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Offenders Beware! Child sex tourism case studies



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Offenders Beware: Child sex tourism case studies

An analyses of Child sex tourism cases in preparation of the International expert meeting on combating child sex tourism Berlin, 8, 9 and 10 March 2009

Amsterdam, March 2009

This case studies report was produced by ECPAT the Netherlands, in cooperation with ECPAT Germany and ECPAT Austria with input from ECPAT International and ECPAT partners in Italy, Estonia and UK.

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1. Introduction

Sexual exploitation and abuse have life lasting effects on children. They are emotionally damaged and often have diverse physical problems. Child sex tourists generally travel from a richer country to one that is less developed to have sex with children. But they may also be travellers within their own country or region. They abuse their position as an adult with minors who have not yet reached the age of eighteen years at the time of the sexual abuse. The skills of children and youngsters to defend themselves against undesirable alignments are generally insufficiently developed. The child sex offenders violate the physical integrity of the young victims, only for the satisfaction of their own desire feelings. Some offenders claim it is not their fault, that they were seduced, that it is not illegal because the children are prostitutes, that these children are accustomed to sex, or that by paying the children for sexual services, they are helping their families. But taking advantage of the situation of children in need by offering them money or goods in exchange for sex, is child abuse and against the law.

Very few child sex tourists are arrested, tried and sentenced. Child sex tourism is not given high priority by both sending -and destination countries. In many sending countries it is possible to prosecute offenders who carry out abuse in another country, under extraterritorial laws. This is rarely used because these cases are very time consuming and costly. Different countries have to collaborate in cases concerning extraterritorial legislation and deal with a difference in language and culture and a large travel distance. Destination countries do not have the finances, men and/or will to gather sufficient evidence. And in cases with adolescents, offenders may benefit from a social tolerance in both sending and destination countries, because it is seen as less of a crime (sometimes not seen as a crime at all) than abusing young children. When suspects are arrested, some manage to flee the country and avoid detention or bribe the victims in order to withdraw their complaint. For these reasons, it is relatively easy for child sex offenders to abuse children all over the world.

In cases where suspects are convicted, NGOs played an important role in giving attention to the problem of child sex tourism and supporting the victims. NGOs have a broad network; from child victims, police officers and lawyers to media and politicians which can speed up the process. To arrest and convict child sex tourists, all involved parties have to collaborate. No agency can fight the sexual exploitation of children by itself. Police, Public Prosecution Service, the government, Interpol, Europol, special investigating services, Royal Military Police (responsible for border control), tourism industry, NGOs, Youth Care, Council for Child Protection and other stakeholders must work together on prevention, identification, care, investigation and prosecution. Only then children get the protection they are entitled to.

This report is a gathering of cases of different types of child sex tourists, some convicted in land of origin, some in land of destination and some managed to escape. The cases illustrate how time consuming it is to convict a child sex tourist, due to the international character of the crime. From the cases it also becomes clear that the conviction depends on collaboration. When authorities are reluctant to open a case against a child sex tourist, media attention gives a great boost to get procedures started. NGOs are usually the ones initiating media attention.

The cases are produced by ECPAT International, ECPAT Germany, ECPAT the Netherlands, ECPAT Italy, ECPAT Austria and ECPAT Estonia within the European project *Offenders Beware*. The aim of the project is to raise awareness, capacity and motivation for the protection of children from commercial sexual exploitation in tourism. The project is financed by the European Union.

2. Cases to illustrate types of offenders

A much used term for perpetrators of sexual abuse of children is paedophile. Paedophilia is a clinical term for adults who are primarily sexually attracted to pre-pubertal children. A very small percentage of the perpetrators of sexual exploitation of children is paedophile. The term perpetrators or offenders is for this reason a better term, because it describes a person who sexually abuses children. Perpetrators come from all layers of the population. They can be found in each country, in every profession and in every religion. They can be heterosexual or homosexual, married or single, foreign or local. Although the majority of the perpetrators is male, there are also female perpetrators.

According to ECPAT International there are three different categories of child sex tourists: situational perpetrators, preferential perpetrators and paedophiles. Situational child sex tourists are usually men who use a child for sex because the child is made available to them, most commonly through prostitution or within the family. The situational child abuser does not usually have a specific sexual preference for children. Situational child sex tourists usually abuse youngster from twelve years and older; children who have already reached puberty. Situational perpetrators are generally regarded as opportunistic and indiscriminate. It may nevertheless be the case that they prefer as a sexual partner someone who fulfils socially defined ideals of beauty and sexuality, such as looking young and/ or physically immature.

Preferential perpetrators are persons that consciously look for sexual contact with children. They may still have the capacity to experience sexual attraction for adults, but will actively seek out minors for sexual contact. They generally focus on pubescent or adolescent children as sexual partners or objects.

Paedophiles are adults who are primarily sexually attracted to pre-pubertal children. They often make images of the sexual abuse. Many times they are in a network where they share images and information on where and how to exploit children. If paedophiles are arrested and they have been in jail, the chance of recidivism is very high.

The majority of child sex abusers are situational abusers. But most child sex tourists who get arrested are either preferential offenders or paedophiles. That is because they consciously look for sexual contact with children, often keep images of the abuse and exchange them in a network of paedophiles. Many times child sex tourists are discovered by the police through child pornography investigation.

The following cases display features that help to illustrate each type of perpetrator.

Situational Child Sex Tourist

A Frenchman in Thailand

The French national, Amon Chemouil was arrested and tried in 2001 for having sexually abused an eleven year old girl in Pattaya, Thailand. This was the first case in France to be tried under extraterritorial legislation. The abuse was filmed by one of two Swiss men who were with Chemouil. During the trial, Chemouil presented his act as a moment of weakness and apologised for stealing her childhood. He also placed all responsibility on himself, in contrast with statements from preferential child sex offenders and paedophiles, who often place blame on the victim for having seduced the offender. Experts present at the trial did not

classify Chemouil as a paedophile. Regardless of the intent or lack of intent to abuse a child, or whether it was planned or not, sexual contact with a child by a tourist is a criminal act that has grave consequences for the victim. Chemouil was convicted for rape and sentenced of 7 years in prison.

Preferential Child Sex Tourist

A Singaporean in Thailand

An example of a preferential child sex tourist profile is that of Singaporean national Darwis Rianto Lim (31), who taught at Temasek Polytechnic's School of Applied Science. He was arrested by the Thai police in a hotel room in 2005 for allegedly trying to buy sex with underage boys over the internet. In this case, Lim actively sought sexual contact with adolescent minors but not with pre-pubescent children, thereby placing him in the category of preferential child sex tourist.

Paedophiles

Americans in Mexico

In 2006 the American Stefan Irving was sentenced to jail for 21 years by an American court for sexual abusing Mexican boys of eight to twelve years old. He was arrested as part of a wider investigation into sexual exploitation at the Castillo Vista Del Mar resort in Acapulco, Mexico. The resort was run by several American nationals and was used to facilitate the exploitation of Mexican boys, some as young as eight years old. The operators and guests of the resort would lure vulnerable and impoverished boys from the street and beach to the hotel, in exchange for food, shelter, clothes and money. Eight American men were arrested for using the resort to exploit children. Stefan Irving, a former paediatrician by profession, used Castillo Vista Del Mar to abuse young boys and make images/ videos of the abuse.

When written records and journals kept by Irving were examined, they revealed that he had a particular sexual interest in boys aged from six to twelve years old . prepubescent minors . as is often the case with offenders classified as paedophiles. Irving had already been convicted of sexual offences against children, demonstrating a recidivism that is also characteristic of child sex tourists classified as paedophiles.

3. Cases with offenders convicted in land of origin

Recognising the global nature of child sex tourism, some sending countries have made it possible that perpetrators of sexual exploitation of minors can be convicted in the country of origin when they abuse children abroad. This is called extraterritorial legislation. Prosecution of sexual abuse by a person committed abroad is possible, even if the abuse is not a violation of the law in the country where the abuse took place. The conviction is under national laws for offences committed abroad.

The extraterritorial law is rarely used. There is no priority given to child sex tourism, so unfortunately suspects remain unknown and go free. When extraterritorial legislation is used, it is very time consuming. There are complications in getting evidence abroad. There is the problem of different languages, different cultures, additional associated costs and strains on child victims and child witnesses. It is difficult for foreign police to tell what local police should do and which evidence they must gather to make a case in court where the offender originates from. Sometimes local police does not cooperate at all in the investigation. In the following cases the local police did cooperate with the police of the sending countries. But for instance in the case of a Dutchman in Gambia (Appendix, page 15), the local police did not cooperate with the Dutch police in any way.

A Dutchman in the Philippines

Jan van Schelling, a 43 year old divorced computer-programmer, visited the Philippines a number of times. During his trips, he arranged for under-age girls to come to his hotel room. He recorded his activities in pornographic pictures and videos, which he took back to the Netherlands.

An investigation into his activities began in February 1996 due to a local Dutch chemist, to whom Van Schelling had sent photographs to be developed. He reported to the Dutch police that these photographs contained indecent material. In a subsequent police search of the house, further obscene material was found, including videos, photographs and posters of young naked girls. Many of these also depicted unlawful sexual acts, committed both in the Netherlands and in the Philippines. This provided the Dutch police with evidence that Van Schelling had had unlawful sexual contact with a number of unnamed prostituted children under the age of twelve.

A Dutch Federal Bureau of Investigation team set off to the Philippines to identify the victims. There was full cooperation between Dutch and Philippines police. The police showed pictures to a worker with a project for street children. This worker recognized one of the girls as Rita. Interviewed later by the police, Rita confirmed she had had oral sex with Van Schelling. Her statement provided the complaint necessary for a prosecution to proceed in the Netherlands. Two specially trained Dutch police officers interviewed Rita in Manila, in a room where TV and video-link equipment had been installed. Before the hearing, she was accompanied by her mother, who officially made the complaint against the abuser.

In October 1996, the District Court in The Hague sentenced Van Schelling to five yearsq imprisonment for, among other things, rape and other forms of sexual contacts in the Philippines with a girl under sixteen (the maximum would be eight yearsqimprisonment). The Dutch court did not accept the argument that, because the girl was a prostitute, Van Schelling's actions were not criminal. It found that the girl had no free choice, given the economic and social circumstances in which she found herself.



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Defence for Children-ECPAT the Netherlands started a civil procedure on behalf of the victim, with the support of Dutch and Philippine lawyers. The procedure lasted long because of the complexity of the different legal systems. Rita, who was already a young woman with children, still had problems because of what happened to her in the past. Nevertheless she wanted to help other young girls who are being sexual abused or will be in the future.

In September 2004, due to this civil procedure, Van Schelling had to pay a little more than 3000 euro to Rita. This was the first time that a Dutch court granted damages to a foreign victim of child sex tourism. The mother of Rita also suffered mental damage by the abuse of her daughter and got an amount of 100 euro. Van Schelling was bankrupt and could not pay the damage, so Defence for Children - ECPAT paid the amount to Rita and her mother. This outcome means an opening in the fight against child sex tourism, because now it is possible to get a compensation for damage-claim as a punishment beside a prison sentence.

An American in Kenya

American national Lester Christian Weber travelled to Kenya with the intent to abuse a child and create pornography during his trip. Authorities found child pornography videos and still images of the abuse when Weber returned to the United States. After investigation by American authorities in collaboration with Kenyan counterparts Weber was arrested. In 2005 Weber was convicted with one of the longest sentences passed under American legislation for the sexual abuse of children. He was sentenced to 25 years in prison.

4. Cases with offenders convicted in land of destination

Child sex tourists engaging in sexual abuse of children act in some developing countries under near impunity. The incidence of child sex tourism is rising while the capacity of the police in developing countries is not capable of collecting sufficient evidence against suspects for prosecution. Some child sex tourists get arrested, but only few are serving an actual jail sentence. The following cases show that when child sex tourists are serving a sentence in land of destination, they spend at least ten years in jail.

A Belgian in Cambodia

In 2006, a Belgian national who had previously been convicted of sexual crimes against children in his own country, was convicted of child sexual abuse in Cambodia. The man was found naked in a Phnom Penh guesthouse with a thirteen year old boy whom he had been sexually abusing for close to three years in exchange for financial support to the boy's family. The case could have been tried in Belgium but was tried in Cambodia under the domestic debauchery law, thereby sending out a clear message that Cambodia is stepping up enforcement of its domestic legislation against sexual exploitation of children. The man received a prison sentence of eighteen years . the longest received for such an offence.

A Fin in Estonia

In 1999 a Finnish citizen came to Estonia to write a book about paedophiles. He approached street kids in public places and also invited them to his flat. Unfortunately in that period there were a great number of street children, who missed parental care and came from broken families. Firstly he bought food, snacks and sweets for the children. Then he invited them to his flat and let them touch and fondle his private parts and did the same to the children.

At the end of 1999 a criminal investigation was started for sexual child abuse. In total he allegedly committed sexual abuse against fourteen children and young persons (aged seven to sixteen). The person left Estonia and went back to Finland before the police was able to get evidence to get him arrested. The criminal procedures continued in partnership with the law enforcement structures of the two countries. In February 2004 he was convicted to two years and ten months imprisonment for seven sexual abuse and two attempts of sexual abuse of children in 1999 in Tartu, Estonia. In March 2009 the same man, now with a new changed name, had been convicted in Estonia for a child pornography crime to one year and six months imprisonment. After the conviction he had been sent to Finland.

An Italian in Cambodia

In 2001, the Italian Alain Filippo Berruti was caught naked with four Cambodian male children from ten to fourteen years old. Once arrested, he refused to be repatriated to Italy, hoping for a quiet trial and a milder judgement. Berruti, born in Milan in November 1971, arrived in Cambodia as a tourist. Six days later the police found him in the woods around the Tonle Sap Lake with four children. They were all naked. Once arrested he promptly confessed sexual intercourse with them, but claimed they were consenting because they were (in Berruti's own words) street prostitutes and he had paid them around three dollars each. After the trial, judge Nob Sophon of the Municipal Court in Phnom Penh sentenced Berruti to ten years in prison and ordered a repayment of 250 dollars for every children molested.

A Dutchman in Cambodia

In April 2004, the Dutchman Rene Paul Martin Aubel (48), was arrested in a Phnom Penh hotel where he was found with two naked thirteen year old boys. He had sexually abused



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seven boys younger than fifteen years old and took pornographic photos of them. He paid them ten euro to have sex with him. He was charged with debauchery and taking pornographic photographs. In August 2004, he was found not guilty by a Cambodian court. The prosecutor filed an appeal and detained Aabel. On appeal, Aabel was sentenced to ten years in prison and payment of 256 euro to each of his victims.

An Italian in Nicaragua

Don Marco Dessì (59), born in Villamassargia, was a missionary in Chinandega, Nicaragua, where he ran an orphanage. He was quite famous in the area because he started a big humanitarian mission called Betaniaq. In 2006 a group of children of the choir of Chinandega revealed to Rock no War (an NGO with which Don Dessì was working) that they regularly had been sexually abused by the priest. Rock no War entrusted lawyer Marco Scarpati, Chairman of ECPAT-Italy, to represent them in the trial. The evidence consisted of testimonies of the children, over 1400 photos of naked children and several recorded phone calls where the priest threatened to kill the victims, tried to corrupt them and to intimidate them with his position of power in Nicaragua. Don Dessì was sentenced in first grade to twelve years in prison. The second and third grade of judgement did not yet take place (2009).

5. Cases with escaped offenders

These cases underline the importance of carefully following and monitoring the actions of those who have been arrested for sexual crimes against children. If the accused is released on bail, he or she may find a way to disappear. Most arrested suspects bribe their way out of the country, thereby leaving more children at risk of sexual exploitation by that person.

A Singaporean in Thailand

Singaporean national Darwis Rianto Lim (31), who taught at Temasek Polytechnic's School of Applied Science, was arrested by the Thai police in a hotel room in 2005 for allegedly trying to buy sex with underage boys over the internet. The United States Immigration Customs, Enforcement special agents and Australian Interpol officers had monitored the teacher's attempts to buy sex with Thai boys over the internet. They informed the Thailand's Central Investigation Bureau (CIB), which put in undercover police officers who posed as sex agents to entrap the teacher. Shortly after arriving in Bangkok, Lim allegedly posted messages on the internet offering around 200 dollars for sex with boys between twelve and sixteen years old. After being told about the availability of three boys, Lim allegedly picked a sixteen year old boy and was arrested when he paid the undercover police officer 8,000 Thai baht (235 dollar).

In June 2005, Lim's lawyer appeared in Bangkok Criminal Court and said Lim could not be located, despite several attempts. Lim also failed to show up in court in July 2005. A warrant was issued for his arrest and the 300,000 baht (8,800 dollars) bail, placed by his mother, was forfeited. Lim had his passport and it is not known whether he has left Thailand.

An Italian in Thailand

Roberto Rossinelli (49) was born in Tradate, near Varese, and lived in Torvaianica, near Rome. He molested, tortured and filmed an unknown number of children less than fourteen years old (at least a dozen) in Thailand and South America. They sold the videotapes afterwards. His routine was to travel for two months and then come back to Italy to sell the tapes, on average three every year. He made a living from this.

The Carabinieri (a branch of Italian Police) arrested him in May 1999, confiscating thousands of photos and hundreds of movies. He was sentenced to fourteen years of jail and a fine of 65,000 euros by an Italian Court. This was the first application ever that led to a sentence of the Italian Law 269/1998, also due to the help of ECPAT-Italy. Unfortunately, at the time of the conviction Rossinelli was already a fugitive: he fled with his girlfriend, Claudia Patricia Astudillo Martinez (30), a Colombian prostitute.

6. Cases with decisive press involvement

In many countries of both destination and origin, child sex tourism is not given high priority. In destination countries governments earn money on the prostitution, legal and illegal (as with child sex tourism). Therefore some destination countries are not eager to put effort into combating child sex tourism. Authorities in sending countries are reluctant to use the extraterritorial legislation due to the fact that these cases are very time consuming and thus costly. The following cases prove that with media attention, authorities are prepared to put effort into arresting and convicting child sex offenders.

An Italian in Thailand

The case of Giorgio S. (59) started when a journalist of an Italian program, *Le Iene* (Hyenas), contacted him pretending to be a paedophile. The journalist interviewed him with a hidden camera and broadcasted the video in Prime Time in August 2005. It was a shocking video where S. bragged to have violated between 400 and 500 girls from seven to fifteen years old from 2001 until 2005. S. resided in Italy only two or three months per year, working as camping watchman and spent the remaining nine or ten months in Thailand. He was very well organized: he had a notebook in which he transcribed name, age and notes of every victim. He was planning to move permanently to Thailand and organize a little and private tour operator for Italian men who wanted a guide in the world of sex tourism with children. Speaking to the journalist he expressed mostly prejudicial opinions ("here the children are accustomed to sex", "paying them is helping the family", and so on) and narrated in detail a lot of his adventures to plead his cause. Not to excuse him, but only to demonstrate how unjust it was that he could not do the same things in Italy.

Arrest was immediate (September 2005), because investigations on S. were already on the way before the outcast. In 2004 one of his friends gave two recorded phone calls to the police where the paedophile talked about his performances. He was sentenced in first grade to fourteen years of jail and fined for 200,000 euros. The Police found in his house over 370 images and nine videotapes of him with the children. He did not sell them. The second and third grade of judgement still have to take place (2009). This was the second case in Italy applying the Law 269/1998 that led to a sentence.

A German in the Philippines

(for detailed version see Appendix, page 16)

This case was dismissed by the prosecution of the German authorities. But an article entitled *Daddy René's children* in a well-known and serious German print magazine *Der Spiegel* put public pressure on the prosecution authorities. As a consequence, the case was re-opened. At this time (May 2009), the case is still under investigation. The good news is that a well-known and serious German TV channel is preparing a broadcast on the case in cooperation with a German NGO.

From 2003 to 2004 a German national H. sexually abused girls from age seven to thirteen in change for school supplies and scholarships. The money for that was donated to his unregistered foundation in the benefit of children in Puerto Galera. The sexual abuses were discovered when the School Principal gathered reports that some children were having urinary tract infections. Succeeding medical examinations found evidence of vaginal laceration and infection. Narrative accounts of the children were gathered. Thereafter, eleven individual cases of rape were filed in court against H. There were two more men involved, one of whom committed suicide in a Philippine jail (unknown nationality, English speaking).



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In 2004 he got arrested, but post bail of PHP 200,000 (almost 3,000 euro) and slipped out of the country. At the end of 2004, a German court issued a final archival of the case due to failure of the police to produce H. But in May 2008, an Austrian citizen recognised H. when he surfed the site of a NGO in the Philippines and informed them about it. Subsequently, preliminary proceedings were opened in April 2008, but were dismissed due to a lack of evidence. The prosecutor argued that some of the eleven children first had accused H. to have molested them, but later withdraw their statements. The testimonies of the remaining four victims were found to be not precise enough. The prosecutor doubted the credibility of the victims due to their young age. Fortunately the attention in the press pressured the German authorities to re-open the case.

A Dutchman in Gambia

(for detailed version see Appendix, page 17)

In the period of April 1995 up to January 1997, a 64-old Dutchman visited Fajara, Gambia several times. There, he regularly invited girls with ages varying from twelve to sixteen years old to his hotel room where he had sex with them. Due to media attention for the case, the Dutch authorities put effort in this case. From 1997, it took seven years to sentence him to jail for only 1.5 to 2.5 years.

The Dutch NGO Terre des Hommes and ECPAT Gambia played an important role in getting attention for this case. Thanks to them the case was reported on by Dutch television. During the years Dutch national television showed documentaries about this case several times. The attention in the media even led to questions in the Dutch parliament, which then resulted in pressure on the Ministry of Justice and the police to be more active. The investigation of the Dutch police focused on the statement of one the victims and gathering evidence from Gambian police and other authorities. However, the Gambian police did not cooperate in any way during the investigation.

In 2004 a Dutch court convicted the suspect to a prison sentence of thirty months of which ten conditionally with a probation period of two years. The sentence was because of the long period of systematic abuse of girls younger than 21 years old. With the sentence, the court took into account that the offender was not condemned earlier of an indictable offence and that detention would be heavy for him due to his age and physical condition. The court took also into account that the prove-explained fact dated from the period of 3 April 1995 up to 1 January 1997.

7. Cases with decisive NGO involvement

NGOs are the eyes and ears in a country. They hear about cases of child sex victims and speak up for them. It is therefore that many of the child sex cases are for a large part successful due to the efforts of individuals working for NGOs who stand up for the rights of children. They are often the ones who make sure that a case gets attention from police, prosecution lawyers, press, general public and politicians. These cases illustrate the importance of NGO involvement.

A German in Cambodia

(for detailed version see Appendix, page 18)

In this case a French NGO, Action Pour Les Enfants (APLE) who takes action against the sexual exploitation of children and runs an office in Cambodia, got tipped by street children that a German sex tourist (Ohms, 47) was sexually abusing children. He was a musician from Northern Germany and was HIV positive. Ohms had at least five corresponding previous convictions in his home country. Since 1994, he served several sentences for sexual abuse and the possession of pornographic materials. The last of these sentences ended in summer 2006. Shortly before his release, he announced to a prison officer that he planned to leave Germany in order to live in South East Asia where he could live out his sexual disposition to boys without being harassed by police.

After his release in summer 2006, Ohms flew to Thailand but was disallowed to enter the country because the prison officer had contacted the authorities in Germany who had warned the authorities in Cambodia. Back in Germany, his German passport was confiscated. But the suspect managed to enter Cambodia via Bali and Kuala Lumpur with a false Danish passport. In February 2007, Ohms was arrested based on the charge of using a false passport and convicted to a sentence of fourteen months in jail. In a second court procedure in July 2008, he was convicted to six and a half years of prison and a lifelong preventive detention for sexual exploitation and bodily injury of at least five children because he knowingly took the risk of infecting the victims with HIV/AIDS.

For the first time ever, the German court summoned eight children from Cambodia. These were child victims as well as children who are not victims themselves but witnesses of the abuse. They were accompanied by APLE staff and stayed with residents in Germany with a Cambodian background. During the period in Germany, all the boys experienced their stay in Germany as a good time, a place where they can stay freely, away from sniffing glue (addicted glue) and plenty of food support. After returning to Cambodia six children went back to their family and had regular visits of a social worker. Two of them ended up sniffing glue and begging on the street (motivated by their mother) of which one was able to go to a drug treatment centre in Phnom Penh. Two boys were sheltered and educated by APLE's partner after returning from Germany.

An Austrian in India

(for detailed version see Appendix, page 19)

In December 2007, a 39 year old unemployed man from Linz (living in Vienna) was sentenced to two years without probation. The court heard that the man, who had two similar previous convictions, travelled to India repeatedly for several months at a time. Witnesses said that he took small boys into his hotel room a few times per week. Two witnesses, an Australian living in Britain and a French citizen who worked as volunteers for a charity in Calcutta, observed the Austrian in March 2006 when he went to his hotel with a boy between



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six and nine years old. The two men followed the accused and watched him performing sexual acts on the boy via his hotel window.

Back in Britain, the Australian witness reported the incident to the police. He had been trying for months for action to be taken and was not really getting any cooperation from any of the agencies. Therefore he contacted ECPAT International. Almost one year had passed and no official police authority still had taken the witness' statement. In collaboration of ECPAT Austria, ECPAT UK and ECPAT International, the UK police finally took his statement. The NGOs started to liaise through their contacts to the responsible authorities. This eventually helped at least to speed up the procedure which lasted already quite some time.

8. Conclusions and recommendations

Conclusions

- NGO involvement, media attention and public pressure are essential to bring cases before courts.
- Investigation is time consuming when several countries are involved.
- International law enforcement cooperation is a challenge, procedures are complicated.
- Long court procedures, with the risk to low sentencing.
- Prosecution authorities shy away from prosecuting cases if the incidents are not seen as severe enough. In the intervening time, suspects might be able to return to the place where they committed the crime.
- The testimonies of child victims can be incoherent. Testimonies of child victims in their home country need to comply strictly with requirements of national Codes of Criminal Procedure in order to be eligible.
- Offenders get convicted due to strong commitment and good cooperation between law enforcement agencies and NGOs.
- If the accused is released on bail, he or she may find a way to disappear.

Recommendations

- More awareness campaigns in land of destination and land of origin to enhance the number of reports of child sex tourists.
- Stronger bi-lateral cooperation agreements between relevant countries.
- Joint investigation teams between national law enforcement agencies.
- Close monitoring of accused child sex tourists released on bail.
- Agreements between governments to deport and chaperone convicted offenders back to the land of origin after sentencing.
- Offer victims a long term solution and support to turn them back to normal life.

Appendix: Elaborated extraterritorial child sex tourism cases

A German in the Philippines

This case was dismissed by the prosecution of the German authorities. But an article in a well-known and serious German print magazine put public pressure on the prosecution authorities. As a consequence, the case was re-opened.

The case involves eleven elementary school children in the Philippines. All child victims benefited from a scholarship offered by German national H. who has set up an un-registered foundation run from a rented vacation house in San Antonio, Philippines. H. used his website to solicit funds from his native country for the benefit of the children in Puerto Galera. Without the knowledge of the donors, he used these funds to molest children in exchange of school supplies. H. offered scholarships to the children through some elders in the community, including the parents of the children. Inclusive of such support was his offer to send the children to Manila for tours and food trips. Some of the sexual abuses were committed during these trips when the children slept at H.'s residence in Manila. The other acts were committed in his vacation house in San Antonio where the children would sleep over.

The victims are girls from age seven to thirteen. The abuse took place from 2003 to 2004. A Philippine NGO provided legal assistance to the victims and their parents. Six mothers attended the legal consultation with the attorney. Although only eleven children filed cases of rape, medical legal records of fourteen abused children are known to the Philippine NGO. The sexual abuses were discovered when the School Principal gathered reports that some children were having urinary tract infections. Succeeding medical examinations found evidence of vaginal laceration and infection. Narrative accounts of the children were gathered. Thereafter, eleven individual cases of rape were filed in court against H. There were two more men involved one of whom committed suicide in a Philippine jail (unknown nationality, English speaking).

In April 2004, after preliminary investigation, the Provincial Prosecutor's Office of Mindoro Oriental resolved to proceed with the trial. Subsequently, a warrant of arrest was issued by the Regional Trial Court of Mindoro Oriental in May 2004. However, the court order also allowed H. to post bail of PHP 200,000 and thereby avoid arrest and detention. H. slipped out of the country. After six months, in November 2004, the Regional Trial Court ordered the return of the warrant of arrest, for the purpose of archiving the case. In December 2004, the same court issued a final archival of the case due to failure of the police to produce H. In summer 2007, the German Embassy in Manila received the bill of indictment from the Philippine police.

In May 2008, an Austrian citizen surfed the site of a non-government children's rights organization in the Philippines and read about the H. case. He realized that a man with identical name worked on a camping site which is in charge of his wife. The Austrian citizen informed the Philippine NGO. H. was said to have molested an eleven year old girl on the camping site and to have been given a warning by the Austria police. Allegedly H. was working as a crossing guard at an Austrian school.

Preliminary proceedings were opened in Germany (Staatsanwaltschaft Aschaffenburg). In April 2008, the Public Prosecutor's Department Aschaffenburg dismissed the action due to a lack of evidence (§170 Abs 2 StPO). The decision was based on the testimonies of the eleven children. The prosecutor argued that some of the eleven children first had accused H.

to have molested them, but later withdraw their statements. The testimonies of the remaining four victims were found to be not precise enough. The prosecutor doubted the credibility of the victims due to their young age.

But the case was re-opened due to the article entitled "Daddy René's children" in the German print magazine "Der Spiegel". This was apparently also due to the children's lawyer actions, paid for by a German NGO for children in need and who appealed against the dismissal of the action. This appeal is the last the lawyer could do, because remedies are exhausted. At this time (May 2009), a well-known and serious German TV channel is preparing a broadcast on H. in cooperation with a German NGO. Meanwhile, H. had to quit his job as a School crossing guard.

Conclusions from the case

- Prosecution authorities shy away from prosecuting cases if the incidents are not seen as severe enough (H. is suspected to have put his finger in the girl's vagina).
- The testimonies of child victims are incoherent. Testimonies of child victims in their home country need to comply strictly with requirements of the German Code of Criminal Procedure in order to be eligible.
- Speaking out for children means taking risks. People who tried to help the victims in the Philippines got threats of their lives.
- Public pressure via serious media may help to enforce prosecution.

A Dutchman in Gambia

In the period of April 1995 up to January 1997, a Dutchman (64) visited Fajara, Gambia several times. There, he regularly invited girls with ages varying from twelve to sixteen years old to his hotel room where he had sex with them. From 1997, it took seven years to sentence him to jail for only 1.5 to 2.5 years.

The Dutch NGO Terre des Hommes and Child Protection Alliance the ECPAT affiliate in the Gambia played an important role in getting attention for this case. Thanks to them the case was reported on by Dutch television. During the years, the Dutch national television showed images of the place where the abuse had taken place for several times. The documentaries included also interviews with relatives and acquaintances of the victims. The attention in the media even led to questions in the Dutch parliament, which then resulted in pressure on the Ministry of Justice and the police to be more active.

The investigation of the Dutch police focused on the statement of one the victims and gathering evidence from Gambian police and other authorities. However, the Gambian police did not cooperate in any way during the investigation.

The defence lawyer argued that the case of the public prosecution was unsusceptible because of mistakes that were made during the investigation. The defence lawyer argued that the victim that was heard in Sweden was questioned in an unusual manner. But the court noticed in this respect that the victim was heard on the initiative of the defence and that the defence was given the opportunity to interrogate the victim as well. Based on transcripts of the interviews with the victim, the court concluded that the victim was questioned with respect to the rights of the offender on a fair trial.

The defence lawyer also claimed that the rights of the suspect were violated when the alleged accusations of the suspect were made public. During the investigation the public

prosecution had cooperated with an article about the case in a magazine for lawyers (Opportunq). The court argued that, in spite of some unsuitable remarks, the article had not disregarded the interests of the offender or jeopardized a fair trial.

In 2004 a Dutch court convicted the suspect to a prison sentence of thirty months of which ten conditionally with a probation period of two years. The sentence was because of the long period of systematic abuse of girls younger than 21 years old. With the sentence, the court took into account that the offender was not condemned earlier of an indictable offence and that detention would be heavy for him due to his age and physical condition. The court took also into account that the prove-explained fact dated from the period of 3 April 1995 up to 1 January 1997.

In particular the court had taken into account that sexual exploitation and abuse life lasting effects have on children. They are emotionally damaged and often have diverse physical problems. The court argued that the suspect abused his position as an adult with much younger girls who did not yet reached the age of sixteen years at the time of the sexual abuse. The court pointed out that the skills of girls of this age to defend themselves against undesirable alignments are generally insufficiently developed. The suspect violated the physical integrity of the young victims only for the satisfaction of his own desire feelings.

Conclusions from the case

- NGO involvement and media attention essential to bring the case to a good end.
- No cooperation with Gambian police.
- Investigation is time consuming when several countries are involved.
- 1.5 to 2.5 years prison for systematic sexually abuse girls younger than 16 years old.

A German in Cambodia

In this case a Cambodian NGO got tipped by street children that a German sex tourist (Ohms, 47) was sexually abusing children. The musician from Northern Germany was HIV positive and had at least five corresponding previous convictions in his home country.

Since 1994, Ohms served several sentences for sexual abuse and the possession of pornographic materials. The last of these sentences ended in summer 2006. Shortly before his release, he announced to a prison officer that he planned to leave Germany in order to live in South East Asia where he could live out his sexual disposition to boys without being harassed by police. The prison officer tried to convince Ohms that his intentions are criminal acts in Cambodia as well as in Germany and informed him about extraterritorial legislation. The prison officer informed the German Criminal Investigation Department about the intentions of Ohms.

After his release in summer 2006, Ohms flew to Thailand but was disallowed to enter the country because the German Federal Criminal Police Office (Bundeskriminalamt) had warned the authorities. Back in Germany, his German passport was confiscated. But the suspect managed to enter Cambodia via Bali and Kuala Lumpur with a false Danish passport. In Sihanoukville, a resort on the Cambodian coast, he rented a guesthouse.

A French NGO, Action Pour Les Enfants (APLE), who takes action against the sexual exploitation of children and runs an office in Cambodia, got the ball rolling. APLE was given a hint by street children who were in contact with the suspect. APLE staff observed the suspect in January and February 2007 as he was driving through Sihanoukville on his motorbike

searching for boys. According to this investigation, the suspect had sex with several boys aged eleven to thirteen and tried to rape one of them.

In February 2007, Ohms was arrested as a result of a joint operation by the Immigration and the Anti-Human Trafficking und Juvenile Protection Unit. Due to the strong commitment and good cooperation of two liaison officers, one German, the other one Scandinavian, the authorities took action. The German liaison officer travelled to Cambodia to process the expulsion. The suspect's expulsion was based on the charge of using a false passport, not of sexual exploitation of children. Back in Germany, Ohms was convicted for using a false passport and has been serving a sentence of fourteen months since September 2007.

In a second court procedure started in July 2008, the provincial high court and court of appeal in Germany (Oberlandesgericht) charged Ohms with sexual exploitation and bodily injury of at least five children because he knowingly took the risk of infecting the victims with HIV/AIDS. Those victims who testified against Ohms were not infected with the virus, but it is not known whether all the children are free from HIV/AIDS.

For the first time ever, the German court summoned eight children, child victims as well as children who are not victims themselves but witnesses of the abuse. APLE staff was also summoned. Only once before, in 1996, a child victim from the Philippines appeared as witness in a German court procedure. In December 2007 and January 2008, three groups of children from Cambodia came to Germany in order to testify against Ohms, accompanied by APLE staff. Organized by the court, residents in Kiel/Germany with Cambodian background took charge of the children's well-being during their stay in Germany. The court hearings, which involved the child victims, were held to the exclusion of the public. During the period in Germany, all the boys experienced their stay in Germany as a good time, a place where they can stay freely, away from sniffing glue (addicted glue) and plenty of food support. After returning to Cambodia six children went back to their family and had regular visits of a social worker. Two of them ended up sniffing glue and begging on the street (motivated by their mother) of which one was able to go to a drug treatment centre in Phnom Penh. Two boys were sheltered and educated by APLE's partner after returning from Germany.

On 25th July 2008, Ohms was convicted to serve a sentence of six and a half years. He was found guilty of having abused the children sexually. The Court pronounced the judgement on the basis of extraterritorial legislation (§5 par. 8 Penal Code). After his sentence, the convict serves a lifelong preventive detention (Sicherungsverwahrung).

Conclusions from the case

- NGO played an important role: APLE investigated the case and brought it to justice.
- Extraterritorial legislation was successfully applied.
- Organized by the court, several abused children from Cambodia were summoned as victim witnesses in the German court procedure.
- Offer victims a long term solution and support to turn them back to normal life.
- Ohms could get convicted due to strong commitment and good cooperation. between law enforcement agencies and NGOs.

An Austrian in India

On 18 December 2007 a 39-year-old unemployed man from Linz (living in Vienna) was sentenced to two years without probation. The court heard that the man, who had two similar previous convictions, travelled to India repeatedly for several months at a time. Witnesses said that he took small boys into this hotel room a few times per week. Two witnesses, an Australian living in Britain and a French citizen working as volunteers for a charity in Calcutta, observed the Austrian in March 2006 when he went to his hotel with a boy between six and nine years old. The two men followed the accused and watched him performing sexual acts on the boy via his hotel window. Back in Britain, the Australian witness reported the incident to the police. Austrian authorities were told by an Indian hotel owner that the man took boys to his room two or three times per week. The accused paedophile denied the charges and said he travelled to India because he 'liked the culture' and appealed the verdict. After a lengthy spell of therapy he was staying away from children, the man said.

In late 2006, ECPAT International was contacted by an UK national who had witnessed in early 2006 an Austrian national in a hotel in India having sex with children. The referrer called upon ECPAT because after months of trying to get something done about this man he was at a loss to know what else to do. He had been trying for months for action to be taken, and was not really getting any cooperation from any of the agencies.

During November 2006 the UK witness was contacted by a member of the Austrian police to see if he would be prepared to give an official witness statement (via the UK police). The witness agreed to do this, and it was left that the Austrian Police would be in contact after they had made the necessary arrangements with the UK police for the statement to be taken. In January 2007, nobody had contact him and the witness informed again ECPAT International after he tried himself to contact the Austrian police without success.

In January 2007, ECPAT Austria got informed about the case by ECPAT International and was asked for assistance due to delays. ECPAT Austria found out that the case had to be referred from one country (Oberösterreich) to another one (Vienna) because it turned out that the suspect's regular address was in Vienna and not in Oberösterreich (his origin home county). From January 2007 on the public prosecutor of Vienna was responsible for the case. It was very difficult to get in touch with the responsible investigating judge the case was referred to officially. Eventually, after 2.5 weeks ECPAT managed to get hold of him over the phone. The witness and ECPAT were concerned because almost one year had passed and no official police authority still had taken the witness' statement he was waiting for.

In January 2007 the Public Prosecuting Office made an official apply to the UK authorities for help (Rechtshilfeansuchen). This was the condition for the UK police to be able to take a statement from the witness on behalf of the Austrian authorities. ECPAT Austria informed ECPAT UK and asked for assistance in order to also follow up the case from this angle. In April 2007, the witness was called by the UK police to give his statement. It had turned out that it was very important that ECPAT Austria and ECPAT UK got involved and started to liaise through their contacts to the responsible authorities. This eventually helped at least to speed up the procedure which had lasted already quite some time.

A difficult point in this case was that in theory the victim and witnesses had to be heard by Austrian court. The case was based on two strings of evidence gathering:

- 1) Taking the witness statement (as described above).
- 2) Getting as much evidence from India and Indian authorities.

One reason for the slow procedure was the fact that Interpol Vienna was in contact with Interpol New Delhi about the case but Interpol New Delhi was not really helpful. Only when Interpol Vienna would have received information, they could have passed it on to the Regional Court of Justice in Vienna who was responsible for this particular case. ECPAT Austria confirmed that Interpol Austria had been very active and tried it's best to get the Indian authorities to helping them with securing the evidence and investigating the case. The Austrian Embassy in New Delhi contacted the German Embassy since a Police liaison officer was based there. There were several stages of involvement of Indian authorities, but not very helpful.

What really helped and made a difference was the fact that an Austrian police officer was, by chance, based at the Austrian Embassy in New Delhi but on a different mission (to help with documentary issues). Although this police man from Austria did not even belong to the criminal police department, he became active and interested in the case. He got in touch with the Indian authorities (with the responsible police directorate of the district of Calcutta where the alleged abused took place) . based on information from Interpol Austria . and travelled together with the Indian police to Calutta for investigating the scene of the crime (a small hotel in a district known for bars and prostitution). The owner and staff of the hotel were interviewed and the Austrian police officer made a accurate photo documentary of the hotel and the room where the UK national witnessed the abuse.

Throughout spring the documentation from India and the statement of the witness were examined by the public prosecutor's office and it was decided that the evidence was enough to finally release a warrant and charging the suspect in court.

Conclusions from the case

- Law enforcement cooperation with India is still a challenge . lack of cooperation.
- Procedures are complicate and time consuming when several countries are involved.
- In the intervening time it was known that the Austrian suspect returned to India again on holiday . presumably to resume his activities.
- For the first time witnesses from abroad were invited by the Republic of Austria (covering flight ticket and accommodation). The witness and his friend flew from India to Vienna since both working some months of the year for a Mother Theresa charity in India.

A Brit in Thailand

(Source: Return to Sender, 2008)

Maurice is 77 years old and was arrested in Thailand in March 2008 for abusing an eight year old boy. He denied the charges. However, since the 1990s Maurice has been arrested by the Thai authorities six times for child sexual offences and in one case was sentenced to fourteen years imprisonment. In March 2007 Maurice walked out of court on bail of £8,000 on charges of abusing two Thai girls aged nine and eleven. He was already on bail waiting for an appeal of sentence for raping two girls in 2001 when this arrest was made.



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As early as 1991 Maurice paid £800 to a Thai couple for their twelve year old daughter so he could marry her. The girl ran away after a few weeks. In Thailand, like elsewhere in Asia, the elderly are highly respected and he had used this to get access to children. The British authorities knew about his record in Thailand. Although claims about corruption and bribery inevitably place foreign authorities under scrutiny ECPAT UK also asked the question about why the UK authorities had been slow in taking action to prevent reoffending when the offender was known to both countries. Maurice was not a Thai national . he was a British national and he could leave and come back to the UK any time, or go elsewhere. He was not employed in Thailand and he may even be getting a pension from the British government.

For over twenty years the British authorities have spent vast resources on training foreign police forces on combating child sexual abuse. This contribution to global efforts is welcome, however to think of it as our country's main strategy to combat the problem is to ignore the landscape of international sex offending where poverty, corruption, contacts and power are not simply diminished by the participation of hand picked individuals attending training workshops.

ECPAT UK questions the role of British diplomatic missions such as Embassies and Consulates and why the Foreign and Commonwealth Office does not have a consistent policy around the globe on pro-active liaison with foreign governments at the time of arrest on cases of child sexual abuse. To expect that the Thai, and other, authorities spend their limited resources over and over again on surveillance and monitoring of British offenders is disingenuous and counter to the spirit of international cooperation on child protection. If Maurice was in the UK he would be placed on the UK Sex Offenders Register and be subject to stringent risk assessment and management under the UK MAPPA system (Multi-Agency Public Protection Arrangements).

ECPAT UK is calling on the government to review its strategy to prevent, detect and manage British nationals who abuse children abroad. Central to this is to reverse the ideology that if abuse happens overseas then we should simply let the governments over there deal with it. This now very tired mantra must be challenged.

ECPAT UK recommendations on how to improve the combat of child sex tourism:

1. Develop stronger bi-lateral cooperation agreements with relevant countries;
2. Develop joint investigation teams with other national law enforcement agencies;
3. Construct agreements with foreign governments to deport and chaperone convicted offenders back to the UK after sentencing to be placed on the Sex Offenders Register;
4. An immediate review of the MAPPA (Multi-Agency Public Protection Arrangements) model to be more inclusive of the context of abuse in other countries;
5. An immediate review of the use and effectiveness of Foreign Travel Orders (FTOs) to restrict travel for high risk sex offenders or consider other models.