

Research Paper

Combating the Globalization of Child Sexual Exploitation: From Asia to Latin America

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1. Introduction

Commercial sexual exploitation of children is one of the most miserable forms of forced child labor. Article 34 of the Convention on the Rights of the Child calls for integrated, cross-sectorial strategies both to prevent and to remedy the situation of sexual exploitation of children. In addition, the 1989 World Summit for Children and the 1993 World Conference on Human Rights reconfirmed the need to protect children in especially difficult circumstances. The Commission on Human Rights of the United Nations established the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography in 1990, and adopted a Programme of Action in 1992 (UN, 1992).

In this context, the 1996 World Congress against Commercial Sexual Exploitation of Children (Stockholm Congress) was significant in mobilizing the governments and the civil societies. It was a non-governmental organization (NGO) that started organizing the Stockholm Congress. This horrendous but often hidden issue of child sexual exploitation drew the attention of many people in Asia and the world when 11-year-old Rosario died in 1987 after being sexually abused by a foreigner in the Philippines (Axelsson, 1997). In order to discuss how to combat this problem, a conference against child sex tourism in the Third World was held in Chiang Mai, Thailand in 1990. In the following year, the End Child Prostitution in Asian Tourism (ECPAT) was established as a transnational NGO to take action against the problem. ECPAT initiated the process of convening the 1996 Stockholm Congress in which a Declaration and an Agenda for Action were adopted (World Congress against Commercial Sexual Exploitation of Children, 1996).

Since then, there has been some progress in combating child sex tourism in Asian countries, such as Thailand, the Philippines and Sri Lanka, thanks to the efforts made by civil society organizations and governments (Samarasinghe, 1997).

Also, in Japan, follow-up conferences were held in May 1997 and April and December of 1998, which mobilized public opinion against sexual exploitation of children, urged legal reform, and advocated for a National Plan of Action. As a result, a new national law against child prostitution and pornography was legislated and became effective in November 1999.

However, in Latin America and the Caribbean, including Mexico, the problem seems

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to become increasingly serious, while pedophiles shift their destinations from Asia to elsewhere (Katsuma, 2000; Kovaleski, 2000; Grandmont, 1999; Roche, 1999).

In this paper, it will be explored how law, policy and practice combating the sexual exploitation of children in Mexico have developed in order to combat the transnational aspect of the problem. First, general tendencies of this issue at the global level will be discussed. Second, the magnitude of this problem in Mexico will be estimated. Third, the legal system in Mexico will be analyzed, and then, a presentation of the social policy and programs in Mexico follows. Fifth, the role of the Special Rapporteur for the Commission on Human Rights of the United Nations will be analyzed. It was the visit of the Special Rapporteur to Mexico in 1997 that accelerated the local process to combat the sexual exploitation of children. In this context, the process of formulating a National Plan of Action in Mexico will be discussed.

The author believes that the lessons learned can be useful inputs for the Stockholm Follow-up Conference that was held in Yokohama in 2001.

2. Global Tendencies

According to one estimate, more than 2 million children are sexually exploited in the world. For example, 400-500 thousand children in India, 300 thousand in the United States, 100 thousand in Thailand and 60 thousand in the Philippines were reported to be victims of this problem (UNICEF, 1995). As the figure of the United States shows, this phenomenon is prevalent not only in low-income countries but also in high-income countries.

The situation seems to be deteriorating in many parts of the world. The demand for children as sex objects is increasing, particularly in high-income countries. The supply side is also strengthened by an increasing number of children vulnerable to exploitation in low-income countries (Muntarhorn, 1996). Globalization makes it easier for the child sex industry to intermediate between the demand in high-income countries and the supply in low-income countries.

It is true that the majority of child exploitation still occurs within national boundaries. That is, in many cases, exploiters, victims and intermediaries interact in one country. However, the transnational aspect of the phenomenon has become increasingly prevalent, as is symbolized by "child sex tourism" by foreigners (U.S. Department of Labor, 1996). In the process of globalization, the characteristics of the child sex industry are rapidly changing (Katsuma, 1999).

First, regarding 'services' of the child sex industry, not only exploiters but also an increasing number of child victims cross national borders to participate in this industry. In other words, more and more low-income children are trafficked by intermediaries to work in high-income countries (Barnitz, 1998), while the problem of child sex tourists from high-income to low-income countries persists.

Second, with regard to the 'goods' of the industry, pornographic images of children

are distributed at an unprecedented scale. For example, pornographic videos are produced in countries with loose restrictions, and then transported to other countries, using improved public and private transport systems. In addition, the internet allows exploiters to send such images instantaneously to anyone in the world who has access to internet technology (Nordland & Bartholet, 2001). According to a criminal investigation conducted by the United States in collaboration with other 13 countries in September 1998, more than 200 members of a child porn organization were taking advantage of the internet and exchanging pornographic images of children (Shannon, 1998).

Existing legal, political and social systems often cannot respond effectively to new situations characterized by transnational mobility and modern information technology. For example, pedophiles who commit sexual exploitation of children in a foreign country may quickly return to their home countries in order to escape from the country of criminal jurisdiction. It is also difficult to control the flow of child pornography on the internet.

3. Sexual Exploitation of Children in Mexico

In Mexico, the number of children vulnerable to sexual exploitation is reported to be increasing (Azaloe, 1998). Many children work on the street, in commercial centers or agricultural fields in order to make their living. In the absence of appropriate guidance by their parents or other family members, intermediaries lure some of them into the child sex industry (Aguilar, 1998; EDIAC, 1996). In the north, Mexican children often cross the border to enter into the United States to be sexually exploited (Almazán, 1998). In the south, Central American children come to Mexico to work in the sex industry. For example, in Tapachula in the state of Chiapas, there are a number of brothels and bars where Central American children work.

In the so-called 'tolerance zones' of Mexico City, most of the clients of the child sex industry are Mexicans. However, an increasing number of foreigners from the Great Britain, Germany and France come to Mexico City to commit sexual exploitation of children (Arturo, 1998). In some northern Mexican cities along the border with the United States, including Tijuana and Ciudad Juarez, North Americans are the most frequent clients of the child sex industry.

Intermediaries of the child sex industry are not only those who operate brothels and bars. In 1996, the United Postal Services warned that Mexico had become a major base for video production of child pornography (Cevallos, 1998). One company had video production operations of child pornography in Acapulco. The products were sent to more than 5 thousand clients in the United States (Manuel, 1996; Tafolla, 1996).

Some transnational criminal organizations operate trafficking of children. In 1998, Mexican children who had been sold and forced to prostitute themselves were rescued in California (*Heraldo de México*, 1998). It should not be difficult to imagine that this incident is the tip of iceberg.

The Government of Mexico became a State party to the Convention on the Rights of the Child in 1990. In 1994, the Committee on the Rights of the Child, which is responsible for monitoring the implementation of the Convention, examined a report submitted by the Government of Mexico on the steps taken to put the Convention into effect. However, it was recommended that more efforts should be made.

4. Legislation and Laws Enforcement

Until recently, commercial sexual exploitation of children used to be considered a crime under the jurisdiction of the 31 states and the Federal District, and not the federal government (Mexico, 1997b). For example, the Penal Code of the Federal District, that is, the so-called Mexico City, protects children from prostitution and pornography in three ways (Mexico, 1998d). First, the "corruption of a minor" under 16 years old, defined as inducement to dishonest forms of life that compromise their moral and physical well-being, is prohibited and punished, while employment of children under 18 years old in bars is prohibited (Articles 201 & 202). Second, children are protected from "*lenocinio*" defined as the purposeful or incidental exploitation of the body of another person through the flesh trade (Articles 206 & 208). Third, trafficking of children is prohibited (Article 366). On the other hand, possession of child pornography for personal use is not illegal, while its public display is a criminal offense.

The Attorney-General's Office of the Federal District takes action against sexual exploitation of children based on the corruption of minors and *lenocinio* clauses in the Penal Code. There is a special mobile unit to rescue children in danger. Considered as victims rather than delinquents, these children are taken to one of the four specialized agencies dedicated to child and family matters (Katsuma, 1998).

At the national level, the Federal Labor Law prohibits employment of children under 16 years old in places where alcoholic drinks are sold or which could affect their morality. Violation of this provision of the law is considered only an administrative infraction. The 1996 Federal Law against Organized Crime includes trafficking of children as a serious felony when members of organized crime carry it out. However, the Attorney-General's Office of the federal government has jurisdiction only when organized crime is involved in the trafficking of children. In 1998, there were only two cases reported regarding the trafficking of children by organized crime networks. In both cases, it was difficult to gather evidence to indict the perpetrators because they were international cases and there was lack of coordination with other countries.

Sexual exploitation of children became a federal crime when the Federal Law against Child Prostitution and Pornography was legislated in 1999. According to this new federal law, those who sexually exploit children of less than 18 are punished by imprisonment of up to 30 years and by a fine of no more than 10 thousand times than the monthly minimum wage (Becerril, 1999). It has significantly strengthened the national legal system to protect children. However, there is no clause on extra-territoriality for

punishing those who commit sexual exploitation of children abroad, reflecting the official position of the Government of Mexico that has been expressed since the 1996 Stockholm Congress (Carrera, 1996).

5. Social Policy and Programs

The System for the Integral Development of the Family (DIF) is the principal governmental institution dealing with children at the national level and through its 32 state-level agencies. Currently, it still has no program specifically addressing the issue of commercial sexual exploitation of children. However, for example, the DIF agency of the Federal District formulated a plan to approach this problem (Mexico, 1998b).

Regarding child trafficking across borders, special patrol groups of the Ministry of Internal Affairs are active in protecting migrant children. These patrol groups operate along the northern border with the United States and along the southern border with Guatemala and Belize.

The National Commission on Human Rights has been active in promoting legal reform for harmonizing domestic laws with the Convention on the Rights of the Child. It published an analysis of all laws relating to children's rights with an accompanying model legislation for 31 states and the Federal District (Mexico, 1997a). All Senators and members of the National Congress have been provided with the reform proposals.

In Mexico City, the Human Rights Commission of the Federal District actively investigates human rights abuses. Usually, an investigation starts after a formal complaint is filed. However, in some cases, newspaper articles may be sufficient to start an investigation.

6. United Nations Special Rapporteur's Impact

There was limited acceptance that the problem of sexual exploitation of children existed in Mexico even after the 1996 Stockholm Congress.

As a result, the process of formulating a comprehensive National Plan of Action was not smooth. In this context, the 1997 visit of the United Nations Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography had a significant impact on the perception of Mexican people.

Ms. Calceta-Santos, the Special Rapporteur of the United Nations, visited Mexico to study the issue in November 1997. Many Mexican NGOs working for children welcomed her visit. The mass media extensively covered the field visits conducted by the Special Rapporteur, raising public awareness regarding the issue. The Special Rapporteur's report published in February of the following year confirmed that the problem was widespread and deteriorating in some parts of the country (Calcetas-Santos, 1998). In April 1998, at the Commission on Human Rights in Geneva, in response to the Special Rapporteur's report, the mission of the Mexican government was not ready to confirm the contents of the report initially (México, 1998c). However, the document prepared by

an advisor to the mission of the Mexican government in Geneva recognized the seriousness of the problem of commercial exploitation of children in Mexico (Pérez, 1998). Consequently, the second periodical report by the Government regarding the the Convention on the Rights of the Child was quite explicit about this issue in Mexico (México, 1998a), thus accelerating the process of formulating the National Plan of Action.

7. Towards Mexico's National Plan of Action

In May 1998, DIF and the UNICEF Mexico Office organized the first meeting in which both government agencies and civil society organizations discussed the follow-up to the Special Rapporteur's report published in February 1998. As a result of this meeting, the idea of establishing a national commission on the prevention and eradication of child prostitution and pornography, made up of government agencies, civil society and international organizations, became materialized. In addition, at the end of the meeting, the participants agreed to work together to formulate the National Plan of Action to combat the commercial sexual exploitation of children in Mexico.

In August of the same year, the second extended meeting, the Seminar on Commercial Sexual Exploitation of Children, was convened by DIF and UNICEF Mexico, inviting politicians, government agencies and civil society organizations. At the invitation of UNICEF Mexico, the former United Nations Special Rapporteur on the issue, Professor Vitit Muntarbhorn of Chulalongkorn University in Thailand, participated in the seminar. He lectured on several issues related to the sexual exploitation of children, listened to the experiences of the government agencies and civil society organizations, and made some recommendations to the participants based in part on successful international and national efforts to combat this problem. A draft proposal of the National Plan of Action was prepared by DIF, which adopted the Agenda for Action of the Stockholm Congress and consisted of five lines of action: prevention; protection; recovery and reintegration; coordination and cooperation at state, national and international levels; and child participation. However, lack of a mechanism coordinating government agencies and civil society organizations has appeared to hinder its further development.

Nevertheless, legal reform is moving forward. A small group of Senators and members of the National Congress coming from competing political parties was instrumental in legislating a new federal law. In October 1999, the above mentioned Federal Law against Child Prostitution and Pornography was legislated, strengthening the jurisdiction of the national authorities.

In the year 2000, the process towards the Presidential and other federal elections of July dominated the political and social scenes. Therefore, before the newly elected President was inaugurated in December 2000, the prospect of formulating a comprehensive National Plan of Action was very slim. However, at the same time, it was when all the presidential candidates were reminded of the political commitment made at the Stockholm Congress.

In the year 2001, the new President seems to be committed to social issues. It is important that the international community should actively encourage the new Government to give priority to the issue of commercial sexual exploitation of children, in collaboration with the National Commission on Human Rights, local NGOs and other civil society organizations.

8. Conclusion

In Mexico, it was the 1997 visit of the UN Special Rapporteur that raised public awareness regarding the issue. Afterwards, in Geneva, the Special Rapporteur's report was effectively used at the Commission on Human Rights to encourage the Mexican government to recognize the seriousness of the problem in the periodical country reports regarding the Convention on the Rights of the Child. This external intervention was instrumental in accelerating the local process to combat the sexual exploitation of children.

Significant efforts were made to reform the legal system, which resulted in the legislation of the Federal Law against Child Prostitution and Pornography in 1999. However, lack of cooperation between NGOs, the private sector such as tourism industry and the public sector at state, national and international levels seems to hinder the effective enforcement of the law.

In conclusion, there is a need for the country to agree on integrated and cross-sectorial strategies to implement the National Plan of Action. Strengthening the legal system is certainly a progress. However, a cross-sectorial approach, rather than a legal approach, to the issue is indispensable in eradicating the problem. In addition, more broad-based participation of the society should be defined in the National Plan of Action. Furthermore, in the age of globalization, we need to promote transnational cooperation in combating the horrendous criminal activities beyond borders. In this respect, Asia should share its lessons learned with Latin America.

Notes

1. An earlier version of this paper appeared in the *Peace Studies Newsletter*, No.19 (September 2000), published by the Peace Studies Association of Japan. The views and opinions expressed here are those of the author and do not necessarily reflect the official position of UNICEF.

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