



WEBCAM CHILD SEX TOURISM

Becoming Sweetie: a novel approach to stopping
the global rise of Webcam Child Sex Tourism

terre des hommes
stops child exploitation



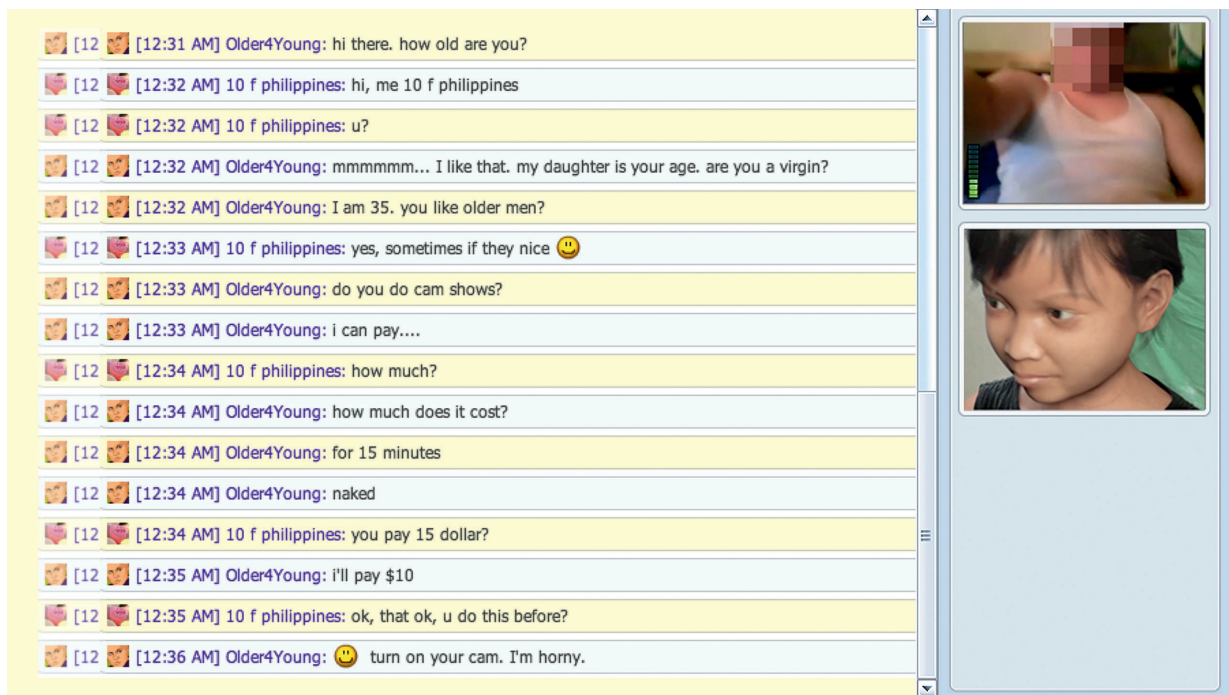
“The number of predators connected to the Internet at any one time is estimated to be 750,000.”

*—Dr. Najat M’jid Maalla, UN Special Rapporteur on the
sale of children, child prostitution and child pornography*

Tens of thousands of children in the Philippines are victims of Webcam Child Sex Tourism.

*—Father Shay Cullen, Founder of the People’s Recovery,
Empowerment and Development Assistance Foundation*

Total number of predators convicted worldwide for engaging in Webcam Child Sex Tourism: 6



Sample of a conversation that took place on April 26, 2013 between a predator seeking a webcam sex performance from a Terre des Hommes Netherlands researcher posing on a public chat room as a 10-year-old Filipino girl. That predator was one of 1,000 identified by Terre des Hommes Netherlands researchers after they were caught in the act of seeking webcam sex performances from Filipino children. "Older4Young" was revealed to be a 35-year-old father of two children from Atlanta, Georgia in the United States.

EXECUTIVE SUMMARY

Rising Internet usage rates and persistent poverty in the developing world have fostered the emergence of a rapidly growing new form of online child sexual exploitation. “Webcam Child Sex Tourism” (WCST) takes place when adults pay or offer other rewards in order to direct and view live streaming video footage of children in another country performing sexual acts in front of a webcam. WCST enables predators to sexually abuse children in other countries with ease and frequency using their Internet-connected personal computers. And despite the fact that WCST is prohibited by international laws and most national criminal codes, the enforcement of those laws has so far been lax.

Terre des Hommes Netherlands works to end child exploitation and to assist victims around the world. In recent years, we have been overwhelmed by the surging number of child victims of WCST in the Philippines. The psychological damage that exploitation through WCST has on children is profound and permanent. We recognize that victim assistance alone cannot stop the expansion of such a rapidly growing form of child exploitation. That knowledge motivated us to undertake this study in search of a solution that governments around the world can apply to reduce the global demand for WCST.

Key facts: The United Nations and the US Federal Bureau of Investigation estimate that there are 750,000 predators connected to the Internet at any moment. Those predators contribute to a vast global demand for WCST. Moreover, an estimate that tens of thousands of children in the Philippines alone are exploited through WCST, suggests that this form of long-distance child abuse appears to take place with great frequency. However, the alarming fact that only six predators have ever been convicted for engaging in WCST should inspire shame and immediate action by governments around the world. This is a problem that urgently needs the world’s attention.

Insight: The vast global demand for WCST provides incentives for criminals, impoverished parents, and vulnerable children in developing countries to capitalize on the opportunity to raise their income by increasing the “supply” of children who perform webcam sex shows for money or other rewards. Taking targeted action to reduce the global demand for WCST that is sustained by online predators will effectively reduce the growing number of child victims who constitute the “supply” side of the trade.

Our research: What started as research into the WCST trade led us to a viable solution to this global problem. We began the research for this report by gathering information about the nature of the phenomenon of WCST: the physical and online environments in which it takes place, the global trends that have fostered its emergence, and the legal status of WCST in international law and in the national criminal and penal codes of 21 countries. We found that the legal framework prohibiting WCST widely exists, but governments are not adequately enforcing their own child protection laws when the victims are located outside of their borders. Highlighting that point is our finding that only six predators worldwide have been convicted for engaging as customers in WCST.

That finding led us to wonder how often WCST actually takes place online. Four Terre des Hommes Netherlands researchers spent 10 weeks posing as prepubertal Filipino girls on 19 public chat rooms. During that short period, a total of 20,172 predators from 71 countries committed crimes by soliciting the

researchers, whom the predators believed to be minors, for paid webcam sex performances. But 20,172 crimes in a sample of 19 chat rooms likely reflects only a small fraction of the number of crimes actually taking place every day when we consider the US Federal Bureau of Investigation's estimates that there are 40,000 online chat rooms on which predators lurk. Moreover, WCST takes place on social networking sites, adult webcam sites and online dating sites, in addition to chat rooms. It is likely that WCST takes place tens of thousands of times each day.

The finding that WCST is such a common crime on public chat rooms led us to investigate whether law enforcement agencies are not adequately enforcing existing child protection laws because they are unable to identify predators engaging in WCST. We found that identifying predators seeking webcam sexual performances from children can be achieved through the use of a proactive investigation technique. During the 10 weeks spent collecting data, the four Terre des Hommes Netherlands researchers identified 1,000 predators seeking webcam sex performance from children on public chat rooms. They were identified using only information available in public online databases and data provided by predators. No computer hacking or illegal methods were applied. Instead, we just asked predators to provide identifying information under the fictional pretext—a technique known as “social hacking.”

The following report is the most comprehensive study on WCST undertaken to date. However, the findings of our research, while alarming, only provide a small glimpse into how vast the phenomenon of WCST actually is. While we cannot extrapolate conclusions about the global prevalence of WCST, we do prove that there is a very high incidence of predators seeking WCST on 19 public chat rooms in a 10-week period. Furthermore, based on our analysis of trends in technological developments and other forms of child sexual exploitation, we predict that the WCST trade will continue to grow and spread to other countries if governments around the world do not take immediate action. If action is not taken, we fear that WCST will spiral as far out of control as the online child pornography industry, which is now a multi-billion dollar international trade that law enforcement agencies cannot reign in.

Call to action: Currently, law enforcement agencies are hobbled by reactive investigation policies—they investigate crimes against child victims of WCST only after children report the crimes. But, for a number of reasons, children do not report these crimes very often. We call on government agencies in charge of justice to immediately adopt proactive law enforcement policies that empower law enforcement agencies to patrol public online spaces known to be hotspots for WCST and to prosecute predators committing these crimes without waiting for children or parents to report them.

Terre des Hommes Netherlands' four researchers identified 1,000 predators in 10 weeks. We call on all government agencies in charge of justice to identify and convict 100,000 predators committing the crime of WCST before the end of 2014.

FOREWORD

November 4, 2013

On behalf of Terre des Hommes Netherlands, I would like to thank you for taking the time to read this extensive report on the rise of a new form of child sexual exploitation, one that is enabled and fueled by rapid technological advances, increasing global connectivity, persisting poverty rates, and growing disparity in the global distribution of resources.

During the past few years, we have observed the alarming rise of child exploitation in many manifestations. Not only do commercial child exploitation trades continue to grow out of the control of law enforcement agencies, we have seen that they are evolving and spreading in parallel with rising global Internet access rates and developments in communications technology. The shift of various forms of commercial child exploitation from offline to online is making child abuse material more accessible and more anonymously consumable for a larger number of predators around the world, which in turn makes producing, distributing, and selling it exponentially more profitable and more common.

This report focuses on what may be the newest form of commercial child exploitation: Webcam Child Sex Tourism (WCST). This is when predators around the world offer payment or other rewards to view and direct children in other countries performing sexual acts in front of live streaming webcams. The phenomenon is based on the increase of digital connections between predators who are mainly from wealthy nations and impoverished children in developing nations. This report focuses specifically on child victims in the Philippines, which appears to be where WCST is most widespread.

Until recently, WCST was uncommon because Internet access rates in developing nations were low and webcams were scarce. Today, Internet usage rates are dramatically increasing, most notably in the developing world, and webcams are ubiquitous. WCST is now spreading between families, communities, cities, and very likely between nations, creating more child victims who are being abused by more predators every day.

The recognition that WCST is spreading like an epidemic inspired a radical shift in our strategy to combat it. Terre des Hommes Netherlands realized that we could no longer focus exclusively on rescuing child victims, as our traditional role calls for—the number of child victims has already reached an overwhelming size. It is clear that in order to have a significant impact, we need to mobilize government policy makers to take action against the predators in their own countries who are paying for this online child abuse and stimulating the growth of WCST. Essentially, we need to cut off the demand for WCST in order to curb the “supply” of child victims exploited in the trade.

This report is based on extensive primary and secondary research on the phenomenon of WCST. We aim to provide a compendium on the subject to inform the general public about this new, hidden form of child abuse and to provide governments and law enforcement agencies around the world with the information they need to implement policy changes that will stop the growth of WCST. We also propose a simple solution—a change in law enforcement policies, which we believe can crush this phenomenon

by reducing the global demand for WCST.

Most law enforcement agencies around the world implement “reactive” investigation policies when it comes to investigating online child sexual exploitation. That means they wait to take action against predators until a child victim or his or her parents come forward to report a crime. Reactive policies are outdated and do not adequately confront the vast demand for newer forms of commercial child exploitation. In the Philippines, for example, WCST often involves young children who do not report the crimes of predators because they and their families are dependent on the income provided by their involvement in this sexual exploitation. The unresponsiveness of reactive policies allows predators to abuse the world’s most vulnerable children with impunity and it creates a climate that is hospitable to the rapid growth of new markets for online child sexual exploitation. If reactive policies are not abandoned, the consequences will be severe for children around the world.

The conclusion that reactive investigation policies must be abandoned is based on evidence collected in the field of the growing scourge of WCST in the Philippines, on research into the existing legal framework prohibiting WCST, on extensive research conducted on online hotspots where WCST takes place, and on the shocking finding that only six predators in the world have ever been convicted for engaging in WCST while tens of thousands of children are being victimized.

But we also tested the solution we propose “in practice” to prove the effectiveness of proactive investigation as a means of finding and identifying predators around the world who are engaging in WCST. Over a period of 10 weeks, during which Terre des Hommes Netherlands developed and perfected our own proactive investigation technique, we identified 1,000 predators from 71 countries who were seeking webcam sex shows from children as young as eight years old. It is the size of that success and the finding that predators have no perception of the risk of their crimes being observed by law enforcement agents, which leads us to believe that our solution is not only highly effective, but absolutely necessary to win the fight against this form of child exploitation.

It is the responsibility of everyone to protect children from exploitation and abuse, regardless of the circumstances or country in which those children live. The global adoption of proactive investigation policies is a way for all governments and law enforcement agencies to more effectively protect children within their borders and abroad. Predators must know that online sex crimes against children anywhere will not go unnoticed or unpunished.

We hereby offer our help and expertise to all governments and law enforcement agencies that are willing to proactively find and identify online predators. Our method does not apply any form of computer hacking, nor does it violate norms of individual privacy—it involves luring predators who are seeking to abuse children and asking them to provide bits of information about themselves. We use those clues to gather further information and create a complete profile of their identity through online research in public databases. We are offering all interested law enforcement agencies an Investigation Toolkit, which features a compilation of our observations, insights, and experiences in identifying predators online, as well as a detailed instructional manual to implement the proven-effective methods that we applied in identifying 1,000 predators. Additionally, we are offering group capacity- building seminars for law

enforcement agents working to stop this phenomenon.

Immediate action must be taken to stop the spread of Webcam Child Sex Tourism. With the power that we are harnessing from technological advances and increasing global interconnectivity, comes the responsibility to protect the world's most vulnerable children from exploitation.

For more information, please see the short documentary we have made about our research into WCST and the solution we proposed: www.youtube.com/sweetie

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1. INTRODUCTION

By the beginning of 2013, almost 40% of the world's population was using the Internet, according to data from the United Nations agency responsible for overseeing and promoting the global distribution of communications technology.¹ The percentage of individuals using the Internet in the developing world grew from just under 8% in 2005 to just over 30% in 2012, and that figure continues to rise. Asia has the highest number of Internet users in the world with 1.3 billion users as of 2013—nearly as much as the total number of Internet users in all other global regions combined. In developing countries Internet subscription fees are lowering, contributing to growing Internet usage rates, and connection speeds are increasing, enabling larger data transfers between users.² Emerging parallel to the development of cheaper and faster means of digital communication and the climbing global Internet usage rates are new opportunities for the proliferation of online child sexual exploitation materials, which present significant challenges for law enforcement agencies in the detection and prosecution of offences.

Webcam Child Sex Tourism is when adults offer payment or other rewards to direct and view live streaming video footage of children in another country performing sexual acts in front of a webcam.

In recent years, a new form of online child sexual exploitation has emerged and spread with great speed and devastating effects in the Philippines—adults who offer payment or other rewards to view and direct live streaming video footage of children in another country performing sexual acts. The phenomenon is called Webcam Child Sex Tourism (WCST) and it has been mentioned by other names in rare reports by the media, NGOs, and government agencies.^{3 4} But the attention that WCST has received has not led to significant changes in law enforcement policies that would address the problem. We are watching the practice of WCST expand throughout the Philippines and there are compelling reasons to believe that it will spread further abroad.

This report provides the most comprehensive body of data on the phenomenon of WCST compiled to date. We hope that it promotes greater awareness among all relevant stakeholders. But more importantly, the aim of this report is to provide governments and law enforcement agencies with a proven-effective solution to the problem—a solution that must be applied now before WCST grows from a small-scale trade into an intractable global industry dominated by organized criminal syndicates. We have seen that delayed and insufficient action by governments and law enforcement agencies against the online child pornography trade has allowed the production and distribution of child pornography to proliferate and harden into vast, multi-billion dollar industries⁵ that are beyond the scope of control.

¹ Information Technology Union. (2013). "Key ICT indicators for developed and developing countries and the world (totals and penetration rates)." United Nations.

² *ibid.*

³ Trinidad, A.C. (2005). "Child pornography in the Philippines." UP Center for Integrative and Development Studies and UNICEF Manila

⁴ "Threat Assessment of Child Sexual Exploitation and Abuse" (2013) Child Exploitation and Online Protection Centre.

⁵ "The production and distribution of criminal child pornography depicting abuse of children has an estimated value of between \$3 billion and \$20 billion." UN Human Rights Council. (2009). "Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, Najat M'jid Maalla." Geneva.

1.1 What is WCST?

WCST is a combination of the concepts of child pornography and child prostitution. The distinction between WCST and those two forms of child sexual exploitation is that WCST always involves predators who live outside of the countries where the child victims live. This distinction brings WCST closer to child sex tourism, a form of child prostitution in which adults travel abroad to engage in child prostitution for the purpose of avoiding laws in their own country.

Relatively little is known about the nature and scope of WCST. Most victims are girls from economically disadvantaged backgrounds⁶ who perform sexual acts in front of webcams for adult predators around the world who pay them or promise other rewards. Usually, contact between a child victim and a predator is made through online dating sites, public chat rooms, social networking sites, or through operators of “cybersex dens.”⁷ After a payment has been agreed upon and a transfer has been made, usually using Western Union, the webcam sex show is performed on private communication channels, including Yahoo! Messenger or Skype.⁸ The acts performed range from showing genitalia, to masturbating, to having sexual intercourse with other children or adults.

Children involved in WCST generally perform webcam sex shows from their home computers, from Internet cafes, or from what are known as “dens”—buildings in which several women and children are employed or kept against their will, often in windowless dungeon-like settings. In the Philippines, police raids on such dens are increasingly common.⁹

⁶ Terre des Hommes (2013). “Fullscreen on View. An Exploratory Study on the Background and Psychosocial Consequences of Webcam Child Sex Tourism in the Philippines”. Terre des Hommes Netherlands.

⁷ *ibid.*

⁸ *ibid.*

⁹ de Leon, Sunshine. (July 18, 2013). “Cyber-sex trafficking: A 21st century scourge.” CNN. <http://edition.cnn.com/2013/07/17/world/asia/philippines-cybersex-trafficking/index.html> (accessed on October 2, 2013).



Figure 1. Image from inside a “den”

This image is a still photograph from the online profile of a performer of webcam sex shows on an adult webcam site. It depicts the working conditions of many performers in this trade who work in settings referred to as “dens.”

Research conducted by Terre des Hommes Netherlands in the Philippines shows that children are often coerced or encouraged to sell webcam sex shows by parents, family members, or other community members.¹⁰ Sometimes children decide for themselves to engage in WCST to make money. In parts of the Philippines, WCST is perceived as an easy and relatively harmless way to make money. However, the psychological effects on children exploited through WCST are profoundly traumatic.

Researchers, journalists, NGOs, and politicians have referred to the phenomenon of WCST by different names, including “pay-per-view child porn,” “cyber sex tourism,” and “cyber child pornography.” Filipino child victims of WCST who were interviewed for a recently published Terre des Hommes Netherlands report referred to WCST using the term “show me your boobs,” or “show me” for short—a reference to the instruction they inevitably get from online predators. They also call it “show-show” or “chat-chat” because, in the Visayan dialect of the Philippines, repeating a word twice communicates a casual, lighthearted tone, perhaps to veil the severity of the pain surrounding the practice.

Webcam Child Sex Tourism is a term coined by the Dutch law enforcement community. We consider it to be the most appropriate term to describe this phenomenon because, in referring to child sex tourism, the term communicates both the cross-border nature of the crime in addition to the implied promise of remuneration for a child to perform a sexual act for an adult.

¹⁰ Terre des Hommes (2013). “Fullscreen on View. An Exploratory Study on the Background and Psychosocial Consequences of Webcam Child Sex Tourism in the Philippines”. Terre des Hommes Netherlands.

1.2 The spread of WCST

Terre des Hommes Netherlands has been working to rescue and rehabilitate victims of WCST in the Philippines, where the phenomenon is most widespread. Although WCST is perhaps common in the Philippines, a report by the Netherlands Police Department states that “it is unlikely that the Philippines is the only country where this [WCST] takes place.”¹¹

The proliferation of WCST suggests not only that there is a large global demand, which is fueling the growth in the number of child victims, but also that governments and law enforcement agencies around the world are not doing enough to detect, identify, and prosecute the predators located in their own countries who provide the demand for WCST. We fear that WCST will spread throughout the world if that demand remains unchecked and predators are allowed to continue to sexually abuse children in other countries with impunity.

1.3 How common is WCST?

Reliable statistics about the prevalence of WCST or the exact number of victims are not currently available. Nonetheless, one can form an idea of how common a crime WCST might be by considering the estimated number of online environments on which predators are found, the estimated number of predators connected to the Internet, and the estimated number of child victims of WCST.

- The US Federal Bureau of Investigation estimates that **there are 40,000 public chat rooms on which predators seek to abuse children.**¹² But WCST also occurs on other online spaces.
- The FBI and the United Nations have estimated that **there are 750,000 predators connected to the Internet at any given moment.**^{13 14}
- The Peoples Recovery Empowerment Development Assistance (PREDA) Foundation, an NGO in the Philippines, estimates that **tens of thousands of Filipino children are sexually abused through WCST.**¹⁵

As with any commercial trade, the demand for a product or service will influence its supply. In this case, the “demand” for WCST is composed of the predators requesting webcam sex shows performed by children, while the “supply” is composed of the children performing those shows. As news reports surface with increasing frequency about Filipino law enforcement agents raiding WCST operations and rescuing child victims, it appears that the “supply” of child victims of WCST is growing. That suggests that the global demand outweighs the supply.

To get a sense of the size of the global demand for WCST, we conducted extensive field research into one of the online environments on which WCST takes place—public online chat rooms. In order to measure the incidence of predators seeking WCST on a sample of 19 public chat rooms, four Terre des Hommes Netherlands researchers spent a combined total of 1,600 hours over the course of 10 weeks posing as prepubertal Filipino girls. Over 20,000 predators from all over the world initiated contact,

¹¹ Moerenhout, L. (2013). “Kindersekstoerisme.” Netherlands Police Department.

¹² Shioley, M. & Hunt, D., et al. “Survey of practitioners to assess the local impact of transnational crime, task order: Final report.” (2003). Abt Associates Inc.

¹³ UN Human Rights Council. (2009). “Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, Najat M’jid Maalla.” Geneva.

¹⁴ United States Federal Bureau of Investigation. (2011). “Child predators: The online threat continues to grow”

¹⁵ Reference to a September 2013 e-mail exchange between Terre des Hommes Netherlands and Father Shay Cullen, the founder of the PREDA Foundation (www.preda.org)

seeking webcam sex shows from the researchers. That high incidence of predators seeking WCST is clear evidence that the global demand for WCST is vast.

1.4 Is it difficult to identify predators?

Our finding that the incidence of predators seeking WCST on 19 public chat rooms is so high, seems to contradict the fact that **only six predators in the world have ever been convicted for engaging as customers in WCST**. This is partly because child victims do not often report the abuse they suffer through WCST. Research conducted for a recently published Terre des Hommes Netherlands report on the growth and effects of WCST in the Philippines indicates that children are often unwilling to report the crimes committed by online predators because they or their families are heavily dependent on the income generated by performing webcam sex shows.¹⁶ In other cases, children are physically incapable of reporting these crimes because adults hold them captive in dungeon-like WCST “dens” where they are forced or coerced to perform webcam sex shows for extended periods.

The reliance of law enforcement agencies on child victims of WCST to report the sex abuse that they endure is based on an outdated model of reactive investigation. The reactive investigation model functions on the assumption that child victims, or their parents, will report the crimes of online predators. That is not a safe assumption in the case of WCST as all involved parties—the predators, the child victims, and the parents—are often willingly complicit in these crimes because WCST is a relatively lucrative trade. WCST, like child prostitution, is a phenomenon born out of poverty and desperation.

The extremely low number of adults convicted for engaging as customers in WCST prompted the question of whether law enforcement agencies are simply unable to identify predators seeking WCST. During the 10 weeks that four Terre des Hommes Netherlands researchers spent interacting with predators on public chat rooms, they applied a proactive investigation technique that enabled them to identify and locate 1,000 predators from 71 different countries. Many of those predators were identified within just five minutes, while others took over two hours to be identified. The Terre des Hommes Netherlands researchers used no computer hacking or illegal methods. For more a detailed explanation of our methods, please refer to the Investigation Toolkit.

1.5 Is WCST illegal?

The ease with which our researchers identified predators clearly indicates that law enforcement agencies should be arresting more predators who engage in WCST. That, however, can only happen if WCST is illegal. This report presents our research into the international treaty known as the Optional Protocol to the Sale of Children, Child Prostitution and Child Pornography (see Annex III), to which 162 nations are party, the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, and the national criminal and penal codes of 21 countries, including, among others, the 10 countries with the highest gross national product ranks and the 10 countries that were most highly represented in our list of 1,000 identified predators. We found that WCST is almost universally outlawed in national criminal and penal codes, and it is strongly prohibited by international law.

¹⁶ Terre des Hommes (2013). “Fullscreen on View. An Exploratory Study on the Background and Psychosocial Consequences of Webcam Child Sex Tourism in the Philippines”. Terre des Hommes Netherlands.

1.6 What should be done?

We believe that the best way to stop the growth of WCST is for governments to enforce their existing laws prohibiting WCST. We are advocating the universal adoption and effective application of proactive investigation policies that commit law enforcement agencies to patrolling online hotspots on which WCST is known to take place. This requires the use of proactive investigation techniques to catch and identify predators seeking webcam sex performances from child victims in other countries.

Much is being done in the Philippines to address the problem of WCST because it is affecting so many children and communities there. But too little is being done by governments of western countries to stem the enormous demand for WCST that is arising from predators within their own borders. A number of initiatives exist in western countries to curb online grooming practices, but western governments appear to be concerned mostly with incidents in which the predators and child victims are both located in the same country.

Terre des Hommes Netherlands calls on all governments to assume responsibility in the fight against this form of child exploitation by *proactively* catching and identifying predators in their countries who are sustaining the global demand for WCST. If this does not happen, we fear that WCST will spread, victimizing growing numbers of children in other developing countries where Internet access rates are growing and poverty rates remain persistently high.

Only six predators have ever been convicted of engaging as customers in WCST. Most child victims do not report the crimes committed by predators for various reasons. Terre des Hommes urges all governments to adopt proactive investigation policies that enable law enforcement agencies to patrol online hotspots where WCST is known to take place and to catch and identify predators without waiting for child victims to report crimes.

1.7 Structure of this report

This report consists of three parts. The first part provides background information on WCST. It is a compilation of information collected through primary and secondary research on the evolution and various manifestations of the WCST trade and the global trends that propel its growth. This section also offers an explanation of the psychological damage that WCST has on child victims and it provides reasons that we believe WCST will continue to spread if action is not taken.

The second part of this study focuses on the national and international legislation prohibiting WCST. This section is informed by the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, a protocol to the United Nations' Convention on the Rights of the Child. It is also informed by the national criminal and penal codes of 21 countries and the laws within those codes that may be applied in the prosecution of predators who engage as customers in WCST.

The third part of this study focuses on our own primary research during which four Terre des Hommes Netherlands researchers tested a proactive investigation technique that allowed them to identify 1,000

online predators caught in the act of seeking webcam sex shows from prepubertal Filipino children. Terre des Hommes Netherlands' researchers also found hundreds of prepubertal children offering webcam sex performances. Our online field research sought to answer three questions:

1. How high is the incidence of predators seeking to engage in WCST on public online chat rooms?
2. How effective is the use of proactive investigation in identifying predators and catching them in the act of seeking to engage in WCST?
3. How easily can children engaged in WCST be found online?

Data about the incidence of predators seeking to engage in WCST and the level of ease in catching and identifying perpetrators were collected on a sample of 19 public online chat rooms. Data on how easily children engaged in WCST can be found online were collected on 84 adult webcam sites and one online dating site.

Finally, based on the combined findings of these investigations, we offer a solution: a proactive investigation technique that can be effectively used to find and identify online predators seeking to engage in WCST.

This report does not focus on the network structures of online pedophile or child predator communities, nor does it explore in detail the financial side of this market. The aim of this report is to provide a clear picture of the gravity and high incidence of WCST. We expect this to inspire strong, unambiguous commitments by all governments to adopt proactive policies that enable law enforcement agencies to stop these crimes against children, and to end this phenomenon before it evolves into a larger criminal industry.

[1:04 AM] TXguy1975: Hi. Are you really only 10?

[1:05 AM] 10 f Cebu: yes

[1:05 AM] 10 f Cebu: how old r u?

[1:05 AM] TXguy1975: I'm much older... You're too young to be in this chat room

[1:06 AM] TXguy1975: It's not safe

[1:06 AM] 10 f Cebu: its ok 😊

[1:06 AM] TXguy1975: Your parents know you're here?

[1:06 AM] 10 f Cebu: yes!

[1:07 AM] TXguy1975: Okay... Where are you from?

[1:07 AM] 10 f Cebu: Philippines

[1:07 AM] TXguy1975: 😊

[1:07 AM] TXguy1975: I went to Manila once. Lots of cute little girls there. ;)

[1:07 AM] TXguy1975: Are you cute?

[1:08 AM] 10 f Cebu: hihii yes very!

[1:08 AM] TXguy1975: nice

[1:08 AM] TXguy1975: Turn on your cam.

[1:08 AM] TXguy1975: I want to see you

[1:08 AM] 10 f Cebu: here cam no work, u have yahoo?

[1:09 AM] TXguy1975: Yeah. It's d [redacted] @yahoo.com. Add me now

[1:10 AM] 10 f Cebu: you pay?

[1:10 AM] TXguy1975: Pay? What do you do on camera?

[1:10 AM] 10 f Cebu: what you want

Sample of a conversation that took place on April 8, 2013 between a predator seeking a webcam sex performance from a Terre des Hommes Netherlands researcher posing on a public chat room as a 10-year-old Filipino girl.

2. BACKGROUND INFORMATION

2.1 Terminology: “predator” versus “pedophile”

This report focuses on the category of adults who seek to engage in WCST by paying to view webcam sex shows performed by prepubertal children. It does not attempt to offer insight into whether those people meet the specific diagnostic criteria for pedophilia, although it stands to reason that a large percentage of them are pedophiles. Therefore, instead of the term “pedophile,” the term “predator” will be applied throughout this report to describe adults who seek to engage in WCST.

The term pedophile is commonly used as a synonym for child predator. However, researchers make a distinction between the two, citing motives for the sexual abuse of children that do not include and are unrelated to the clinical criteria used to diagnose pedophilia.^{17 18} The distinction between pedophiles and child predators is instructive because it provides reason to believe that the market for WCST extends beyond the global population of pedophiles connected to the Internet (estimated by the UN in 2009 to be around 750,000 people¹⁹) and includes a much greater number of people who are willing to engage in WCST if the opportunity is presented, but who may not meet the clinical criteria for pedophilia.

Pedophilia is characterized as a mental disorder by the World Health Organization’s International Statistical Classification of Diseases and Related Health Problems, which defines it as “a sexual preference for children, boys or girls or both, usually of prepubertal or early pubertal age.”²⁰ The American Psychiatric Association’s Diagnostic and Statistical Manual of Mental Disorders 5th Edition outlines specific criteria for the diagnosis of pedophilia, including the presence of sexual fantasies, urges, or behaviors that involve sexual activity with a prepubescent child (with the cut-off point at age 13) lasting for a period of at least six months.²¹ The APA’s criteria also indicate that the subject should be at least 16 years old and that the children they are attracted to be at least five years younger.²²

The global prevalence of pedophilia is not known.²³ A study by Dr. Michael C. Seto, Director of Forensic Rehabilitation Research at the Royal Ottawa Health Care Group in Canada, provided an estimate of the global population of pedophiles at somewhere lower than 5% of adult men.²⁴ Another study conducted at the Department of Psychiatry and Behavioral Sciences at the University of Southern California School of Medicine suggests that around 20% of males in the sample population of university students have a “conscious sexual interest in prepubertal children”.²⁵ More precise estimates remain elusive, and will differ based on the definition of pedophilia applied and the sample populations studied. During the course of our field research into the demand for WCST, an individual encountered in a public chat room

¹⁷ Blaney, P.H.; Millon, T. (2009). *Oxford Textbook of Psychopathology* (Oxford Series in Clinical Psychology) (2nd ed.). Oxford University Press, USA. p. 528. ISBN 0-19-537421-5. “Some cases of child molestation, especially those involving incest, are committed in the absence of any identifiable deviant erotic age preference.”

¹⁸ Barbaree, H. E., and Seto, M. C. (1997). *Pedophilia: Assessment and Treatment*. *Sexual Deviance: Theory, Assessment, and Treatment*. 175-193.

¹⁹ UN Human Rights Council. (2009). “Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, Najat M’jid Maalla.” Geneva.

²⁰ Section F65.4. *Paedophilia*. *International statistical classification of diseases and related health problems 10th Revision*. Retrieved November 17, 2012.

²¹ *Diagnostic and statistical manual of mental disorders*. 5th ed. American Psychiatric Publishing. 2013. Retrieved July 25, 2013.

²² *ibid.*

²³ Seto, M. C. (2004). “Pedophilia and sexual offenses against children.” *Annual Review of Sex Research*, 15, 329-369.

²⁴ Seto M. C. (2009) *Pedophilia*. *Annual Review of Clinical Psychology* 5:391-407.

²⁵ Briere, John, PhD., Runtz, Marsha, M.A. (1989). pg. 71 “University males’ sexual interest in children: Predicting potential indices of “pedophilia” in a nonforensic sample” *University of Southern California School of Medicine*.

was categorized as a predator if he or she was over 18 and expressed interest in viewing a girl between the ages of eight and 12 perform sexual acts via a webcam.

Pedophilia is also a disorder presenting in females, and based on a range of published reports about convicted child predators, it has been estimated that for every 10 male predators there is 1 female predator.²⁶ That ratio, however, blurs the distinction between child predators who commit crimes against children and pedophiles who may not act on their urges.

2.2 The evolution of WCST

Webcam Child Sex Tourism can be understood as a descendent of child prostitution. The evolution of WCST from child prostitution involved two intermediate steps—the emergence of child sex tourism and child pornography. The emergence of child sex tourism was partly a result of the implementation of stricter child protection policies in some countries and not in others. And although child pornography had existed on a relatively small scale in printed form for a few decades, the massive proliferation of child pornography over the past few decades was a direct result of the rise of the Internet.²⁷ WCST emerged most recently as a result of the same two factors that stimulated the spread of both child sex tourism and child pornography—lax enforcement of child protection policies and rising global Internet usage rates. This section will briefly explain that process of WCST’s evolution from child prostitution.

2.2.1 Poverty and weak child protection laws foster child prostitution

Child prostitution flourishes mainly in impoverished regions of developing countries with weak child protection policies and lax law enforcement.²⁸ UNICEF estimates that two million children around the world are involved in prostitution and child prostitution is particularly widespread in the Philippines, which UNICEF ranks fourth among countries with the highest number of prostituted children.²⁹ The Department of Social Welfare and Development in the Philippines reports that between 60,000 and 100,000 Filipino children are involved in prostitution.³⁰

Poverty is a persistent developmental problem facing the Philippines where 27.9% of the population was reported to be living below the poverty line in 2013, according to data from National Statistical Coordination Board in the Philippines.³¹ In some cases, poverty leads parents to involve their children in prostitution because the parents’ low income does not allow them to meet the needs of their children. In other cases, children are separated from their families and forced into prostitution to survive. The circumstances leading to child prostitution vary, but they are generally linked by the common elements of poverty and desperation.

²⁶ Lisa J. Cohen, PhD and Igor Galynker, MD, PhD (2009-06-08). .” *Psychiatric Times*. Retrieved 2010-10-15.

²⁷ National strategy for child exploitation prevention and interdiction. Report to Congress August 2010. US Department of Justice.

²⁸ Trinidad, A.C. (2005). “Child pornography in the Philippines.” UP Center for Integrative and Development Studies and UNICEF Manila

²⁹ UNICEF The Philippines. Stop Child Pornography Today! http://www.unicef.org/philippines/support/sup_12.html

³⁰ *ibid.*

³¹ “Poverty incidence unchanged, as of first semester 2012—NSCB.” (2013). Republic of the Philippines National Statistical Coordination Board.

2.2.2 *Child sex tourism emerges as predators seek to avoid laws in their own countries*

The phenomenon of “child sex tourism” is a specific kind of child prostitution that incorporates an international aspect with predators coming from one country and victims being from another. Child sex tourism emerged as a result of the implementation of child protection laws in many developed countries that prohibit adults from engaging in child prostitution and child sexual abuse within their borders. To avoid the laws of their own countries, predators from developed countries began travelling to developmentally disadvantaged countries where rates of child prostitution are higher and child protection laws do not exist or are not adequately enforced, for the purpose of sexually abusing children.

Physical child sex tourism is a phenomenon that in many ways parallels WCST. Research on physical child sex tourism indicates that there is a large number of child victims in developing countries. The US State Department estimates that over one million children around the world are victims of physical child sex tourism.^{32 33} According the US Department of Justice, “Numerous countries in Southeast Asia are so well-known for CST [child sex tourism] that there are entire neighborhoods which are considered brothels, and there are open-air markets where children can be purchased for sex.”³⁴ The Australian National Police and the Council of Europe reported in 2013 that the prevalence of child sex tourism is increasing globally, partly as a result of the booming travel and tourism industry.³⁵ The emergence of WCST is such a threatening fact because it allows predators to engage in virtual child sex tourism more frequently and with more child victims due to the fact that WCST is far cheaper and easier than physical child sex tourism. That expands the number of predators who engage in WCST beyond those who can afford the time and cost of travel for child sex tourism to any predator with an Internet connection.

Child prostitution and child sex tourism flourish largely in impoverished regions, but the emergence of the Internet expanded the production and distribution of child exploitation material and created a far greater market for child pornography. This enabled pedophiles and others to access child abuse material from home without the costs and risks associated with child sex tourism and child prostitution.

2.2.3 *The Internet stimulates massive rise in child pornography production and distribution*

According to UNICEF, child pornography was largely unheard of before the late 1960s.³⁶ By the 1970s, an estimated 300,000 to 600,000 children under the age of 16 were involved as models in child pornography in the United States alone, according to a study by Svedin and Back.³⁷ At that point, films and photographic images of child pornography were being distributed physically via postal mail.³⁸ But the quantity of child pornography in existence in the 1970s and the scope of its distribution was paltry compared to the vast amount of child pornography that exists online today.³⁹

³² “The Facts About Child Sex Tourism.” (2008). US Department of State, Office to Monitor and Combat Trafficking in Persons.

³³ Klain, E.J. (1999) *Prostitution of Children and Child-Sex Tourism: An Analysis of Domestic and International Responses*, National Center for Missing and Exploited Children.

³⁴ *National strategy for child exploitation prevention and interdiction. Report to Congress August 2010.* US Department of Justice.

³⁵ “Fighting ‘child sex tourism’.” (2013) Council of Europe Parliamentary Assembly. Resolution 1926.

³⁶ Trinidad, A.C. (2005). “Child pornography in the Philippines.” UP Center for Integrative and Development Studies and UNICEF Manila

³⁷ Svedin, C.G., Back, K. (1996). “Children who don’t speak out: About children being used in child pornography.” Sweden: Save the Children.

³⁸ *ibid.*

³⁹ *ibid.*

According to a 2010 report by the US Department of Justice, “the expansion of the Internet led to an explosion in the market for child pornography, making it easier to create, access, and distribute these images of abuse.”⁴⁰ The Internet revolutionized the child pornography market, enabling producers and collectors to digitally store, share, and distribute images to larger, more globally dispersed audiences. Moreover, the Internet afforded a greater degree of anonymity to producers, consumers, and distributors of child pornography. These advantages have contributed to the expansion of the online child pornography trade into a multi-billion dollar global industry⁴¹ that is dominated by organized criminal syndicates.⁴²

The US Department of Justice reports that online child exploitation material is not only continuing to proliferate, it is also evolving in other, more sinister ways. “Investigators and prosecutors report dramatic increases in the number, and violent character, of the sexually abusive images of children being trafficked through the Internet. They also report the disturbing trend of younger children depicted in these images, even including toddlers and infants. Further, predators have become proficient at enticing children to engage in risky behavior, like agreeing to meet for sexual activity, or even to display themselves engaging in sexual activity through images or webcams.”⁴³

The emergence and global proliferation of online child pornography is an online criminal practice that governments and law enforcement agencies failed to combat before it grew totally out of control into a multi-billion dollar industry controlled by organized criminal groups. The same should not be allowed to happen with regard to the new criminal practice of WCST.

2.2.4 *Child sex tourism expands from offline to online as global Internet usage rates grow*

In addition to creating an avenue for increased production and distribution of child pornography, the rise of Internet usage rates in developing nations has enabled child sex tourism to take place online in addition to offline.

In the past decade, Internet usage rates around the world have increased dramatically, bringing the world toward universal Internet access. That rapid growth rate can be seen mainly in developing nations. For example, in the Philippines less than 2% of the population used the Internet in the year 2000 and by 2012 that percentage had grown to over 36%, according to data provided by the United Nations.⁴⁴

The rise of Internet access rates is generally considered a developmental benefit, particularly as a means of broadening access to commercial and educational opportunities for individuals and communities, but it also multiplies the number of opportunities available to predators seeking to abuse children around the

⁴⁰ National strategy for child exploitation prevention and interdiction. Report to Congress August 2010. US Department of Justice.

⁴¹ Brockman, J. (April 5, 2006). “Child sex as Internet fare, through eyes of a victim.” New York Times.

⁴² Doward, J. “Task force to seize child porn profits.” (November 13, 2005). The Observer

⁴³ National strategy for child exploitation prevention and interdiction. Report to Congress August 2010. US Department of Justice.

⁴⁴ http://data.un.org/Data.aspx?q=philippines+internet&d=ITU&f=ind1Code%3a199H%3bcountryCode%3aPHL#f_3

world, according to a number of studies.^{45 46 47 48} While the Internet once only offered predators access to pre-recorded child pornography, it now offers predators the opportunity to engage in child sex tourism through the use of live-streaming webcam technology—Webcam Child Sex Tourism. WCST is a cheaper, easier, and less risky method for predators to directly target children for abuse. These advantages enable and encourage predators to engage in WCST far more frequently than they would otherwise be able to engage in traditional child sex tourism, thus leading the demand for WCST to surpass the demand for child sex tourism.

2.2.5 *High global demand for WCST leads to growth in “supply” of child victims*

As economically vulnerable populations are gaining access to the Internet, they are exposed to the vast global demand for child abuse material—predators around the world are offering money and other rewards to watch children perform sexual acts live in front of webcams. Capitalizing on this opportunity to increase their income, a growing number of children in the Philippines are offering webcam sex shows for financial gain and other rewards, and a growing number of adults in the Philippines are exploiting children by forcing or coercing them to offer webcam sex shows for remuneration.

2.3 The “supply side” of the WCST trade

2.3.1 *Current number of child victims*

At this moment it is hard to give an exact count on the number of children that have become victims of WCST. The most important reason for the lack of statistics on the number of victims of WCST is that, in contrast to online child pornography, WCST does not leave traces. Movies or pictures are saved on computers, leaving a print, but live streaming of webcams does not. This means that the only way to identify a victim is to catch them in the act (which has proven to be extremely difficult) or to count child victims that have reported themselves. Combining this with the fact that most child victims do not report their exploitation, statistics remain vague. Terre des Hommes Netherlands has been in contact with numerous government sources, including the Philippines National Statistical Coordination Board, but the Philippines government has not yet collected statistics and data on the prevalence of WCST.

However, we have been able to propose an estimate of the number of child victims of WCST, which has been officially or unofficially confirmed by several sources. An important source for this estimation is Father Shay Cullen, the founder of the Peoples Recovery Empowerment Development Assistance (PREDA) Foundation, a social and development organization in the Philippines that helps protect children. Cullen estimates that there are tens of thousands of children exploited in WCST.⁴⁹ That estimate is based on the finding that approximately 25% of the children rescued by the PREDA Foundation from situations of exploitation have been victimized at least once through WCST.

⁴⁵ Cooper, A., Delmonico, D. L., & Burg, R. (2000). WCST. Users, abusers and compulsives: new findings and implications. *Sexual Addiction and Compulsivity*, 7, 5–29.

⁴⁶ Seto, M., Cantor, J., & Blanchard, R. (2006). Child pornography offenses are a valid diagnostic indicator of pedophilia. *Journal of Abnormal Psychology*, 115(3), 610–615.

⁴⁷ Taylor, M., & Quayle, E. (2003). *Child pornography: An Internet crime*. New York: Brunner-Routledge.

⁴⁸ Wolak, J. D., Finkelhor, D., & Mitchell, K. (2004). Internet-initiated sex crimes against minors: implications for prevention based on findings from a national study. *Journal of Adolescent Health*, 35, 424 e11–424.e20.

⁴⁹ Based on an e-mail exchange in September 2013 between Terre des Hommes researchers and Father Shay Cullen or the PREDA Foundation.

The estimate of tens of thousands of children victimized by the WCST trade is more meaningful when compared to the estimated total of 100,000 child victims of all forms of sexual exploitation in the Philippines. The PREDA Foundation's estimate of tens of thousands of child victims of WCST, was confirmed by an official at the Philippines Department of Justice. It was also confirmed by a researcher of the University of the Philippines who has published research on the phenomenon of WCST in the Philippines. Both confirmed that the PREDA Foundation's estimate is consistent with what they have seen.

Without scientifically collected quantitative data on the prevalence of WCST in the Philippines or other countries, the estimate that tens of thousands of children in the Philippines are victims of the WCST trade is as clear a picture as we are currently able to provide of the number of children involved in WCST.

Expansion of commercial child sexual exploitation into rural areas.

Child sex tourism, like most prostitution, is a phenomenon mostly found in urban areas where customers are more anonymous and often transient (e.g., sailors and tourists). Commonly, children from impoverished families in rural areas moved or are trafficked to urban areas to gain income through prostitution. WCST has made it possible for the commercial sexual exploitation of children to take place in rural areas as easily as in urban areas, provided that these children and the adults controlling them have access to the Internet and webcam technology. This fact expands the potential number of children victimized in the WCST trade.



Figure 2. Economic conditions

The home of a WCST victim in Murcia, Negros Occidental, the Philippines.

2.3.2 Three models of WCST operational structures in the Philippines

WCST takes place in a range of scenarios, which vary in operational structure and scale. We have seen evidence that there are three main categories of WCST operations: individual operations, family-run operations, and larger-scale, more organized operations called “dens.” Individual and family-run operations comprise what is referred to in the Philippines as the “cottage industry” of WCST. A recently published study by Terre des Hommes Netherlands indicates that the “cottage industry” appears to be growing rapidly in the Philippines.⁵⁰ As more impoverished people gain access to the Internet and recognize the opportunities to increase their income through the WCST trade, the “cottage industry” will likely continue to expand both within the Philippines and internationally.

Family-run WCST operations

Family-run operations most often involve parents or other family members coercing their children to perform webcam sex shows for predators in exchange for money. Sometimes adults have their children recruit other children to do the same. These operations are often located in homes, depending on the availability of home computers.

Case study: Family-run operation⁵¹

13-year-old Maria⁵² lives with her parents in a slum area of Ibabao, located in the Cordova District. Her father was a fisherman, but fell ill years ago, and can no longer work. Her parents struggled to make ends meet. Her mother had an informal job selling goods in a local market, but she did not make enough money to support the family. The alcoholism and gambling of Maria’s father made their financial situation even worse. Sometimes Maria’s parents did not have enough money to buy food. The neighbors used to be poor as well, just like Maria’s family. But now their house is made of concrete instead of corrugated metal and recently they added a second story to their home. Nobody in the neighborhood talks about it, but everybody knows that they are making money through the WCST trade.

Some years ago Maria’s mother also started chatting with foreigners on dating sites, hoping to earn some extra cash. But they didn’t want to chat with her, they wanted to see her young daughter. Maria, only 11 at the time, was put in front of the camera. They asked her to undress and they told her, “Show me your boobs,” “Show me your butt,” and “Spread your legs.” The first time, Maria did not want to do those things and she started crying, but her mother told her, “It’s not so bad, they can’t touch you anyway. They are on the other side of the world, so it’s all right.”

After that first night, she was asked to perform webcam sex shows more often. Maria got used to it and she did whatever the “customers” asked her to do. It became a normal thing for her, but it was kept as a

⁵⁰ Terre des Hommes (2013). “Fullscreen on View. An Exploratory Study on the Background and Psychosocial Consequences of Webcam Child Sex Tourism in the Philippines”. Terre des Hommes Netherlands.

⁵¹ Ibid.

⁵² Ibid.

family secret. After some time, Maria's 14-year-old cousin and her boyfriend also joined Maria in shows. The customers asked them to have sexual intercourse in front of the webcam while Maria watched them. They earned a lot of money doing that. Whenever Maria wanted to stop, her mother reminded her that they have debts to pay. "You don't want us to go hungry, do you?" she would say.

Every time Maria and her cousin perform a webcam sex show, Maria's mother receives between \$20 and \$50 USD. They earn so much money, that Maria's mother has been able to stop working. But sometimes Maria is asked to perform three shows in a night. During the day she tries to go to school, but more and more she is skipping classes because she is too tired after staying up late into the night performing webcam sex shows.

WCST "dens"

WCST dens are locations in which several children are either hired or trafficked and kept against their will to perform webcam sex shows. These dens are sometimes run by criminal organizations of varying sizes and degrees of sophistication. In some cases, dens are run by foreign (non-Filipino) nationals. Terre des Hommes Netherlands' field research, published in a recent study, revealed a range of varieties of WCST dens, from home-based operations that exploit groups of children from the same neighborhood, to organized criminal groups that run large-scale underground online brothel operations. Front companies, such as Internet cafes or information technology companies, often conceal these dens.



Figure 3. WCST "den"

A rented house in the Philippines where several foreign nationals were arrested for allegedly running a WCST den.

In 2004, the Philippines National Police-Criminal Investigation and Detection Group (PNP-CIDG) arrested a Belgian national, an American national, and their Filipino cohort, leading police to five separate locations where several children were rescued. The Belgian and American men are believed to be financing the WCST dens in which children performed webcam sex shows in eight-hour shifts for paying subscribers in the United States, the United Kingdom, Hong Kong and Japan. Filipino authorities believe the suspects were running a website on which customers could pay \$1.59 USD per minute to view webcam sex shows performed by children.⁵³

In 2010, PNP-CIDG rescued five children between 14 and 16 years old after raiding a WCST den operating out of a private residence in Angeles City, the Philippines. The den had as many as 10 computers linked to the Internet on which children and young women performed webcam sex shows for paying customers in Europe, North America, and Australia.⁵⁴

In April 2013, the Philippines National Bureau of Investigation arrested an Australian national accused of operating a WCST den in Cebu City. The Australian was arrested during a raid of his apartment in which four children and 11 young women were found. Several Internet-connected computers, hard disks containing explicit photographs, sex toys, an unlicensed .45 caliber pistol and a .38 caliber revolver were seized.

Individual WCST operations

Individual operations occur in private residences or Internet cafes. In these operations, children go online to chat rooms, social networking sites, and dating sites in search of predators willing to pay for webcam sex shows. Terre des Hommes Netherlands' field research in the Philippines suggests that the children who voluntarily perform webcam sex shows for paying predators online are commonly involved in street prostitution; they generally turn to WCST to supplement their income and to seek "boyfriends" who will come visit them and perhaps carry on long-term relationships with them.

Case study: Individual operation⁵⁵

Jun-Jun⁵⁶ is 15 years old. He lives with both of his parents and his two younger siblings in a small house in the slums of Cebu City. His parents fight all day, every day. They fight about money and about the gambling problems of his mother. When his father comes home from working at the pier, there is no food on the table because Jun-Jun's mother has spent all their money gambling. Jun-Jun's father is an alcoholic and when he is drunk he becomes violent toward his wife and children. Sometimes Jun-Jun wishes he still lived with his gay uncle, like he did when he was five years old and his parents temporarily broke up.

⁵³ Peralta-Elorde, G. "Angeles City child cyber-sex ring busted." (October 29, 2004). *The Daily Tribune*.

⁵⁴ Cullen, S. "The good news we were waiting for." (November 12, 2010). Preda Foundation.

<http://www.preda.org/en/news/fr-shays-articles/the-good-news-we-were-waiting-for/>

⁵⁵ From an interview conducted by Terre des Hommes Netherlands during field research in the Philippines

⁵⁶ Not his real name

His uncle would dress him up as a girl and put make-up on him. Since then, Jun-Jun has enjoyed dressing like a girl. People call him a “ladyboy.”

When Jun-Jun was nine years old, he was walking around with a girl from his neighborhood. She was a “taxi-girl,” meaning that she earns money by having sex with taxi drivers. The girl took Jun-Jun with her to have sex for the first time with a taxi driver who paid 500 pesos (about \$11.50 USD). After that day Jun-Jun and his friends started having sex for money more often.

About a year later, Jun-Jun and his friends started performing webcam sex shows for money. They would go to an Internet cafe at night. One kid would hold a blanket up so that nobody could see them, and the other kids would perform sexual acts in front of the webcam. Jun-Jun met Bob, a 48-year-old American, and they started chatting regularly. Bob became Jun-Jun’s boyfriend and would send money. One day, Bob suggested that he come to Cebu to visit Jun-Jun. Jun-Jun was very excited, but also scared. He had told Bob that he was a girl. Every time Bob asked him to show his private parts on camera, he tricked him by putting his penis between his legs. He was scared to tell Bob the truth, afraid that Bob would not want to be his boyfriend anymore and would stop sending him money.

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2.4 Psychological effects of WCST on child victims

The psychological damage that sexual exploitation in the WCST trade has on child victims is profound and permanent. The evidence presented in this section was collected in a recently published Terre des Hommes Netherlands report on the scope and magnitude of WCST in the Philippines.⁵⁷ For that report, a Terre des Hommes Netherlands researcher individually interviewed 44 Filipino children who are currently involved in the WCST cottage industry, either through individual operations or family-run operations, and children who had recently been rescued from exploitation through WCST. Children exploited in larger WCST dens run by criminal organizations were not interviewed in that study.

All of the children interviewed reported feeling dirty, ashamed, and embarrassed, both during and after webcam sex performances. Additionally, many children reported experiencing a significant amount of fear of being arrested and of the prospect of their images being visible on the Internet forever. All children indicated that performing webcam sex shows becomes emotionally easier after the first time. They appear to develop coping mechanisms that allow them to escape from much of the negative feelings they experience as a result of performing webcam sex shows for predators. Most children rationalize their behavior by focusing on the money they receive in return for their performances.

We found that children involved in WCST suffer from high levels of psychosocial distress manifested in traumatic sexualization, a sense of betrayal, social stigmatization, and a sense of powerlessness. In comparison with children from the same neighborhoods and socio-economic background who were not involved in WCST, the child victims of WCST exhibited low self-esteem and low feelings of self worth, often resulting in feeling contaminated by their activities and feeling that they do not deserve to continue living. Victims also exhibited self-destructive behavior, including alcohol and drug abuse. Additionally, many children reported being members of gangs or having run away from home.

Sexualized behavior is common among children who have been exploited in the WCST trade. The perception of value of sexual behavior that children were coerced or requested to engage in on camera is reinforced by the positive feedback of the adults running the WCST operation and by the money the children receive for their performances. The emphasis on sexual behavior and the positive reinforcement for it results in a distorted view of children's own sense of sexuality and of sex in general. Child victims often express the perception that sex and money are intertwined concepts, and they lack the beliefs that their body is their own and that sexuality is an intimate and personal expression of the self that is unrelated to financial reward.

The added trauma of parental involvement in exploitation through WCST

Terre des Hommes Netherlands' recently published report posits that a distinction can be made between children who are coerced to perform webcam sex shows for money by a neighbor, and children who are coerced by their parents. The traumatic effects on children who are exploited by parents are more severe.

⁵⁷ Terre des Hommes (2013). "Fullscreen on View. An Exploratory Study on the Background and Psychosocial Consequences of Webcam Child Sex Tourism in the Philippines". Terre des Hommes Netherlands.

Children in general, but perhaps children from the Philippines especially, are very much influenced by their parents. Filipino families are very close and the family unit is a central value in Filipino society. This makes Filipino children highly susceptible to the influence of their parents. Children exploited in family-based WCST operations, show deeper internalization of the idea that performing sexual acts on camera for money is acceptable, in some cases necessary. As their parents have repeatedly told child victims that the behavior is harmless and not at all shameful because the children are not physically touched, these ideas are more deeply instilled in these children's minds when compared to children exploited by non-family relations.

Additionally, parents who exploit their children through WCST often appeal to the child's sense of duty to help the family, saying that it is the child's duty to generate money to pay for bills, food, and school-related expenses. Often, children whose parents are exploiting them in WCST operations are not aware that they are being victimized.

We also found that parents often do not realize the trauma that WCST causes to children. Parents often rationalize the exploitation of their children through the WCST as having no effect on their children due to the absence of physical contact between predators and child victims. Terre des Hommes Netherlands works to dispel that common misconception by raising awareness among parents and communities of the severe damage that WCST has on children.

Cognitive dissonance caused by parental involvement

Children who were rescued from situations in which they were exploited by their parents often report feeling severely confused because of the conflicting ideas they have about their parents. On one hand, those children view their parents as the people upon whom they most depend to keep them safe. On the other hand, upon being rescued from exploitation, children learn that their parents are guilty of victimizing, manipulating, and betraying them by misrepresenting moral standards. These conflicting concepts are very challenging for children to negotiate rationally and emotionally. Children who experience this often try to eliminate or diminish that discrepancy by blaming themselves for what happened. Another rationalization that some children expressed to diminish the pain of that cognitive dissonance is by excusing their parents' exploitative behavior by believing that their parents acted with the benevolent intention of helping the family out of a difficult financial situation.

2.4.1 Traumagenic dynamics

To gain a better understanding of the underlying processes that lead to the psychosocial distress displayed in children involved in the cottage industry of WCST, we will evaluate their experiences based on the four traumagenic dynamics outlined in a model by Browne and Finkelhor (1986)⁵⁸: traumatic sexualization, betrayal, powerlessness, and stigmatization.

Traumatic sexualization

Child victims of WCST who were interviewed showed a dysfunctional level of sexualization that is inappropriate for their age and culture. This was presumably a result of sexual behavior being positively

⁵⁸ Browne, A. & Finkelhor, D. (1986). "Impact of Child Sexual Abuse: A Review of the Research." *Psychological Bulletin*. 1986;99:66–77.

reinforced by praise and financial or other rewards. Many children expressed awareness that they were breaking cultural norms concerning sexuality, but they said that they were forced by circumstances to earn money through the WCST trade. That cognitive dissonance is highly stressful for children.

Betrayal

Child victims of WCST commonly express feeling betrayed by the adults who abused their trust by misleading and exploiting them. They feel that adults have misrepresented the moral standards about sexuality, resulting in the child behaving inappropriately. Often, people in the child victims' communities do not correct the misconceptions that child victims have about sexual norms, partly because home-based WCST operations are becoming so common in many communities. Therefore, children develop a sense of having been betrayed and misled after they have been rescued from exploitative situations. This dynamic is especially present when the child's parents were involved in the exploitation.

Powerlessness

According to Browne and Finkelhor the traumagenic dynamic of powerlessness is present when a child's body and personal space is invaded.⁵⁹ In the case of WCST, the body may not physically be invaded per se, but the child is asked to sacrifice the intimacy of its private space. Therefore, child victims of WCST often experience a profound sense of powerlessness.

Child victims of WCST experience severe psychological trauma. Some of the effects they show include feelings of worthlessness, contamination, traumatic sexualization, and powerlessness, among many others.

2.5 The “demand side” of the WCST trade

Having discussed the “supply side” of the WCST—the estimated number of Filipino child victims of the WCST trade, the structures of WCST operations in the Philippines, and the psychological effects that WCST has on child victims—this section will focus on the “demand side” of the WCST trade. We will examine the most current estimate about the number of predators connected to the Internet who likely contribute to the global demand for webcam sex shows performed by children. We will also discuss the online environments on which WCST takes place and the methods that predators use to pay for webcam sex shows performed by children.

2.5.1 Current number of predators online

The number of predators that engage in WCST is also difficult to estimate. Due to the lack of data and transparency, reliable statistics do not exist. The United Nations Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, estimated in 2009 that 750,000 child predators are connected to the Internet at any given time.⁶⁰ The US Federal Bureau of Investigation corroborated that estimate in 2011.⁶¹ In this report, we will continue to apply that figure as an estimate of the potential size

⁵⁹ Browne, A. & Finkelhor, D. (1986). “Impact of Child Sexual Abuse: A Review of the Research.” *Psychological Bulletin*. 1986;99:66–77.

⁶⁰ UN Human Rights Council. (2009). “Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, Najat M’jid Maalla.” Geneva.

⁶¹ Ryan, J. “Mueller: ‘We’re losing’ the child porn war.” (April 23, 2008). ABC News.

of the global demand for WCST. Further research is necessary to update that figure and to provide a more specific estimate of the number of predators who regularly engage in WCST.

Tens of thousands of children are victimized in the WCST trade, according to estimates. An estimated 750,000 predators are online at any given time, which indicates that the total number of predators who make up the global demand for WCST is even larger. Currently, the demand for WCST is far greater than the “supply,” creating incentives to increase the number of children exploited in front of webcams.

2.5.2 *Online environments on which WCST takes place*

According to a recently published Terre des Hommes Netherlands report that cites extensive interviews with 44 Filipino child victims of WCST, the four most commonly used online environments in which WCST takes place are online dating websites, public chat rooms, social networking sites, and adult webcam sites.

Online dating websites

Online dating sites provide the opportunity to create an online profile and make contact with people from around the world. In addition to the fact that they are easily accessible and offer the possibility to communicate privately, they also commonly cater to aiding the development of specific kinds of relationships between specific kinds of people—generally sexual or romantic. For example, there are dozens of online dating sites tailored to customers seeking to date or interact with Asian people who are also connected to the site—the majority of which are Asian. Most online dating sites have policies forbidding the participation of minors. However, the enforcement of age policies is virtually impossible. Children offering webcam sex shows for money can create profiles for themselves that suggest they are adults. Photographs of the children generally reveal their true age, so it is unlikely that adults interacting with children claiming to be above the age of consent are surprised to learn that they are minors. After meeting on dating websites, the children and adults often begin interacting privately through webcam chat services, such as Yahoo! Messenger or Skype.

Public chat rooms

Public chat rooms offer the ability to interact with a large number of predators in a short period of time. Public chat sites have a public room, where hundreds of individuals can openly interact as a group. Most sites also have the option for two users to chat privately. Public chat rooms differ in themes, ranging from erotic themes to geographic locations. Some chat rooms are specifically tailored to teens or pre-teens. Those chat rooms often have terms and conditions that prohibit people above a certain age from entering, however, this seems impossible to enforce. In our findings, most of the individuals on teen and kids chat rooms are older (sometimes much older) than 18. Public chat rooms are known as places where predators lurk. The US Federal Bureau of Investigation has reported that there are 40,000 online chat rooms on which they report that child predators seek to abuse children.⁶² By choosing a username

⁶² Shiveley, M. & Hunt, D., et al. “Survey of practitioners to assess the local impact of transnational crime, task order: Final report.” (2003). Abt Associates Inc.

that communicates their age and location, predators who are looking for children can quickly come into contact with them. After a quick private chat in the chat room, the conversations are usually moved to safer locations such as Yahoo! Messenger and Skype. Most public chat rooms have moderators whose job it is to survey the room for unwanted conversations or content like child pornography. During our research however, these moderators were never very active in their tasks. One of the 1,000 predators whom we identified was in fact working as a moderator for one of the most visited public chat rooms for teenagers and children.

Social networking sites

Social networking sites commonly have public areas on which users can interact to discuss common interests. Interviews with child victims of the WCST trade from a recently published Terre des Hommes Netherlands report⁶³ indicates that social networking sites are commonly used among predators and children who are offering webcam sex performances for money. However, social networking sites are likely used most frequently to maintain contact, rather than to initiate contact.

Adult webcam sites

Adult webcam sites are among the most frequently visited websites on the Internet.

There are hundreds of adult webcam sites that specifically focus on Asian women. On these websites, hundreds of thousands of models perform sexual acts in front of webcams for paying customers to view from around the world. Children also frequently use these websites to perform sexual acts for paying customers. In many cases, according to Terre des Hommes Netherlands' interviews with child victims of WCST, contact between predators and children is often made by adult women who are models on adult webcam sites.⁶⁴ Those women offer to include children in the webcam sex shows that they perform for a higher fee.

Most adult webcam sites offer free previews of the models with clothes on for which no fee is charged. Interested customers can then request a "private session" for which a standard amount of money is charged per minute or per show. While conducting research for this study, it was noted that the price per minute for most models on adult webcam sites featuring Asian women was generally between \$0.50 and \$0.99 USD per minute. Terre des Hommes Netherlands' researchers never paid to view a performance; all research was conducted without paying money to any organization or website that exploits children. Furthermore, the researchers never encouraged any model of any age to remove her clothes on camera.

2.5.3 Methods of payment

According to research conducted in the Philippines by Terre des Hommes Netherlands, the costs for a webcam performance from a Filipino child involved in this trade vary, depending on the length of the show, the number and ages of children involved and the sexual acts performed in the show. There are several ways in which financial transactions are made between customers and providers, the most common of which appears to be Western Union. Western Union does not give the option to wire money anonymously, but customers interested in maintaining anonymity can do so using a PayPal account.

⁶³ Terre des Hommes (2013). "Fullscreen on View. An Exploratory Study on the Background and Psychosocial Consequences of Webcam Child Sex Tourism in the Philippines". Terre des Hommes Netherlands.

⁶⁴ Ibid.

PayPal acts as an online bank account in which money can be deposited for paying and receiving funds. PayPal accounts can be set up under false names and linked to false e-mail addresses for anonymous use. Users can then deposit money into PayPal accounts using a credit or debit card. With the emergence of prepaid debit cards, which can be purchased anonymously and activated anonymously using a prepaid mobile phone purchased with cash, international financial transactions can be made totally anonymously.

Payments for WCST are commonly made between predators and children performing webcam sex shows via Western Union.

The issue of anonymity may be of some concern to predators who are paying to engage in WCST, but during the online field research conducted for this report, we found that most predators exhibit little if any perception of risk when soliciting children online for webcam sex performances. Therefore, the preservation of anonymity in making payments for WCST may ultimately be of little importance to the majority of predators.

Considering our finding that only six predators have ever been convicted for engaging as customers in WCST,⁶⁵ predators may believe that the risks of detection and prosecution are not high enough to require taking any precautions to maintain anonymity. Furthermore, Terre des Hommes Netherlands previous research found that most payments for webcam sex shows performed by children are made using Western Union, which unlike PayPal, does not permit anonymous transactions. That suggests that anonymity is not a priority or a requisite for most predators to engage in WCST.

2.6 Predictions for the rise of WCST

Based on the number of predators online and the current estimate of the number of exploited children by WCST, we predict that the global prevalence of WCST will grow in the Philippines and in other developing countries. This prediction is based on the observations of Terre des Hommes Netherlands and our partner organizations in the Philippines and other developing countries. It is also based on rising global trends that we believe are fostering the growth of WCST. As stated, the potential global demand for WCST can be estimated by looking at the United Nations and US Federal Bureau of Investigation reports that 750,000 predators are connected to the Internet at any given time. As Internet usage rates continue to rise around the world, with greatest speed in developing nations, and poverty remains persistently high, impoverished populations will have more opportunities and financial incentives to use the Internet to make money through online child sexual exploitation. As the global demand among predators for webcam child sex shows remains high, the “supply” of exploited children will continue to rise to meet it.

2.6.1 *Internet usage rates are increasing*

We have seen that the global rise in Internet accessibility has increased the rate of online child exploitation.⁶⁶

⁶⁵ For more information, refer to Appendix IV in this report for a collection of news articles covering those cases.

⁶⁶ Bourke, M.L. & Hernandez, A.E. “The ‘Butner Study’ Redux: A Report of the Incidence of Hands-on Child Victimization by Child Pornography Predators.” (2008). *J Fam Vol* (24) 183-191.

More than one-third of the world population is now online, according to the United Nations,⁶⁷ and global access to the Internet continues to expand, supported by shrinking subscription fees and the increasing usage rates of high speed Internet.⁶⁸ Internet usage rates in the developed world reached 77% in 2013.⁶⁹

In developing nations, the percentage of people using the Internet rose from 5% in 2001 to 31% in 2012.⁷⁰ Between 2010 and 2011, home Internet access in developing nations grew 23%, an increase over the growth rate of 18% between 2009 and 2010. Access to broadband Internet is expected to rise, not only due to further global usage rates, but also due to the increasing affordability of subscription fees. The ITU reports that average monthly fees for fixed broadband subscriptions in developing countries have decreased by 82% between 2009 and 2012. Even though fixed-broadband services remain expensive, accounting for 30.1% of average monthly incomes, the costs continue to drop and accessibility grows steadily.⁷¹ The United Nations Digital Development Broadband Targets has set the goal of having global monthly Internet subscription fees cost less than 5% of the average monthly income.⁷²

We fear that the increase of broadband Internet in developing nations will increase the supply of children victimized by WCST. An important aspect of WCST is the fact that it commonly happens in small-scale home-based operations.⁷³ As the Internet becomes more accessible and affordable,⁷⁴ we predict that the prevalence of home-based operations will grow.

The number of children exploited in the WCST trade is predicted to grow rapidly due to the increase of Internet accessibility and in developing nations. More impoverished people will recognize in the vast global demand for WCST a financial opportunity in exploiting children as performers of webcam sex shows for predators around the world.

2.6.2 Online child pornography is increasing

Predictions for the rise of WCST are also partly based on the rise of online child pornography, which was witnessed previously with the emergence of the Internet in the last decade. A 2009 United Nations report stated that the number of websites reported to contain child pornography increased from 261,653 in 2001 to 480,000 in 2004, and the National Center on Missing and Exploited Children reported that, out of a total of 681,275 websites analyzed in April 2009, 592,044 contained child pornography.⁷⁵

⁶⁷ "ICT Facts and Figures: The world in 2013." (2013). International Telecommunications Union. Geneva.

⁶⁸ "ICT Facts and Figures: The world in 2013." (2013). International Telecommunications Union. Geneva.

⁶⁹ Ibid.

⁷⁰ Ibid.

⁷¹ Ibid.

⁷² Jackson, M. "ITU secretary wants world to get 20Mbps broadband by 2020." (March 18, 2013). ISPreview.co.uk

⁷³ Terre des Hommes (2013). "Fullscreen on View. An Exploratory Study on the Background and Psychosocial Consequences of Webcam Child Sex Tourism in the Philippines". Terre des Hommes Netherlands.

⁷⁴ Stoker, E. "Alle mannen waren naakt en speelden met zichzelf." (May 29, 2012) De Volkskrant.

⁷⁵ UN Human Rights Council. (2009). "Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, Najat M'jid Maalla." Geneva.

In 2008, Director of the US Federal Bureau of Investigation Robert Mueller said that US law enforcement agencies were losing the battle against online child pornography.⁷⁶ Mueller said that due to the increase of digital photography and increasing availability of data encryption software, it is becoming increasingly hard for law enforcement agencies to track online predators.⁷⁷ Mueller's statement was echoed by a 2010 US Department of Justice report to Congress on the national strategy against child exploitation, which stated that two-thirds of child exploitation experts interviewed reported that the overwhelming increase in the volume of available child pornography images is growing beyond the control of government law enforcement agencies.⁷⁸

In response to this massive growth in online child pornography, several companies and organizations have increased their efforts to stop the rise of online child exploitation. Online groups like Anonymous⁷⁹ and corporations like Google⁸⁰ are investing time and resources to help with the identification of both victims and predators. Efforts like these show that online child pornography and child exploitation are still high on the agenda, but they also show that the situation is not under control.

2.6.3 *Other manifestations of child exploitation are on the rise*

Another important reason we fear an increase in child victims of WCST is the increase of related industries such as human trafficking of children, child prostitution, and child sex tourism. The UN Office on Drugs and Crime stated in a recent report that 58% of human trafficking is related to sexual exploitation, and that the percentage of children trafficked rose from 20% between 2003 and 2006 to 27% between 2007 and 2010, possibly leading to a rise in child prostitution.⁸¹ Human trafficking is estimated to be the third largest international criminal industry, with profits made of \$32 billion USD per year.⁸² And it is not just the trafficking in children that is rising, all forms of child exploitation are increasing, according to reports.⁸³ Predators from all over the world are actively searching for sex with children, and are willing to travel the world for it in increasing numbers.

2.6.4 *Persistence of global poverty rates*

The last important factor for the current development and predictions of future growth of WCST is the persistence of poverty in developing countries. Despite the fact that the number of people around the world living under the poverty line has dramatically decreased over the past three decades, according to the World Bank,⁸⁴ poverty remains a major factor contributing to the global rise of child exploitation.⁸⁵ In the Philippines, the so-called "cottage industry" has flourished due to persistent poverty and a lack of economic alternatives.

Poverty is slowly easing for some segments of urban populations in developing nations, including the

⁷⁶ "The national strategy for child exploitation prevention and interdiction: A report to Congress." (2010). US Department of Justice.

⁷⁷ Ryan, J. "Mueller: 'We're losing' the child porn war." (April 23, 2008). ABC News.

⁷⁸ "The national strategy for child exploitation prevention and interdiction: A report to Congress." (2010). US Department of Justice.

⁷⁹ Sniderman, Z. "'Anonymous' now fighting child pornography." (October 24, 2011). Mashable.com.

⁸⁰ LeJacq, Y. "Google's plan to combat Internet child pornography." (July 17, 2013). NBC News.

⁸¹ "Global report on trafficking in persons: 2013." United Nations Office on Drugs and Crime. New York.

⁸² "Combatting child sex tourism." United Nations Office for the High Commissioner for Human Rights. (April 10, 2013).

⁸³ "A global alliance against forced labour: Global report under the follow-up to the ILO Declaration on Fundamental Principles and rights at work." (2005). International Labour Office. Geneva.

⁸⁴ "Remarkable declines in global poverty, but major challenges remain." (April 17, 2013). World Bank.

⁸⁵ "Child labour." Resources for speakers on global issues. <http://www.un.org/en/globalissues/briefingpapers/childlabour/>

Philippines, but according to the International Fund for Agricultural Development, 70% of the world's poorest people live in rural areas.⁸⁶ Rural populations are increasingly gaining access to the Internet, largely as a result of increasing mobile phone access.⁸⁷ And as desperate and impoverished rural populations continue to be exposed to the global demand for webcam sex shows from children, they will recognize the opportunity to earn more money through online child exploitation than they would otherwise earn in other forms of labor. Thus, we fear that WCST will continue to spread.

2.7 Conclusion

This section of this report was intended to provide extensive background information, summarizing the current body of knowledge on the phenomenon of WCST. It offered an explanation on how predators on the “demand side” and child victims on the “supply side” of the WCST trade make contact, and how they interact in various online environments. It provided information about where WCST is occurring, how children are entering the WCST trade, and about the traumatic psychological effects of WCST on child victims. This section also proposed several factors that substantiate our prediction that the WCST trade will grow. Those include the rise in Internet usage rates in developing nations, the rising trajectory and industrialization of other forms of child sexual exploitation markets, and the rise of WCST in rural areas as a “cottage industry.”

The estimates of both the number of child victims and the number of predators that form a possible demand for WCST show that this form of child exploitation is not a small phenomenon anymore. With tens of thousands of children already exploited by WCST, we fear that this number will increase due to several factors, with the current potential demand of 750,000 predators and the increase in Internet accessibility as the most important ones. The fact that only six predators have ever been convicted for WCST does not compute with the current size and growth trajectory of the WCST trade.

We believe the reason for the limited number of convictions can be found in the current national law enforcement policies toward investigating online child exploitation. WCST is a relatively new phenomenon; it was first mentioned in a UN report in 2005. It was born out of the convergence of rapid technological advances and an increasing degree of global interconnectivity. Despite the advances in technology and communications, children remain highly vulnerable in countries and communities with weak child protection policies and high levels of poverty. We believe national law enforcement policies are quickly becoming outdated and must be revised to account for the new trends in online child exploitation. The third chapter focuses on the current national and international legislation concerning WCST.

⁸⁶ “Rural poverty report 2011.” International Fund for Agricultural Development. Rome.

⁸⁷ “ICT Facts and Figures: The world in 2013.” (2013). International Telecommunications Union. Geneva.


 Ohio guy: do you have brothers or sister?

 10 f Philippines: yes, little sister, she 8, she say hi !

 Ohio guy: is she naked?

 10 f Philippines: no

 Ohio guy: get her naked and turn on your cam

 Ohio guy: my *** is hard

 Ohio guy: i'm going to *** you both

 Ohio guy: you like getting ***ed by big ***s?

 10 f Philippines: we turn cam on, but not for free

 Ohio guy: just turn it on and I might pay later

April 12, 2013

3. LEGISLATION AGAINST WCST

Perhaps because WCST is such a new phenomenon, many countries' criminal or penal codes do not yet contain provisions that explicitly outlaw WCST as we have defined it. While any future changes to national criminal codes that include provisions that specifically prohibit WCST would be beneficial in reducing the incidence of this crime, our research indicates that the legal framework established by international laws and most national laws already generally prohibits child sexual exploitation in all forms. We also found that the laws of most national criminal codes generally are written in language that allows for them to be applied in the prosecution of predators engaging in WCST.

The conclusion we have drawn is that the laws widely exist to prosecute predators engaging in WCST. Therefore, legislative reform is not what is needed to stem the global demand for WCST. Terre des Hommes Netherlands calls on all governments to abandon their outdated reactive law enforcement policies, which rely on child victims of WCST to report crimes before prosecuting predators. Child victims of WCST almost never report the crimes they witness. Governments must replace the reactive policies with proactive policies that empower law enforcement agencies to catch predators trying to engage in WCST, identify them, and successfully prosecute them using evidence collected through proactive investigation techniques.

Stopping these predators requires a shift in policy and practice, not in legislation.

The legal framework established in most national criminal codes and in international law provides adequate grounds to prosecute predators engaging in WCST.

3.1 International legislation

The United Nations Convention on the Rights of the Child (UNCRC),⁸⁸ adopted unanimously by the UN General Assembly in 1989 and now nearly universally ratified, provides a clear set of entitlements and obligations that must be applied to frame understanding of children's rights in the context of sexual abuse and exploitation in the online/offline environment.

A key element of the Convention is that it demands that the child is to be viewed as a holder of a comprehensive set of rights. In other words, States must consider children's rights holistically. Governments have obligations to take action to ensure the greatest possible safety and protection for all children in every sphere of their lives.

The UNCRC contains a number of provisions specifically focused on child protection. Article 19, for instance, requires that States take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s),

⁸⁸ Refer to Annex I for full text of the UNCRC

legal guardian(s) or any other person(s) who has care of the child. The article does not limit the application of this right to abuses that are the result of state-sanctioned conduct, nor does it narrow its scope to particular manifestations of abuse. As such, there is a positive obligation on the State to protect children from exploitation committed in any space including cyberspace.

The UN Committee on the Rights of the Child has affirmed the scope of article 19 to address violence through information communication technologies, including the sexual abuse of children in order to produce and disseminate child abuse images, exposure of children to harmful material, bullying, harassment or being groomed for sexual activities. This provision is reinforced by article 34, which requires States to protect the child from all forms of sexual exploitation and sexual abuse. More specifically, the UNCRC explains that for these purposes, States must take all appropriate national, bilateral and multilateral measures to prevent, among other things, the inducement or coercion of a child to engage in any unlawful sexual activity. No limitations are placed on the terms of engagement. Thus, it implies that if the engagement occurs electronically it too would be a violation of the right.

Additional protection is provided in articles 35 and 36, which require States to take appropriate unilateral, bilateral and multilateral measures to prevent the abduction, sale or trafficking of children, and to protect children against all other forms of harmful exploitation. These provisions introduce obligations to address a broad spectrum of potential abuse in the online environment.

3.1.1 *Specific protection of the OPSC*

The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (internationally referred to as OPSC),⁸⁹ which entered into force in 2002 and was ratified by 163 countries, strengthens the provisions of the UNCRC in a number of ways relevant to online/offline sexual exploitation. It defines child pornography to include any representation, by any means, of a child engaged in real or simulated explicit sexual activities, or any representation of the sexual parts of a child for primarily sexual purposes, and requires States to criminalize child sexual exploitation offences, whether committed nationally or transnationally. It also requires States to adopt or strengthen, implement and disseminate provisions to prevent sexual offences against children. Of particular relevance to children who are at risk of exploitation online is an obligation on States to keep current with new technologies to ensure protection. The Protocol also clarifies that a State must exercise extraterritorial jurisdiction and introduce powers of extradition.

3.1.2 *Definition and scope of OPSC*

Article 2 of the OPSC defines child pornography as “any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.” Article 3.1.c requires States Parties to criminalize “producing, distributing, disseminating, importing, exporting, offering, selling or possessing for the above purposes child pornography as defined in article 2.”

The Handbook on the OPSC published by UNICEF’s Innocenti Research Centre indicates that,

⁸⁹ Refer to Annex II for the full text of the OPSC

“Pornography can, among other forms, be represented in live performances, photographs, motion pictures, video recordings and the recording or broadcasting of digital images. The Committee is particularly concerned about the widespread distribution and accessibility of child pornography through the Internet. It has strongly and consistently recommended that States Parties and the international community urgently tackle the issue. Specific recommendations have been made regarding adoption of legislation on the obligations of Internet service providers in relation to child pornography.”

According to the experts consulted for this report, the broad language of the definitions in article 2 of the OPSC should cover all newly emerging forms of child prostitution and child pornography, including webcam child sex tourism. The Guidelines for reporting on OPSC do not contain specific information on the interpretation of the definitions in article 2; however, paragraph 12 of the Guidelines can be considered as supporting a broad approach (the word “including” indicates a non-exhaustive list of acts and supports) of child pornography and child prostitution:

“12. Reports should summarize available information concerning the extent to which pornography featuring persons actually or apparently under the age of 18, is produced, imported, distributed or consumed within the territory of the State party and any increases or decreases in the production, importation, distribution or consumption of child pornography that have been measured or detected, including:

- a) Photographs and other printed materials;
- b) Videos, motion pictures and electronically recorded materials;
- c) Internet sites containing photographs, videos, motion pictures or animated productions (e.g. cartoons) depicting, offering or advertising child pornography; and
- d) Live performances.”

3.1.3 Conclusions about international laws against WCST

The language of the Protocol is intended to be broad and flexible; the experts believe that the definitions in article 2 of the OPSC should cover all newly emerging forms of child prostitution and child pornography, including WCST. Furthermore, the absence of the express mentioning of WCST in the OPSC cannot be interpreted as tolerance of it.

Annex I includes the full text of the Second Optional Protocol to the United Nations Convention on the Rights of the Child.

3.2 National criminal and penal codes

Webcam Child Sex Tourism is a crime that combines the concepts of child pornography and child prostitution, both of which are prohibited in international treaties and by the criminal codes of most countries. This section provides a preliminary analysis of the national criminal and penal codes of 21 countries with the aim of identifying laws that may be used in the prosecution of predators in those countries who engage in WCST.

In the criminal codes of the 21 countries we examined, 18 of those countries have laws that we believe can be interpreted as outlawing WCST and can, therefore, be applied in the prosecution of predators engaging in WCST. Three of those 21 countries' criminal codes do not contain provisions that we believe to be adequately prohibitive of WCST. The 21 countries we examined were selected either because they were the countries of origin of over 70% of the predators we identified in our field research on public chat rooms or because they are among the top 10 countries with the highest gross domestic product (per country).

In seeking to determine whether the criminal codes of these 21 countries contained laws that could be interpreted as prohibiting WCST, we sought to answer five questions:

- 1) Does a criminal code contain a law that forbids accessing live-streamed images depicting a minor performing sexual acts?
- 2) If that is not outlawed, we sought to determine whether child pornography is outlawed.
- 3) If child pornography is prohibited, we sought to determine whether "accessing" or "viewing" it without "storing" or "possessing" a file is outlawed. In viewing live streaming footage of any kind, files of images are not permanently stored on the viewer's computer hard drive.
- 4) If laws against child pornography did not exist or did not seem to be applicable to WCST, we sought to determine whether child prostitution is outlawed in the criminal code.
- 5) If child prostitution is illegal, we sought to determine how the code defines child prostitution. In some countries, physical contact is necessary, while in others, paying a minor for any sexual act constitutes child prostitution.

A criminal code that directly and explicitly outlaws WCST is one that contains provisions against accessing live-streamed images depicting a minor performing sexual acts. However, we believe that criminal codes containing laws against the viewing and accessing of child pornography are also applicable in the prosecution of predators engaging in WCST. Also applicable are laws prohibiting child prostitution if it is defined in broad enough language to include paying a minor for any sexual act, including those that do not involve physical contact, such as sexual performances.

3.2.1 Summary of findings on the national criminal and penal codes of 21 countries

We looked into the criminal or penal codes of the United States, the United Kingdom, Canada, France, Italy, Germany, the Netherlands, Belgium, Sweden, Norway, Denmark, Turkey, India, Australia, China, the Republic of Korea, Mexico, Brazil, Russia, Japan, and the Philippines. Annex III contains a more detailed description of each of the 21 countries' criminal codes, including excerpts from the texts.

Three countries—India, the Philippines, and the United States—have laws that directly prohibit WCST by specifically outlawing the electronic transmission of sexual performances by children. The US law calls it "transmitting a live visual depiction,"⁹⁰ the Filipino law refers to "cybersex,"⁹¹ and the Indian law refers to "transmit[ting] material in any electronic form which depicts children engaged in sexually explicit

⁹⁰ US Criminal Code 18 § 2251

⁹¹ Philippines Republic Act No. 10175

acts.”⁹² The Philippines criminal code actually outlaws the act of “cybersex,” regardless of whether a minor is involved or whether it is between consenting adults. This leaves no room for interpretation of the Philippines law regarding WCST, however, it has been criticized as heavy-handed and limiting the free speech of adults.

The criminal codes of China, Turkey, and Germany should be amended or new provisions should be included to clearly ban WCST. In addition to the fact that the criminal codes of those countries do not specifically mention live transmissions of images or cybersex in their prohibitions of accessing or viewing sexual depictions of minors, we also found that the language used in the provisions prohibiting child prostitution (in the cases of Turkey and Germany) and child pornography allows for an uncomfortably large degree of uncertainty as to whether those provisions could be applied in the prosecution of predators engaging in WCST. China’s criminal code does not specifically outlaw child pornography. However, it is possible that WCST could be interpreted as a form of child prostitution or general pornography, which is illegal in China.

The Canadian criminal code appears to be adequate. Accessing child pornography is clearly prohibited and “child pornography” is defined broadly enough for the law to be applicable in the prosecution of WCST. Child prostitution is also prohibited.

The United Kingdom outlaws “intentionally causing or inciting another person...to become a prostitute, or to be involved in pornography, in any part of the world...” if the victim is a minor.⁹³ As WCST can be viewed as a combination of child prostitution and child pornography, it is reasonable to believe that WCST is a breach of the UK penal code.

In the Netherlands, production, possession, accessing, and distribution of child pornography online is illegal and punishable by up to four years in prison.⁹⁴

The Belgian criminal code appears to be adequate. It outlaws accessing any image depiction of pornographic or otherwise sexual acts involving minors on a computer information system or by any other technological means.⁹⁵ This appears to outlaw WCST.

The Swedish penal code appears to be adequate. It includes laws against child prostitution and child pornography that may be applicable in the prosecution of predators who engage in WCST.

The Norwegian criminal code appears to be adequate, outlawing child pornography and paying for any depiction, in any form, of child sexual abuse.

The Danish criminal code appears to be adequate. WCST can be interpreted as a breach of a provision that outlaws acts associated with having a minor perform any sexual act.

⁹² India’s Information Technology Act of 2008 Section 67B

⁹³ Sexual Offences Act of 2003 Part 1 Section 52 (2)

⁹⁴ Wetboek van Strafrecht Article 240b

⁹⁵ http://www.wipo.int/wipolex/en/text.jsp?file_id=262696

The French criminal code appears to be adequate. It outlaws WCST by prohibiting the transmission and attempted transmission of any pornographic representation of someone who is or appears to be a minor. The Australian criminal code appears to be adequate. It prohibits accessing and attempting to access child pornography, which is broadly defined to include live-streamed sexual performances by children.

The Indian criminal code appears to be adequate. The Information Technology Act of 2008 clearly prohibits WCST by outlawing the transmission of material in any electronic form that depicts children engaged in sexually explicit acts.

The Republic of Korea's Juvenile Protection Act can be interpreted as prohibiting WCST in legislation that outlaws "The act of having juveniles perform the lascivious act for the purpose of making profits or entertainment."

The Russian Federation's criminal code appears to adequately criminalize WCST by outlawing "attracting a minor as a performer in an entertainment of pornographic nature... through the use of information-telecommunication networks (including Internet)."⁹⁶

Brazil's criminal code adequately prohibits WCST, child prostitution, and child pornography.

The Mexican federal criminal code appears to adequately prohibit adults from seeking and engaging in WCST.

Japan's legislation can be interpreted as prohibiting adults from engaging in WCST as a form of child sexual exploitation.

Italy's penal code adequately prohibits WCST, which can be deemed as a form of both child prostitution and child pornography.

For a more detailed explanation of the laws in each of those 21 countries, which we believe can be applied in the prosecution predators engaging in WCST, see Annex III. Additionally, news articles on the six convictions of predators for paying to view webcam child sex shows are listed in Annex IV. Those predators were convicted in Canada, the United States, the United Kingdom, the Netherlands, Sweden, and Australia.

⁹⁶ <http://share.pdfonline.com/b666134f65624efae0596010a4e898c/Russian%20Criminal%20Code.htm>



Control room

4. ONLINE FIELD RESEARCH

The current law enforcement policies of investigating online child exploitation are ineffective in stopping the growth of the WCST trade. That assertion is plainly substantiated by the fact that only six predators in the world have ever been arrested for engaging in WCST as customers and by reality that the phenomenon of WCST is spreading to epidemic proportions. All governments must adopt proactive investigation policies to find, identify, and convict predators who abuse children on online hotspots where WCST is known to take place. In addition to simply putting guilty predators behind bars and upholding the rule of law, we believe that the effective implementation of proactive investigation policies will have a deterring effect on predators around the world by reducing the perception that they can abuse children through WCST with impunity. That increased risk perception will have a chilling effect on the global demand for WCST, thereby reducing the growth of the number of child victims.

To test the aforementioned hypothesis, Terre des Hommes Netherlands conducted undercover field research during which four researchers posed as prepubertal Filipino girls on 19 public chat rooms. They applied a proactive investigation technique to *lure* predators on those chat rooms to solicit the researchers for webcam sex performances, to offer to pay for those performances, and to provide the researchers with information with which the predators could be identified. This was intended to answer two of our primary research questions:

1. How high is the incidence of predators seeking to engage in WCST on public online chat rooms?
2. How effective is the use of proactive investigation techniques in identifying predators and catching them in the act of seeking to engage in WCST?

This report leaves out several details of our research methods so as not to inform predators of how to avoid detection. In the Investigative Toolkit, which we will give to national and local law enforcement agencies in all countries from which predators were found, the methods our researchers applied to find and identify predators are explained in greater detail.

To investigate the effectiveness of a proactive policy on WCST, researchers engaged in a 10-week undercover operation on 19 public chat rooms and engaged with predators with the goal of identifying them without the use of computer hacking.

4.1 Gauging the incidence of predators seeking WCST in public chat rooms and the ease of identifying those predators

The first part of this research was based on the following research questions:

1. How great is the incidence of predators seeking WCST on public online chat rooms?
2. How effective is the use of proactive investigation techniques in identifying predators and catching them in the act of seeking to engage in WCST?

4.1.1 Research design

To measure the incidence of predators seeking WCST on public online chat rooms and the ease of identifying those predators using a proactive investigation technique, four Terre des Hommes Netherlands researchers spent a combined total of approximately 1,600 hours over a 10-week period interacting on 19 English-speaking public online chat rooms. These chat rooms were public in the sense that they did not require registration or an invitation from a member or a chat room administrator. Chat rooms from which data were collected were forums for text-based communication, but the chat rooms allowed the use of webcam technology, enabling the researchers to see the person with whom they were interacting.

In measuring the incidence, we sought to determine the frequency of occurrence of predators seeking WCST from four researchers posing as children on 19 public chat rooms during a 10-week period.

To measure the ease of identifying predators seeking to engage in WCST using a proactive investigation technique, the four researchers used a technique called a “sting operation”—researchers posed as prepubertal Filipino girls and waited for adults to contact them and request a sexual performance via webcam. This will be outlined in greater detail in the methods section.

4.1.2 Research environments

Data were collected in 19 public online chat rooms in which English was the primary language used. Those chat rooms were selected through convenience sampling by virtue of their accessibility in Google search results (using search terms such as “free public chat rooms” and “kids chat rooms”). Some chat rooms were also chosen after predators informed researchers that they had previously used specific chat rooms to meet children with whom to engage in WCST. The number of time spent in each chat room varied. More time was spent collecting data in chat rooms on which more predators were found.

Public online chat rooms were chosen as a suitable online environment on which to study the incidence of predators seeking WCST and the ease of identifying predators because several international news reports on the phenomenon of WCST, a UN report, and data from interviews conducted by Terre des Hommes Netherlands with Filipino children working in the webcam child sex tourism industry, contribute to a growing body of evidence indicating that children frequently use online chat rooms as forums on which to meet predators who are willing to pay them for webcam sex performances.

Data on predators were collected in 19 public English-language chat rooms. Some chat rooms were tailored specifically to children and teens. Several reports indicate that predators often seek to engage in WCST on chat rooms.

4.1.3 Methods

During a 10-week period between April 17 and June 12, 2013, four researchers spent 1,600 hours interacting with people on those 19 chat rooms. By the end of that 10-week period, the four researchers had interacted with a total of 20,172 predators seeking to engage in WCST. The researchers identified 1,000 of those predators (999 males and 1 female) using information that the predators had provided in addition to data that the researchers collected in Internet-based research into the identities of predators. It was found that the 1,000 predators identified came from 71 different countries. All the predators spoke English, though not necessarily as a first language. Researchers only spent time identifying predators who were older than 18.

Researchers varied the times of their work shifts in order to interact with people in chat rooms who were located in different parts of the world. It was quickly noted that the incidence of predators seeking WCST is generally higher between the time when predators return home from work and the time when they go to sleep. This period was approximately 18:00 to 1:00 anywhere in the world. Therefore, 17:00 in the Netherlands, where the researchers were located, was found to be a good time to interact with predators in South Asia, for example. It is not a good time to interact with predators on the West Coast of the United States and Canada, where it would be 6:00. To account for time differences, researchers took night shifts and day shifts during which they interacted with people on chat rooms. Data were collected during all seven days of the week.

In 10 weeks, four Terre des Hommes researchers identified 1,000 predators from 71 different countries using information that the predators had provided in addition to data collected in Internet-based research into the identities of predators.

Applying a “sting operation” to measure incidence of offence and ease of identification

The method used to gather information about the incidence of this crime and the ease of identification is called a “sting operation.” Researchers posed as young Filipino girls with chat names, such as “10 f Philippines,” luring predators who were looking for children. Researchers never initiated contact with anyone. When the predators contacted the researchers whom they believed were Filipino girls and solicited them for sexual webcam performances, the researchers began working to identify them. Had the researchers been conducting these sting operations for the purpose of law enforcement rather than data collection, the operations would have likely ended with arresting the predators for their crimes.

How individuals were categorized as predators

For researchers to categorize an individual as a predator, the individual had to complete two steps: 1) initiate contact with a researcher posing as a prepubertal Filipino girl, and 2) request or accept the offer to view a sexual performance via webcam. Individuals who did not complete both steps and individuals who were younger than 18 were excluded from our data set.

Step 1: Initiating conversation

Researchers never initiated contact with predators on chat rooms. The four researchers used chat names indicating that they were young Filipino girls, for example “10 f Philippines.” Those chat names were

visible to all members of a particular chat room. The chat name and the false identity/alter ego of a prepubertal Filipino girl served as a “lure” that attracted predators who were inclined to seek WCST. Using this passive method, rather than targeting individuals based on suspicion, allowed researchers to assume that adults who contacted them were likely to be predators. However, researchers did not assume that individuals were predators until they requested or accepted the offer of a sexual performance by a prepubertal girl via webcam.

To ensure that individuals were aware that they were chatting with someone claiming to be a prepubescent Filipino girl, the researchers also explicitly informed the predator during the chat conversation of their claimed age (between 9 and 12).

Example: “M.DK-likes yung”

On June 20, 2013, a Danish man using the chat name “M.DK-likes yung” on a public chat site initiated a conversation with a researcher using the chat name “10 f Philippines,” which means in common chat room lingo, 10-year-old girl from the Philippines.

M.DK-likes yung: Hi sexy girl

M.DK-likes yung: Are you busy?

10 f Philippines: no it ok 😊

M.DK-likes yung: How are you?

10 f Philippines: me good, how r u?

M.DK-likes yung: okey. is it nice to live in Philippjines?

10 f Philippines: yes, u been here?

M.DK-likes yung: No. but in Thiland

M.DK-likes yung: I come visit Manilla soon.

M.DK-likes yung: Do you want meet me?

Example: “TomNYC”

On June 20, 2013, a 63-year-old American man using the chat name “TomNYC” on a public chat room initiated a conversation with a researcher posing as a nine-year-old Filipino girl, using the chat name “9 f Cebu.” The term “asl” is a question often posed on chat rooms; it refers to age, sex, and location.

9 f Cebu: asl?

TomNYC: 63 m new york

TomNYC: You?

9 f Cebu: 9 f philippines

TomNYC: I think that's very sexy


9 f Cebu: 🙄


Step 2: Requesting or accepting the offer of a sexual performance via webcam


After completing the first step, individuals had to request or accept the offer of viewing a girl between the ages of nine and 12 perform sexual acts before a webcam. In most cases, the researchers posing as young girls asked individuals to pay for the show, however, willingness to pay was not a requisite for inclusion in this list. This is due to the fact that individuals were often reluctant to commit to paying before seeing the girl they were supposedly chatting with on a webcam. Upon seeing the girl, it was assumed that predators might be more willing to pay.


Example: "Candy man"


On April 29, 2013, an American man using the chat name "Candy man" on a public chat room initiated a conversation with a researcher who was using the chat name "10 f phil." This example shows how payments for proposed webcam sex shows were agreed upon.


 [9:22 AM] Candy man: Hi


 [9:23 AM] 10 f phil: hi!


 [9:23 AM] Candy man: asl?


 [9:24 AM] 10 f phil: 10 f philippines


 [9:24 AM] 10 f phil: u?


 [9:25 AM] Candy man: wow. Im 40/usa/man


 [9:25 AM] 10 f phil: 😊


 [9:25 AM] Candy man: cam?


 [9:26 AM] 10 f phil: what u want to see on cam?


 [9:26 AM] Candy man: you


 [9:26 AM] Candy man: naked


 [9:26 AM] Candy man: if your mother is there she can join.

 [9:27 AM] 10 f phil: she not here.

 [9:27 AM] 10 f phil: i do for money

 [9:27 AM] Candy man: how muuch?

 [9:28 AM] 10 f phil: 3 dollar for 10 minute.

 [9:28 AM] Candy man: Only if you're sexy

Example: “guest983”

On May 1, 2013, a Spanish man using the chat name “guest983” on a public chat room initiated a conversation and offered to pay to engage in WCST. The Terre des Hommes Netherlands researcher was posing as a 10-year-old Filipino girl using the chat name “10 f Philippines.”

 guest983: hi
 guest983: are u aware of underage sex?
 10 f Philippines: tell me
 guest983: are you from phil?
 10 f Philippines: yes, cebu
 guest983: kk
 guest983: do you do shows?
 10 f Philippines: yes
 guest983: good
 guest983: where u cam?
 guest983: how much u charge?
 guest983: answer me dear
 guest983: i want ur show will pay whatever
 guest983: please
 guest983: hello?
 10 f Philippines: 10 dollar
 guest983: show me u on cam first
 10 f Philippines: u know i 10 years old yes, u like?
 guest983: yes i know

Identification of 1,000 predators

After individuals completed the first two steps, the researchers categorized them as predators. They were included in our data set upon which our findings are based on the incidence of predators seeking WCST. Researchers then worked to identify the predators.

A more detailed explanation of how researchers identified 1,000 predators can be found in the attached Investigation Toolkit, which is designed to assist law enforcement agents in conducting sting operations that allow them to effectively identify and collect incriminating evidence against predators lurking on public online chat rooms.

Identification took place using self-reported data from predators and data gathered online using public data sources and social networking sites. Of the 1,000 predators in the dataset, we captured live webcam images of the faces of 755 predators with which to compare photographs from social networking sites and other online databases. Capturing live video images of predators’ faces helped us confirm the identities of predators, allowing us to compare their faces with images online from social networking sites and other databases. Furthermore, it ensured that our dataset did not include predators more than once.

Limitations of time and resources prevented us from identifying more than 1,000 of the 20,172 predators with whom we interacted. In a small percentage of cases, predators were very cautious about giving any identifying information, and we were simply unable to uncover their identities. That was not common, however. More often, the four researchers were simply overwhelmed by such a large number of predators who were constantly attempting to interact with them. With this barrage of requests from such a vast number of predators, it was necessary for the researchers to apply a sort of triage process to select the predators who exhibited the most disturbing behavior or the predators who were most forthcoming with personally identifying information. It is not that researchers could only successfully identify a ratio of 1 predator out of every 20, it is simply that researchers only had the time required to spend interacting with and identifying 1,000 predators.

Researchers posed as prepubertal Filipino girls using chat names that communicated their age, sex, and location (e.g., 10 f Philippines). The researchers then waited for predators to initiate contact and request a webcam sex performance. Predators were reminded that they were interacting with a prepubertal child. If they continued to request a sex show, researchers began working to identify them.

Cover stories: Creating a prepubertal Filipino girl in the minds of predators

In the majority of this research, Sweetie was not used. Furthermore, aside from the computer animation of Sweetie, which was an artistic rendition of a non-existent child, the researchers did not send or show any images of children to predators to convince them that they were speaking to prepubertal Filipino girls. Instead, the researchers relied on telling convincing stories about their alter egos. The more convinced predators were of the researchers' cover stories, the more willing they would be to share personally identifying information.

The cover stories used while interacting with predators varied slightly per researcher and per day. Researchers always claimed to be Filipino girls living in Cebu or Manila. They claimed to be located in an Internet café, at their home, or at the home of a friend or family member. Predators frequently asked what the Filipino girls looked like. Depending on the number of detail requested, the researchers described their alter egos as short, skinny, Filipino girls with black hair, and no physical signs of puberty. To 47 of the 1,000 identified predators (4.7%), researchers claimed to be 12 years old. In 920 cases (92%), researchers claimed to be 10 years old. And in 33 cases (3.3%), researchers claimed to be nine years old. In 290 cases (29%), researchers claimed to be accompanied by their eight-year-old sister and asked predators if they wanted her to participate in a sexual performance. This seemed to appeal to all predators to whom it was offered. It also allowed researchers to ask predators to temporarily refrain from showing their genitals on camera for the sake of their "younger sister" while the researchers asked for more identifying information.

Researchers claimed to be Filipino girls between 9 and 12 years old. 1,000 predators were identified who expressed interest in watching them perform webcam sex shows.

The communication style of a Filipino child

Another dimension of maintaining an alter ego that was effective enough to achieve the objectives of this research was the method of typing. It was necessary for researchers to type in the style and tone that would be used by a pre-teenage Filipino girl who was providing webcam sex shows to men who pay. The chat room argot used by researchers was modeled after observations of communications in various online chat rooms tailored to teens. Examples include replacing the word 'you' with the letter U, the word 'to' with the number 2, and the word 'see' with the letter C. When asking for an individual's age, sex, and location, it is common to type "asl?" When discussing the possibility of engaging in a chat during which both users would show themselves using webcams, it was common to ask if an individual wanted to "c2c," derived from camera-to-camera.

Furthermore, it was presumed to be unlikely that a prepubertal Filipino girl in the WCST trade would type with perfect English grammar and spelling. Researchers consciously misspelled and omitted words as frequently as was possible without obscuring the meaning of their words beyond recognition.

The cover story also included telling predators that the girls perform webcam sex shows for paying clients around the world. Predators were offered a free preview, and if they wished to continue after the preview, they were asked to pay between \$1 and \$10 for a more sexually explicit show. The purpose of offering a preview was to reassure predators that they would not be "swindled" by paying someone who turned out not to be a prepubertal Filipino girl. To assess predators' willingness to pay without actually providing them with a visual preview, researchers asked predators if they would be willing to pay if they liked the preview.

Using Sweetie_1000 to identify predators

20 of the 1,000 predators that the four Terre des Hommes Netherlands researchers identified, were done with the assistance of a custom designed and programmed computer model called Sweetie_1000, or just Sweetie for short. Sweetie looks and moves like a 10-year-old Filipino girl sitting behind a webcam. Because some predators were reluctant to show their faces on webcam without first seeing visual confirmation that they were chatting with a 10-year-old Filipino girl, Sweetie proved to be extremely successful in gaining trust. With researchers controlling her facial expressions and motions, she quickly convinced predators that she was exactly the target that they were seeking to abuse. While predators tried to coerce Sweetie to remove her clothes and perform sexual acts for money, Sweetie and the researchers asked the predators to provide personally identifying information, including their names, e-mail addresses, locations, phone numbers, etc. Using a fictional pretext to influence someone to divulge private information is often known as “social hacking.”

Predators appeared to be totally trusting of Sweetie. When the researchers interacted with predators without using Sweetie, predators often expressed the suspicion that the researchers were homosexual adult males trying to watch other men masturbate on camera. Another commonly expressed suspicion was that the researchers were trying to gather information and video footage of men in compromising positions in order to blackmail them. Surprisingly, though, predators never expressed the suspicion that the researchers were law enforcement officers. Upon seeing Sweetie, however, predators lost all inhibitions to share information. The most challenging aspect of the interactions in which Sweetie was used was in keeping predators from becoming too sexually aroused to maintain a conversation—when they began interacting with Sweetie, many predators immediately started masturbating. In those cases, the researchers stopped broadcasting the webcam image of Sweetie and began requesting identifying information in exchange for being able to see Sweetie on webcam. On average, it took approximately one minute of showing Sweetie on webcam before predators would provide enough information with which researchers could identify them.

As effective a tool as Sweetie proved to be, the researchers were able to identify 980 predators without her. The findings outlined in this report indicate that predators can easily be identified using low-tech pro-active investigation techniques, even with very few resources.

The collection of money

During this research predators offered to pay or were asked if they would pay for a webcam sex performance by a child. However, payments were never made or received. The purpose of this discussion was to ensure that predators understood that the prepubertal Filipino girl was offering to perform sexual acts for predators because she needed money, not because she enjoyed it. All communication with predators completely stopped after we had confirmed that the predator wanted to engage in WCST and after the predator was identified.

Requests from predators

During the 10 weeks in which online field research was conducted, we received thousands of specific

requests for webcam sex shows. The nature of requests varied between predators. Most commonly they asked to watch children masturbate or to watch a child have sex with someone. Other requests were for performances that incorporated specific sexual fetishes, such as bondage, smoking, and sexual acts involving feces.

4.1.4 Procedure

Researchers would sign in on public chat rooms and select a chat name visible to all members of that chat room. Researchers used chat names that indicated that they were Filipino girls varying between nine and 12 years old. Normally within seconds, dozens of individuals would initiate conversations with the researchers using private messages (messages sent between two chat room member, which are not visible to other members). Researchers would select between three and six of those private messages to engage those individuals in conversation. That selection was based on predictions of individuals' willingness to share personally identifying information. Those predictions were based on researchers' experience with individuals' communication behavior (discussed in the Findings section). Background data were assessed first, to ensure that individuals were older than 18.

Researchers then began subtly asking for personally identifying information and requesting to see the predator's face on webcam. Various tactics were used to reluctant predators to show themselves on camera, however, most predators were willing to show themselves if it would afford them the opportunity to see the webcam sex show that they were offered.

Average interaction time

The average interaction time with predators varied. 20,172 predators attempted to engage in WCST with the researchers posing as prepubertal Filipino girls. This can be calculated into an average of 12.6 attempts per hour, based on 1,600 hours of online time. This means that on average, every five minutes a predator requested or accepted an invitation to engage in WCST from the four Terre des Hommes Netherlands researchers. This can be viewed as a small fraction of how often this actually takes place online.

4.1.5 Findings about the incidence of WCST and the ease of identifying predators

The main aims of this research were to determine the incidence of adults seeking WCST on public online chat rooms and the ease with which children exploited through WCST and predators seeking WCST can come into contact with each other.

In addition to the estimated number of predators connected to the Internet, the existing figures on the vast quantity of online child pornography, and figures on the number of child victims and adult perpetrators of child sex tourism all contribute to providing readers with an idea of the possible size of the vast global demand for webcam child sex tourism. The field research conducted for this study shows that it is easy to find adults seeking WCST.

As stated before, our researches were present in a total of 19 chat rooms. During the 10 weeks, they received 20,172 requests for conversations. Out of these 20,172 requests, 1,000 perpetrators were identified. These numbers indicate a high incidence of adults seeking WCST on public online chat rooms.

It is highly probable that more than 1,000 perpetrators could have been identified with more resources and time. Although 1,000 predators identified out of 20,172 appears to be a low percentage (only 5%), that ratio should not be misunderstood as an indication of the success rate or ease of identifying predators. Researchers were overwhelmed by a constant barrage of requests from predators in chat rooms. Upon entering a chat room with the screen name “10 f Philippines,” a researcher posing as a 10-year-old, would immediately receive between 10 and 30 private messages from adults initiating sexual conversations or requesting webcam sex shows. However, researchers were only capable of carrying on a maximum of three simultaneous conversations.

The figure of 1,000 predators identified should be interpreted independent of the total of 20,172 predators with whom researchers interacted. That is because researchers did not even attempt to identify the vast majority of the 20,172 predators simply due to a lack of time and manpower.

Researchers noted a very low perception of risk among perpetrators seeking WCST. It is commonly thought that online child predators hide behind firewalls, create secret groups, and try to stay anonymous in any way possible to avoid identification and prosecution. This may apply to many, if not most predators, but our findings indicated that the privacy precautions taken by most predators were very low. In some interactions with predators, it took less than five minutes for a researcher to fully identify the predator. For more information, please refer to the Investigation Toolkit for law enforcement agencies.

This realization not only shows how easy it is for children exploited through the WCST trade to find predators willing to pay for a sexual webcam performance, but it also indicates that the perception among predators of the risks of being caught, identified and prosecuted for engaging in WCST is minimal to non-existent.

4.2 Gauging ease of finding children offering WCST online

As an extra part of researching WCST, this study also investigates the level of ease in finding children offering WCST online. A relatively small amount of time was spent gathering this data of the research due to the great number of predators that were located. To investigate the ease with which predators can find children who are selling webcam sex performances, we searched for WCST on different online environments.

4.2.1 Research design

To gauge the prevalence of children offering WCST online and to get a sense of how easy it is for adults seeking WCST to find children supplying WCST online, two researchers searched through 84 adult webcam websites for profiles of performers who appeared to be prepubertal children. Researchers spent five days browsing through tens of thousands of performer’s profiles, inspecting digital photographs if the performers were not online and viewing non-pornographic live-streamed camera footage of the models if they were online.

4.2.2 Sample

Researchers generated a list of 84 adult webcam websites that charge customers to view live webcam

sex sessions performed by models located around the world. This list was created using convenience sampling. Researchers were referred to some websites by other websites, and through Google searching terms such as “webcam sex shows” “cybersex shows” and “live cam sex shows.” These sites were easily accessible and required no registration or payment to browse the entire selection of models performing shows on the site.

4.2.3 Procedure

Upon accessing each of the 84 adult webcam sites, researchers would browse the directory of models, which was accessible to non-paying visitors. Some websites did not have directories and only showed the profiles of models currently online. In such cases, researchers would gather data based only on those model profiles. However, on websites that featured directories of all models, researchers had access to larger databases of model profiles to evaluate. Models were most frequently offline, but their profiles included between one and five photographs of their faces and bodies. Those photographs were used to estimate their age.

If models were online, any visitor to the site could view their webcam feed until a customer pays the website for a private show, during which the researchers presumed the model disrobes and performs sexual acts for the customer to view via webcam. Prior to the private show, models are frequently fully clothed. When researchers found models online who were not engaged in private shows, they would be able to view the models in real time to make estimates about their age. This allowed researchers a better view of the model in order to estimate his or her age.

The estimation of ages is a challenging and subjective task. To increase reliability, the two researchers conducting this part of the research evaluated photographs or video images and both had to agree on the estimate before categorizing the model as prepubertal or under 18.

4.2.4 Findings on the ease of locating children offering webcam sex shows online

Although our primary research object did not include locating child victims of WCST, we felt it was necessary to confirm that they can be found online. We were uncertain as to how easily they could be found. We initially predicted that child victims could be found in secret, password protected sites. This prediction was based on the misconception that online child exploitation industry is hidden. In fact, we were shocked by how easy it was to find children being exploited live online.

To confirm that child victims of WCST can be found online, two Terre des Hommes Netherlands researchers spent two days searching. During those two days, we examined a sample of 84 public (non-password protected) websites that offer webcam sex performances. In total, we found more than 200 individuals selling performances who physically appear to be prepubertal children. Children were found on 26 of the 84 websites we examined. The profile pages of children on those websites stated that they were at least 18 or older. However, the pictures clearly showed that this was not the case. Had we spent more time searching for child victims of WCST, we would have likely been able to find many more. However, this part of the research was only intended to confirm that they could be found easily.

Based on the interviews with child victims of WCST conducted for a recently published Terre des Hommes Netherlands study on WCST in the Philippines,⁹⁷ we identified four channels upon which contact was made between predators and children. During this research, we aimed to verify the presence of exploited children on all four channels. As discussed above, we found that hundreds of children were easily accessible on adult webcam sites. Below, we focus on the presence of child victims on the other three channels.

Public chat rooms

During our 10-week research period on public chat rooms, we encountered several individuals who appeared to be prepubertal children who were offering webcam sex shows for money. As our research only focused on predators, we did not seek contact with those children, to make sure that our undercover operation was not compromised. However, in our interactions with predators many claimed to have previously engaged in WCST with children whom they met on chat rooms.

Dating websites

To confirm the presence of WCST victims on dating websites, Terre des Hommes Netherlands' researchers created free accounts on several sites that are tailored to customers seeking to have relationships with Asian and/or Filipino women. Dating websites commonly offer the opportunity to chat with women. We chatted with several women on these websites and quickly made contact with two women who offered sexual webcam shows performed by children in the exchange for money. One of the children was a nine-year-old girl, the other was 13. Those chilling interactions were immediately ended.

Social Networking Sites

Our research team searched extensively for child victims of WCST on Facebook because it was mentioned several times in interviews with child victims in the Philippines. We searched on hundreds of pages and tried to come into contact with women who would help locate children engaging in WCST. We were able to find several pages on which adult prostitutes offered webcam sex performances, but we were unable to find children. However, the fact that we were unable to find children offering webcam sex performances on Facebook does not mean that this form of child exploitation does not take place on Facebook. Our research in the Philippines provides several testimonies from child victims of WCST indicating that Facebook is very commonly used as an online forum on which predators and children make contact to engage in WCST. However, private conversations are only visible to people who are already connected as "friends" and private pages are not easily accessible without permission. Further research is needed to explore the prevalence of WCST on social networking sites.

⁹⁷ Terre des Hommes (2013). "Fullscreen on View. An Exploratory Study on the Background and Psychosocial Consequences of Webcam Child Sex Tourism in the Philippines". Terre des Hommes Netherlands.

4.3 Conclusions on findings of online field research

Based on the first part of our research on the phenomenon of WCST, we conclude that the number of predators seeking WCST surpasses the number of child victims currently offering webcam sex performances. This conclusion is based on data about the number of predators online and estimates of the number of child victims of WCST in the Philippines. This assumption was validated by our field research, although not definitively. Further research is required to gain a more complete understanding of the number of child victims of WCST around the world and the number of predators who pay to view children in developing countries perform webcam sex shows. The sheer number of requests that our researchers received during the 10 week research period, combined with the fact that the researchers were gathering data on 19 public chat rooms as a sample of the 40,000 public online chat rooms on which the US Federal Bureau of Investigation estimates that predators seek to exploit children,⁹⁸ suggest that the global demand for WCST is very large.

But apart from the huge demand, it is also the ease with which it was possible to identify 1,000 predators, that was alarming. This shows that the number of predators engaging in this kind of international child sex abuse is not just enormous, but that those predators also have a very low perception of the legal risks associated with the crimes they are committing.

The search for children exploited in the WCST trade led researchers to several adult webcam sites that portrayed hundreds of minors offering live sex shows for \$0.99 USD per minute. Those websites are publicly accessible. Among the other online environments also investigated, dating websites provided perhaps the easiest access to children exploited in the WCST trade. In the short time that researchers explored those online dating sites, they were confronted with several children or adults offering children with whom predators can engage in WCST. In social networking sites there were signs that WCST was taking place or could be arranged via those sites, but we did not find definitive evidence in examples of children offering webcam sex performances. This is likely due to the fact that the initial contact between predators and child victims occurs on chat sites, adult webcam sites, and online dating sites. The interaction on social networking sites between predators and child victims likely occurs after a sort of relationship has already been established. Thus, social networking sites, likely do not offer the same function for making initial contact as the other online spaces discussed.

⁹⁸ Shiveley, M. & Hunt, D., et al. "Survey of practitioners to assess the local impact of transnational crime, task order: Final report." (2003). Abt Associates Inc.

5. PROPOSED SOLUTION: PROACTIVE INVESTIGATION

The findings of our research suggest that the risk perception among predators seeking WCST is incredibly low. Predators seem to believe that online chat rooms are lawless spaces on which they can abuse children with impunity. This low perception of risk among predators may contribute to the high incidence of predators seeking WCST on public chat rooms, which we found in our research. Fortunately, however, our findings also suggest that it is easy to identify predators seeking WCST on public chat rooms through the use of “sting operations.”

5.1 “Sting operations” as a suitable proactive investigation technique to fight WCST

The technique used in this study to identify predators in public online chat rooms is an example of a sting operation. Researchers posed as young Filipino girls with chat names, such as “10 f Philippines,” luring predators looking for children, but not initiating contact with them. When the predators contacted the supposed Filipino girls and solicited them for sexual webcam performances, the researchers began working to identify them. Had the researchers been conducting these sting operations for the purpose of law enforcement rather than data collection, the operations would have likely ended with arresting the predators for their crimes.

According to the Center for Problem-Oriented Policing, a non-profit law enforcement research organization in the United States, sting operations vary in nature depending on their purpose, but they all contain four basic elements⁹⁹:

1. An opportunity or enticement to commit a crime either created or exploited by observers or law enforcement agents,
2. A targeted person who is considered a likely predator for a particular type of crime,
3. An undercover or hidden observer or law enforcement agent,
4. A climax when the operation ends, normally with an arrest.

5.2 What sting operations achieve

We believe that sting operations and other proactive investigation techniques can be effectively used for the purpose of identifying and successfully prosecuting large numbers of online predators seeking and engaging in WCST. In addition to increasing conviction rates, the use of proactive techniques would contribute to the general impression that the Internet is not a safe place for predators to anonymously seek and obtain child abuse material. Sting operations on a large scale, taking place in a range of online environments where WCST is known to occur (e.g., public chat rooms, dating sites, and adult webcam sex sites), would likely achieve the important objective of raising the risk perceptions of online predators, thereby contributing to the reduction of the incidence of this crime.

⁹⁹ Newman, G.R. (2007). *Sting Operations: Response Guide No. 6*. Center for Problem-Oriented Policing

5.3 The question of entrapment

Sting operations are sometimes associated with legal and ethical concerns, particularly with regard to the question of entrapment. Entrapment is defined differently in different countries and jurisdictions and there is no universal legal test to determine whether entrapment has taken place. Generally speaking, however, entrapment is when a government agent influences an individual to commit an offence that he or she was not inclined to commit. Of course, there may be variations in standards for acceptable methods of “influence” and there are different definitions of “inclination.”

When done correctly, sting operations can be conducted by law enforcement agencies without entrapping individuals or raising concerns about government overreach. This is done by using as little overt “influence” as possible and luring individuals rather than targeting them based on suspicion. Luring individuals with an opportunity to commit a specific crime is a passive method of identifying people who are already inclined to commit that crime. For example, during the course of our research, individuals were lured by the chat names of the researchers, which suggested that they were prepubertal girls. The opportunity to commit a crime was presented when adults in chat rooms were faced with a supposed minor whom they had the option to respect or abuse. Individuals who contacted the supposed minor were presumed innocent until they actually committed a crime on their own volition.

Individuals who initiate contact and request a sexual webcam show from someone claiming to be a prepubertal child are not victims of entrapment. Terre des Hommes Netherlands regards those individuals as predators who are actively attempting to abuse children through WCST and who can therefore be considered “inclined” or predisposed to commit this crime.

At every stage during this online field research gathering evidence and identifying information from predators on online chat rooms, Terre des Hommes Netherlands’ researchers were keenly aware of the risk of entrapment. This was a procedural concern to find the most accurate results in our research, but also an ethical concern that we took very seriously. Furthermore, the evidence gathered and the identities of each of the 1,000 predators have been submitted to Interpol. It was the intention of Terre des Hommes Netherlands and the researchers gathering this data to provide the international law enforcement agency with evidence that was collected respecting general legal norms of evidence collection.

6. CONCLUSIONS OF THIS REPORT

The secondary research conducted for this study provides background information on the estimated number of predators online at any given time, the global incidence of physical child sex tourism, and the vast amount of online child pornography. All of those factors support our first conclusion that the global demand for WCST is enormous. Terre des Hommes Netherlands and our partner organizations on the ground in the Philippines have seen how quickly the WCST trade is spreading to meet that global demand.

The second conclusion drawn in this report is that the incidence of predators seeking to commit the crime of engaging in WCST is high. This conclusion is supported by our primary research finding that in 10 weeks, four Terre des Hommes Netherlands researchers posing as prepubertal Filipino girls in 19 public chat rooms received 20,172 requests from predators around the world for webcam sex performances. That the US Federal Bureau of Investigation estimates that there are 40,000 public chat rooms online on which predators lurk provides further evidence that WCST is a far greater problem than is currently believed.

Third, we conclude that, through the use of proactive investigation techniques, it is easy to identify predators who are seeking to engage in WCST. The identification of predators can be achieved using advanced computer animation technology, such as Sweetie_1000, but it can also be done using only cover stories and what is often called “social hacking,” a term for convincing people to provide information under false pretenses. The ease with which researchers identified 1,000 predators shows that predators have a very low perception of the legal risks of committing the crime of paying to view underage children perform sex shows via webcam. That low risk perception is likely due to the fact that governments and law enforcement agencies around the world have not succeeded in instilling in predators a sense of risk of detection and prosecution for committing these crimes against children online. We could find only six convictions worldwide of predators engaging in WCST, so there is little reason for predators to associate this criminal behavior with legal risks and consequences. Furthermore, it is easy to locate prepubertal children offering WCST online on publicly accessible websites. These findings lead predators and criminals exploiting children to regard the Internet as a lawless space on which the sexual abuse of children is condoned.

In the Philippines, police raids on WCST “dens” are common. Several criminals in the Philippines have been convicted for facilitating the sexual abuse of children in front of webcams for predators around the world who pay to view and direct the performances. However, the problem of WCST cannot be solved without also addressing the demand side of the phenomenon, which comes from wealthy countries outside of the Philippines. The finding that only six predators around the world have been convicted for engaging in WCST indicates that a policy change must be made in countries where the demand for WCST arises. It is clear that the current reactive law enforcement policies are not effectively stemming the incidence of this crime. Rather, they are fostering a climate that allows the WCST trade to thrive.

The adoption and application of proactive investigation policies by governments around the world is a viable and effective response to this massive global problem. It is a response that must be calibrated

and synchronized with national child protection policies. Nevertheless, it is a response that allows law enforcement agencies to protect children around the world in a fashion that minimizes intrusion into the private sphere of innocent Internet-users and maximizes the arrest rate of predators and the perception of risk that undetected predators will come to associate with online child abuse.

Proactive investigation techniques permit more considered and more accurate application of law enforcement resources in stopping WCST. Because sting operations and other proactive investigation techniques lure predators who are seeking to abuse children, they afford the maximum amount of certainty that law enforcement agents are targeting the right people—predators. Sting operations give law enforcement agents the time to interact with predators to confirm their abusive intentions, gather evidence against them, and to gather identifying information.

Worldwide, government agencies in charge of justice must change their current “reactive” policies—which rely on children to report these crimes—to “proactive” policies that give law enforcement agencies the mandate to proactively investigate these crimes and to catch predators seeking to engage in WCST.

We have collected evidence and presented our findings, which have led us to the conclusion that if proactive investigation policies are not immediately and widely adopted, the phenomenon of WCST will continue to grow into a larger, more criminalized, more intractable industry within the Philippines and in other countries where poverty persists and Internet access rates are rising.

ANNEX I

United Nations Convention on the Rights of the Child

Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989 entry into force 2 September 1990, in accordance with article 49

Preamble

The States Parties to the present Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

Recognizing that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance,

Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity,

Bearing in mind that the need to extend particular care to the child has been stated in the Geneva Declaration of the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the General Assembly on 20 November 1959 and recognized in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in articles 23 and 24), in the International Covenant on Economic, Social and Cultural Rights (in particular in article 10) and in the

statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare of children,

Bearing in mind that, as indicated in the Declaration of the Rights of the Child, “the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth”,

Recalling the provisions of the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules); and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict, Recognizing that, in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration,

Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child, Recognizing the importance of international co-operation for improving the living conditions of children in every country, in particular in the developing countries,

Have agreed as follows:

PART I

Article 1

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

Article 2

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child’s or his or her parent’s or legal guardian’s race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child’s parents, legal guardians, or family members.

Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Article 4

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

Article 5

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

Article 6

1. States Parties recognize that every child has the inherent right to life.
2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

Article 7

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.
2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

Article 8

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.

2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

Article 9

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.

2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.

3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.

4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

Article 10

1. In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.

2. A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of States Parties under article 9, paragraph 1, States Parties shall respect the right of the child and his or her parents to leave any country, including their own, and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (ordre public), public health or morals or the rights and freedoms of others and are consistent with the other rights

recognized in the present Convention.

Article 11

1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad.
2. To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Article 13

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.
2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 - (a) For respect of the rights or reputations of others; or
 - (b) For the protection of national security or of public order (ordre public), or of public health or morals.

Article 14

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.
2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

Article 15

1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.
2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 16

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence, nor to unlawful attacks on his or her honour and reputation.
2. The child has the right to the protection of the law against such interference or attacks.

Article 17

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health.

To this end, States Parties shall:

- (a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;
- (b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;
- (c) Encourage the production and dissemination of children's books;
- (d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;
- (e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

Article 18

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.
2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.
3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

Article 19

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.
2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Article 20

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.
2. States Parties shall in accordance with their national laws ensure alternative care for such a child.
3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

Article 21

States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

- (a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counseling as may be necessary;
- (b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;
- (c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;
- (d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;
- (e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

Article 22

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.

2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

Article 23

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.
2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.
3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development
4. States Parties shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

Article 24

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.
2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:
 - (a) To diminish infant and child mortality;
 - (b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;
 - (c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental

pollution;

(d) To ensure appropriate pre-natal and post-natal health care for mothers;

(e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;

(f) To develop preventive health care, guidance for parents and family planning education and services.

3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

Article 25

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

Article 26

1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.

2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

Article 27

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.

3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case

of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

Article 28

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

- (a) Make primary education compulsory and available free to all;
- (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
- (c) Make higher education accessible to all on the basis of capacity by every appropriate means;
- (d) Make educational and vocational information and guidance available and accessible to all children;
- (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

Article 29

1. States Parties agree that the education of the child shall be directed to:

- (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
- (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;

(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;

(e) The development of respect for the natural environment.

2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 30

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

Article 31

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

Article 32

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:

(a) Provide for a minimum age or minimum ages for admission to employment;

- (b) Provide for appropriate regulation of the hours and conditions of employment;
- (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

Article 33

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

Article 34

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

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

Article 35

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

Article 36

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

Article 37

States Parties shall ensure that:

- (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;
- (b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or

imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;

(c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;

(d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

Article 38

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.

2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.

3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.

4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

Article 39

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

Article 40

1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and

worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.

2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:

(a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;

(b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:

(i) To be presumed innocent until proven guilty according to law;

(ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;

(iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;

(iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;

(v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;

(vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;

(vii) To have his or her privacy fully respected at all stages of the proceedings.

3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:

(a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;

(b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected. 4. A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

Article 41

Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of the child and which may be contained in:

- (a) The law of a State party; or
- (b) International law in force for that State.

PART II

Article 42

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

Article 43

1. For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a Committee on the Rights of the Child, which shall carry out the functions hereinafter provided.
2. The Committee shall consist of eighteen experts of high moral standing and recognized competence in the field covered by this Convention.^{1/} The members of the Committee shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems.
3. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.
4. The initial election to the Committee shall be held no later than six months after the date of the entry into force of the present Convention and thereafter every second year. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to States Parties inviting them to submit their nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating States Parties which have

nominated them, and shall submit it to the States Parties to the present Convention.

5. The elections shall be held at meetings of States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

6. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. The term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these five members shall be chosen by lot by the Chairman of the meeting.

7. If a member of the Committee dies or resigns or declares that for any other cause he or she can no longer perform the duties of the Committee, the State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee.

8. The Committee shall establish its own rules of procedure.

9. The Committee shall elect its officers for a period of two years.

10. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. The Committee shall normally meet annually. The duration of the meetings of the Committee shall be determined, and reviewed, if necessary, by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly.

11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

12. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide.

Article 44

1. States Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights

(a) Within two years of the entry into force of the Convention for the State Party concerned;

(b) Thereafter every five years.

2. Reports made under the present article shall indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.

3. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports submitted in accordance with paragraph 1 (b) of the present article, repeat basic information previously provided.

4. The Committee may request from States Parties further information relevant to the implementation of the Convention.

5. The Committee shall submit to the General Assembly, through the Economic and Social Council, every two years, reports on its activities.

6. States Parties shall make their reports widely available to the public in their own countries.

Article 45

In order to foster the effective implementation of the Convention and to encourage international co-operation in the field covered by the Convention:

(a) The specialized agencies, the United Nations Children's Fund, and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies, the United Nations Children's Fund and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite the specialized agencies, the United Nations Children's Fund, and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;

(b) The Committee shall transmit, as it may consider appropriate, to the specialized agencies, the United Nations Children's Fund and other competent bodies, any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance, along with the Committee's observations and suggestions, if any, on these requests or indications;

(c) The Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child;

(d) The Committee may make suggestions and general recommendations based on information received pursuant to articles 44 and 45 of the present Convention. Such suggestions and general recommendations shall be transmitted to any State Party concerned and reported to the General Assembly, together with comments, if any, from States Parties.

PART III

Article 46

The present Convention shall be open for signature by all States.

Article 47

The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 48

The present Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 49

1. The present Convention shall enter into force on the thirtieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
2. For each State ratifying or acceding to the Convention after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession.

Article 50

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval.
2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties.
3. When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of the present Convention and any earlier amendments which they have accepted.

Article 51

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.
2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.
3. Reservations may be withdrawn at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall then inform all States. Such notification shall take effect on the date on which it is received by the Secretary-General

Article 52

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

Article 53

The Secretary-General of the United Nations is designated as the depositary of the present Convention.

Article 54

The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations. In witness thereof the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.

1/ The General Assembly, in its resolution 50/155 of 21 December 1995 , approved the amendment to article 43, paragraph 2, of the Convention on the Rights of the Child, replacing the word “ten” with the word “eighteen.” The amendment entered into force on 18 November 2002 when it had been accepted by a two-thirds majority of the States parties (128 out of 191).

ANNEX II

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

Adopted and opened for signature, ratification and accession by
General Assembly resolution A/RES/54/263 of 25 May 2000
entered into force on 18 January 2002

The States Parties to the present Protocol,

Considering that, in order further to achieve the purposes of the Convention on the Rights of the Child and the implementation of its provisions, especially articles 1, 11, 21, 32, 33, 34, 35 and 36, it would be appropriate to extend the measures that States Parties should undertake in order to guarantee the protection of the child from the sale of children, child prostitution and child pornography,

Considering also that the Convention on the Rights of the Child recognizes the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development,

Gravely concerned at the significant and increasing international traffic in children for the purpose of the sale of children, child prostitution and child pornography,

Deeply concerned at the widespread and continuing practice of sex tourism, to which children are especially vulnerable, as it directly promotes the sale of children, child prostitution and child pornography, Recognizing that a number of particularly vulnerable groups, including girl children, are at greater risk of sexual exploitation and that girl children are disproportionately represented among the sexually exploited,

Concerned about the growing availability of child pornography on the Internet and other evolving technologies, and recalling the International Conference on Combating Child Pornography on the Internet, held in Vienna in 1999, in particular its conclusion calling for the worldwide criminalization of the production, distribution, exportation, transmission, importation, intentional possession and advertising of child pornography, and stressing the importance of closer cooperation and partnership between Governments and the Internet industry,

Believing that the elimination of the sale of children, child prostitution and child pornography will be facilitated by adopting a holistic approach, addressing the contributing factors, including underdevelopment, poverty, economic disparities, inequitable socio-economic structure, dysfunctional families, lack of education, urban-rural migration, gender discrimination, irresponsible adult sexual behaviour, harmful traditional practices, armed conflicts and trafficking in children,

Believing also that efforts to raise public awareness are needed to reduce consumer demand for the sale of children, child prostitution and child pornography, and believing further in the importance of strengthening global partnership among all actors and of improving law enforcement at the national level,

Noting the provisions of international legal instruments relevant to the protection of children, including the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, the Hague Convention on the Civil Aspects of International Child Abduction, the Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children, and International Labour Organization Convention No. 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour,

Encouraged by the overwhelming support for the Convention on the Rights of the Child, demonstrating the widespread commitment that exists for the promotion and protection of the rights of the child,

Recognizing the importance of the implementation of the provisions of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography and the Declaration and Agenda for Action adopted at the World Congress against Commercial Sexual Exploitation of Children, held in Stockholm from 27 to 31 August 1996, and the other relevant decisions and recommendations of pertinent international bodies,

Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child, Have agreed as follows:

Article 1

States Parties shall prohibit the sale of children, child prostitution and child pornography as provided for by the present Protocol.

Article 2

For the purposes of the present Protocol:

- (a) Sale of children means any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration;
- (b) Child prostitution means the use of a child in sexual activities for remuneration or any other form of consideration;
- (c) Child pornography means any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.

Article 3

1. Each State Party shall ensure that, as a minimum, the following acts and activities are fully covered under its criminal or penal law, whether such offences are committed domestically or transnationally or on an individual or organized basis:

(a) In the context of sale of children as defined in article 2:

(i) Offering, delivering or accepting, by whatever means, a child for the purpose of:

a. Sexual exploitation of the child;

b. Transfer of organs of the child for profit;

c. Engagement of the child in forced labour;

(ii) Improperly inducing consent, as an intermediary, for the adoption of a child in violation of applicable international legal instruments on adoption;

(b) Offering, obtaining, procuring or providing a child for child prostitution, as defined in article 2;

(c) Producing, distributing, disseminating, importing, exporting, offering, selling or possessing for the above purposes child pornography as defined in article 2.

2. Subject to the provisions of the national law of a State Party, the same shall apply to an attempt to commit any of the said acts and to complicity or participation in any of the said acts.

3. Each State Party shall make such offences punishable by appropriate penalties that take into account their grave nature.

4. Subject to the provisions of its national law, each State Party shall take measures, where appropriate, to establish the liability of legal persons for offences established in paragraph 1 of the present article. Subject to the legal principles of the State Party, such liability of legal persons may be criminal, civil or administrative.

5. States Parties shall take all appropriate legal and administrative measures to ensure that all persons involved in the adoption of a child act in conformity with applicable international legal instruments.

Article 4

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 3, paragraph 1, when the offences are committed in its territory or on board a ship or aircraft registered in that State.

2. Each State Party may take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 3, paragraph 1, in the following cases:

(a) When the alleged predator is a national of that State or a person who has his habitual residence in its territory;

(b) When the victim is a national of that State.

3. Each State Party shall also take such measures as may be necessary to establish its jurisdiction over the aforementioned offences when the alleged predator is present in its territory and it does not extradite him or her to another State Party on the ground that the offence has been committed by one of its nationals.

4. The present Protocol does not exclude any criminal jurisdiction exercised in accordance with internal law.

Article 5

1. The offences referred to in article 3, paragraph 1, shall be deemed to be included as extraditable offences in any extradition treaty existing between States Parties and shall be included as extraditable offences in every extradition treaty subsequently concluded between them, in accordance with the conditions set forth in such treaties.

2. If a State Party that makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may consider the present Protocol to be a legal basis for extradition in respect of such offences. Extradition shall be subject to the conditions provided by the law of the requested State.

3. States Parties that do not make extradition conditional on the existence of a treaty shall recognize such offences as extraditable offences between themselves subject to the conditions provided by the law of the requested State.

4. Such offences shall be treated, for the purpose of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in the territories of the States required to establish their jurisdiction in accordance with article 4.

5. If an extradition request is made with respect to an offence described in article 3, paragraph 1, and the requested State Party does not or will not extradite on the basis of the nationality of the predator, that State shall take suitable measures to submit the case to its competent authorities for the purpose of prosecution.

Article 6

1. States Parties shall afford one another the greatest measure of assistance in connection with investigations

or criminal or extradition proceedings brought in respect of the offences set forth in article 3, paragraph 1, including assistance in obtaining evidence at their disposal necessary for the proceedings.

2. States Parties shall carry out their obligations under paragraph 1 of the present article in conformity with any treaties or other arrangements on mutual legal assistance that may exist between them. In the absence of such treaties or arrangements, States Parties shall afford one another assistance in accordance with their domestic law.

Article 7

States Parties shall, subject to the provisions of their national law:

- (a) Take measures to provide for the seizure and confiscation, as appropriate, of:
 - (i) Goods, such as materials, assets and other instrumentalities used to commit or facilitate offences under the present protocol;
 - (ii) Proceeds derived from such offences;
- (b) Execute requests from another State Party for seizure or confiscation of goods or proceeds referred to in subparagraph (a);
- (c) Take measures aimed at closing, on a temporary or definitive basis, premises used to commit such offences.

Article 8

1. States Parties shall adopt appropriate measures to protect the rights and interests of child victims of the practices prohibited under the present Protocol at all stages of the criminal justice process, in particular by:

- (a) Recognizing the vulnerability of child victims and adapting procedures to recognize their special needs, including their special needs as witnesses;
- (b) Informing child victims of their rights, their role and the scope, timing and progress of the proceedings and of the disposition of their cases;
- (c) Allowing the views, needs and concerns of child victims to be presented and considered in proceedings where their personal interests are affected, in a manner consistent with the procedural rules of national law;
- (d) Providing appropriate support services to child victims throughout the legal process;

(e) Protecting, as appropriate, the privacy and identity of child victims and taking measures in accordance with national law to avoid the inappropriate dissemination of information that could lead to the identification of child victims;

(f) Providing, in appropriate cases, for the safety of child victims, as well as that of their families and witnesses on their behalf, from intimidation and retaliation;

(g) Avoiding unnecessary delay in the disposition of cases and the execution of orders or decrees granting compensation to child victims.

2. States Parties shall ensure that uncertainty as to the actual age of the victim shall not prevent the initiation of criminal investigations, including investigations aimed at establishing the age of the victim.

3. States Parties shall ensure that, in the treatment by the criminal justice system of children who are victims of the offences described in the present Protocol, the best interest of the child shall be a primary consideration.

4. States Parties shall take measures to ensure appropriate training, in particular legal and psychological training, for the persons who work with victims of the offences prohibited under the present Protocol.

5. States Parties shall, in appropriate cases, adopt measures in order to protect the safety and integrity of those persons and/or organizations involved in the prevention and/or protection and rehabilitation of victims of such offences.

6. Nothing in the present article shall be construed to be prejudicial to or inconsistent with the rights of the accused to a fair and impartial trial.

Article 9

1. States Parties shall adopt or strengthen, implement and disseminate laws, administrative measures, social policies and programmes to prevent the offences referred to in the present Protocol. Particular attention shall be given to protect children who are especially vulnerable to such practices.

2. States Parties shall promote awareness in the public at large, including children, through information by all appropriate means, education and training, about the preventive measures and harmful effects of the offences referred to in the present Protocol. In fulfilling their obligations under this article, States Parties shall encourage the participation of the community and, in particular, children and child victims, in such information and education and training programmes, including at the international level.

3. States Parties shall take all feasible measures with the aim of ensuring all appropriate assistance to victims of such offences, including their full social reintegration and their full physical and psychological recovery.

4. States Parties shall ensure that all child victims of the offences described in the present Protocol have access to adequate procedures to seek, without discrimination, compensation for damages from those legally responsible.

5. States Parties shall take appropriate measures aimed at effectively prohibiting the production and dissemination of material advertising the offences described in the present Protocol.

Article 10

1. States Parties shall take all necessary steps to strengthen international cooperation by multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for acts involving the sale of children, child prostitution, child pornography and child sex tourism. States Parties shall also promote international cooperation and coordination between their authorities, national and international non-governmental organizations and international organizations.

2. States Parties shall promote international cooperation to assist child victims in their physical and psychological recovery, social reintegration and repatriation.

3. States Parties shall promote the strengthening of international cooperation in order to address the root causes, such as poverty and underdevelopment, contributing to the vulnerability of children to the sale of children, child prostitution, child pornography and child sex tourism.

4. States Parties in a position to do so shall provide financial, technical or other assistance through existing multilateral, regional, bilateral or other programmes.

Article 11

Nothing in the present Protocol shall affect any provisions that are more conducive to the realization of the rights of the child and that may be contained in:

(a) The law of a State Party;

(b) International law in force for that State.

Article 12

1. Each State Party shall, within two years following the entry into force of the present Protocol for that State Party, submit a report to the Committee on the Rights of the Child providing comprehensive information on the measures it has taken to implement the provisions of the Protocol.

2. Following the submission of the comprehensive report, each State Party shall include in the reports they submit to the Committee on the Rights of the Child, in accordance with article 44 of the Convention,

any further information with respect to the implementation of the present Protocol. Other States Parties to the Protocol shall submit a report every five years.

3. The Committee on the Rights of the Child may request from States Parties further information relevant to the implementation of the present Protocol.

Article 13

1. The present Protocol is open for signature by any State that is a party to the Convention or has signed it.

2. The present Protocol is subject to ratification and is open to accession by any State that is a party to the Convention or has signed it. Instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations.

Article 14

1. The present Protocol shall enter into force three months after the deposit of the tenth instrument of ratification or accession.

2. For each State ratifying the present Protocol or acceding to it after its entry into force, the Protocol shall enter into force one month after the date of the deposit of its own instrument of ratification or accession.

Article 15

1. Any State Party may denounce the present Protocol at any time by written notification to the Secretary-General of the United Nations, who shall thereafter inform the other States Parties to the Convention and all States that have signed the Convention. The denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.

2. Such a denunciation shall not have the effect of releasing the State Party from its obligations under the present Protocol in regard to any offence that occurs prior to the date on which the denunciation becomes effective. Nor shall such a denunciation prejudice in any way the continued consideration of any matter that is already under consideration by the Committee on the Rights of the Child prior to the date on which the denunciation becomes effective.

Article 16

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a

majority of States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly and accepted by a two-thirds majority of States Parties.

3. When an amendment enters into force, it shall be binding on those States Parties that have accepted it, other States Parties still being bound by the provisions of the present Protocol and any earlier amendments they have accepted.

Article 17

1. The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States Parties to the Convention and all States that have signed the Convention.

ANNEX III

National criminal codes: Existing laws prohibiting WCST in 21 countries

1. The United States

WCST appears to violate several provisions of the US criminal code, including offenses related to child pornography and paying a minor for a sex act.

The US criminal code authorizes punishment of: “Any person who employs, uses, es, induces, entices, or coerces any minor to engage in [...] any sexually explicit conduct for the purpose of producing any visual depiction of such conduct or for the purpose of transmitting a live visual depiction of such conduct...”¹⁰⁰ It establishes a mandatory minimum punishment of 15 years imprisonment for convicted first time violators, 25 years imprisonment for second time violators, and 35 years imprisonment for violators with two prior convictions.

United States law also prohibits the use of minors in commercial sex acts¹⁰¹ and receiving obscene visual representations by any means of the sexual abuse of children.¹⁰²

2. Canada

The criminal code of Canada provides a minimum term of imprisonment of six months and a maximum term of five years for “accessing” child pornography.¹⁰³ Child pornography is defined as “a photographic, film, video or other visual representation, whether or not it was made by electronic or mechanical means, (i) that shows a person who is or is depicted as being under the age of eighteen years and is engaged in or is depicted as engaged in explicit sexual activity....”¹⁰⁴ “Accessing,” in the context of child pornography, is defined as “...knowingly caus[ing] child pornography to be viewed by, or transmitted to, himself or herself.”¹⁰⁵

3. The United Kingdom

The United Kingdom’s Sexual Offences Act of 2003 makes it a crime to “intentionally cause[] or incite[] another person... to become a prostitute, or to be involved in pornography, in any part of the world...” if the victim is either under 13 or between 13 and 18 when the perpetrator did not have a reasonable belief

¹⁰⁰ 18 USC § 2251

¹⁰¹ 18 USC § 1466A

¹⁰² 18 USC § 1591

¹⁰³ Canadian Criminal Code Section 163.1 § 4.1

¹⁰⁴ Section 163.1 § 1

¹⁰⁵ Section 163.1 § 4.2

that the victim was older than 18.¹⁰⁶ The statute defines involvement in pornography as follows: "... a person is involved in pornography if an indecent image of that person is recorded; and similar expressions, and 'pornography', are to be interpreted accordingly."¹⁰⁷ It defines "prostitute" as "a person...who, on at least one occasion and whether or not compelled to do so, offers or provides sexual services to another person in return for payment or a promise of payment...."¹⁰⁸

The Coroners and Justice Act of 2009 outlaws the "possession of a prohibited image of a child"¹⁰⁹ which includes "pornographic" images and images that are "grossly offensive, disgusting or otherwise of an obscene character."¹¹⁰ An image is defined as "pornographic" if it "is of such a nature that it must reasonably be assumed to have been produced solely or principally for the purpose of sexual arousal."¹¹¹ Prohibited images also include those "which focus[] solely or principally on a child's genitals or anal region, or ...portrays any of the [following] acts"¹¹²:

- (a) the performance by a person of an act of intercourse or oral sex with or in the presence of a child;
- (b) an act of masturbation by, of, involving or in the presence of a child;
- (c) an act which involves the penetration of the vagina or anus of a child with a part of a person's body or with anything else;
- (d) an act of penetration, in the presence of a child, of the vagina or anus of a person with a part of a person's body or with anything else;¹¹³

In the context of that provision, the term "image" is defined as "a moving or still image (produced by any means), or... data (stored by any means) which is capable of conversion into an image..."¹¹⁴ The term "child" is defined as "a person under the age of 18"¹¹⁵ but specifies that "the image is to be treated as an image of a child if...the impression conveyed by the image is that the person shown is a child, or the predominant impression conveyed is that the person shown is a child despite the fact that some of the physical characteristics shown are not those of a child."¹¹⁶ The law states that "[r]eferences to an image of a child include references to an image of an imaginary child."¹¹⁷

¹⁰⁶ Part 1 Section 48

¹⁰⁷ Part 1 Section 51 (1)

¹⁰⁸ Part 1 Section 51 (2)

¹⁰⁹ Chapter 2 Section 62 § 2

¹¹⁰ Chapter 2 Section 62 § 2(c)

¹¹¹ Chapter 2 Section 62 § 3

¹¹² Chapter 2 Section 62 § 6 (a) and (b)

¹¹³ Chapter 2 Section 62 § 7

¹¹⁴ Chapter 2 Section 65 § 2 (a) and (b)

¹¹⁵ Chapter 2 Section 65 § 5

¹¹⁶ Chapter 2 Section 65 § 6 (a) and (b)

¹¹⁷ Chapter 2 Section 65 § 8

4. The Netherlands

Article 240b Sr¹¹⁸ of the Netherlands criminal code outlaws deliberately accessing child pornography in any form. The law states:

(Unofficial translation):

“(1) With imprisonment not exceeding four years or a fine of the fifth category, a person is punishable who distributes, offers, openly exhibits, manufactures, imports, conveys or exports, acquires, owns or agrees to provide access through an automated work or using a communication service, of a picture - or a data carrier containing an image - of a sexual act in which someone who has apparently not yet reached the age of eighteen is involved or apparently involved.

(2) With imprisonment for up to eight years or a fine of the fifth category is punished a person who make a profession or a habit of committing one of the offenses described in the first paragraph.”

In a report published in January 2010, the Netherlands Ministry of Justice’s Bureau of the National Rapporteur on Human Trafficking recommended that the act of accessing child pornography with the use of information and communication technologies be punishable. The report states that viewing in any form, whether it is the viewing of pictures, hyperlinks or webcam streams, is an active form of behavior and should be interpreted as punishable according to Article 240b Sr.¹¹⁹ However, there remains no provision that explicitly prohibits WCST.

In prohibition of child prostitution, Article 248a of the Dutch criminal code¹²⁰ states (unofficial translation), “He who by gifts or promises of money or property, or by abuse of authority arising from the actual state of affairs, or by misleading a person whom he knows, or should reasonably suspect, has not yet reached the age of 18 years, deliberately moves someone to commit indecent acts or acts for him to tolerate, will be punished with imprisonment not exceeding four years or a fine of the fourth category.”

¹¹⁸ Wetboek van Strafrecht article 240b Sr original text in Dutch: 1.

¹¹⁹ First Report Child Pornography (2011), published by http://wetten.overheid.nl/BWBR0001854/TweedeBoek/TitelXIV/Artikel240b/geldigheidsdatum_25-12-2012

¹²⁰ Original text of Article 248a in Dutch is as follows: “Hij die door giften of beloften van geld of goed, misbruik van uit feitelijke verhoudingen voortvloeiend overwicht of misleiding een persoon waarvan hij weet of redelijkerwijs moet vermoeden dat deze de leeftijd van achttien jaren nog niet heeft bereikt, opzettelijk beveegt ontuchtige handelingen te plegen of zodanige handelingen van hem te dulden, wordt gestraft met gevangenisstraf van ten hoogste vier jaren of geldboete van de vierde categorie.”

5. Belgium

Article 383bis. § 1 of the Belgian criminal code was brought into effect in 1995, outlawing the accessing any image depiction of pornographic or otherwise sexual acts involving minors on a computer information system or by any other technological means.¹²¹ This appears to clearly forbid accessing WCST.

6. Sweden

Sweden's penal code includes laws that appear to be applicable in the prosecution of predators who engage in WCST. Chapter 6 Section 8 of the Swedish Penal Code bans the promotion and exploitation of children in sexual poses and establishes a minimum mandatory sentence of six months. Section 9 of the same chapter bans the payment of children for sexual acts. Those sections state:

“Section 8

A person who promotes or exploits performance or participation in sexual posing by a child under fifteen years of age shall be sentenced for exploitation of a child for sexual posing to a fine or imprisonment for at most two years.

This also applies to a person who commits such an act against a child who has attained the age of fifteen but not eighteen if the posing is by its nature likely to damage the child's health or development.

If the offence is gross, a sentence to imprisonment for at least six months and at most six years shall be imposed for gross exploitation of a child for sexual posing. In assessing whether the crime is gross, special consideration shall be given to whether the crime has concerned a large-scale activity, brought significant financial gain or involved ruthless exploitation of the child.

Section 9

A person who, otherwise than as previously provided in this Chapter, induces a child under eighteen years of age to undertake or endure a sexual act in return for payment, shall be sentenced for purchase of a sexual act from a child to a fine or imprisonment for at most two years.

The provision of the first paragraph also apply if the payment was promised or given by another person.”¹²²

¹²¹ Original text of Article 383bis. in Flemish is as follows: § 1. Onverminderd de toepassing van de artikelen 379 en 380 wordt hij die zinnebeelden, voorwerpen, films, foto's, dia's of andere beeldragers die houdingen of seksuele handelingen met pornografisch karakter voorstellen waarbij minderjarigen betrokken zijn of worden voorgesteld, tentoonstelt, verkoopt, verhuurt, verspreidt, uitzendt of overhandigt, ze met het oog op de handel of de verspreiding vervaardigt of in voorraad heeft, invoert of doet invoeren, aan een vervoer- of een distributieagent overhandigt, gestraft met opsluiting van vijf jaar tot tien jaar en met geldboete van vijfhonderd [euro] tot tienduizend [euro].) § 2. Hij die wetens de in § 1 bedoelde zinnebeelden, voorwerpen, films, foto's, dia's of andere beeldragers bezit [1 of zich, met kennis van zaken, via een informaticasysteem of enig ander technologisch middel, de toegang daartoe verschaft]1, wordt gestraft met gevangenisstraf van een maand tot een jaar en met geldboete van honderd [euro] tot duizend [euro].

¹²² <http://www.government.se/sb/d/3926/a/47455>

7. Norway

Chapter 19 Section 204a of the Norwegian penal states:

“Any person who

- a. produces, procures, imports, possesses, delivers to another person or for payment or systematically acquaints himself with any presentation of sexual abuse of children or any presentation of a sexual nature that involves children,
- b. concerns himself with presentations of sexual abuse of children or presentations of a sexual nature that involve children in any other way as referred to in section 204, first paragraph, or
- c. induces any person under 18 years of age to allow pictures of himself or herself to be taken as part of any commercial presentation of moving or non-moving pictures of a sexual nature, or produces such presentations depicting any person under 18 years of age, shall be liable to fines or imprisonment for a term not exceeding three years. In this section child means any person who is or who appears to be under 18 years of age.”¹²³

8. Denmark

Act No. 633 of the Danish criminal codes, which was signed into action in June 2013, prohibits acts associated with having a minor perform a sexual act. It states in § 227 (unofficial translation), “Whoever contributes to a person under 18 years of participating in a performance with pornographic performances shall be punishable by fine or imprisonment for up to 6 years. (2) He who as a spectator attends a performance referred to in paragraph 1 in the presence of a person under 18, punishable by a fine or imprisonment up to 2 years.”¹²⁴

9. France

Article 227 Section 23 of the French criminal code unambiguously outlaws webcam child sex tourism by prohibiting the transmission and attempted transmission of any pornographic representation of a minor or someone who physically appears to be under 18. The law states:

“Taking, recording or transmitting a picture or representation of a minor with a view to circulating it, where that image or representation has a pornographic character, is punished by three years imprisonment and a fine of €45,000. Attempting to do so is subject to the same penalties.

[...]

¹²³ http://www.un.org/depts/los/LEGISLATIONANDTREATIES/PDFFILES/NOR_penal_code.pdf

¹²⁴ <https://www.retsinformation.dk/Forms/R0710.aspx?id=152267> Original Danish text reads: § 233. Den, der driver virksomhed med, at en anden mod betaling eller løfte om betaling har seksuelt forhold til en kunde, straffes for rufferi med fængsel indtil 4 år.

Stk. 2. Den, der i øvrigt udnytter, at en anden erhvervsmæssigt mod betaling eller løfte om betaling har seksuelt forhold til en kunde, straffes med bøde eller fængsel indtil 3 år. Det samme gælder den, der fremmer, at en anden mod betaling eller løfte om betaling har seksuelt forhold til en kunde, ved for vindings skyld eller i oftere gentagne tilfælde at optræde som mellemmand.

The penalties are increased to five years' imprisonment and a fine of €75,000 where use was made of a communication network for the circulation of messages to an unrestricted public in order to circulate the image or representation of a minor.

Possessing such an image or representation is punished by two years' imprisonment and a fine of €30,000. The offences [...] are punished by 10 years' imprisonment and by a fine of €500,000 where they are committed by an organised gang.

The provisions of the present article also apply to the pornographic images of a person whose physical appearance is that of a minor unless it is proved that the person was over eighteen on the day his picture was taken or recorded.”¹²⁵

10. Germany

Chapter 13 Section 182¹²⁶ of the German criminal code prohibits the abuse of juveniles, stating:

“Whosoever abuses a person under eighteen years of age by taking advantage of an exploitative situation by ... engaging in sexual activity with the person or suffering the person to engage actively in sexual activity with him... shall be liable to imprisonment not exceeding five years.”

However, the definition of “sexual activity” is not provided. Considering the sexual nature of WCST, this law may be interpreted as outlawing WCST.

Addressing offenses related to child pornography, Chapter 13 Section 184b¹²⁷ does not outlaw the viewing, transferring, or accessing of child sexual abuse material. The verbs used in the legal description of the offense do not clearly indicate that viewing live webcam transmissions of sexual performances by children is against the law. The law states:

“Whosoever 1. disseminates; 2. publicly displays, presents, or otherwise makes accessible; or 3. produces, obtains, supplies, stocks, offers, announces, commends, or undertakes to import or export in order to use them or copies made from them within the meaning of Nos. 1 or 2 above or facilitates such use by another pornographic written materials (section 11 (3)) related to sexual activities performed by, on or in the presence of children (section 176 (1)) (child pornography) shall be liable to imprisonment from three months to five years.”

¹²⁵ France Criminal Code updated on 12 December 2005. (Act no. 98-468 of 17 June 1998 Article 17 Official Journal of 18 June 1998) (Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January 2002) (Act No. 2002-305 of 4 March 2002 Article 14 Official Journal of 5 March 2002) (Act no. 2004-204 of 9 March 2004 article 6 VII Official Journal of 10 March 2004)

¹²⁶ http://www.gesetze-im-Internet.de/englisch_stgb/englisch_stgb.html#p1614

¹²⁷ http://www.gesetze-im-Internet.de/englisch_stgb/englisch_stgb.html#p1568

11. Australia

Section 63A of Australia's Criminal Law Consolidation Act of 1935 states: "A person who ... intending to obtain access to child pornography, obtains access to child pornography or takes a step towards obtaining access to child pornography is guilty of an offence."¹²⁸

"Child pornography" is defined as "material [that] describes or depicts a child under, or apparently under, the age of 17 years engaging in sexual activity ... [and material] that is intended or apparently intended ... to excite or gratify sexual interest."¹²⁹ That includes "any photographic, electronic or other information or data from which an image or representation may be produced or reproduced; or ... any film, tape, disc, or other object or system containing any such information or data."¹³⁰

12. India

Section 67B of India's Information Technology Act of 2008 can easily be interpreted to prohibit webcam child sex tourism, stating, "Whoever, - (a) publishes or transmits or causes to be published or transmitted material in any electronic form which depicts children engaged in sexually explicit acts or conduct or [...] (c) cultivates, entices or induces children to online relationships with one or more children for and on sexually explicit act or manner that may offend a reasonable adult on the computer resource or (d) facilitates abusing children online [...] shall be punished on first conviction with imprisonment [...] for a term which may extend to five years [...] or subsequent conviction with imprisonment [...] for a term which may extend to seven years."¹³¹ Convicted persons are also given a fine of 10,000 Rupees.

13. Turkey

The Turkish criminal code does not prohibit webcam child sex tourism and its vague language makes the code's definitions of child pornography and child prostitution difficult to apply to the offense of webcam child sex tourism. Article 226(3) of the Seventh Section¹³² of the code outlaws the production of child pornography, but not the viewing, accessing, or transmission of it. Article 227(1) of the Seventh Section, outlaws encouraging a child to become a prostitute, facilitation of child prostitution, sheltering a person for child prostitution, and acting as a "go-between during prostitution of the child," is punished with imprisonment for four to 10 years, but the article does not indicate that paying for sexual performances, conduct, or gratification from a child is punishable. Nor is it clearly established whether the term "prostitution" requires physical contact.

Article 103 of the Sixth Section of the code prohibits sexual abuse of children, but does not go on to specify

¹²⁸ http://www.austlii.edu.au/au/legis/sa/consol_act/clca1935262/s63a.html

¹²⁹ http://www.austlii.edu.au/cgi-bin/sinodisp/au/legis/sa/consol_act/clca1935262/s62.html?stem=0&synonyms=0&query=pornography

¹³⁰ *ibid.*

¹³¹ http://dpjuu.com/index.php?option=com_content&view=article&id=205&Itemid=236

¹³² <http://legislationline.org/documents/action/popup/id/6872/preview>

what constitutes sexual abuse. The article states, “Any person who abuses a child sexually is sentence to imprisonment from three years to eight years. Sexual molestation covers the following acts; a) All kinds of sexual attempt against children who are under the age of fifteen or against those attained the age of fifteen but lack of ability to understand the legal consequences of such act [...]”¹³³ [sic].

It is unclear whether either of those articles or any other article within the Turkish criminal code could be applied to prosecute individuals for engaging in webcam child sex tourism.

14. The Philippines

The Philippines has strict laws that ban webcam child sex tourism and all “WCST,” even between consenting adults. Chapter II Section 4 of Republic Act No. 10175 outlines “cybercrime offenses.” § C(1) defines WCST as, “The willful engagement, maintenance, control, or operation, directly or indirectly, of any lascivious exhibition of sexual organs or sexual activity, with the aid of a computer system, for favor or consideration”¹³⁴

Child pornography is also prohibited in the Philippines by the Anti-Child Pornography Act of 2009,¹³⁵ which outlaws to all forms of child exploitation and refers to the national obligations to uphold the international conventions and protocols established to protect children from commercial sexual exploitation. The Anti-Child Pornography Act states in Section 2 that:

“The State shall...[p]rotect every child from all forms of exploitation and abuse including, but not limited to...the use of a child in pornographic performances and materials; and...the inducement or coercion of a child to engage or be involved in pornography through whatever means; and [c]omply with international treaties to which the Philippines is a signatory or a State party concerning the rights of children which include, but not limited to, the Convention on the Rights of the Child, the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, the International Labor Organization (ILO) Convention No. 182 on the Elimination of the Worst Forms of Child Labor...”

¹³³ <http://legislationline.org/documents/action/popup/id/6872/preview>

¹³⁴ Republic Act No. 10175, Republic of the Philippines. Put into force in 2011. <http://www.gov.ph/2012/09/12/republic-act-no-10175/>

¹³⁵ Republic Act No. 9775, Republic of the Philippines. Put into force in 2009. <http://www.gov.ph/2009/11/17/republic-act-no-9775-s-2009/>

15. Republic of Korea

Article 28 of the Republic of Korea's *Juvenile Protection Act* of 1999 may be interpreted as prohibiting adults from seeking WCST. It states (official translation):

"No one shall perform the act falling under each of the following subparagraphs:

- (1) The act of having juveniles sexually entertain through their physical contacts and the exposure of their sexual organs for the purpose of making profits, and other act of arranging such lascivious things;
- (2) ...
- (3) The act of having juveniles perform the lascivious act for the purpose of making profits or entertainment;"¹³⁶

It is not entirely clear whether it is the person seeking and paying for the acts, or the person who facilitates the acts, who is culpable of a crime. Alarming, the Republic of Korea's criminal code does not prohibit accessing or viewing child pornography. Furthermore, child pornography is not specifically prohibited as something that is distinct from pornography involving adults. Possession of child pornography or any pornography, is outlawed only if it is for the purpose of distribution.¹³⁷

The Republic of Korea's criminal code does not appear to prohibit WCST on the grounds that it is a form of child prostitution. The law prohibits and punishes people who pay to engage in sexual intercourse with minors, but it is not clear whether paying for any other sexual act, including a live sexual performance, is illegal. *The Prevention of Prostitution and Protection of its Victims Act* defines prostitution as the act of having sex with another person who receives or money, valuables, or property. That definition appears to indicate that paying for a live sexual performance from a minor is not considered engaging in child prostitution.

16. The Russian Federation

The Russian Federation's criminal code appears to adequately criminalize WCST, however, it defines child pornography as that which involves "a person who obviously has not attained 14 years of age." The law should be revised to prohibit the use of anyone under the age of 18 in pornographic material.

Article 242.2 of the Russian criminal code's Federal Law No. 14-FZ, entered into force in February 2012, criminalizes "...attracting a minor as a performer in an entertainment of pornographic nature ... through the use of information-telecommunication networks (including Internet)."¹³⁸

¹³⁶ http://www.kpec.or.kr/english/html/law/law01_01.asp#21

¹³⁷ Article 243 Republic of Korea criminal code: Any person who distributes, sells, lends, openly displays or shows any obscene documents, drawing, pictures, films or other things, shall be punished by imprisonment for not more than one year or by a fine not exceeding five million won.

Article 244 Republic of Korea criminal code: A person who, for the purpose of accomplishing the acts as prescribed in Article 243, manufactures, possesses, imports or exports obscene goods, shall be punished by imprisonment for not more than one year or by a fine not exceeding five million won."
(source: <http://www.oecd.org/site/adboecdanti-corruptioninitiative/46816472.pdf>)

¹³⁸ <http://share.pdfonline.com/b666134f65624efae0596010a4e898c/Russian%20Criminal%20Code.htm>

17. Brazil

Article 240 of Brazil's *Child and Adolescent Statute* (Law No. 11.829) makes it a crime to “produce, reproduce, direct, photograph, film or register, by any means, an explicit sex or pornographic scene involving a child or adolescent,”¹³⁹ with a punishment of up to eight years imprisonment and a fine. The same punishment is applicable to anyone who “negotiates, facilitates, recruits, coerces, or by any other way intermediates the participation of a child or adolescent in the mentioned scenes, or participates in such scenes.”¹⁴⁰

Article 241-B punishes with up to four years in prison and a fine the “acquisition, possession or storage, by any means, of a photograph, video, or any other source that contains an explicit sex or pornographic scene involving a child or adolescent.”¹⁴¹

Article 241-E defines the term “an explicit sex or pornographic scene” as encompassing “any situation that involves a child or adolescent in explicit sexual activities, real or simulated, or the exhibition of the sexual organs of a child or adolescent for sexual purposes.”¹⁴²

18. The Federal Mexican States

Child pornography is prohibited with specific mention of “transmission of data files in private or public network telecommunications, computer systems, electronic or substitutes” (Article 202). Further, the criminal code prohibits “any type of actual or simulated sexual acts” with minors and establishes a possible punishment of 12 to 16 years imprisonment, fine, and psychiatric treatment.

Article 202. The crime of pornography of children under eighteen years of age or people who have no ability to understand the meaning of the act or persons who have no ability to resist, who seek, require, facilitate or induce, by any means, to one or more of these people to perform sexual acts or lewd physical exhibitionism or sexual purposes, real or simulated, in order to burn video, photographing, filming, display or describe through print ads, transmission of data files in private or public network telecommunications, computer systems, electronic or substitutes. The perpetrator of this crime will face a penalty of seven to twelve years in prison and a ... fine.

Who sets, prints, videotapes, photographs, films or describes acts of indecent or lewd or sexual body, real or simulated, involving one or more persons under eighteen years of age or a person or persons who are unable to understand the significance of the fact or one or more people who have no ability to resist, you will be sentenced from seven to twelve years in prison and ... fine, and the seizure of objects, instruments and proceeds of crime. The same penalty shall be imposed on anyone who reproduces, stores, distributes, sells, buys, leases, exposes, advertises, transmits, imports or exports the material referred to above.

Article 203 bis. - Whoever commits any type of actual or simulated sexual acts with one or more persons

¹³⁹ “Article 240. Produzir, reproduzir, dirigir, fotografar, filmar ou registrar, por qualquer meio, cena de sexo explícito ou pornográfica, envolvendo criança ou adolescente: Pena – reclusão, de 4 (quatro) a 8 (oito) anos, e multa.” (source: http://www.planalto.gov.br/ccivil_03/_Ato2007-2010/2008/Lei/L11829.htm)

¹⁴⁰ “Article 240 § 1o Incorre nas mesmas penas quem agencia, facilita, recruta, coage, ou de qualquer modo intermedeia a participação de criança ou adolescente nas cenas referidas no caput deste artigo, ou ainda quem com esses contracenar.” (source: http://www.planalto.gov.br/ccivil_03/_Ato2007-2010/2008/Lei/L11829.htm)

¹⁴¹ “Article 241-B. Adquirir, possuir ou armazenar, por qualquer meio, fotografia, vídeo ou outra forma de registro que contenha cena de sexo explícito ou pornográfica envolvendo criança ou adolescente: Pena – reclusão, de 1 (um) a 4 (quatro) anos, e multa.” (source: http://www.planalto.gov.br/ccivil_03/_Ato2007-2010/2008/Lei/L11829.htm)

¹⁴² “Article 241-E. Para efeito dos crimes previstos nesta Lei, a expressão ‘cena de sexo explícito ou pornográfica’ compreende qualquer situação que envolva criança ou adolescente em atividades sexuais explícitas, reais ou simuladas, ou exibição dos órgãos genitais de uma criança ou adolescente para fins primordialmente sexuais.” (source: http://www.planalto.gov.br/ccivil_03/_Ato2007-2010/2008/Lei/L11829.htm)

under eighteen years of age, or with one or more people who lack the capacity to understand the meaning of the act or with one or more persons they have no ability to resist, sex tourism under, shall be assessed a penalty of twelve to sixteen years in prison and ... fine, and also will be subject to specialized psychiatric treatment.

19. People's Republic of China

China's criminal code does not clearly outlaw WCST, however, it is possible that WCST could be interpreted as a form of general pornography or child prostitution. China does not specifically prohibit child pornography, despite having ratified the United Nations Convention on the Rights of the Child, the Optional Protocol to the Convention on Rights of Child on the Sale of Children, Child Prostitution, and Child Pornography, the ILO Convention on the Worst Forms of Child Labour, and several others.

China prohibits "broadcasting or showing"¹⁴³ obscene materials¹⁴⁴ to minors, who are considered anyone under 18. Thus, if an adult engaging in WCST shows himself naked to a child victim, this would constitute a crime in China. "Visiting"¹⁴⁵ prostitutes under 14 years old is punishable by at least five years imprisonment and a fine, however, the law does not clarify whether "visiting" must be a physical meeting or whether it requires physical contact, or whether paying for a sexual performance from a minor, as in the case of paying for WCST, is also criminalized. Also prohibited are "inducing,"¹⁴⁶ and "compelling girls under the age of 14 to prostitution,"¹⁴⁷ but it is not clear whether that includes paying for a sexual performance transmitted live via webcam.

20. Japan

Japan's legislation can be interpreted as prohibiting WCST. Japan's *Law for Punishing Acts Related to Child Prostitution and Child Pornography, and for Protecting Children*¹⁴⁸ outlaws the possession, transportation, import, export, distribution, and production of child pornography. The law defines a "child" as anyone under 18. It does not prohibit viewing or accessing child pornography, however, "production" of child pornography is defined in Article 7 Section 3 as, "having a child pose in any way which falls under [the provided definition of 'child pornography'], depicting such pose in photographs, recording media containing electromagnetic records or any other medium...." Because an adult engaging in WCST has a child pose and directs the performance of sexual acts for remuneration, this may be considered a form of

¹⁴³ Article 364 states, "Those broadcasting or showing obscene materials to minors under 18 years of age are to be severely punished." (source: <http://www.humanrights.cn/zt/lawsandregulations/2005120051228150810.htm>)

¹⁴⁴ Article 367 states, "Obscene materials mentioned in this law refer to erotic books, magazines, motion pictures, video tapes, audio tapes, pictures, and other obscene materials that graphically describe sexual intercourse or explicitly publicize pornography." (source: <http://www.humanrights.cn/zt/lawsandregulations/2005120051228150810.htm>)

¹⁴⁵ Article 360 of China's criminal code states, "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." (source: <http://www.humanrights.cn/zt/lawsandregulations/2005120051228150810.htm>)

¹⁴⁶ Article 359 states, "Inducing girls under the age of fourteen into prostitution may result in fixed-term imprisonment of five years and fine" (source: <http://www.humanrights.cn/zt/lawsandregulations/2005120051228150810.htm>)

¹⁴⁷ Article 358 states, "Organizing or compelling girls under the age of fourteen to prostitution, however, may result in a fixed-term imprisonment from ten years to life imprisonment or even the death penalty and confiscation of property." (source: <http://www.humanrights.cn/zt/lawsandregulations/2005120051228150810.htm>)

¹⁴⁸ Source: <http://www.hsph.harvard.edu/population/trafficking/japan.traf.04.pdf>

production of child pornography.

WCST can be interpreted as a form of child pornography, which is defined by Japanese law as “photographs, recording media containing electromagnetic records (any record which is produced by electronic, magnetic or any other means unrecognizable by natural perceptive functions and is used for data-processing by a computer; the same shall apply hereinafter or any other medium which depicts the pose of a child,) which falls under any of the following items, in a visible way: (i) Any pose of a child engaged in sexual intercourse or any conduct similar to sexual intercourse; (ii) Any pose of a child having his or her genital organs touched by another; person or of a child touching another person’s genital organs, which arouses or stimulates the viewer’s sexual desire; (iii) Any pose of a child wholly or partially naked, which arouses or stimulates the viewer’s sexual desire.”

21. Italy

Italy’s penal code appears to adequately prohibit WCST. It defines “child pornography” in accordance with the UN Lanzarote Convention as “any representation, by whatever means, of a child under 18 years of age engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child under 18 years of age for sexual purposes.”¹⁴⁹

Article 600 ter. provides that “Whoever exploits a child under the age of eighteen years for pornographic performances or induces minors under eighteen years of age to take part in pornographic shows shall be punished by imprisonment from six to twelve years and a fine....”¹⁵⁰

¹⁴⁹ Article 4 Modification of Penal Code Section “Ai fini di cui al presente articolo per pornografia minorile si intende ogni rappresentazione, con qualunque mezzo, di un minore degli anni diciotto coinvolto in attività sessuali esplicite, reali o simulate, o qualunque rappresentazione degli organi sessuali di un minore di anni diciotto per scopi sessuali.” (source: http://www.osservatoriopedofilia.gov.it/dpo/resources/cms/documents/legge_172_del_2012ratifica_di_lanzarote.pdf)

¹⁵⁰ Article 600 ter. “Chiunque sfrutta minori degli anni diciotto al fine di realizzare esibizioni pornografiche o di produrre materiale pornografico e’ punito con la reclusione da sei a dodici anni e con la multa da lire cinquanta milioni a lire cinquecento milioni.” (source: http://www.osservatoriopedofilia.gov.it/dpo/resources/cms/documents/2.Legge_269_1998_Normattiva.pdf)

ANNEX IV

Six news articles on the six convictions of predators for crimes related to engaging in WCST. This does not include convictions for running “cybersex dens” in the Philippines, which are more common. This list only focuses on the convictions of predators who make up the vast global demand for WCST.

Report 1

B.C. man who directed Chinese father to sexually assault son over webcam gets five-year sentence¹⁵¹

By Louise Dickson

The Province, Canada

June 29, 2013

VICTORIA — A North Saanich man who sat at his computer and directed a Chinese father to sexually assault his young son was sentenced Thursday to five years in a federal penitentiary.

In what is believed to be Canada’s first case of cyber sex tourism, Jean-Pierre Francois Lévesque, 62, pleaded guilty June 10 to possession of child pornography for the purpose of trafficking and counselling to commit a sexual assault on a person under the age of 16.

B.C. Supreme Court Justice Keith Bracken called the facts of the case disturbing.

“I will say that it is beyond understatement that the police report contains perverted and disgusting material,” said Bracken.

He accepted a joint submission by Crown and defence lawyers and imposed a global sentence of five years.

Lévesque, who wore a peacekeeping blazer at his sentencing hearing, appeared in court wearing a green sweatshirt. He was led away in handcuffs by a sheriff.

At the sentencing hearing, prosecutor Dan Scanlan told the court that Lévesque had visited the Chinese father and son on a trip to Shanghai in September 2009. In late 2010, Lévesque and the father used Skype to see each other and to chat while Lévesque watched and directed the sex acts the father performed on his son.

During the sexually explicit chats, Lévesque told the father what to do and where to put the camera. There is discussion between the two men about what Lévesque will do to the boy on a future trip to China.

Lévesque also promised another child-porn trader he would broadcast the abuse of the child on his next visit to China, Scanlan said.

¹⁵¹ <http://www.theprovince.com/news/cyber+tourist+sentenced+five+years+prison/8595502/story.html>

"This is the most serious form of child pornography, a very serious form of child abuse," Scanlan said.

Det. Sgt. Darren Parisien, an expert in online child exploitation who works for the Canadian Police Centre for Missing and Exploited Children in Ottawa, testified that he was using the file-trading system Gigatribe to covertly look for people trading child porn on the Internet.

Parisien came upon Lévesque's user name urbandude1 on Oct. 14, 2010, and began chatting online with him.

Urbandude1 asked what his age limit was and Parisien replied infants to six-year-olds. They traded passwords and Parisien immediately downloaded 11 child pornography videos from Lévesque's folder.

"All 11 files clearly fit the definition of child pornography," Parisien testified. "They included violent sex assaults on a child, toddler, infants and oral, vaginal and anal sex. The videos show very young children being abused by adult men, also children under the age of one."

Parisien tracked the Internet IP address of urbandude1 to a home in North Saanich. He sent a report to the B.C. Integrated Child Exploitation Unit, which acted with Sidney RCMP to arrest Lévesque in January 2011.

Computer screens were turned away from the public gallery during the testimony of Const. Mark Southby, a digital forensic expert who presented the chats, videos and photographs he found on Lévesque's computer. At one point, an infant's cries filled the courtroom.

Southby also showed photos of Lévesque with the boy on his 2009 trip to China. The photos show the boy sitting on his knees on Oct. 7, 2009. Another photo shows Lévesque with his arm around the boy at what appears to be an amusement park.

On Wednesday, Scanlan said the RCMP notified Chinese authorities that a child was at risk.

"The matter was dealt with but they gave no details," said Scanlan.

Report 2

Swede jailed for 'long-distance' rape¹⁵²

The Local, Sweden

January 10, 2013

A 52-year-old Swedish man was convicted on Thursday for ordering the rape of 18 Filipino minors via webcam, with a court sentencing him to eight years in prison.

The prosecutor had asked the court to sentence the man to 14 years in prison for conspiracy to commit

¹⁵² <http://www.thelocal.se/45526/20130110/>

aggravated child rape as well as instigating aggravated child rape.

The man is suspected of having paid Filipino women to sexually assault children in front of their webcams, while he watched from home in Sweden.

“He has paid them to get children, and then they connected webcams and then the women have, according to his demands, assaulted the children while he sat home watching,” Liz Berglund of the National Bureau of Investigation (Rikskriminalpolisen) told Sveriges Radio (SR) last year when the man was held on remand.

The children involved were often related or lived near the women, who sometimes even took the kids out of school to be abused in exchange for payment when they were short of money.

The case is legally unique in Sweden as the suspected predator and his victims were in different countries, although police suspect that the crime itself is not rare.

“This is the first time someone has been revealed in such a case in Sweden but he is probably not the first to do this,” said Berglund.

The crimes took place between 2008 and 2009 and many of the children were younger than seven-years-old.

It is not the first time a Swedish citizen has been tried for sex crimes in the Philippines. In May 2012, a 76-year-old was jailed for sexually abusing poor children whom he had been teaching.

In 2011, two Swedish IT entrepreneurs were jailed for life in the Philippines for running a “cyber-sex den”, or online brothel.

Report 3

Child sex fiend facing prison again after \$20 for webcam evil¹⁵³

By Emily Portelli

Herald Sun, Australia

July 9, 2013

A former barrister imprisoned for recruiting child prostitutes is likely to return to jail after admitting he paid to watch young girls perform in online sex shows.

Dominic Patrick Hickey, 49, paid less than \$20 to watch Filipino girls as young as seven take part in violent sex acts with males, ordered by him, via webcam.

¹⁵³ <http://www.heraldsun.com.au/news/law-order/child-sex-fiend-facing-prison-again-after-paying-20-for-webcam-evil/story-fni0fee2-1226676714456>

On four occasions between March and June last year, the sales agent paid between \$13 and \$19 to see the sexual abuse of children - including deliberate infliction of violence and pain on them - on his MacBook from the North Melbourne home he shared with his mother.

Prosecutor Berdj Tchakerian said on one occasion Hickey requested a four-to-seven-year-old and was offered the organiser's seven-year-old sister.

"There were quite explicit instructions given by the accused as to what he required to be done with the young girl," Mr Tchakerian said.

He said Hickey requested he view the girls before he transferred money via Western Union because "he wanted to see what he was paying for".

During the 30-minute communication, Hickey transferred the equivalent of \$14 in Philippine pesos.

On two occasions after he transferred funds the shows did not proceed, as evidenced by Hickey claiming he was "ripped off".

County Court Judge Felicity Hampel requested the prosecutor not read aloud the distressing and "highly offensive details" of Hickey's conversations with the sex show organisers.

"It is, in my view, so inflammatory and unnecessary...to put highly inappropriate material into the public domain," Judge Hampel said.

At the start of the plea hearing, the judge explained she'd had passing contact with Hickey in a training course for barristers, but believed she could act impartially. Defence counsel Shane Gardner said his client was content for her to hear the case.

Mr Gardner said his client had a "dysfunctional upbringing", believing his mother was his sister and his grandmother his mother.

He said Hickey excelled academically at Xavier College and obtained a law degree from Melbourne University, but had an unsuccessful career as a barrister and was disbarred after he sought alternative employment in 1992.

Hickey spent around five years in jail from 1999 for recruiting child prostitutes to work in a friend's brothel, inducing prostitution for drugs and having sex with children.

He was previously convicted of pretending to be a solicitor, assisting an unlicensed prostitution service provider and allowing a child to take part in prostitution.

Yesterday, Hickey pleaded guilty to procuring a child to engage in sexual activity outside Australia, which carries a maximum penalty of 15 years' imprisonment.

Mr Gardner said the Footscray man was remorseful and was suffering from anxiety and post-traumatic stress disorder at the time of this offending.

After Judge Hampel expressed concerns with the vagueness and speculative nature of Hickey's psychiatric report, the plea was adjourned and Hickey was bailed until Thursday.

Report 4

U.S. child pornographer jailed after forcing girls in Philippines to do sex acts live on the web - while he watched from his home in Pennsylvania¹⁵⁴

By Helen Pow

Daily Mail, UK

May 29, 2013

Three Filipino girls featured in a US documentary on sex trafficking have helped to convict a Pennsylvania child pornographer who forced them to act out his disturbing sexual fantasies live through the Internet.

Jeffrey Herschell, 54, of Washington was sentenced to 12 years in federal prison on Tuesday after the brave girls described the horror they were made to endure from the age of eight to a CNN film crew, then to US authorities.

'Whatever the American client wants us to do, we must do it,' 'Gen' told CNN in May 2011 for the documentary 'The Fighters,' which aired earlier this month. Traffickers in Manilas, who are behind the camera, charge men like Herschell around \$27 an hour to 'direct' the online streams.

The shocking details led Homeland Security Investigations agents to Herschell's Pennsylvania home in 2011 where they found computers, cell phones and hard drives containing dozens of explicit videos and images of children.

In January, he pleaded guilty for coercing and enticing a minor and possessing child pornography and was sentenced on Tuesday.

One of the investigators told CNN the information the three girls provided him was integral to the case against the America.

In the documentary, which was made as part of CNN's Freedom Project over two years, the girls described Americans as 'maniacs,' adding, sharply: 'You need to stop victimizing girls like us.'

One of the girls described how men at Internet cafes 'tell me to take my clothes off and then they make

¹⁵⁴ <http://www.dailymail.co.uk/news/article-2332828/Jeffrey-Herschell-US-child-pornographer-gets-12-years-prison-Filipino-girls-forced-sex-acts-live-Internet-horror-CNN-documentary.html>

me dance. I was kind of embarrassed because I'm not used to being naked like that.'

According to the disturbing documentary, customers on the other side of the sex chat room paid \$27 an hour to tell the girls what to do and the camera man would ensure the girls followed the, often freaky, orders.

The girls told how they were made to perform sex acts with Westerners coming in off the street and that sometimes animals were sometimes involved in the abuses that were streamed [sic].

'Sometimes we had to urinate,' one of the girls said on the program, and her friend added that the urine was mixed with juice as a drink.

'That's what the American client wants. He demands anyone who feels like urinating should do so, but that he wants us to do it in front of the camera,' she recalled.

The inquiry into Herschell involved several US agencies, the Philippines national police and the non-profit group Visayan Forum Foundation, which fights modern-day slavery.

UNICEF estimates as many as 100,000 children work in the illegal sex trade in the Philippines, obviously leaving them suffering severe trauma.

Cecilia Flores-Oebanda, the director of the Visayan Forum Foundation, which cares for rescued girls described to CNN how often girls would wake up in the middle of the night screaming and crying because they are so frightened the trafficker will come again.

'Sometimes one of the kids suddenly gets sick and vomits,' she said. 'Our psychologist said it's because she remembers what these guys on the Internet asked her to do.'

Report 5

M. also directed child abuse¹⁵⁵

NOS.nl, The Netherlands

April 5, 2012

Robert M. also paid to have children abused. To do this, he paid acquaintances in the Philippines, according to the prosecution in the Amsterdam sex case.

On his computer, 45 child pornography films were found that had been [recorded using sexual performances] of children in the Philippines. Those films show children between 3 and 6 years old being abused. Robert M. paid for the films using PayPal and watched them live via webcam from the Netherlands. When he found that the children looked too old, he ordered younger kids show.

¹⁵⁵ <http://nos.nl/artikel/359257-m-liet-ook-kinderen-misbruiken.html>

According to the prosecution, Robert M. usually abused children in the Netherlands between the ages of 0 and 2 years because they could not speak. Via an Internet connection with the Philippines, he could also achieve sexual gratification from older children.

In a similar context to this sex abuse case, a 37-year-old man was arrested in Amstelveen [the Netherlands], who, like Robert M. ordered pornographic performances from children in Philippines. The claim against Robert M. will be made later today. He has confessed to having abused dozens of very young children, including some infants.

Report 6

Kettering paedophile jailed for international child prostitution¹⁵⁶

Northamptonshire Telegraph, UK

March 19, 2013

A 'manipulative' and 'obsessive' paedophile who paid a poor Filipino family to force their children to perform sex acts over the Internet has been jailed for eight-and-a-half years.

Timothy Ford, 52, of Burghley Street, Kettering, faced 23 charges over two indictments, including several charges of making indecent images of a child, and arranging or facilitating the prostitution of a child.

Ford was in contact with a family in the Philippines who he would pay to arrange live 'shows' of young boys performing sexual acts – with the youngest being six years old.

Ford would watch this over Skype and record the footage, Northampton Crown Court heard on Monday.

He would also speak to the children over Yahoo! Messenger and other Internet chat rooms.

Mary Loram, prosecuting, told the court Ford was in contact with other paedophiles from across the world on the Internet and he would share footage and advice with them over a file-sharing website.

Ford also had plans to buy a property in the Philippines, which would have been an Internet cafe with accommodation above.

Mrs Loram added: "His plan was to use his Internet cafe for a place for him, and others, to meet children."

Mrs Loram added that wheelchair-bound Ford had encouraged other sexual predators to get in contact with the family he exploited in the Philippines and had talked to them about his plans to buy a property.

He had even joked about the property with another paedophile who had asked him if it was going to be called "paedophiles' vacations".

¹⁵⁶ <http://www.northantstelegraph.co.uk/news/crime/crime-news/kettering-paedophile-jailed-for-international-child-prostitution-1-4909572>

Ford was arrested in June 2011 and was released on bail and was subsequently arrested again in May 2012.

The court heard how, even after his initial arrest, Ford had continued to record, and download, explicit videos and images of young children.

Several electronic items were seized from Ford's home including two laptops, a PC tower and several recordable DVD disks.

More than 50 files were recovered from the disks, which was mainly footage recorded from a webcam, and several other images, videos and texts were discovered on the other electrical devices – including 648 indecent images of children aged between one and eight.

Ford received a suspended sentence for similar offences in 1992 and was jailed in 2001 after he was discovered with 24,000 indecent images of children, 450 videos and 3,000 explicit text documents.

Christopher Strachan, mitigating, told the court Ford now acknowledged that he 'needs help' and would try to change.

This was rejected by Judge Rupert Mayo as he passed sentence.

He told the court that he thought Ford had 'exploited' the poverty of his victims in the Philippines and his offending had 'snowballed' after his initial arrest in June 2011.

Judge Mayo told Ford he was: "Manipulative, obsessive and blinkered in your attitude towards prepubescent boys."

He added: "There is no doubt in my mind that you do pose a significant risk."

Judge Mayo sentenced Ford to eight-and-a-half years and imposed an extended licence period of six-and-a-half-years once he was released.

He told the court Ford would remain on a supervision order for the rest of his life and would have to serve at least two-thirds of the sentence before he could face a parole board.

He also ordered the seizure and destruction of the computer, laptops, computer devices, storage and recordable DVDs.

Speaking after the sentencing, Detective Constable Eleri Neale, said: "I am satisfied with today's sentence, which comes at the end of a long and protracted investigation into the illegal activities of Timothy Ford. The depth and breadth of his actions, demonstrated by the 23 serious charges he pleaded guilty to, clearly reveal that this man is a predatory child predator.

"Ford had the means to carry out a plan which was to use a property in the Philippines as a base for

criminals to sexually abuse children. He is a voracious predator who has showed no remorse for his actions.

“The investigation of any child sexual abuse case isn’t an easy job but, for the victims, the effects stay with them for a lifetime. That is why it is imperative that everyone understands they have a responsibility to report any fears or concerns they have about child abuse to the Police.

“The force works closely with partner agencies to investigate child sexual abuse and anybody involved in this kind of activity should wait for a knock at their door; the only people more relentless than predators are those that investigate them. There is help and advice available from the Stop It Now website for anyone concerned about possible abuse. Log on to www.stopitnow.org.uk for further information.”