE also works with law enforcement agencies around the globe to investigate crimes of this nature. The FBI is the other investigative agency working cases of child sex tourism. Both ICE and the FBI work in close partnerships with NGOs and foreign law enforcement agencies. Even when U.S. citizens are arrested abroad and the foreign country chooses to prosecute, the FBI will often lead its own investigation but will provide support to its law enforcement counterparts in the foreign country.²³⁷

3.2.3 Challenges

Many challenges stand in the way of extraterritorial prosecutions. Cases are often complex and investigations

can be lengthy and resource-intensive. They require cooperation between law enforcement in the “sending” country and law enforcement in the country where the offense took place. Evidence must be gathered and stored in a way that meets the standards of Canadian or U.S. courts of law.²³⁸ According to the RCMP, other challenges affecting Canadian enforcement include the need to work closely with the appropriate Crown prosecution service. This is because the launch of proceedings is subject to the consent of the Attorney General under the *Criminal Code*.²³⁹

Another problem concerns producing the victim for trial; many children who are sexually exploited overseas are street children or children living without any state or community protections. Even when they are identified as victims, it may not be possible to keep them in a secure location while the trial is prepared, because no services exist.²⁴⁰ And, families in poor countries may be susceptible to payments from offenders to keep children from testifying.

3.3 NATIONAL SEX OFFENDER REGISTRIES

Canada and the U.S. take different approaches to sex offender registration yet both have loopholes which can be exploited by traveling child sex offenders.

3.3.1 Canada

In Canada, the *Sex Offender Information Registration Act* (SOIRA) was enacted in 2004 and made it mandatory for offenders convicted of certain sexual crimes and ordered by a court to register with the National Sex Offender Registry (NSOR). Convicts must report to the police on an annual basis and every time they change their name or address. Offenders must remain registered between 10 years and life, depending on the maximum sentence for the crime they have committed. The NSOR is maintained by the RCMP and is available to all Canadian police agencies. The NSOR is not public, even though the

²³² Government of the U.S., Department of Justice, *Child Exploitation and Obscenity Section*, accessed 13 March 2015, http://www.justice.gov/criminal/ceos/citizensguide/citizensguide_trafficking.html.

²³³ 18 U.S.C. § 2423(d).

²³⁴ Government of the U.S., Department of Justice, *Extraterritorial Sexual Exploitation of Children*, accessed 1 June 2015, <http://www.justice.gov/criminal-ceos/extraterritorial-sexual-exploitation-children>.

²³⁵ Government of the U.S., *Prosecuting Remedies and Tools Against the Exploitation of Children Today Act of 2003*, 18 U.S.C. § 2423 (Supp. 2004), Washington D.C.

²³⁶ Julian Sher, Jennifer Quinn and Robert Cribb, “Almost nothing stops Canadian sex offenders from reoffending abroad”, *The Star*, 18 March 2013, accessed 1 May 2015. http://www.thestar.com/news/world/2013/03/18/almost_nothing_stops_canadian_sex_offenders_from_reoffending_abroad.html.

²³⁷ FBI, *Bureau initiative focuses on Child Sex Tourism*, 2014, accessed 1 April 2015, <http://www.fbi.gov/news/stories/2014/may/bureau-initiative-focuses-on-child-sex-tourism/bureau-initiative-focuses-on-child-sex-tourism>.

²³⁸ See for e.g. “Inside the sex crimes unit”, interview conducted by Julian Sher with Detective Sergeant Kim Gross, *The Star*, 2013, accessed 3 June 2015, http://www.thestar.com/news/2013/03/14/inside_the_sex_crimes_unit.html.

²³⁹ Michael Seraglia, *Canadian Travelling Child Sex Offenders*, Royal Canadian Mounted Police (National Child Exploitation Coordination Centre, 2011), accessed 20 May 2015, www.filemobile.com/storage/10470938.

²⁴⁰ Muireann O’Brian, Milena Grillo and Helia Barbosa, “Sexual Exploitation of Children and Adolescents in Tourism” (ECPAT International Thematic Paper to the World Congress III against Sexual Exploitation of Children and Adolescents. Bangkok, Thailand. 2008), accessed 10 March 2015, http://ecpat.net/sites/default/files/Thematic_Paper_CST_ENG.pdf.

provinces of Alberta and Manitoba have limited public registry websites. Some provinces maintain lists of high risk offenders. The website www.stoppedophiles.ca also provides information on convicted child sex offenders across Canada, gathered from public sources.

In 2011, Bill S-2, *Protecting Victims from Sex Offenders Act*, amended the SOIRA to address a number of concerns that had been raised by the RCMP concerning the administration of the NSOR. As a result of these amendments, the NSOR was considerably strengthened. Since then:²⁴¹

- Registration is mandatory for all sex offenders, without the need for a court order;
- Law enforcement can use the NSOR to prevent a crime, for example by producing lists of possible suspects. Prior to Bill S-2, the police could only use the NSOR to solve a crime that had already been committed;
- Canadians convicted abroad of sex offences can be included in the NSOR when they return to Canada under the International Transfer of Offenders Act. Additionally, internationally convicted sex offenders and those who served their sentence abroad are also required to report to police within seven days of arriving in Canada. Under the previous legislation, individuals returning to Canada after being convicted abroad of a sexual offence, were not registered;
- Police can use information in the Registry to issue travel notifications to other police jurisdictions when sex offenders are travelling to their area to assist them in the prevention or investigation of a crime of a sexual nature. Under the previous legislation, this type of preventive action was not possible.

Despite these changes, several challenges remain. Even though the SOIRA enables the police to inform law enforcement in foreign countries of sex offenders' travel plans, convicted offenders face little scrutiny when leaving the country as they are only required to report vacations of one week or more.²⁴² Thus, short vacations – for example a long weekend in Cuba- escape the current notification requirements and this may prevent Canadian

law enforcement from working proactively with officers in destination countries to prevent child sex tourism.²⁴³ Convicted child sex offenders also do not need to specify which country they are traveling to – which poses further risks to destination countries. Upon their return to Canada, registered child sex offenders face a very low risk of being intercepted by border authorities, because the CBSA does not have access to the NSOR and only restricted access to Canada's criminal record database.²⁴⁴ It is important to acknowledge that registers only include a minority of offenders who have been convicted. It is very possible that offenders keep abusing children abroad for several years without ever getting caught, in countries where they know they are less likely to be detected. Information sharing regarding traveling child sex offenders remains a major challenge. According to Beyond Borders ECPAT Canada, there is a lack of coordination among a number of agencies: the RCMP, Passport Canada and the CBSA operate their own systems in isolation and as a result most arrests are made by accident as opposed to being the result of proactive investigations. The group has been advocating for more information sharing regarding offenders among law enforcement and border agencies in Canada and destination countries.²⁴⁵ In a 2013 interview, former Public Safety Minister Vic Toews suggested that the CBSA could play a bigger role in identifying sex offenders who have been convicted overseas or who travel overseas if border agents were granted access to relevant databases.²⁴⁶

In 2014, Bill C-26 *Tougher Penalties for Child Predators Act*²⁴⁷ was tabled in the House of Commons. As of June 2015, Bill C-26 was awaiting Royal Assent by the Governor General to become law in Canada. Among other changes, the bill imposes stricter reporting requirements on convicted child sex offenders. In particular, such individuals who travel outside Canada for any period of time will have to report the dates of their departure and return. Thus, a trip outside Canada of less than seven days' duration will need to be reported. Another significant change concerning convicted child sex offenders is that any change in the date of return from a trip outside Canada will have to be reported without delay, as will any change in address or location while staying outside

²⁴¹ Government of Canada, Department of Public Safety, *National Sex Offender Registry*, accessed 21 April 2015, <http://www.publicsafety.gc.ca/cnt/cntrng-crm/crrctns/protctn-gnst-hgh-rsk-ffndrs/ntnl-sx-ffndr-rgrstr-eng.aspx>.

²⁴² Please read on for important information about possible legal changes on convicted child sex offenders' reporting obligations.

²⁴³ ECPAT International, *Global Monitoring Report: Status of Action against Commercial Sexual Exploitation of Children: Canada, 2nd ed.* (Bangkok, Thailand: ECPAT International, 2012), accessed 1 April 2015, http://ecpat.net/sites/default/files/Global_Monitoring_Report-CANADA.pdf.

²⁴⁴ Robert Cribb, Jennifer Quinn and Julian Sher, "Canadians are major customers in Cuba's sex market", *The Star*, 16 March 2013, accessed 1 April 2015, http://www.thestar.com/news/gta/2013/03/16/canadians_are_major_customers_in_cubas_child_sex_market.html.

²⁴⁵ *Ibid.*

²⁴⁶ Julian Sher, Robert Cribb and Jennifer Quinn, "Almost nothing stops Canadian sex offenders from re-offending abroad", *The Star*, 18 March 2013, accessed 17 March 2015, http://www.thestar.com/news/world/2013/03/18/almost_nothing_stops_canadian_sex_offenders_from_reoffending_abroad.html.

²⁴⁷ Government of Canada, *Bill C-26: An Act to Amend the Criminal Code, the Canada Evidence Act and the Sex Offender Information Registration Act, to Enact the High Risk Child Sex Offender Database Act, and to Make Consequential Amendments to Other Acts*, 2nd Sess, 41st Parl. (Ottawa, 2013).

A Quebec child sex offender flagged by a CBSA agent after years of offending in Cuba

In May 2014, **Joseph Charles Philippe Côté**, 84 years old, was found guilty of possession, production and importation of child pornography as well as of sexual touching on children younger than 14 years old. Côté, a retired Canadian Air Forces pilot, had made several trips to the Dominican Republic over the past 25 years and had documented his sexual activity with children. In October 2012, Côté was intercepted by the CBSA at the Montreal Pierre Elliott Trudeau International Airport, upon his return from the Dominican Republic. The facts that Côté traveled often and by himself to the Dominican Republic – a country known as a source for child pornography – and that he was staying away from the main resorts raised the suspicion of a CBSA agent, who requested his luggage be searched. Côté's computer was searched and the subsequent police investigation found thousands of child pornography images and videos. During the police investigation, Côté fled back to the Dominican Republic. The Quebec police eventually obtained a warrant for his arrest, and Côté was arrested by the Dominican police under an Interpol Red Notice.²⁴⁸ The offender was brought back to Canada in February 2013 and was found guilty in May 2014.

A Canadian registered child sex offender committing repeated sexual offences against children in Cuba

James McTurk²⁴⁹ was the first Canadian to be convicted under Canadian law for sexual offences committed against children in Cuba. McTurk spent several years on the National Sex Offender Registry, yet he was able to make repeated trips to Cuba whenever he wanted until he was caught in the summer of 2013.²⁵⁰

Canada.²⁵¹ The Bill enables information sharing between officials at the NSOR and the CBSA on certain registered sex offenders and establishes a publicly accessible database of high-risk sex offenders who have been the subject of a public notification. According to Beyond Borders ECPAT Canada, who worked tirelessly to see these changes made into Canadian law, the amendments will facilitate the prevention of child sex tourism and increase the likelihood that sex offenders are prosecuted in Canada as well as abroad.²⁵² In addition, in May 2015, the Canadian government announced new passport measures that would prevent potential terrorists and sex offenders from traveling abroad.²⁵³

3.3.2 The U.S.

The U.S. pioneered sex offender registration and enacted its first federal sex offender registration law in 1994. The *Sexual Offender (Jacob Wetterling) Act of 1994*, also known as Megan's law, requires law enforcement to share information with the public regarding registered sex

offenders. It is up to states to decide what information to disseminate and how. This may be through the newspapers, community notification or websites. The federal *Adam Walsh Child Protection and Safety Act* (also known as the *Sex Offender Registration and Notification Act* or SORNA) was passed in 2006 and established a comprehensive national system for the registration and notification to the public and law enforcement of convicted sex offenders. The Act supplements Megan's law by categorizing offences into one of three tiers, based on their severity. The SORNA requires all U.S. jurisdictions to comply with its guidelines. Individuals on the list are required to update their whereabouts every three, six or twelve months. Offenders are required to register from 10 years to life depending on which tier the offence for which they were convicted falls in. Today, there are individual and public registry websites operated by all 50 states, the District of Columbia, four U.S. territories and 70 Indian Tribes. These systems link to a public, national public registry website.²⁵⁴ Most sex offences are registerable.

²⁴⁸ T. Thanh Ha, "Montrealer, 82, faces pedophilia charges related to Caribbean visits", *The Globe and Mail*, 1 March 2013, accessed 12 March 2015, <http://www.theglobeandmail.com/news/national/montrealer-82-faces-pedophilia-charges-related-to-caribbean-visits/article9202211/>.

²⁴⁹ See section 3.2.1 for more details about this case.

²⁵⁰ Julian Sher, Robert Cribb and Jennifer Quinn, "Toronto sex offender could be the first Canadian convicted of child sex tourism in Cuba", *The Star*, 15 March 2013, accessed 28 March 2015, http://www.thestar.com/news/world/2013/03/15/toronto_sex_offender_could_be_first_canadian_convicted_of_child_sex_tourism_in_cuba.html.

²⁵¹ Robin MacKay, *Legislative Summary of Bill C-26: An Act to amend the Criminal Code, the Canada Evidence Act and the Sex Offender Information Registration Act, to enact the High Risk Child Sex Offender Database Act and to make consequential amendments to other Acts*, 41st Parl. 2nd Sess., Library of Parliament Research Publications (14 March 2014), accessed 1 May 2015 from http://www.parl.gc.ca/About/Parliament/LegislativeSummaries/bills_ls.asp?ls=c26&Parl=41&Ses=2.

²⁵² Beyond Borders, Fact Sheet. Child sex tourism – Law, June 2014, accessed 15 March 2015, <http://www.beyondborders.org/wp/wp-content/uploads/CHILD-SEX-TOURISM-%E2%80%94LAW-Revised-WD-June-2014.pdf>.

²⁵³ "Budget bill C-59 to enable passport seizures from terrorism suspects", *CBC News*, 8 May 2015, accessed 10 May 2015, <http://www.cbc.ca/news/politics/budget-bill-c-59-to-enable-passport-seizures-from-terrorism-suspects-1.3066294>.

²⁵⁴ Government of the U.S., Department of Justice, SMART Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking, *Global Overview of Sex Offender Registration and Notification Systems* (2014), accessed 21 April 2015, <http://www.smart.gov/pdfs/GlobalOverview.pdf>.

In January 2015, the House of Representatives introduced the International Megan's Law. This Bill²⁵⁵ if passed by U.S. Senate would: (1) Require the notification of foreign governments when an American registered as a sex offender travels to another country; (2) Enable better information exchange between the U.S. and foreign governments by mutual notice of registered sex offenders' travels; and (3) Establish in law the Angel Watch Center within ICE HSI, a system set up to notify destination countries of travel by certain registered sex offenders. The Bill also calls for more cooperation on the part of foreign governments to notify the U.S. when one of its citizen has been arrested, convicted, sentenced, or completed a prison sentence for a sexual offense against a child in that foreign country.²⁵⁶ One of the longer term objectives of the Bill is the establishment of reciprocal notice system at international level.

According to ECPAT International, the Bill would significantly enhance American efforts to work with officials in foreign countries to protect children from travelling American sex offenders.²⁵⁷ The Bill, if passed, could act as a strong deterrent by stopping offenders before they enter a foreign country to commit their crimes. Currently, ICE uses an intelligence driven system which monitors the travel patterns of registered sex offenders. It works to identify and stop child sex offenders who attempt to travel abroad to commit further crimes. Since the inception Operation Angel Watch, nearly 300 suspected perpetrators have been identified.²⁵⁸

3.4 HOTLINES AND REPORTING

In Canada, individuals can report suspected cases of child sexual exploitation to the RCMP or to the national tip line, Cybertip.ca. The tip line receives and processes online and telephone reports from the public regarding child pornography, online luring, child prostitution and child sex tourism. It also provides information to the public about these offences. According to communications

with Cybertip.ca, since 2002 the tip line received 462 reports where the public believed the incident reported related to child sex tourism. Of those, only 53 reports had information to indicate an offence related to child sex tourism may have occurred.²⁵⁹ Over the past 10 years, Cybertip.ca has concentrated its efforts on raising awareness and promoting the reporting of child sexual abuse material and luring incidents. However, it is planning a campaign in the future to raise awareness about the issue of sexual exploitation of children in travel and tourism.

Reporting overseas can also be made through Canadian liaison officers posted in embassies worldwide. However, the presence of Canadian officers is limited. The RCMP has 37 liaison officers posted in 26 countries,²⁶⁰ but they are not specifically assigned to child exploitation cases full-time. While Canada has been criticized for not being proactive in the policing of its citizens overseas, it has promised more action at home to address legal loopholes to prevent child sex offenders from travelling, enhance cooperation with police forces in Canada and abroad and better intelligence gathering.²⁶¹ These developments should be closely monitored.²⁶²

In the U.S., CyberTipline is the national hotline mandated by Congress to collect information on child exploitation. It provides different reporting categories including child pornography, online enticement of children for sexual purposes, child prostitution and sex tourism involving children. The CyberTipline is operated in partnership with the FBI, ICE, the U.S. Department of Justice as well as other law enforcement agencies. Between 1998 and January 2015 the hotline received 3.3 million reports of child sexual exploitation.²⁶³ Anonymous reports of human trafficking as well as extraterritorial sexual exploitation can also be made in the US to the National Human Trafficking Resource Center (NHTRC) by phone or through their website; or directly by calling the ICE hotline or e-mailing them.²⁶⁴

²⁵⁵ Government of the U.S., *An Act to protect children from exploitation, especially sex trafficking in tourism, by providing advance notice of intended travel by registered child-sex offenders outside the United States to the government of the country of destination, requesting foreign governments to notify the United States when a known child-sex offender is seeking to enter the United States, and for other purposes* (28 January 2015), accessed 1 June 2015, <https://www.congress.gov/bill/114th-congress/house-bill/515/text>.

²⁵⁶ *Ibid.*

²⁵⁷ ECPAT International, *Global Monitoring Report on the Status of Action against Commercial Sexual Exploitation of Children: United States (2nd Ed.)*, (Bangkok, Thailand: ECPAT International, 2014), accessed 16 April 2015, http://ecpat.net/sites/default/files/a4a_v2_am_usa_2.pdf.

²⁵⁸ Government of the U.S., *An Act to protect children from exploitation, especially sex trafficking in tourism, by providing advance notice of intended travel by registered child-sex offenders outside the United States to the government of the country of destination, requesting foreign governments to notify the United States when a known child-sex offender is seeking to enter the United States, and for other purposes* (28 January 2015), accessed 1 June 2015, <https://www.congress.gov/bill/114th-congress/house-bill/515/text>.

²⁵⁹ Based on e-mail exchanges with Cybertip.ca, 20 April 2015.

²⁶⁰ Royal Canadian Mounted Police, *International Policing*, accessed 5 May 2015, <http://www.rcmp-grc.gc.ca/ip-pi/index-eng.htm>.

²⁶¹ Julian Sher, "Almost nothing stops Canadian sex offenders from re-offending abroad", *The Star*, 18 March 2013, accessed 20 April 2015, http://www.thestar.com/news/world/2013/03/18/almost_nothing_stops_canadian_sex_offenders_from_reoffending_abroad.html.

²⁶² See information on *Bill C-26 Tougher Penalties for Child Predators Act*, above.

²⁶³ National Center for Missing and Exploited Children, *Cybertipline*, accessed 20 April 2015, <http://www.missingkids.com/cybertipline/>.

²⁶⁴ Government of the U.S., Department of Justice, accessed 20 April 2015, <http://www.justice.gov/criminal/ceos/report/report.html#reporttourism>.

Reporting overseas can be made through American liaison officers posted in U.S. embassies worldwide. The U.S. DHS deploys dozens of special agents in 48 countries, with child exploitation considered the “major pillar” of their mission in popular “sex tourism” destinations. These agents provide support to local police in surveillance, arrest and intelligence operations.

One novel way to report is through the Operation Predator smartphone app, the first of its kind in U.S. law enforcement. Using this app, the public can submit anonymous tips to the ICE tip line from anywhere in the world. It can also receive a list of wanted and arrested suspects; get status updates on these suspects; and access online resources on missing and/or exploited children.²⁶⁵

²⁶⁵ Government of the U.S., Immigration and Customs Enforcement, *Operation Predator App* (2015), accessed 21 April 2015, <http://www.ice.gov/predator/smartphone-app>.

CHAPTER 4

CROSS-SECTOR PARTNERSHIPS AS A RESPONSE TO SECTT

This section discusses a number of initiatives undertaken against SECTT in the North American continent. The main focus of this section is the cross-sector initiatives and partnerships which have been developed between government, NGOs and the private sector of travel, tourism and transportation to counter SECTT, often under the umbrella of Corporate Social Responsibility. Corporate Social Responsibility (CSR) generally refers to the ways in which companies integrate social, environment and financial concerns into their values and operations.²⁶⁶ Over the years, the travel and tourism industry has become increasingly involved in fighting SECTT and has made significant contributions towards its elimination. Representatives of the industry have taken part in all three World Congresses against CSEC which took place in Stockholm (1996), Yokohama (2001) and Rio de Janeiro (2008).

At global scale, there is a recognition that businesses can and should play a role in the protection of human rights. In 2011, the UN Human Rights Council endorsed the *Guiding Principles on Business and Human Rights* (the *Guiding Principles*), which were developed by the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises. The *Guiding Principles* require that companies have a policy commitment to respect human

rights, and that they proactively take steps to prevent, mitigate and, where appropriate, remediate, their adverse human rights impacts.²⁶⁷ The U.S. government is in the process of drafting a *National Action Plan on Responsible Business Conduct*. ECPAT USA provided input into this process, specifically on the use of voluntary instruments to prevent child rights violations including in the hospitality industry.²⁶⁸ In Canada, the impact of the *Guiding Principles* remain to be seen. There is support for the development of a strategy to implement the *Guiding Principles*,²⁶⁹ and child rights NGOs such as Plan Canada, UNICEF Canada and Save the Children Canada have made several suggestions as to how children's rights could be incorporated in an upcoming strategy and on how this could benefit businesses.²⁷⁰

In the U.S., private companies have also launched their own initiatives: the Global Business Coalition against Trafficking (gBCAT) has given itself the mission to “mobilize the power, resources and thought leadership of the business community to end human trafficking, including all forms of forced labor and sex trafficking”. One of its four areas of focus is sex trafficking, most specifically awareness raising about the importance of company policies to combat sex trafficking, notably in travel and tourism.²⁷¹

²⁶⁶ Mark Erik Hecht, *Private sector accountability in combating the commercial sexual exploitation of children. A Contribution of ECPAT International to the World Congress III against Sexual Exploitation of Children and Adolescents. Rio de Janeiro, Brasil. 25-28 November 2008* (Bangkok: ECPAT International, 2008), accessed 10 March 2015, http://www.ecpat.net/sites/default/files/Thematic_Paper_CSR_ENG.pdf.

²⁶⁷ UN Global Compact, *UN Framework and the Global Compact*, accessed 1 June 2015, https://www.unglobalcompact.org/issues/human_rights/the_un_srsg_and_the_un_global_compact.html.

²⁶⁸ Camelia Tepelus and Michelle Guelbart, *ECPAT USA Input to the White House National Action Plan on Responsible Business Conduct* (15 December 2014), accessed 20 May 2015, <https://d1fkwa1hd8qd6y.cloudfront.net/FAC7232F-1B5F-434C-BA49-99BE850A5A91/a8fb9303-913c-4c8b-ae2a-a0714f99da08.pdf>.

²⁶⁹ Dr. Kernaghan Webb, “Summary of Conference: Where to from Here: A Canadian Strategy for the UN Principles on Business and Human Rights?”, Ryerson University, Toronto, Ontario, 8 May 2014, accessed 1 May 2015, http://www.ryerson.ca/content/dam/csrinstitute/key_dates/summary_8may2014.pdf.

²⁷⁰ Global Compact Network Canada, Save the Children and UNICEF Canada, “Children’s Rights and Business Principles” (presentation at Ryerson University’s conference *Where to from here: a Canadian strategy for the UN Principles on Business and Human Rights?*, Toronto, 8 May 2014), accessed 1 May 2015, http://www.ryerson.ca/content/dam/csrinstitute/key_dates/Chorley-8may2014.pdf

²⁷¹ gBCAT, *About gBCAT*, accessed 1 June 2015, <http://www.gbcat.org/>.

4.1 THE CODE OF CONDUCT FOR THE PROTECTION OF CHILDREN FROM SEXUAL EXPLOITATION IN TRAVEL AND TOURISM

In North America, codes of conduct have become the main CSR instrument for regulating the interface between the travel and tourism industry and children's rights.²⁷² One of the most successful tools against SECTT has been *The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism* ("the Code"). The Code was established in 1998 by ECPAT Sweden, with support from the UNWTO and with funding from the European Union and later from UNICEF. It is an industry-driven initiative which provides tools, awareness and support so that the private sector can better prevent, combat and report SECTT.

Companies that sign the Code commit themselves to the implementation of six criteria:

1. To establish a policy and procedures against sexual exploitation of children
2. To train employees in children's rights, the prevention of sexual exploitation and how to report suspected cases
3. To include a clause in contracts throughout the value chain stating a common repudiation and zero tolerance policy of sexual exploitation of children
4. To provide information to travelers on children's rights, the prevention of sexual exploitation of children and how to report suspected cases
5. To support, collaborate & engage stakeholders in the prevention of sexual exploitation of children
6. To report annually on the implementation of the Code.²⁷³

The Code was launched in North America in 2004. This launch was a high-level event held at the UNICEF Headquarters in New York in presence of H.M. Queen Silvia of Sweden, former UNICEF Executive Director Carol Bellamy, UNWTO former Deputy Secretary General and UNWTO Dr. Dawid de Villiers. The event was the first to introduce the North American hospitality sector to the issue of business engagement against child exploitation.

The adoption of the Code in North America has not been uniform. In Canada, membership remains limited. There

are two Local Code Representatives in Canada: Beyond Borders ECPAT Canada and the IBCR. According to Beyond Borders ECPAT Canada, Canadian companies are not sufficiently engaged in the prevention and fight against SECTT.²⁷⁴ Beyond Borders obtained the first Canadian Code member in 2007, when Quebec travel agency Incursion Voyages became a signatory.²⁷⁵ Its continued efforts led to the Association of Canadian Travel Agencies (ACTA) becoming a member in 2008.²⁷⁶

In the U.S., ECPAT USA has taken a leading role promoting the Code. As of May 2015, there are 40 U.S. companies, associations and others that have signed the Code. Major signatory corporations include Delta Air Lines, Hilton Worldwide, Wyndham Worldwide, Sabre, Choice Hotels, Carlson Companies and Orbitz. Having the Code international Secretariat based in New York and fully funded by UNICEF between 2004 and 2011 made a critical strategic contribution to the development of a strategic partnership between TheCode.org, ECPAT national structures and UNICEF in both headquarters and at country level, which in turn led to reciprocal support in launching partnerships in many countries including Mexico, Belize, Colombia, Peru, Brazil, Japan and Romania.

Other examples include Hilton Worldwide, which became the second signatory to the Code in 2011. The U.S. based multi-brand hospitality company has taken a strong stance against child trafficking. For example, it has provided awareness and compliance training to General Managers and department heads, reaching over 1,500 employees. Hilton has also been offering the American Hotel and Lodging Educational Institute/ECPAT-USA online course entitled "The Role of the Hospitality in Preventing and Reacting to Child Trafficking" to more than 4,100 of its hotels. Hilton also supports several NGOs working against child trafficking including Airline Ambassadors International and Global Fund for Children.²⁷⁷ Sabre, a global distributing system for the travel and tourism industry, is another prominent member of the Code. Upon signing The Code in 2012, Sabre launched Passport to Freedom, a corporate responsibility program to help fight human trafficking and provide support for victims and survivors. The goals of Passport to Freedom are to raise awareness and educate the travel industry and general public as well as advocating for legislative change. In addition, the program facilitates trafficking visa (T-Visa) certification for

²⁷² Mark Hecht, *Private sector accountability in combating the commercial sexual exploitation of children. A Contribution of ECPAT International to the World Congress III against Sexual Exploitation of Children and Adolescents. Rio de Janeiro, Brasil. 25-28 November 2008* (Bangkok: ECPAT International, 2008), accessed 10 March 2015, http://www.ecpat.net/sites/default/files/Thematic_Paper_CSR_ENG.pdf.

²⁷³ TheCode.org, accessed 5 May 2015, <http://www.thecode.org/about/>.

²⁷⁴ Beyond Borders, *Corporate Social Responsibility (CSR) – Travel and Tourism Sectors (June 2012)*, accessed 22 May 2015, <http://www.beyondborders.org/wp/wp-content/uploads/CSR-Travel-and-Tourism2.pdf>.

²⁷⁵ Beyond Borders ECPAT Canada, *Success Stories*, accessed 22 May 2015, <http://www.beyondborders.org/wp/about/success-stories/>.

²⁷⁶ *Ibid.*

²⁷⁷ Hilton Worldwide, *Child Trafficking Overview*, accessed 26 May 2015, https://www.ustravel.org/sites/default/files/page/2012/09/HiltonWorldwide_Human_rights.pdf.

Carlson's commitment to protect children's rights

Carlson²⁷⁸ was the first signatory of the Code in 2004. One of the biggest hotel and tour companies in the world, Carlson is a global hospitality and travel company that continues to distinguish itself as a child protection leader. In 2013, Carlson received the inaugural Award for Extraordinary Efforts to Combat Trafficking in Persons, presented at a White House Ceremony. In 2014, the company was recognized as a Top Member of the Code for its exceptional efforts to protect children. It joined forty-three other companies worldwide to have successfully implemented all six criteria of the Code.²⁷⁹ The Carlson Rezidor Hotel Group uses a child protection training program which includes a film clip from the renowned documentary, "Not My Life", which was partially funded by the Carlson Family Foundation. The training is mandatory for all Carlson Rezidor hotel and corporate employees. The company's work to protect children has also been recognized by the United Nations, who honored former CEO Marilyn Carlson with the UN. Gift and "End Human Trafficking Now!" Business Leader's Award. Carlson is also one of the founding members of the Global Business Coalition against Trafficking (gBCAT).²⁸⁰

local victims of international trafficking and launched a scholarship program for survivors of human trafficking who may be interested in working in the travel industry.²⁸¹

In addition to the Code, there have been several CSR initiatives aimed at raising awareness around SECTT. For instance in the U.S., the American Hotel and Lodging Association, the primary hospitality industry trade association in the country, has partnered with ECPAT-USA to create an online training course for members and non-members alike. The course has been widely distributed online and through webinars and is available for licensing to hotels in the U.S. and around the world.²⁸² The course explains the risks that trafficking may pose to properties, provides a list of indicators and behaviors that may indicate child trafficking, and offers steps to respond. The training includes a quiz which leads to a certificate of completion.²⁸³ The U.S. Travel Association, which regularly works with government and industry leaders, also recently developed a toolkit of resources to help raise awareness about human trafficking within the travel community.²⁸⁴

A number of individual hotel companies provide training to their employees. For instance, Starwood Hotels & Resorts

recently made its human trafficking awareness training global through its online learning management system. Major hotel groups such as Starwood, InterContinental Hotels Group and many other hotel companies include clauses in supplier contracts requiring suppliers to comply with the hotels' own anti-trafficking policies.²⁸⁵

4.2 THE TRANSPORTATION INDUSTRY

The transportation industry is closely linked to the travel and tourism industry. For this reason, it has a unique role to play in combating SECTT. Airlines, in particular, transport millions of passengers every year. North American airlines have worked in partnership with government and NGOs in their efforts to eradicate human trafficking and child sexual exploitation. More specifically, they have helped: (1) raise public awareness about the dangers of SECTT, including the harm it causes to children and legal consequences of engaging in SECTT;²⁸⁶ and (2) train their employees on victim identification and reporting. In the U.S., other transportation services such as train, bus, railway and trucking companies have also joined efforts to fight these crimes.

²⁷⁸ Carlson is a global hospitality and travel company headquartered in Minneapolis, Minnesota. Carlson Rezidor Hotel Group includes more than 1,340 hotels in operation and development, including, Quorvus Collection, Radisson Blu®, Radisson®, Radisson Red, Park Plaza®, Park Inn® by Radisson and Country Inns & Suites By Carlson. Carlson's portfolio also includes Carlson Wagonlit Travel®, the global leader in business travel and meetings management. Carlson operates in more than 150 countries and territories and its brands employ more than 100,000 people.

²⁷⁹ "Carlson Recognized as a Top Member of The Code in 2014 for Exceptional Efforts to Protect Children", *Carlson News Release*, 22 July 2014, accessed 24 May 2015, <http://www.carlson.com/news-and-media/news-releases.do?article=8509125>.

²⁸⁰ Global Business Coalition against Trafficking, Case Studies, accessed 1 June 2015, <http://www.gbcat.org/#about>.

²⁸¹ ECPAT USA, *ECPAT-USA Input to the White House National Action Plan on Responsible Business Conduct following the national consultation convened by the US Government on December 15, 2014 at NYU Stern School of Business*, accessed 24 May 2015, <https://d1fkwa1hd8qd6y.cloudfront.net/FAC7232F-1B5F-434C-BA49-99BE850A5A91/a8fb9303-913c-4c8b-ae2a-a0714f99da08.pdf>.

²⁸² *Ibid.*

²⁸³ American Hotel and Lodging Institute Educational Institute, *New Online Program Tackles Serious Topic of Child Trafficking at Hotels* (2014), accessed 31 May 2015, <https://ahlei.org/Newsletters/Articles/New-Online-Program-Tackles-Serious-Topic-of-Child-Trafficking-at-Hotels/#sthash.ngDbat2i.Q7o6lpkP.dpuf>.

²⁸⁴ U.S. Travel Association website, accessed 26 May 2015, <https://www.ustravel.org/sites/default/files/page/2012/09/Human-Rights-ltr-Dow-092412.pdf>.

²⁸⁵ Kate Rice, "The War on Human Trafficking", *Travel Weekly*, 7 May 2014, accessed 31 May 2015, <http://www.travelweekly.com/Travel-News/Travel-Agent-Issues/The-war-on-human-trafficking/>.

²⁸⁶ This has mostly been the case in Canada.

4.2.1. Airlines and airports

Air Canada, the country's largest airline, was the first airline in Canada and the second in North America to air videos to raise awareness about child sexual exploitation: in 2005, the organization OneChild worked in collaboration with Air Canada to produce an in-flight-video to sensitize passengers on the social, legal, and humanitarian consequences of engaging in child sex tourism, and to call them to action. The youth-run campaign was hailed as a "best practice" by the World Tourism Organization's Task Force for the Protection of Children.²⁸⁷

Since then, Beyond Borders ECPAT Canada has established a long-lasting partnership with Air Canada. The airline has demonstrated its commitment to the fight against child sexual exploitation by supporting the creation of awareness raising videos which are featured on its entertainment system. New videos, which were launched in 2014, educate the public about the great harm experienced by children through sex tourism, sex trafficking and sexual abuse images (child pornography), and encourage the reporting of these crimes.²⁸⁸

Transat is another eminent example of a company that highlights CSR and sustainable tourism. Transat is Canada's holiday travel leader and one of the largest tourism companies in the world. Transat has signed a memorandum of understanding with Beyond Borders ECPAT Canada to work to eliminate CSEC. In 2010, Beyond Borders ECPAT Canada provided training on CSEC to Transat managers and destination representatives. Transat has since established a team of managers who serve as in-house trainers.²⁸⁹ Training to managers and frontline staff extended through 2013. The tour operator also developed internal policies to guide the actions of employees who may witness situations of abuse.²⁹⁰ In addition, Transat is a sponsor of Beyond Borders ECPAT Canada's Media Awards.²⁹¹

In addition to its activities with Air Canada and Transat, Beyond Borders ECPAT Canada also works with WestJet. In 2011, the leading airline committed to supporting Beyond Borders ECPAT Canada by increasing awareness of child sexual exploitation through its social media channels, its in-flight magazine and its website.

Between 2009 and 2012, the International Bureau for Children's Rights led a national awareness raising campaign against SECTT as part of a coalition including



the Canadian NGO One Child, Plan Canada and UNICEF Canada. The goals of the campaigns were to educate the Canadian public about the legal and social consequences of SECTT and to encourage the public to report the crime through the national hotline Cybertip.ca,²⁹² which includes a dedicated channel for reporting "child sex tourism". Posters (reproduced above) were displayed in the Montreal and Quebec airports. Posters and pamphlets were distributed to travel agencies, tour operators as well as to the public in Montreal, Toronto and Vancouver. Campaign visuals were designed by BCP, a leading advertising company. As of May 2015, the IBCR was working to expand its work on CSEC, including SECTT, in Latin America. Air Canada was a supporter of this campaign. In 2010 and 2011, it hosted two forums on SECTT in its Toronto and Vancouver offices. These events gathered tourism companies and representatives from NGOs, law enforcement and government. The airline also published the above illustrated campaign posters in its

²⁸⁷ One Child, *In-Flight Video*, accessed 10 May 2015, <http://onechild.ca/our-projects/past-projects/in-flight-video/>.

²⁸⁸ Beyond Borders, *Companies Making a Difference*, accessed 22 May 2015, <http://www.beyondborders.org/wp/corporate-responsibility/companies-making-a-difference/>.

²⁸⁹ Beyond Borders, *Corporate Social Responsibility (CSR) – Travel and Tourism Sectors*, June 2012, accessed 22 May 2015, <http://www.beyondborders.org/wp/wp-content/uploads/CSR-Travel-and-Tourism2.pdf>.

²⁹⁰ Beyond Borders ECPAT Canada, *2013 Annual Report*, Accessed 14 April 2015, <http://www.beyondborders.org/wp/wp-content/uploads/BB-PR-ENGLISH2014.pdf>.

²⁹¹ Beyond Borders ECPAT Canada, *Our Sponsors*, accessed 22 May 2015, <http://www.beyondborders.org/wp/media-awards/our-sponsors/>.

²⁹² IBCR, *Raising awareness against child sex tourism in Canada*, accessed 14 April 2015, <http://ibcr.org/images/contentu/publications/Tourisme-sexuel-int-lowres-en.pdf>.

Delta: the first airline in the world to join the Code

Delta was the first airline in the world to become a signatory to the Code in 2011 and one of the first to join the Blue Lightning initiative. The air carrier, which transports 160 million passengers every year,²⁹³ has taken an active role in awareness raising about human trafficking. In addition to being a Code member, Delta is also a founding member of the *Global Business Coalition Against Human Trafficking* and a member of the U.S. DOT's *Transportation Leaders against Human Trafficking program*. In October 2014, Delta had trained 68,000 employees.²⁹⁴ CEO Richard Anderson stated:

"Guided by our values, Delta is proud to be among the first airlines to adopt this new training program to help raise awareness and combat the problem of human trafficking. Delta strongly condemns all forms of human rights abuses, including human trafficking. Our core values along with the responsibility that comes with our global reach have led us to be at the forefront among airlines in this fight against human trafficking".²⁹⁵

Airline personnel and potential trafficking victims

"Every day I talk to airline attendants who say, 'There was a girl on my flight who didn't look normal'"

Nancy Rivard, founder of *Airline Ambassadors*.²⁹⁶

in-flight magazine, *En Route*. Air Canada serves nearly 35 million passengers annually,²⁹⁷ and such contribution can make a significant impact on public education.

In the U.S., some air carriers have joined the Blue Lightning initiative. Blue Lightning was introduced in 2013 as a joint initiative of the U.S. Department of Transportation (DOT), Department of Homeland Security (DHS) and Customs and Border Protection (CBP). Blue Lightning is a voluntary training program for frontline airline staff. It is part of the DHS's Blue Campaign to combat human trafficking, launched in January 2012. The program trains airline to identify and report human trafficking to federal law enforcement.²⁹⁸ To date, five airlines have incorporated it in their training: Allegiant Air, Delta Air Lines, JetBlue Airways, North American Airlines and Silver Airways. More carriers are expected to join.²⁹⁹

The Airline Ambassadors International's (AAI) human trafficking program is yet another example of airline and airport involvement.³⁰⁰ AAI, who is also a Code signatory, collaborates with DHS and DOS to train airline and travel industry personnel. In September 2014, AAI provided

training to 120 employees of the Sacramento, California international airport. Trainees included workers from airlines, firefighters, food services and Transportation Security Administration agents. AAI mentioned that the airport contacted AAI to provide training,³⁰¹ pointing to the willingness of the private sector to protect children's rights.

Another initiative involving airports in the U.S. was the media campaign led by the NGO World Vision starting in 2004. The objective of this campaign was dissuading tourists from purchasing sexual services with children during their travels abroad. This was a joint effort with the U.S. government and involved the dissemination of deterrence messages through a number of tools, such as billboards and street signs overseas and airline in-flight magazines and videos. The main campaign locations included U.S. airports, hotels and the Internet. However, the initiative has now ended, and it is unclear whether it will be continued in the future.³⁰² In the past, the International Justice Mission and Shared Hope International have also done some work addressing child sex tourism but have since then refocused their efforts on human trafficking.

²⁹³ Delta Airlines, *Delta to Implement New Anti-Human Trafficking Program in Partnership with U.S. Customs and Border Protection, U.S. Department of Transportation* (Press Release, 6 July 2013), accessed 25 May 2015, <http://news.delta.com/2013-06-06-Delta-to-Implement-New-Anti-Human-Trafficking-Program-in-Partnership-with-U-S-Customs-and-Border-Protection-U-S-Department-of-Transportation>.

²⁹⁴ Ed Bastian, *Take the human trafficking problem seriously*, *The Detroit News* (21 October 2014), accessed 25 May 2015, <http://www.detroitnews.com/story/opinion/2014/10/21/delta-opposed-human-trafficking-michigan/17631277/>.

²⁹⁵ Delta Airlines, *Delta to Implement New Anti-Human Trafficking Program in Partnership with U.S. Customs and Border Protection, U.S. Department of Transportation* (Press Release, 6 July 2013), accessed 25 May 2015, <http://news.delta.com/2013-06-06-Delta-to-Implement-New-Anti-Human-Trafficking-Program-in-Partnership-with-U-S-Customs-and-Border-Protection-U-S-Department-of-Transportation>.

²⁹⁶ Tanya Mohn, "The Travel Industry Takes on Trafficking", *New York Times*, 8 November 2012, accessed 28 May 2015, <http://www.nytimes.com/2012/11/09/giving/the-travel-industry-takes-on-human-trafficking.html>.

²⁹⁷ Air Canada, *About Air Canada*, accessed 1 June 2015, <http://www.aircanada.com/en/about/>.

²⁹⁸ U.S. Department of Homeland Security, *Blue Lightning*, accessed 24 May 2015 from <http://www.cbp.gov/border-security/human-trafficking/blue-lightning>.

²⁹⁹ Kate Rice, "The War on Human Trafficking", *Travel Weekly*, 7 May 2014, accessed 31 May 2015, <http://www.travelweekly.com/Travel-News/Travel-Agent-Issues/The-war-on-human-trafficking/>.

³⁰⁰ Airline Ambassadors International website, accessed 25 May 2015, <http://airlineamb.org/#>.

³⁰¹ Tom DuHain, "Survivor: 'I was trafficked through airports in this country' Human trafficking training hosted at Sacramento International", *KCRA*, 3 September 2014, accessed 26 May 2015, <http://www.kcra.com/news/survivor-i-was-trafficked-through-airports-in-this-country/27869140>.

³⁰² ECPAT International, *Global Monitoring Report on the Status of Action against Commercial Sexual Exploitation of Children: United States* (2nd Ed.), (Bangkok, Thailand: ECPAT International, 2014), accessed 16 April 2015, http://ecpat.net/sites/default/files/a4a_v2_am_usa_2.pdf.

U.S. Department of Transportation Secretary on the role of transportation against human trafficking

In January 2015, Anthony Foxx, U.S. Department of Transportation Secretary, wrote that “The number one mission of the Department of Transportation is to keep the traveling public safe. And one aspect of that is ensuring that our nation’s transportation network is not used for harm. Human trafficking is harm. It is a crime, and we must all work to prevent it”.³⁰³

TAT is saving lives

“I have been in most truck stops in the United States, being bought and sold repeatedly. It is an honor to come alongside an organization such as TAT to ensure this does not happen to our children today. If TAT had been around in the 80’s and 90’s, I am sure some of the atrocities I suffered would not have happened because someone would have been educated by them and helped me. TAT is saving lives, become a part of the team!”

Tajuan McCarty, Survivor and Founder/Executive Director of The WellHouse “a place of grace”.³⁰⁴

4.2.2. Bus and railway stations

Traffickers have been targeting bus and railway companies in North America, waiting at bus terminals for vulnerable young people. They then approach them offering assistance, and later coerce them into prostitution or other form of exploitation.³⁰⁵ Some companies have taken a stance against their facilities enabling such crimes.

In 2012 in the U.S., a partnership between the DOT, DHS and Amtrak was announced with the objective of training frontline transportation employees and Amtrak Police Department officers to identify and report suspicions and instances of human trafficking.³⁰⁶ This led to the creation, the same year, of the *Transportation Leaders against Human Trafficking* (TLAHT) coalition. The group comprises stakeholders of the transportation and travel industry and seeks to maximize the transportation industry’s collective impact in combating human trafficking, by training their employees and the public in recognizing and reporting human trafficking. Nearly all 55,000 employees of the DOT received training between 2012 and 2015.³⁰⁷ Amtrak committed to training all of its employees.

4.2.3 Trucking companies

Trucking companies have been associated with CSEC. Truckers against trafficking (TAT) is a U.S. initiative which provides training to truckers so they can identify and report instances of human trafficking.³⁰⁸ Its mission is “to

educate, equip, empower and mobilize members of the trucking and travel plaza industry to combat domestic sex trafficking”. TAT views truckers as the “eyes and ears of America’s highways” and has led to over 1,000 phone calls to the NHTRC hotline, out of which 350 were considered potential human trafficking cases. In April 2015, TAT was awarded the Suzanne McDaniel Memorial Award for Public Awareness as part of the annual Congressional Victims’ Rights Caucus Awards which took place in Washington, D.C.

4.3 NORTH-SOUTH COLLABORATIVE PROJECTS³⁰⁹

In addition to its contribution to the significant expansion of the Code membership in the U.S., ECPAT USA also promoted the Code in Belize, Brazil and Mexico, through the Protect Children in Tourism project. ECPAT USA worked with ECPAT Brazil to reduce vulnerability of local children to sexual exploitation; trainings were also provided to law enforcement, tourist agencies, hotels and other service providers. ECPAT USA also worked with the Belize Travel Industry Association to promote the Code. In Cancun, Mexico, the Protect Children in Tourism Project provided training on child sex tourism to American consular agents and their role in cases involving American offenders. In Belize and Mexico, these initiatives led to several tourism companies and associations signing the Code.³¹⁰

³⁰³ Ibid.

³⁰⁴ Truckers against Trafficking, *Making an Impact*, accessed 5 May 2015, <http://www.truckersagainstrafficking.org/making-an-impact/>.

³⁰⁵ Mark Hecht, *Private sector accountability in combating the commercial sexual exploitation of children. A Contribution of ECPAT International to the World Congress III against Sexual Exploitation of Children and Adolescents. Rio de Janeiro, Brasil. 25-28 November 2008* (Bangkok: ECPAT International, 2008), accessed 10 March 2015, http://www.ecpat.net/sites/default/files/Thematic_Paper_CSR_ENG.pdf.

³⁰⁶ Department of Homeland Security Press Office, *DHS, DOT and Amtrak Announce New Partnership to Combat Human Trafficking* (4 October 2012), accessed 26 May 2015, <http://www.dhs.gov/news/2012/10/04/dhs-dot-and-amtrak-announce-new-partnership-combat-human-trafficking>.

³⁰⁷ Secretary Anthony Foxx, *National Slavery and Human Trafficking Prevention Month*, 29 January 2015, accessed 25 May 2015, <http://www.dot.gov/fastlane/human-trafficking-prevention-month-2015>.

³⁰⁸ Truckers against Trafficking website, accessed 24 May 2015, <http://www.truckersagainstrafficking.org/>.

³⁰⁹ As this report focuses on North America, other regional desk studies hopefully provide more information about these projects in the countries where they took place.

³¹⁰ ECPAT International (2014), *Global Monitoring Report on the Status of Action against Commercial Sexual Exploitation of Children: United States* (2nd Ed.), accessed 16 April 2015, http://ecpat.net/sites/default/files/a4a_v2_am_usa_2.pdf.

In Canada, the IBCR and the Costa Rican NGO/ECPAT Group Paniamor worked together on a bilateral project against CST during the period 2012-2014, with funding from the Canadian Department of Foreign Affairs, Trade and Development. The project had two main objectives: (1) to strengthen collaboration between law enforcement at origin (Canada) and destination (Costa Rica); and (2) to implement an awareness raising campaign targeting traveling at origin and destination. At destination, the project worked to reduce social tolerance for CST by engaging local communities and the informal sector of tourism, including masseurs, tour guides, vendors, surf instructors and taxi drivers. The project addressed the potentially facilitating role of these individuals in SECTT stemming from their access to information about potential victims and their transporting of buyers and/or victims. In Costa Rica, the project had a profound change on the perceptions of CSEC, its victims and offenders, and empowered local communities and the informal tourism sector to become agents of change by reporting crime.³¹¹ As of May 2015, the IBCR was working to expand its work on CSEC, including SECTT, in Latin America.

4.4 CHILD PROTECTION POLICIES WITHIN THE PRIVATE SECTOR

Efforts to prevent SECTT do not have to be restricted to travel and tourism companies. In addition to company policies which enable employees to identify and report instances or suspicions of trafficking, any company can incorporate safeguards against SECTT as part of its corporate travel policy. Corporate travel policies typically clarify the means by which travel must be arranged, and the parameters that must be adhered to in terms of expenses, transportation, etc. It is not uncommon for such policies to include conduct which is deemed unacceptable when traveling for business purposes, coupled with disciplinary sanctions. Prohibiting employees from engaging in any form of human trafficking while traveling on business can serve as a powerful deterrent to such conduct while at the same time help preserve a company's reputation and mitigate risk.

³¹¹ IBCR, *Preventing Commercial Sexual Exploitation of Children in Costa Rica: Analysis of a Bilateral Project* (2014), accessed 9 April 2015, http://ibcr.org/images/contenu/publications/Costa_Rica%20int_EN.pdf.

CHAPTER 5

RECOMMENDATIONS

This section offers recommendations for government, NGOs and the private sector on how to address SECTT. Because SECTT is a subset of CSEC, recommendations 1 through 4 are general to CSEC but nevertheless essential to develop comprehensive child protection frameworks to address all of its manifestations.

Recommendation 1: To ratify and implement all international child rights instruments

International child rights instruments serve as a basis to establish comprehensive frameworks for the protection of children. The U.S. is the only country, along with Somalia and South Sudan, not to have ratified the *United Nations Convention on the Rights of the Child*. The U.S. should take action to ratify the CRC as the foundation of a protective environment for all children within and beyond its borders. Both Canada and the U.S. should also sign and ratify the *Optional Protocol on a communications procedure, to further enhance the implementation of the Convention on the Rights of the Child*.

Recommendation 2: To address demand by educating and engaging the buyers of commercial sex with children

SECTT exists because there is a demand for it. While much attention in North America has been directed at the dismantling of organized trafficking rings, buyers of commercial sex with children remain largely anonymous. Buyers are a vital link in the chain of SECTT without whom SECTT cannot exist, yet they are not sufficiently treated as such. It is crucial that men become more involved in fighting SECTT and become empowered as agents of change. While some initiatives are already in place, it is important that more awareness be raised among men about the risks and harms that sexual exploitation inflicts on children, and that men take a leading role in providing positive models of masculinity. Increased awareness and understanding of social norms and perceptions of child sexual exploitation should be promoted, with the objective of changing behaviors and attitudes on the part of buyers of commercial sex with children.

Recommendation 3: To address critical gaps in national laws against CSEC

Canada and the U.S. should continue to strengthen their legal frameworks against CSEC. While both Canada and the U.S. do have laws which can be used to arrest the purchasers, these are not sufficiently enforced. In addition, more effort should be made to ensure that children who are sexually exploited are never treated as delinquents or offenders but rather as victims entitled to adequate support and services. Law enforcement should continue to receive training on child sexual exploitation and the handling of victims so as to ensure a child protection response to these crimes. In the U.S., safe-harbor laws should be enacted in those States still lacking them. When it comes to international SECTT, extraterritorial laws which punish North American offenders for crimes committed against children while out of the country should be applied strictly.

Recommendation 4: To increase pressure on companies advertising commercial sex with minors and demand accountability

Child sexual exploitation has largely moved away from the street into the online environment. Through general classified advertising websites such as Backpage, children are also being sold for commercial sex all across North America. Companies such as Backpage facilitate the interaction between buyers and victims and generate millions in advertising revenues. More pressure and public mobilization are required to transmit a message of zero tolerance towards CSEC and SECTT to advertising websites.

Recommendation 5: To address the critical lack of data on SECTT

As the Committee on the Rights of the Child has recommended on several occasions to the governments of Canada and the United States, data collection is key to fighting CSEC, including SECTT. The development of tailored policies, programs and laws to protect children's rights is contingent upon the existence of specific, reliable data. A sub-category of CSEC, SECTT has been largely under-researched. On the one hand, quantitative and qualitative data should be collected on North American offenders who perpetrate sexual crimes against children

overseas. In particular, data should be collected on the number of arrests, prosecutions and convictions of North American offenders abroad disaggregated per category of offences and including all instance of child prostitution, child pornography and child trafficking for sexual purposes. Governments could produce lists of child sex offenders who have been arrested/convicted for crimes committed overseas. It is equally important that research continues to better profile and understand these offenders and to understand how many are preferential vs. situational. Given the insufficient information currently available on the involvement of North Americans in sex crimes against children abroad, this is an important step to inform further action.

It is also crucial to collect data on the incidence of SECTT in both Canada and the U.S. The travel, tourism and transportation industries have played a vital role in the protection of children from sexual exploitation and have demonstrated great leadership in acknowledging that they may provide an enabling environment for criminals. At the same time, in order to evaluate and refine the response to SECTT, and to continue garnering attention and action towards its elimination, it is imperative that more information be collected in a more systematic way on the ways these facilities are used by perpetrators. Data on good practice should also be collected, documenting for example the ways in which perpetrators have been detected and identified.

Recommendation 6: To support the continued involvement of the travel and tourism industry and transportation services of North America in the fight against SECTT, through cross-sector collaboration

The incorporation of children's rights into business activity needs to be promoted, with a focus on its positive repercussions including better risk management, reputation enhancement and workforce motivation. All stakeholders of the travel and tourism industries and transportation services should be trained on SECTT, its indicators and ways to report suspicions and instances. Training should be child focused as opposed to addressing human trafficking generally. Training should be provided upon hiring and periodically thereafter. Training and advocacy efforts should extend to travel associations, booking websites, conference and meeting planners/corporate travel managers, Global distributing systems such as Sabre, ground transportation, airlines, publications, tour operators, travel and tourism institutes, travel publications, among others. In addition, training

could include information on the potential liability of employees who may act as facilitators, providing specific examples of how this may occur.

Private sector stakeholders could also include the topic of SECTT in the context of conferences, congresses, forums or other events, in partnership with NGOs with expertise on this topic. This could provide opportunities to discuss the benefits of CSR initiatives which address SECTT. Exchanges could be promoted with other signatory companies to share success stories.

Private sector stakeholders can also play a vital role to raise awareness about SECTT among the public. The mobilization of the public against SECTT is necessary to end this crime. Canadian and American travelers must be better educated about SECTT and the harms it causes to victims. And, they must also be empowered to report instances or suspicions that they may encounter while abroad. In this regard, the involvement of North America airlines and the U.S. transportation sector could inspire further activism and action in North America.

Recommendation 7: To further disseminate the Code of Conduct and increase membership across North America

The Code represents an example of good practice of the travel and tourism industry when it comes to protecting children's rights. However, membership to the Code in Canada remains low. As noted by the UN Committee on the Rights of the Child, the government of Canada should advocate with the tourism industry on the harmful effects of SECTT and encourage tourism companies to become signatories to the Code.³¹² To encourage membership, government could for example provide incentives to signatory companies or integrate the Code as part of tourism certification programs. Government could work in partnership with NGOs to disseminate examples of good practice among the private sector, highlighting the advantages of signing the Code in terms of risk management, reputation and economic benefits as well as workforce engagement and motivation.

Recommendation 8: Promote the adoption of company policies against SECTT, within and beyond travel, tourism and transportation companies

Within the travel, tourism and transportation industries, companies and organizations who officially adopt child protection policies send a clear message that they will not tolerate any form of child sexual exploitation. When

³¹² UN Committee on the Rights of the Child, *Optional Protocol on the sale of children, child prostitution and child pornography. Concluding observations on the initial periodic report of Canada* (5 October 2012), UN doc CRC/C/OPSC/CAN/CO/1. Para.7. accessed 14 March 2015, http://rightsofchildren.ca/wp-content/uploads/Canada_OPSC-Concluding-Observations_61.2012.pdf

coupled with proper training, such policies can empower employees to handle suspicions or instances of CSEC. Policies should include a safe reporting mechanisms allowing all levels of employees to report without any fear of retaliation.

The adoption of such policies, however, do not have to be restricted to travel, tourism and transportation companies. Any company whose employees travel for work may adopt a corporate travel policy. This can deter employees who travel on business from potentially engaging in CSEC at destination, while at the same time convey a company's zero-tolerance to CSEC and provide for disciplinary measures for contraveners.

Recommendation 9: To address the increasing use of private accommodations as venues to sexually exploit children overseas

Tourists and travelers and making increasing use of private accommodation as alternatives to hotels. The proliferation of websites such as AirBnb.com, and HomeAway.com means that it may be easier for offenders to keep a low profile and avoid detection by moving into private homes. These websites could serve as platforms for the dissemination of information about SECTT and deterrence messages to travelers. In this connection, the recent signing of The Code by the website Orbitz.com is a step in the right direction. This could be coupled with increased awareness raising at destination, more involvement on the part of local communities and efficient reporting procedures.

Recommendation 10: For Canada to intensify the detection, investigation and prosecution of its offenders abroad

When it comes to international child sex tourism, the U.S. aggressively pursues its citizens and permanent residents for sexual crimes against children committed overseas. Canada's record on the other hand remains poor with only seven convictions obtained so far. Given the strong indications that its nationals are involved in the child sex trade in several countries, Canada should play a more

proactive role in the detection, investigation, prosecution and punishment of its nationals who commit crimes overseas. In particular, more resources should be devoted to the RCMP's Child Exploitation Unit and more liaison officers could be deployed in destinations affected by SECTT, with a clear mandate to address this crime.

Recommendation 11: To enhance the exchange of information regarding traveling sex offenders between law enforcement in "sending" and "destination" countries

A key issue affecting both Canada and U.S law enforcement is the insufficient exchange of information about traveling sex offenders between different agencies. In Canada, information exchange should be facilitated between border authorities and law enforcement. In the U.S., the passing of the *International Megan's Law* could potentially facilitate the exchange of information between U.S. and foreign law enforcement with the long term objective of a mutual notification system at international scale.

Recommendation 12: To continue bilateral and multilateral projects involving a partnership between "sending" and "receiving" countries

A number of projects targeting international child sex tourism have been implemented in both Canada and the U.S. as "sending" countries, in partnership with "destination" countries such as Belize, Brazil, Costa Rica and Mexico. These projects have helped raise awareness about the issue in all countries involved; educate North Americans about the existence of extraterritorial legislation; garner support from the hospitality sector at destination; provide training to law enforcement and empower local communities to respond to SECTT. These projects focus on the idea that bilateral collaboration is one crucial aspect of fighting SECTT and can help foster bilateral partnerships between NGOs, government, law enforcement and the private to better detect, investigate, arrest and prosecute offenders. Existing models could be replicated to other destinations affected by SECTT.

ANNEX 1

WHY DOES CSEC EXIST? CAUSES AND CONTRIBUTING FACTORS

Commercial sexual exploitation of children (CSEC) is a complex and multifaceted phenomenon. One way to examine the causes and contributing factors of CSEC is by enumerating some of its “push and pull” factors, in other words the elements which push children out of a safe, protective environment and into sexually exploitative situations. These include a variety of factors at environmental, societal and individual level, as illustrated in the table below.

FACTORS CONTRIBUTING TO CSEC	
Environmental	Existence of the adult sex industry Substance abuse in the home Presence of transient male population Poverty Violence in the community Street culture
Societal	Sexualization of children, particularly in media and advertising Glorification of pimp culture Materialism/consumerism Homophobia/transphobia Access to ICT Peer pressure/gang involvement
Individual	History of abuse/neglect/family dysfunction Runaway/“throwaway”/homeless Discrimination of LGBT or gender questioning youth Mental health/emotional issues Trauma, substance abuse, early exposure to sexuality

Different pathways may lead to CSEC and the existence of more than one risk factor does not necessarily increase the risk overall.

ANNEX 2

CSEC VICTIMS AND OFFENDERS IN NORTH AMERICA

CHILD VICTIMS

As the manifestations of CSEC unfold and transform themselves, knowledge about its victims and offenders remains challenging to gather. There is no single profile of SECTT victims found in North America, as victims of SECTT may have been exploited through child trafficking, child prostitution, child pornography or international child sex tourism. However, it seems important to underscore that contrary to popular thinking, in both Canada and the U.S. many children who are victims of sexual exploitation are not foreigners, but rather domestic minors.³¹³

While females also count among the perpetrators, the vast majority of offenders are male. At the same time, there is a new recognition that boys are also involved in CSEC, even though their experiences may differ from girls'. The understanding of the role played by gender remains limited, with no comprehensive study having been conducted. For example, it has been documented that boys and girls adopt different behaviors online, that girls more easily share personal details and that boys have enormous difficulties accessing services. In 2011, the Senate recommended to the Canadian government that research be undertaken to address those issues and to ensure sufficient consideration is given to gender in programs and policies.³¹⁴ In the U.S., research conducted by ECPAT USA has already underscored the lack of information on the sexual exploitation of boys and the need to include boys in strategies to better identify

and serve victims.³¹⁵ However, little action has been undertaken to follow up.

Both Canada and the U.S. are hosts to populations of local and international children who are exploited for sexual purposes. Child victims come from all backgrounds in terms of class, race, and geography.³¹⁶ Of grave concern is the young age of entry into prostitution in both Canada and the U.S. In Canada, the average age of entry in prostitution is between 13 and 18 years old³¹⁷ with some studies setting this age at 15 for girls and 12 for boys while in U.S. it has been estimated between 13 and 14 years old.³¹⁸ Most data, however, is considerably outdated and acknowledged by both authorities and researchers as hardly reliable – but the mere fact that in countries with some of the highest standards of living in the world exploitation of minors in prostitution and 'survival sex' may be a way of life for many adolescents is cause for serious concern.

In both countries, several groups of minor teens are particularly vulnerable and include street children, runaways, unwanted or "throwaway" children, minor youth who live independently, minors who use ICT to solicit clients for sex³²⁰ and minors who are controlled and manipulated by an adult looking to make a profit.³²¹ Many children who are sexually exploited have fled the child welfare system, some lured out of the system by pimps. Many studies highlight that the vast majority of children

³¹³ Government of Canada, Senate Standing Committee on Human Rights, *The Sexual Exploitation of Children in Canada: the Need for National Action* (November 2011), accessed 17 March 2015, <http://www.parl.gc.ca/Content/SEN/Committee/411/ridr/rep/rep03nov11-e.pdf>.

³¹⁴ *Ibid.*

³¹⁵ ECPAT USA, *And Boys Too. An ECPAT USA discussion paper about the lack of recognition of the commercial sexual exploitation of boys in the United States* (2013), accessed 20 May 2015, <https://d1kqyo3pi1c9bx.cloudfront.net/00028B1B-B0DB-4FCD-A991-219527535DAB/1b1293ef-1524-4f2c-b148-91db11379d11.pdf>.

³¹⁶ U.S. Department of Justice, *Child Exploitation and Obscenity Section*, accessed 31 May 2015, <http://www.justice.gov/criminal/ceos/subjectareas/prostitution.html>.

³¹⁷ ECPAT International, *Global Monitoring Report: Status of Action against Commercial Sexual Exploitation of Children: Canada, 2nd ed.* (Bangkok, Thailand: ECPAT International, 2012), accessed 1 April 2015, http://ecpat.net/sites/default/files/Global_Monitoring_Report-CANADA.pdf.

³¹⁸ Dr. Susan McIntyre, *Strolling Away* (Department of Justice Canada. Research and Statistics Division, 2002), accessed 10 May 2015, http://www.justice.gc.ca/eng/rp-pr/csj-sjc/crime/rr02_4/rr02_4.pdf.

³¹⁹ Laura Barnitz, L., "Effectively responding to the Commercial Sexual Exploitation of Children: A Comprehensive Approach to Prevention, Protection, and Reintegration Services", *Child Welfare*, Vol. 80, No. 5 (2001), 597-610; Sara Ann Friedman, *Who is there to help us: How the system fails sexually exploited girls in the United States*, New York: ECPAT-USA, 2005.

³²⁰ ECPAT International, *Global Monitoring Report on the Status of Action against Commercial Sexual Exploitation of Children: United States* (2nd Ed.), (Bangkok, Thailand: ECPAT International, 2014), accessed 16 April 2015, http://ecpat.net/sites/default/files/a4a_v2_am_usa_2.pdf.

³²¹ Ric Curtis *et al.*, *Commercial Sexual Exploitation of Children in New York City, Volume One: The CSEC Population in New York City: Size, Characteristics, and Needs*, (New York: The Center for Court Innovation, 2008), accessed 1 March 2015, <https://www.ncjrs.gov/pdffiles1/nij/grants/225083.pdf>.

Youth in prostitution acting solo

Some youth, particularly boys according to the ECPAT USA report 'And boys too',³²² may engage in "survival sex" on the street, in exchange for food, shelter or drugs, and may act independently, without a pimp. A national survey of police-reported data found that the majority of youth acting solo are males, with some living on the street and others living at home.³²³ While the importance of prosecuting traffickers cannot be overemphasized, it is crucial to gain a better understanding of youth who may be forced to engage in prostitution as a survival mechanism on their own, as they may require a different type of assistance than youth who are controlled by pimps.

exploited in prostitution have a background of prior abuse, whether sexual, physical or emotional.³²⁴ Aboriginal women and children are considered particularly vulnerable and they are overrepresented in the Canadian sex trade, with 14% to 60% of youth involved in prostitution across the country.³²⁵ In some cities, as many as 90% of sexually exploited children on the street are Aboriginal.³²⁶ In the U.S., Native American children are also more vulnerable than their peers to sex trafficking.³²⁷ Some studies conducted in the state of Minnesota have found that Native American children are more vulnerable to abuse, and that the trafficking of Native girls and women into prostitution is a significant problem in major cities of that state. Advocates in the city of Duluth reported that street prostitution was highly visible, particularly when ships are in port and when tourism is at its highest, such as during hunting season and during the summer.³²⁸

Both Canadian and U.S. authorities and law enforcement encountered children victims of international sex trafficking from all regions of the world. According to the 2014 TIP report, the main countries of origin of victims identified in the U.S. during year 2013 were the United States, Mexico, the Philippines, Thailand, Honduras, Guatemala, India, and El Salvador. Child victims may be trafficked to any or multiple states within the country. In Canada, victims have been identified from Asia and Eastern Europe, including China, Hong Kong, Fiji, Taiwan, South Korea, the Philippines, Romania, Ukraine and Moldova. Victims from

Asia are found mostly in the Western part of the country while victims from Eastern Europe are more often found in Eastern Canada.³²⁹ Foreign victims are particularly vulnerable because they are away from home, often without identification documents and sometimes allophones.

THE ROLE OF PIMPS AND TRAFFICKERS

In both Canada and the U.S., many minors involved in prostitution are domestic teens controlled by pimps.³³⁰ For instance, in Las Vegas this proportion is believed to be as high as 75%.³³¹ Pimps sexually exploit girls through escort and massage services, private dancing, major sporting and recreational events, major cultural events, conventions and tourist destinations,³³² motel and hotel rooms, illegal brothels, sex parties and other venues. Pimps use a number of techniques to lure their victims into "the life". Often they will offer their victims gifts, food, clothes, housing, drugs, and make them become dependent on them for material and emotional support. As a result, many girls fall in love with their exploiter and genuinely believe they are in a romantic relationship with them. This is one of the reasons why girls rarely report their own sexual exploitation as they do not perceive themselves as victims. After developing a relationship with a teen and gaining their trust, the pimp will then lock her into a life of sexual

³²² ECPAT USA, *And Boys Too. An ECPAT USA discussion paper about the lack of recognition of the commercial sexual exploitation of boys in the United States* (2013), accessed 20 May 2015, <https://d1qkyo3pi1c9bx.cloudfront.net/00028B1B-B0DB-4FCD-A991-219527535DAB/1b1293ef-1524-4f2c-b148-91db11379d11.pdf>.

³²³ Mitchell, Kimberly, David Finkelhor and Janis Wolak, "Conceptualizing juvenile prostitution as child maltreatment: findings from the national juvenile prostitution study", *Child Maltreat.* Vol. 15, No. 1 (February 2010): 18-36.

³²⁴ Government of Canada, *The Sexual Exploitation of Children in Canada: the Need for National Action*, Senate Standing Committee on Human Rights (November 2011), accessed 17 March 2015, <http://www.parl.gc.ca/Content/SEN/Committee/411/ridr/rep/rep03nov11-e.pdf>.

³²⁵ Beyond Borders, *Sexual abuse and trafficking of aboriginal children*. Fact Sheet (June 2014) accessed 16 March 2015, <http://www.beyondborders.org/wp-content/uploads/Sexual-Abuse-and-Trafficking-of-Aboriginal-Children-June-2014-WD.pdf>.

³²⁶ Government of Canada, *The Sexual Exploitation of Children in Canada: the Need for National Action*, Senate Standing Committee on Human Rights (November 2011), accessed 17 March 2015, <http://www.parl.gc.ca/Content/SEN/Committee/411/ridr/rep/rep03nov11-e.pdf>.

³²⁷ Elliott Gluck and Richa Mathur, *Child sex trafficking and the child welfare system*, State Policy Advocacy & Reform Center, July 2014, accessed 1 June 2015, <http://childwelfareparc.org/wp-content/uploads/2014/07/Sex-Trafficking-and-the-Child-Welfare-System.pdf>.

³²⁸ Alexandra Sandi Pierce, Shattered Hearts. *The Commercial Sexual Exploitation of American Indian Women and Girls in Minnesota*, Minnesota Indian Women's Resource Center (2009), accessed 2 June 2015, <http://www.miwrc.org/wp-content/uploads/2013/12/Shattered-Hearts-Full.pdf>.

³²⁹ ECPAT International, *Global Monitoring Report: Status of Action against Commercial Sexual Exploitation of Children: Canada, 2nd ed.* (Bangkok, Thailand: ECPAT International, 2012), accessed 1 April 2015, http://ecpat.net/sites/default/files/Global_Monitoring_Report-CANADA.pdf.

³³⁰ *Ibid.* See also U.S. Department of Justice (n.d.), *Child Exploitation and Obscenity Section*, accessed 14 April 2015, <http://www.justice.gov/criminal/ceos/subjectareas/prostitution.html>.

³³¹ Shared Hope International, *DEMAND. A Comparative Examination of Sex Tourism and Trafficking in Jamaica, Japan, the Netherlands, and the United States* (Arlington: Shared Hope International, 2007): 86. See also SPVM, *Plan d'action directeur sur la prostitution et la traite de personnes à des fins d'exploitation sexuelle (Action plan against prostitution and human trafficking for sexual purposes)* (2014), accessed 1 June 2015, <http://www.svvm.qc.ca/plan-action-prostitution.pdf>.

³³² *Ibid.*

servitude – sometimes asking her to submit as a proof of love, and resorting to physical and emotional assault, torture or rape upon refusal. As part of the process it is common for pimps to isolate victims by alienating them from their friends and family or taking them to different locations. Pimps and traffickers manipulate minors with the use of physical, emotional, and psychological abuse as a way to keep them under control. Some traffickers also use drugs and alcohol for that purpose. As a result, many victims suffer from physical ailments and injuries as well as psychological harm including depression, low self-esteem and feelings of hopelessness.³³³

One trend of particular concern is that increasingly younger males recruit younger girls into the sex trade. In the U.S., many pimps are teenage boys who work for older pimps and learn their luring techniques from them, or alternatively force their victims into submission. Pimps reportedly use women and girls to recruit new victims in schools so as to avoid detection and punishment. In Canada, law enforcement reports that pimps request their victims to recruit new victims among their friends. Overall, victims are becoming younger with evidence suggesting that children under the age of 18 now form the majority of sex trafficking victims in the U.S.³³⁴

³³³ U.S. Department of Justice, *Prostitution of Children*, accessed 18 March 2015, <http://www.justice.gov/criminal/ceos/subjectareas/prostitution.html>.

³³⁴ Shared Hope International, *DEMAND. A Comparative Examination of Sex Tourism and Trafficking in Jamaica, Japan, the Netherlands, and the United States*, (Arlington, Shared Hope International, 2007), p. 86.

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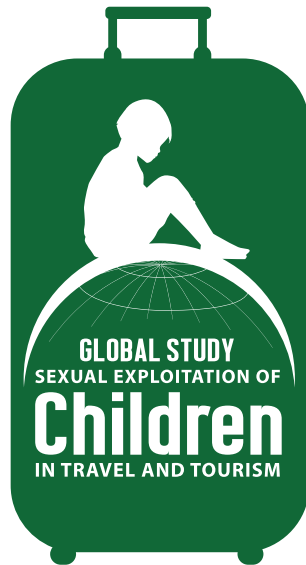
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