

Tourism and Crime: key themes



Edited by

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Child Sex Tourism

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Design and setting by P.K. McBride

5 **Child Sex Tourism: Is extra-territorial legislation the answer?**

Heather Montgomery

In this chapter the following topics are considered:

- ◆ Child sex tourism
 - ◆ Extra-territorial legislation
 - ◆ Obstacles to enforcement
 - ◆ The role of non-governmental organisations (NGOs) and the media
 - ◆ Children's own accounts of child prostitution.
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Introduction

If sex tourism is the dark, if debated, side of tourism, then child sex tourism represents the line in the sand that should never be crossed. While sex tourism involving adults provokes a variety of opinions and positions (Cohen, 1982; Oppermann, 1998; Kempadoo et al., 2005; O'Connell-Davidson and Sánchez Taylor, 2005; Sánchez Taylor, 2006; Day, 2007; Eades, 2009), child prostitution involving tourists is universally condemned and high-profile cases, such as the trial of Gary Glitter, point to the depths of public revulsion against such behaviour. The last 20 years have seen vocal campaigns against child sex tourism, resulting in changes in national legislation in many countries, statements and taskforces from the World Tourism Organization, the inauguration of World Congresses against the Commercial Sexual Exploitation of Children and a universal determination to stamp out a crime and a moral outrage.

Despite the public outcry and changes in legislation, however, child sex tourism continues and, in some ways, the moral indignation that the subject arouses obscures certain aspects of the situations in which children caught up in prostitution live and work. There is still a dearth of information about how children meet clients, what is expected of them and their paths in and out of prostitution (Montgomery, 2001a, 2001b). Their clients are even more unknown and there is very little research

(as opposed to anecdotal) evidence that discusses their motivations, their modus operandi or their choices about which countries they will visit and where they can find opportunities for sexual activity with children (Ennew, 1986; Montgomery, 2008; for an excellent overview of the available evidence see O'Connell-Davidson, 2005). At both national and international levels, legislation to protect children, although much heralded, has proved inadequate, and left unanswered important questions about enforcement and practical help for the children affected. In this chapter, I examine the legislation in place to tackle the problem of child sex tourism, and contrast this with a case study from Thailand of a small community in which children worked as prostitutes in order to support their parents and themselves. In doing so, I am not arguing for any moral ambivalence or ambiguity in discussions of child sex tourism. Rather, I wish to point out the lacuna between those discussions and the lived realities of the children.

The legal and political situation in Thailand

Despite Thailand's reputation as a sexual paradise where 'anything' goes, all prostitution is illegal (Montgomery, 2001a). The laws against it are rarely enforced however, with police turning a blind eye and, in many cases, according to a recent US State Department's Human Rights Report, being actively involved (Bureau of Democracy, Human Rights, and Labor, 2008). The history of prostitution in Thailand is highly politicised and much debated with some commentators claiming that organised prostitution began only with the influx of Chinese migrants in the 1930s and was expanded by the American military in the 1960s. Others have argued that these influences simply mapped onto pre-existing social institutions and that prostitution was long regulated, taxed and implicitly condoned by the Thai authorities before becoming criminalised in 1960 as part of a wider plan to rid the country of 'undesirables' such as beggars and prostitutes (Landon, 1939; Fox, 1960; Hantrakul, 1983; Muecke, 1992; ten Brummelhuis, 1993; Boonchalaksi and Guest, 1994; Fordham, 2005). Undoubtedly, if rather uncomfortably, for many in Thailand, there is evidence of long-standing patterns of prostitution and varying degrees of exploitation. What is less clear is the exact extent of child prostitution before 1960 although it would be reasonable to believe that it was relatively common (Boonchalaksi and Guest, 1994). Based on the results of studies in the 1950s Maurice Fox (1960) claimed that 90% of prostitutes were between 15 and 20 and he found evidence of some as young as 13.

While the overwhelming majority of prostitutes were Thai women and girls with Thai clients, as early as the 1920s there was evidence of international involvement in the Thai sex industry and of both foreign women working in Thai brothels and of Thai women having foreign clients. In 1933, the League of Nations reported back on the organised brothels of Thailand claiming that Thai, Chinese, Annamese and even Russian women were selling sex in Thailand (League of Nations, 1933).

Chapter extract

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