

## **Summary of 'What we don't see, isn't there'**

Dutch tourists engaging in sexual abuse of children in Cambodia act under near impunity in both Cambodia and the Netherlands. The incidence of child sex tourism is on the increase whilst the capacity of the police in a developing country such as Cambodia is insufficient to successfully prosecute offenders. Furthermore, most arrested suspects can and do bribe their way out of the country and flee to their home countries. Dutch tourists have been known to sexually abuse children. In Cambodia some have been arrested, some are currently being investigated but only one is serving an actual jail sentence. Many have found their way out of the country, possibly back to the Netherlands. Dutch legislation specifically allows for the possibility to prosecute Dutch nationals (and residents) for sex crimes committed abroad. This legislation, however, is seldom used. Child sex tourism is not regarded a priority as a result of which offenders remain unknown and go free.

These are some of the findings of the research that Terre des Hommes conducted from June through August 2007 in the Netherlands and Cambodia. In the Netherlands, researchers interviewed Dutch police investigators who specialize in sex offenses. The department of Justice however – responsible for setting priorities of crime reduction - refused to co-operate in the research project.

In Cambodia, police officers, prosecutors, policy makers of the ministry of the interior and the police department, private investigators and NGO's specialized in prevention of child sex tourism and the protection of the victims, fully participated in the research effort, focusing on how this abuse of children can best be stopped.

### ***The situation in Cambodia***

Cambodia is known as a prime location for childsex offenders. The poverty of its population gives those with money power to demand sexual favors from minors. The long war caused an erosion of morality that has led mothers to sell or prostitute their under-aged children to tourists. The police does not have the expertise or the financial means to investigate and therefore do not constitute a threat to (potential) offenders. At the moment, it appears that Cambodia is the county with the least means to be able to tackle child exploitation in the entire region. Thailand, in contrast, has increased its measures. Many offenders residing in Thailand are now seen to be coming to Cambodia instead. These are factors that make children vulnerable while the abusers go mostly unpunished or even unnoticed.

While the official figure relating to sexual abuse of minors amounts to a mere 400 in 2006, the incidence is feared to be much higher. Many cases, it is noted, go unreported because the victims will rarely benefit from a court case while they risk being shamed by their communities. Even so, counting rape cases reported by 4 local newspapers, shows almost 500 victims, an increase of 15% compared to 2005. Some of the suspects are western tourists who apparently did not have the money to avoid being arrested and/or detained.

Some hot spots frequented by Western tourists are Phnom Penh, Sihanoukville and Siem Reap. In Phnom Penh and Sihanoukville, street children of barely 12 years roam the streets looking for money. Many of them are sexually abused by tourists. Westerners can be seen making contact with the children and taking them to their hotel or guest house. After a while, these children grow used to the abuse and the money and seek it, for example by caressing those men from whom they beg. In Siem Reap, the street children have been taken off the streets. This has made the abuse less visible, though it can still be observed in less public environs such as small and little known bars. In some areas of Sihanoukville and other towns, especially Poipet, where there is scarcely any police control, the sex industry is thriving. In Poipet, a town of around 45,000 inhabitants, numerous streets are lit up red by brothels, karaoke bars and massage parlors. Underage girls are readily available from many of these places, or if the perpetrator decides to remain anonymous, they can be ordered at the hotel or in a back room of the casino's.

In cases the police doesn't investigate, one Cambodian NGO has started to take this role upon themselves. Action Pour Les Enfants, APLE, is a private investigation organization specializing in combating child sex tourism. They are responsible for the arrest of some 20 western tourists a year on charges of sexual abuse of minors. Among them were four Dutch citizens in 2003. Investigation is taking place into a number of Dutch citizens at present.

The small numbers of people arrested when compared to the extend of the problem suggests that there are no serious efforts made to curtail the sexual abuse of children. Apart from APLE's efforts, a systematic approach from the authorities is clearly lacking. While some victims who end up in shelters because they are threatened by suspects are persuaded to press charges to the police, in court this usually means that it

is the victim's word against the suspect's. This usually leads to acquittal or a lighter conviction (such as indecent assault) of the offender.

The 'compensation' to victims leads to the out-of-court settlement of many of these serious crimes. This happens to 45-55% of the cases collected by legal NGO Licadho. A victim may change one's statement and a suspect may use any means to pay off or to intimidate the victim into doing so. Police officers, receiving a salary of \$1 a day, are very vulnerable to bribery and may change their report at will. Statistics show that another 30% of the cases are dropped in this way. Judges, although receiving a monthly salary of about \$600 (while a somewhat comfortable lifestyle requires \$1000 a month) are also open to bribes. Only 1 out of every 5 cases which actually make it to court lead to a conviction. Therefore, of all the cases reported, only 3% of suspects arrested for sex with children are actually convicted. A judge responding to the question of what he would do if he suspected bribery stated: *"If they don't say anything, we don't ask anything"*.

Many perpetrators manage to avoid punishment. In addition to the cases that go unreported and cases where charges are dropped, at least 50% of the arrested suspects

manage to flee the country. They effectively evade Cambodian jurisdiction, but many fall under the jurisdiction of their country of nationality.

### ***The situation in The Netherlands***

The Dutch Government, like many around the world, claims extraterritorial jurisdiction for cases regarding sexual abuse of minors. This means that a Dutch national can be convicted in the Netherlands for crimes committed outside the country and not necessarily punishable in the country of perpetration. The reasoning being that it would be unacceptable to allow a national to commit offences which are regarded as serious crimes in the Netherlands. Terre des Hommes decided to investigate whether such cases in Cambodia are actually looked into by the Dutch police.

Ostensibly, the Dutch police liaison, based in Bangkok, should be the contact for crimes committed in Cambodia by Dutch nationals. However, the officer for the region does not know Cambodian officers, nor do they know of her. Not surprisingly, she has no information regarding sexual offenses of Dutch nationals in Cambodia. The police liaison does not have time, what's more, to investigate sex tourism cases, she is liaison for all crimes in at least three countries – Cambodia is actually not part of her working area.

The Dutch police do not investigate cases of child sex tourism and do not have contacts in Cambodia that would allow them to receive information. They are motivated to investigate but budgetary constraints and lack of priority have formed a hindrance in doing so. In fact, they appear to operate under a motto similar to that of the Cambodian judges: *what we don't see, isn't there*. The focus for criminal investigation is on pornographic images of children. Once these are discovered, a suspect can be brought to justice. Investigation of the victims portrayed in these images is not undertaken by the Dutch police. There is very limited experience with international investigation on cases of child sex. On the other hand, Dutch police officials are aware that nationals may commit grave sex crimes abroad. Indeed there is evidence that this occurs. It is well possible that suspects of these crimes currently reside in the Netherlands outside of the suspicion of any authority, since no information passes from Cambodia to the Netherlands.

The combination of a poorly equipped Cambodian police force and an uninterested department of Justice in The Netherlands leads to impunity for Dutch child sex tourists. This is against the rationale of the legislation forming the basis of extraterritorial jurisdiction, adopted at the time to prevent this impunity.

The Cambodian authorities should be supported in their attempts to prosecute people who abuse minors. There are specific programs the Dutch government could support aimed at increasing the quality of the Cambodian police force and reducing their vulnerability to corruption. Training on techniques necessary for investigation, such as in digital investigation but also in the questioning of victims proves invaluable in

suppressing child sex tourism.

The Dutch department of Justice has neglected to develop a clear program for upholding the extraterritorial jurisdiction and is allowing people who abuse children abroad to go free. Without investing more in exposing pedophile networks and providing more support to investigate Dutch nationals, impunity supposedly prevented by law, will remain a tragic fact of life.