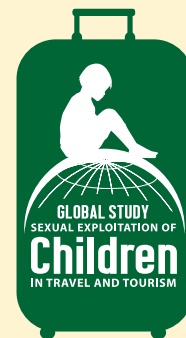


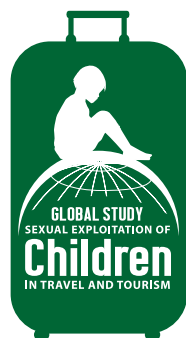
GLOBAL STUDY ON SEXUAL EXPLOITATION OF CHILDREN IN TRAVEL AND TOURISM

REGIONAL REPORT

EAST ASIA

2016





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This Regional Report on Sexual Exploitation of Children in Travel and Tourism was conducted and written by Ms. Olalla Pruneda and Dr. Sallie Yea with support of Dr. Caroline Grillot and a peer review by Dr. Heather Montgomery.

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FOREWORD


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

Despite the region's historical and cultural ties, great disparities in political systems and economic development among East Asian countries have shaped divergent trends in travel and tourism. Hence, East Asia is home to inter-regional as well as intra-regional flows of tourists. Although domestic tourism is on the rise, according to the UNWTO data for the period 2009-2013, the majority of tourists in East Asia came from other countries in the region. The increased travel and the explosion of the internet and mobile technology has afforded perpetrators anonymity and hidden pathways to groom children and seduce them via social media and internet games. Likewise, new travel and tourism services like home-stays, volun-tourism and the *shareconomy* have increased this anonymity and heightened children's vulnerability.

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

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

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



Ms. Li-feng Lee
Regional Representative for East Asia
ECPAT International Board of Trustees

ACRONYMS

AEC	ASEAN Economic Community	NPA	National Police Agency
ASEAN	Association of Southeast Asian Nations	OPSC	Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography
CAR	Central Asian Republics		
CHRD	Centre for Human Rights and Development	PRC	People's Republic of China
CRC	Convention on the Rights of the Child	ROC	Republic of China
CSEC	Commercial Sexual Exploitation of Children	SECTT	Sexual Exploitation of Children in Travel and Tourism
COMMIT	Coordinated Mekong Ministerial Initiative Against Trafficking	SIREN	Strategic Information Response Network
CSO	Civil Society Organisation	STD	Sexually Transmitted Disease
CST	Child Sex Tourism	TIP	Trafficking in Persons
ECPAT	End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes	UN	United Nations
		UNIAP	United Nations Inter-Agency Project on Human Trafficking
ESCAP	Economic and Social Commission for Asia and the Pacific	UNICEF	United Nations Children's Fund
GDP	Gross Domestic Product	UNODC	United Nations Office on Drugs and Crime
ILO	International Labour Organization	UNWTO	United Nations World Tourism Organisation
KHRC	Korea Human Rights Commission		
NGO	Non-Governmental Organisation		

EXECUTIVE SUMMARY

This report provides an overview of the situation of SECTT in the East Asian region, including the countries of the People's Republic of China (PRC), Japan, South Korea, North Korea, Taiwan and Mongolia. The report includes three main components: a legal review, a review of recent trends influencing SECTT, and a review of studies of the profiles of victims (local and migrant) and perpetrators.

First, the report undertakes an analysis of the legal context of each country, particularly local laws that punish child sex offenders and include victim protection mechanisms, as well as reviewing the relevant international conventions and treaties signed/ ratified by the six countries in the region, such as the CRC and the Palermo Protocol.

Second, the report analyses the regional trends influencing the emergence and characteristics of SECTT in the region. These influences obviously vary according to the differing value systems and cultural norms amongst the six countries, the economic situation and political dynamics, as well as the degree to which the spread of global commodity culture and its impact on expressions of youth sexuality, are felt. One of the key insights to be gained from an analysis of regional trends is that, as a region, East Asia contains both politically authoritarian (North Korea, China and Mongolia) and democratic (South Korea, Taiwan and Japan) political systems, as well as economically advanced (Japan, South Korea, Taiwan) and stagnant states (North Korea, Mongolia, parts of China). Further, China itself is internally very diverse, containing regionally quite unique configurations of poverty and affluence (internal inequality), as well as ethnic minority groups who are considered marginalised and may face heightened vulnerability to SECTT as a result. This means that any useful discussion of regional trends requires an appreciation of intra-regional flows of both child sex tourists/perpetrators and child victims (internally in China, for example; or from South Korea and Taiwan to China). Further, child sex tourists/perpetrators travel inter-regionally, primarily to the Greater Mekong Sub-Region (GMS) and the Philippines to sexually exploit children. Thus, any serious analysis of regional trends requires a discussion of the role of these Southeast Asian countries.

Third, and finally, the report reviewed existing studies of SECTT in the region to develop a more complete picture of the profiles of perpetrators and local and foreign/ migrant victims. Here, achieving the objectives of the study was seriously impeded by the almost complete lack of

in-depth studies on the issue in all six countries. One of the most significant conclusions from this component of the report is the urgent need for more rigorous and in-depth research in all countries and on a range of issues. A few very good studies exist but they often employ different methodologies, have been conducted at different times (including some quite dated reports that require updating) and have different objectives of analysis. The piecemeal and inconsistent studies on SECTT in East Asia are indeed surprising given the moral outrage and media coverage this issue often generates.

Following from the gaps in research, the first recommendation of the report is for resources to be devoted to the pursuit of studies that can lead to evidence-based interventions, and better inform policy. Priority areas for research include demand, risk profiles of victims, and actual documentation of situations of SECTT within the region. Another key recommendation of the report is to undertake a review of best practices in prevention, protection and criminal justice within the region. A critical review of governmental, inter-governmental, and non-governmental organisation interventions and programs that have demonstrated success in preventing SECTT, reducing its prevalence, and protecting victims would be of enormous benefit, and dovetail with the goals of the first recommendation in terms of evidence-based interventions. Third, the report has identified serious gaps in policing and investigation of SECTT crimes. A series of recommendations is therefore made concerning enhancing the capacity of investigations and improving the likelihood of reporting, as well as extending and operationalizing existing mechanisms for cross-border intra- and inter-regional co-operation. As well as policing, the report recommends involving public stakeholders more systematically in SECTT prevention efforts, including tourism industry partners. Finally, the report recommends the need to significantly strengthen both prevention and protection efforts around SECTT.

Overall, the report has identified significant weaknesses in responses to SECTT in East Asia, including where it also involves other (mainly Southeast Asian) countries as destinations for child sex tourists/ offenders. These weaknesses are palpable considering the ongoing significance of the problem of SECTT in East and, by implication, Southeast Asia. The recommendations in this report require urgent attention and ongoing commitment in light of the prevalence of the problem.

CHAPTER 1

INTRODUCTION

This report begins by introducing the regional context that frames the issue of sexual exploitation of children in travel and tourism (SECTT). The report then analyses the legal frameworks available to protect children from abuse and sexual exploitation in six East Asian countries: China, Taiwan, South Korea, North Korea, and Mongolia. It will then discuss current and emerging trends identified in the different contexts with regards to sexual exploitation of children in travel and tourism. Fourthly, it will explore the responses to SECTT to date from government, civil society, and the corporate sector in each of the six countries. The report will draw in detail on China as the main case study to suggest recommendations for action to all key stakeholders, which would foster a better understanding of the phenomenon of SECTT in China and by Chinese travellers abroad, with the hope of eradicating this illicit activity.

CONTEXT

For the purposes of this report, East Asia includes the countries of Japan, the two Koreas, China, Mongolia and Taiwan. The region's strong historical and cultural ties have helped underscore analyses of it as a coherent geographical formation in the past. Importantly, this shared cultural identity includes a shared tradition of Confucianism, which emphasises hierarchical social relations in which women and girls universally figure as subordinate to men. Beginning in the early twentieth century with the rapid industrialisation of Japan (the first Asian Newly Industrialising Country), followed by the economic development of the Republic of Korea (hereafter, South Korea) and Taiwan in the late 1960s and China in the late 1990s, the shared identity and trajectory of the region began to unravel. The Democratic People's Republic of Korea (hereafter, North Korea) and Mongolia remain economically stagnant and, particularly the former, politically closed.

These diverging paths under the influence of modernisation and economic globalisation are important to consider for analysis in the following report. In particular, growing affluence and the rise of a wealthy middle class in Japan, Taiwan, South Korea

and China have given rise to new patterns of intra-regional mobility in the context of travel and tourism. According to UNWTO data for the period 2009-2013, while international tourism in China has risen slightly, the number of outgoing Chinese tourists and travellers more than doubled and domestic tourism also rose sharply: from 1.9 million to nearly 3.3 million. The industry generated 9.3% of China's GDP in 2013 with a total impact of \$817 billion, larger than the size of the automotive industry.¹ Taiwan experienced a sharp rise in both international arrivals (4.3 to 8.0 million) and domestic tourism, which increased by nearly 50%, but only a gradual rise in outbound tourism. In South Korea, all three indicators rose at a steady clip. Japanese outbound travel declined over the same period and domestic travel dropped by more than half, although foreign tourism rose slightly. Mongolia's travel and tourism figures were well below the other countries.

UNWTO data point to two unmistakable trends: the vast majority of tourists in East Asia were from other countries in the region (with China and South Korea leading the way), and domestic travellers far outnumber foreign tourists.

Further, in these four countries, particularly China, stark intra-provincial inequalities have emerged in which the affluence of Eastern coastal areas is contrasted with the relative economic stagnation of the Central and Western regions of the country. Internal migration to the Eastern growth regions has gone hand in hand with the rise of a prolific sex and nightlife entertainment industry.

North Korea, by contrast, has experienced mass exodus to neighbouring China over the past decade in the face of political repression and economic impoverishment, including periodic famines. Similarly, Mongolia remains a socialist state with the limited economic growth in the country concentrated largely in the Ulaanbaatar capital region. As with North Korea, Mongolians have sought opportunities for economic mobility through migration, principally to South Korea and China, including in the sex and nightlife entertainment industry. Internal migration

¹ WTTC (2013), "Benchmarking Travel & Tourism in China: How does Travel & Tourism compare to other sectors?", November 2013, 9, accessed 24 December 2014, <http://www.wttc.org/-/media/files/reports/benchmark%20reports/country%20results/china%20benchmarking%202013.pdf>.

to the capital has also led to the vulnerability of youth to child sexual exploitation (CSE).

Over the last two decades, men from East Asian countries have gained a reputation in Southeast Asia for being regular perpetrators of sex with children. This trend can be understood as part of broader societal trends in which there has been a liberalisation of attitudes towards sexuality amongst youth, and a growing commodification of sexuality more widely. The following report considers Japan, Taiwan, South Korea and China² primarily as countries of origin of child sex tourists (see Key Terms, below), where their tourism includes intra-Asian travel primarily to Southeast Asian destinations. Along with Mongolia, China is also considered a country of destination for child sex tourists, both international and domestic. North Korea is considered primarily as a country from which significant numbers of refugee children and youth are vulnerable to CSE, both in and beyond the tourism industry. Other trends are also important to consider and will be more briefly addressed in the report, such as the impact of militarisation in South Korea and Japan respectively (principally through a large U.S. military presence), and the particular vulnerabilities to CSE in tourism amongst ethnic minorities in China. The divergence in political systems, economic development and social attitudes has also meant that there is little commonality between the six countries in terms of their approaches to child rights issues, as well as broader societal level attitudes towards commercial sex, including where it involves minors.

KEY TERMS

According to ECPAT, Child Sex Tourism (CST) refers to “the sexual exploitation of children by a person or persons who travel from their home district, home geographical region, or home country in order to have sexual contact with children”.³ ECPAT has recently developed a new term, SECTT, in response to the more complex patterns and characteristics involved in the nexus between children-commercial sex-tourism. Extending the concept of CST, the term SECTT has the ability to recognise: a) that many offenders are not

tourists, but domestic and regional travellers, temporary and longer-term residents in the country where the exploitation takes place, thus suggesting that the tourism industry is not the only medium through which the sexual exploitation of children takes place in the context of foreign nationals; b) that the sexual exploitation of children in travel and tourism is not restricted to commercial sexual exploitation of children (CSEC) associated with tourist venues or sites, but may occur in private spaces not associated with the commercial sex industry, but nonetheless involving international actors (as perpetrators or facilitators).

It is also important to differentiate between different types of child sex tourists, according to their motivations and preferences. A situational child sex tourist is generally considered a tourist “who ‘happens’ to engage in sex with a child (...); The majority of these tourists are generally prostitute users who are indifferent to the prostitutes’ age (...); What the situational tourist finds enticing is the look of the prostitutes and not their age (...); Although this individual abuses children they do not have an exclusive sexual inclination for children (...)”.⁴ This contrasts with a preferential child sex tourist who is, “traditionally a repeat offender, consumes child pornography, and stays in the destination country for extended periods of time. Overwhelmingly, they have an active sexual preference for children either in general or exclusively”.⁵ When the report mentions perpetrators of sexual acts with children, it refers to ‘preferential’ as well as ‘situational’ tourists. Special case of paedophiles, individuals who “manifest an exclusive sexual inclination for pre-pubescent children (... and are) considered as someone suffering from a clinical disorder,”⁶ will be specified.

Of importance to some part of the analysis in this report is the concept of human trafficking. The most widely accepted definition of human trafficking (and the one that all countries in the East Asian region have based their anti-trafficked laws on) is that developed by the UNODC under the UN Protocol to Prevent, Suppress and Punish Trafficking, Especially in Women and Children.⁷

² A special report on China, which will provide a more detailed analysis of the situation in that country, will be released by ECPAT in 2016.

³ ECPAT International (2008), “Combating Child Sex Tourism: Questions & Answers”, Bangkok: ECPAT, 6.

⁴ Zafft, Carmen R. and Tidball, Sriyani, “A Survey of Child Sex Tourism in the Philippines”, (paper presented at the Second Annual Interdisciplinary Conference on Human Trafficking, University of Nebraska, Lincoln, Nebraska, 30 September-2 October 2010), 7, accessed 9 March 2016, <http://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=1021&context=humtrafconf2>.

⁵ Ibid.

⁶ ECPAT International, “Combating Child Sex Tourism”, 12.

⁷ UNODC (2000), “Protocol on the Trafficking of Persons, Especially Women and Children”, UNODC: Geneva.

SEXUAL CULTURES IN EAST ASIA

In some countries such as South Korea, Japan and Taiwan, and urban China, sexual behaviours of young people are changing, following global scale trends, and many girls have begun to engage in sexual relations, including transacted relations in recent years. According to local laws, men who engage in sexual relations with these minors are considered abusers. Even though the limit between prostitution and occasional, paid (with money, gifts or invitations) sexual intercourse is rather thin in such situations, especially when girls do not reveal their real age, and when the difference between 16 and 18 years of age for instance appears irrelevant for sexually active youngsters, the activity is still considered illegal and criminally punishable. Knowledge, attitudes and practices toward child sex abuse can differ in different societies. Increasingly in East Asia sex with teenagers is not considered socially reprehensible, as long as there is alleged consent, even where it is illegal. Definitions of child sexual abuse are also different. In North Korea for instance, a child is considered an adult at the age of 16.⁸ The line between childhood and adulthood hence entails different meanings in terms of sexuality and responsibility in these opposite contexts.

Thirdly, in Japan, Taiwan, South Korea and China, business life entails entertainment with colleagues and associates, in daily activities or in the course of business travels. The entertainment industry plays an important role among male political and business elites as a context in which to socialise and build trust with clients, colleagues and friends, as mentioned earlier. Therefore, all these countries are the grounds of a very rich and diverse entertainment industry, often oriented toward sexually connoted activities. In these countries' corporate systems, men are often expected to participate in meetings after work where alcohol and sex consumption are reportedly a recurrent feature as part of the business culture. In this context, social and business relations are built and strengthened. These gatherings have arguably become a ritual of self-recognition for men, who expect

female sex workers to reaffirm their masculinity. Dinners and drinks in restaurants, karaoke sessions, massages and evening entertainment are part of the 'cooperation pack' when two partners are negotiating business deals.⁹ In these places, minors may be found, without being acknowledged as such. Some of the venues' bosses may also suggest young entertainers accompany businessmen during their 'relaxing time'. Still, these men should be considered sexual abusers or child sex offenders.

In Japan for instance, sex work takes place in a variety of contexts, from casual to arranged settings by the Japanese organised crime networks (*yakuza*) or traditional-style brothels, despite the fact that prostitution is illegal.¹⁰ The entertainment industry (*mizu shobai*) includes snack bars, pubs, hostess clubs, strip clubs, escort agencies, massage parlors, dating services, themed brothels, among other venues.¹¹ Visiting entertainment venues seems entrenched in many East Asian countries' business cultures as a reaffirmation of gender and status relations in these patriarchal societies.¹² But many abuses also occur outside of the country where risks are considered lower, and where anonymity allows them to feel freer from the social constraints and moral codes of their home countries.

However, among East Asian men, whether businessmen or not, some may be attracted to engaging further in exotic sexual encounters and may travel to areas where such offers are available. Hence, in Mongolia, it is often reported that men from South Korea and Japan are travelling there and specifically searching for women with whom they can have sex. Children may be 'available' among them, although there is generally a clear lack of accurate data on their number.¹³ In China, men are travelling to remote provinces such as Yunnan, close to the borderlands.¹⁴ Indeed, like in most other parts of East and Southeast Asia, sex tourism as well as various illegal and illicit activities occurs largely in border areas, which are often viewed as outlaw districts. Prostitution has become developed and institutionalised in these

⁸ Han, Dong-ho, et al. (2014), "White Paper on Human Rights in North Korea 2014", Seoul: KINU, 495, accessed 9 March 2016, http://www.kinu.or.kr/eng/pub/pub_04_01.jsp?page=1&num=40&mode=view&field=&text=&order=&dir=&bid=DATA04&ses=.

⁹ Chen, Mei-Hua (2015), "Negotiating masculinities: Taiwanese men's use of commercial sex", in Routledge Handbook of Sexuality Studies, eds. McLelland, Mark and Vera Mackie, New York: Routledge, 325.

¹⁰ Lunsing, Wim (2004), "Japanese sex workers: Between choice and coercion", in Sexual Cultures in East Asia: The social construction of sexuality and sexual risk in a time of AIDS, ed. Micollier, Evelyne, London: Routledge, 62-66.

¹¹ Moen, Darrell (2012), "Sex Slaves in Japan Today", Hitotsubashi Journal of Social Studies 44, no. 2 (December 2012): 40.

¹² Micollier, Evelyne (2004), "Social Significance of Commercial Sex Work: Implicitly Shaping a Sexual Culture?", in Sexual Cultures in East Asia: The social construction of sexuality and sexual risk in a time of AIDS, ed. Micollier, Evelyne, London: Routledge, 7-9.

¹³ U.S. Department of State (2010), "Trafficking in Persons Report 2010", 238, accessed 9 March 2016, <http://www.state.gov/j/tip/rls/tiprpt/2010/>.

¹⁴ Grillot, Caroline and Zhang, Juan (forthcoming 2016), "Ambivalent Encounters: Business and the Sex markets at the China-Vietnam Borderland", in How Chinese Engagements are Changing Southeast Asia: People, Money, Ideas, and their Effects, eds. Nyíri, Pal and Tan, Danielle, Seattle: Washington Press; Zhou, Lei and Duong, Bich Hanh (2011), "Sex Work in the Sino-Vietnamese Borderlands," Asian Anthropology 10, no. 1 (2011): 81-100.

border towns and this is where sex tourism, including encounters with underage prostitutes may well occur. This is the case on the Sino-Mongolian border, Sino-Vietnamese, Sino-Lao and Sino-Burmese borderlands, in the Kiribati islands or other remote and rather 'invisible' territories. While much of this is speculative and concrete information is lacking, it is important to emphasise that locations are a significant element to take into account when researching and tackling the issue of child sex tourism. There is also limited research describing the actual motives of male tourists in visiting infamous areas known for sexual tourism (e.g. curiosity, challenge, and excitement) and further investigation is needed to address these men's perspectives.

METHODOLOGY AND LIMITATIONS

This desk study relies primarily on institutional documentation from international and local NGOs and the United Nations, secondarily on academic publications, and on media resources. Some of these documents are available online. These issues are intrinsically difficult to investigate through field-based research and precise data are hard to gather in a short period of time and across six national contexts. These limitations should be taken into account in appreciating this report's analysis. The current situation of SECTT has not been well researched in any of the six East Asian countries under consideration and is intended to provide an overview, rather than a comprehensive picture.

North Korea and Mongolia have proved the most difficult countries to investigate given the scarcity of information and lack of transparency regarding both countries' domestic social affairs, particularly those involving the tourism industry. In the case of North Korea, the term 'industry' itself is rather inappropriate since tourism is very strictly scrutinized and organised and concerns only an elitist category of local and foreign travellers. There is no documentation of SECTT by tourists to North Korea, or of the involvement of North Koreans as travelling sex offenders in other countries. At the opposite extreme, the Japanese, South Korean and Taiwanese governments are more responsive to the issue, and the CSEC, including that associated with travel and tourism is regularly discussed in the media and in public. In China, the situation is mixed. There is some documentation available on SECTT, although it is often embedded in

broader analyses and public discussion of prostitution and the sex industry more generally.

An important limitation of this report is that all the consulted documents were written or translated into English. Hence, there may be more up-to-date or relevant resources available in Korean, Chinese and Mongolian materials but these were not available to the researcher. This important gap in the information consulted may lead to an incomplete overview of the issue of SECTT. This is especially the case in the section concerning the various responses to SECTT in the selected countries which lack new data – i.e. data that was not already mentioned in previous reports from ECPAT – or simply data only available in the English language. In the course of the research and collection of data for this report, another recurrent difficulty was the general nature of the available literature, which in the main focused on human trafficking and on sex work generally in these countries, rather than on SECTT specifically.

Many reports concerning SECTT provide data on the nationalities of offenders in a rather undifferentiated manner. Hence, the expression "men from South Korea, Japan and Taiwan" appears frequently in the sources consulted and does not allow the researcher to locate accurate specificities about the nationalities of these men, and therefore the prevalence of travelling sex offenders in/from the different countries considered in this report. Therefore, there is missing data in this report due to the lack of preciseness in many of the sources themselves.

North Korea represents a special case in this study as reliable information is very scarce and unofficial. In this case, South Korean and Chinese NGOs, and international agencies are the main sources, based on defectors' testimonies.

CHAPTER 2

LEGISLATION AND POLICY

It has been 20 years since the first World Congress against the Commercial Sexual Exploitation of Children was held in Stockholm, Sweden, in 1996. In the ensuing period, economic globalisation and growing affluence amongst the population in East Asia has produced a veritable outbound tourism sector, primarily oriented to intra-Asian travel. Further, tourism in border areas and nodes, particularly in China, has risen rapidly in this same period. Unfortunately, both of these tourism trends have corresponded with a rise in SECTT.¹⁵

Fortunately, there is growing acknowledgement of these issues – the main UN conventions have been ratified, domestic legislation has been enacted to protect children, and only Mongolia does not have extraterritorial laws addressing CSEC crimes. Despite these developments, problems and gaps remain. For example, only Japan, South Korea and Taiwan utilise a definition of child prostitution that is fully compliant with Article 2 of the OPSC. This chapter will outline the legal responses to CSEC, including in travel and tourism, and identify gaps and weaknesses that remain to date.

CHINA

China has committed to be legally bound by a number of relevant international conventions pertaining to the protection of children's rights. The country ratified the Convention on the Rights of the Child in March 1992 and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography in December 2002. China's reservations to the UNCHC relates to the One

Child Policy currently in place: "(T)he People's Republic of China shall fulfil its obligations provided by article 6 (State Parties recognize that every child has the inherent right to life; States Parties shall ensure to the maximum extent possible the survival and development of the child) of the Convention under the prerequisite that the Convention accords with the provisions of article 25 concerning family planning of the Constitution of the People's Republic of China and in conformity with the provisions of article 2 of the Law of Minor Children of the People's Republic of China".¹⁶ In addition, China has been a signatory of the International Covenant on Economic, Social and Cultural Rights since 2001, the ILO Convention on the Worst Forms of Child Labour since 2003, as well as The Hague Convention on the Protection of Children and Cooperation in Respect of Inter-country Adoption in 2005 under the Hague Convention.¹⁷ Moreover, China has ratified extradition treaties, mutual legal assistance treaties and agreements on law enforcement cooperation regarding human trafficking with several key destinations for travelling sex offenders, including Vietnam, Cambodia, Laos and Thailand.¹⁸

At a domestic level, the Chinese Constitution states that children "are protected by the State", adding that their "maltreatment" is prohibited.¹⁹ An expert on social work at Nankai University, Chen Zhonglin, points out that, "in the past Chinese people regarded child protection only as a domestic issue, but now people understand it is also part of social welfare and the government is responsible for it too".²⁰ Overall, a low rate of

¹⁵ ECPAT International (2014), "The Commercial Sexual Exploitation of Children in East and South-East Asia", Bangkok: ECPAT, 21.

¹⁶ UN Treaty Collection (1989), "Convention on the Rights of the Child", 20 November 1989, accessed 26 June 2015, https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-11&chapter=4&lang=en.

¹⁷ Zhang, Laney (2007), "China Children's Rights", The Law Library of Congress, August 2007, 62, accessed 9 March, <http://www.loc.gov/law/help/child-rights/pdfs/Children's%20Rights-China.pdf>.

¹⁸ UNIAP China (2004), "Country Paper against Trafficking in Women and Children", (paper presented at COMMIT Senior Officials Meeting, Bangkok, Thailand, 28 July 2004), accessed 2 April 2015, <http://www.notip.org.cn/article/Details.asp?LanFlag=2&NewsId=1740&classid=29&BID=>.

¹⁹ Government of the People's Republic of China (1982), "Constitution of the People's Republic of China (中华人民共和国宪法)", 4 December 1982, Art. 49, accessed 9 December 2014, http://www.npc.gov.cn/englishnpc/Constitution/node_2825.htm.

²⁰ Branigan, Tania, "Baby 59 case highlights shortcomings of child protection system in China", Guardian, 31 May 2013, accessed 7 November 2014, <http://www.theguardian.com/world/2013/may/31/baby-59-child-protection-china>.

prosecution for crimes of sexual abuse and exploitation against children prevails in China, Hong Kong and Macao, where child victims have a “limited access to justice” under the national legislation.²¹

Nowadays, it is Criminal Law that deals with several issues pertaining to the sexual exploitation of children (with no specific mention of the context of travel and tourism). The law criminalises molesting a child;²² more specifically, it stipulates that “whoever has sexual relations with a girl under the age of 14 shall be deemed to have committed rape” and be given a “fixed-term imprisonment of not less than ten years, life imprisonment or death”.²³ However, children’s rights advocates often raise criticisms over sentences being too lenient.²⁴ Further, these penalties only apply in specific cases of rape of both women and girls under 14, such as where there have been multiple rapes, or where the rape has led to the death of the victim. Section VIII of the Criminal Law, which deals with “The Crime of Organising, Forcing, Seducing, Harboursing, or Introducing Prostitution”, and article 360 in particular, stipulate that “those who visit young girl prostitutes under 14 years of age are to be sentenced to five years or more in prison in addition to paying a fine”.²⁵ Moreover, the law indicates that “those forcing young girls under the age of 14 into prostitution” are to be sentenced “to 10 years or more in prison or given a life sentence”.²⁶ This means that the law makes a distinction between the crime of visiting “underage prostitutes” and that of child rape. Consequently, the sentences given to perpetrators of what is classified either as ‘child rape’ or soliciting an ‘underage prostitute’ also vary.²⁷ The Criminal Law, nevertheless, does not make any specific reference to the crime of facilitating the prostitution of boys under 18 or girls between 14 and 18 years of age. Only the Law on the Protection of Minors (1991) stipulates that those who lure, instigate or force a minor into prostitution should be given “heavier punishment”²⁸ than cases involving adults.

A number of media reports have exposed sentences by local courts that do not regard having sexual intercourse with a girl under 14 as statutory rape when the perpetrator: a) ignores the age of the child; and b) has a reportedly “consensual” relationship with the child. The assessment on whether these two conditions can be accepted as mitigating factors is conducted on a case-by-case basis and largely depends on the court responsible for a case, as this is not specified in the law. If the offender paid for such a relationship, he can be prosecuted for the crime of visiting an “underage prostitute”.²⁹ In contrast to this arguably light punishment for perpetrators, the Law on the Prevention of Juvenile Delinquency includes “conducting prurience, eroticism and prostitution” among the “seriously adverse acts of minors” that need “correction and cure” but do not carry criminal liability.³⁰

Although there is no legislation dealing specifically with the sexual exploitation of children in travel and tourism, the Criminal Law points out that: “personnel of hotels, restaurants, entertainment industry, taxi companies, and other units who take advantage of their units’ position to organise, force, seduce, harbour, or introduce others to prostitution are to be convicted and punished”.³¹ Neither the Criminal Law nor the recently introduced Tourism Law of the People’s Republic of China includes any reference to travelling child sex offenders.³²

JAPAN

Japan is a signatory of a number of international conventions aimed at protecting children’s rights and wellbeing. The country ratified the UN Convention on the Rights of the Child (CRC) in April 1994, with the following reservation: “In applying paragraph (c) of article 37 of the Convention on the Rights of the Child, Japan reserves the right not to be bound by the provision in its second sentence, that is, ‘every child deprived of liberty shall be separated from adults unless it is considered in the child’s best interest not to do so’, considering

²¹ UNCRC (2013), “Concluding observations on the combined third and fourth periodic reports of China, adopted by the Committee at its sixty-fourth session (16 September–4 October 2013)”, UN Doc. CRC/C/CHN/CO/3-4, 29 October 2013, para. 45, accessed 9 February 2015, www2.ohchr.org/english/bodies/crc/docs/co/CRC_C_CHN_CO_3-4.doc.

²² Government of the People’s Republic of China (1997), “Criminal Law of the People’s Republic of China (中华人民共和国刑法)”, 4 March 1997, Art. 237, accessed 11 December 2014, <http://www.lawinfochina.com/Display.aspx?lib=law&ID=354>.

²³ *Ibid.*, Art. 236.

²⁴ Burkitt, Laurie, “A Loophole for Pedophiles in China’s Prostitution Laws”, Wall Street Journal, 13 March 2012, accessed 7 November 2014, <http://blogs.wsj.com/chinarealtime/2012/03/13/a-loophole-for-pedophiles-in-chinas-prostitution-laws/>.

²⁵ People’s Republic of China, Criminal Law, sec. 8, Art. 360.

²⁶ *Ibid.*, Art. 358.

²⁷ Mu, Xuequan, “China mulls tougher penalty for sex with underage prostitutes”, Xinhua, 9 March 2014, accessed 17 December 2014, http://news.xinhuanet.com/english/china/2014-03/09/c_126241774.htm.

²⁸ Government of the People’s Republic of China (1991), “Law of the People’s Republic of China on the Protection of Minors 中华人民共和国未成年人保护法(2012修正)”, Art. 53, accessed 7 November 2014, <http://www.lawinfochina.com/display.aspx?lib=law&id=5624&CGid=>.

²⁹ People’s Republic of China, Criminal Law, Art. 360.

³⁰ Government of the People’s Republic of China (1999), “Law on the Prevention of Juvenile Delinquency (中华人民共和国预防未成年人犯罪法)”, Art. 34, accessed 12 December 2014, <http://www.lawinfochina.com/display.aspx?lib=law&id=4852&CGid=>.

³¹ People’s Republic of China, Criminal Law, Art. 361.

³² Government of the People’s Republic of China (2013), “Tourism Law (中华人民共和国旅游法)”, accessed 12 December 2014, <http://www.lawinfochina.com/display.aspx?lib=law&id=13090&CGid=>.

the fact that in Japan as regards persons deprived of liberty, those who are below twenty years of age are to be generally separated from those who are of twenty years of age and over under its national law".³³ Japan also ratified the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography in January 2005,³⁴ and the Convention on the Worst Forms of Child Labour in June 2001.³⁵ However, the country has yet to ratify the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (also known as the Palermo Protocol), as recommended by the UN Committee on the Rights of the Child in its last periodic review.³⁶ Nonetheless, the UN Committee on the Rights of the Child has pointed out that "societal discrimination persists against children belonging to ethnic minorities, children of non-Japanese nationality, children of migrant workers, refugee children and children with disabilities".³⁷ Furthermore, the UN Committee on the Rights of the Child has indicated that the principle of the best interests of all children, including refugee and undocumented migrant children, should be "observed in all legal provisions, as well as in judicial and administrative decisions and projects, programmes and services that have an impact on children".³⁸

The Constitution of Japan proclaims in its article 27 that "children shall not be exploited".³⁹ A child is defined as "a person under 18 years of age"⁴⁰ by the Child Welfare Act, which also indicates that it is the responsibility of "all citizens",⁴¹ as well as of national and local governments, to ensure that children are brought up "in good mental and physical health".⁴²

Over the past 60 years, Japan has developed several legal provisions to prevent and punish the sexual exploitation of children, as well as to promote children's wellbeing. These include the Penal Code (1907 and amended in 1987); the Act on Punishment of Activities Relating to Child Prostitution and Child Pornography,

and for Protecting Children (1999); the Law to Regulate Solicitation of Children through Matching Business via Internet Sites (2003); the Child Abuse Prevention Law (2004 and amended in 2007); the Child Welfare Law (1947); and the Juvenile Law (1949).⁴³ However, some of the provisions of the Act, particularly those relating to pornography and trafficking, do not fully comply with international standards because they fail to punish the sale or offer, import, or export of child pornographic material. The distribution of this type of material through the Internet is not penalised either.

Japanese laws do not specify an age of consent to engage in sexual activity.⁴⁴ Nevertheless, the Penal Code appears to set the threshold at 13 years of age. It stipulates that those who forcibly engage in sexual acts with a male or female below 13 years of age are liable for "forcible indecency", which carries a jail term between six months and 10 years.⁴⁵ In addition, a person who "forcibly commits" sexual intercourse with a female of 13 and above will be charged for the crime of rape and face a sentence of not less than three years in prison with work.⁴⁶ Moreover, article 177 also indicates "the same shall apply to a person who commits sexual intercourse with a female under 13 years of age".⁴⁷ Therefore, it can be inferred that the law only condemns engaging in sexual activity with females between 13 and 18 years of age in the case of "forced" intercourse but not if it was an allegedly "consensual" relationship, which does not comply with international law standards. Furthermore, the rape of minors, and especially of children under 13 years of age, does not carry a more severe punishment than cases affecting adults, which is not consistent with international standards. Moreover, it is worth noting that only females are mentioned regarding the crime of rape. Arguably, this reflects post-Second World War Japanese gendered attitudes, where a strongly patriarchal mind-set has rendered it inconceivable to define boys or men as objects of sexual attention.

³³ UN Treaty Collection, "Convention on the Rights of the Child".

³⁴ UN (2002), "Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography", 18 January 2002, accessed 10 March 2016, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPSCCRC.aspx>.

³⁵ ILO (2000), "Ratifications of C182 - Worst Forms of Child Labour Convention, 1999 (No. 182)", 19 November 2000, accessed 11 March 2015, http://www.ilo.org/dyn/normlex/en/f?p=1000:11300:0::NO:11300:P11300_INSTRUMENT_ID:312327.

³⁶ UNCRC (2010), "Consideration of reports submitted by States parties under Article 44 of the Convention", UN Doc. CRC/C/JPN/CO/3, 20 June 2010, para. 80, accessed 10 March 2016, http://www.mofa.go.jp/policy/human/pdfs/concluding1006_rights.pdf.

³⁷ UNCRC, "Consideration of reports", para. 33.

³⁸ Ibid., para. 38.

³⁹ Government of Japan (1947), "The Constitution of Japan", 3 May 1947, Art. 27, accessed 11 March 2015, http://japan.kantei.go.jp/constitution_and_government_of_japan/constitution_e.html.

⁴⁰ Government of Japan (1947), "Child Welfare Act", 12 December 1947, Act No. 164, Art. 4, para.1, accessed 13 March 2015, <http://www.ilo.org/dyn/travail/docs/2036/Child%20Welfare%20Act%201947.pdf>.

⁴¹ Ibid., Art. 1.

⁴² Ibid., Art. 2.

⁴³ U.S. Library of Congress (2015), "Children's Rights: Japan", accessed 11 March 2015, <http://www.loc.gov/law/help/child-rights/japan.php>.

⁴⁴ The UNCRC has also called on the Japanese government to end the difference in the minimum age of marriage for boys, set at 18 years, and girls, at 16. The Committee recommends that it is set at 18 years of age for both boys and girls; UNCRC, "Consideration of reports", para. 31.

⁴⁵ Government of Japan (1907), "Penal Code", Act No. 45 of 1907, Art. 176, accessed 12 March 2015, <http://www.cas.go.jp/jp/seisaku/hourei/data/PC.pdf>.

⁴⁶ Government of Japan, Penal code, Art. 177.

⁴⁷ Ibid., Art. 177.

With regards to trafficking and kidnapping, which can result in the sexual exploitation of children, Japanese legislation fails to make a distinction between punishments for cases involving minors as opposed to adults. The crime of kidnapping a child “by force or enticement” is punished with a minimum of three months and up to seven years’ imprisonment.⁴⁸ Buying or selling a minor, with no reference to the purpose of such act, is punished with a prison term with work from three to seven years. Meanwhile, buying another person, irrespective of his/her age, “for the purpose of profit, indecency, marriage or threat to the life or body” can incur one up to 10 years in jail with work.⁴⁹

Japan’s extraterritorial legislation provides protection to all children under the age of 18. The Act on Punishment of Activities Relating to Child Prostitution and Child Pornography, and the Protection of Children Act makes child sex offenders liable for imprisonment even when offenders commit such acts abroad.⁵⁰ Furthermore, Japan’s extraterritorial laws do not include a double criminality requirement and do not require the victim’s or his/her country’s complaint to launch an investigation.⁵¹ However, enforcement of this law seems weak and only few Japanese nationals appear to have been prosecuted under the country’s extraterritorial law to date.

Japan has a law specifically regulating the travel and tourism sector, which is the Travel Agency Act (1952). It is aimed at “ensuring correct business practices” by travel agents and “encouraging proper activities of the associations organised by them”.⁵² But, like China, no reference is made to the issue of sexual exploitation of children in travel and tourism in another country. The Travel Agency Act includes the promotion of “fair practices” and “safety in travel” among its goals. However, no reference is included on the impact of tourism on the local residents of the receiving country. Such mention seems particularly necessary with regards to vulnerable groups such as children.⁵³

MONGOLIA

Mongolia was one of the first countries to ratify the UN Convention on the Rights of the Child, in 1990, with no reservations, soon after its transition to democracy – a new regime that yet has to demonstrate its positive effect on the wellbeing of the country’s children.⁵⁴ Article 10(3) of the Mongolian Constitution provides that “international treaties to which Mongolia is a Party shall become effective as domestic legislation upon the entry into force of the laws on their ratification or accession”. The latest report to the Committee on the Rights of the Child mentions that 160 out of the 373 laws in force in Mongolia include provisions stating that should they conflict with international treaties, then the relevant treaty will take precedence.⁵⁵

The Constitution of Mongolia (1992) sets the age of consent at 16, regardless of gender (Art. 110). However, this has raised concerns among NGOs operating in Mongolia since any sexually abused child aged between 16 and 18 might be treated as a criminal rather than a victim.⁵⁶ The Constitution also contains a number of provisions that affect the rights of children, including “the right to material and financial assistance in old age, disability, childbirth and childcare and in other circumstances as provided by law”.⁵⁷ Art. 16/11 states that “the State shall protect the interests of the family, motherhood and the child”,⁵⁸ while Art. 16/14 protects the child and states that no one should “testify against himself/herself, his/her family, or parents and children”.⁵⁹ Art. 17 talks of the right to “a sacred duty for every citizen to work, protect his/her health, bring up and educate his/her children and to protect nature and the environment”.⁶⁰ Mongolia does not have extraterritorial laws addressing CSEC offences by Mongolian nationals abroad.

Mongolian law contains a number of codes that cover general areas of the law. Of particular relevance to the rights of children are the Civil Code, Criminal Code, Labour Code and the Family Code. Other relevant legal tools that could protect a child in cases of sexual abuse

⁴⁸ Government of Japan, Penal code, Art. 224.

⁴⁹ Ibid., Art. 226, para. 2.

⁵⁰ Government of Japan (1999), “Act on Punishment of Activities Relating to Child Prostitution and Child Pornography, and the Protection of Children”, Art. 10, accessed 11 March 2015, <http://www.hsph.harvard.edu/population/trafficking/japan.traf.04.pdf>.

⁵¹ Svensson, Naomi L. (2006), “Extraterritorial Accountability: An Assessment of the Effectiveness of Child Sex Tourism Laws”, *Loyola of Los Angeles International and Comparative Law Review* 28, no. 6 (2006): 651.

⁵² Government of Japan (1952), “Travel Agency Act”, Art. 1, accessed 13 March 2015, <http://www.jata-net.or.jp/member/sideindex/pdf/travelagency-law.pdf>.

⁵³ Ibid.

⁵⁴ UNICEF, “CRC and Mongolia”, accessed 27 May 2015, http://www.unicef.org/mongolia/overview_2571.html.

⁵⁵ Child Rights International Network (2011), “Mongolia: National Laws”, 7 July 2011, accessed 20 May 2015, <https://www.crin.org/en/library/publications/mongolia-national-laws>.

⁵⁶ NGO Group for the CRC (2010), “State Party Examination Of Mongolia’s Initial Periodic Report On The Optional Protocol On The Sale Of Children, Child Prostitution And Child Pornography”, (53rd Session of the Committee on the rights of the child, 11–29 January 2010), 2, accessed 10 March 2016, http://www.childrightsconnect.org/wp-content/uploads/2013/10/Mongolia_OPSC-Amended53.pdf.

⁵⁷ Government of Mongolia (1992), “The Constitution of Mongolia”, 13 January 1992, Art. 16/4, accessed 23 March 2016, <http://www.unesco.org/education/edurights/media/docs/6a6a23469e136afaa4860bf5869f6f8f659c6688.pdf>.

⁵⁸ Ibid., Art. 16/11.

⁵⁹ Government of Mongolia, “The Constitution of Mongolia”, Art. 16/14.

⁶⁰ Ibid., Art. 17.

include the Law on Protection of Child Rights (2003), the Family Law (1999), and the Law against Domestic Violence (1999).⁶¹ In relation to SECTT, the Criminal Code Article 122 punishes individuals who have sexual intercourse with a person under 16 years of age, but there appears to be no protection for children aged 16 to 18.⁶² In 2010, the Mongolian government reported convicting five sex offenders under Article 124 (forced prostitution).⁶³

In terms of compliance with the Convention on the Rights of the Child, the Committee on the Rights of the Child “has consistently highlighted a number of areas where the law of Mongolia fell short of the rights and duties laid out in the Convention (...) and expressed particular concern about the levels of domestic abuse, neglect and violence towards children (...); Concern was also expressed about the inadequate response of the penal system to rape and incest (...); The Committee also noted that in the investigation of sexual offences, victims are often treated as offenders and do not receive adequate protective services”.⁶⁴ Regarding the specific issue of CSE, Mongolia adopted the *Stockholm Declaration and Agenda for Action* in 1996, and reaffirmed its commitment in Yokohama in 2001.⁶⁵

NORTH KOREA

Detailed information on the North Korean legislative body related to child rights is rather difficult to find. Concerning international conventions, the country signed the UN Convention on the Rights of the Child on August 23rd 1990 and ratified it on 21st September 1990, with no reservations. In addition, the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography was signed on 9th September 2014 and ratified on 10th November 2014. This last act may signify increasing awareness of the issue of sexual exploitation, although it may also be related to North Korea’s wish to obtain international recognition for their purported support

for human rights. In the meantime, in December 2010, North Korea’s Supreme People’s Assembly enacted the Children’s Right Protection Law that guarantees, among other things, the prohibition of the abduction and selling of children.⁶⁶

In 2014, in its National Report submitted to the Universal Periodic Review, the North Korean government reported that in North Korea, “(t)he Government, putting forward children as future masters of the country, regards it an important part of its work to create all conditions for them to grow up and live healthily under clean and culturally developed environment”.⁶⁷ It also noted that in 1976 the Law on Nursing and Upbringing of Children was adopted and that eventually in 2010, a new set of targeted laws entered the legislative system, namely: Family Law, Public Health Law, Education Law, General Secondary Education Law and Law on Protection and Promotion of Child Rights. Regarding the specific issue of sexuality, and age of consent, Article 153 of the criminal law states that a “man who has sexual intercourse with a girl under the age of 15 shall be ‘punished gravely’”.⁶⁸ Although reports from South Korea-based media Sino NK and Daily NK (amongst others) have provided evidence of the existence of commercial sex within the country,⁶⁹ it is still difficult to investigate and find a clear link between these underground activities and sex tourism due to the limited extent of tourism in this very much-controlled country.

SOUTH KOREA

South Korea ratified the Convention on the Rights of the Child in 1991, the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography in 2000 and ILO Convention No. 182 on the Worst Forms of Child Labour in 2001. This convention includes, “activities which sexually exploit children, such as prostitution, pornography or pornographic performances”.⁷⁰ Protection for children was meant to have increased when the government enacted the

⁶¹ CRIN (n.d.), “Mongolia: National Laws”, accessed 23 March 2016, <https://www.crin.org/en/library/publications/mongolia-national-laws>.

⁶² Government of Mongolia (2002), “Criminal Code of Mongolia (Revised)”, 1 September 2002, Art. 122, accessed 23 March 2016, <http://www.wipo.int/wipolex/en/details.jsp?id=5578>.

⁶³ U.S. Embassy in Mongolia (2011), “2011 Trafficking in Persons (TIP) Report on Mongolia”, accessed 23 March 2016, <http://mongolia.usembassy.gov/tipr2011.html>.

⁶⁴ Child Rights International Network, “Mongolia: National Laws”.

⁶⁵ ECPAT International (2006), “Global Monitoring Status of Action against Commercial Sexual Exploitation of Children: Mongolia”, Bangkok: ECPAT, 12.

⁶⁶ Kim, Yong Hun, “North Passes Showpieces HR Laws”, DailyNK, 14 June 2011, accessed 19 May 2015, <http://www.dailynk.com/english/read.php?catald=nk00100&num=7824>.

⁶⁷ OHCHR (2014), “Democratic People’s Republic of Korea: Children’s Rights references in the universal periodic review”, 1 May 2014, para. 76, accessed 20 May 2015, <https://www.crin.org/en/library/publications/democratic-peoples-republic-korea-childrens-rights-references-universal-0>.

⁶⁸ U.S. Department of State (2010), “2009 Human Rights Report: Democratic People’s Republic of Korea”, 11 March 2010, accessed 26 May 2015, <http://www.state.gov/j/drl/rls/hrrpt/2009/eap/135995.htm>.

⁶⁹ Cathcart, Adam, “Prostitution, Abortion, and ‘Flower Girls’: Women in Hyesan”, Sino NK, 2 August 2012, accessed 22 June 2015, <http://sinonk.com/2012/08/02/prostitution-abortion-hyesan-north-korea/>; “Girls for 50rmb, Soldiers Welcome”, Daily NK, 30 March 2013, accessed 22 June 2015, <http://www.dailynk.com/english/read.php?num=10449&catald=nk03200>.

⁷⁰ ILO (1999), “Convention No. 182”, June 1999, accessed 22 June 2015, http://www.ilo.org/ipecc/Campaignandadvocacy/Youthinaction/C182-Youth-orientated/C182Youth_Convention/lang-en/index.htm.

Act on Protecting Youth from Sexual Exploitation – which stipulates stricter punishment for crimes related to the commercial sexual exploitation of children and the disclosure of offenders' personal information. Furthermore, it prohibits child sex offenders from employment in "schools, private education institutions, facilities for minors, childcare facilities, children's facilities, apartment management offices (i.e. security guard offices), fitness centres, and other institutions frequented by minors' for 10 years following the termination of their sentence". Concerned employers are legally bound to report any incidence of sexual offences committed on their premises.⁷¹ Therefore, persons in charge of relevant institutions must conduct background checks of potential employees for records of child sexual abuse.

Combined, the Prevention of Prostitution and Protection of its Victims Act and the Punishment of Soliciting Prostitution Act have had the effect of strengthening the punishment of activities related to the procurement of prostitutes and to protect the rights of victims. These laws treat women and children involved in prostitution as victims who need protection and rehabilitation. Moreover, the *Protection of Juveniles from Sexual Exploitation* grants extraterritorial jurisdiction over CSEC-related offences committed abroad and be subject to Article 3 of the Criminal Code.⁷²

The Amendment of Passport Act is another important legal tool to address SECTT in South Korea. This Act restricts the issuance of passports to nationals who commit offences abroad and potentially confiscates existing passports. South Korea has also made attempts to tackle the prospect of convicted offenders re-offending by introducing the Registration and Disclosure of Sex Offenders' Personal Information regulations. Personal information of registered child sex offenders can be accessed through the register for 10 years following a conviction. The register can be accessed online and offline by directors of educational institutions or parents of minors who live in the same city or county. However, as the register has only been accessible since January 2010, convictions prior to January 2010 are not available.⁷³

The efficacy and enforcement of these laws remain in doubt. The consistency of these laws has been criticized with regard to penalties for offenders. It is unclear which law is applicable to child prostitution cases and the penalties inflicted on offenders may vary according to the law enforced by the courts. Despite the presence of extra territorial laws and the high number of Koreans known to travel to engage in illicit sexual activity, including with minors, it appears that there are no convictions under this law.

However, due to the fact that the Passport Act does not contain specific provisions addressing the commission of sex crimes and, as it is only applied to persons deported from foreign countries, its enforcement may not contribute meaningfully to the protection of children from travelling sex offenders.

Consequently, even though the *Act on the Protection of Children and Juveniles from Sexual Abuse* clearly states that it is considered rape when a person who is older than a juvenile engages in a sexual intercourse with the juvenile,⁷⁴ many Western observers and analysts are misinformed about this law because of ambiguous translations. Again, the *Act on the Protection of Children and Juveniles from Sexual Abuse* clearly states that a person who is under 19 and will not turn 19 in the year in which the act is committed is considered a juvenile (Korean age reckoning is never used in South Korean laws therefore the age of consent in South Korea is 20 in Korean age).⁷⁵ In South Korea, judges have the right to interpret the law and this is how the majority of judges interpret the *Act on the Protection of Children and Juveniles from Sexual Abuse*.

TAIWAN

ECPAT's most recent report on Taiwan, published in 2011, reminds us that the delicate political status of Taiwan internationally⁷⁶ prevents it from ratifying international instruments such as the Convention on the Rights of the Child (CRC) and its Optional Protocol on the sale of children, child prostitution and child pornography (OPSC),⁷⁷ or adopting UN legal documents on the issues of commercial sexual exploitation of children and child trafficking. In June 2014, Taiwan's Parliament passed Implementation Act of the CRC that acts as a

⁷¹ ECPAT International (2012), "Global Monitoring Report, status of action against commercial sexual exploitation of children: South Korea", second edition, Bangkok: ECPAT, 23.

⁷² Ibid., 25.

⁷³ Ibid., 23, 25.

⁷⁴ Ministry of Government Legislation (2011), "Act on the Protection of Children and Juveniles from Sexual Abuse", Art. 7, accessed 23 March 2016, http://www.moleg.go.kr/english/korLawEng;jsessionid=qgfPJSAeJC9ndkyVu1STiDiUcqr1Ba4KOYR2WvKPEgVZP12rSTmkaE1wvzQRg3YU.moleg_a1_servlet_engine2?pstSeq=58526.

⁷⁵ Ministry of Government Legislation (2011), "Act on the Protection of Children", Art. 2.

⁷⁶ Taiwan is not a member of the UN and therefore cannot sign up to its treaties.

⁷⁷ ECPAT International (2011), "Global Monitoring Status of Action against Commercial Sexual Exploitation of Children: Taiwan", Bangkok: ECPAT, 8.

domestic law yet follows the provisions of the CRC.⁷⁸ Although politically excluded, Taiwan had made efforts to follow international guidelines and include them in its national policies based on its participation at international conferences such as the Stockholm, Yokohama and Rio de Janeiro Congresses against the commercial sexual exploitation of children.⁷⁹ Taiwan has declared its adherence to the CRC principles, which are reflected in the Children and Juvenile Welfare Act of 2003 and amended in 2011.⁸⁰

Taiwan's legal position on the issue of sex work has changed several times over recent decades, from allowing prostitution to criminalizing it, and eventually authorizing it again under specific conditions. However, this does not always reflect the general public opinion on the issue and the morality of sex work continues to be widely debated, especially when articulated by the media.⁸¹ In 1997, the then Taipei mayor ordered an end to licensed prostitution and banned all brothels, forcing sex workers to operate underground.⁸² In 2009, the government, pressured by sex workers, began talks on decriminalisation of prostitution by allowing brothels to operate in certain red-light districts.⁸³ Following this, the Constitutional Court of Taiwan discussed the content of Article 80 of the 1991 Social Order and Maintenance Act (社會秩序維護法) that criminalises sex workers who engage in sexual acts for financial gains. As the article does not make mention of patrons, the Constitutional Court issued an interpretation, stressing that punishing only the selling but not the buying of sex violates the principle of equality stated in Article 7 of the Constitution. Hence, the Court decided to make provision to the Article 80, emphasising that both sides be treated equally.⁸⁴

In November 2011, the amendment to Social Order

and Maintenance Act was passed and the article 80 now states that "being engaged in sexual transactions" and "soliciting with the intent to commit prostitution in public places or publicly accessible places" shall be punishable by a fine of not more than NT\$30,000.⁸⁵ Further, the Social Order and Maintenance Act in fact legalised prostitution in designated red-light districts, however, local governments refrained from establishing such special zones, fearing this would only boost crime.⁸⁶ Although the Constitutional Court had based its interpretation for the sole purpose of maintaining citizens' health and morality, the Ministry of Interior made comments that "Taipei is motivated less by health concerns and more by public pressure to regulate a controversial trade",⁸⁷ suggesting that citizens could never approve of commercial sex zone establishments.

Moreover, the Criminal Code of the Republic of China sets the age of consent at 16 regardless of gender and is punishing sexual intercourse with a child under the age of 14 with no less than three years to 10 years of imprisonment. In cases of sexual abuse, the sentence is reduced or exempted when the offender is under the age of 19.⁸⁸ The CSEC is regulated by the Child and Youth Sexual Transaction Prevention Act.⁸⁹ Therefore, until the government actually decriminalises sex work in Taiwan, the confusing legal framework currently in place in the ROC is likely to open the doors to various forms of hidden prostitution, and the possibility that minors are involved in such activities remains high.

Nevertheless, Taiwan holds the distinction of being the only state in East Asia with specific provisions punishing acts related to the sexual exploitation of children in travel and tourism. Taiwan's legal framework also imposes legal obligations on private companies in the tourism industry that are aimed at preventing child sex tourism.

⁷⁸ Ministry of Health and Welfare (2014), "Implementation Act of the Convention on the Rights of the Child", 4 June 2014, accessed 22 March 2016, <http://law.moj.gov.tw/Eng/LawClass/LawAll.aspx?PCode=D0050193>.

⁷⁹ ECPAT Taiwan and ECPAT International (n.d.), "Taiwan Progress Card", Stop Sex Trafficking of Children & Young People Campaign, 11.

⁸⁰ ECPAT International, "Taiwan", 8.

⁸¹ Huang, Hans Tao-Ming (2011), "Queer Politics and Sexual Modernity in Taiwan", Hong Kong: Hong Kong University Press, 98-99.

⁸² Ho, Josephine Chuen Juei, "Self-Empowerment and 'Professionalism': Conversations with Taiwanese Sex Workers", *Inter-Asia Cultural Studies* 1, no. 2 (2000): 2, accessed 10 March 2016, http://sex.ncu.edu.tw/members/Ho/paper/Self-Empowerment_&_Professionalism.pdf.

⁸³ "Editorial: Taiwan's prostitution conundrum", *Taipei Times*, 7 June 2009, accessed 2 June 2016, <http://www.taipeitimes.com/News/editorials/archives/2009/06/17/2003446355>.

⁸⁴ Justices of the Constitutional Court, Judicial Yuan, R.O.C. (2009), "J. Y. Interpretation No. 666", 6 November 2009, accessed 2 June 2016, http://www.judicial.gov.tw/constitutionalcourt/EN/p03_01.asp?expno=666.

⁸⁵ Government of the Republic of China (2011), "Social Order Maintenance Act", 4 November 2011, accessed 22 March 2016, <http://law.moj.gov.tw/Eng/LawClass/LawAll.aspx?PCode=D0080067>.

⁸⁶ "Taiwan moves to legalize prostitution", UPI, 19 November 2011, accessed 2 June 2016, http://www.upi.com/Top_News/World-News/2011/11/19/Taiwan-moves-to-legalize-prostitution/UPI-26031321730549/#ixzz336uyHZjw.

⁸⁷ Hsu, Jenny W., "The Trouble with Taiwan's New Prostitution Rules", *Wall Street Journal*, 16 November 2011, accessed 2 June 2016, <http://blogs.wsj.com/chinarealtime/2011/11/16/the-trouble-with-taiwans-new-prostitution-rules/>.

⁸⁸ Ministry of Justice (2014), "Criminal Code of the Republic of China", 18 June 2014, Art. 227, 227-1, 229-1, accessed 23 March 2016, <http://law.moj.gov.tw/Eng/LawClass/LawAll.aspx?PCode=C0000001>.

⁸⁹ Ministry of National Defense R.O.C. (2013), "Child and Youth Sexual Transaction Prevention Act", accessed 23 March 2016, <https://www.mnd.gov.tw/English/Publish.aspx?cnid=3205&p=59784>.

Under the Statute for the Development of Tourism, any tourist enterprise that “violates good morals” or “tarnishes national dignity”, faces a fine of NT\$30,000-150,000, and for serious offences, business operations may be suspended and registration certificates may be invalidated.⁹⁰ The Taiwanese Government has indicated that tourism enterprises that arrange child sex tourism activities will face punishment under this law. In addition, the law provides for punishment of the employees of tourist enterprises that are involved in the offences described above. Such individuals face personal fines of between NT\$10,000 (equivalent to approximately USD350) and 50,000 (equivalent to approximately USD1,750).⁹¹

The Child and Youth Sexual Transaction Prevention Act’s extraterritoriality provision does not require that offenses be criminalised in the country where they are committed. To date, there have been no cases where foreign child sex offenders were extradited by Taiwanese authorities. Nonetheless, although Taiwan has extraterritorial

legislation on child sexual exploitation in place, it has been criticised by the U.S. TIP Report as no case has been investigated since 2006.⁹²

Finally, the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism (The Code) has been developed at the industry level. The Code, developed by ECPAT Sweden in 1996, and then acting as an independent organisation, has helped in raising awareness on the issue throughout the years, in partnership with the UNWTO and UNICEF. It complements at the ground level the effects of the UNWTO Global Code of Ethics for Tourism, adopted in 1999. Some travel companies from East Asian countries have already signed The Code in an effort to tackle

⁹⁰ ECPAT International (2011), “Global Monitoring Report, status of action against commercial sexual exploitation of children: Taiwan”, second edition, Bangkok: ECPAT, 21.

⁹¹ Ibid.

⁹² U.S. Department of State (2006), “Annual Trafficking in Persons Report”, June 2006, U.S. Department of State: Washington D.C., 238-240, accessed 10 March 2016, <http://www.state.gov/documents/organization/66086.pdf>.

CHAPTER 3

NEW AND EMERGING TRENDS IN SECTT IN EAST ASIA

In the East Asian region, several new and emerging trends have been identified in recent years. This chapter will discuss each of them in order to provide the grounds for a better understanding of each country's specific situation in relation to SECTT. They include: the role of the Internet; the increase in domestic (and overseas) tourism led by East Asian men; the commodification of young girls' sexual paraphernalia in Japan; and, the phenomenon of compensated dating in Japan and Korea. This chapter also addresses the increase in prostitution in North Korea and around the demilitarised and enterprise zones between the two Koreas; the plight of North Korean defectors in China; the impact of the free trade zone in Mongolia; and the increase in the number of street children in Mongolia.

THE ROLE OF THE INTERNET

First, the role of information technology in SECTT must be addressed as a priority. As in most developed areas of the world, the Internet has changed the organisation and dynamic of the commercial sex sector, including that which is child sex-oriented, rendering the phenomenon extremely difficult to investigate. In South Korea for instance, economic development and advanced technologies in communication have facilitated the development of unregulated commercial sex, which can leave children unprotected.⁹³ The country has one of the highest levels of Internet access in the world, which increases the opportunities for offenders and victims to be connected and to act without any sort of monitoring, resulting in such cases going undetected and their numbers underestimated. For instance, according to Juriah Abd Jalil (International Islamic University, Malaysia), "(m)ore than 95% of commercial sexual exploitation of children in South Korea is arranged over the Internet".⁹⁴ Chat forums seem the common way to connect children with perpetrators, although more investigation is needed to understand how this system really works. East Asia is

even more vulnerable in the sense that the generational gap in understanding regarding the use of new tools, their technologies and their possibilities is still very apparent. Not only parents but also children themselves are not well educated on these technologies and often do not identify the dangers that go with it. Certain forms of sexual abuse (e.g. sexual acts or simulation on web-cam, eroticised pictures) are not considered as such by many of those who agree to participate in such exchanges online; some children even see this as normal behaviour. Juriah Abd Jalil also explains that selling sexual experience is "(p)opular among school girls. A survey conducted by the Ministry of Gender, Equality and Family indicates that 20% of school girls in Busan engaged in the sex trade".⁹⁵

The widespread use of online chats, extended use of social networks, mobile phones, access to the Internet and communication media, has enabled minors and adult men to contact each other while enjoying a certain degree of anonymity and avoiding intermediaries if they so wish. Potential perpetrators can have anonymous access to the private and sometimes intimate lives of the young teenagers whose parents do not control their activities online. This changes the whole picture of child sex abuse. This is true in Japan, South Korea, Taiwan and China, although censorship on image circulation might be stronger on the Chinese Internet and young people are less likely to communicate through this medium. Therefore, the current nature of cyberspace has radically changed the dynamics of the phenomenon. It is now very easy to create spaces to share information, arrange meetings, buy services, and provide titillating material to online visitors, such as videos and pictures. North Korea and probably Mongolia remain the exceptions to this in East Asia (although there is no data available on this topic) because of the restrictions on the Internet (in North Korea) and the limited access in Mongolia.

⁹³ Jalil, Juriah Abd (2013), "Korean Approach to Online Protection for Children in Digital Era", (paper presented at 2013 ACCAN Conference, Melbourne, Australia, 10-13 November 2013), 10.

⁹⁴ Ibid.

⁹⁵ Ibid.

THE INCREASE IN, AND THE ROLE OF, DOMESTIC (AND OVERSEAS) TOURISM IN EAST ASIA

Research in the Greater Mekong Sub-Region⁹⁶ has found that Asian sex tourists outnumber their Western counterparts significantly. According to international organisations, local media and NGOs, Cambodia seems to be a preferred destination by East Asian offenders seeking to have sexual encounters with minors. Along with domestic perpetrators, travellers and businessmen from China, Japan, South Korea and Taiwan are reportedly driving the development of Cambodia's sex tourism industry, and especially the trade in virgins.⁹⁷ This preference for teenage girls, and especially virgins, appears to be consistent among East Asian tourists and travellers in the region: "Virginity-seeking is reported to be highly prevalent in the Philippines and the demand for virgins in the Philippines, as well as in other Southeast Asian countries facing the problem is driven largely by Japanese, Korean and Chinese men travelling to these countries. Chinese men value sexual relations with children, and especially virgins because of the belief that the act would be 'rejuvenating' or would bring good luck to a planned business venture. In the Philippines, Taiwanese and Japanese customers are reported as the dominant nationalities seeking virgins".⁹⁸ Meanwhile, the social anthropologist Heather Peters estimates that there is a "separate market" for paedophiles seeking to engage in sex with pre-pubescent children that is reportedly dominated by Western men.⁹⁹

Increasing transparency about the sexual exploitation of children in tourism presents a number of political and economic challenges in China. According to the World Travel and Tourism Council, the industry generated 9.3% of China's GDP in 2013 with a total impact of \$817 billion, larger than the size of the automotive and education sectors.¹⁰⁰ The Council forecasts that China's tourism GDP will grow at an average of 6.6% yearly over the next decade.¹⁰¹ Moreover, the travel and tourism industry, which is highly interconnected with a country's overall economy has, by definition, a significant direct impact on the entertainment and recreation sector.¹⁰² Meanwhile, these appear to be the locations where most cases of sexual exploitation of children in travel and tourism are allegedly taking place in China. In 2001, Save the Children provided a valuable report on the situation of child sexual exploitation in China and showed how it was strongly connected with the rise in tourism; over the last 15 years, this has likely become a bigger issue, although more field research is needed on the current situation.¹⁰³

Interestingly, domestic spending on travel is far more important (at 90.9% of tourism revenues) than foreign visitor spending (9.1%).¹⁰⁴ Media reports also show a steady decline of international visitors to China over recent years. According to Dai Bin, president of the China Tourism Academy, a research institute affiliated to the China National Tourism Administration,¹⁰⁵ this diminishing trend started in the first quarter of 2012.¹⁰⁶ In contrast to this decline, domestic tourism keeps growing. In 2013, Yunnan, Sichuan, Qinghai, Shanxi, Anhui and Xinjiang are the provinces that experienced the highest growth rates, of at least 30%, in tourism income.¹⁰⁷ Meanwhile, Hong Kong and Macau remain the top two preferred destinations among travellers from mainland China.¹⁰⁸

⁹⁶ The Greater Mekong Sub-Region includes Cambodia, the People's Republic of China (namely Yunnan Province and Guangxi Zhuang Autonomous Region), Lao People's Democratic Republic, Myanmar, Thailand, and Vietnam.

⁹⁷ Haworth, Abigail, "Virginity for sale: inside Cambodia's shocking trade", Guardian, 6 July 2014, accessed 24 November 2014, <http://www.theguardian.com/society/2014/jul/06/virginity-for-sale-cambodia-sex-trade>.

⁹⁸ The Protection Project, "International Child Sex Tourism. Scope of the problem and Comparative Case Studies", January 2007, Baltimore, Maryland: The John Hopkins University, 136, accessed 11 March, <http://www.defenceforchildren.nl/images/13/166.pdf>.

⁹⁹ Peters, Heather A. (2007), "Sex, Sun and Heritage: Tourism Threats and Opportunities in South East Asia", (A report on best "practices" on tourism and trafficking for UNIAF and World Vision, 2007), 19, accessed 11 March 2016, [https://www.worldvision.org/resources.nsf/main/sun_sex_heritage.pdf/\\$file/sun_sex_heritage.pdf](https://www.worldvision.org/resources.nsf/main/sun_sex_heritage.pdf/$file/sun_sex_heritage.pdf).

¹⁰⁰ WTTC, "Benchmarking Travel & Tourism in China", 9.

¹⁰¹ Ibid., 11.

¹⁰² Ibid., 7.

¹⁰³ O'Connell Davidson, Julia (2001), "Children in the Sex Trade in China", Save the Children Sweden.

¹⁰⁴ In terms of their direct travel and tourism GDP contribution in 2013: WTTC (2014), "Travel & Tourism: Economic Impact 2014 China", 6, accessed 24 December 2014, <http://www.wttc.org/-/media/files/reports/economic%20impact%20research/country%20reports/china2014.pdf>.

¹⁰⁵ China does not have a Ministry of Tourism. The China National Tourism Administration (CNTA) is the highest ranking government institution responsible for developing and regulating China's tourism industry. The CNTA is directly regulated by the State Council, China's cabinet.

¹⁰⁶ Feng, Bree, "Beijing Battles Decline in Tourism", New York Times, 19 December 2014, accessed 24 December 2014, <http://sinosphere.blogs.nytimes.com/2014/12/19/beijing-battles-decline-in-tourism/?ref=world>.

¹⁰⁷ Chen, Te-Ping, "Forget Beijing: Where China's Tourist Hordes Are Travelling", Wall Street Journal, 9 April 2014, accessed 3 December 2014, <http://blogs.wsj.com/chinarealtime/2014/04/09/forget-beijing-where-chinas-tourist-hordes-are-traveling/>.

¹⁰⁸ Grant, Michelle, "Top 25 Most Popular Destinations for Chinese Tourists", Skift Travel IQ, 3 September 2013, accessed 3 December 2014, <http://skift.com/2013/09/03/top-25-most-popular-destinations-for-chinese-tourists/>.

THE COMMODIFICATION OF YOUNG GIRLS' SEXUAL PARAPHERNALIA AND THE PHENOMENON OF COMPENSATED DATING IN JAPAN

As mentioned earlier, popular youth culture is very much sexualised in Japan. This feature calls for a specific approach to the perception of youth sex education and life. The genre of manga, anime and games portraying 'virtual' sexually abusive images of children remains legal remains legal. The stories in these types of comics present pre-teens and adolescents engaging in sexual acts that can even involve incest or rape.¹⁰⁹ These comics are part of sub-culture designated by the term 'Lolicon', which reveals a form of obsessive attraction to young and sexualised Lolitas that appears to be a mainstream phenomenon in Japan.¹¹⁰ While those who campaign for stronger laws to better protect Japanese children advocate the prohibition of these comics, consumers claim that no real child abuse is involved in creating these stories. Nonetheless, several issues remain such as whether the boundary between these stories and reality is always clear for the readers.¹¹¹

In addition, the commodification of girls' used school uniforms, underwear, swimwear, socks and their sexually suggestive photographs has become a steadily growing market since the 1990s.¹¹² Their "cuteness" as one of the central features of their social image also underpins this commodification of everything related to them. Cuteness is associated with qualities such as being sweet, dependent and gentle, and it started developing as a business at the same time that *enjokosai* emerged, in the 1970s. This trend of compensated dating or aid-dating (*enjokosai*) has arguably become the most popular form

of sex work involving minors in Japan. This contemporary practice refers to female high school students (*joshikosei*) spending time and, most often, providing sexual services to adult men in exchange for money or gifts. Sexual encounters between minors and middle-aged men arranged through *enjokosai* most often take place in hotels. The so-called "albeit salons" or "girl students salons" appear to be the exclusive realm of teenage girls who are engaging in sex work with middle-aged men. The term "albeit" comes from the German word meaning "labour" and refers to this practice as a side business for Japanese girls.¹¹³ Although this form of sex work does not necessarily involve travellers or tourists as offenders, it is a phenomenon that can help better understand some of the push factors and the overall context leading minors to engage in sex work in Japan and Japanese men to desire paid sexual encounters with minors.

One of the features that differentiate *enjokosai* from other forms of sex work where minors are involved in Japan is the fact that these high school students are a "nationalised" brand, meaning it relies on the girls being Japanese. Within Japan's patriarchal society, the identity of these young girls has been defined as an embodiment of innocence. Their bodies, nonetheless, have become gradually commodified in the context of Japan's economic growth since the 1970s, and these girls often describe their engagement in sex work as an expression of rebellion against dominant fathers and patriarchal norms.¹¹⁴

Compensated dating involving sex work is also very popular now in South Korea, as well as in China and Taiwan. It would not be surprising to see similar trends appearing and developing in these countries in the near future. Japan and South Korea lead youth trends in East Asia, including morally and sexually questionable ones.

¹⁰⁹ Fletcher, James, "Why hasn't Japan banned child-porn comics?", BBC, 7 January 2015, accessed 13 March 2015, <http://www.bbc.com/news/magazine-30698640>.

¹¹⁰ Alt, Matt, "Pharrell Williams's Lolicon Video", New Yorker, 15 October 2014, accessed 21 March 2016, <http://www.newyorker.com/culture/culture-desk/pharrell-williams-lolicon-girl>.

¹¹¹ Fletcher, "Why hasn't Japan banned child-porn comics?"

¹¹² Ryang, Sonia (2006), "Love in Modern Japan: Its estrangement from sex, self and society", New York: Routledge, 96.

¹¹³ Ueno, Chizuko (2003), "Self-determination on Sexuality? Commercialization of Sex among Teenage Girls in Japan 1," Inter-Asia Cultural Studies 4, no. 2 (2003): 317-318.

¹¹⁴ Ryang, "Love in Modern Japan", 96.

THE PLIGHT OF NORTH KOREAN DEFECTORS IN CHINA AND THE INCREASE IN PROSTITUTION IN NORTH KOREA AROUND THE DEMILITARISED AND ENTERPRISE ZONES

In recent years, the number of North Korean defectors in the borderland of northern China has increased. This has gendered dimensions, with many female North Korean defectors ending up becoming *de facto* wives of Chinese rural men, and others entering the underground prostitution world.¹¹⁵ Even though there is no available data on the age of these women, and whether or not minors are exploited in sex work venues or through brokered marriages, the vulnerability and absence of protection of these women may contribute to abuses of their position.¹¹⁶ Further empirical research would be able to yield insights into the types of abuses occurring in this context and whether North Korean children are also involved as victims.

Furthermore, 'Sino NK' – a collective of scholars dedicated to research on Northeast Asia, including North Korea – published a report in 2012 which stated that prostitution was rapidly rising in the border city of Hyesan (North Korea), where Chinese businessmen were seeking sexual services from North Korean women, in order to enjoy an 'exotic' sexual experience.¹¹⁷ Again, further empirical research would be able to verify these claims and document the types of situations women and, possibly girls, are experiencing.

THE INCREASE IN THE NUMBER OF STREET CHILDREN AND THE IMPACT OF THE FREE TRADE ZONE IN MONGOLIA

Whenever the specific issue of child sexual exploitation in Mongolia is mentioned in reports, it is very much linked with the issue of homeless children. In general, there are a few factors in Mongolian society that contribute to the numbers of children living in the streets or, more precisely, alcohol and domestic violence are severe social issues that weaken families and leave many children with few choices other than leaving home. Some escape their families, drop out of school and find ways to survive in groups. This ongoing and apparently increasing phenomenon calls for more investigation to find evidence of its link with child sexual exploitation in the context of tourism.¹¹⁸

Further, the economic development of free trade zones in the country, in its borderlands with China notably, attracts sex workers who respond to the Chinese demand for exotic encounters entailed in cross-border trade. The Chinese-Mongolian Free Trade Zone named "Erlian-Zamyn üüd" has become a hot-spot in terms of prostitution.¹¹⁹

¹¹⁵ Song, Jiyoung (2013), "Smuggled Refugees: The Social Construction of North Korean Migration", *International Migration* 51 (4): 8-9.

¹¹⁶ Committee for Human Rights in North Korea (2009), "Lives for Sale – Personal Accounts of Women Fleeing North Korea to China", 23, accessed 23 March 2016, https://www.hrnk.org/uploads/pdfs/Lives_for_Sale.pdf.

¹¹⁷ Cathcart, "Prostitution, Abortion, and 'Flower Girls'".

¹¹⁸ Weber, Kristine (2009), "Out in the Cold: The Street Children of Mongolia", *A PNA Dispatch*, accessed 14 March 2016, <http://www.prout.org/pna/mongolian-street-children.html>.

¹¹⁹ Lacaze, Gaelle (2012), "Prostitution and the Transformation of the Chinese Trading Town of Ereen", in *Frontier Encounters. Knowledge and Practice at the Russian, Chinese and Mongolian Border*, eds. Billé, Franck, Delaplace, Grégory and Caroline Humphrey, Cambridge: OpenBook Publishers, 111-134.

CHAPTER 4

VICTIMS AND PERPETRATORS OF SECTT IN EAST ASIA

CHINA

Victims

China's booming sex industry appears to be thriving in the most economically developed areas along with popular domestic tourist spots in southwest provinces which are less developed but increasingly popular for their environmental richness and their ethnic diversity (including the provinces of Yunnan, Guizhou, Sichuan). Following a series of reports on national media, local authorities launched a crackdown on sex work venues in Dongguan – this has been ongoing since February 2014.¹²⁰ This campaign appears to be forcing some venues to operate underground, especially in areas where the sex trade had become too visible for Chinese authorities. Across Chinese cities, massage parlours, karaoke bars and strip clubs often operate as brothels, and some of them allegedly employ minors.¹²¹ Minors are sometimes found in hotels operating as prostitutes, with all the health consequences that a lack of education and care have on their well-being (STDs, unwanted pregnancies, abortions).¹²²

However, when trying to identify patterns of how SECTT takes place in China, the literature presents somewhat conflicting views. On the one hand, Professor of Sociology Julia O'Connell Davidson, who conducted a "fact finding trip" to Hong Kong and Yunnan province about children in the sex trade in China in 2001, argued that minors often worked alongside adults.¹²³ Updated data confirms that, at least in several Chinese border towns in Yunnan, underage Vietnamese women are commonly found among sex workers in local brothels.¹²⁴ Local NGOs interviewed by ECPAT for this study claimed that the number of minors sexually exploited in China appears to be low. It is a hidden and underground business, affecting girls in their mid to late teens, and the perpetrators are allegedly mainly Chinese men. On the other hand, NGOs approaching women in these venues point out that it is always difficult to confirm the girls' ages because they often lie about their experiences until the NGO workers are able to gain their trust over time.¹²⁵ The involvement of underage boys in prostitution seems to be a much less frequent occurrence and accurate information on this phenomenon is extremely hard to come by. Organisations and individuals working with sex workers in China consistently point out that local officials appear to be involved in a significant number of cases.¹²⁶

¹²⁰ Wang, Wen, "Prostitution crackdown a campaign against declining morality", Xinhua, 18 February 2014, accessed 17 December 2014, http://news.xinhuanet.com/english/china/2014-02/18/c_133125005.htm.

¹²¹ Phillips, Tom, "Inside Dongguan, China's Sin City, Telegraph, 1 May 2013, accessed 23 June 2015, <http://www.telegraph.co.uk/news/worldnews/asia/china/10030014/Inside-Dongguan-Chinas-Sin-City.html>.

¹²² Luo, Chris, "Chinese prostitutes as young as 15 suffering high STD and abortion rates, study reveal", South China Morning Post, 29 July 2014, accessed 23 June 2015, <http://www.scmp.com/news/china-insider/article/1561169/chinese-prostitutes-young-15-years-old-suffering-high-std-and>.

¹²³ O'Connell Davidson, "Children in the Sex Trade in China", 8.

¹²⁴ Grillot and Zhang, "Ambivalent Encounters".

¹²⁵ E-mail communications with NGOs concerned with recovery and reintegration of adult sex workers in China during November and December of 2014.

¹²⁶ Ibid.

Among the cases of commercial sexual exploitation of children reported by local NGOs, international organisations and the media in the recent years, it appears that a large majority of the girls come from rural areas. Pan Suiming points out a number of contributing factors that might 'push' a "young rural woman" into entering the sex trade. These are: 1) lack of a secure social network which could have helped the girl to depart from her hometown, to search for a job, or to become a factory labourer; 2) loss of a girl's virginity, leading to abandonment by her boyfriend, or her divorce; 3) recruitment by a woman who acts as a broker or a friend who is already a sex worker.¹²⁷ Further, a report by the Economic and Social Commission for Asia and the Pacific (ESCAP) shows that girls who had been victims of commercial sexual exploitation in Yunnan shared similar backgrounds: "A low level of education, lack of employment opportunities and, for some girls, prior sexual abuse. The second set of reasons concerned their family and community life. The parents were often separated or divorced, had a low educational level, and were poor".¹²⁸

Foreign Girls

Teenage girls from neighbouring countries such as Vietnam,¹²⁹ Russia, and Mongolia¹³⁰ have been found engaging in prostitution in Yunnan province, as well as Beijing, Guangzhou, Shandong and many major urban centres of the country. This phenomenon has extended over recent years to Burma, Laos and Cambodia, although reports do not make a clear connection with Chinese demands in child sex tourism.¹³¹ Evidence shows that girls are often tricked by relatives, boyfriends and friends who offer them jobs or their first ever opportunity to travel beyond the confines of their villages and national borders.¹³² According to child rights advocates in the region, some of these teenagers are believed to be sold (or debt bonded) to brothels but, fearing the stigma attached to sex work, they might choose to report having been sold as brides.¹³³

Some of these girls live in brothels and hair salons of Chinese ownership but which are often managed by Vietnamese madams. Both adult sex workers and minors usually live in the salons where they work. According to O'Connell Davidson's account, while the majority of women working in these venues are in their 20s, their ages range from 15 up to 40.¹³⁴ Some salon owners reportedly use violence against girls who resist engaging in sex work and confiscate the girls' passports or border passes upon their arrival in China.¹³⁵ In other cases, the girls enter China illegally and are left in the hands of the traffickers or intermediaries to provide them with some sort of protection from police in a completely unfamiliar environment. Similarly, there are reports of teenage girls being kidnapped in Ulaanbaatar and locked in hotels in China's red light districts where they are allegedly sexually exploited.¹³⁶ In all these accounts, it is rare to find information about the alleged child sex offenders except for cases where officials facing some kind of corruption charges are involved.¹³⁷ These women operate in borderlands and, whatever their age, serve local workers as well as businessmen and domestic tourists.

Perpetrators

From a social perspective, Chinese men often appear to be expected to buy sex from prostitutes as a way to build business relationships and to socialise with colleagues.¹³⁸ Banquets to discuss business matters might frequently end up in a karaoke bar or other venues where sex is included among their entertainment offerings. Being able to project a masculine image is a crucial factor determining a man's status in these male-dominated circles of political and economic power in China. Having a sexual encounter with a virgin for instance, the object of a specific demand particularly in Southeast Asia, can cost over Rmb5,000 (USD787), and seems only within the reach of wealthy Chinese businessmen or officials.¹³⁹

¹²⁷ Pan, Suiming (1999), "Study in social organizations of three illegal 'red light' districts (People's Republic of China)", Summary Booklet of Best Practices - 1999 – UNAIDS, Issue 1, Geneva: UNAIDS, 125-127.

¹²⁸ ESCAP (2000), "Sexually Abused and Sexually Exploited Children and Youth in the Greater Mekong Subregion", New York: United Nations, 53.

¹²⁹ O'Connell Davidson, "Children in the Sex Trade in China", 18-22; Grillot and Zhang, "Ambivalent Encounters".

¹³⁰ Asia Foundation (2006), "Human Trafficking in Mongolia: Risks, Vulnerability and Trauma", November 2006, accessed 14 November 2014, <http://asiafoundation.org/resources/pdfs/MGtraffreporteng.pdf>.

¹³¹ U.S. Department of State (2014), "Country Narratives: China", 2014 Trafficking in Persons Report, 132, accessed 25 June 2015, <http://www.state.gov/documents/organization/226845.pdf>.

¹³² Grillot and Zhang, "Ambivalent Encounters"; Grillot, Caroline (2010), "Volées, Envolées, Convolées... Vendues, en fuite ou re-socialisées: les "fiancées" vietnamiennes en Chine", Paris/Bangkok: Connaissances et Savoirs/IRASEC ; U.S. Department of State, "Country Narratives: China", 132; Zhou and Duong, "Sex Work in the Sino-Vietnamese Borderlands", 94.

¹³³ "Brides for sale: trafficked Vietnamese girls sold into marriage in China", Guardian, 29 June 2014, accessed 6 November 2014, <http://www.theguardian.com/global-development/2014/jun/29/brides-for-sale-trafficked-vietnamese-girls-sold-marriage-china>.

¹³⁴ O'Connell Davidson, "Children in the Sex Trade in China", 18-19.

¹³⁵ Ibid., 21.

¹³⁶ Asia Foundation, "Human Trafficking in Mongolia", 8.

¹³⁷ Wong, Stephen (2009), "China's concubine culture is back", Asia Times, 26 July 2009, accessed 30 December 2014, <http://www.atimes.com/atimes/China/KG26Ad01.html>.

¹³⁸ Grillot and Zhang, "Ambivalent Encounters".

¹³⁹ Ibid.

Regarding the offenders' patterns of behaviour, O'Connell Davidson argues that demand from Chinese men seems to be driven by "a general interest in prostitute-use".¹⁴⁰ Teenage girls tend to work alongside adult sex workers and clients generally do not show a "particular interest" in children.¹⁴¹ If a girl looks "physically mature", Chinese men do not regard their sexual encounter with her as exploiting a child, even if she is only 15 years of age.¹⁴² Meanwhile, as is the case in most parts of the world, Chinese adults who seek sexual encounters with pre-pubescent children are perceived as "sexually deviant and morally reprehensible".¹⁴³

The exotic appeal and de-inhibition associated with travelling to new places and encountering different people seems to play a significant role in some cases. And the data shows that the Chinese are increasingly travelling for pleasure within their country. Leisure travel spending (both from domestic and foreign travellers) in 2013 in China accounted for 76.3% in comparison to 23.7% for business spending.¹⁴⁴ Reports show that Chinese male tourists travel to certain towns in Yunnan province where they know they can have sexual encounters with Vietnamese women and minors. While these male tourists complain that Chinese sex workers are "business-like", they see Vietnamese as "affectionate", making them feel like "real men".¹⁴⁵ Hekou, a Yunnan border town with Vietnam, has become famous among Chinese men for its availability of "young, exotic, beautiful and cheap Vietnamese women". Girls from 14 to 15 years old up to women in their early 30s work in dozens of brothels in the infamous Zhongyue and Jinming markets, locally referred to as "Vietnamese Street". Groups of businessmen and tourists appear to travel to Hekou on the weekends in search of "a 'special (*tebie*)' space, an exotic and exciting place with different

sets of rules and behaviours from what could be found in a similar setting in China".¹⁴⁶ The constant arrival of new Vietnamese girls and women to Hekou keeps the appeal of the town rising. Chinese businessmen often bring along partners and colleagues to enjoy "a night of exotic pleasure" in Hekou as a way to build friendships and economic trust for future business deals.¹⁴⁷

Building on the exotic appeal of ethnic groups in China, the Xishuangbanna Dai autonomous prefecture, in southern Yunnan, has been a key spot for sexual tourism since the early 1990s. Bringing together "the fantasies of sex, travel and minority ethnicity",¹⁴⁸ over two million tourists travel to this region every year.¹⁴⁹ Among male Han Chinese,¹⁵⁰ Dai women are represented as beautiful, sexually free women living in a rural paradise, away from the norms of urban life in Shanghai or Guangzhou.¹⁵¹ The Mosuo tribe is an even more recent example of how ethnic minorities – portrayed as 'free' and 'wild' – are exploited as a means to generate appetite for encounters with an exotic 'other'.¹⁵² This de-inhibition is often linked in the literature to the so-called 'situational offenders', referring to child sex offenders who might abuse children when presented with an opportunity in an out-of-the-ordinary context of relative impunity. Mosuo females are portrayed as initiated into sex as soon as they reach sexual maturity.¹⁵³ This availability of young women or girls in their late teenage years is arguably a clear selling point for Chinese tourists.

Foreign offenders in China have been able to sexually exploit children by abusing a position of trust such as working as English teachers. In March 2014, a 47-year-old American citizen was condemned to 30 years' imprisonment by a United States court for "child molestation and producing child pornography".¹⁵⁴ He

¹⁴⁰ O'Connell Davidson, "Children in the Sex Trade in China", 19.

¹⁴¹ Ibid.

¹⁴² Ibid.

¹⁴³ Ibid., 7.

¹⁴⁴ WTTC, "Economic Impact 2014 China", 6.

¹⁴⁵ O'Connell Davidson, "Children in the Sex Trade in China", 27.

¹⁴⁶ Grillot and Zhang, "Ambivalent Encounters".

¹⁴⁷ Ibid.

¹⁴⁸ Hyde, Sandra Theresa (2001), "Sex Tourism Practices on the Periphery: Eroticizing Ethnicity and Pathologizing Sex on the Lancang", in China Urban: Ethnographies of Contemporary Culture, eds. Chen, Nancy N. et al., Durham & London: Duke University Press, 144.

¹⁴⁹ Hyde, Sandra Theresa (2007), "Eating Spring Rice: The Cultural Politics of AIDS in Southwest China", London & Los Angeles: University of California Press, 105-127.

¹⁵⁰ According to the 2010 Population Census, 91.51% of the total population is of Han ethnicity while the other 55 ethnic minorities represent 6.92% of China's population: National Bureau of Statistics of China, "Communiqué of the National Bureau of Statistics of People's Republic of China on Major Figures of the 2010 Population Census1 (No. 1)", (2011), accessed 5 March 2015, http://web.archive.org/web/20131108022004/http://www.stats.gov.cn/english/newsandcomingevents/t20110428_402722244.htm.

¹⁵¹ Hyde, "Sex Tourism Practices", 143-162.

¹⁵² Shaitly, Shahesta, "Is China's Mosuo tribe the world's last matriarchy?", Guardian, 19 December 2010, accessed 14 March 2016, <http://www.theguardian.com/lifeandstyle/2010/dec/19/china-mosuo-tribe-matriarchy>.

¹⁵³ Barber, Nigel, "Chinese Tribe Without Marriage Points to Future", Huffington Post, 22 November 2013, accessed 6 March 2015, http://www.huffingtonpost.com/nigel-barber/mosuo-tribe-no-marriage_b_4310981.html.

¹⁵⁴ Boehler, Patrick, "US language tutor jailed for 30 years for sexually exploiting children in China", South China Morning Post, 8 March 2014, accessed 10 November 2014, <http://www.scmp.com/news/china-insider/article/1443498/us-language-tutor-jailed-30-years-sexually-exploiting-children>.

had been extradited from China to the United States in December 2012 after being reported by an expat mother for molesting a five-year old and attempting to do the same with her sister. During the trial, it was proved that he had molested a minor in the United States in July 2012.¹⁵⁵ In a similar case, a U.S. teacher was arrested for molesting six children at an international school in Shanghai in June 2013. The victims, four girls and two boys aged between 6 and 10, were all foreign nationals.¹⁵⁶ Following a number of child sex abuses committed by foreigners, the Chinese government promised tighter scrutiny of teachers' criminal records.¹⁵⁷ But such cases might simply cover up the actual scale of sex abuse within educational institutions involving Chinese nationals. These internal cases are more easily covered and internally dealt with, although some recent scandals exposed in the media suggest that they are more common than previously thought.¹⁵⁸

Domestic tourism, however, only represents one side of the coin. Today, nearly one in 10 tourists in the world is Chinese. With the country consolidating itself as the fastest-growing tourism source market over the past decade, Chinese travellers have become the biggest spenders globally since 2012, according to the United Nations World Tourism Organisation (UNWTO).¹⁵⁹ According to the China Tourism Academy's statistics, more than half of Chinese tourists travelling abroad are between 25 and 34 years old.¹⁶⁰ Neighbouring countries and regions are expected to remain the main destinations for Chinese tourists in the coming years, with Hong Kong, Macau, South Korea, Thailand and Taiwan leading the way at present.¹⁶¹ In light of these developments, the Chinese government released a "Guidebook for Civilized Tourism" in September 2013. However, this set of recommendations did not include any reference to sexual exploitation of children in travel and tourism.¹⁶² With almost half of China's population online in 2014, more Chinese citizens turn to the Internet to search

for information when planning their holidays.¹⁶³

Destinations and businesses aiming to tap into the Chinese tourism market have realised that being noticed online is increasingly important.¹⁶⁴ The coincidence of this rapid growth in China's tourism market and easier Internet access begets new challenges for the fight against sexual exploitation of children in travel and tourism.

Evidence suggests that Chinese men are allegedly the largest group of travellers and tourists buying sex with adults and minors in Thailand, following Thai citizens themselves.¹⁶⁵ With respect to border tourism, the hotspots of child sexual exploitation seem located in the border areas between China's Yunnan province and Myanmar, Yunnan and Lao PDR, Yunnan and Vietnam, as well as Thailand and Cambodia, and Cambodia and Vietnam. In relation to Chinese offenders, their encounters with children and adult women are usually negotiated in resorts and casinos that Chinese corporations have been building in neighbouring countries over recent decades.¹⁶⁶

In Cambodia for instance, Chinese sex offenders are mostly business travellers, i.e. garment factory owners, who live in Cambodia for months or years, rather than tourists travelling in groups.¹⁶⁷ However, there is also evidence that Chinese and South Korean males who travel on package tours to South East Asia seek sexual encounters with adults and children during their holidays, even when they travel accompanied by their spouses.¹⁶⁸ In addition, it has been reported that Chinese sex offenders tend to look for sex with virgins in casinos or other entertainment venues of Chinese ownership. Beer gardens are likewise popular for men to have a drink after work and look for virgins. Brokers approach men to offer virgins to them and arrange encounters in hotel rooms or other "discreet locations".¹⁶⁹

Nowadays, no account of Chinese activities abroad

¹⁵⁵ Boehler, Patrick, "US language tutor jailed for 30 years".

¹⁵⁶ "China arrests US teacher for alleged molestation", Associated Press, 14 June 2013, accessed 5 January 2015, <http://bigstory.ap.org/article/china-arrests-us-teacher-alleged-child-molests>.

¹⁵⁷ Boehler, "US language tutor jailed for 30 years".

¹⁵⁸ Hatton, Celia, "Search for justice after China school abuse", BBC News, 6 April 2015, accessed 27 May 2015, <http://www.bbc.com/news/world-asia-china-32126839>.

¹⁵⁹ UNWTO (2014), "International tourism shows continued strength", 30 October 2014, accessed 2 December 2014, <http://media.unwto.org/press-release/2014-10-30/international-tourism-shows-continued-strength>.

¹⁶⁰ Huang, Jinjing, "More and more Chinese travel abroad while numbers of overseas visitors to China decline", Global Times, 5 November 2014, accessed 3 December 2014, <http://www.globaltimes.cn/content/890245.shtml>.

¹⁶¹ Grant, "Top 25 Most Popular Destinations".

¹⁶² Willett, Megan, "China Now Has A Lengthy Rulebook Telling Its Citizens How To Behave When They Travel Abroad", Business Insider, 15 October 2013, accessed 4 December 2014, <http://www.businessinsider.com/guidelines-on-chinese-tourists-behavior-2013-10>.

¹⁶³ "China's online population rises to 632 millions", Xinhua, 21 July 2014, accessed 2 December 2014, http://news.xinhuanet.com/english/china/2014-07/21/c_133499910.htm.

¹⁶⁴ "Coming to a beach near you: How the growing Chinese middle class is changing the global tourism industry", Economist, 19 April 2014, accessed 2 December 2014, <http://www.economist.com/news/international/21601028-how-growing-chinese-middle-class-changing-global-tourism-industry-coming>.

¹⁶⁵ Heather Montgomery 2008. 'Buying Innocence: child sex tourists in Thailand', Third World Quarterly 29 (5): 903-917.

¹⁶⁶ Peters, "Sex, Sun and Heritage", 22.

¹⁶⁷ Ibid., 56.

¹⁶⁸ Ibid.

¹⁶⁹ Brown, Eleanor (2007), "The Ties That Bind: Migration and Trafficking of Women and Girls for Sexual Exploitation in Cambodia", IOM and the Bureau of Population, Refugees, and Migration, US Department of State, August 2007, 60, accessed 14 March 2016, http://humantrafficking.org/uploads/publications/IOM_trafficking_report_Aug07.pdf.

can be complete without looking at the African continent, and this holds true in relation to research about sexual exploitation of children in travel and tourism. Since China became Africa's largest trade partner in 2009, investments in infrastructure, mining and telecommunications translated into nearly a million Chinese citizens working in African countries as of 2014.¹⁷⁰ Chinese workers in Zambia, Angola, South Africa or Ghana often find themselves being perceived "as the only ones with money to spend" in communities where teenage girls tend to have few choices to support their families.¹⁷¹ A number of reports indicate that this is not an isolated case in the region, with suggestions of sexual exploitation of minors¹⁷² being "routinely ignored" by local authorities.¹⁷³ Mines are usually located away from urban centres and their workforce is overwhelmingly male. With few entertainment options in remote areas and poor local girls faced by limited livelihood options, the presence of such push factors seem to indicate that commercial sexual exploitation of minors involving both local and foreigners might be a recurrent problem.¹⁷⁴

JAPAN

Victims

In order to better understand the problem of sexual exploitation of children in the context of travel and tourism in Japan, it is necessary to look at the demographic features of Japan's population. Minors represent only 15.96% of Japan's aging population of over 127 million. The average annual growth rate of the urban population is expected to remain at 0 at least until 2030, according to recent estimates. More than 91% of Japanese live in urban areas, where they enjoy a high degree of anonymity and are faced by a highly competitive working environment.¹⁷⁵

Japan is a "destination, source, and transit country"

for children trafficked for sexual purposes.¹⁷⁶ These children are being trafficked from East Asia, Southeast Asia (namely Philippines and Thailand), South America, Eastern Europe, Russia and Central America into Japan for employment or fake marriages and then forced into prostitution upon their arrival in Japan.¹⁷⁷ Trafficked minors, along with women, are employed in the large entertainment industry in the country. Although estimates from international organisations such as the International Labour Organisation indicate that the majority of those trafficked are adult women, there is evidence that some victims are minors. In these cases, trafficked underage girls enter Japan on forged passports.¹⁷⁸

Moreover, instances of sexual exploitation of children through prostitution are reportedly "increasing" in Japan, according to the latest periodic review by the UN Committee on the Rights of the Child.¹⁷⁹ While this trend has been identified, there is no data collection system to monitor children at risk and adjust policies for better protecting their rights accordingly.¹⁸⁰

The recent development of the *enjokosai* phenomenon previously mentioned shows that increasingly, young girls are falling into this disguised form of sex work. While Japanese teenagers engaging in prostitution in the pre-war period did so as their only way out of poverty, girls involved in *enjokosai* since the 1990s do not belong to any class in particular but are more likely to be financially poor and in need of social relationships for guidance while facing their early adult life.¹⁸¹ They claim to exercise "the right of ownership of their own body" by allowing their use in exchange for money.¹⁸² They perceive themselves as self-determined and independent of any intermediaries in these exchanges. Turning to the girls' self-reported motivations to enter into sex work, economic factors are clearly prominent. Another push factor is their curiosity about a topic as taboo as sex

¹⁷⁰ Hall, Henry, "Are Chinese immigrants undermining African progress?", Christian Science Monitor, 26 February 2013, accessed 13 December 2014, <http://www.csmonitor.com/World/Africa/Africa-Monitor/2013/0226/Are-Chinese-immigrants-undermining-African-progress>.

¹⁷¹ Mwanangombe, Lewis, "Zambia: Chinese Underage Sex Scandal Sparks Emotive Debate", Inter Press Service, 31 January 2012, accessed 3 December 2014, <http://www.ipsnews.net/2012/01/zambia-chinese-underage-sex-scandal-sparks-emotive-debate/>.

¹⁷² Ibid.

¹⁷³ van Staden, Cobus, "China's Zambia Sex Scandal", China Africa Project, 11 February 2012, accessed 3 December 2014, <http://www.chinaafrica-project.com/china-zambia-sex-scandal/>.

¹⁷⁴ Ibid.

¹⁷⁵ UNICEF (2013), "At a Glance: Japan, Statistics", 27 December 2013, accessed 16 March 2015, http://www.unicef.org/infobycountry/japan_statistics.html#118.

¹⁷⁶ U.S. Department of State, "Country Narratives: Japan", 2014 Trafficking in Persons Report, 220, accessed 23 February 2015, <http://www.state.gov/documents/organization/226847.pdf>.

¹⁷⁷ Ibid.

¹⁷⁸ ILO, "Human trafficking for sexual exploitation in Japan", 21 April 2004, 2, accessed 20 February 2015, http://apflnet.ilo.org/resources/human-trafficking-for-sexual-exploitation-in-japan/at_download/file1.

¹⁷⁹ UNCRC, "Consideration of Reports", para. 81.

¹⁸⁰ Ibid., para 22.

¹⁸¹ Okubo, Maki, "Interview with Yumeno Nito: Havens needed for schoolgirls in sleazy 'JK' business", Asahi Shimbun, 22 December 2013, accessed 22 June 2015, <http://ajw.asahi.com/article/views/opinion/AJ201412220001>.

¹⁸² Ueno, "Self-determination on Sexuality", 323.

within the family and educational context, which is also somehow present on several media messages that they come across on a daily basis. However, following Yumeno Nito, a former victim and now activist among the high-school population through her support center Colabo, Juno Miyamo,¹⁸³ an expert from ECPAT/STOP Japan, warns about such viewpoints and calls for more subtlety in analysing the phenomenon and points at new trends: “Now the sex industry in Japan is targeting children as their commodities for profit especially the vulnerable and disadvantaged girls, not only high-school ones but also junior-high and even elementary school ones. This escalation of CSEC was fuelled by male-dominant media attitudes broadcasting the *enjokosai* cases through the view-points gentle to the offenders (not only middle-aged but 20s old age men), giving the image of girls doing with their own decision for curiosity and money and so responsible to their own victimization. That is not true. There is more clever trick deceiving children at various levels by the exploiters, both buying & selling sides”.¹⁸⁴

Foreign Girls

The situation faced by foreign girls in Japan appears to be quite different from that of domestic teenaged prostitutes. Recruiters bringing children into Japan from other Asian countries (Philippines, Thailand), Latin America (Colombia) and Eastern Europe are often of the same nationality as the minors. They may be relatives, friends or acquaintances from the victims’ communities of origin.¹⁸⁵ Some of them already know they will be working as prostitutes in Japan but they ignore the risks and the possibility of appalling working and living conditions. With regards to Thai trafficking victims, it appears that most of them come from either rural areas or are already working as prostitutes in Bangkok and other cities.¹⁸⁶ As for Filipino females, they are faced with a number of push factors for them to migrate to foreign countries to support their families under the purpose

of serving the entertainment industry.¹⁸⁷ Given Japan’s economic development, high salaries and proximity to the Philippines, this country makes for an attractive destination among Philippine migrants. It would seem likely that minors would try to follow similar channels by falsifying their documents, as they are often told about the economic benefits that await for them in Japan’s sex industry.

Despite the fact that human trafficking remains a serious problem in Japan, it receives little media coverage and it appears to be mostly absent from public debate. In light of the emerging trends discussed in this chapter and the presence of large – but still undetermined – numbers of Asian minors and women being trafficked for sexual purposes in Japan, it is clear that further research is essential to better understand the current situation and respond to those who need assistance.

Perpetrators

For decades, evidence has shown that Japanese citizens regularly travel to other countries in the region such as Thailand, Indonesia, Cambodia, the Philippines, and, more recently, Mongolia to engage in commercial sexual exploitation of children.¹⁸⁸ In the early 1980s for instance, the then Prime Minister, Zenko Suzuki, was welcomed with protest movements against Japanese sex tourists when he visited Southeast Asian countries.¹⁸⁹ Such protests were a response to the growing numbers of Japanese male tourists travelling to the region since the 1960s, with a large majority of them seeking to engage in paid sexual encounters.¹⁹⁰ However, to date, no investigation or prosecution has ever been launched against any known Japanese travelling sex offender.¹⁹¹ Meanwhile, Japan remains the only G-8 country that has yet to ratify the 2000 UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.¹⁹²

Japan has continued to be among the top 10 countries

¹⁸³ Okubo, “Interview with Yumeno Nito”.

¹⁸⁴ Miyamo, Junko (ECPAT/STOP Japan), e-mail communication to author, 4 June 2015.

¹⁸⁵ ILO, “Human trafficking for sexual exploitation in Japan”.

¹⁸⁶ Ibid., 18.

¹⁸⁷ Ibid., 24-25.

¹⁸⁸ U.S. Department of State, “Country Narratives: Japan”, 220.

¹⁸⁹ Muroi, Hisae and Sasaki, Naoko (1997), “Tourism and Prostitution in Japan”, in Gender, Work, and Tourism, ed. Sinclair, Thea M., New York: Routledge, 180-184.

¹⁹⁰ Dahles, Heidi (2008), “Romance and Sex Tourism”, in Tourism in Southeast Asia, ed. Hitchcock, Michael, King, Victor T. and Michael Parnwell, Copenhagen: NIAS Press, 222-235.

¹⁹¹ Ibid.

¹⁹² United Nations Treaty Collection (2000), “Signatories of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime”, 15 November 2000, accessed 18 March 2015, https://treaties.un.org/pages/viewdetails.aspx?src=ind&mtdsg_no=xviii-12-a&chapter=18&lang=en.

of origin of visitors to the Philippines since the early 2000s, along with citizens from the United States, South Korea, and a number of European countries.¹⁹³ Some of these tourists have engaged in the sexual exploitation of children while in the Philippines. They reportedly “adopt” or sponsor children by buying them clothes, providing money for their education or tutoring the children in order to gain access to them. The victims often come from poor communities and are faced with limited livelihood options. There have been instances where, for example in Boracay (Philippines), young girls and boys have been found to live in brothels located in the surroundings of luxury hotels and resorts for the convenience of the tourists. It appears that the children’s communities of origin might choose to turn a blind eye as long as the sexual exploitation does not take place in the local area – or any context that would make it too obvious – in order to have much needed additional income.¹⁹⁴

Customers from Japan and South Korea are perceived to be wealthier and, as a result, young girls prefer them for the higher fees and tips they are willing to pay. Being able to go to restaurants and resorts with Japanese tourists who provide them with substantial income gives these young girls, many of them teenagers, a sense of freedom from traditional family constraints.¹⁹⁵

Like Chinese men, Japanese travelling sex offenders can resort to organised structures tasked with providing them with underage girls that they can sexually abuse.¹⁹⁶ Furthermore, when typing “nightlife” or “Southeast Asia” in Japanese on any search engine, the results include a vast number of blogs and pages selling manuals and maps about locations that are “safe” and with “good” brokers to facilitate sexual encounters with minors. Vietnam, Myanmar, Laos and Indonesia appear to be emerging popular destinations among sex offenders. Despite the law recently adopted banning child pornography, some of the websites selling manuals

and maps continue carrying pornographic images of children.¹⁹⁷

There are no realistic statistics regarding the involvement of Japanese citizens in the commercial sexual exploitation of children abroad. Following a request for information, the Juvenile Division within the National Police Agency of Japan confirmed that since 2001, the number of cases of sexual exploitation of children allegedly committed by Japanese abroad involved a total of just seven offenders.¹⁹⁸ This low number probably stems from low reporting and even lower convictions. These are official statistics although they are obviously not very comprehensive ones. As is often the case, this figure suggests that a large number of these crimes go unreported. A variety of issues explain this situation, such as corruption within the judicial systems of the tourist destination countries, lack of knowledge of reporting mechanisms by the victims, and also the need for the income that this trade generates.

Fieldwork conducted by social anthropologist Evelyne Micollier (Development Research Institute of the University of Montpellier) shows that there are bars which offer sexual services catering specifically to female tourists from Japan, South Korea and Taiwan. In particular, Micollier points out that sexual tourism services targeted at Japanese women are on the rise “with Indonesia as a common destination”.¹⁹⁹ Bars in Taipei (Taiwan), Seoul and the island of Kwangju (South Korea) reportedly provide entertainment and sexual services for women. The three most common types of clients appear to be mainly young prostitutes (seeking male entertainers), middle-aged career women and middle-class housewives.²⁰⁰ However, no data is available on the boys or men providing these services. Given the presence of minors among female sex workers, it would appear likely that male teenagers are also engaging in sex work with female tourists and travellers.

MONGOLIA

¹⁹³ Zafft and Tidball, “A Survey of Child Sex Tourism in the Philippines”, 13.

¹⁹⁴ Ibid.

¹⁹⁵ Wiss, Rosemary, “‘No Minors Allowed’: Outsider Bargirls and Trafficking in a Philippines Sex Tourism Industry” (paper presented at Young Lives Changing Times: perspectives on social reproduction, University of Sydney, 8-9 June 2011), 18.

¹⁹⁶ Thomas, Frédéric (2005), “Impact of Closing Svay Pak: Study of police and international NGO-assisted interventions in Svay Pak, Kingdom of Cambodia”, January 2015, Phnom Penh: AIDéTous, COSECAM.

¹⁹⁷ Research conducted in Japanese by ECPAT/STOP Japan.

¹⁹⁸ Ibid.

¹⁹⁹ Micollier, “Social significance of commercial sex work”, 17.

²⁰⁰ Ibid.

Victims, Foreign Girls and Perpetrators

The 2006 ECPAT country report, without providing more detailed evidence, did confirm information found in media and in other NGO reports that: “Commercial sexual exploitation of children in Mongolia is closely linked with the problem of street children, who are exposed to various forms of violence, sexual abuse and commercial sexual exploitation, including involvement in the production of pornography”.²⁰¹ Since then, very little information has been available online with the exception of the *Trafficking in Persons Report 2014* which reports “anecdotal accounts of South Korean and Japanese tourists engaging in child sex tourism in Mongolia”.²⁰² The report, however, recommends investigating these allegations, suggesting a lack of sufficient evidence so far.

The tourism industry is developing in Mongolia, and it is becoming a country visited by an increasing number of travellers. The issue of prostitution within its frontiers has also risen. In the Chinese-Mongolian Free Trade Zone named “Erlian-Zamyn üüd”, a hot-spot in terms of prostitution, social anthropologist Gaelle Lacaze has done extensive research on the border brothels there and found young women involved in the sex industry.²⁰³ However, as in many similar cases, it is difficult to find out their real age. In an extract from his book on his experiences while living in China and particularly in Beijing, the American freelance writer Mitch Mosley also reported the presence of many Mongolian girls in the red-light district, including minors.²⁰⁴

In 2010, a report from the U.S. Department of Labor’s Bureau of International Labor Affairs,²⁰⁵ citing the U.S. Department of States’ annually released Trafficking in Persons report,²⁰⁶ also mentions that Mongolian girls are being sexually exploited and trafficked to China, Macau, South Korea and China. It does not offer many more

details on how and why this is happening. However, a 2005 report on vulnerable children in Mongolia indicates that both male and female children are vulnerable to trafficking for sexual exploitation and other forms of precarious labour in Mongolia and possibly abroad.²⁰⁷

Mongolia is a sending country more than a receiving country for prostitution. Anecdotal evidence suggests that there are women from the Philippines and China operating as prostitutes in Mongolia. Their age is not provided and the sources are generally unreliable.²⁰⁸ Men from Mongolia have not been reported for child sex tourism since they are unlikely to enjoy much opportunity to go abroad. And if they do, they remain in the borderlands and may visit prostitutes there (which, of course, may also include minors, but these are likely situational examples).²⁰⁹

NORTH KOREA

Victims

In North Korea, according to the latest report of the Committee on the Rights of the Child (CRC), based on information provided by the State party, “there has been no case of sexual exploitation and abuse of children reported” so far. However, the same Committee expresses its concern about the paucity of information regarding the extent of sexual exploitation and prostitution of children in the State party and the absence of a comprehensive legislation to prevent sexual exploitation of children as well as protection and/or recovery assistance and social reintegration for children who are victims of sexual exploitation.²¹⁰

In the meantime, other international observers have produced information that provides additional information on the matter. A report from the United Nations

²⁰¹ ECPAT International, “Global Monitoring Status: Mongolia”, 11.

²⁰² U.S. Department of State, “Trafficking in Persons Report 2014”, 277.

²⁰³ Lacaze, “Chinese Trading Town of Ereen”, 111-134.

²⁰⁴ Moxley, Mitch, “Sexual trafficking in China: Kidnapped into prostitution,” Salon, 28 July 2013, accessed 22 May 2015, http://www.salon.com/2013/07/27/sexual_trafficking_in_china_kidnapped_into_prostitution/.

²⁰⁵ U.S. Department of Labor, Bureau of International Labor Affairs, “Country Profiles: Mongolia”, 2010 Findings on the Worst Forms of Child Labor, 509, accessed 24 June 2015, <http://www.dol.gov/ilab/reports/child-labor/findings/tda2010/mongolia.pdf>.

²⁰⁶ Although its approach and its political and moral framework make it controversial, this report stands as a reference for observers of human trafficking in every country over the years.

²⁰⁷ World Vision Mongolia (2005), “Mongolia’s Most Vulnerable Children”, Ulaan Baatar; World Vision Mongolia.

²⁰⁸ Though see, Government of Mongolia (2012), “To the office of the Special Representative of the Secretary - General on violence against children”, Report by the Government of Mongolia in response to the Global Progress Survey on Violence Against Children, GoM: Ulaan Bataar, accessed 16 March 2016, http://srsg.violenceagainstchildren.org/sites/default/files/global_survey/responses/mongolia/unvac_survey_mongolia.pdf.

²⁰⁹ Metz, Alec E. (2006), “Human Trafficking in Mongolia”, The Mongolian Journal of International Affairs 13 (2006): 95-108.

²¹⁰ OHCHR (2009), “Consideration of reports submitted by states parties under Article 44 of the Convention, concluding observations: Democratic People’s Republic of Korea”, UN Doc. CRC/C/PRK/CO/4, 27 March 2009, para. 66, accessed 16 March 2016, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/PRK/CO/4&Lang=En.

Committee on the Rights of the Child (2012) mentions an increasing number of children employed as entertainers and sex objects, but does not comment on the link with tourism and travel.²¹¹ However, as mentioned earlier, tourism in North Korea is highly controlled and it is unlikely that foreigners would be able to buy sex from children. In 2011, however, Good Friends, a Research Institute for North Korean Society, highlighted that there has been a growth of prostitution in North Korea, although it did not mention specifically whether this included underage women.²¹² The NGO Anti-Slavery International also reported in 2005 the sexual exploitation of North Korean women in the Sino-Korean borderlands, a growing phenomenon due to the number of female defectors who enter China. Facing the absence of alternatives to survive, many fall into the hands of brokers who introduce them to prostitution or who arrange marriages with local Chinese men. But again, there is no mention of age in the report, and it is impossible to assess whether or not minors are concerned. In 2013, DailyNK, a South Korean media platform devoted to information about North Korea, mentioned the prostitution of teens and women with ordinary military troops in residential areas, due to the rise of economic difficulties.²¹³ Many of these reports are based on testimonies of female defectors now based in China or South Korea, and there is no other data that can support evidence of the involvement of minors in these sexual activities.

Nevertheless, North Korean children face hardship in China when they either defect with their mother or when they are born from a Chinese father and abandoned, leaving them with no rights to citizenship or to refugee status and must live hidden.²¹⁴ More research should be undertaken on these children in the future as they belong to a marginalized group and are therefore more likely to be subject to all sorts of exploitation and possible abuse.

Foreign Girls

In the available reports and media accounts, there are

no mentions whatsoever of foreign women and children providing sex services and being sexually abused in the country. However, the lack of data and transparency makes it difficult to come to definitive conclusions.

Perpetrators

There is no official data, only rumours and anecdotes, concerning the sexual exploitation of young North Korean women within the circle of government officials. It is impossible to verify whether or not such services are likely to be offered to visiting officials and personalities from abroad or for diplomatic or entertaining purposes. Party cadres, wealthy men and businessmen are also clients of these prostitutes who operate inconspicuously in restaurants and entertainments venues such as karaoke rooms.²¹⁵ No indication on the age of the women involved is available.

Men from North Korea have not been reported for child sex tourism since they are unlikely to enjoy much opportunity to go abroad. And if they do, they remain in the borderlands and may visit prostitutes there (which, of course, may also include minors, but these are likely situational examples).

SOUTH KOREA

Victims

Information on South Korea related to child sex tourism generally emphasises cases of South Korean male tourists going abroad for sex tourism rather than domestic cases. Although the sex industry in South Korea is booming, and involves many young women, exotic encounters abroad seem to be the preference for many men who allegedly search for paid sexual partners. Their preferred options are countries in Southeast Asia and neighbouring East Asian countries such as China and Mongolia.

Still, there remain domestic concerns: “South Korean children are increasingly vulnerable to commercial sexual

²¹¹ OHCHR (2012), “Consideration of reports submitted by States parties under Article 44 of the Convention, Concluding observations: Republic of Korea”, UN Doc. CRC/C/KOR/CO/3-4, 2 February 2012, para. 70 (f), www.ohchr.org/EN/HRBodies/HRC/.../A_HRC_31_58_Add_1_en.doc.

²¹² “North Korea Today, No. 406 June 8, 2011”, Good Friends, accessed 19 May 2015, <http://goodfriendsusa.blogspot.fr/2011/06/north-korea-today-no-406-june-8-2011.html>.

²¹³ “Girls for 50rmb”.

²¹⁴ AFP, “Thousands of NKorea Children face hardship in China: activists”, ReliefWeb, 2 September 2008, accessed 20 May 2015, <http://reliefweb.int/report/democratic-peoples-republic-korea/thousands-nkorea-children-face-hardship-china-activists>.

²¹⁵ “North Korea Today, No. 406 June 8, 2011”.

exploitation through online recruitment. Some 200,000 South Korean girls run away from home annually; in need of money for living expenses and shelter, some are subjected to prostitution. Family members or Korean criminal networks recruit children from Southeast Asian countries with false promises of employment and subsequently force them into prostitution in South Korea".²¹⁶ The pressure that youth from South Korea face in their everyday life and the stress of having to conform to particular socio-cultural norms (patriarchal society, competitive education and job market, pressure on young men and women to get married, gender inequality) explain why some of them sometimes choose to leave and rely on sex work to survive out of reach of their family, finding another 'family' among other young girls previously entered in the business.²¹⁷ However there is no clear evidence that mentions foreign tourists or male business travellers among their customers. This is not to suggest that this is not a problem, but rather that there is a lack of research documenting the existence of such a trend.

Foreign Girls

Foreign women have been working as prostitutes and nightlife entertainers in bars and clubs in South Korea since the early 1990s.²¹⁸ These women are primarily from the Philippines, Russia and the Central Asian Republics (CARs).²¹⁹ The few studies that have documented this phenomenon reveal that there are underage girls within this group of migrant sexual labourers. Yea,²²⁰ for example, interviewed 125 Filipina and Russian women and girls in total, of whom 12% were minors at the time they entered Korea to work. Amongst both adult women and minors, a significant number were trafficked for commercial sexual exploitation.²²¹ A more recent study is currently being conducted by the Korea Human Rights Commission (KHRC) to update the findings of these

earlier studies, which were conducted in the early-mid 2000s. According to KHRC representatives, the problem of foreign women working as sexual labourers in Korea has not declined significantly since 2004, when South Korea introduced a law criminalising human trafficking.²²²

The venues where foreign women and girls are deployed as sexual labourers are divided into those oriented primarily to Korean men (Korean-oriented KTV bars and nightclubs), and mainly employing Russian, CARs and, to a lesser extent Mongolian women and girls; and those oriented to U.S. military servicemen stationed in South Korea (U.S. military-oriented bars and nightclubs located in 'camp towns' around major U.S. military bases), and mainly employing Filipinas and Korean women. The existence of underage girls has been documented in both types of venues, with girls generally entering South Korea with the understanding that they will be either waitressing or hostessing in bars and clubs, but without the knowledge that they will be required to provide sexual services to customers. Whilst these girls are normally complicit in the falsification of their identify documents (most commonly by increasing their age to the legal minimum of 18 years), most do not agree to being prostituted and therefore they should be supported as victims of human trafficking.

Perpetrators

An article published in 2013 by Korea Time mentions a report from The Korea Institute of Criminology²²³ which alleged that South Korean men are the biggest consumers of child sex in Southeast Asia.²²⁴ The 2015 Trafficking in Persons report also states that "South Korean men remained a source of demand for child sex tourism in Southeast Asia and the Pacific Islands, travelling primarily on travel-agency-organized golf group tours or business trips",²²⁵ though accurate figures

²¹⁶ U.S. Department of State (2014), "Country Narratives: Republic of Korea", 2014 Trafficking in Persons Report, accessed 28 May 2015, <http://www.state.gov/j/tip/rls/tiprpt/countries/2014/226754.htm>.

²¹⁷ Chang, Jennifer, "South Korea's runaway teen prostitution," Al Jazeera, 12 November 2012, accessed 28 May 2015, <http://www.aljazeera.com/indepth/features/2012/11/2012111263348392255.html>.

²¹⁸ Cheng, Sealing (2010), "On the Move for Love: Migrant Entertainers and the U.S. military in South Korea", Philadelphia: University of Pennsylvania Press; Yea, Sallie (2015), "Trafficking Women in Korea: Filipina Migrant Entertainers", London: Routledge; KCWU (1999 & 2002), "Reports on Prostitution Around U.S. Military Bases in South Korea", Seoul: KCWU.

²¹⁹ Capdevila, Gustavo (2002), "Korea's new comfort women", Asia Times, accessed 16 March 2016, <http://www.atimes.com/atimes/Korea/DI05Dg01.html>; Jhoty, B. (2001), "Trapped in Modern Slavery: Sex Trafficking Turns Russian Women and Girls into Korean Pawns", Korea Herald, 2 November 2001.

²²⁰ Yea, "Trafficking Women in Korea".

²²¹ Ibid.; KCWU 1999 & 2002, "Reports on Prostitution".

²²² Personal discussion with representative of KHRC, 26 April 2015.

²²³ The report is no longer available online, but it is mentioned here: <http://www.state.gov/j/tip/rls/tiprpt/countries/2013/215495.htm>.

²²⁴ Na, Jeong-ju, "Koreans drive demand for child prostitution in Southeast Asia," Korea Times, 30 January 2013, accessed 26 May 2015, https://www.koreatimes.co.kr/www/news/nation/2013/01/116_129743.html.

on how much of the demand they constitute are not given. The Korean Institute of Criminology confirms this by extending the targeted group to Southeast Asian prostitutes in general, giving South Korean men a highly questionable reputation on the international stage.²²⁶ They mainly engage in child sex tourism in Vietnam, Cambodia and the Philippines, and in the case of sailors, in Kiribati.²²⁷ There, crew members of Korean fishing vessels are known as child abusers: “A local NGO has reported that as many as 50 I-Kiribati girls, some as young as 12, may be subjected to forced prostitution in local bars, hotels, and aboard vessels. Women and girls engaging in prostitution with foreign fishermen at bars and on foreign fishing vessels are collectively referred to by the term *ainen matawa* and are stigmatized in I-Kiribati society. Some I-Kiribati – including family members of potential victims, older *ainen matawas*, hotel and bar workers, and owners of small boats – may facilitate trafficking by transporting girls to foreign vessels for the purpose of prostitution. Others fail to assist trafficking victims or alert authorities to situations where children are exploited in prostitution. These girls generally received financial support, food, alcohol, or goods in exchange for sexual services”.²²⁸

TAIWAN

Victims, Foreign Girls and Perpetrators

In Taiwan, a certain number of South Korean, Japanese and Chinese young women work as prostitutes, but the researcher could not find available data. Additionally, women and girls who enter Taiwan as brides for Taiwanese men, including from Vietnam and Indonesia, routinely desert their marriages due to abuse and other problems. The number of these women and girls winding up in Taiwan’s sex industry is substantial.²²⁹

In 2014, there were two convicted cases involving foreign English teachers in Taiwan sexually exploiting minors, including one that involved the production of photographs.²³⁰ SECTT offences also occur outside the borders of the country (as is the case for South Korea). According to a representative of ECPAT International’s Taiwan office, “there was a recorded case in 2004 that a Taiwanese man went to China and sexually exploited underage girls and also produced sexually abuse materials which afterwards were sold on a DVD format in Taiwan. This man was convicted by the Taiwanese Court in 2006”. Another case was documented in ‘Travelling Child-Sex Offenders in South East Asia: A Regional Review - 2007/2008’.

According to the ECPAT International Taiwan office representative, it is widely known that many Taiwanese men buy adult sex in China. They go to China either for a business trip or with a tour group arranged particularly for buying sex. There is no recent case of tourists sexually exploiting minors in China, but it is reasonable to believe it may happen when there are opportunities. This practice (with regards to adult Chinese women) has been documented by an academic in Taiwan.²³¹

²²⁵ U.S. Department of State (2015), “2015 Trafficking in Persons Report”, 210, accessed 23 March 2016, <http://www.state.gov/documents/organization/245365.pdf>.

²²⁶ “Koreans ‘Biggest Clients of Prostitutes in Southeast Asia’,” Chosunilbo, 30 January 2013, accessed 21 May 2015, http://english.chosun.com/site/data/html_dir/2013/01/30/2013013001376.html.

²²⁷ U.S. Department of State, “Trafficking in Persons Report 2014”, 232.

²²⁸ Ibid., 229-230.

²²⁹ Tseng, Hsun-Hui (2014), “Victims of human trafficking or perpetrators of fraudulent marriage? Foreign spouses engaging in the sex industry in Taiwan”, in *Human Trafficking in Asia: Forcing Issues*, ed. Yea, Sallie, Routledge: London, 49-63.

²³⁰ For more information please see: <http://www.chinatimes.com/realtimenews/20140728004288-260402>.

²³¹ For more information please see: <http://twstreetcorner.org/2013/06/10/chenmeihua/>.

CHAPTER 5

WHAT HAS BEEN THE RESPONSE?

As discussed earlier, the influence of the Internet has changed the nature of tourism, as well as the organisation of child sex tourism for the last decade. Hence, targeting child sex tourists requires new methodology. However, it should be noted that “Many East and Southeast Asian destinations and source jurisdictions such as (...) Japan, the Republic of Korea, Taiwan (...) do not yet have a protocol for Internet Service Providers to report unlawful cyber activities in relation to sexually abusive images of children. These must be established as a vital means of undermining criminal activity”.²³² Establishing a code of conduct for Internet Service Providers should be part of the political agenda of East Asian countries. However, efforts have been made in some of them. This next section of the report details, when available, the improvements worth noticing in tackling the issue of child sex tourism.

CHINA

Government Responses

Culturally, sex in China is regarded as a private matter and parents do not discuss it with their children.²³³ Despite the fact that the Ministry of Education prescribes mandatory sex education classes, many schools across the country fail to provide students with such classes.²³⁴ Insufficient funds and the fact that sex education is not a test topic in China's exam-oriented education system are blamed for this situation.²³⁵ As a result, Chinese children appear to receive little information about sexual offences and have a “weak awareness or capability” to protect themselves from such offences.²³⁶

From a political perspective, trafficking and prostitution are also sensitive issues in China.²³⁷ On the one hand, the Chinese Communist Party partially anchors its moral legitimacy as the nation's ruler to being the guarantor of social order and “harmony”.²³⁸ Therefore, acknowledging the sexual exploitation of children becomes challenging. On the other, a number of Chinese local officials have been found to be involved in child sex abuses²³⁹ or to benefit by taking bribes to turn a blind eye to the flourishing sex industry.²⁴⁰

Having said that, the Chinese government has taken some steps towards more open discussion of the matter. The Tourism Law took effect in October 2013 with the stated goal to ensure “the sustainable and sound development of the tourist industry”.²⁴¹ It points out that “tourists may not damage the lawful rights and interests of local residents”,²⁴² and advises travel agencies to terminate contracts when a “tourist is engaged in illegal activities or activities that violate social morality”.²⁴³ However, no cases have been reported as of early 2015 against travelling child sex offenders on the basis of this new law. Furthermore, the Regulations on the Administration of Entertainment Venues (2006) stipulate that no singing or dancing entertainment venue should employ minors (article 24). The Regulations also indicate that entertainment venues should place warning signs against prostitution (article 30), but it fails to recommend any particular monitoring systems or controls to avoid the sexual exploitation of minors in these places.²⁴⁴ Chinese legislation therefore has several significant gaps in laws designed to ensure the protection of children from sexual

²³² UNODC (2013), “Trafficking of women and girls for sexual exploitation within the Greater Mekong Sub-Region”, Transnational Organized Crime Threat Assessment – East Asia and the Pacific, April 2013, 22, accessed 3 June 2014, http://www.unodc.org/documents/toc/Reports/TOC-TA-EA-Pacific/TOCTA_EAP_c02.pdf.

²³³ Tatlow, Didi Kirsten, “When Parents Need Help with the Facts of Life”, New York Times, 4 June 2014, accessed 5 January 2015, <http://sinosphere.blogs.nytimes.com/2014/06/04/when-parents-need-help-with-the-facts-of-life/>.

²³⁴ “90 pct Chinese parents support sex education”, Xinhua, 3 June 2013, accessed 24 December 2014, http://news.xinhuanet.com/english/china/2013-06/03/c_132427136.htm.

²³⁵ Tatlow, “When Parents Need Help with the Facts of Life”.

²³⁶ “90 pct Chinese parents support sex education”.

²³⁷ O'Connell Davidson, “Children in the Sex Trade in China”, 8.

²³⁸ Baxter, Tom, “China's Communist Party Plenum Focuses On Rule Of Law, But Not As The West Sees It”, International Business Times, 19 October 2014, accessed 6 January 2015, <http://www.ibtimes.com/chinas-communist-party-plenum-focuses-rule-law-not-west-sees-it-1707504>.

²³⁹ Zheng, Tiantian, “China: Sex Work and Human Trafficking (Part 2)”, Fair Observer, 19 August 2013, accessed 17 November 2014, http://www.fairobserver.com/region/asia_pacific/china-sex-work-human-trafficking-part-2/.

²⁴⁰ “8 policemen probed for allegedly harbouring prostitution”, Xinhua, 21 April 2014, accessed 17 December 2014, http://news.xinhuanet.com/english/china/2014-04/21/c_133279272.htm.

²⁴¹ People's Republic of China, Tourism Law, Art. 1.

²⁴² Ibid., Art. 14.

²⁴³ Ibid., Art. 66.

²⁴⁴ Government of the People's Republic of China, State Council (2006), “Regulations on the Administration of Entertainment Venues”, Art. 24, 30, accessed 10 February 2015, <http://www.lawinfochina.com/Display.aspx?lib=law&Cgid=73419>.

exploitation in travel and tourism. In October 2013, key judicial institutions – namely the Supreme People's Court, Supreme People's Procuratorate, Ministry of Public Security, and Ministry of Justice – jointly issued a set of guidelines dealing specifically with punishments against child sex offences.²⁴⁵ Article 29 concerns the occurrence of child sexual abuse committed by foreign citizens in China, but it does not refer to Chinese nationals committing similar offences abroad.

Space for Civil Society to work on SECTT and NGO Responses

The promotion of the “socialisation of welfare” – i.e. the need for the government to ask for welfare contributions from multiple sectors due to its limited financial power²⁴⁶ – is opening up new avenues of participation for non-state actors, namely service delivery NGOs focused on welfare and poverty issues.²⁴⁷ A Charity Promotion Law has been in the making for nearly 10 years but the draft is still under review. Meanwhile, the Chinese state's management of the civil society sector remains restrictive in accordance with the Regulations on the Registration and Management of Social Organisations (1998).²⁴⁸ Recently, the 2013 Decision of the Central Committee of the Communist Party of China on Some Major Issues Concerning Comprehensively Deepening the Reform replaced management with the term “social governance” for the first time.²⁴⁹ This more cooperative tone is one of the most relevant changes over recent years for the NGO sector.²⁵⁰ It has led to clear improvements in terms of the institutional space to operate for those organisations cooperating with the government in the provision of social welfare. However, a more positive interaction between the government and social organisations does not appear to be necessarily the norm for NGOs working on the promotion of children's rights, let alone human rights.

Over recent decades, lawyer Lu Xiaoquan, who works with the Beijing Zhongze Legal Advice Centre for Women, and a number of children's rights activists and parents, have been calling for the criminal law on underage prostitution to be replaced with one on child rape to avoid the stigma associated with prostitution being placed on child victims of sexual exploitation.²⁵¹ The All-China Women's Federation launched a signature campaign in 2011 but all attempts were unsuccessful until recently.²⁵² In July 2014, the PRC Supreme Court stated “it would seek to push for legislative action to remove it (the child prostitution charge) from the criminal code”.²⁵³ Moreover, since the end of 2014, substantial steps have been taken in this regard. During the annual session of the National People's Congress, China's parliament, in March 2015, deputies and legal experts discussed the need to remove the child prostitution charge from the Criminal Law. Following this decision, legal experts are currently working on introducing substantial changes to China's laws to better protect children from sexual exploitation.²⁵⁴

Response of Regional Entities

At the regional level, China is increasingly playing a key role in advancing children's rights protection in Asia. The country hosted the High Level Meeting for South-South Cooperation for Child Rights in the Asia Pacific Region in November 2010. The meeting, which brought together 28 countries, addressed the development of child protection and welfare mechanisms.²⁵⁵ Furthermore, international crime groups involved in human trafficking are also a key concern among Asian neighbours. Consequently, China has signed the Mekong River Sub-regional Cooperation Anti-trafficking Memo with Thailand, Myanmar, Laos, and Cambodia and launched a senior-official meeting mechanism to fight trafficking gangs. Chinese police regularly cooperate with their

²⁴⁵ The Supreme People's Court, The Supreme People's Procuratorate, The Ministry of Public Security, and Ministry of Justice Opinion on Punishing Sexual Violations of Minors, “Opinions of four departments to punish the crime of sexual abuse of minors (四部门关于依法惩治性侵害未成年人犯罪的意见)”, 25 October 2013, accessed 5 April 2015, http://www.spp.gov.cn/zd gz/201310/t20131025_63797.shtml.

²⁴⁶ Chan, Chak Kwan, Ngok, King Lun and Phillips, David (2008), “Social Policy in China: Development and Well-being”, Bristol: The Policy Press, 10.

²⁴⁷ West, Andy (2005), “Hubs and Centres for Developing Children's Participation and Child Protection in China”, Beijing: Save the Children, 45.

²⁴⁸ Government of the People's Republic of China, State Council (1998), “Regulations on the Registration and Management of Social Organizations (CECC Full Translation)”, 25 October 1998, accessed 3 February 2015, <http://www.cecc.gov/resources/legal-provisions/regulations-on-the-registration-and-management-of-social-organizations>.

²⁴⁹ Government of the People's Republic of China (2013), “Decision of the Central Committee of the Communist Party of China on Some Major Issues Concerning Comprehensively Deepening the Reform”, 12 November 2013, accessed 3 February 2015, http://www.china.org.cn/china/third_plenary_session/2014-01/16/content_31212602.htm.

²⁵⁰ Shieh, Shawn, “NGO Law Monitor: China”, International center for Not-for-Profit Law, 25 January 2016, accessed 26 May 2015, <http://www.icnl.org/research/monitor/china.html>.

²⁵¹ Boehler, Patrick, “Judicial bodies under fire over loopholes in child sex abuse legislation”, South China Morning Post, 3 January 2014, accessed 10 November 2014, <http://www.scmp.com/news/china-insider/article/1396735/judicial-bodies-under-fire-over-age-consent-loophole-legislation>.

²⁵² “China: Outrage as ‘Underage Prostitution’ Law Protects Child Rapists”, Global Voices, 8 December 2011, accessed 7 November 2014, <http://globalvoicesonline.org/2011/12/08/china-outrage-as-underage-prostitution-law-protects-child-rapists/>.

²⁵³ Boehler, “Judicial bodies under fire”.

²⁵⁴ Liu, Kiki, “China's Landmark Case on the Solicitation of Underage Prostitution”, Women of China, 7 March 2015, accessed 20 March 2015, <http://www.womenofchina.cn/womenofchina/html1/features/rights/1503/862-1.htm>.

²⁵⁵ Government of the People's Republic of China (2010), “The Beijing Declaration on South-South Cooperation for Child Rights in the Asia Pacific Region”, accessed 5 February 2015, www.unicef.org/eapro/Beijing_Declaration.docx.

counterparts in Russia, the United Kingdom, Australia and Malaysia in intelligence exchange and investigation, as these are reportedly prominent destinations for trafficked Chinese children.²⁵⁶

Many of the regional responses already in place focus on anti-human trafficking efforts. With this goal, China has established eight liaison offices in Myanmar, Vietnam and Laos.²⁵⁷ Some experts also warn of new risks faced by children in the region. For instance, a regional representative of UNODC, Jeremy Douglas, advocates setting up a database of child sex offenders “to alert immigration officials and stop criminals from crossing borders”²⁵⁸ as the ASEAN Economic Community (AEC) is reducing restrictions on travel between member countries.²⁵⁹ More interestingly, China is one of the six countries that set up the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT) in 2004.²⁶⁰ The COMMIT Process is being developed along with complementary initiatives such as the “Worst Offenders Project”, aimed at enhancing the number and quality of prosecutions of those profiting from this crime. These capacity building and training projects also benefit from UNIAP’s Strategic Information Response Network (SIREN), devoted to providing much needed data and analysis about trafficking in persons in the region.²⁶¹

Recovery and Reintegration of Victims and Multi-Sectorial Responses

In terms of recovery and reintegration of victims, the limited literature available shows that most efforts to date have been focused on assistance to trafficked victims.²⁶² In addition, there appears to be a low level of awareness of judicial procedures and ways to report being a victim of either trafficking or sexual exploitation. There are a variety of factors that explain this situation. Firstly, as has been discussed, local officials appear to sometimes turn a blind eye and let sex work venues operate freely in exchange for material benefits. This can result in a lack of trust by the

victims of sexual exploitation and unwillingness to recount their experiences. Secondly, especially when those involved are illegal migrants, victims are concerned about potential fines or charges due to their illegal entry into the country. Thirdly, the shame attached to sex work might make some minors reluctant to report it in order to avoid stigmatisation and rejection.

A study conducted by UNIAP and NEXUS Institute with 252 trafficked minors and adults in the Greater Mekong Sub-Region shows that in a number of cases, victims went unassisted. Some of the key reasons explaining this situation are the lack of services available, being unidentified, not referred or even unaware of available support. In addition, the lack of assistance seems to be an even more serious problem among boys and male adults because in China they have not been perceived as trafficking victims until recently. For a long time, the assumption was that only females were falling victims of international gangs.²⁶³

As discussed, some NGOs fill in the gaps left by state assistance in areas like Yunnan and Guangxi, which is a gateway to the coast and the Cantonese area and, thus, home to substantial activity by trafficking networks. It appears that most commonly the assistance for recovery and reintegration that these NGOs are able to offer does not specifically cater to minors; rather, children are assisted and live in shelters alongside adults.²⁶⁴

Furthermore, international organisations such as UNICEF have been working with the Chinese government by providing technical support to China’s Supreme Court on international legislation and best practices pertaining to child sex offences. Among other initiatives, China’s Centres for Disease Control have conducted a study, with the support of UNICEF, on the prevalence of child abuse, as well as identifying the gaps in the policies aimed at preventing and responding to this phenomenon.²⁶⁵

²⁵⁶ Zhang, Yan and He, Dan, “Trafficking of Chinese women on the rise”, China Daily, 24 January 2011, accessed 17 December 2014, http://www.chinadaily.com.cn/china/2011-01/24/content_11902610.htm.

²⁵⁷ Liu, Yunting, “China, Myanmar Step up Fight Against Human Trafficking”, Women of China, (20 May 2013), accessed 30 January 2014, <http://www.womenofchina.cn/womenofchina/html1/news/china/15/5035-1.htm>.

²⁵⁸ Ashayagachat, Achara, “Child sex tourists ‘mostly Asian’”, Bangkok Post, 11 October 2014, accessed 20 November 2014, <http://www.bangkokpost.com/news/crime/437006/child-sex-tourists-mostly-asian>.

²⁵⁹ Barron, Laignee, “With AEC, risks abound”, Phnom Penh Post, 22 October 2014, accessed 20 November 2014, <http://www.phnompenhpost.com/national/aec-risks-abound>.

²⁶⁰ UNIAP (n.d.), “COMMIT: The Coordinated Mekong Ministerial Initiative Against Trafficking”, accessed 5 February 2015, <http://www.no-trafficking.org/commit.html>.

²⁶¹ UNIAP (n.d.), “Strategic Information Response Network”, accessed 5 February 2015, <http://www.no-trafficking.org/siren.html>.

²⁶² Conaway, Matthew B. (2010), “The Trafficking of Women and Girls for Prostitution and as Brides in China”, 3 June 2010, accessed 17 March 2016, http://www.academia.edu/277740/The_Trafficking_of_Women_and_Girls_for_Prostitution_and_Brides_in_China.

²⁶³ Surtees, Rebecca (2013), “After Trafficking: Experiences and Challenges in the (Re)integration of Trafficked Persons in the Greater Mekong Sub-Region”, Bangkok: UNIAP/NEXUS Institute, accessed 23 March 2016, <http://un-act.org/publication/view/trafficking-experiences-challenges-reintegration-trafficked-persons-greater-mekong-sub-region/>.

²⁶⁴ Ibid.

²⁶⁵ UNICEF (2014), “Children in China: An Atlas of Social Indicators”, Beijing: UNICEF, 64, accessed 10 February 2015, <http://www.unicef.cn/en/up-loadfile/2015/0114/20150114094309619.pdf>.

Corporate Responses

When looking at the corporate responses, no initiatives targeted specifically at fighting the sexual exploitation of children in travel and tourism have been identified. Probably one of the most prominent advancements in this area is the endorsement by 19 Chinese tourism enterprises of the UNWTO Global Code of Ethics for Tourism.²⁶⁶ Despite the fact that the code is not legally binding, it includes important provisions related to the fight against the sexual exploitation of children in travel and tourism.

In particular, Article 2 states that “tourism activities should respect (...) the individual rights of the most vulnerable groups, notably children”. Furthermore, Article 3 claims that the sexual exploitation of children “conflicts with the fundamental aims of tourism and is the negation of tourism; as such, in accordance with international law, it should be energetically combated”.²⁶⁷ It can be argued that this is a symbolic step that could raise the profile of this problem in terms of China’s public policy.

More broadly, the Chinese government, in cooperation with international organisations, has designed a number of corporate social responsibility frameworks that can also benefit the fight against the sexual exploitation of children in travel and tourism by raising awareness over child rights protection. For example, China formed the UN-led Global Compact Local China Network in 2009 to encourage the abolition of child labour. Ending the sexual exploitation of children in travel and tourism would be a crucial step in this direction.

Additionally, private corporations occasionally get involved in projects aimed at improving the wellbeing of the most disadvantaged children in China.²⁶⁸ Such initiatives could have a greater impact if coordinated and based on reliable data about the current and emerging problems facing children in the country today. One of

them is sexual exploitation in travel and tourism and more concerted efforts are clearly needed to tackle this issue, as the global economic importance of the tourism sector keeps growing.

JAPAN

Government Responses

A number of domestic laws are in place to better protect children, despite the fact that “no comprehensive child rights law [is] in place”, and some of the provisions of existing laws are not fully consistent with the principles of the UN Convention on the Rights of the Child.²⁶⁹ Moreover, Japan’s government has set up national bodies tasked with implementing policies centred on child protection such as the Headquarters for Promotion of Development and Support for Children and Young People, the Education Rebuilding Council, and a number of government councils.²⁷⁰ However, a lack of effective coordination among these bodies and insufficient resources seems to have undermined their capability to fulfil their respective mandates.²⁷¹

Japan’s Action Plan against Commercial Sexual Exploitation of Children outlines mechanisms to respond to cases of sexual exploitation as well as to work towards preventing them. According to the Plan, female officers are responsible for providing assistance to minors in Japan. Police officers are expected to seek the advice of experts regarding the mental and physical conditions of child victims when necessary. Child Guidance Centres are set up to provide mental care to vulnerable minors, including those who have been involved in sex work, and to inform the police of such cases. Women’s Consulting Offices are often found to work closely together with these Centres. In addition, Legal Affairs Bureaus and District Legal Affairs Bureaus across the country are expected to cooperate with these centres as well as other organisations and NGOs concerned with the protection of victims of child abuse.

²⁶⁶ UNWTO (2011), “Global Code of Ethics: Private Sector Signatories of the Commitment in China”, accessed 6 April 2015, http://ethics.unwto.org/private-sector-signatories-of-the-commitment?field_signatories_region_value_many_to_one=All&field_signatories_country_value_many_to_one=China.

²⁶⁷ Ibid., Art. 2-3.

²⁶⁸ Yin, Peter, “Sony China Assists Chinese Children in Safety Education”, Women of China, 30 October 2014, accessed 6 February 2015, <http://www.womenofchina.cn/womenofchina/html1/news/charity/1410/1750-1.htm>.

²⁶⁹ UNCRC, “Consideration of Reports”, para 11.

²⁷⁰ Ibid., para 13.

²⁷¹ Ibid., para 14.

In its Action Plan, the Japanese government acknowledges difficulties when trying “to correctly grasp the situation of Japanese people’s involvement in child prostitution abroad” and is committed to cooperating closely with international organisations, police forces and NGOs to tackle this growing problem.²⁷² However, the government has yet to establish a mechanism to collect and report reliable data on the number of Japanese travelling sex offenders or the child victims of sexual exploitation in travel and tourism within Japan.

The National Police Agency (NPA) has a Unit Combating Child Sexual Exploitation, which has been particularly active in the fight against sexually abusive images of children²⁷³ and regularly releases data on this matter.²⁷⁴ Among its most recent initiatives pertaining to the sexual exploitation of children in travel and tourism, was its hosting of the 12th Conference of Investigators on Commercial Sexual Exploitation of Children in Southeast Asia in 2013. Japanese police officers exchanged information with their Thai, Cambodian, Philippine, and Indonesian counterparts on cases of child sexual exploitation. This still seems to be the region where a majority of Japanese travelling sex offenders choose for their encounters with children.²⁷⁵

Furthermore, Japan has in place an Action Plan to Combat Trafficking in Persons, updated in 2009 after the first plan was adopted in 2004. As mentioned above, the Japanese government has not ratified the Palermo Protocol. Nonetheless, its national Action Plan, which follows the trafficking in persons’ definition outlined in the UN Protocol, includes a provision specifically dealing with the sexual exploitation of children. It states the government’s “zero tolerance” of this problem and its commitment to enhance cooperation with international organisations and NGOs to tackle human trafficking, which often result in the victims’ sexual exploitation.²⁷⁶

More effective coordination among governmental bodies tasked with protecting children’s rights and resources to ensure adequate care for victims of sex abuse could also have a positive impact on what Japanese authorities are already doing to tackle the sexual exploitation of children, in particular in the context of travel and tourism.

Space for Civil Society to work on SECTT and NGO Responses

Japan only has a small NGO and CSO sector working on the issues of gender, child rights and the sexual exploitation of women and girls, largely emerging from abuses by U.S. military personnel stationed in American bases in Japan. Thai and South Korean NGOs have formed cooperative networks with Japanese NGOs but these networks appear more involved in advocacy work than provision of direct services to victims of SECTT or sex trafficking.²⁷⁷

Corporate Responses (Industry)

Corporate responses to the problem of the sexual exploitation of children in travel and tourism have been arguably limited to date. After the Law for Punishing Acts Related to Child Prostitution and Child Pornography and for Protection of Children was adopted in 1999, the Ministry of Transport – currently known as the Ministry of Land, Infrastructure, Transport and Tourism – issued guidelines to travel industry organisations in order to inform companies within the tourism and travel sector about the new law.

Travel agency associations also organised seminars instructing member companies to avoid organising “prostitution tours” and to prevent Japanese travellers “from getting involved in child prostitution during their tours”.²⁷⁸ Other efforts aimed at tackling the sexual exploitation of children in travel and tourism included information on the law being published on travel agency associations’ websites, and articles being included in their newsletters that warned against organising prostitution tours. In addition, the Ministry of Transport established a liaison council with travel agencies to launch awareness-raising campaigns on the law.²⁷⁹

Since then, over 70 tourism corporations have become signatories of The Code, aimed at protecting children from sex tourism.²⁸⁰

In addition, in September 2014, within the framework of the JATA Tourism Expo Japan at Japan Travel Week, 12 tourism corporations were the first Japanese signatories

²⁷² Ministry of Foreign Affairs of Japan (2001), “Japan’s Action Plan against Commercial Sexual Exploitation of Children”, para. 2, accessed 17 March 2016, <http://www.mofa.go.jp/policy/human/child/action.html>.

²⁷³ Government of Japan (2013), “Second Comprehensive Measures to Eliminate Child Pornography”, (Ministerial Meeting Concerning Measures Against Crime, May 2013), accessed 3 April 2015, <http://www8.cao.go.jp/youth/english/pdf/cp-measures2.pdf>.

²⁷⁴ National Police Agency of Japan (2015), “The Situation of Child Pornography in 2014 has been reported”, 27 March 2015, accessed 3 April 2015, https://www.npa.go.jp/safetylife/syonen/no_cp/newsrelease/news_mar31_2015.pdf.

²⁷⁵ U.S. Department of State, “Trafficking in Persons Report 2014”, 220-222.

²⁷⁶ Government of Japan (2009), “Action Plan to Combat Trafficking in Persons”, 2, 6, accessed 2 April 2015, http://www.mofa.go.jp/j_info/visit/visa/topics/pdfs/actionplan0912.pdf.

²⁷⁷ HRW (2000), “Owed Justice: Thai Women Trafficked into Debt Bondage in Japan”, HRW: New York, accessed 17 March 2016, <https://www.hrw.org/reports/2000/japan/>.

²⁷⁸ Ministry of Foreign Affairs of Japan, “Japan’s Action Plan”, para 6.

²⁷⁹ Ibid.

²⁸⁰ The Code (n.d.), “Signatories in Japan”, accessed 2 April 2015, <http://www.thecode.org/country/japan/>.

of the United Nations World Tourist Organisation (UNWTO) Global Code of Ethics for Tourism, which includes provisions on the protection of children from sexual exploitation.²⁸¹

MONGOLIA

No information was available on government or corporate responses in Mongolia, indicating the general dearth of information and research for that country. ECPAT, in collaboration with other child rights agencies and Mongolian tourism agencies, has responded to the growing number of foreign tourists visiting the country and the potential risk for inappropriate behaviours with children by distributing “awareness raising materials on the illegality of sexual contact with Mongolian children”.²⁸² The Centre for Human Rights and Development (CHRD), a Mongolian NGO, “lobbied the government of Mongolia to initiate the National Plan of Action against Human Trafficking and Sexual Exploitation of Children, Girls and Young Women. As a result, the National Plan was adopted by the Government of Mongolia in November 2005 (CHRD 2007)”.²⁸³

NORTH KOREA

Government Responses

There is no available information on North Korean government responses to SECTT at the time of writing. Academic Song Jiyoung has rightly pointed to the lack of analysis of the North Korean state’s responses to the trafficking and sexual exploitation of North Korean women and girls fleeing to China, mainly as refugees.²⁸⁴

Space for Civil Society to work on SECTT and NGO Responses

South Korea-based NGOs and religious groups help North Korean defectors who have been victims of various abuses, but there has been no specific mention of sexually abused children or children’s issues more generally.²⁸⁵

Responses of Regional Entities

NGOs and activist groups based in South Korea, many of which are affiliated with missionaries, advocate for the improvement of human rights in general in North Korea, with a special focus on women’s conditions. But here again, there is no mention of children in terms of sexual exploitation, or only in the case of forced marriages of Chinese peasants with potential under-aged women.

Corporate Responses (Industry)

There is no available information on corporate responses at the time of writing. However, some North Korean companies have been receiving training in Corporate Social Responsibility generally, but not specifically related to SECTT.²⁸⁶

SOUTH KOREA

Government Responses

In 2012, the United Nations’ Committee on the Rights of the Child welcomed in its report the creation of centres to support victims of abuse, namely the Sunflower Children’s Centres and One-Stop Support Centre for victims of abuse which “provide counselling, protection and treatment for child victims of sexual exploitation”.²⁸⁷ But the report also complains about the low rates of prosecution for sexual exploiters of children. There have been no convictions of Korean sex tourists during the past seven years. Researchers call for more efforts in that regard.²⁸⁸

According to the High Commissioner on Human Rights’ report, “Korean men are the primary customers of child (juvenile) sex tourism in South East Asia and the Pacific Islands. Despite this, the Korean government has no single record of punishing any such perpetrators that have gone on overseas trips for child prostitution. It is also alarming that the number of cases of prostitutions brokered in cyberspace multiplied by 417 fold compared to 2008, and these involve only those number of cases

²⁸¹ UNWTO (n.d.), “The Global Code of Ethics: Private Sector Signatories of the Commitment in Japan”, accessed 2 April 2015, http://ethics.unwto.org/private-sector-signatories-of-the-commitment?field_signatories_region_value_many_to_one=All&field_signatories_country_value_many_to_one=Japan.

²⁸² ECPAT International, “Country Monitoring Status: Mongolia”, 17.

²⁸³ Munkhbat, Naran (2007), “NGO Involvement in Combating Traffic in Women in and from Mongolia”, (unpublished Master’s thesis, Central European University, Budapest), 51.

²⁸⁴ Song, “Smuggled Refugees”, 153-173.

²⁸⁵ One of the main NGOs involved in this work is the North Korean Rescue Fund (NKRf). For more information see: <http://www.nkhrrescuefund.org/>. For a review of NGO activities for North Korean refugees in general see: Kim, Jungin (2010), “A Study of the Role of NGOs for North Korean Refugees”, *Journal of Immigrant and Refugees* 8: 76-90.

²⁸⁶ For more information please see: <http://www.environmental-expert.com/training/keyword-corporate-social-responsibility-1370/location-north-korea>.

²⁸⁷ UNCRC (2012), “Consideration of reports submitted by States parties under article 44 of the Convention Concluding observations: Republic of Korea”, UN Doc. CRC/C/KOR/CO/3, 2 February 2012, para. 72, accessed 28 June 2015, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/KOR/CO/3-4&Lang=En.

²⁸⁸ Edelson, Daniel A. (2014), “Accountability and Responsibility: Why South Korea Should Support a Regional Convention Modeled after the Council of Europe Convention on the Protection of Children Against Sexual Exploitation and Sexual Abuse,” *Korea University Law Review*, Forthcoming, 17 February 2014, 1.

uncovered”.²⁸⁹ South Korea’s governmental approach to online protection for children in the digital era, and the recent measures taken at the administration and legislative level are available in a comprehensive document by Dr. Juriah Abd Jalil.²⁹⁰ Identifying and controlling internet users and child sex offenders, providing awareness trainings, monitoring websites’ content and offering shelter to victims figure among those measures, have proved some improvement in tackling the issue at the national level. These are measures taken to protect the child from sexual abuse within the country. However, nothing is specified regarding abuses conducted abroad.

There are, however, some grounds for cautious optimism. For instance, training for travel agencies suggest that something is being done to deter Korean men from engaging in child sex tourism abroad. Furthermore, in 2014, the U.S. Trafficking in Persons Report indicated that there had been some recent changes in South Korea: “In 2013, the government revised its policies to further restrict issuance of passports to those prosecuted for engaging in sex tourism abroad. Between July and August 2013, the National Plan of Action conducted a crackdown on brokers and businesses that recruit Korean women for forced prostitution abroad or organize sex tourism trips for Korean men. The government continued to post child sex tourism warnings at airport and railroad stations and on the websites of South Korean embassies. The Republic Of Korea is not a party to the 2000 UN TIP Protocol”.²⁹¹ No further details were available on how many persons were caught, how much they were fined, and how many passport were confiscated, if any.

Space for Civil Society to work on SECTT and NGO Responses

Much like Japan, South Korean NGOs involved in child protection, and sex trafficking issues has emerged from the context of U.S. military presence. There are several NGOs providing direct services to victims of sex trafficking, including minors, both around U.S. military bases and from Korean prostitution districts. These

organisations are both Korean and foreign worker/foreign religious organisation-run and mainly focus on foreign women and girls entering Korea, rather than local girls in the sex industry.²⁹²

Corporate Responses (Industry)

So far, The Code counts only two members from the South Korean tourism industry,²⁹³ which is very low compared to other countries in the region like Japan, or even China. In addition, six corporate organisations now count as UNWTO affiliate members.²⁹⁴

TAIWAN

Government Responses

In response to the U.S. government’s 2013 Trafficking in Persons Report, the government of Taiwan published a document in which it detailed the latest developments in the country concerning human trafficking. Regarding child sex tourism, it mentions actions on the protection of minors against sexual exploitation: “In 2013, police forces put top priority on cracking down on the child sex trade. Patrols and raids were increased during the summer vacation, the peak season when some teenage girls enter the sex trade (at places like karaoke parlours or motels)”.²⁹⁵ It also mentioned efforts made in deterring child sex tourism that resulted, within Taiwan, in “199 arrests for engaging in sex with a minor from January to June of 2013. Another 147 suspects were charged for pandering or coercing minors into prostitution”.²⁹⁶ The report also emphasised efforts to track down Taiwanese child-sex tourists: “Liaison officers with law enforcement, immigration or judicial duties at Taiwan’s foreign missions maintain contact between the host country and Taiwan regarding trans-border crimes. They also proactively follow up on leads about ROC passport holders involved in child sex tourism abroad”.²⁹⁷

According to the annual U.S. Department of State Trafficking in Persons Report, Taiwan has been recognized for making effort in combating human trafficking and placed in Tier 1 six years in a row. Although Taiwan

²⁸⁹ OHCHR (n.d.), “Questions Submitted to the Pre-Session Working Group of the CEDAW”, accessed 26 May 2015, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/NHRC_Republic_Korea_CEDAW49.pdf.

²⁹⁰ Jalil, “Korean approach to online protection”.

²⁹¹ U.S. Department of State, “Trafficking in Persons Report 2014”, 234.

²⁹² Chang, “On the Move for Love”.

²⁹³ The Code (n.d.), “Signatories in South Korea”, accessed 25 June 2015, <http://www.thecode.org/who-have-signed/>.

²⁹⁴ UNWTO (n.d.), “UNWTO Affiliate Members”, accessed 25 June 2015, http://affiliatemembers.unwto.org/affiliate-members-directory?country=1115&display_name.

²⁹⁵ National Immigration Agency (Taiwan) (n. d.), “Response to the U.S. 2013 Trafficking in Persons Report”, 2, accessed 26 May 2015, <https://www.immigration.gov.tw/public/Data/3101610311971.pdf>.

²⁹⁶ Ibid.

²⁹⁷ National Immigration Agency, “Response to the U.S. 2013 Trafficking in Persons Report”, 3.

anti-trafficking efforts rank at the top of the list, the main issue that needs continuous attention lies within migrant workers coming from the Philippines, Thailand, Cambodia and China.²⁹⁸ In relation to CSEC, Taiwan is following the Child and Youth Sexual Transaction Prevention Act from 1995 and Human Trafficking Prevention and Control Act from 2009. In addition, the National Plan of Action to Prevent Sexual Exploitation of Children in Taiwan was created in 2000 and although still not adopted by the Taiwanese government, it serves as a basis for “guide programming on combating CSEC”.²⁹⁹ Among other issues this plan touches upon child sex tourism and it includes guidelines on prevention, protection, recovery and reintegration, child participation, and regional and international cooperation.³⁰⁰

Increasing awareness on the issue of child sex tourism is another goal of the Taiwanese authorities. The 2014 Trafficking in Persons report³⁰¹ mentions 37 official campaigns, whereas a year earlier, the 2013 report specified that “(t)he children’s bureau, within the Ministry of Interior, launched a blog and several Internet games, as well as posters and advertisements in popular areas, to increase awareness of and discourage participation in child sex tourism”.³⁰² Another goal of the government is to implement education initiatives targeting teachers, social workers, medical practitioners, law enforcement, students and general public. “Taiwan considers school as one of the main loci where education and prevention can be carried out”.³⁰³

Space for Civil Society to work on SECTT and NGO Responses

Taiwanese government is promoting the multi-agency cooperation in combating child sexual exploitation provided by the Human Trafficking Prevention and Control Law, and has been providing training to social workers, teachers, medical practitioners and law enforcement as part of preventive measures.³⁰⁴ Taiwanese NGOs have developed a very close partnership with the government in helping the child victims of sexual exploitation. In particular, a joint effort had been made to develop the National Plan of Action to Prevent Sexual Exploitation of

Children in Taiwan in 2000. Although this Plan has yet to be officially approved by the government, it addresses the child sex tourism and sets important guidelines in combating this issue. Taiwanese government is ensuring funding and training to NGOs that are providing direct services to victims of sexual exploitation such as accommodation, treatment and case management. In addition, ECPAT Taiwan has set up a hotline for child victims of trafficking delivered by trained professionals. Besides combating sexual exploitation domestically, Taiwan has been active on the International NGO level as well, however, within the limits of its unique political status. ECPAT Taiwan joined INHOPE, the International Association of Internet Hotlines in 2004, and has participated at international conferences on child online safety.³⁰⁵

Response of Regional Entities

Due to its unique political status, Taiwan is not a party of any International or regional convention on CSEC, making it difficult to cooperate on the regional or international level. The National Immigration Agency has made effort in organising international conferences and workshops in Taiwan, such as the International Conference on Strategies for Combating Human Trafficking and the International Workshop on Prevention of Trafficking in Persons.³⁰⁶

Corporate Responses (Industry)

So far, The Code counts only two members from tourism industry in Taiwan,³⁰⁷ which is very low compared to other countries in the region like Japan and China. In 2012, ECPAT Taiwan, Taiwan Tourism Bureau and the Ministry of Transportation and Communication sponsored a workshop for over 60 Taiwanese hotels and tour agencies that gathered to discuss child protection in tourism and The Code. This can be seen as a step forward to learning about corporate sector’s social responsibility in combating SECTT.³⁰⁸ Furthermore, Taiwanese government should develop a plan for corporate social responsibility and professional Codes of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism Industry.³⁰⁹

²⁹⁸ “Taiwan ranked Tier 1 in human trafficking report”, China Post, 29 July 2015, accessed 21 March 2016, <http://www.chinapost.com.tw/taiwan/national/national-news/2015/07/29/441873/Taiwan-ranked.htm>.

²⁹⁹ ECPAT International (2011), “Global Monitoring Status of Action Against Commercial Sexual Exploitation of Children: Taiwan”, 11, accessed 21 March 2016, http://ecpat.net/sites/default/files/a4a_v2_eap_taiwan.pdf.

³⁰⁰ Ibid.

³⁰¹ U.S. Department of State, Trafficking in Persons Report 2014, 369.

³⁰² U.S. Department of State, Trafficking in Persons Report 2013.

³⁰³ ECPAT Taiwan and ECPAT International, “Taiwan Progress Card”, 9.

³⁰⁴ Ibid.

³⁰⁵ ECPAT International, “Taiwan”, 13-14.

³⁰⁶ Ibid., 8-14.

³⁰⁷ The Code (n.d.), “Signatories in South Korea”, accessed 25 June 2015, <http://www.thecode.org/who-have-signed/>.

³⁰⁸ The Code (n.d.), “Taiwan Tourism Bureau & ECPAT Taiwan supports The Code”, accessed 21 March 2016, <http://www.thecode.org/taiwan-tourism-bureau-ecpat-taiwan-supports-the-code/>.

³⁰⁹ ECPAT International, “Taiwan”, 28, 32.

CHAPTER 6

RECOMMENDATIONS

The foregoing report has identified trends in SECTT in the East Asian region, actions by stakeholders, and gaps in both knowledge and responses. These gaps form the basis of the recommendations that follow.

Research and Documentation

In documenting trends, establishing reliable figures, and identifying major problems, the report writing process encountered significant barriers. Particularly significant gaps in knowledge that should form a priority for research include:

- Demand: who are the most significant offenders (by country of origin, type and profile);
- Risk profiles of victims: who is most vulnerable and why; where are they located/ hotspots;
- Situations of exploitation: what are the specific characteristics of, and similarities/differences between various situations of exploitation in SECTT and what are the possible pathways out of SECTT for victims;
- A scoping study be conducted to explore the possible value of offender reform programs.

Best Practice

A critical review of governmental, inter-governmental, and non-governmental organisation interventions and programs that have demonstrated success in preventing SECTT, reducing its prevalence, and protecting victims. Possible indicators of best practice could include:

- Government initiatives which take into account a primary, secondary, and tertiary prevention approaches;
- NGO interventions and programs which have achieved demonstrable success in the related areas of prevention of SECTT and protection of victims, including mechanisms to share and scale-up such approaches.

Models identified as 'best practice' are appropriately monitored against clear evidence-based criteria and indicators.

Policing and Investigation

The foregoing analysis of governmental actions and legal mechanisms in the study countries demonstrated that whilst all countries apart from North Korea have laws to protect children and take punitive actions against SECTT offenders, there remain serious gaps in implementation. Therefore it is recommended that:

- Specialist investigation units in both source countries of travelling sex offenders (South Korea, Japan, Taiwan, and China primarily) and destination countries (Cambodia, Vietnam, Thailand, the Philippines, China, primarily) enhance their investigation efforts;
- Enhancing the capacity of such units in destination countries for SECTT (which are primarily low income countries) through the provision of financial resources and capacity-building training;
- Enhancing the likelihood of reporting situations of possible SECTT through the establishment and promotion of dedicated SECTT hotlines (multilingual) and related measures (such as information provided in hotels, guesthouses and tourist venues);
- Development of dedicated cross-border bilateral and multilateral partnerships in policing for the purposes of information sharing and investigation. Such partnerships require governments to formalize mechanisms and procedures for extradition and prosecution.

Involvement of Public Stakeholders

Several countries (primarily destinations for SECTT involving East Asian offenders) have attempted to involve public stakeholders (such as tourism-related businesses, tuk-tuk and moto-tuk drivers, adult entertainers at tourism venues and so on) to help report incidents of SECTT and provide information to potential victims. However, to date there has been very little effort to conduct systematic monitoring and evaluation of these interventions. It is therefore recommended that:

- Organisations training and involving these public stakeholders in anti-SECTT prevention work must conduct regular monitoring to determine the effectiveness of the interventions;
- Organisations undertaking these interventions should be better supported (where demonstrably successful) to continue and expand their efforts through financial capacity.

Prevention Efforts

The foregoing report has identified important efforts to prevent SECTT that include awareness-raising campaigns targeted at both the general public and tourists, and enhancing safe environments for at-risk children through programs such as the provision of opportunities to return to, or remain in school. Nonetheless, prevention efforts are clearly not sufficient to significantly curb SECTT. Lack of financial capacity is an urgent problem in making prevention work more sustainable and widely available. Therefore it is recommended that:

- Enhanced effort be made, particularly by international organisations, to advocate for the value of prevention work to donors and governments;

- A database of good practice in prevention work in SECTT be established and resources be devoted to its regular updating and sharing with relevant organisations providing anti-SECTT prevention programs.

Protection Efforts

As with prevention work, protection efforts can appear piecemeal and, significantly, lacking a strong evidence base. This report recommends:

- Linking protection work more directly to evidence-based approaches;
- Ensuring regular monitoring and evaluation of protection work be conducted;
- A database of good practice in protection work in SECTT be established and resources be devoted to its regular updating and sharing with relevant organisations providing anti-SECTT protection programs.

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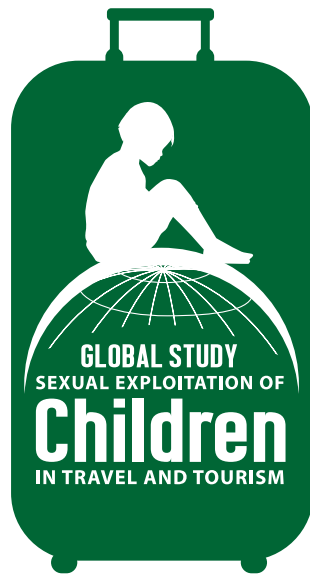
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