

The use of
INFORMATION AND COMMUNICATION TECHNOLOGIES
IN CONNECTION WITH CASES OF CHILD-SEX TOURISM IN
EAST AND SOUTHEAST ASIA



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ECPAT International is a global network of organisations and individuals working together to end child prostitution, child pornography and the trafficking of children for sexual purposes. It seeks to encourage the world community to ensure that children everywhere enjoy their fundamental rights free and secure from all forms of exploitation.

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Designed by Manida Naebklang

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A literature review of tourist-sending countries
(Japan, South Korea and Taiwan)
and tourist-receiving countries
(Cambodia, Thailand and Vietnam)

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Glossary of Terms and Acronyms

3G:	Third generation
4G:	Fourth generation
ADSL:	Asymmetric Digital Subscriber Line
Bandwidth:	Also referred to as digital – or network – bandwidth, it is a measure of data communication resources expressed in bit/s or multiples of it.
Broadband:	In the field of data communications, it refers to a high data rate Internet access – anything above 128kbps, typically as opposed to dial-up access using a 56k modem.
Chat room:	Any form of conferencing, ranging from real-time on-line chat, over instant messaging and on-line forums, to fully graphical social environments
CoE:	Council of Europe
CRC:	<i>Convention on the Rights of the Child</i>
CSEC:	Commercial Sexual Exploitation of Children
CST:	Child-Sex Tourism
Cybersex:	A virtual form of sex encounters consisting in the exchange of sexually explicit messages over a computer network between two or more persons. With the use of webcams, cybersex has added the element of real-time video possibilities. Cybersex also involves performing sexual behaviours/conducts based on the on-line interaction between the involved parties.
ECPAT:	End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes
EDGE:	Enhanced Data rates for GSM (or Global) Evolution; a digital mobile phone technology that allows improved data transmission rates.
Exif:	Exchangeable image file format; a specification for the image file format used by digital cameras, whereby specific metadata tags (e.g. name of manufacturer, camera model, date and time of picture, other photographic technical data, etc.) are added to existing file formats.

External hard disk drive: A type of hard disk drive connected to a computer, mostly through a USB cable. It is typically a device that is external to the computer and can be disconnected and removed from it with ease.

FCACP: Financial Coalition against Child Pornography

Flash memory: A type of computer storage that can be electrically erased and reprogrammed. This technology is primarily used in memory cards and USB flash drives for general storage and transfer of data between computers and other digital products, such as digital cameras, mobile phones, music players, video game consoles.

Forum: On the Internet, it is an on-line discussion site

FTP: File Transfer Protocol

GPT: General-purpose technology

GSM: Global System for Mobile communications

ICT: Internet and Communication Technology

ISP: Internet Service Provider

IM: Instant Messaging

ITU: International Telecommunications Union

LTE: Long-term evolution

MLA: Mutual Legal Assistance

MP3: The common abbreviation for MPEG-1 Audio Layer 3, a type of digital audio encoding that involves data compression and is particularly suited to consumer audio storage.

MMS: Multimedia Messaging Service

Multi-user on-line gaming: Any form of videogames played by means of a computer network.

OPSC: *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*

PC: Personal Computer

PDA: Personal Digital Assistant

Smartphone: A mobile phone offering advanced capabilities, contributing to the convergence of personal computer and mobile phone functionality

SMS: Short Message Service

Thumbdrive: A different name for a USB flash drive, based on the commercial name of the first model launched on the market by Trek Technology in 2000.

USB: Universal Serial Bus

- Video game console: An interactive entertainment computer or modified computer system that produces a video display signal which can be used with a display device (a television, monitor, etc.) to display a video game.
- VoIP: Voice-over-Internet Protocol
- Wi-Fi: A trademark of the Wi-Fi Alliance used to designate products that belong to a class of wireless local area network (WLAN) devices based on the IEEE 802.11 standards.
- WiMAX: Worldwide Interoperability for Microwave Access; a telecommunications technology providing wireless transmission of data by using a variety of transmission modes, from point-to-multipoint links to portable and fully mobile Internet access.
- WSIS: World Summit on the Information Society

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INTRODUCTION

The travel and tourism industry is one of the world's largest economic sectors, with over 220 million people employed globally and generating more than 9% of global GDP¹. It continues to expand with tourism destinations multiplying in areas previously untouched by tourism development. Countries in Asia in particular have experienced a growth in tourism-related business, despite the multiple setbacks of the past five years: the 2002 Bali bomb attacks, the 2003 SARS virus, the 26 December 2004 tsunami, and the on-going Avian and H1N1 flu crisis. In fact, tourism arrivals in the Asia and Pacific region was still increasing by approximately 10% yearly in 2008² before feeling the effects of the global recession. The crisis, in turn, is now showing signs of recovery in the region, recording its first growth at the end of 2009 after 14 months of decline³.

Like many other sectors, the travel industry has benefited from the advent of the information technology (IT) sector. Considerable travel-related business is conducted on-line rather than over the telephone or through traditional travel agencies. It is a reflection of the new role of the Internet in tourism that low cost airlines, perhaps the most significant agents of change in the tourism industry today, take bookings exclusively through online credit card transactions.

This mutually beneficial growth of the travel and IT industries is rightfully welcomed. However, the travel and IT industries have also witnessed an increase in sexual exploitation of children through the mediums they provide. The exponential increase in Internet-related child pornography is now well-documented, and the issues of contacting and grooming children via the Internet are receiving more attention as serious threats to children everywhere. The United Nations Study on Violence against Children starkly revealed the various forms of harm that children are subjected to and noted how pervasive these are in all realms of children's lives⁴. ECPAT's contribution to the Study further illustrated how the Internet and communication technology (ICT) is being used to facilitate harm to children in terms of sexual exploitation. Most recently, the World Congress III against Sexual Exploitation of Children and Adolescents, which gathered over 3,000 representatives from governments, inter-governmental and non-governmental organizations, private sector and children and adolescents in Brazil in November 2008, also highlighted with deep concern the increased vulnerabilities of children aggravated by the new avenues provided through ICT and the travel and tourism industry to abuse children and *"the increase in certain forms of sexual exploitation of children and*

¹ World Travel and Tourism Council, see <http://www.wttc.org/>.

² UNWTO, World Tourism Barometer, Vol. 7, no. 1, January 2009, p. 3.

³ UNWTO, World Tourism Barometer, Vol. 8, no. 1, January 2010, p. 1.

⁴ ECPAT International, *Violence against Children in Cyberspace*. A contribution to the United Nations Study on Violence against Children, Bangkok, 2005, pp. 8-9.

adolescents, in particular through abuse of the Internet and new and developing technologies, and as a result of the increased mobility in travel and tourism"⁵.

The swelling travel and tourism industries in the East Asia and South East Asia regions have seen an increase in sexual exploitation of children by international and domestic tourists alike. More and more cases have been recorded in countries such as Cambodia, Indonesia and Vietnam, where the tourism industry is growing rapidly. However, while some cases involving high profile personalities have resulted in indictments⁶, there have been few convictions amongst the vast majority of international and domestic exploiters.

Objectives of this literature review

The involvement of ECPAT International since its inception in leading the fight against child-sex tourism has provided it with a unique vantage point for examining changes and adaptations within the tourism and IT industries and their impact on the modalities of child-sex exploiters that use and abuse them to access

and harm children. On the basis of this experience, ECPAT has observed an increasingly visible convergence between the use of ICT and tourism infrastructure to facilitate access to children for sexual exploitation by travellers. A clear understanding of how the ICT and child-sex tourism (CST) sectors can overlap to create situations in which children are sexually exploited in tourism is required to address the problem in all its complexity. Often, the sexual exploitation of children in tourism through ICTs has been primarily through documentation by the exploiter in the form of child pornography. Nevertheless, it is increasingly evident that developments in ICTs combined with the travel and tourism industry have resulted in a host of concerns that must be examined to inform the development of appropriate prevention and protection mechanisms to ensure children will not fall victim to sexual exploitation.

A first step towards understanding the sexual exploitation of children in tourism through ICTs can be achieved through a thorough literature review to reflect the current state of known interactions between ICT and CST. ECPAT International has therefore undertaken this study in order to:

⁵ M. O'Briain et al., *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*, Bangkok 2008, available at http://www.ecpat.net/WorldCongressIII/PDF/Publications/CST/Thematic_Paper_CST_ENG.pdf.

⁶ The case of Paul Gadd (aka Gary Glitter), convicted of child pornography charges in 1999 in the UK, banned indefinitely from entry to Cambodia in 2002 and then charged with sexually exploiting children in Vietnam in 2005, typifies such high profile cases.

Analyse the nature, extent and trends in the use of information technology for facilitating sexual exploitation of children, especially in East and Southeast Asia

- An assessment of the tourism industry in selected destination countries; a typology of travellers and tourists; and formal and informal mechanisms serving the travel and tourism industry.
- A description of the context of ICT in selected countries in Asia (data on Internet connections and connectivity development; typology of settings and users; data and types of other ICTs such as mobile phones, 3G phones, PDAs, etc.).
- Comparative assessments of the legal framework and law enforcement to protect children from sexual exploitation in selected high-risk tourism destinations.
- Research and documentation of Internet tourism websites and related forums promoting entertainment and sex services alluding to or explicitly advertising sex with children in the selected East Asian countries to assess the protective environment/framework for children.

Identify targeted recommendations for action by key actors to prevent and protect children from being sexually exploited through tourism

- Concrete measures outlined for combating the advertising, facilitation, access and sexual exploitation of children in selected tourist destinations.
- Targeted proposals for action by specific duty-bearers, such as, government authorities, law enforcers, IT and tourism authorities, NGOs, etc. to prevent and protect children from sexual exploitation in tourism.
- The global tourism and ICT industries have information, strategies and concrete models for their collaboration with local communities on child protection to combat the misuse of their infrastructure and services by people targeting children for sexual exploitation.
- National and Regional Tourism Authorities at the global level have information and recommendations for deciding policies, programmes and resources to prevent and stop the sexual exploitation of children.

Methodological approach

Research materials used for this study include national statistics; industry publications with data and statistics; academic and other relevant research reports; media articles; search engines; blogs; and newsgroups. The study has made use of the following methods:

- a. *A concise snapshot (statistics, tourism flows)* of the tourism scene that explains the general features of the tourism structure of the countries analysed.
- b. *An analysis of the technological scene*, with an emphasis on the latest innovations in terms of Internet and communication technologies, their diffusion in the individual countries studied and their introduction, structure of deployment and use in the sectors under study .
- c. *A legal framework analysis* with specific reference to the countries surveyed in East and Southeast Asia to combat the facilitation of child-sex tourism by information technologies. This includes specific attention to legislation relevant to the production, the viewing and the possession of child pornography, including issues of extra-territorial law.
- d. *A sample survey of Internet websites* that includes commercial sites that advertise sex services, alluding to or explicitly mentioning sex with children in East and Southeast Asian countries, as well as forums and newsgroups (and to a lesser extent a selection of chat rooms) with an emphasis on travel and tourism. This section of the research traced 33 commercially run websites (predominantly English-language) offering various types of adult-only (or sexually oriented) holidays and 24 forums and newsgroups that provided room for discussions and information aimed at providing details on sexually oriented holidays in the destinations analysed.
- e. *An analysis of existing regulations and codes* of private-sector ICT companies that have implemented regulatory mechanisms to minimise the impact of their products to prevent them from being used to facilitate the sexual exploitation of children in tourism settings, and the possibility of technological misuse by child-sex offenders.

CHAPTER 1

Tourism development, child-sex tourism (CST) and the interface with Information and Communications Technologies (ICT) in Southeast Asia

Tourism development has been greatly enhanced by the advent of information technologies. The ease and expansion of choice in modes of travel arrangements has broadened the range of destinations opened to tourists. While these changes have benefited many local communities – and broader economies – in several ways, they have also proved to have great appeal for travellers seeking contact with children for sex. The Internet, for example, has provided tourists with a wide range of opportunities to find (or exchange) information referring to locations and venues where contacts with vulnerable children can be facilitated.

The relationship between the advent of mass tourism and the use of new information and communication technology in tourism and its combined impact in advancing child-sex tourism is extremely complex and difficult to discern. It is beneficial therefore to separate the different aspects and examine these distinctly to see the particular developments which are of importance and converge to shed light on the concerns of this study.

Tourist-sending and tourist-receiving (destination) countries: Intra-regional flows

Since the early 1980s, tourism in Southeast Asia has shown a marked capacity for resilience and extraordinary recovery in the face of adverse shocks such as the Asian financial crisis of 1997, the SARS epidemic of 2002-2003, the tragedy of the Indian Ocean tsunami of 2004, the Avian influenza (H5N1) pandemic that began in 2004, the more recent swine flu (H1N1) pandemic that started in early 2009, and the global economic recession that reached its peak in the same year. In spite of the above events, affecting one or all of the countries in Southeast Asia, the trend in international tourist arrivals has generally been one of unceasing increase.

In spite of the Southeast Asian region being a favourite destination for nationals of several developed economies in the West, statistics clearly show a large majority of travel being undertaken on regional routes and between neighbouring countries (see Table 1). At

a macro-level, tourism very broadly appears to flow primarily from north to south in the northern hemisphere, from countries with strong industrialised economies to countries where tourism-generated income very often makes up a larger proportion of GDP compared to other industrial sectors. Also, citizens from the former type of countries usually enjoy higher incomes that enable them to travel abroad more frequently than nationals of the other countries. Located at more northern latitudes, Japan, South Korea and Taiwan, have enjoyed decades of industrialisation that have firmly placed them among the 35 countries with the highest GDP per capita in the world⁷.

Table 1. International arrivals from the top five countries sending the most visitors to Cambodia, Thailand and Vietnam

Country	Arrivals from	No. of visitors in 2008
Cambodia	South Korea	266,525
	Vietnam	209,516
	Japan	163,806
	USA	145,079
	China	129,626
Thailand	Malaysia	1,805,332
	Japan	1,153,868
	South Korea	889,210
	China	826,660
	UK	826,523

Vietnam	China	643,344
	South Korea	449,043
	USA	414,851
	Japan	393,091
	Taiwan	303,175

Sources: www.tourismcambodia.com, www.tourism.go.th, and www.vietnamtourism.com

Per capita GDP in Cambodia, Thailand and Vietnam, by contrast, rank far below⁸. In these countries, tourism revenues comprise a higher (between 13.1% and 17.5%) as a proportion of GDP (see Table 2)⁹. In light of the tourism flow being directed mostly north to south, Japan, South Korea and Taiwan qualify largely as tourist-sending countries/the places of origin for most international arrivals to Cambodia, Thailand and Vietnam (which can be defined, conversely, as typical tourism destinations)¹⁰.

Table 2. Tourism economy as a share of GDP in surveyed countries (2009)

Country	Tourism as a share of GDP (%)
Cambodia	17.5
Thailand	14.7
Vietnam	13.1
Japan	9.1
South Korea	7.6
Taiwan	3.3

Source: World Travel & Tourism Council

Economic differentials and their repercussions

The fairly strong spending power that incoming Japanese, Koreans and Taiwanese have at their disposal in Southeast Asia, matched with the comparative weakness – from an economic perspective – affecting sections of the Cambodian, Thai and Vietnamese populations, has been known, both in Southeast Asian tourism as elsewhere, to be a facilitating condition for possible exploitation of the most vulnerable segments of the local societies¹¹. As these most vulnerable portions of the local population invariably include women and children, the risk of exploitation of labour, but also of sexual exploitation, is particularly heightened.

Nevertheless, a lag in economic development does not always need to be a negative aspect. With special reference to Internet and communication technologies, playing catch-up may in some cases allow individual

economies to skip costly investment in equipment and infrastructure when the relevant technology has been superseded by more efficient solutions. This has been the case, for example, with the explosive growth of mobile telephones in several countries that lacked a well-functioning landline system¹².

Tourism development and ICTs: Exposing vulnerable children to tourists

In addition to the increased promotion of tourism destinations, the multiplication of agencies, operators, brokers and other tourism intermediaries, as well as the facilitation of independent travel – all of which contribute to the accelerated tourism growth that can put children at risk of sexual exploitation by tourists – technological advances can enable child-sex tourism in more subtle ways. Tourists can now purchase mobile telephones in airports once they have arrived in most destinations,

⁷ Japan, with a per capita GDP of USD 34,116, is ranked 24th; Taiwan, at USD 30,912, ranks 25th; while South Korea is 33rd, with USD 27,692 (IMF data from 2008, accessed on 18 February 2010 from Wikipedia: http://en.wikipedia.org/wiki/List_of_countries_by_GDP_%28PPP%29_per_capita).

⁸ Thailand is 86th, with a per capita GDP of USD 8,239; Vietnam is 129th, at USD 2,794; and Cambodia is 143rd, at USD 2,082 (IMF data from 2008, accessed on 18 February 2010 from Wikipedia: http://en.wikipedia.org/wiki/List_of_countries_by_GDP_%28PPP%29_per_capita).

⁹ Data from the World Travel & Tourism Council (accessed on 18 February 2010 from: http://www.wttc.org/eng/Tourism_Research/Tourism_Economic_Research/index.php).

¹⁰ The latest available data at the time of writing (2008) indicated China had the most arrivals into Vietnam (likely due to traffic across their common border), while ranking fourth in arrivals into Cambodia and Thailand. Japan and South Korea were invariably in the first three positions for arrivals into Cambodia, Thailand and Vietnam, with Taiwan in position 5 (to Vietnam) and position 12 (to Thailand). The relevant data was accessed on 2 December 2008 from the destination countries' official tourism sites: www.tourismcambodia.com, www.tourism.go.th, and www.vietnamtourism.com.

¹¹ ECPAT International, *Combating Child Sex Tourism: Questions & Answers*, Bangkok, 2008, p. 15; or US Department of Justice, Child Exploitation and Obscenity Section (CEOS). Accessed on 21 January 2010 from: [website http://www.justice.gov/criminal/ceos/sextour.html](http://www.justice.gov/criminal/ceos/sextour.html).

¹² UNCTAD, *Information Economy Report 2007-08 – Science and Technology for Development: the New Paradigm of ICT*, New York and Geneva, 2007.

allowing them greater freedom in organising their excursions, where they stay, where they travel, who they interact with, and when and how they interact with these people. Mobile phones can be used to send and exchange pictures between tourists and children in tourism destinations or to record abuse and transport imagery. Tourism development and information technologies are also making remote areas, many of which are not equipped or ready to accommodate large numbers of tourists, more accessible to tourists and in this way make children vulnerable to tourists seeking sexual contact with them.

It is clearly apparent that there are several ways in which information technology can allow, facilitate, contribute to, and even cause sexual exploitation of children in tourism with specific regard to the developments within the tourism sector in the East Asian and Southeast Asian regions. Yet, behaviours and dynamics need to be further defined and analysed as multiple questions remain. It is not yet evident, for instance, whether sexual exploitation of children in tourism as facilitated by information technologies follows the same more “traditional routes” of sex tourism in the region.

Changes in demand

With regional growth in tourism, particularly among independent or organised travellers, the question is whether or not the ease provided by new technologies for accessing and exchanging information, including images of abuse of children or of locations for sexually exploiting children, is facilitating the evolution and expansion of new and more sophisticated mechanisms for meeting the demand of child-sex tourists. It is thus crucial to determine if the interactive nature of today’s communication technology feeds the demand for child-sex in tourism in certain destinations by more perpetrators who interact with material they access via the Internet¹³.

¹³ Hughes, D., *The Impact of the Use of New Communications and Information Technologies on Trafficking in Human Beings for Sexual Exploitation: A Study of the Users*, Council of Europe, May 2001, p. 7.

CHAPTER 2

The Information and Communication Technology revolution and its implications for the protection of children from child-sex tourism

ICT features and promises

The ICT revolution in recent times is analogous to the earlier industrial revolution in modern economic history, and ICT has been classified as a general purpose technology (GPT) similar to power delivery systems or transport innovations. The role of technology, particularly GPTs, can be pervasive as it can interact with any single sector of the economy and create opportunities and facilitate the emergence of new innovations in downstream sectors that compliment it. This impact of ICT is crucial for the growth and development of a country.

Some of the distinct features of GPTs are as follows¹⁴:

1) Broad scope of enhancement, improvements and applicability. This often leads to the technologies being developed in a way that was not foreseen before and sometimes means it could be utilised in a way that is far off from its original intention. ICT tools are perfect examples, as the boundaries of information processing have enlarged to include

other applications that seek to make use of the benefits of digital medium. They are found in many aspects of our life, such as entertainment, communication and everything that makes up the digital world.

- 2) Wide potential for implementing across a broad range of products and processes.
- 3) Can complement existing and new technologies. For example, earlier tourists could use telephones or fax machines to communicate with agents in the destination countries, but now on-line transactions and on-line communications enhance the traditional mode of communications, utilising the same principles of end-to-end communication, but with increased speed and reliability.

The role of ICTs in the development and economic growth of a country

ICT applications have a profound impact in terms of workflows and business relationships between organisations, market participants and between the

¹⁴ UNCTAD, Information Economy Report 2007-08 – Science and Technology for Development: the New Paradigm of ICT, New York and Geneva, 2007, p. 8.

governments and the rest of the economy. As such, states have an incentive in investing heavily in building up an infrastructure upon which the economy can develop¹⁵. ICT as a new paradigm is a powerful medium for information processing from both the quantitative and qualitative point of view (such as being adapted for a great variety of uses, rapid and wireless connections, constantly upgraded to respond to changing needs). ICTs involve diverse instruments and tools (computer equipment, phones, and other audio video and electronic data-dependent devices) that can be used by individuals with different levels of skills¹⁶.

ICTs have accelerated business innovation and adaptations arising out of the need to analyse large amounts of information, and the ability of available ICT tools to process and analyse such increased amounts of data has impacted on the competitiveness and productivity of organisations. This is an incentive for a government in the developing world to focus more on ICT deployment in order to accelerate the overall growth of its economy.

The countries in the purview of this study present different contexts when it comes to ICT deployment. Developed countries such as Japan, South Korea and Taiwan have extensive investment in the field of ICTs and these countries benefit hugely from such investments. This has made the internet and mobile access and usage of

ICT almost ubiquitous in such countries. But according to the UNCTAD report “Information Economy Report 2007-08”, production, trade and investment in the ICT sector will continue to increase, and the production sites will tend to shift from developed to developing countries.

The ASEAN region is the first region in the developing world to harmonise its e-commerce legal framework, considered an essential step in preparation for the removal of barriers to on-line services and for the provision of legal certainty to businesses and citizens. So far, there have been increased ICT-related business opportunities and foreign direct investment as a result of those legislative reforms, and outcomes have been perceived as largely positive. It is to be noted that in this region the ASEAN e-commerce project was quite successful on account of its focus on trade facilitation and global harmonisation with international interoperability, and not only focusing on regional harmonisation¹⁷.

Nevertheless, from the above-mentioned UNCTAD report, it is obvious that even though the ICT diffusion in developing countries is growing steadily, developing countries remain far behind developed ones in the adoption of ICTs and their enterprise-wide deployment, except for some East Asian countries that are treading the line between developed and developing status (notably South Korea).

¹⁵ Ibid., p. 10.

¹⁶ Ibid.,

¹⁷ Ibid., p. 14.

National ICT policies developed by different countries and their implications

Analysing national ICT policies in the countries covered in this study reveals some key observations. It is possible to identify the emphasis put by governments in their overall directions for their national plans when it comes to ICT deployment and planning. It is not surprising that the objectives and components of the national ICT plans of more developed countries, such as Japan and South Korea, differ in comparison to those in developing countries such as Thailand, Cambodia and Vietnam. The developed countries that had already laid a strong foundation in their ICT infrastructure are moving towards strengthening e-services and orienting their legislation to support electronic governance and e-commerce on top of advancing core technologies through research and development. Developing countries on the other hand, tend to place greater importance on expanding and rolling out these technologies, such as more broadband rollout, extending cellular phone services, promoting ICT use and encouraging foreign investment to support such expansion. They also tend to focus more on adapting to what has already been created (technology-wise), rather than investing heavily on research and development areas. Other areas of emphasis largely centre on raising workforce and skilled labour to harness the economic benefits of the ICT applications.

It is clear that as ICTs are becoming a tool for states to improve their services, policy and legislation is also being reformed to accommodate such transformations. Plans also clearly mention the need to address problems arising out of the misuse of ICT such as economic crimes, security, confidentiality and privacy issues, but fail to indicate clearly how other issues, such as the protection of children is covered, or what is the exact coordination between the different agencies to ensure effective treatment of the problem if it arises out of this context.

Some other aspects of the ICT policies and plans in tourism destination countries, such as the one for Vietnam, identify the need to build skilled workforces on IT that will be able to fuel the economy by exporting software made in-house. To leverage such skills the government promotes foreign investment and the inflow of western IT experts to the country, while building up infrastructure for ICT (including strong data networks and access points)¹⁸. This begs the question of whether the state is equally interested in taking measures to ensure that necessary mechanisms are put in place to prevent the misuse of ICT facilities, particularly when that involves children. The ICT policies of Cambodia, for example, factor in the need to establish appropriate legal instruments to check and monitor the indecent use of ICTs, but the exact role envisaged for the coordinating agencies is not clearly articulated (though the system

¹⁸ S.R. Chidamber, An analysis of Vietnam's ICT and software service sectors. Accessed on 8 February 2010 from: <http://www.ejisdc.org/ojs2/index.php/ejisdc/article/view/83/83.pdf>, and J. Peeraer et al., Policy Analysis Integration of ICT in Education in Vietnam – Translation and Implementation in Teacher Education. Accessed on 8 February 2010 from: http://www.unescobkk.org/fileadmin/user_upload/apeid/Conference/13th_Conference/Papers/1.A.2_Policy_Analysis.pdf.

does include a mechanism for reporting public-service activities)¹⁹.

The increase in connectivity and the links to children

The increased penetration of Internet and mobile phone also targets children and young people, who are among the leading users and consumers of such ICTs. The increased availability of mobile phone services and access to the online world through public Internet access points such as cybercafés have opened up the Internet to this audience in a new way.

Mobile phones play a special role in the lives of young people, particularly in the way they socialise, communicate and use mobile applications such as texting, chatting and sending multimedia messages. With the widespread use of camera phones (these are increasingly getting cheaper and mainstreamed), children and young people find new means of sharing their thoughts and connecting with others, which may involve using video conversation where 3G services are available or sending photos of themselves through

MMS and e-mail or even mobile chat. A mobile phone is often considered by young people's as one of their most valuable possessions, and those whose family economy may fail to provide one are often driven by peer pressure to own one. It has been reported that child-sex offenders who travel to poorer countries for sexually exploiting a child can establish a permanent contact with a child by providing a mobile phone to them²⁰. Street children who have no other means of establishing contact with foreign tourists are being approached and given a mobile phone to maintain contact with the traveller.

In order to stop crimes being perpetrated through mobile phones, different countries have come up with different regulations for the registration of SIM cards that are integral for the use of cellphones. In Vietnam²¹, users are mandated to register their prepaid SIM cards in order to use the services (the deadline for registration was extended to January 2010). In Thailand²², such registration schemes were put forward in May 2005, but currently the regulation has been reversed and prepaid SIM cards do not need to be registered. In Cambodia, registration is required to activate the services of a prepaid SIM card²³.

¹⁹ Presentation on National ICT Policy of Cambodia & Overview of E-Government, for the "Capacity-building Workshop on Back Office Management for E/M-Government in Asia and the Pacific Region", Shanghai, P.R. China, 27-28 May, 2008. Accessed on 8 February 2010 from <http://unpan1.un.org/intradoc/groups/public/documents/UN/UNPAN030560.pdf>.

²⁰ Equations, *Unholy Nexus: Male child sexual exploitation in pilgrim tourism sites in India* (Andhra Pradesh, Kerala and Orissa), Bengaluru, 2008. Accessed on 18 February 2010 from: http://www.ecpat.net/EI/Publications/South_Asia/Unholy_Nexus-MCSE_Research_Report.pdf.

²¹ Vietnam extends deadline for prepaid SIM card registration, 4 January 2010. Accessed on 28 January 2010 from: <http://www.cellular-news.com/story/41271.php>.

²² Cézarne Samuel and Lyle Cupido, *Are we sleepwalking into a surveillance society?*, 10 July 2009. Accessed on 28 January 2010 from: <http://www.saiia.org.za/diplomatic-pouch/are-we-sleepwalking-into-a-surveillance-society.html>.

²³ Darwin G. Amojelar, *Govt plans mandatory prepaid SIM registration*, 11 January 2010. Accessed on 28 January 2010 from: <http://www.manilatimes.net/index.php/business-columns/9385-govt-plans-mandatory-prepaid-sim-registration>.

Providing access to the Internet to children and young people by creating a Schoolnet (a project in Thailand whereby schools were connected under a defined network) is another key component of ICT plans that aim to expand and strengthen broadband²⁴. It is also worth exploring whether a parallel provision for ensuring the protection of children through education, training, resource allocation, care and relevant services can be put in place. The need to identify the roles and responsibilities of ministries and organisations and their effective coordination is very important, as often ICT regulations are being governed by the ministry of telecommunications, but should also include the role of other relevant ministries such as education, public health, social affairs, internal affairs and law enforcement.

Through the efforts of governments to bring connectivity to both urban and rural areas – as is the case with the establishment of tele-centres in many countries – such as Thailand (40 centres in 2008), Cambodia (iREACH program) and Vietnam – more and more people are having access to online services and ICT equipment. The popularity of the tele-centres has also encouraged the creation of other ICT-enabled service points such as Post, Telecommunication and Cultural Points (PTCP) in Vietnam²⁵. These points are used for various services such as postal service, library, mobile-phone payment,

Internet access, etc. The regulations and practices regarding the use of the Internet or monitoring activities in such places, or even the operational guidelines for use by children and adults, are not clearly defined.

As already stated, as Internet services are being expanded to villages (thereby providing access to the rural population), access to children by way of various on-line services such as chat rooms, social networks, on-line gaming, etc., is possible. Information about individuals and also facilities and conditions that prevail in a remote tourism destination is thus made available to people living in far off countries. Such information can thus be collected by a child-sex offender before travelling.

Mobile phone networks: A new force in connectivity and Internet access

Among ICTs, mobile phones are often considered to be the entry-point technology in many developing countries and, to develop an information economy, broadband Internet is certainly a key component. Recently, mobile telephony has emerged as the most important ICT for poor economies, and serves as the primary gateway to increased ICT access and use in such countries. Reports and figures obtained from the ITU²⁶ verify marked

²⁴ C. Thuvasethakul and T. Koanantakool, National ICT policy in Thailand, paper presented at the “Africa-Asia Workshop: Promoting Co-operation in Information and Communications Technologies Development”, 25-29 March, 2002, Kuala Lumpur and Penang, Malaysia. Accessed on 8 February 2010 from: <http://www.nectec.or.th/users/htk/publish/20020302-National-ICT-Policy-v16-word.pdf>.

²⁵ mplementation [sic] of Telecentres in Vietnam, presentation for the APECTEL 30 Working Group Meeting, Singapore, 19-24 September, 2004. Accessed on 28 January 2010 from: http://125.160.17.21/speedyorari/view.php?file=library/library-ref-eng/cd-apec-telecenter/tel30_telecenter/TELE_10+Telectr+implementatio+Vietnam.pdf.

²⁶ Figures from the 2007 ICT indicator database, mentioned in the UNCTAD report quoted. The database is otherwise downloadable for a fee from www.itu.int.

continuous mobile phone growth in such countries. These increasing mobile phone penetration rates in developing countries are regarded as a “digital bridge” to narrow down the gap that exists with more advanced economies with proven infrastructure and well-established fixed-line infrastructure. The proliferation of mobile phones in less developed nations has opened up access and communication capabilities even to people who may have very low incomes. This may include children coming from very low income groups. For example, particularly in countries like Thailand, children and young people selling wares in the streets use mobile phones. Furthermore, as the use of mobile phones becomes more ubiquitous, the ways in which they will be used by unsupervised children is bound to draw less curiosity and, as a result, become less monitored.

The number of mobile phone subscribers in developing countries has almost tripled in the five years running up to 2007 and now they make up 58 percent of mobile subscribers worldwide²⁷. Developing Asia follows Africa with the highest growth in the number of mobile phone subscribers and mobile phone penetration (see Tables 3, 4, 5 and 6). Forty percent of mobile phone subscribers worldwide (China and India being the predominant contributors to that figure) are in Asia.

While less developed countries like Nepal and Myanmar have very low levels of mobile phone penetration, countries such as Japan, South Korea and Taiwan (that have undertaken infrastructural development and undergone reforms to promote competition in the telecommunication sector) have extremely high mobile phone penetration²⁸. It is interesting to note that even in economies that are lagging behind, such as Cambodia, with lower mobile penetration than in other developing countries in the region, the deployment of very advanced mobile telephony such as 3G²⁹ is happening. One reason for this is that the technology has already matured and its costs have come down, so when it comes to new deployment, governments are quickly adopting more advanced technologies.

The advent of 3G mobile networks (and the emerging 4G³⁰) has shown that one does not have to be confined to a home PC and fixed Internet connection to take advantage of emerging on-line services, such as accessing social networks, viewing videos or streaming content. In the past, accessing such content through mobile networks was both expensive and not viable, owing to slow connections. However, with recent developments and the enhancement of wireless telephony networks, these connectivity options are available. For travelling offenders, this opens up

²⁷ Ibid., p. 23.

²⁸ Ibid., p. 24.

²⁹ 3G technologies provide users with large bandwidth to download and upload on-line content, view streaming services and also perform two-way video calls. 3G may also come with specialised services, such as location-based services, that can actually trace and locate an individual close to the nearest metre. Also, the smartphones that take advantage of 3G services come equipped with cameras that can be used to take high-resolution images and, thanks to Internet connectivity and MMS services, shared instantly with others.

³⁰ 4G services (almost 7-8 times faster than 3G services) can provide wireless connection to both mobile and stationary points to connect to the Internet. Many of the mobile carriers in western countries are moving towards the deployment of pre-4G mobile wireless networks.

gateways to access, download and distribute child abuse materials from anywhere and anytime (due to the widespread coverage of cellular networks) if regulations and protection mechanisms are not incorporated into such systems.

Table 3. Mobile phone subscribers in tourist-sending countries

	2002	% change 2002-2003	2003	% change 2003-2004	2004	% change 2004-2005	2005	% change 2005-2006	2006
Japan	81,118,320	6.8	86,654,960	5.6	91,473,936	3.6	94,745,000	7.3	101,698,000
S. Korea	32,342,492	3.9	33,591,760	8.9	36,586,052	4.8	38,342,323	4.8	40,197,100
Taiwan	24,390,520	5.8	25,799,840	-11.8	22,760,144	-2.6	22,170,702	4.9	23,249,300

Source: UNCTAD, Information Economy Report 2007-08 – Science and Technology for Development: the New Paradigm of ICT

Table 4. Mobile phone subscribers in tourist-receiving countries

	2002	% change 2002-2003	2003	% change 2003-2004	2004	% change 2004-2005	2005	% change 2005-2006	2006
Cambodia	380,000	13.9	443,109	46.6	649,764	15.2	748,703	20.1	898,900
Thailand	16,117,000	54.3	24,864,020	10.1	27,379,000	13.7	31,136,500	31.1	40,815,500
Vietnam	1,902,388	44.1	2,742,000	80.9	4,960,000	81.5	9,000,000	72.3	15,505,400

Source: UNCTAD, Information Economy Report 2007-08 – Science and Technology for Development: the New Paradigm of ICT

Table 5. Mobile phone penetration (subscribers per 100 inhabitants) in tourist-sending countries

	2002	% change 2002-2003	2003	% change 2003-2004	2004	% change 2004-2005	2005	% change 2005-2006	2006
Japan	63.7	6.7	67.9	5.5	71.6	3.5	74.2	7.3	79.6
S. Korea	67.9	3.4	70.2	8.4	76.1	4.3	79.4	4.4	82.9
Taiwan	108.3	5.4	114.2	-12.1	100.3	-2.9	97.4	4.7	102.0

Source: UNCTAD, Information Economy Report 2007-08 – Science and Technology for Development: the New Paradigm of ICT

Table 6. Mobile phone penetration (subscribers per 100 inhabitants) in tourist-receiving countries

	2002	% change 2002-2003	2003	% change 2003-2004	2004	% change 2004-2005	2005	% change 2005-2006	2006
Cambodia	2.9	28.2	3.7	69.0	6.3	20.1	7.6	3.7	7.9
Thailand	25.8	52.9	39.4	9.2	43.0	12.8	48.5	30.0	63.0
Vietnam	2.4	42.2	3.3	78.5	6.0	79.0	10.7	70.1	18.2

Source: UNCTAD, *Information Economy Report 2007-08 – Science and Technology for Development: the New Paradigm of ICT*

The Internet has continued to grow worldwide in terms of users and penetration. As with mobile phones, Asia is the region contributing the largest share of Internet users worldwide (see Tables 7 and 8). While again, China and India are key contributors, South Korea has the third-largest number of Internet users and the highest Internet penetration in Asia, followed closely by Japan.

Table 7. Internet users in tourist-sending countries

	2002	% change 2002-2003	2003	% change 2003-2004	2004	% change 2004-2005	2005	% change 2005-2006	2006
Japan	59,220,000	4.1	61,640,000	28.9	79,480,000	7.3	85,290,000	2.6	87,540,000
S. Korea	26,270,000	11.2	29,220,000	8.1	31,580,000	4.5	33,010,000	3.4	34,120,000
Taiwan	10,720,000	9.5	11,740,000	4.0	12,210,000	8.2	13,210,000	--	--

Source: UNCTAD, *Information Economy Report 2007-08 – Science and Technology for Development: the New Paradigm of ICT*

Table 8. Internet users in tourist-receiving countries

	2002	% change 2002-2003	2003	% change 2003-2004	2004	% change 2004-2005	2005	% change 2005-2006	2006
Cambodia	30,000	16.7	35,000	17.1	41,000	7.3	44,000	--	--
Thailand	4,800,000	25.6	6,030,000	15.6	6,971,500	1.6	7,084,200	19.5	8,465,800
Vietnam	1,500,000	106.5	3,098,007	104.8	6,345,049	68.8	10,710,980	37.1	14,683,800

Source: UNCTAD, *Information Economy Report 2007-08 – Science and Technology for Development: the New Paradigm of ICT*

Broadband Internet access

Even though available data shows that the number of broadband Internet subscribers has grown rapidly worldwide, it is still the most developed countries that dominate subscriptions, and the gap in terms of penetration between developed and developing countries has widened since 2002. Alternative infrastructure, such as wired connections, in developed economies has largely contributed to this sustained spread and adaptation of broadband.

There are various factors accounting for the low proliferation of broadband in developing countries compared to developed countries. One aspect is the cost of broadband services relative to monthly income; the ratio is still quite high in some developing countries³¹. Government policies play a big role in promoting competition and the expansion of consumer markets, including the promotion and development of infrastructure and connectivity through investment, and the promotion of affordable Internet access to users. Irrespective of the current deployment rate of broadband in developing and poor countries, it is clear that broadband provides the necessary framework for high-bandwidth Internet access and is definitely the future of Internet access. In countries where SIM cards are sold without requiring any identity verification,

thereby giving untraceable access to the local emerging high-speed broadband networks, travelling offenders are provided anonymous access and the opportunity to misuse such setups.

Studies and surveys have observed that broadband users report higher levels of activity and spend more time on the Internet than dial-up users (although other demographic factors such as age, gender, education and race play an important role in this regard as well)³². A broadband connection, by virtue of its higher bandwidth and always-on features, encourages users to engage in activities that require high bandwidth such as downloading music/videos or playing games on-line, as well as encouraging users to engage in e-services with more ease compared to those who use dial-up connections³³. This is also applicable to a travelling offender who would benefit from having increased on-line presence for downloading, viewing and even producing and distributing child-abuse images.

Wireless broadband and 4G networks are being currently tested and tried out in countries like Japan, South Korea and Taiwan, and will soon reach developing countries. These technologies are capable of providing mobile devices with much faster wireless connection to the Internet over longer distances and can offer an individual all the benefits of modern

³¹ UNCTAD, Information Economy Report 2007-08 – Science and Technology for Development: the New Paradigm of ICT, New York and Geneva, 2007.

³² *Ibid.*

³³ *Ibid.*, p. 28.

online services such as watching streaming videos, on-demand movies, video-conferencing and other services that require higher bandwidth. Technologies like WiMAX that allow wireless Internet at remote locations with sufficiently equipped devices are also growing in popularity and particularly in countries where land lines are less developed. This technology brings the advantage of broadband Internet to mobile devices – both mobile phones and portable computers – and can be used anytime, anywhere (because of the extended reach of its signal, as opposed to Wi-Fi). For developing countries, where the fixed-line infrastructure is underdeveloped, this is seen as a huge opportunity for connecting the masses and reaching every corner of the country through aggressive deployment, as seen in the case of India, for example³⁴. Since the technology is in a transition stage, relevant security considerations (such as registering and validating users, logging data, checking traffic patterns in line with the practice followed by ISPs) are not yet well grounded and give rise to particular concerns related to the exploitation of children and young people, unless they are addressed during the development phase.

The growth of cybercafés

The widespread availability of the Internet also promotes the establishment of cybercafés or Internet cafés in countries where owning individual PCs or even

smartphones are costly or where there is demand for such facilities from tourists. In countries like Thailand and Vietnam, which have shown a strong increase in mobile phone adoption lately, coupled with the ability to provide and promote broadband through mobile networks, café owners are supplied with the higher bandwidth required to set up their Internet café businesses even in more remote areas. Cybercafés in these countries play a significant role in providing connectivity to the public at large and the constant flow of tourists. The type of Internet connectivity at these locations will also determine the range of services that can be offered by them. With broadband acceptance and the lowering cost of data, services such as file downloads, webcam sharing and even uploading files with higher data content is likely to increase in these locales.

Cybercafés benefit from the higher bandwidth provided by broadband services and are well known for their on-line gaming set-ups (that require sufficient bandwidth for working optimally). On-line gaming opportunities bring large amounts of children and young people to these businesses on a regular basis. This provides the scope for travelling offenders to befriend these young people when they visit such establishments on the pretext of using the Internet. This may even create the possibility for offenders to offer young gamers more money to pursue their on-line gaming activities in return for sexual favours.

³⁴ WiMAX.com, *India's Upcoming WiMAX Auction*. Accessed on 22 February 2010 from: <http://www.wimax.com/commentary/blog/blog-2009/september-2009/india-upcoming-wimax-auction-0901>.

Most of the time, cybercafés do not have a code of conduct for the usage of their premises and equipment, and they are often not aware of the risks that may exist for children and young people. In countries like Thailand, Cambodia and Vietnam, there is no system of registration for customers, hence any illegal act committed on the Internet by these travelling offenders is not documented or traceable. Sometimes the Internet cafés are structured to accommodate chambers and/or cubicles for private use that could further allow the offender to go on with their plans undisturbed.

Digital media and the development of new gadgets and tools

The use of ICT tools and devices has gone up significantly worldwide. This has been possible thanks to the digitalisation of media and the use of the Internet to connect and distribute such digital media. Traditional image-making (with bigger cameras and film processing that requires an elaborate set-up and time) has been replaced by much smaller, but more sophisticated and high-resolution digital equipment that can produce still and moving images at the same time. With the advent of the digital age, it is possible to produce movies of considerable length with diminutive devices that are also easy to transport and conceal. Mobile phones with integrated cameras, laptops with

embedded webcams and adequate software can equip a travelling offender with the resources needed to produce and distribute abuse images anytime and anywhere³⁵.

With the general availability of ICT devices everywhere, including in very poor countries, the use of these types of gadgets and devices no longer raises suspicion among the less informed. On-line services are available with plug-ins or applications to be downloaded and/or installed on mobile phones that allow for seamless connection to the Internet and the upload of digital materials. With time, these programs have become very easy to use and very intuitive, so that anybody – even without prior software/hardware experience – can use them.

All these developments have impacted on the ease with which child-abuse images can be produced by someone who not only wants to sexually abuse a child during their travels, but also record those acts at the same time. The plethora of gadgets available – ranging from stand-alone USB memories/thumbdrives³⁶ to USB memories embedded in objects such as pens, wristwatches, necklaces, pendants, etc. – provide the traveller with a means of hiding these images. The same objects are also easily neglected during occasional customs checks at transit points. It is possible to transfer an entire collection of digital libraries containing

³⁵ Mobile applications such as Picasa, Flickr, and mobile Facebook allow users to take photos with mobile cameras, edit them and instantly share the photos on web albums wherever Internet connectivity is present. The simple interface that these applications provide can be used by anyone who can use a mobile phone.

³⁶ A thumbdrive is a different name for a USB flash drive. This is based on the commercial name of the first model launched on the market by Trek Technology in 2000.

thousands of images through any of the above devices. It is interesting to note that a digital fingerprint (so-called Exif data) is created with each image produced and that such a “fingerprint” contains various details about the image, such as the date and time of image creation, the camera manufacturer, the camera model, etc.. However, measures have not yet been taken to link all this with the information related to the user of the digital equipment, which would greatly assist in the investigation of crimes involving the production of child-abuse imagery.

Implications arising from the high availability of ICTs in tourist-sending and -receiving countries

From the perspective of a child-sex offender, the presence of an on-line world that is always reachable and which provides fast data transfer is very useful and attractive.

All of these systems allow the individual to fulfil his/her online needs even outside their home environment. The fact that they can go to a website promoting child-sex tourism (if such site is not blocked or restricted in their country), network with other like-minded individuals to share their opinions and download/upload content at ease is reassuring for them. This sense of being always connected on-line and being able to navigate and utilise the on-line world to their advantage is now being complemented when they travel to destination countries, because similar conditions apply through

increasing availability of broadband Internet services via mobile and fixed-line connections in such countries. Moreover, sites that may be blocked or regulations that might be present in their home countries may be absent in destination countries, which may allow them to misuse such set-ups.

The increased availability of the Internet in hotels and tourism and travel related businesses can have implications related to child-sex offenders. The fact that Internet access is often not monitored because it is provided as open Wi-Fi connection in hotels can provide travelling offenders with the opportunity to use the Internet for illegal purposes, such as the uploading of abuse images of a child, the downloading of child-abuse images in the isolation of the hotel room, or the use of VoIP (voice-over-Internet protocol) connections that employ the available Internet connection to call a local line (thereby bypassing the tracing of calls).

The wide availability and promotion of broadband even in some destination countries like Thailand has given rise to an increasing presence of wireless Internet access points or “hotspots” (in coffee shops, restaurants, airports, hotels, etc.), as well as – gradually – in home settings. Following the fast adoption and spread of Wi-Fi – combined with a not-too-cognizant public – hotspots are often not configured for intrusion protection. Often, Wi-Fi is used with no security at all, thus providing an interested party with an opportunity to tap into the signal and to use it for their own purposes. It is common practice to hunt for free wireless signals (Wi-Fi hunting)

and to use such free Internet connections for one's own benefit. The liberty that this offers to sex offenders is that the tracing back of any illegal transactions committed over the Internet (viewing, downloading, uploading child-abuse images, etc.) is not linked to that individual, but to the owner of the Wi-Fi connection, who may be completely unaware of such misuse.

CHAPTER 3

Analysis of international and regional agreements and/or conventions addressing the sexual exploitation of children within the tourism and ICT sectors

The international and regional legal framework

A number of legal responses have been generated by the international community to address the phenomenon of child-sex tourism and the sexual exploitation of children through ICT. In many countries, legislative reform is bringing about implementation and enforcement at the national level. Both the tourism and ICT sectors can play a key role in the fight against CST and the role of corporate accountability and liability is growing, strengthening the existing legal frameworks.

The first major step in creating an international legal framework to prevent commercial sexual exploitation of children (CSEC) took place back in 1990 when

the *UN Convention on the Rights of the Child (CRC)* came into force. The CRC, the most ratified treaty in the world, sets out the basic human rights of children across the globe including the right to be protected from commercial sexual exploitation³⁷. The next major step in the international arena was in 2002, with the entry into force of the *Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (OPSC)*. The OPSC built on the foundation contained in the CRC by setting out specific acts constituting CSEC, which are required to be criminalised under the national law of state parties, particularly with clear definitions related to child prostitution and child pornography³⁸. Article 4³⁹ further aims to address child-sex tourism by requiring

³⁷ Article 34 of the CRC relates specifically to CSEC and provides as follows:

“that States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performances and materials.”

³⁸ Article 2(c) contains a definition of child pornography which is “any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.” Under Article 3(c), each state party has agreed to make it an offence under their domestic laws to produce, distribute, disseminate, import, export, offer, sell child pornography or to possess child pornography for the purposes listed above.

Article 2(b) of the OPSC defines child prostitution as “the use of a child in sexual activities for remuneration or any other form of consideration.” Under Article 3(b), each country has agreed to prohibit “offering, obtaining, procuring or providing a child for child prostitution”.

³⁹ Article 4 requires “each country to take steps to establish jurisdiction over the offences involving child pornography and child prostitution where: a) the alleged offender is a national of that State or a person who has his habitual residence in its territory; or (b) the victim is a national of that State. Otherwise, a state must establish jurisdiction where the alleged offender is present in the territory of that state and it does not extradite him or her to other State Party, on the ground that the offence has been committed by one of its nationals.”

each country to take steps to establish jurisdiction over the offences involving child pornography and child prostitution where the alleged offender is present, and not extradite him or her to another state party, on the ground that the offence has been committed by one of its nationals⁴⁰. See Table 9 for the ratification dates of these Conventions in the countries under review. One of the key features of the CRC and OPSC is that they both have in place systems for reporting on and monitoring the obligations of state parties.

Table 9. Ratification of relevant international legal instruments as of January 2010

	CRC	OPSC
Cambodia	15/10/92	24/09/04
Japan	22/04/94	24/01/05
South Korea	20/11/91	24/09/04
Taiwan	N/A	N/A
Thailand	27/03/1992	11/01/06
Vietnam	28/02/90	20/12/01

Source: UNCTAD, *Information Economy Report 2007-08 – Science and Technology for Development: the New Paradigm of ICT*

There are no East and Southeast Asian regional legal instruments or bodies involved in preventing the commercial sexual exploitation of children that include all of the countries analysed in this report. However Cambodia, Vietnam and Thailand are all party to the Association of South East Asian Nations (ASEAN)⁴¹ and the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT)⁴². Both ASEAN and COMMIT are involved in various initiatives to prevent trafficking in children and child-sex tourism.

The two principal international conventions that could be applied to East and Southeast Asia that seek to address specific forms of commercial sexual exploitation offences (such as child-sex tourism and related ICT crimes) originate from the Council of Europe: (a) The Council of Europe *Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse*⁴⁴ (the *Convention on the Protection of Children*); and (b) The Council of Europe *Convention on Cybercrime* (the *Cybercrime Convention*).

⁴⁰ *Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography*. Accessed on 20 January 2010 from: <http://www2.ohchr.org/english/law/crc-sale.htm>.

⁴¹ In 2004, the ASEAN countries signed a *Declaration against Trafficking in Persons Particularly Women and Children*. The Declaration seeks to improve regional cooperation and coordination amongst immigration and law-enforcement officials while safeguarding the dignity and human rights of trafficking victims.

⁴² The COMMIT initiative aims to develop cooperation among the six governments of the Greater Mekong Sub-region (Cambodia, China, Lao PDR, Myanmar, Thailand, and Vietnam) to combat human trafficking in all forms and includes a focus on engaging the tourism sector in addressing human trafficking. In 2007, Thailand hosted a regional seminar on “Protecting Children from Trafficking and Sexual Exploitation in Tourism,” which looked at introducing measures such as: a regional registry of child-sex offenders; creating a regional child-safe campaign by airlines; and setting up a child-sensitive regional hotline.

⁴³ Council of Europe *Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse*. Accessed on 20 January 2010 from: <http://conventions.coe.int/Treaty/EN/treaties/html/201.htm>.

⁴⁴ Council of Europe *Convention on Cybercrime*. Accessed on 20 January 2010 from: <http://conventions.coe.int/Treaty/EN/Treaties/html/185.htm>.

Importantly, both the *Cybercrime Convention* and the *Convention on the Protection of Children* contain express provisions criminalising the simple possession of child pornography (under the OPSC, possession is only punishable where the material is intended for distribution). It may be noted that even outside Europe there are several other countries that criminalise the simple possession of child pornography⁴⁵ including Australia, Brazil, Costa Rica and Sri Lanka. However, among the countries under review for this study, South Korea is the only one to do so. The *Cybercrime Convention* also requires each state party to criminalise the producing, offering and distributing of child pornography through a computer system and the possession of child pornography on a computer system. Japan is the only country discussed in this report that has signed (but not ratified) the *Cybercrime Convention*.

The *Convention on the Protection of Children* also creates an offence for “knowingly obtaining access, through information and communication technologies, to child pornography.”⁴⁶ This would deal with the situation where child pornography is viewed or downloaded on the Internet through any form of ICT. Unfortunately, this is an offence which is not found in the national laws of any of the countries under review.

The vulnerability of children in tourism destinations in terms of “grooming” (strategies that child-sex offenders use to build a trusting relationship with a child or a child’s carers, and the process of isolating the child in order to abuse), particularly through new forms of ICT, is also addressed in the *Convention on the Protection of Children*⁴⁷. The European Parliament has recently proposed criminalising grooming. If the decision is adopted, it will amend a framework decision with the result that all member states of the EU will be obliged to criminalise grooming within their domestic law. Since grooming has only recently been recognised as a potential offence, it is not surprising that none of the countries under review in this study have provisions addressing it within their national laws.

Extraterritorial legislation as a tool to fight child-sex tourism

A key internationally recognised tool to fight child-sex tourism that deserves particular attention is the enactment of extraterritorial legislation that allows countries to deem an offence committed abroad as an offence committed within their borders. It is particularly useful because it provides a basis for arresting and

⁴⁵ Examples of such countries include Australia, Brazil, Costa Rica and Sri Lanka. See International Center for Missing and Exploited Children, *Child Pornography: Model Legislation and Global Review*, 2008, pp19-39.

⁴⁶ Council of Europe *Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse*. Accessed on 20 January 2010 from: <http://conventions.coe.int/Treaty/EN/treaties/html/201.htm>.

⁴⁷ The intentional proposal, through information and communication technologies, of an adult to meet a child who has not reached the age set in application of Article 18, paragraph 2, (i.e., the age of consent according to national law) for the purpose of committing any of the offences established in accordance with Article 18, paragraph 1.a, or Article 20, paragraph 1 (i.e., those offences being, engaging in sexual activities or production of pornography) against him or her, where this proposal has been followed by material acts leading to such a meeting.

prosecuting child-sex offenders who escape from their destination countries and return to their countries of origin in an attempt to avoid prosecution whilst also sending a clear message to potential holiday makers planning illicit activities that they cannot escape from their own legal systems.

All of the countries under review (both receiving and sending) have extra-territorial legislation in place⁴⁸. However, during the past year, it appears that there were no convictions under such legislation for any of the sending countries⁴⁹. This is despite evidence that child-sex tourists from the sending countries play a significant role in committing offences in the receiving countries⁵⁰.

One of the main obstacles to the prosecution of child-sex offenders through extra-territorial jurisdiction is the practical difficulty involved in obtaining evidence that is admissible across borders. Although it is difficult to find information on cooperation between the countries in terms of prosecution of child-sex tourists, it is relevant to look at the existence of mutual legal assistance

(MLA) agreements that facilitate cooperation in general criminal matters including child-sex offences. In this regard, it appears that the only mutual legal assistance agreement that exists between a sending and receiving country is between Thailand and South Korea⁵¹.

More intense collaboration has been gradually established between law-enforcement agencies from Western countries and destinations in the region: The support to investigations provided by US Immigration and Customs Enforcement (ICE) in Cambodia and in Thailand is frequently reflected in the news when investigative efforts are successfully concluded⁵². In another example, the U.K.'s multi-sector Child Exploitation and Online Protection (CEOP) Centre has established local Advisory Panels for the exchange of information and expertise in Thailand and in Vietnam, after a very positive pilot experience in Cambodia⁵³.

In addition to bilateral initiatives, a working group, the Foreign Anti-Narcotic and Crime Community (FANC), has been formed in Bangkok by a number of police liaison officers in order to provide further advocacy

⁴⁸ Japan – Law on Punishing Acts Related to Child Prostitution and Pornography, 1999, Section 10; South Korea – Act on the Protection of Juveniles from Sexual Exploitation, 2005; Taiwan – The Law to Suppress Sexual Transactions with Children and Juveniles, 1995, Article 22.

⁴⁹ United States Department of State, *Trafficking in Persons Report 2009 – Japan*; U.S. Department of State, *Trafficking in Persons Report 2009 – Republic of Korea*; United States Department of State, *Trafficking in Persons Report 2009 – Taiwan*.

⁵⁰ Dr Frederick Thomas Leigh Mathews, *Who are the Child Sex Tourists in Cambodia?* Childwise, Melbourne, December 2006, pp. 13 and 20.

⁵¹ Treaty Between the Republic of Korea and the Kingdom of Thailand on Mutual Assistance in Criminal Matters, August 25, 2003. Accessed on 29 October 2009 from: <http://www.oecd.org/dataoecd/11/53/40066433.pdf>.

⁵² For a very recent example, see W. Lajeunesse, *U.S. Pedophiles Nabbed in Cambodia Sex-Tourist Sting*. Accessed on 12 February 2010 from: <http://www.foxnews.com/story/0,2933,544660,00.html>.

⁵³ Child Exploitation and Online Protection (CEOP) Centre, *International Advisory Panels*. Accessed on 12 February 2010 from: <http://www.ceop.gov.uk/overseas/world.asp>.

with the aim of promoting more proactive and effective pursuit of perpetrators of child-sex tourism by the Thai government⁵⁴.

Besides the use of extra-territorial jurisdiction by sending countries, it is incumbent upon receiving countries to prosecute foreign child-sex tourists under local laws. Where the offender has returned to his or her home country, it is relevant to look at the existence of extradition agreements which regulate the return of the offender to the country where the crime took place. Amongst the countries under review, South Korea is the only sending country that has extradition agreements with Cambodia and Thailand. However, at the time of writing, it appears that no extradition relating to child-sex offences has ever taken place between these countries.

Given the evidence of the prevalence of child-sex tourism in receiving countries, conviction rates of foreign child-sex tourists in receiving countries are comparatively

low⁵⁵. Research carried out in 2006 showed that for 119 female victims of prostitution in Cambodia, 55% of their first clients were foreigners. However, it is reported that Cambodia has prosecuted only 8 foreigners and arrested 21 foreigners since 2008⁵⁶. In Thailand, 3 foreign and 20 domestic child-sex tourists have been convicted since 2008⁵⁷. There was particular criticism in the country relating to ineffective law enforcement with regard to a UK paedophile who was released on bail pending appeal and went on to commit at least six sex offences against children before being sentenced to jail. It is reported that the offender had paid “fines” to the police to evade previous allegations⁵⁸. In relation to Vietnam, the US State Department reports that the government is cooperating with foreign governments in relation to the prosecution of child-sex offenders⁵⁹.

A further relevant piece of legislation is The Protect Act (of the US), which is significant as it not only criminalises sexual acts committed against children abroad, but it also criminalises the intent to travel abroad to commit

⁵⁴ The group is mostly composed of officers from Western embassies and does not include representatives from the sending countries in East Asia analysed in this research (Police Liaison Officer at the Italian Embassy, personal communication by e-mail, Bangkok, 12 February 2010).

⁵⁵ Dr Frederick Thomas Leigh Mathews, *Who are the Child Sex Tourists in Cambodia?* Childwise, Melbourne, December 2006, pp 13 and 20.

⁵⁶ Chamroeun, Chrann, Local Man Faces Child Sex Charge. Accessed on 14 October 2009 from: <http://www.phnompenhpost.com/index.php/2009091828468/National-news/local-man-faces-child-sex-charge.html>.

⁵⁷ United States Department of State, *Trafficking in Persons Report 2009 – Thailand*; ITN, Canadian Paedophile Jailed in Thailand, 15 August 2008. Accessed on 4 November 2009 from: <http://itn.co.uk/news/ed52b3d62126a1d6f7a6c3d2378c71a3.html>; *The Nation*, Two men given jail terms over paedophilia, 17 July 2009. Accessed on 4 November 2009 from: http://www.nationmultimedia.com/2009/07/17/national/national_30107683.php; *The Daily Mail*, Former Catholic lay preacher, 78, jailed in Thailand for raping underage girls, 28 January 2009. Accessed on 4 November 2009 from: <http://www.dailymail.co.uk/news/worldnews/article-1130480/Former-Catholic-lay-preacher-78-jailed-Thailand-raping-underage-girls.html#>.

⁵⁸ *The Daily Mail*, Former Catholic lay preacher, 78, jailed in Thailand for raping underage girls, 28 January 2009. Accessed on 4 November 2009 from: <http://www.dailymail.co.uk/news/worldnews/article-1130480/Former-Catholic-lay-preacher-78-jailed-Thailand-raping-underage-girls.html#>.

⁵⁹ U.S. Department of State, *Trafficking in Persons Report 2009 – Vietnam*.

illicit sexual acts with children. The US government cooperates with police forces in Southeast Asia to investigate crimes against children and to date there have been more than 70 arrests under the Protect Act⁶⁰. The approach taken with the Protect Act is not currently adopted under the national legislation of the countries reviewed.

As well as enacting extra-territorial legislation to combat child-sex tourism, in certain countries, measures have been adopted to restrict the travel of sex offenders. Following the Asian tsunami of late 2004, around 20 paedophiles on the Australian Sex Offender Register were prevented from travelling to Indonesia and Thailand⁶¹. In 2008, South Korea raised the standard of protection against child-sex tourism by introducing the Passport Act 2008. This new law limits the issuance of passports to people with records of brokering or patronising overseas sex trafficking. Under certain circumstances, the law even allows for the confiscation of a passport. Training on the law is said to be provided for travel agency employees⁶².

Analysis of East and Southeast Asia national legislation most appropriate to combat the facilitation of CST by ICT

All the countries under review have legislation in place that prohibits child prostitution and penalises those who engage in sexual activities with children as well as those who facilitate, advertise and promote child prostitution⁶³. With the exception of Vietnam, each country has also adopted a broad definition of child prostitution that meets the standard in the OPSC. Despite there being adequate legislation in place addressing child prostitution, the concern for Cambodia, Thailand and Vietnam is that the legislation is not adequately enforced against both local and foreign offenders⁶⁴. In relation to Japan, South Korea and Taiwan, there is evidence that not enough is being done to enforce the law through extra-territorial legislation where child-prostitution offences are committed abroad.

The use of ICT in connection with child-sex tourism has several facets and one of them involves the role of *child*

⁶⁰ William Lajeunesse, U.S. Pedophiles Nabbed in Cambodia Sex-Tourist Sting, Fox News, 31 August 2009. Accessed on 20 January 2010 from: <http://www.foxnews.com/story/0,2933,544660,00.html>.

⁶¹ ECPAT International. *ECPAT International Global Monitoring Report on the Status of Action against CSEC - Australia*. 2006.

⁶² The Consolidated 3rd and 4th Periodic Report to the UN Committee on the Rights of the Child 2008, by the Government of the Republic of Korea, par. 552.

⁶³ Cambodia – The Law on Suppression of Human Trafficking and Sexual Exploitation, 2008, Articles 23-37; Japan – Law on Punishing Acts Related to Child Prostitution and Pornography, 1999, sections 2-6; South Korea – Act on the Protection of Juveniles from Sexual Exploitation, 2005; Act on the Punishment of Procuring Prostitution and Associated Act, 2004, Articles 18-20; and The Prevention of Prostitution and Protection of its Victims Act, Articles 24-25; Thailand – Prevention and Suppression of Prostitution Act, B.E. 2539 (1996), sections 8-26; Taiwan – The Law to Suppress Sexual Transactions with Children and Juveniles, 1995, Amended in 2000, Articles 2, 22-24, 26, 29 and 33; Vietnam – Penal Code Articles 255-256.

⁶⁴ UN Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Concluding Observations: Thailand, 17 March 2006, paragraphs 71-72; UN Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Concluding Observations: Cambodia, 28 June 2000, paragraph 63; Al Jazeera, Cambodia - Child Sex Trade Soars in Cambodia, 21 October, 2008.

pornography, which may be used at several stages of the process of sexually abusing a child. Unfortunately, none of the countries under review have adopted a sufficiently clear enough and wide definition of child pornography as contained in the OPSC and therefore many legal loopholes exist. For each of the three sending countries, there exist under national law provisions relating to child pornography that are separate from the law relating to adult pornography. However, in relation to the definition of child pornography, none of the sending countries considered in this study have definitions that are wide enough to include simulated images and audio materials⁶⁵.

In terms of the receiving countries, only Cambodia has enacted a law that deals specifically with child pornography. However, the definition of child pornography under Cambodian law is very restrictive and only applies to visible images that “depict a minor’s naked figure”⁶⁶. This definition falls far short of the international standard, as it would not include images of a child involved in sexual activities while fully or even partly dressed. Also, audio materials as well as virtual images would not be included. Neither Thailand nor Vietnam has enacted laws relating specifically to child pornography. In both those countries, the only legal protection regarding child pornography exists in

the form of general obscenity laws.

In relation to the countries under review, the Computer Crime Act in Thailand prohibits “import to a computer system” of any data of a pornographic nature which is publicly accessible. A “computer system” is defined widely to include all equipment that processes data automatically, however the act contains no definition of “pornography”. It is unfortunate that while the first draft of the Computer Crime Bill contained provisions prohibiting the publication of child pornography⁶⁷, all references to child pornography appear to be missing in the final version⁶⁸. Accordingly, it appears that all the countries under review are yet to adopt provisions under their national law regulating the use of ICT in child pornography offences.

In relation to all the countries under review, it should be noted that general laws prohibiting child pornographic materials are insufficient and fall short of international standards (see Table 10), hindering cooperation and coordination in prosecuting offenders across the region. This is particularly important in situations where the offender and child victim are of different nationalities and child pornography is used to facilitate sexual offences against the child.

⁶⁵ Japan – Law on Punishing Acts Related to Child Prostitution and Pornography, 1999, section 2.3; South Korea – Act on the Protection of Juveniles from Sexual Exploitation, 2005; Taiwan – The Law to Suppress Sexual Transactions with Children and Juveniles, 1995, Article 27.

⁶⁶ The Law on Suppression of Human Trafficking and Sexual Exploitation, 2008, Article 40.

⁶⁷ Thailand NGO Report on the Implementation of the *Convention on the Rights of the Child* 2000-2004, submitted to the United Nations’ Committee on the Rights of the Child by the National Council for Child and Youth Development (NCYD), the Center for the Protection of Children’s Rights (CPCR) and child and youth development NGOs and youth groups, p. 19.

⁶⁸ Computer Crime Act, B.E. 2550 (2007).

Table 10. Key national laws addressing child pornography

	Cambodia	Japan	South Korea	Taiwan	Thailand	Vietnam
Possession	No	No	Yes	Yes	Unclear	Unclear
Production	Yes	Yes	Yes	Yes	Unclear	Unclear
Distribution/ Dissemination	Yes	Yes	Yes	Yes	Unclear	Unclear
Knowingly obtaining access	No	No	No	No	No	No
Penalties	Production: 5-20 years. Distribution: 2-5 years and USD 960 – 2,400 ⁶⁹ .	Production and Distribution: up to 3 years with labour and up to USD 32,600 ⁷⁰ .	Possession: up to USD 16,900. Production: up to 5 years. Distribution: up to 7 years ⁷¹ .	Possession: a fine of ca. USD 600-6,000 Production: 6 months to 7 years and USD 15,000-155,000. Distribution: up to 3 years and up to USD 155,000 ⁷² .	Production, possession or distribution of “obscene material”: 3 years and/or a fine of USD 180 ⁷³ .	Production, storage or distribution of “pornographic materials”: 3-10 years and a fine of USD 280-2,800 ⁷⁴ .

ICT and the tourism sector: Liability

The OPSC specifically calls upon states to establish the “criminal, civil or administrative” liability of legal persons, which permits entities such as corporations to be treated in the same manner as a real person. As such, a tour company could be subject to prosecution for promoting child-sex tourism⁷⁵. In Taiwan, the Law to Suppress Sexual Transactions with Children and

Juveniles contains broad criminal provisions addressing the publishing or broadcasting of advertisements to facilitate involvement in sexual transactions. Violators are subject to seven years imprisonment and/or a fine of up to NT\$1,000,000 (approximately US\$30,090)⁷⁶.

There is some recognition at the international level of the need to impose corporate liability on persons involved in the commission of sexual offences against

⁶⁹ Law on Suppression of Human Trafficking and Sexual Exploitation 2008, Article 41.

⁷⁰ Law on Punishing Acts related to Child Prostitution and Pornography 1999, Sections 7.1, 7.2, 7.3.

⁷¹ The Juvenile Protection Act.

⁷² Child and Youth Sexual Transaction Prevention Act, Article 27.

⁷³ Thai Penal Code, Section 287.

⁷⁴ Vietnam Criminal Code, Article 253, Item 2; and 2003 Ordinance on the Prevention of Prostitution.

⁷⁵ The New Zealand Crimes Act, for example, contains a section criminalising the “organising or promoting of child sex tours” whether by written, electronic or other form communication, including the distribution of information (Crimes Act 1961 No 43, section 144C, accessed on 8 February 2010 from: <http://www.legislation.govt.nz/act/public/1961/0043/latest/DLM329270.html>).

⁷⁶ Catherine Beaulieu, *Strengthening Laws Addressing Child Sexual Exploitation – A Practical Guide*, ECPAT International, 2008, p. 123.

children. As already mentioned, the Council of Europe *Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse* seeks to make commercial companies, associations and similar legal entities liable for criminal actions resulting in the sexual abuse and exploitation of children. Tour operators and travel agents could thus incur liability for facilitating the travel of persons for the purpose of child-sex tourism.

Similarly, there have been calls to legally regulate organisations such as Internet Service Providers (ISPs) and credit card companies to enable better tracing and prosecution of child pornography offenders. In general, it is said that due to the heavy traffic on the Internet and the prevalence of paying online by credit card, ISPs and credit-card companies are best placed to report child-abuse images to law enforcement officials⁷⁷. However, it may be noted here that where obligations are imposed on ISPs by the state, those obligations take varying forms. For example, in the UK and Canada, a “notice and take down” procedure exists where access to websites containing illegal content such as child pornography is reported, then law-enforcement authorities coordinate with the relevant ISP to block access to the site or remove the illegal content⁷⁸.

However, other countries, such as France and Australia, make it the duty of ISPs to report child pornography to relevant law-enforcement agencies⁷⁹.

Overall, very few countries have imposed reporting obligations on ISPs and it appears that credit-card companies have escaped responsibility altogether in terms of state-imposed obligations⁸⁰. It may be noted, however, that financial institutions may voluntarily accept obligations to prevent child pornography by joining the Financial Coalition against Child Pornography (“FCACP”). The FCACP’s mission is to follow the flow of funds and shut down accounts used by commercial child-pornography websites. The FCACP is made up of leading banks, credit-card companies, electronic-payment networks, third-party payments companies, Internet service companies, law-enforcement agencies and civil-society bodies, such as international NGOs along with reporting hotlines like NCMEC. One of the key outcomes of the FCACP has been the formation of Cybertipline III that allows for better investigative follow-up for such online transactions. It may be noted that in 2009 a branch of the FCACP for East Asia and the Pacific was formed⁸¹.

⁷⁷ International Center for Missing and Exploited Children, op. cit., p. 4.

⁷⁸ Ibid., pp. 15 and 31.

⁷⁹ Criminal Code Act 1995, s. 474.25. Australia. Accessed on 25 November 2009 from: <http://law.atolaw.gov.au/atolaw/view.htm?docid=PAC/19950012/Sch-Ch10-Pt10.6-Div474-SDivC-474.25>; France Loi n° 2004-575 du 21 juin 2004 pour la confiance dans l’économie numérique, art. 6(l)(7). Accessed on 26 November 2009 from: <http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=LEGITEX000005789847&dateTexte=20080212>.

⁸⁰ Catherine Beaulieu, *Strengthening Laws Addressing Child Sexual Exploitation – A Practical Guide*, ECPAT International, 2008, p. 94.

⁸¹ International Centre for Missing and Exploited Children. Accessed on 20 January 2010 from: http://www.missingkids.com/en_US/documents/FCACPBackgrounder.pdf.

None of the countries under review for this study have imposed mandatory obligations on Internet service providers, financial institutions or Internet and mobile phone providers to report child pornography. The only country under review that appears to have any form of obligation on ISPs is Japan, where Internet users can notify illegal or harmful content to law-enforcement agencies which – in turn – request the deletion of such content by ISPs or website administrators⁸².

⁸² Statement by Ms. Mitsuko Shino, Director of Human Rights and Humanitarian Affairs Division, Foreign Policy Division, Ministry of Foreign Affairs of Japan, for Mr. Yasutoshi Nishimura, Parliamentary Vice-Minister for Foreign Affairs of Japan, at the High-Level Governmental Dialogue on “Forms of Commercial Sexual Exploitation and Its New Scenarios”, at the Third World Congress against Sexual Exploitation of Children and Adolescents, November 26, 2008, Rio de Janeiro. Accessed on 23 February 2010 from: <http://www.mofa.go.jp/policy/human/child/congress0811-2.html>.

Chapter 4

Cases of child-sex tourism involving the use of ICTs

As new communication technologies evolve and make their appearance as mass-marketed products, the indisputable benefits their manufacturers considered for consumers when planning their innovations are often accompanied by examples of misuse by ill-intentioned individuals. When the use of ICTs is taken into consideration in relation to the sexual exploitation of children in travel and tourism, the array of possible (mis)uses of communication technologies is broad and diverse.

The Internet and/or other communication technologies may be resorted to for any of the following:

- Preparing (booking and paying for) a journey to a foreign country with the intent to have illicit sexual contact with children
- Collecting information from other child-sex offenders in the locations where sexual contact with children is possible or from persons facilitating such contacts
- Contacting child victims or “grooming” prospective victims based in the destination countries
- Exposing children to (child-)pornographic material
- Producing child-abuse imagery in the destination countries

- Using Internet- or communication-related equipment and entertainment as enticement for prospective victims

A review of secondary data contained in media reports and police records, as well as a sample selection of tourist-related websites, chat rooms, blogs and other virtual forums, has identified ways that ICT can be used to disseminate information and increase the ease with which child-sex offenders can access information and communicate with relative anonymity as they prepare to or engage in the exploitation children. Owing to the analysis being conducted primarily in the English language and the limited access to some types of information and documents that are of an illegal nature, cases retrieved may not all have full relevance to the target countries of this study. Where possible, however, cases have been kept connected to at least the tourist-destination side of the analysis (although offenders may originate from tourist-sending countries outside the East and Southeast Asian region). These cases are provided nonetheless as they are indicative of trends which are increasingly visible at the global and regional levels.

Commercial sex tourism websites and forums with a focus on sex tourism

The website pages visited within this study were ranked according to a number of parameters that were chosen to identify the more or less explicit reference made to the possibility of sexual contacts with children. Also, the presence of cautionary warning for children against unsuitable material contained in the same websites was taken into account and used as a parameter for categorisation.

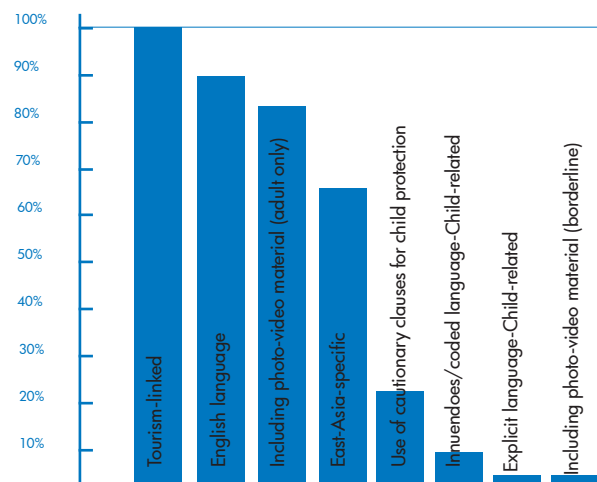
Following is a complete list of the parameters used:

- Explicit link to tourism
- Explicit reference to East/Southeast Asia
- The use of coded language/innuendos that may be used to refer to sex with children
- The use of explicit language referring to sex with children
- The presence of explicit video-photo material depicting only adults
- The presence of explicit video-photo material depicting persons that may be children or are clearly children
- The use of warning elements meant to prevent children from accessing the material contained in the relevant website
- The language used (English/not English)

English was the primary language of analysis for the sources identified, but a few Chinese and Japanese (as well as French) sites were also examined.

The graphs below show the percentages of websites (out of a total sample size of 33 for sexual travel commercial websites, and 24 for forums/blogs about the same topic) analysed that fit the described parameters.

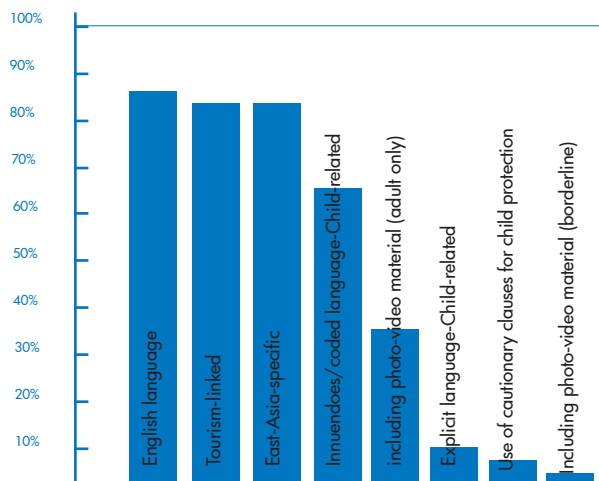
Commercial sex travel web sites



A common trend for sex-tourism websites and for forums is that the features indicating closer links to sexual exploitation of children are, as expected, a minority of the total. With commercial websites, for example, the three child-sex tourism specific features (innuendoes/coded language; explicit child-related language; explicit or borderline images) are ranked at the bottom with – at 9%, 3% and 3%, respectively, of websites visited.

In forums and newsgroups, however, the above-mentioned parameters show partly different trends. Whereas explicit or borderline images still rank at the bottom (4%), innuendos are found in a much more substantial two-thirds of sites analysed, with the occurrence of explicit child-related language being four times more frequent (at over 12%) than in sex-tourism commercial websites.

Sex Travel forums/blogs/newsgroups



Clearly, commercially run websites are concerned with their own legal – as well as economic – survival, which would be greatly jeopardised by explicit reference to the involvement of young people and children in their operations.

Forums and newsgroups on the Internet are ‘open’ spaces normally not owned by the people that populate them, and this has obvious implications in terms of the responsibility felt towards such public environments. Reprimands and bans can certainly happen, but can very easily be circumvented with a quick change of virtual identity. Checks for offending behaviour also appear to be applied in a haphazard manner and left mostly to the reporting of fellow contributors. Explicit clauses warning against language or images that might represent a child-sex exploitation offence have been scrutinised for both types of websites in the sample above, and their occurrence has been shown to fall from about 24% in sex-tourism websites, to an almost negligible 8% in forums and newsgroups.

Preparing (booking and paying for) a journey to a foreign country with the intent to have illicit sexual contact with children

The gradual enactment of child-protection legislation aimed at preventing all forms of sexual exploitation of children has limited the scope for the activity of full-fledged, commercial websites promoting holidays that would include the involvement of children for illicit sexual contact.

However, while few sites may promote contacts with children explicitly within their packages, this information may be disseminated through coded correspondence and communication between like-minded individuals, as appears to have been the case with a US tour

operator currently under trial for providing indigenous children for exploitation to customers of its fishing tours in the Amazon⁸³. Similarly, a recent suspected perpetrator, an Arizona teacher, who used information from websites promoting child-sex tours⁸⁴ was arrested in June 2009 when boarding a plane to Mexico after booking a tour that included “sexual acts with a 13- or 14-year-old boy”.

Failing to locate openly available commercial child-sex tourism websites, potential perpetrators can still use direct contacts with known “organisers” through the Internet who can arrange illegal sexual encounters with local children⁸⁵. Transactions of this type, when occurring via chat lines or e-mail, are far more difficult for law enforcement to track and still provide offenders with a degree of privacy and – as a result – impunity.

Nevertheless, a public website may be a solution of choice for some promoters of child-sex tourism, at least long enough to build a retinue of like-minded individuals and prospective customers. This appears to be the path followed, for example, by a venture in Vietnam whose home page was presented in the form of a plain commercial website promoting their services as a guide to the Ho Chi Minh City sex scene. Prices for various types of services were clearly listed on the homepage, together with the “guide’s” own hourly fee. Towards the bottom of the homepage there was the explicit mention of virgins available for customers. On a subsequent visit, two weeks after the initial viewing, the page had changed entirely, appearing now in the form of a forum which proved to be populated by past and prospective customers of the above-mentioned “guide”, as well as by the “guide” himself, regularly posting information and interacting with his customers.

⁸³ The case against Wet-a-line Tours for child prostitution in Brazil was brought about by a competing company, Amazon Tours, which signed the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism.

⁸⁴ The trial for this case is ongoing, but from information publicly available it appears that the website in question was a “front” for a section of the broader law-enforcement Operation Predator (accessed on 23 June 2009 from: <http://www.azstarnet.com/metro/298062>; currently available only by subscription).

⁸⁵ A widely publicised case involving one such organiser, J.W., who is currently awaiting trial in New Jersey, is related to the second worldwide appeal to the public made by Interpol to receive critical information about a wanted offender whose name was unknown at the time. A few days after the Interpol appeal, information provided by the public led to the arrest of a Wayne Nelson Corliss, a small-time actor who had repeatedly used J.W.’s services and travelled to Thailand where he had sexually exploited children (accessed on 27 November 2009 from: <http://www.abcnews.go.com/TheLaw/FedCrimes/story?id=4811538&page=1>). It was Mr Corliss’s collaboration with investigators after his arrest that led to the arrest of J.W. (accessed on 27 November 2009 from: <http://www.leaderpost.com/news/story.html?id=1083006>). Attesting to the good collaboration of law-enforcement forces across countries with Interpol’s co-ordination, J.W., a Canadian residing in Thailand, was apprehended in the United Kingdom thanks to a warrant issued by US authorities. J.W. pleaded not guilty to the charges brought against him and is awaiting trial in New Jersey. J.W. reportedly engaged in e-mail correspondence with Mr Corliss as well as with other individuals who wanted J.W. to arrange illegal sexual contact with Thai boys. Some of those individuals have also been arrested following the investigations into the Corliss case.

N.B. Throughout this research, perpetrators’ names have been withheld and indicated only with their initials in cases where investigations or trials are still ongoing, while full names have been given for those who have received at least one conviction sentence.

The explicit imagery and the reference to virgin sex that had featured in the original website were now no longer to be found⁸⁶. It is unclear whether the restyling was due to the riskier way information was previously presented, whether there was any actual warning to that effect by

the company hosting the site, or simply if the “guide” had intentionally planned this two-step approach to disseminate his illicit enterprise.

When analysing tourism websites in general, mention should be made of the possibility for them to self-regulate in establishing the (ethical) lines along which they intend to carry out their business. This can be done through the adoption of codes of conduct, such as the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism, which could be referred to both by ‘high-street’ booking sites on the web, and by adult-only tour websites, the common stated goal being to protect children from sexual exploitation in tourism settings⁸⁷.

Wicked Adventures Travel

- home
- destination
 - philippines
 - thailand
- travel information
 - dates
 - packages
 - special discounts
- form
 - reservations
 - travel tips
- faq
- about us
- contact
- privacy policy

Welcome to...
Wicked Adventures Travel specializes in exotic excursions for those who want a unique experience like no other. Everyone is unique, that is why we make it our mission to design pleasure tours that cater to each traveler. Confidentiality and your safety are our top priority. **Wicked Adventures Travel** is a one-stop shop to the adventure you have only dreamed of. We arrange the travel, transportation, room, meals and entertainment. We guarantee you the cheapest offer of its kind.

Too good to be true? Well, its not!!! You are just a click away from your very own private wicked adventure.

At Wicked Adventures Travel your satisfaction, confidentiality and your safety are our top priority. We guarantee privacy, security and enjoyment for every client. Travel with us and experience your ultimate wicked adventure.

We have wicked adventure packages to the [Philippines](#) and [Thailand!](#)

When you are ready to contact us, fill out our [Confidential Information Form](#) to see how best we can serve your wishes.

Please note: Upon arrival at your Destination, you will be asked to sign an agreement not to post any photographs / videos of your wicked adventure tour on the internet **until** they are reviewed by our in country representative. We want to make sure no references to our service, or pics of you or your companions are prominent. We advise limited sharing of such information. We know **you** understand this helps us provide you (and future adventurers) with full confidentiality, confidence and safety in our company.

Luring the unwary

Using the website homepage shown in this box, the FBI set up a sting operation in 2005 against travelling sex offenders by attracting them to the possibility of an exotic holiday (in Thailand or the Philippines) with the additional element of illicit sexual contact with children.

Although now inactive, the website is still mirrored on a news server and can be navigated in all its parts. It is available at <http://www.thesmokinggun.com/wickedadventurestravel/> (accessed on 25 January 2010).

⁸⁶ The materials mentioned are found on [weebly.com](#), a site where users can produce their own Internet pages by following simple, straightforward steps. This website was first accessed on 11 January 2010. The last visit, when substantial changes to the website were noted, took place on 28 January 2010.

⁸⁷ The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism (in short, the Child-Protection Code) is an industry-driven, multi-stakeholder initiative consisting of six principles – or criteria – implemented by signatory companies and monitored externally. For more information, see the organisation’s website, at www.thecode.org.

Collecting information on the locations of sexual contact with children

Paedophile websites extolling the virtues of “paedophile love” have opened (and almost as often been shut down as a result of subsequent protests by those concerned with upholding children’s right to protection⁸⁸). While threads posted on these sites are mostly limited to small talk and the contributors’ expression of love for

children, requests for practical information – aimed at real encounters – can also be found. The following post is drawn from a “boylover” forum in Spanish⁹⁰.

It should be noted that each page on this forum shows a set of rules applicable when posting. These rules include, for example, “Do not support or consent to sex with persons under age” and “Do not arrange meetings with participants under 18 years of age”, which goes some way to show how theoretically good intents are easily thwarted by lacking checks or, indeed, connivance⁹¹.

The list of participation rules is similar across several forums of this type. An interesting project focusing on paedophile websites is the Wikisposure Project of the Perverted Justice Foundation, Inc., which tracks and exposes paedophile forums with the goal of contributing to the identification and arrest of child-sex offenders⁹². Although the Wikisposure website is solely in English, with offending sites and perpetrators identified originating primarily from the English-speaking world, the wide diffusion of these type of forums across the world indicates that many more could be identified

N.B. All typos in quoted text are left as in the original.

[Posted by DaveBOYLOVER2 on Monday, 14 September 2009, at 03:30:17]

So lets say that I’m searching for a little somewhere where the acceptancy is better than america.

Of cours there is Spain with the age of consent at 13, wow. I’ll probably be going there someday. But my research was not really complet, and I ended up with a small list of countries. My surprise was that all thoses countries have an age of consent of 14, and I was even more surprise to see that all thoses countries was in Eastern Europe, almost all in the same place. I’m talking of Serbia, Albania, Bulgaria, Croatia, Estonia, Hungary, Lithuania and of course Moldavia.

I’d like to know your opinion about thoses countries. Does anyone know a bit of a possible BL’s life in one of thoses places? Please be honest. Sometime when you’r in a black tunnel, you don’t necessary see the light at the end of the tunnel but you may see a tiny light fare away that might attract you a bit⁸⁹.

⁸⁸ Controversial websites such as www.boylover.net are no longer on-line and accessible (others will undoubtedly have replaced them), but Google searches still yield a brief description of its contents as “BoyLover.net provides a safe, supportive, and **legal** environment where boylovers, boys, and others interested in boylove can share thoughts, opinions, ...”. Other websites (mostly forums) cross-reference one another with additional lists of links, and as a result the landscape of paedophile-oriented discussion forums easily expands by undertaking simple Internet searches.

⁸⁹ See <http://www.castilloazul.org/messages/118787.htm>.

⁹⁰ The [freespirits.org](http://www.freespirits.org) site describes itself as “dedicated to promoting open communication among boylovers, the most underserved and misunderstood sexual minority remaining in today’s human society” (from the Internet site’s Mission Statement page).

⁹¹ Some of the rules listed can be interpreted to provide protection for participants in the forum (and the continuing operation of the website), rather than children. By way of example, “Do not give personal details that may lead to your identification or to that of other participants” or “Do not submit admissions or accusations of potentially illegal activities”.

⁹² The Wikisposure Project can be accessed on <http://www.wikisposure.com>, while the Perverted Justice Foundation’s website is <http://www.pjfi.org>.

on the Internet if research was conducted in various languages.

The abundance of sexually oriented websites provides an idea of the variety of opportunities like-minded individuals have at their disposal, even if only to exchange minimal initial information, to be followed up by contacts through other channels that can guarantee a higher degree of anonymity and privacy. In particular, this is true for sites explicitly oriented to sex tourism⁹³ that have country-specific forums⁹⁴, where contributors can exchange views and information in relation to their own experiences made during trips abroad. Descriptions can include place/venue names, photographs and even the name of the individual hired

for sex. It might seem logical to think that the same forums might be used to provide information about access to younger sex partners (whereby the word 'young' or 'girl' might be taken to be code for 'under age'). A cursory scan of a number of forum entries, however, has shown a diverse environment, with explicit – at times coarse – language used in descriptions of sexual encounters with adult partners (sometimes with limited tolerance of any innuendo directed to contacts with children) to descriptions where the reference of illicit encounters with children can hardly be mistaken, with no disapproving posts to accompany the original entry. Relevant examples for both types of situation can be drawn from the boxes below:

References to illicit encounters with children met with criticism by other forum participants

(Posted by Nibble on Monday, 19th March, 2001)

[...] All I can say is that a man who is willing to travel to this desolate island [Ho Chi Minh City], filled with pollution, numerous motorbikes, minimal cars, road side vendors who serve delicious foods of all sorts that caters to all different tastes from different cultures, and not to mention the beautiful women who are not older than 25. Of course if you prefer younger there are some who are in their late teens. Now now if you prefer younger than this expect to go to jail for a number of years with no help from your embassy. I have toured their prison and it is not fit for even my dog to live in. [...]⁹⁵

(Posted by Camieleke on 16th October, 2009): I just went back from a 2 week trip in Cambodia. Due to the fact that I was not alone this time, could not go my usual way true some bars... So this time I checked some MP's in Siem Reap. I must say, most of them offer a very good massage but non of them offered me something more! I also have the impression that by authorities a lot is done to keep an eye on the sex scene... (see my picture below) [N.B. The picture, invisible to this researcher as he did not register on the forum, must have shown a campaign poster against CST].

(Reply posted by Lifeingr): What you are talking about is not "sex scene"; it is crime scene. The poster is about abuse of children and not sex. Abuse of children is a sick crime and not sex scene⁹⁶.

(Posted by Asianpussylover on 18th November, 2009): The days of thousands of girls in tuol kok [in Cambodia] are over. You can still find some milling around, but nothing like years ago from what I was told. Also, be careful as to what you do on the beach in snooky. A frenchman told me that NGOs are snooping around taking photos of foreigners, (perhaps even innocently), talking to the young ones. The NGOs have definitely f****d this place up. Nevertheless, there is still fun to be had and I ask you all to keep your mouths shut.

(Reply posted by Phil Istine): Oh the shock-svay pak closed, why did I not know. Listen mate, this place is still good and if one has nothing to hide there is absolutely no problem with authorities here. Don't like your tone, too many c***s coming here and f*****g around with kids and under age women. Gives us all bad name-holiday somewhere else would you?⁹⁷

References to illicit encounters with children tacitly approved by forum participants

(Posted in January 2009, for “Thailand, Soi Cowboy”):

[...] I visited a Go Go bar - named “Baccarat” which has rapidly become popular. I was impressed there. I met a girl at Baccarat. She looked young (like junior high school student), not big breasts. She is about 150cm in height.

When I looked up upstairs from first floor, I could see the girls without panties. I think this Go-Go bar is good for Lolita [...]”⁹⁸

(Posted in April 2009, for “Cambodia, karaoke Okiya (=brothel) Top Down (in Siem reap)”):

Day2: I found a young girl inside the brothel. I took her outside the brothel. She said she was 18 years old, but I thought she would be under 18. I want to believe what she said. I took her bath towel and looked her nudity after she took shower. Her breasts were small, her pubic hair is thin. She is immature.

When I inserted my penis into her, she expressed pain. I wonder my penis is big. I sometimes had to stop my sexual intercourse. I could not enjoy sex with her.

So I leave the room within 1 hour. When I went back to the Karaoke Brothel and requested to be paid back, the Mama of the brothel said “You already had sex with her. You cannot be paid back and replace the girl”. I felt frustrated, but I took out another girl after paying 30 dollars. I told the Mama in a temper, “educate such a selfish girl!”

[...] Be careful when you take out young immature girls. Sometimes brothels know it and sell these girls intentionally.”⁹⁹

Contacting prospective child victims directly

Before undertaking a journey, or indeed when the journey is well under way, a perpetrator may attempt to make direct contact with potential child victims. If the children targeted have been previously victimised, their contacts may have been circulated by other

exploiters that were in touch with them. Depending on the technology available to the child, contacts may take place via mobile phone (SMS or MMS message, or any of the data connection available in a given country, making Internet browsing possible through a phone handset). Full-fledged Internet connection – through a personal computer or a public place, such as an

⁹³ The UN World Tourism Organization has defined sex tourism as “trips organised from within the tourism sector, or from outside this sector but using its structures and networks, with the primary purpose of effecting a commercial sexual relationship by the tourist with residents at the destination” (see Resolution A/RES/338 (Xl), adopted by the General Assembly of the World Tourism Organization at its eleventh session, in Cairo, Egypt, 17-22 October 1995). The UNWTO is opposed to this aspect of travel on account of its health, social and cultural implications going counter to the principles of sustainable and responsible tourism, especially where obvious economic disparity between the local population in the destination country and the incoming travellers results in forms of exploitation that are morally, if not legally, reprehensible.

⁹⁴ Examples of this type are the World Sex Guide (www.worldsexguide.com) and the International Sex Guide (www.internationalsexguide.info), where visitors are not required to register to read through existing forum threads, unless – of course – they wish to act as contributors, too. See <http://www.worldsexguide.com/guide/Asia/Vietnam/index.htm>.

⁹⁵ See <http://www.internationalsexguide.info/forum/showthread.php?t=1806&page=1&pp=15>.

⁹⁶ Accessed on 26 February 2010 from: <http://www.internationalsexguide.info/forum/showthread.php?t=937>.

⁹⁷ Accessed on 18 December 2009 from: <http://www.asobikata.net/taikenki/2/1532.html>. Translated from Japanese courtesy of ECPAT/STOP Japan.

⁹⁸ Accessed on 18 December 2009 from: <http://www.asobikata.net/taikenki/2/1573.html>. Translated from Japanese courtesy of ECPAT/STOP Japan.

Internet café – would be an obvious alternative. Other ways, however, are apparently being explored - for instance, modern gaming consoles, with their Internet connection and instant messaging systems, as well as image exchange possibilities - could soon become additional conduits for dangerous contact between child victims and adult predators.

Perpetrators may also attempt to make random virtual contact with children in destination countries in view of their journey to a particular location, although this could be a less targeted and more time-consuming endeavour, if the intent is for the child to be “groomed” for exploitation at some time in the future (although this specific avenue may not be the primary choice precisely in light of its greater uncertainty).

A large number of chat websites can be found around the world in a number of languages¹⁰⁰. “Kids” and “Teen” chats are but two of the specific categories grouping chat users around a particular topic or by age range. Whereas these websites appear to provide some degree of regulated access on paper, in reality, this is left to individual good will and honesty. See, for example, the lax conditions attached to teen access on one such website in the box below:

To enter our free Teen chatroom please enter a nickname in the box below and press “Connect” and wait to talk. In order to chat in this room you must be **aged between 13 and 20**.

If you fall within this age range, you are free to chat here about anything you like. We allow dating, flirts and singles chat in our teen chatroom and chat line. In addition to our chat lines, check out our teen forums but clicking “Forum” on the left.

No flooding and no advertising. **Any users who do not obey the rules of this site will be banned.** Let us know if you don't feel safe.

Enjoy your chat! Welcome everyone!¹⁰¹

In addition to mixing chat users above and under the age of 18, the website text illustrated above does not implement any serious age check for participants in the chat (this is common to all free chat websites viewed in the course of this analysis), while it is not really clear how the ban against users who do not adhere to the site rules can be enforced (for example, an offender can just change his or her nickname).

In a different page of the same website, a number of rules attempt to give some semblance of child protection, where for example, it is stated that “All users under 18 must obtain their parents or guardians permission before entering a chat room or participating in a forum, and by giving permission the parents consent that they

¹⁰⁰ The page found at <http://www.allchatsites.com/top/>, for example, lists 100 very popular chat sites at the time the page was accessed, 3 March 2010, several of which are classified as “teen” chat sites.

¹⁰¹ Accessed on 30 November 2009 from: <http://www.chat-rooms-online.com/teen-chat.htm>.

cannot hold this website or any of its affiliates liable for anything that happens to the chatter during their time on this site and its chat rooms and forums". The fact, again, that parents' permission is just assumed if an under-18 gets on-line in one of the chat rooms, probably lends more weight to the belief that the clause is primarily meant for the self-protection of the website managers from a legal-responsibility point of view. At least another rule on the same page, "No giving out any personal information such as email address, phone numbers, residential address or real names" is absolutely clear, albeit unenforceable¹⁰². However, this is not a consistent message as the following box, for example, contains the whole text regarding regulation of access to another chat, whose motto is "Talk to strangers!":

[...] is a brand-new service for **meeting new friends**. When you use [...], we pick another user at random and let you have a one-on-one chat with each other. Chats are completely anonymous, although **there is nothing to stop you from revealing personal details if you would like**¹⁰³.

While highlighting the appealing side of "meeting new friends" and the possibility of exchanging personal details with the stranger on the other end of the connection, not a word of caution is spent by way of warning against the risks and dangers possible in this

type of casual and unsupervised contact. A simple test of the chat service (by declaring to be a 16-year-old girl for the first time on that particular website) took just a few exchanges of conversation for the apparently well-intentioned counterpart to offer some important advice (something that was not done by the organisation managing the website). See below:

You: First time here today, and you were just picked at random...
Stranger: this normal
Stranger: its not tht type of chatroom where you can pick
Stranger: so sometimes its gay.
Stranger: but i have to warn you
Stranger: this website is full with
Stranger: pedophiles
Stranger: and perverts tht are desparate for sex ==
You: I can imagine. At least, in other chats you have your own nickname and can find your friends again
Stranger: yeah
You: Thx for the warning.¹⁰⁴

Cases of child-sex offenders "grooming" young victims through chat rooms and more mainstream social websites¹⁰⁵ are common in western media, but are also increasingly making their appearance in the destination countries under review for this study. The two following cases from Vietnam show that the offenders met their victims on-line and travelled within the country to have meetings in person with them.

¹⁰² Accessed on 30 November 2009 from: <http://www.chat-rooms-online.com/rules.htm>.

¹⁰³ Accessed on 26 February 2009 from: <http://omegle.com/>.

¹⁰⁴ Chat exchange recorded by the researcher on 24 November 2009, on omegle.com.

¹⁰⁵ A recent article in the media highlighted the story of J.F., a repeat child-sex offender from the UK, who used Facebook and the X-box on-line gaming circuit in his attempt to approach more victims (*Bristol paedophile used Facebook and Xbox to groom boy, 14*. Accessed on 26 February 2010 from: <http://www.thisisbristol.co.uk/homepage/Bristol-paedophile-used-Facebook-Xbox-groom-boy-14/article-1564940-detail/article.html>).

In January 2009, L.M.V. (22 years old) was accused of raping a 12-year-old girl he had befriended on-line and started to chat with a month earlier. The victim was convinced to have a real-life meeting that led to offender and victim having sexual contact.

Another report from January 2009 accused 25-year-old L.M.C. of having illicit sexual contact with a girl of 13 after the two had met on the Internet and, later on, had arranged to meet in person¹⁰⁶.

None of the chat websites analysed for this review presented “panic buttons” such as those suggested for the immediate alerting of an authority – such as the relevant web managers or a specialised police unit - if a child chatting on-line feels threatened in any way by the language used by the person chatting with him or her¹⁰⁷.

Exposing children to (child-) pornographic material

Depending on the legislation in force in a given country, the mere possession of child-pornographic material may be a criminalised, in line with the relevant

provision of the *Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography*¹⁰⁸. The number of countries where this provision is applied has steadily been increasing over the last decade, but the exposure of children to pornography and child pornography is a known preliminary method used by offenders with their victims to desensitise (and lower the inhibitions) of a child¹⁰⁹.

This approach of “grooming” a child is unfortunately yet to be analysed as a standard element of forensic investigation in cases of child-sex tourism. Thus, most articles covering cases of arrests of perpetrators of child-sex tourism consider it secondary in comparison with the other crimes committed by these offenders. Sometimes, charges are listed more in detail, and the act of showing child pornography may be included under the broader charge of “indecent acts”, as for instance in the case involving US citizen M.S.F. in Cambodia, where he was arrested in Phnom Penh for several counts of child-sexual exploitation¹¹⁰.

¹⁰⁶ Cases provided by CEFACOM (Research Centre for Family Health and Community Development), the ECPAT-affiliated organisation in Vietnam, from a Vietnamese-language source (Accessed on 13 January 2009 from www.giadinh.net.vn).

¹⁰⁷ Organisations like the Child Exploitation and Online Protection Centre (www.ceop.gov.uk) and the Internet Watch Foundation (www.iwf.org.uk) promote – and make use of – this type of reporting buttons, and it is encouraging to see that they have formed coalitions of like-minded significant players in the ICT arena. It has also to be said, however, that even among the members of those coalitions, the use of reporting buttons is far from widespread (e.g. Google Talk, the instant messaging service run by Google, has no such reporting button).

¹⁰⁸ Article 3, point 1: *Each State Party shall ensure that, as a minimum, the following acts and activities are fully covered under its criminal or penal law [...]; sub-point (c): Producing, distributing, disseminating, importing, exporting, offering, selling or possessing for the above purposes child pornography [...]* (OPSC-CRC, Adopted and opened for signature, ratification and accession by General Assembly resolution A/RES/54/263 of 25 May 2000).

¹⁰⁹ A number of sources point to the exposure of children to pornography to prepare them as victims of exploitation. For example, see W. L. Marshall. The Use of Sexually-Explicit Stimuli by Rapists, Child Molesters and Nonoffenders. *The Journal of Sex Research*, 25, No. 2, May 1988. Also, the *Take Action Manual* (Washington, D.C.: Enough is Enough, 1995-96, quotes a study of convicted child molesters, where 77 percent of those who molested boys and 87 percent of those who molested girls admitted to the habitual use of pornography in the commission of their crimes.

Furthermore, the ubiquitous availability of Internet connections in the destination countries under survey, whether through a personal computer from home, or from a public computer, such as those available at Internet cafés, often gives children an unsupervised – and unfiltered – opportunity to view, intentionally or by chance¹¹¹, imagery that is not suitable for their ages. As in the case of chat websites illustrated earlier, pages containing pornographic material can be freely accessed by any user declaring to be older than 18¹¹². On a related note, an additional danger hidden in the easy access – and young people’s exposure – to pornographic material may turn some of these young viewers themselves into offenders and give rise to subsequent episodes of exploitation¹¹³.

In short, the review of cases illustrated above shows that the responsibility and guidance related to what is being viewed on-line seems to rest finally (and exclusively) at the location where the Internet is accessed, and this is a factor that will be affected as 3G technology expands. Thus it appears clear that should a perpetrator of child-sex tourism intend to show pornographic material to his victims, an Internet connection is all that is required

even in the absence of someone’s own material stored on independent supports.

Producing child-abuse imagery in the destination countries

This particular aspect of child-sex tourism appears to have gained significantly in scope with the introduction of digital photo- and video-recording, as images can be produced more cheaply, stored easily and distributed to a virtually global audience.

In the past, child-sex tourism perpetrators who were producers of child-abuse images entailed substantial risks of detection by investigators, as images produced were physically impressed on film or printed on photographic paper and, whether sent by post or carried by the author, could easily be seized as evidence of exploitation. The advent of digital equipment has changed all that, both in terms of the amount of pornography in circulation and the dynamics surrounding its production and its dissemination. The types of physical supports carrying digital files include computer disks, external disk drives, and flash memory

¹¹⁰ M.S.F. was charged with three crimes against children: indecent acts, sexual intercourse and the production of child pornography. American arrested on charges of child pornography, abuse. *The Cambodia Daily*, 20 May 2009, p. 32. An idea of the popularity and diffusion of the “sex” issue on the Internet can be given by relative amounts of Google results yielded by entering standalone keywords such as “sex” itself (102 million pages), vis-à-vis other presumably popular searches such as “music” (304 million pages), “football” (59.6 million pages), or “religion” (47.8 million pages). Test searches were conducted on 1 December 2009.

¹¹¹ An idea of the popularity and diffusion of the “sex” issue on the Internet can be given by relative amounts of Google results yielded by entering standalone keywords such as “sex” itself (102 million pages), vis-à-vis other presumably popular searches such as “music” (304 million pages), “football” (59.6 million pages), or “religion” (47.8 million pages). Test searches were conducted on 1 December 2009.

¹¹² Some websites provide long lists of links to exclusively pornographic pages. This is the case, to name but one, of WorldVideoTube, where – once again – just a click of the mouse is sufficient to “verify” the age of a web surfer and allow him or her access to substantial lists of links to other sites containing material reserved for over-18s.

¹¹³ W. L. Marshall, op.cit., pp. 267-288, where it is stated that early exposure (under 14 years of age) to pornography is related to greater involvement in deviant sexual practice, particularly rape.

cards, as well as the internal memories of mobile phones and digital cameras. After producing illegal imagery, an offender may not need to have it stored on any physical support in his possession; if connected to the Internet, the perpetrator is in a position to upload a collection of images to an Internet location on a remote server.

The production of these types of abuse images seems to be present with repeat child-sex tourism offenders and paedophiles as appears from reported cases of arrests. Child-abuse imagery can sometimes be the trigger leading to an arrest and, following further investigation, the uncovering of additional exploitative acts undertaken by perpetrators¹¹⁴. Also, a combination of production and Internet distribution of child-abuse imagery connected to international trips to Southeast Asia (primarily Cambodia and Thailand), resulted in the only two global appeals to the public made by Interpol in an attempt to identify, and to apprehend, child-sex offenders whose child-abuse imagery had been disseminated through the Internet for quite some time¹¹⁵. The creation of child pornography was also relevant to

the arrest of a Japanese citizen in Cambodia, in the first case in which relevant national legislation was used to punish the production of child-abuse imagery (no other charges were brought against the perpetrator)¹¹⁶.

Out of sixteen cases of arrests of foreign perpetrators that occurred in Thailand in 2009 and were recorded by ECPAT International from media sources, the presence of – mostly self-produced – child pornography and digital recording equipment is mentioned in 56.85% of the relevant reports¹¹⁷.

Using Internet- or communication-related equipment and entertainment as enticement for prospective victims

Equipment enabling users to access the Internet and its remote material, such as multi-user on-line games and music websites, is a key element in the grooming of children, i.e. attracting them to a venue that is not well-known to them, keeping them busy and entertained, making the offender's presence familiar to them, and

¹¹⁴ In September 2007, for example, an Italian national, F.D.B., was arrested following investigations on the exchange of child pornography through the Internet. Through the subsequent analysis of the material seized, it was possible to ascertain that the person arrested also featured in part of the pictures and that those images had been taken in conjunction with his journeys to Cambodia, Laos, Thailand and Vietnam, and this led to additional charges being brought against the perpetrator (accessed on 1 December 2009 from: <http://www.repubblica.it/2007/09/sezioni/cronaca/pedofilo-arrestato/pedofilo-arrestato/pedofilo-arrestato.html>).

¹¹⁵ These are the well-known cases of Canadian national Christopher Paul Neil, arrested in Bangkok in October 2007, 11 days after the Interpol appeal, and sentenced by Thai courts to a combined nine years in two separate trials (accessed on 1 December 2009 from: <http://www.foxnews.com/story/0,2933,456706,00.html>); and US national, Wayne Nelson Corliss, arrested in New Jersey in May 2008, just two days after Interpol's second global appeal, and later sentenced to almost 20 years (accessed 1 December 2009 from: <http://www.nj.com/news/ledger/jersey/index.ssf?base/news-15/1258424714214680.xml&coll=1>).

¹¹⁶ In August, 2008, S.N. was arrested in Sihanoukville for taking naked pictures of at least six young boys (Japanese national arrested on charges of child pornography. *The Cambodia Daily*, 19 August 2008, p. 27).

¹¹⁷ In 2009, ECPAT International recorded the arrests of 16 foreign nationals from the UK (5), the USA (3), Sweden (3), Australia (1), Germany (1), Italy (1), Kuwait (1) and Switzerland (1). From this group, all the Americans, three Britons, two Swedes, and the Australian were found in possession of child-pornographic material and recording equipment.

ultimately lowering their inhibitions to possible sexual assaults.

In these cases, it is the mere use of communication-related technology that can be taken advantage of as both inducement and remuneration.

In a newspaper article published in Canada in April 2009, part of an e-mail correspondence intercepted by Cambodian Police was highlighted, where two child-sex tourists, whose nationality is not disclosed, exchange advice about how to lure boys to their apartments.

“To gain access to my apartment one has to go down an alley and up two flights of stairs. So, people don’t really know where the boys are actually going”.

“Most of the boys are homeless and range in age from 10 to 14. Some are shoe-shine boys and others beggars. Some sniff glue and others don’t. One day I had 7 boys staying with me. I have a very big apartment. There are two mattresses and loads of space for the boys to play. They often play soccer, badminton or cards. They also spend time playing video games, watching movies or cartoons and listening to music”.

“I am having a wonderful time with them sexually. Some of them are very interesting. There is never a dull moment”¹¹⁸.

A different, less sophisticated approach of the child-sex tourist is the use of communication-related equipment as an element of remuneration for the exploitative

act. Mobile phones – sometimes just telephone refill cards¹¹⁹– have been widely and increasingly mentioned as compensation in kind given by child-sex offenders to their victims.

A senior US citizen from California was arrested in north-eastern Thailand in June 2009 and charged with sexual offences against a person under 15 years of age. He had apparently made contact with a young street vendor and promised the girl (14) money and a new mobile phone if she would follow him. After receiving the agreed payment in advance, the girl was then taken by the man to a motel where he was caught by police filming her in a state of undress¹²⁰.

Furthermore, whereas mobile phones and other pieces of equipment can be considered as payments in kind, and thus exhausting their transactional function once the exploitative act has taken place in exchange, they may nevertheless serve a complementary function allowing the exploiter and victim to keep in communication in view of future visits, in addition to providing a channel for the exploiter to ask victims to send more naked pictures of themselves by MMS or any other more advanced communication technology the handset may be equipped with. In addition to that, of course, nothing bars the offender from passing the victim’s number on to other child-sex tourists with whom he is in touch¹²¹.

¹¹⁸ Gee, Marcus. For today’s pedophiles, it’s all too easy. *The Globe and Mail*, 10 November 2007. Accessed on 2 December 2009 from: <http://www.theglobeandmail.com/news/world/for-todays-pedophiles-its-all-too-easy/article796473/>.

¹¹⁹ This is mentioned, among others, in a very recent source which focuses on the Caribbean, a region that is extremely reliant on tourism revenues and where the phenomenon of child-sex tourism has been known for a number of years, although – lamentably – no major action seems to have been undertaken to combat it by the various countries affected. As several of the aspects highlighted in the study are common to other regions of the world, including Southeast Asia, it would make sense to see the global element in a trend that can all too easily be replicated across regions and cultures. See Adele D. Jones and Ena Trotman Jemmot, *Child sexual abuse in the Eastern Caribbean*, UNICEF, 2009, pp. 116 and 174.

¹²⁰ Accessed on 3 December 2009 from: http://www.khaosod.co.th/view_news.php?newsid=TUROd01EVXhNREkyTURZMU1nPT0=§ionid=TURNek5RPT0=&day=TWpBd09TMHdOaTB5Tmc9PQ.

¹²¹ *Travelling sex offenders – Grooming abroad: the Cambodian context*, Action pour les Enfants, Phnom Penh, July 2006, pp. 1-2. Accessed on 26 February 2010 from: <http://www.aplecambodia.org/downloads/Documents%20for%20library%20page/Grooming%20abroad%20-%20The%20Cambodian%20context.pdf>.

Internet cafés and cyber-dens as locales for sexual exploitation of children

In all three destination countries targeted for this study in Southeast Asia, Internet cafés are ubiquitous and often patronised by children who mostly use on-line games. A constant element in this new scenario is some young individuals' addiction to the games and their need for the games to be prolonged as long as possible. A commercially run café charges a time-calculated fee, and an additional amount of money coming from a stranger may be a strong inducement for young persons in such a situation. The Internet café may thus be a venue for preliminary encounters in person or other initial steps towards sexual exploitation. An additional actor to be considered in this scenario is the owner of the Internet café, who may be oblivious to or profiting from exploitation occurring on or off the premises.

Somewhat related to the issue of Internet cafés is the possibility that webcams may be used by young people to expose themselves to one or more counterparts watching live over the Internet. This will obviously

depend on the structure of the café itself (cubicles would be a prerequisite in such cases) and/or the connivance of the Internet café owner. Sexual exploitation of children via webcam can – of course – take place from private computers¹²² or from so called 'cybersex dens' which act as virtual on-line brothels. In these places, scantily clad young people are situated in cubicles and via web cams, wait to be contacted by strangers from anywhere in the world. Once contact has been made, a fee is negotiated to enter a private chat room where the young person will then engage in sexual or erotic acts over the Internet. During the period of this study, ECPAT International (through its on-line child protection helpline) received over 57 specific reports of suspected under-age teenagers engaged in such acts through web-cam chat rooms promoting Asian contacts¹²³. It should be noted that for this type of exploitative exchange to take place, there is absolutely no need for the chat-room service to be sexually oriented in any way. Social websites such as Facebook and MySpace have been repeatedly mentioned as conduits through which an increasing number of users – including children – indulge in erotic or sexually exploitative on-line exchanges¹²⁴, and it is certainly not by chance

¹²² One such service may be Camfrog, a web chat room based on a dedicated software platform, investigated in a Thai study involving, however, only adult respondents who had been exposing themselves through that channel. See Pimpawan Boonmongkon, Wachira Jantong, and Ronnapoom Samakkeekarom, *Camfrog and Sexuality of Thai Female Youth: Sexual Agency vs. Sexual Exploitation*, Center for Health Policy Studies, Mahidol University, Bangkok. Paper presented, among others, at the VII International Conference on *Contested Innocence – Sexual Agency in Public and Private Space*, Hanoi, Vietnam, 15-18 April 2009.

¹²³ The number of reports was generated in just one month (November 2009), in relation to websites such as [sexyasiancams.com](http://www.sexyasiancams.com), [myfree-cams.com](http://www.myfree-cams.com) and [asiancammodels.com](http://www.asiancammodels.com)

¹²⁴ Accessed on 11 December 2009 from: <http://www.thelondonpaper.com/manuallyreassign/facebook-causes-rise-in-cyber-sex>.

that over 3,500 accounts held on those two websites by convicted child-sex offenders registered in the state of New York were recently terminated under the 2008 Electronic Security and Targeting of Online Predators Act (e-STOP)¹²⁵.

In Southeast Asia, the Philippines is frequently mentioned in reference to this type of virtual interchange, and the cybersex market seems to be considerably more developed there than anywhere else in the region, no doubt on account of a much better command of the English language by the “operators” involved in that activity, which provides for the possibility of communicating with – and appealing to – a much broader international audience¹²⁶.

¹²⁵ Accessed on 11 December 2009 from: http://www.nydailynews.com/news/ny_crime/2009/12/01/2009-12-01_sex_fiends_from_facebook_myspace_get_boot_.html.

¹²⁶ A recent case that has come to the attention of law enforcement in the country involved a Canadian citizen in Angeles City (Philippines), arrested for operating a cybersex den employing children. Accessed 11 December 2009 from http://article.wn.com/view/2009/10/31/P_panga_CIDG_nabs_Canadian_Korean/.

Chapter 5

Internet companies and telecommunications operators and the steps taken to prevent sexual exploitation of children

Analysis of the existence and use of filtering/blocking systems to combat child pornography

The concept of filtering¹²⁷ online content is a contentious issue around the world. The treatment that it receives varies from one country to another, governed largely by the interests of the states, the willingness and the resources of the service providers to implement such filters, the availability of tools and technologies and also, to a certain extent, on the public reaction to such filters. Even though child pornography is treated as illegal material by almost all countries around the world, the legislation regarding the viewing and downloading of content varies from country to country. Thus, what is legal in one jurisdiction may be illegal in others. Due to the global nature of the Internet, it is also possible to access such content from another country, for which blocks and filters might be imposed by local providers for preventing access.

Even though blocking of child pornography should not be frowned upon in any country, it is a concern that such blocking technology might be used to block other types of content, depending upon the political interest of the state¹²⁸. Also it is often expressed by the ISPs that due to the random change in the address and location of the sites and the huge amount of complex technical measures needed along with huge investment on their part, applying filters which can be subverted by experienced criminals is not justified¹²⁹. A further problem is the fact that there is often no central policy that dictates all the ISPs to follow a set of guidelines. Sometimes there is no clear regulation or even voluntary codes that can guide the providers. Some ISPs might be following a set of guidelines /black lists depending on who they collaborate with and others may follow different guidelines or even not be filtering at all.

In terms of child-sex offenders who may either try to access sites containing child abuse images for downloading or uploading content, entice children into

¹²⁷ Filters work based on black lists that are produced by the law enforcement in close collaboration with the reporting hotlines. The filters could be software that is installed within the network of the providers or configuration of their routing devices to act on the packets passing through their network based on certain pre-assigned policies. Thus if a provider implements an IP block, all requests from clients to access sites belonging to an IP address or a set of IP addresses may be turned down by the provider's routing system. The filters can also work based on site URLs or individual pages as deemed relevant. While trying to browse for those sites or links, the client either gets a page not found error message or similar error reports or is warned that the page that is requested is deemed illegal and has been blocked access by the provider.

¹²⁸ In Thailand in 2007, YouTube was entirely blocked because of the messages and videos that were deemed against the Monarchy. See <http://news.bbc.co.uk/2/hi/asia-pacific/6528303.stm>, last accessed on 8th February, 2010.

¹²⁹ For the case of ISP filtering in Australia, see <http://techwireddau.com/2008/10/interview-with-colin-jacobs-of-electronic-frontiers-australia-re-aus-Internet-filter/>, last accessed on 8 February 2010.

sexual activities by showing them adult pornography as a means of normalizing behaviour or watch live streams of sexual exploitation of children, the filtering schemes that are put in place by the ISPs or mobile operators can impact on what these offenders have in hand at their destination.

Filtering systems by country – Tourist-sending countries

South Korea

Filtering of online content is practiced by ISPs in South Korea, though they broadly focus on sites that are pro-north Korea. A substantial amount of filtering is imposed by the state and it promotes and fosters a culture of self-censorship through broadly worded laws that make individuals criminally liable for posting “anti-state” content¹³⁰. Filters for gambling websites and sites for pirated software are also put in place, but not for pornographic materials. The state also requires that Korean websites engage in a self-rating system, and that ISPs and other Internet access facilities, such as cybercafés and schools, self-police for content deemed harmful to youths¹³¹.

In South Korea, filters are being employed for search engines that would require entering IDs of nationals

for certain types of search words and topics which are considered inappropriate for minors. Foreign nationals would need to submit copies of their passport through fax in order to be able to search such sites or materials online. Even uploading of content or posting text to certain blog sites that is considered not suitable for minors require similar age authentication¹³². For the travelling sex offender coming out of South Korea to a destination country, this can be an incentive for them to try out these sites where a block is not placed by that country’s ISP. But within South Korea, it might be easy to track a person who is intentionally searching for illegal materials as credentials need to be submitted for such a search.

Japan

Even though not much information is available on the current status of filtering imposed by the ISPs, there are several reports that point to the direction in which the mobile operators could be moving in the near future. NTT Docomo had installed filters for their mobile phone network to prevent minors from accessing inappropriate content through their mobile phones. This filtering scheme, known as kids-I mode, filters URLs based on identified sites that primarily belong to the category of either dating or adult sites¹³³. Since 1 April 2009, the mobile providers are obligated by law to put filters on the devices sold to young people under the age of 18.

¹³⁰ Accessed 29 January 2010 from: <http://opennet.net/research/profiles/south-korea>.

¹³¹ *Ibid.*

¹³² Accessed 29 January 2010 from: http://en.wikipedia.org/wiki/Internet_censorship#South_Korea.

¹³³ Accessed 29 January 2010 from: http://www.netstar-inc.com/eng/product/list/case_1.html.

A move in the direction of opt-out filtering (where adults have to provide their credentials to lift the restrictions that will be put on by default) is being promoted¹³⁴.

Japanese ISPs are also urged to block access to P2P sites that provide file sharing services. Major ISPs have agreed to alert and then ban users from using such file sharing services as a move not only to restrict users from downloading copyrighted material but also to stem down the huge Internet bandwidth that the file sharing activities take up¹³⁵. Even though this is not targeted for preventing access to child abuse images, the reduced access to the P2P services may impact the trade of child abuse images through this channel (although travelling Japanese offenders could still use file sharing services to download and distribute such materials in countries where such restrictions are not put in place).

Taiwan

Filtering is available from ISPs and increasingly applied by users, although the service is not free of charge. Also, there exists a content rating system implemented by the non-profit organization Taiwan Internet Content Rating Promotion Foundation or (TICRF). The work of the foundation involves promoting self-regulation and self rating of content, encouraging the development of the

software filters and tools and giving more prominence to sites that are rated than those which are not.

Filtering systems by country – Tourist-destination countries

Thailand

Online filtering and blocking of content is practiced in Thailand, but again practices differ from ISP to ISP. Even though “The computer crime act of 2007” does not define child pornography specifically, it does criminalise distributing and production of pornographic material which is treated as immoral and harmful for the development of the state. Defamation of the royalty and forums voicing opinion against the monarchy is treated as an offence and such sites are taken down or access is blocked if they are hosted outside Thailand. All information providers are mandated to keep logs of Internet traffic for 90 days and this extends not only to ISPs but to any organisations that provide Internet services, for example, to their employees. Monitoring of users in public access points such as cybercafés is not in place and, for a foreign tourist, no ID is required before they can use the online services in public places. Thus for a travelling child-sex offender, it is possible

¹³⁴ Accessed 29 January 2010 from: <http://filteringfacts.org/2008/01/02/japan-may-also-implement-opt-out-web-filtering-for-mobile-devices/>.

¹³⁵ Accessed 29 January 2010 from: <http://blogs.zdnet.com/Ou/?p=1063>.

to misuse the setups in a cybercafé or even procure a personal Internet connection through a mobile network by purchasing a SIM card without any id verification. Even though the government had imposed rules in the past to submit documents for ID verification before activation of mobile service, such practice is currently not followed.

Cambodia

In Cambodia, there is a big market for the distribution of child abuse images in the form of regular media such as video disks. There are open markets where these materials were sold to the public (including foreigners)¹³⁶. Child-sex offenders travelling to Cambodia could easily access such materials from stores at a very cheap price. Once the digital media is procured, it is only natural that those images and videos would make their way to the Internet by various online distribution systems. The lack of adequate policy on the part of the ISPs to filter content would allow a travelling offender to distribute child abuse imagery easily using existing mechanisms such as P2P file sharing and fast broadband connections using 3G services that are available in the country.

Vietnam

According to Open Net Initiative (ONI), Internet filtering is pervasive in Vietnam. Internet connectivity is managed and controlled by state regulations and content filtering

is in place by limiting the external access points that are controlled. Usage of the Internet by an individual is monitored at places such as cybercafés and also at postal offices¹³⁷.

It is important to note that all domestic and foreign individuals and organisations involved in Internet activity in Vietnam are legally responsible for content created, disseminated, and stored. New monitoring software issued by the Ministry of Posts and Telematics in July 2006 requires ISPs to record the identity and Internet behaviour of users at kiosks, and to store the information on their servers for one year. Though laws are in place for registering individuals through their IDs for accessing the Internet in public places such as cybercafés, they tend to be less implemented in major cities like Ho Chi Minh and Hanoi¹³⁸. The registration of an individual and monitoring their online activities can raise privacy concerns but it could also be a strong deterrent for travelling sex offenders to misuse the IT setup of the country to engage in transactions related to child abuse images.

The nature of filtering in Vietnam is inconsistent with other commercial or available filters and this is primarily due to the block list being targeted to a greater number of Vietnamese language sites compared to the English ones¹³⁹.

¹³⁶ Child Porn Market Is Thriving in Phnom Penh. *The Cambodia Daily*, 10 January 2007. Accessed 29 January 2010 from: http://www.cam-net.com.kh/cambodia.daily/selected_features/cd-Jan-10-2007.htm.

¹³⁷ Accessed 29 January 2010 from: <http://opennet.net/research/profiles/vietnam>.

¹³⁸ *Ibid.*

¹³⁹ *Ibid.*

Other forms of engagement on the part of the ICT private sector

Over the last few years there have been some positive initiatives from private sector companies in fighting the crime of child-sexual exploitation and child abuse images. Some of these initiatives stem out of corporate social responsibility of companies and some are out of a mandate imposed on them. The nature and scope of the initiatives largely depend on the core expertise and resources that the companies have in hand and also sometimes depend on the individuals who are responsible for the operations of the company. IT companies, for example, produce software and filters to prevent the distribution of child abuse imagery, train law enforcement and provide tools for them to do forensic analysis, and also invest human resources in research and development to come up with tools that aid the fight against child abuse images on the Internet¹⁴⁰. The mobile phone networks in certain countries provide age-appropriate services and block access to illegal sites through their mobile services¹⁴¹. The industry also funds initiatives and promotes campaigns that create awareness against child-sexual exploitation on-line, and collaborates to create educational content for children and young people¹⁴². The various activities that the private sector companies engage in to promote

child safety may seem commendable, but much more effort is needed to adequately address the problem. In most cases the companies are seen to do things as a sign of good will on their part, but much less as a responsibility they bear to protect children.

The Financial Coalition against Child Pornography in the East Asia/Pacific region

The Financial Coalition against Child Pornography (FCACP)¹⁴³ is a multi stakeholder coalition (including the IT industry, banking sector and law enforcement) that started in the US to stop the distribution of commercial child abuse images through regular payment systems such as credit cards and to apprehend the criminal organisations or individuals behind such transactions. The Hotline run by NCMEC (National Centre for missing and exploited children) serves as the central body (clearing house for child abuse images) and through their Cybertipline III (a newly developed mechanism for monitoring and investigating commercial transactions of child abuse images) plays a key role in the work of the FCACP. The FCACP has recently expanded in the Asia Pacific region with the secretariat at the Paypal office in Singapore.

For the travelling child-sex offender, it will be increasingly difficult to purchase child abuse materials

¹⁴⁰ For the collaboration between Microsoft and NCMEC on Photo DNA, see http://www.missingkids.com/missingkids/servlet/NewsEventServlet?LanguageCountry=en_US&PageId=4168, accessed on 8 February 2010.

¹⁴¹ For mobile phone filtering (i-mode) by NTT Docomo in Japan, see <http://www.nttdocomo.com/pr/2009/001437.html>, accessed on 8 February 2010.

¹⁴² About Vodafone helping create educational content on Internet safety in the UK, see <http://parents.vodafone.com/introduction>, accessed on 8 February 2010.

¹⁴³ For general information about the FCACP, see http://www.missingkids.com/en_US/documents/FCACPBackgrounder.pdf, accessed on 8 February 2010.

irrespective of the country they travel to since the credit card details will remain the same. Moreover, merchants who might make material available in country X (taking into account the lack of laws prohibiting such sales in that country) will be monitored by the coalition and their merchant ID might be revoked if they are found to violate the terms of the coalition.

Child Exploitation Tracking System (CETS)

This system, designed by Microsoft, is intended to help law enforcement suitably investigate child-sexual offenders by providing them with powerful collaboration and analysis tools. Collaboration and exchange of information across law enforcement of different countries is possible by applying this tool using security enhanced technologies¹⁴⁴. This system was designed by Microsoft free of cost to law enforcement based upon a request made by the RCMP (Royal Canadian Mounted Police) representative to Bill Gates, founder of Microsoft Corporation¹⁴⁵.

Campaigns involving cybercafés or mobile operators

Under the Make-IT-Safe campaign launched by ECPAT International, ECPAT Philippines has signed an agreement with Everything Online, a major cybercafé

chain in the Philippines comprising more than 600 Internet cafés, which enables cybercafés to adopt a code of conduct for the protection of children through their services¹⁴⁶. The code specifically governs how the services of the cafés should be used and what measures need to be taken to protect children from sexual exploitation in such settings. This model is now being promoted by ECPAT International in other countries in the region.

¹⁴⁴ Accessed 29 January 2010 from: <http://www.microsoft.com/industry/publicsector/government/programs/CETsabout.mspx>.

¹⁴⁵ CETS has been deployed in Indonesia.

¹⁴⁶ Accessed 8 February 2010 from: http://newsinfo.inquirer.net/breakingnews/infotech/view/20071218-107509/RP_Internet_caf%E9s_urgd_to_adopt_code_of_conduct and http://www.unicef-irc.org/worldcongress3/saguisag2_ppt.pdf.

Chapter 6

Preventing the use of ICT and the travel and tourism industry for sexual exploitation of children in East and Southeast Asia

Conclusions

The continued expansion of tourism destinations in countries in Asia is greatly benefiting from the advent and use of new information and communication technological tools within the tourism sector. A concerning offshoot of this convergence is the manner in which these are being used and combined to facilitate the sexual exploitation of children. The burgeoning incidence of sexual exploitation of children through travel and tourism and ICT indicates that those with a sexual interest in children have found new and powerful channels to further their aims. While the overlap of these two industries and the constant development of ICT are probably still far from facing any direct legal action grounded on liability arising from individuals or organisations abusing their products with the goal to sexually exploit children, the many preventive measures and steps that can be taken by the industries involved are still only at incipient stages. The element of public accountability, which increases as the understanding of the issues grows, may be an additional stimulus for these industries to undertake suitable countermeasures that would entail child protection. Thus, in some instances, we see the rise of industry codes and some measures for child protection.

At the same time, it appears that those with a duty and mandate to prevent such abuse (law enforcement, NGOs, government regulators) are struggling to keep up with the pace of these advances, to understand their impact in the social realm and in particular on children and child protection. Thus they are often playing “catch-up” with child-sex exploiters who are more invested and technologically versed, including those travelling to ever more destinations. Furthermore, the Internet may facilitate the creation and consolidation of child-sex tourism networks (as in the case of organised tours or the organised exchange of information), while also remaining a key medium for accessing information that enables an individual tourist to gain contact with children for sex. An additional concern that should receive adequate attention by stakeholders working to combat child-sex tourism is to establish how the documentation of sexual exploitation of a child in pornographic material produced in tourism destinations may be facilitating the promotion of those resorts as places where access to children is easy, law is weakly enforced and impunity is a concrete possibility.

Identification of children depicted in child-abuse imagery in relation to specific locales of exploitation, in this case tourism locations, can offer avenues for well-

targeted interventions that have the potential to impact on a large number of children.

The countries in the East and Southeast region of Asia recognise the importance of a growing tourism sector and of adapting the ICT infrastructure development to support its needs. While they devote more resources to expanding it, learning from the experiences of more industrialised nations regarding the impact of information communications technologies on social dimensions needs to be incorporated in policy-making as well.

Tourism development

Endowed with natural and historic attractions that have made it the fastest growing tourism region in the world for the past decade, along with its capability of overcoming all kinds of setbacks, Southeast Asia is set to continue on an enviable path of growth in international arrivals for the foreseeable future, with established destinations trying to improve constantly on their results and emerging tourist-receiving countries striving to imitate the former's example. Traditional tourist-sending countries in East Asia are bound to provide the bulk of arrivals also in the future, with China already showing increasing weight in sending tourists to Southeast Asian destinations.

The quest for pristine locations which may initially attract responsible tourists will expose local populations to new cultures, new values and new means of communication. Especially in these cases, a policy of

development which fails to take into due account the need for a socially and environmentally sustainable advance of tourism, as well as the risks hidden in the unrestrained diffusion of communication technologies to communities unprepared to confront those dangers, would pave the way for the exploitation of local vulnerabilities, especially with children, by ill-intentioned travellers.

Technological advances

Thanks to their quick pace of development, Internet and communication technologies are contributing greatly to countries' economic growth by fostering communication, bridging knowledge gaps, as well as facilitating better living standards. The Internet is perceived no longer as just a network of computers but also as a thriving community which has extended to every possible service including commerce, entertainment, tourism, health and other services that benefit from its global reach. In the pursuit of developing the ICT infrastructure that has already been identified as a key to a successful economy, developing nations focus strongly on the macro level, such as aggressive broadband rollout policies expanding cellular networks, and providing incentives to private corporations for investing and expanding their research and development facilities to accelerate innovation. National ICT policies also promote on-line access to the public, especially children and young people, through modernisation of educational systems. With time, we see how more and more individuals are drawn into the world of digital communications through the Internet,

while ICT facilities are connecting different worlds both from the economic and geographic perspectives.

The norms of human behaviour and socialisation, including aspects of communication and attitude towards others, have taken a new dimension when applied to the Internet. Services can be provided with less control and vetting, and easily advertised through the Internet, while not being constrained within national boundaries. In many instances, national ICT policies do not recognise the need to include legislation around the use of ICTs and the guidelines and operational procedures that relate to the protection of children from their harmful use, whereas procedures are defined and laws are enacted for other types of misuse such as money laundering, drug trafficking, spam, phishing, etc.

ICTs greatly benefit the tourism industry, but measures to prevent the misuse of technology by travelling offenders (such as sharing and collection of information regarding vulnerable children, linking with sellers and promoters of child-sex, and also paying for such services on-line, and using ICTs to produce visual record of their sexual abuse and their subsequent distribution through the different on-line and off-line medium) is largely absent. There seems to be disparity and isolation between the policies and procedures that govern individual sectors such as ICTs and tourism, whereas in reality there are many overlapping issues. The fact that travelling offenders can use cellular networks in a destination country or gain access to on-line resources in places

such as cybercafés and hotel rooms without having to register their details, and the fact that in most occasions such services are offered without any filtering or blocking are clear gaps that need to be addressed.

As ICTs are being widely deployed, it is apparent that measures to safeguard people from their harmful uses are required. A clear understanding of the impact of rollout of technologies in terms of child protection is essential. Suitable laws and practices that provide protection to children at every level need to be incorporated in the national policies aiming to augment the development of ICT infrastructure. On-line service providers need to be cognizant of the impact of their services towards children, and suitable codes of conduct that ensure safeguarding children's rights and allow the apprehension of the offenders need to be formulated and adopted. Such practices must be promoted and integrated in the policy framework and allow for sufficient resources to be put in place for implementation.

Legal framework and law enforcement

When approaching the issue of linkages between child-sex tourism and ICTs, it appears that the most widely accepted international legal standards as contained in the UN Convention on the Rights of the Child and its Optional Protocol are no longer detailed enough to deal with developments in ICT and its use in child-sex tourism. Best practice in terms of legal standards has moved beyond the UN Conventions to more effectively combat existing forms of CSEC as well as to criminalise

newer offences and to encourage the involvement of bodies in the private sector. For example, amongst countries from all regions of the world, there has been a move towards criminalising the simple possession of child pornography. South Korea and the USA have passed innovative legislation that aims to prevent child-sex offenders from travelling abroad to sexually abuse children and the Council of Europe has taken the lead by criminalising grooming of children for sexual purposes and intentionally accessing child pornography, and it has regulated the use of ICT in child pornography – good practice legislation that should be introduced in all countries in the East and Southeast Asia region.

Unfortunately, the countries under review all have significant gaps in their national legislation in terms of compliance with the minimum international legal standards provided under the UN and other regional conventions. However, given the cross-border nature of ICT and the prevalence of child-sex tourism within the region under review, revising, harmonising and implementing national legislation in itself will not be enough. Further scope therefore exists – to guarantee the best protection to children in the region – for the countries under review to collaborate with each other and with international and national organisations from the relevant sectors in strengthening the measures for prevention and protection by enhancing law enforcement and cooperation in the investigation of cross-border child-sex tourism crimes and of the sexual exploitation of children through use of ICT.

Child-sex offenders and demand

The case analysis carried out for this research has highlighted and confirmed a number of channels through which the sexual exploitation of children can be prepared and/or accomplished by travelling child-sex offenders. The amount of information available on-line to individuals planning to sexually exploit children while away from home has had an explosive growth over the last decade through various ICT developments. This is only bound to increase further as more people not only access information but contribute it from their various locations. The distribution currently shows to be occurring primarily through forums and newsgroups, as well as the more traditional commercial (tourism) websites. A focused survey of these types of Internet pages has pointed to clear gaps in terms of vigilance and enforcement, even in the few platforms where rules are laid out to prevent an illegal topic from being freely discussed or promoted.

The same gaps and neglect of child-protective principles are evident in the case of chat rooms, an Internet channel which may expose children directly to dangers both in the virtual and in the real world, and similar hazards are now starting to be identified in the use of other equipment, such as gaming consoles, which nowadays are connected to the Internet and enable users to exchange messages (including images) in real time. Especially child-targeted equipment or services (consoles, age-specific chat rooms, etc.) are notable for the absence of any reporting device that allows

children who feel threatened to contact a competent supervisory body. Anyone (including travelling child-sex offenders) intending to make contact with children appears to have plenty of choices when it comes to the variety of communication channels available.

Other communication technologies, primarily mobile phones, are gradually converging with the connection and transmission of data, thus increasingly providing the same networking options available through the Internet. However, this also means that these technologies can be used in a more independent way, and also, often, in more isolated settings, without the kind of supervision that can be available when the Internet is accessed from a computer at home. This technological trend does not appear to have yet made governments or industry regulators overly concerned about the potential dangers to children in the process.

Overall, the picture that can be distilled from this review is one which shows parallel streams of development between the ICT and travel and tourism industries. Each sector has its own relevant plans and measures for expansion and deployment in the national context. While there is evidence on the increasing intersection between their infrastructures and services, there are no channels to examine how or where these converge, nor the social impact that this may bring.

There is a need for a multi-stakeholder forum involving ICT and tourism development representatives, as well as those from child welfare and protection agencies. The forum could serve as a mechanism through which to define social, technical and legal means to ensure the best interests and protection for children in the context of tourism, travel and ICT development.

Recommendations

For each State, with all relevant multi-stakeholders, to cooperate together

- To establish a (ICT-Tourism) Social Impact Assessment Committee (SIAC) to review all major national ICT and/or Tourism projects. The committee should have representation of relevant child welfare and child protection agencies including representatives from civil society.
- SIAC to issue national social impact assessments of all major new ICT and Tourism projects that address social protection and provide recommendations for ensuring the welfare and protection of children including from sexual exploitation.
- Tourism and ICT development plans to include measures for the promotion of children's best interests and protection, and National Plans of Action to define goals, targets and measures for combating CSEC, including allocated resources.
- Existing corporate social responsibility programmes and Codes of Conduct¹⁴⁷ initiatives that seek to combat the sexual exploitation of children in travel, tourism and ICT to be further promoted and mainstreamed.
- Undertake research in all countries in the region to study the nature and scope of sexual exploitation of children through ICT and its links to travel and tourism and use the information to address the problem through policy and program initiatives.

For all the governments of the countries selected for this research in relation to strengthening legal frameworks

- Governments of countries under review should ensure ratification and implementation of all existing international and regional conventions related to protection of children from sexual exploitation to demonstrate their commitment at international law and prevent and sanction child-sex tourism and the use of ICT to facilitate it.
- The national laws of all countries under review should be harmonised with the provisions of the ratified international instruments. The highest international standards should be applied and include best practices developed globally (such as the Council of Europe Convention on the Protection of Children and the Cybercrime Convention) that lead, for example, to the criminalisation of grooming through ICTs and the use of ICTs for the perpetration of child pornography offenses.
- A clear definition of "child pornography" should be adopted, based on the OPSC and excluding vague terms such as "obscene" and "indecent", while encompassing a broad range of depictions, including audio, visual, written and electronic formats. Similarly, "simulated" and "virtual" images should be explicitly included in the definition of child pornography.

¹⁴⁷ For an example, see 'The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism' (www.thecode.org)

- Countries with an age of consent for sexual relations below 18 years of age should raise the threshold to that promoted by international conventions on children's rights, as legal discrepancies such as these can provide loopholes that are exploited by child-sex tourism perpetrators. This measure is especially useful in terms of extra-territorial prosecution of child-sex tourists where, as in some countries, double criminality may still be a requirement.
- Pending any legislative amendment undertaken to improve on the current situation, existing child pornography and child prostitution laws should be enforced more rigorously and more consistently both against local offenders as well as foreign offenders such as child-sex tourists.
- Training provided systematically to all government officials from the law enforcement and judicial sectors; public officer's corruption and complicity, as frequently found in destination countries in the region, must be adequately punished.
- Governments should pass legislation that imposes the following minimum obligations upon ISPs: (a) to delete contents showing child pornography upon request; (b) to report – within a definite term – to law-enforcement agencies any instances of child pornography drawn to their attention; and (c) to safeguard evidence if they suspect a child-pornography offence has been committed through their service. In many situations, travelling offenders get access to children and child abuse information and materials through the Internet in forums, chat rooms and social networks. Records and logs kept by ISPs can be traced by investigators. For enhanced effectiveness of the measures undertaken to combat child pornography and grooming through ICTs, governments should enact provisions that make it mandatory for ISPs to report any cases of sexual exploitation of children brought to their attention as being perpetrated through their services.
- Collaboration between police forces from Western countries has shown positive results in Cambodia and in Thailand. Similarly, it is recommended that there is enhanced collaboration of the police forces from the tourist-sending and destination countries under review.
- Mutual legal assistance agreements and extradition treaties constitute a formal legal basis for judicial cooperation between different countries. Therefore, it is recommended that MLAs and extradition treaties are concluded between the tourist sending and receiving countries under review.
- ASEAN ought to use its influence and resources to establish forums for the development of regional legal instruments (or at the very least policies), such as for the regulation of ICT service providers to report instances of child pornography and to prevent other forms of sexual exploitation of children perpetrated through ICTs.

For industry stakeholders to demonstrate greater responsibility and accountability

- Legitimate travel-booking websites should be sensitised towards the issue of child-sex tourism and, if possible, involved in the dissemination of information and awareness-raising material (through the use of banners, etc.) aimed at providing travellers and tourists with better knowledge and information for reporting cases of proved or suspected sexual exploitation of children.
- Web hosting companies should provide more accurate checks and monitoring of the material they accommodate on their servers and – at the same time – firmly apply any rules relating to the publicising of illegal material. This would help prevent the spread of such material and reduce the possibility of children being exploited through its use, and also avoid legal problems to the web hosts themselves.
- Internet café owners and staff should be suitably sensitised and trained to implement preventive measures against the sexual exploitation of children. Awareness amongst target audiences must be raised regarding the potential misuse of cybercafés in tourism sites by child-sex offenders to share information with other offenders, to collect information about possible availability of services from children that are advertised on-line and to download or upload images of child-sex abuse.
- Codes of Conduct for the protection of children offer a concrete framework on how the services of cybercafés should be used and what measures need to be taken to protect children from sexual exploitation in cybercafé settings, and therefore should be promoted through cybercafé associations and incentives created at national level for their adoption.
- As cybercafés are places often frequented by a large number of children and young people, particularly in destination countries on account of the on-line gaming opportunities provided in them, measures are needed to outline action to be taken to create a safe environment for their youth users.
- Instant-messaging and file-transfer facilities built into modern gaming consoles should be clearly and properly recognised as possible offending avenues for child-sex perpetrators, and thus equipped with suitable prevention systems (user identification, warning procedures, reporting facilities, etc). As criminal investigations are undertaken when a child-sex offender is apprehended, forensic investigation is performed on equipment such as PCs, mobile phones, digital cameras, etc., which are often seized from the offender. In addition, with the growing connectivity that gaming consoles offer and the features of networking incorporated within these consoles, compared to a traditional personal computer, it is important that these devices are also included in the investigative procedures as they may be used by offenders to make contact with children or even download/upload files pertaining to child-abuse images.
- Children should be properly guided and alerted

about the features that can bring them close to potential harm and given information on preventive measures.

- The gaming industry should establish provisions that offer effective on-line moderation services in the on-line gaming set-ups for suitable and timely intervention should a concern arise.
- Websites offering chat rooms specifically aimed at young people should implement effective age checks, with an actual possibility for infringing users to be banned. Chat rooms should be equipped with panic buttons and reporting systems for use by children and young people who feel threatened by the people chatting with them or by their language. This would contribute to a safer Internet environment for children and as a deterrent for offenders through availability of alert devices.
- The personal details of consumers purchasing digital equipment with video and photographic capability should be recorded for the purpose of traceability to be achieved by matching those personal data with information to be encoded – as in the case of Exif data or photoDNA¹⁴⁸ – within the visual material produced. Linking an actual person to a photograph taken with a camera, thus providing a clear connection between offender and abuse image, would help overcome the current challenges

met when trying to prove if a set of images has been produced by a given individual. If registration of such equipment is enforced, forensic tools will then be in a better position to pinpoint an offender more clearly.

- Hotels equipped with Wi-Fi connections as a service on their premises should grant access only to identified, registered customers, and accurate logs of access to their Wi-Fi network should be maintained. Often these connections are provided in the hotel rooms or in the lounge area of the hotel. If a connection is provided which is known to be traceable (which registration would provide), a travelling offender is less likely to carry out activities on-line to perpetrate exploitation against children.
- For their own network made available to customers, hotels should only choose Internet service providers that use suitable blocking systems, filters, etc., thus minimising the chance that customers may have access to child-abuse imagery through the Internet while at their hotel in a holiday destination. Often the Internet service that is selected by the hotels to provide Internet access to the clients does not have the filtered services that some of the ISPs may provide on request. In many countries, such filtered services are offered to families, but not promoted to businesses.

¹⁴⁸ Unique signatures embedded in an image that can be used for identification, despite major alterations that the image might be subjected to.



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