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Beyond Borders Newsletter

Ensuring Global Justice for Children

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Beyond Borders Fights To Protect Children! Is Canada Committed To Do The Same?

R. v Bakker – Canada’s Child Sex Tourism Law Put to the Test

By Barbara Barnett-Fontaine

Amendments made to the Criminal Code in 1997 that make possible the conviction of Canadians who sexually abuse children while outside of Canada are about to be put to test for the first time. **Donald Bakker**, a resident of British Columbia, who has been accused of committing sadistic sexual assaults on at least 51 local sex-trade workers is also being charged under Section 7(4.1) of the Criminal Code - **Canada’s ‘child sex tourism’ legislation** - for allegedly having sex with at least nine pre-pubescent girls at undisclosed locations in Southeast Asia.

Since 1995, **Beyond Borders has lobbied for effective sex tourism legislation** to help bring to justice Canadians who sexually abuse children while outside of Canada. After years of fighting for amendments to rationalize the initially flawed legislation, Beyond Borders may soon be addressing allegations that Section 7(4.1) is unconstitutional.

The legislation is under attack by the lead defence lawyer for Bakker. Kevin McCullough has suggested that the law is beyond Canada’s jurisdiction and will challenge it if the case goes to trial. He touts that amendments are an intrusion on the sovereignty of other nations and has been quoted as saying, “The real issue is: Should Canada be imposing its will, its law, its culture, its morals on other nations?” This is not the issue and Mr. McCullough’s perspective on Canada’s extra-territorial legislation is seriously flawed.

Canada’s sex tourism legislation is, in fact, a response to the commitment Canada made to protect children from sexual exploitation both within Canada and abroad through the ratification of the **United Nations Convention on the Rights of the Child**. In addition, together with 120 other countries at the **1996 World Congress Against the Commercial Sexual Exploitation of Children** in Stockholm, Canada reaffirmed this commitment by agreeing to work with the international community to prevent the sexual exploitation of children and to enact effective legislation to help eradicate child sex tourism.



**Beyond Borders is a Canadian affiliate of
ECPAT International**

*End Child Prostitution, Child Pornography and the
Trafficking of Children for Sexual Purposes*

Bangkok, Thailand www.ecpat.net

Today, over thirty countries have enacted extra-territorial laws to help alleviate the growing sex tourism industry throughout the world. However, other countries have been far more expedient in both developing effective legislation and applying their laws. In Australia the arrest and conviction of 'sex tourists' is becoming routine. In Canada, people are only starting to learn about the existence of the law, and sadly, this news travels via media attention as a result of the Bakker case.

Even more disconcerting are those who advocate that the commercial sexual exploitation of children is normal practice in other nations and somehow culturally and morally acceptable. This implication is an outright insult to our fellow nations and their children. This is the same unfortunate rationalization that is used by sex tourists themselves – asinine beliefs that children mature more quickly in 'other' countries. The fact is that these 'other' countries are third world nations whose children are so desperately poor and vulnerable that prostitution is often their only viable means to survival. The sexual exploitation of children is not a culturally acceptable practise in any nation.

Regarding Mr. McCullough's reference to the imposition of Canadian laws on other countries, it is

important to remember that our nation currently sits with an age of consent of 14 years. The laws of many Southeast Asian countries provide an age of protection that is beyond 14 years. The fact that sex tourists are coming to Canada and abusing children over 14 with impunity, continues to be an international embarrassment. Canada could certainly use some lessons from other countries regarding the age of consent.

Despite the deplorable acts allegedly committed by Donald Bakker and the suffering endured by his alleged victims, this case presents immense opportunity for Canada. By upholding Section 7(4.1), Canada has the opportunity to demonstrate to the international community that the commitments made in Stockholm prevail and that the children of the world who suffer sexual exploitation at the hands of Canadians are worthy of our protection and justice for the crimes committed against them. **The Bakker case is more than a test of our extra-territorial laws, it is a test of Canada's commitment to the eradication of child sexual exploitation worldwide.** In light of Canada's dismal track record regarding the protection of children from sexual exploitation, it is a test that our nation desperately needs to pass.

From The Editor - The "Prober Amendment" to Canada's child sex tourism legislation gives a legal remedy in Canada to all children including Canadian children who are sexually abused by a Canadian outside of Canada.

Hotlines Work!

Tip-Off Nets Crime Ring

A follow-up on a tip by the **INHOPE** hotline in Germany (ECO) in 2002 resulted in the German police disbanding one of the world's largest international child pornography networks last September. The network comprised more than 26,500 Internet users in 166 countries.

Operation Marcy was initiated in response to a report filed by the Spanish hotline Protegeles, which was forwarded by German hotline FSM to ECO. The report was lodged with the German police in May 2002.

Across the world, some **26,500** suspects were identified. In Germany alone, 745 computers, 35,000 CDs, 8300 floppy disks and 5800 videos were seized.

Excerpt from ECPAT Newsletter, July 2004 online at ECPAT website: www.ecpat.net

Canada's National Hotline is: www.cybertip.ca

October 2, 2004 Winnipeg Manitoba
Beyond Borders Honours
The Toronto Police Service For Excellence In Law Enforcement

Police officers work in an environment where every action they take is microscopically examined for violations of the rights of an accused. In the high pressure and high profile case of the tragic murder of Toronto schoolgirl **Holly Jones**, the **Toronto Police Service** not only found the guilty party but brought an air tight Charter-proof case against him. That resulted in a guilty plea and a potential serial predator was prevented from killing other children. Congratulations to all the officers involved.

Time Frame of the Holly Jones Case

2003:

May 12: Ten-year-old Holly Jones disappears after walking her friend home in her Toronto neighbourhood. Within hours of her disappearance, police launch a massive search and issue an "Amber Alert," a quick-response strategy used when a child's kidnapping is suspected.

May 13: Holly's parents Maria Jones and George Stonehouse appeal to the public for her safe return. Body parts are found in two bags off the shores of Toronto Island.

May 14: Police divers continue to scour the waterfront for any evidence. Investigators release posters of the two bags and dumbbells that were recovered from Lake Ontario. A makeshift memorial of flowers, cards and gifts springs up on the Jones' front lawn and sidewalk.

May 15: Police launch a search for the clothes Holly was wearing the night she was abducted.

May 16: Police appeal to the public for help in identifying two men who were on board ferries bound for Toronto Island, where some of Holly's remains were found. One of the men comes forward and is cleared.

May 18: Police release photos of Holly, hoping they might trigger someone's memory.

May 19: Toronto police say their hotline has received more than 1,650 phone call tips, and continue pleading for the public's assistance in providing any information.

May 20: Dignitaries and hundreds of mourners attend Holly's funeral at St. Vincent de Paul Roman Catholic Church.

May 21: Police intensify search, sifting through hundreds of bags of garbage in the hopes of turning up additional evidence in the case. They start collecting DNA samples from residents of Holly's neighbourhood.

June 5: Police release a computer-generated picture of Holly depicting her with the clothing she was wearing when she disappeared. Police suggest the killer may live in the neighbourhood.

June 9: West-end residents start patrolling their streets after another attempted child abduction. This time, a man grabbed an eight-year-old girl's wrist as she was walking along the street with her mother.

June 20: Police arrest Michael Briere, 35, a software developer at a west-end address near Holly's home. He's charged with first-degree murder and is scheduled to appear in court later that day or the next.

2004:

June 17: Briere pleads guilty to first-degree murder in the death of Holly Jones, 13 months after she was killed and almost a year to the day after his arrest. Briere gets an automatic life sentence with no chance of parole for 25 years.

Mark Your Calendars!

Imagine yourself at age 14, being forced to marry a 55 year old with 9 other wives! Join **Beyond Borders** on **February 18, 2005**, at the Fort Garry Hotel, Winnipeg, as we challenge Bill C-12 on the age of consent in Canada. Special keynote speaker will be **Deborah Palmer**, a survivor of the polygamist community in Bountiful, BC. Details to follow.

John Robin Sharpe Finally Incarcerated!

By Nancy Embry, Toronto

On July 19, 2004, Roz and I attended the sentencing of **John Robin Sharpe** in Vancouver where he received 2 years less a day from Justice Robert Edwards for the indecent assault of a boy under 14 years of age.

Because the complainant, now 36 years of age, was charging JRS with abuse that spanned the period between 1979-1982 the case partially preceded the Charter of Rights which made it very challenging. Furthermore, Sharpe fired his lawyer mid-trial which led to the cross examination of the victim by the accused. (It should be noted here that Bill C-12 as presented at the moment would address such situationsone of the few things that we do agree with as the bill stands.)

Between taking his case to the Supreme Court of Canada in 2002 where he won the defence of artistic merit for his child abusive collection of writings, "*Boyabuse*", and advocating inter-generational sex on his website, Sharpe has been the poster-boy for the defence of possessing

child pornography. He received a conditional sentence of 4 months to be served between 4pm and 8am for possession of child pornography at that time. The defence argued that Sharpe had never actually assaulted a child but used his collection for his own personal enjoyment. We now know that Sharpe was lying and that the use of child pornography is too often linked to actual child abuse; consider Michael Briere's confession of obsessively watching child pornography prior to his murder of Holly Jones.

It should be noted that the complainant has moved on with his life and at a time when it must have been very difficult to re-examine a painful past he courageously came forward. Unfortunately, during the sentencing he was depicted by defence as an 11 year old sexual aggressor!

Of course, we have not heard the last of John Robin Sharpe...he has appealed the sentence and conviction!

Two Teachers Share Information on Their Adventures in Cambodia *Excerpts from E-mails Intercepted by Cambodia Law Enforcement*

"I decided to explore the option of renting an apartment in Phnom Penh and so far that seems to have been the right decision. I am renting a third floor apartment for 250 U.S. not including utilities. To gain access to my apartment one has to go down an alley and up two flights of stairs. So, people don't really know where the boys are actually going. My driver and I are being careful so that I am not seen with the boys that often.

"Most of the boys are homeless and range in age from 10 to 14. Some are shoe shine boys and others beggars. Some sniff glue and others don't. One day I had 7 boys staying with me. I have a very big apartment. There are two mattresses and loads of space for the boys to play. They often play soccer, badminton or cards. They also spend time playing video games, watching movies or cartoons and listening to music."

"I am having a wonderful time with them sexually. Some of them are very interesting. There is never a dull moment. There is always someone "cuming" over. Last night, four boys spent the night and I like all four of them. I am not paying them very much money, more or less providing them with a place to stay and play. I am paying them 2000 Riel if they do nothing. I pay 1 U.S. dollar if they give me

a massage and 2 U.S. dollars if they give me anything extra. With these boys you don't have to coax them as they are so horny."

"I would like to return to Saigon but with the fun time that I am having, I am not sure when that will be. There are a few boys that I liked there and it would be nice to see them again. I will see how the rest of the month plays out."

"One of the problems I have found here is that there is much more boy traffic when you have your own place and you have to decide who comes and who doesn't or else you would have 100 boys wanting to spend the night. Sometimes they will wait for me on the street or on the stairwell or outside of my door for me to return. I don't really like that as it draws attention to me. So, you have to be careful especially if you are intending to stay for awhile."

"I hope Saigon works out for you and that you find a teaching position quickly. It should be interesting to see how you juggle your business and social life in what seems like a relatively small city."

“You are a danger to those boys over there, and I hope we can stop you”

Spoken by the Victim in R. v John Robin Sharpe

The Defendant, John Robin Sharpe, Questions the Victim

Excerpt from Transcript March 2, 2004

The Victim: You told me how you traveled to Mexico and the other Southeast Asian countries –

Q Look --

A -- **and got little boys.**

Q -- I'm asking you what you hoped to accomplish. Could you answer that question?

A I'm telling you right now. I was.

Q Okay, you were hoping to accomplish what?

A To stop you from going to these other countries and hurting the little boys that you told me about. That --

Q Pardon? What was --

A -- was one of the --

Q -- your last line?

A That was one of the reasons.

Q No -- you've never mentioned -- have you mentioned this business of other countries before?

A You've told me about it, ----, how went to Mexico and a little girl walked up to you and said, “Mister, you want to buy my sis -- my -- you want to buy my brother?” and you bought him for \$5 U.S., or five pesos, or something like that, you told me. These are the stories you told me.

Q Really?

A Yeah, that weighs heavy on my mind, that you --

Q Were you having a conversation with the representative of “**Beyond Borders**” and **ECPAT**, the sort of anti-third-world child prostitution and pornography activist group, and you picked that information up since this trial began?

A Never met these people and don't know who you're talking about, sir.

Q They were there.

A Where?

Q Sitting right in there --

A I've never --

Q -- with you --

A I've never --

Q -- talking to you.

A I've never been introduced to them. I'm terribly sorry, sir.

Q **Rosalind Prober? Do you know her?**

A **I've never been introduced to her. You should not be allowed to go to these other countries. You are a danger to those boys over there, and I hope we can stop you.**

Q **Pardon?**

A **I hope we can stop you. I hope society can put an end to that.**

For information on the sex offender's denial and blaming others as an impediment to successful therapy go to: http://www.csc-scc.gc.ca/text/pblct/forum/e034/e034h_e.shtml

“Long is the way and hard, that out of hell leads up to light” a male complainant in a Toronto sexual abuse trial replied when asked how the experience of allegedly being molested by his teacher had impacted him. There are 8 male complainants in the case of R. v Brown, a former teacher at the prestigious Upper Canada College where the men were students in the 70s. *Excerpt from an article by Christie Blatchford in Globe & Mail, Sept.21, 2004.*

For information on all forms of child sexual exploitation go to: <http://www.missingkids.com>

Trick or Treat?

On October 31st, ghosts will come to your door and yell, "Boo!". Clowns will hold out their candy bags and exclaim, "Halloween Apples!". Pimps and prostitutes will ring your doorbell and shout, "Trick or Treat?".

How should you respond to an eight year old girl dressed as a sex-worker who is asking for a trick, or a treat? The staff at Brandsonsale.com, purveyors of such costume-wear, were unable to provide me an answer. Pimp suits small enough to fit a toddler and 'ho' garb for your average little girl were among the company's most popular sellers, until recent public pressure forced them to change the costume's names to 'zoot suits' and 'flapper-wear'. However, they have not stopped selling the costumes themselves. And although one might be tempted to villainize this online company, there are larger questions at hand. Why do parents not see that these costumes promote precocious sexuality? Does the eight year old in spike heels and a mini-skirt understand what a 'Trick'

really entails? What are the social forces that drive the market for these inappropriate costumes?

While the answers to these questions are best spelled out in shades of grey, one unambiguous fact is that the marketing for these costumes omits the truth behind the sex industry. The advertisements show a disturbing bit of prepubescent thigh, without any discussion of the disease, degradation, and violence inherent to the world's oldest 'profession'.

A child's fantasy world is the underpinning of their emotional, mental, and sexual development. Role playing allows them to act out adult situations, to experience fictitious conflict, and to innocently experiment in boy-girl games. These costumes take childhood fantasy too far into the adult world, allowing them to pretend to sell sex, without allowing them to understand that this is one adult game that they are too young to play.

While Investigating Child Sex Tourism, Calgary Reporters Jose Rodriguez And Brendon Diouhy Interview A Former Edmonton Lawyer, Rommen Semeniuk, On Why He Lives In The Dominican Republic!

Rommen Semeniuk left behind a promising law career in Edmonton for the call of the wild.

"You call it a child prostitution problem. I call it simply child prostitution," he says.

"There's prostitution here because the people are very poor, so they do the best to deal with their own dirty reality. Here a girl has one asset, and it's not viewed as sexist to say that."

He says he wouldn't like to see his own daughters end up in the sex trade, but that will ultimately be their choice to make.

He says he uses one or two hookers a month but he doesn't use the child hookers because, **"I likes bubble butts -- and they don't get those until they've had kids."**

Excerpt from the Winnipeg Sun, September 14, 2004

The Reality Behind Sex Tourism

By Rosalind Prober

Sexually addicted Canadian men, too inadequate or lacking in self esteem to enjoy a sexual relationship based on equality, respect and giving and taking, uproot themselves to live a lie. Their economic power in the poorest third world countries deludes them into believing that sexual bingeing brings sexual satisfaction and child prostitution is not a "problem". Sadly, their immaturity and obsession forces them to run from the truth and enjoyment they are incapable of attaining as **quality sex can not be bought!**

Why Do Children Have To Die?

By Nancy Embry, Toronto

The following is a summation of the criminal history of Douglas Moore*, which culminated with the suspected murder of three young Canadians:

1986: Convicted of four counts of sexual assault in Brampton Ontario and placed on two years probation.

August, 1988: Sexually assaults a 12 year-old boy in Surrey, B.C.

November, 1989: Moore is sentenced to four years in prison for the assault.

December, 1991: Comes to Ontario and sexually assaults a 14 year-old Mississauga boy. He is on mandatory supervision and wanted on a Canada-wide warrant for leaving B.C.

July, 1992: Moore receives four years for the sex assault. An expert describes Moore as likely to re-offend, saying offenders like him tend to be coercive, violent and more likely to abduct children.

October, 1995: Federal officials take the unusual step of extending Moore's stay in jail beyond the normal two-thirds of the sentence. The panel ruled again that he was too great a risk to harm or kill someone. With that decision Moore enrolled in a prisoner sex offender program and did so well that he was asked to remain in the program to "serve as a positive role model" for the next group. **

June 1997: The National Parole Board releases him six months early, citing positive results from the therapy, to a halfway house in Hamilton where he can move about unsupervised. It should be noted though that one psychiatrist (the name blacked out on the parole report) cautioned that Moore was still attracted to young boys, that he had anger management issues and that he was an alcoholic. **

2000: Jailed 45 days plus two years probation for carrying a concealed folding knife and breaking probation.

October 26, 2003: Moore is robbed and tells friends that two young Mississauga men stole his money and drugs.

November 12, 2003: Robert Grewal, 22 of Mississauga, and Joseph Manchisi, 20, of Milton are reported missing.

November 15, 2003: Grewal's body is discovered in a wooded area outside Montreal.

December 12, 2003: Rene Charlebois, 15, of Mississauga, is reported missing. Charlebois bought drugs from Moore and was friends with a 14-year old youth later charged with helping Moore dispose of the bodies of Grewal and Manchisi.

March 15, 2004: Peel police arrest Moore on a warrant for 11 sex-related offences. He is accused of abusing three boys over a four-year period ending in December 2003. Peel Children's Aid officials confirm two of the victims were mentally handicapped and lived with a foster family that used Moore as a babysitter.

March 31, 2004: Police identify the body of a young boy found in a public landfill site north of Orangeville as that of Rene Charlebois.

April 2, 2004: Moore commits suicide in his cell at the detention centre.

April 27, 2004: Manchisi's body found in Montreal.

The overwhelming question that we have to ask when we look at this case, is whether or not a national sex registry might have helped prevent the repeated sexual abuse of children. It should also be noted that Moore was not on Ontario's registry as his convictions preceded 2001. In July of this year, the Ontario sex offender registry was found by Justice Gary Hearn to be unconstitutional. Beyond Borders Toronto will be challenging that decision.

*Note : With credit from April 10, 2004 Toronto Star article "On the trail of a monster: The many crimes of Douglas Moore", by Bob Mitchell.

**Note: With credit from July 10, 2004 Toronto Star feature "The making of a monster", by Kevin Donovan.

The First Nations Child & Family Caring Society's inaugural edition of their new journal entitled **First Peoples Child & Family Review** is now online and can be viewed at <http://www.fncfcs.com/pubs/onlineJournal.html>. Marlyn Bennett, Editor, is also on the board of Beyond Borders.

The People Behind Beyond Borders Hermi van den Berg

Hermi van den Berg is a retired, 66 year-old mother of 4. She has called Winnipeg home since her arrival in 1969 from the Netherlands with her two small children and husband, Bob. After spending close to 15 years as an employee in a private medical office, Hermi spent her last working years as an integral team player at a reputed Winnipeg law firm. In 2001 she left the hustle and bustle of office life to join her husband Bob in retirement.

Hermi is a compassionate, intelligent woman who has for many years played a central role in community shaping and strengthening via her thankless volunteer work and steadfast commitment to helping others. With over three decades of expertise in prenatal lessons and infant care, her knowledge, benevolence and experience has left a lasting impression on every person she has touched over the years.

Hermi is a founding board member of Beyond Borders and since then has made an unwavering personal commitment to the mission of protecting the world's children.

Beyond Borders thanks Hermi's son Omar for this tribute to his mother.

Beyond Borders Is Proud To Be the Canadian Affiliate of ECPAT

ECPAT - What's Behind The Name?

ECPAT International is a global network dedicated to eliminating the commercial sexual exploitation of children or CSEC. There are now 71 groups in 64 countries in the ECPAT network. The international Secretariat is based in Bangkok, Thailand.

ECPAT's original name End Child Prostitution in Asian Tourism was changed in 1996 to End Child Prostitution, Child Pornography and Trafficking in Children for sexual purposes, reflecting the organization's geographic expansion and broader mandate.

The ECPAT network is composed of the ECPAT groups who are its driving force. Every 3 years they meet as the International Assembly, which is the highest decision making body of the organization. The International Board, composed of 8 representatives from all continents, and an independent Chairperson, are elected at the Assembly and normally serve for three years. The International

Secretariat is the administrative and co-coordinating unit of ECPAT International.

In 1996, the ECPAT network consisted of 17 groups. By 1999, the network had grown to 53 groups. Today, the distribution of ECPAT groups is as follows: Western Europe: 15 groups; Eastern Europe: 8 groups; Africa: 12 groups; Asia: 17 groups; The Pacific: 3 groups; North America: 3 groups; Latin America: 11 groups; Middle East and North Africa 2 groups.

"The inspiration of ECPAT is the commitment and vision of those individuals in the network who give themselves without reserve to the work of helping to stop the abuse of children. Many of you work long hours for minimal (and sometimes no) salary and you do so cheerfully and without hesitation. Your dedication has helped to save many children around the world." -- Ron O'Grady, Founder member and Honorary President of ECPAT International

Beyond Borders Mission Statement

Beyond Borders advances the rights of children to be free from abuse and exploitation without regard to race, religion, gender or sexual orientation. Beyond Borders does not have any religious or political affiliations. Our group is made up solely of volunteers who absorb all their own expenses with the exception of the expenses incurred by our lawyers when they intervene in court cases, which often is done on a pro bono basis.