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LOS DERECHOS DEL NIÑO

## **The Canadian Context**

Canada has ratified the United Nations Convention on the Rights of the Child (CRC) and its Optional Protocol on the Sale of Children, Child Prostitution and Child pornography. In addition, Canada has committed itself to the protection of children from sexual exploitation at the United Nations Special Session on Children (2002), as well as at the three World Congresses against Sexual Exploitation of Children and Adolescents (Stockholm, 1996; Yokohama, 2001 and Rio de Janeiro, 2008). It should be noted that the Declaration and Call for Action to Prevent and Stop the Sexual Exploitation of Children and Adolescents adopted at the Third World Congress (in which Canada took part) calls for the support and cooperation of international, regional and national human rights bodies and civil society in order to combat Sexual Exploitation of Children and Adolescents. The Call for Action also demands that governments encourage and support the tourism and hotel industries' adoption of *The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism*.

Canadian Extraterritorial Legislation allows for the prosecution of Canadian offenders in Canada for certain crimes committed abroad, including sexual crimes against children. Unfortunately, the Canadian population is not familiar with this law, its implications and consequences.

Additionally, information on existing laws against Child Sex Tourism and Sexual Exploitation of Children is lacking in the Canadian travellers' preferred destinations. As a result, there is a perception that laws to protect children against sexual exploitation or sexual abuse do not exist or are not enforced. Moreover, it is commonly believed that these offences are not considered as such.

According to various sources, more than a hundred Canadians have been investigated for sexual crimes committed against children abroad. The recent convictions of Donald Bakker, Armand Huard and Denis Rochefort have further exposed the fact that more needs to be done to eliminate the sexual abuse of children by Canadians abroad. However, there are too few Canadians who have been convicted for their crimes committed against children outside of Canada. Also of concern is the increasing incidence of young Canadian tourists who engage in CST due to ignorance or a lack of information.

Canadian companies are not sufficiently engaged in the prevention and fight against Child Sex Tourism. There are only two companies that have signed The Code of Conduct mentioned above, compared to 89 in Brazil and 81 in Japan.

Given this significant information, it is vital to educate and raise awareness among Canadians in order to prevent and eliminate the Sexual Exploitation of Children in tourism.



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## Examples of Canadians convicted or facing charges for child sexual offences committed abroad:

<b>Donald Bakker</b>	After an investigation found that he had paid seven young girls in Cambodia to have sex with him, Bakker became in 2005 the first Canadian to be convicted under Canada's sex tourism law. He pleaded guilty and was sentenced to seven years in prison.
<b>Christopher Neil</b> (formerly from British Columbia and teaching in South Korea)	Charged and convicted in Thailand in October 2007 for sexually assaulting a 13 year old boy (sentenced August 2008 to 6½ years imprisonment, reduced to 39 months because he pled guilty and paid a compensation of 60,000 baht to the victim) and his 9 year old brother (convicted and sentenced in November 2008 to an additional 6 years to be served consecutively and ordered to pay a compensation of 50,000 baht to the victim).
<b>Orville Mader</b>	Living in Asia, under investigation by Thai authorities for child sexual abuse and was convicted <i>in absentia</i> by Cambodian authorities in 2007 for similar offences. Detained by the RCMP on November 2, 2007 at the Vancouver airport returning from Asia. He is now subject to a s. 810.1 Recognizance Order to prevent him from committing child sexual offences in Canada (expected to return to court in February 2009 - case subject to a publication ban).
<b>Kenneth Klassen</b>	Arrested in Vancouver in March 2007 and currently being tried in the British Columbia Supreme Court on Child Sex Tourism counts relating to Columbian, Cambodian and Philippino girls. His constitutional challenge to s.7(4.1) was dismissed on December 19, 2008.
<b>Armand Huard and Denis Rochefort</b>	Charged in Quebec in February 2008 for sexually assaulting teenage boys in Haiti. Both pled guilty in November 2008. Huard was sentenced to 3 years in jail; Rochefort was sentenced to 2 years imprisonment and 3 years probation.
<b>John Wrenshall</b>	Living in Bangkok, was arrested in London on December 15, 2008 on 18 counts relating to



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	operating a Child Sex Tourism business in Thailand and child pornography. Extradition proceedings to the USA are pending.
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## About Cybertip.ca

Cybertip.ca is Canada's national tipline for reporting online Sexual Exploitation of Children. The tipline is owned and operated by the Canadian Centre for Child Protection, a charitable organization dedicated to the personal safety of all children.

### **Cybertip.ca accepts and addresses online and telephone reports from the public regarding:**

- Child Pornography (child abuse images and material)
- Online luring
- Child exploitation through prostitution
- Traveling to sexually exploit children
- Child trafficking

All reports made to Cybertip that are in contravention of the Criminal Code (Canada) are sent to police for possible investigation. (\*)

(\*) **Information taken from the Cybertip website:** <http://www.cybertip.ca/app/en/>