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Beyond Borders Newsletter

Ensuring Global Justice for Children

Issue No. 4

Spring 2004

Beyond Borders Toronto Becomes a Reality

By Nancy Embry

I am **Nancy Embry**, the first co-ordinator for **Beyond Borders Toronto**. Recently I have been working closely with a small but dedicated group of volunteers to give Beyond Borders a voice in Canada's largest city. The enthusiasm and support from the board of Beyond Borders has been wonderful, and we look forward to getting our Toronto chapter up and running soon. In that respect we are very fortunate to be able to now introduce our Toronto spokesperson, **Mr. David Butt**.

David is a very accomplished lawyer, and a very experienced former Crown prosecutor. He graduated from law school at the top of his class, and was the first Canadian to serve two prestigious judicial clerkships, at the Court of Appeal for Ontario, and the Supreme Court of Canada. David then won the Viscount Bennett Scholarship from the Canadian Bar Association and went on to earn a graduate law degree at Harvard Law School.

Upon his return to Canada, and his call to the Bar of Ontario, David began work as a Crown prosecutor for the Ontario Ministry of the Attorney General. In 13 years as a prosecutor, David excelled as an advocate before every level of court. He has appeared as lead counsel before the Supreme Court more than two dozen times, before the Court of Appeal for Ontario hundreds of times, and prosecuted countless complex trials before Ontario's trial courts.

For more than ten years, David's work as a prosecutor focused particularly on child pornography and the Internet. He has advised police forces and Crown prosecutors across the country on Internet and child pornography issues, and is considered in the law enforcement community to be one of Canada's leading legal experts in the field. Detective Sergeant Paul Gillespie, who heads up Toronto's Sex Crimes Unit, calls David simply "the best in Canada". David was chosen as the legal consultant on Canada's first ever nationally coordinated investigation into Internet child pornography, known as "Project Snowball".

In addition to his legal work, David has built on his Harvard teaching experience with a tireless commitment to community education. He has spoken, written and



**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

taught on a large variety of legal topics, including child pornography and the Internet. He has designed and delivered educational programmes for judges, lawyers, and police officers from Vancouver to St. John's.

David has recently joined Torkin Manes Cohen Arbus, a 70 lawyer Bay Street firm with a leading record of representing victims of the ravages of child sexual abuse. Torkin Manes has also been instrumental in working with Pro Bono Law Ontario to ensure David plays a key role in an exciting partnership between the Toronto Police Sex Crimes Unit, headed by Detective Sergeant Paul Gillespie, and Microsoft Canada.

David is also serving as Commission Counsel to Madam Justice Bellamy's judicial inquiry into computer leasing difficulties at the City of Toronto. David lives in Toronto with his wife Susan, and their three young boys.

It has been exciting working with David in the early stages of organizing Beyond Borders Toronto. For this edition of the newsletter, I took the opportunity to ask David about his work, and about Beyond Borders Toronto.

See the coloured insert for an in-depth interview with David Butt.

Child Pornography Online – Shocking But True!

- Child pornography generates \$3 billion annually and is now a lucrative business involving organized crime.
- There are over 100,000 web sites offering child pornography.
- 70% of teens report accidentally accessing pornography, some getting into porn-napped sites (sites with expired domain names of innocent sites taken over by pornographers) or typosquat sites (sites created and registered by pornographers using misspelled names)

Source: Pedos & Child Porn in the News, Times of India

Child Find Manitoba Reports:

- 1 in 4 children have had a stranger online ask to meet them in person
- 15% of young Internet users have met with a stranger they met online; only 6% went with an adult
- 1 in 4 children have been sent pornography
- 1 in 2 children have a secret e-mail account unknown to their parents
- 70% of 13-14 year olds enter chat rooms; of those 66% visit private or adult only chat rooms.

Source: Young Canadians in a Wired World, Environics Research Group

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If you wish to help stop child sexual exploitation and donate to the **Beyond Borders Action Fund**, please make your donation payable to:

Beyond Borders Inc.
387 Broadway Avenue
Winnipeg, MB, Canada R3C 0V5

Did Canadian Taxpayers Fund Red Light Districts?

Letter to Honourable H  l  ne Chalifour Scherrer, Minister of Canadian Heritage

From Barbara Barnett-Fontaine

I am writing on behalf of Beyond Borders Inc. a volunteer organization with a mandate to help alleviate the sexual exploitation of children. Beyond Borders is an affiliate of ECPAT International (End Child Prostitution, Pornography and the Trafficking of Children for Sexual Purposes) with headquarters in Bangkok, Thailand. As the new Minister of Canadian Heritage, I am contacting you to ensure your awareness of the Canadian Government's involvement in the production of a television program entitled Red Light Districts that, until recently, aired on The Outdoor Life Network.

This program is hosted by Toronto resident, D. Garnet Harding, who visits various countries, including Thailand and Germany, for the purpose of providing instruction on how to acquire the services of prostitutes. It is a show promoting what is commonly referred to as 'sex-tourism'. The host is shown vibrantly walking through 'red light districts' while enthusiastically counselling viewers on how to effectively and efficiently obtain the services of prostitutes.

Of particular concern is an episode taped in Pattaya, Thailand, a beach resort that is infamous for the commercial sexual exploitation of very young women and children. The host touts Pattaya as a sex paradise where, "every bar here is filled with bar girls who for a few baht will provide warm, willing companionship through the hot, steaming night of this sexual oasis". Included are scenes of very young prostitutes, each bearing a number, and dancing for male patrons in a bar. As the host gives tips on negotiating a price, he casually points out that the numbering system makes it easy to pick which girl you want. I encourage you to view this program and will provide you a copy of the aforementioned episode if necessary.

Of particular concern to Beyond Borders is that many of the film clips in Red Light Districts appear to have been taken with hidden cameras and possibly without the consent of the young women involved. Some scenes from the show that involve potentially very graphic pornographic content have been edited and distorted. The whereabouts of the uncut versions of the program, and the state in which this material entered into Canada, is not known. It is for this reason we are sending this letter to the Minister of Justice and alerting the Commissioner of the RCMP.

Without dwelling on the moral and ethical issues regarding the promotion of commercial sexual exploitation in a desperately impoverished country, it is the belief of Beyond Borders that this program is unlawful as it essentially counsels viewers on how to engage in criminal activity. Prostitution in Thailand, however abundant, is a crime. Also, Canada has an extraterritorial law that

prohibits Canadians from sexually exploiting children abroad. Very young girls clad in school girl uniforms were shown in the segment on street prostitution!

At the end of the show, among the credits, a sizable Canadian flag 'logo' used by the Canadian Government is prominently displayed. It appears the Canadian Government has somehow 'endorsed' the production of this program via some form of financial support, possibly tax credits. Needless to say, Beyond Borders is extremely embarrassed, as no doubt the Members of your Government will be, by the Canadian Government's involvement in this production. Our organization is compelled to ensure that this matter is fully addressed by the Government.

In addition to the possible criminality of this production, Canada has an obligation to fulfill the commitment this country made more than six years ago at the First World Conference in Stockholm to fight against the Commercial Sexual Exploitation of Children. Under the United Nations Convention of the Rights of the Child, the Optional Protocol and the ILO Convention 182 on the Worst Forms of Child Labour, states are legally bound to protect children from commercial sexual exploitation.

As you may appreciate, thousands, upon thousands, of people are currently being exploited in the Thai sex trade, and many of these people are children. Those who are not were most often initiated into what is really sexual slavery as children. Sex with prostitutes in Pattaya is synonymous with sex with children.

While it appears that The Outdoor Life Network has discontinued this program after receiving some opposition to its content, there is no assurance that it will not resurface at a later date or on another network. Nor is there any assurance that any unedited versions of this production will not appear on the Internet or elsewhere.

If indeed the production of this program did receive Federal Government financial support via tax credits, then Beyond Borders would like a review of the guidelines used to determine such financial allocations. Moreover, Beyond Borders would like full transparency regarding the people and organizations receiving such tax credits and the amounts being received. Beyond Borders appreciates your attention to this matter and our organization looks forward to a response from you regarding the precise nature of the Canadian Government's involvement in the production of Red Light Districts and of the actions to be pursued by the Government to remedy this situation.

Beyond Borders thanks CTV Specialty Television Inc. for their letter dated Mar. 18/04 confirming that they have taken action and are no longer airing Red Light Districts.

Letter to Hon. Martin Cauchon, Minister of Justice

Re: Transcription Error Concerning Bill C-20 (C-12)

February 5, 2004

Dear M. Cauchon:

Re: transcription error omitting “that some think”
Bill C-20

Thank you for your letter dated December 11, 2003 regarding your statement on the age of consent/protection incorrectly transcribed by the Standing Committee on Justice and Human Rights and subsequently published in our fall 2003 newsletter. I read your letter to our board of directors and it was agreed that our next newsletter will indicate that you stated, “Mr. Chairman, it is true that some think that the best way to protect young persons against sexual exploitation is to raise the general age of consent to sexual activity from 14 to 16 years.” Would you agree with me, however, that it might have been more accurate for you to not use “some” but say “every victim’s advocate and every police officer and police organization in Canada”?

Regarding Bill C-20, Beyond Borders remains totally opposed. In your letter you state that this law “focuses on the exploitive conduct of the offender and not on the apparent consent of the young person”. Aside from lacking any prevention strategy by not making Canadians aware of what is illegal sexual activity with kids and what is not (unlike every other developed country in the world), this legislation makes convictions of adults preying on 14 -16 year old children dependent on the ability of child witnesses to withstand often very aggressive cross examination and prove that they were abused. For the vast majority of Canadian children, changing the age of consent/protection will make no difference in their lives as they are good critical thinkers who have had excellent parenting and training on how to avoid potentially dangerous situations.

It is unfortunately vulnerable children who often make the poorest witnesses that this law fails to protect. Children

who are naive, abused at home, slow developers (emotionally and physically), children from marginalized communities, children in group homes - those are the children the Department of Justice in not relenting and raising the age of consent/protection to 16 is ignoring. Those, of course, are the children predators often target. Those are the children who become the commercially sexually exploited victims in Canada.

The disturbing cases of the Quebec City gang that preyed on the 14-17 years old girls from disadvantaged circumstances and then turned them out into prostituted children is a perfect example. How would Bill C-20 have helped law enforcement when these men were in the recruiting stage pretending to be their boy-friends, a tactic known and used by every pimp? Marc Delisle, a defence counsel for one of accused pimps during a preliminary said of the child complainants, “I’m going to shake them up so much that we’ll know if they are telling the truth or not.”

In a recent Saskatchewan case, a 12 year old First Nations runaway was portrayed as a consenting, drunk, sexual aggressor in a sexual assault case involving three adult men. In what way would your Bill C-20 change anything for these or all other child witnesses? Do the policy people who write these laws like C-20 ever go to the courtroom? Do they understand the adversarial system? Not likely!

Unlike every other country that enacted sex tourism legislation, it took Canada 6 years, a failed test case, a damaged teenager and a very lucky exploiter to get the law amended and not in the best interest of sexual abusers. It will no doubt be the same with Bill C-20. That’s what happens when laws are passed that are full of loopholes. Too bad.

Sincerely,

Rosalind Prober
President, Beyond Borders Inc.

At Last J.R. Sharpe and Beyond Borders Agree On Something: Bill C-12 Allows For Damaging Fishing Trips By Defence and Is Pedophile-Friendly!

Here are a few comments from John Robin Sharpe's web site:

"The interesting thing about the child sex law changes is that they may offer some unintended opportunities for the defence. They could be used to expose actual real life adult/youth situations and through the courts and the media perhaps educate the public as to their nature better than academic studies and polemics."

"Cross examination on the evidence dealing with "first sex" could be both entertaining and educational as the nature of the relationship is examined in court and broadcast. What might happen if the public learns about

actual pederastic situations and scenes, and their complexity. Optimistically it could breed more tolerance."

"The young person however, could have to deal with probing cross examination about intimate aspects of the relationship and its history or evolution leading to a more complete picture which could reveal positive factors such as genuine friendship and mutual respect which might be used to question the Crown's claims of exploitation. This could perhaps benefit some men who become entangled in the law."

For a complete text, go to: <http://207.139.168.113/>

SHARPE CONVICTED OF INDECENT ASSAULT AND GROSS INDECENCY

On Thursday, March 11, 2004, John Robin Sharpe was found guilty of sexually abusing a boy he met when the boy was 11. Sharpe photographed him and sexually abused him for several years. The jury found Sharpe not guilty of sexual assault due to Canada's age of consent/protection 14.

Sharpe's lawyer, after a day and a half of cross examining the complainant, now 35, was fired by Sharpe. Sharpe then vigorously and tirelessly cross examined the witness for several days on the issue of consent. At one point the complainant told the jury, "I like Robin but if someone did that to my kids, I'd want to kill him".

Four years ago, Sharpe challenged Canada's child pornography legislation all the way to the Supreme Court. The court upheld the law but created exemptions for private possession of child pornographic drawings and writings and private possession of child pornographic images made with consenting 14 year olds. Sharpe's written works called *Boyabuse* were then found to have artistic merit but he was sentenced to evening house arrest for four months after being convicted of having sexual abuse images of 91 boys. Rosalind Prober and Nancy Embry flew to Vancouver to monitor this case and will return for sentencing. Sharpe could face a maximum sentence of 10 years.

Moncton News Report Reinforces Beyond Borders Mission to Raise Age of Consent

A 38-year old Pennsylvania man lured a 14 year-old Moncton, NB girl on the Internet. After chatting with this young Canadian girl for several months, he arranged a date with her. He drove up to meet her outside her school, and later had sex with her at a nearby motel. Her parents notified the police and the RCMP located the child at the motel, and arrested the sex tourist on the spot. The next morning he was charged with sexual assault, and also for luring a child on the Internet. The man spent the weekend in jail.

The following Monday, April 19, 2004, the assault and child luring charges were dropped because the girl is **14 years old – the age of consent in Canada.**

A 2000 report by the Canadian Council On Social Development states that Canada is a world destination for those who want to have sex with children!

From the Wall to the Web: A Brief History of Child Pornography Legislation by Mark Erik Hecht

In an article entitled *From the Wall to the Web: A Brief History of Child Pornography Legislation*, Beyond Border's co-founder and senior legal counsel, Mark Hecht, traces the history of child pornography from its beginnings to the awakening of the world community today to the this new international scourge. His article points out the recent initiatives taken on behalf of the children in abuse imagery by the global community in international conventions and protocols and the first steps being taken by the Council of Europe to stop this crime. **The following is an excerpt from his article:**

"Child pornography is not a new phenomenon. Visual depictions involving the sexual abuse of children were created before the Internet, the printing press or the camera were even invented. For as long as there have been taboo subjects for sexual gratification, there have been individuals willing to expose the unacceptable and often secret desires of others. One of the first reported images of child pornography describes sketches of toddlers engaged in sexual activity painted onto the side of building dating back to 1830."

For a full text of this article go to: http://www.ecpat.net/eng/Ecpat_inter/IRC/articles.asp?articleID=634&NewsID=57

To follow a bill through Parliament, read the debates in the House of Commons and see how your Member of Parliament is voting:

1. Go to <http://www.parl.gc.ca/legisinfo/>
2. Choose **English** or **French**
3. Go to **Government Bills** and choose a bill.
4. Go to **Status of the Bill**
5. Click on a date to read the debate in the House of Commons or the Senate
6. Scroll down and read the debates
7. To find out how your Member of Parliament is voting on the bill, after step 3 click on **Selected Recorded Votes**

Groundbreaking Report on Child Pornography by John Carr LL.B., NCH UK Internet Expert

This report draws together, for the first time, a broad range of current intelligence and theory on the distribution of child pornography on the Internet and its links to child abuse. In 1988, 35 people in the UK were cautioned or charged with child pornography offences. In 2002 in a single day the UK police were provided with 6,500 names of individuals buying child pornography from a single US web site!

John Carr makes the case that the accumulation of evidence proves that child abuse images trigger men to sexually abuse children and the distribution of those images on the Internet is leading to more sexual abuse of children. For more information go to www.nch.org.uk/internetsafety. John Carr is an international advisory board member of Beyond Borders Inc.

“750 Children Abducted by a Mouse?”

Overview of Workshop on Child Sexual Abuse Images

Presented by Dr. Sharon Cooper

By Marlyn Bennett and Hermie van den Berg

Despite its benefits, today the Internet and computers have come to play a growing role in sex crimes that are committed against children and youth^[1]. The title of this article was originally coined by Dr. Sharon Cooper, a Forensic Pediatrician from the United States, who declared at the opening of her training session with Winnipeg and Manitoba law enforcement officers and social workers, “that 750 children are abducted every year in the United States” due to the click of a mouse by perverts bent on committing sex crimes against minors through the use of computers and the Internet.

Ms. Cooper was invited by Child Find Manitoba to provide workshop training to law enforcement, social workers and the judiciary within Manitoba respecting the Images of Child Sexual Exploitation. Marlyn Bennett and Hermie van den Berg attended this workshop on behalf of Beyond Borders.

Dr. Cooper’s fascinating presentation covered the examination of child sexual exploitation and its various components. Dr. Cooper examined the medical definitions and the role of the medical professions regarding the sexual abuse images of children (otherwise known erroneously as “Child Pornography”). The term “child pornography or “kiddie porn” appears as if there is an element of volitional nature by children in the making of images of child sexual abuse, implying children and youth somehow voluntarily consent to part take in their own abuse. Child pornography is equal to the creation of “Images that memorialize Child Sexual Abuse” and is considered by Dr. Cooper to be child sexual abuse no matter how it is stated, defined or worded.

One of the most interesting aspects of Dr. Cooper’s presentation was her coverage of child development and maturity stages of children and youth coupled with her discussion on the controversy surrounding the use of the Tanner Stages of Development on assessing the maturity of children and youth in child sexual abuse images. The Tanner stages provide an excellent background for the understanding a child’s progression into puberty. Prior to 1998, physicians who assisted law enforcement with child pornography analyses used the Tanner Stages of Development to give an age range of a child based upon

^[1] See Wolak, J., Mitchell, K., and Finkelhor, D. November 2003. *Internet Sex Crimes Against Minors: The Response of Law Enforcement*. National Centre for Missing & Exploited Children.

puberty changes noted on the child’s body. Law enforcement and the medical professional can easily determine the age of younger children in sexual abuse images but it becomes murky and trickier as children mature into the puberty stages. The age ranges originally documented by Dr. Tanner in 1963 have changed dramatically over the last 40 years. Dr. Cooper noted that puberty is clearly occurring much sooner in children than it did a decade ago and these maturational stages also vary based on the child or youth’s country of origin. Therefore the age of children or youth who appear in images of child sexual abuse today are becoming increasingly difficult for law enforcement and the medical profession to assess. This realization led Drs. Rosenbloom and Tanner to write a letter, which was published in the 1998 edition of *Pediatrics*^[2], discouraging physicians from using Dr. Tanner’s stages of child/youth development as a basis for estimating the age of child pornography victims in child sexual abuse images. Dr. Cooper indicated that in light of this recommendation, she uses the “Sexual Maturation Rate” rather than the Tanner Stages when she is consulted to view images of children involved in child pornography.

Dr. Cooper covered many other areas pertinent to this topic but unfortunately we are limited in the amount of space allotted for this article to be able to report on everything that we learned from Dr. Cooper. We can say without doubt that the audiences, including the both of us, were completely mesmerized by Dr. Cooper’s candor and the breadth of her knowledge and experience in working with abused children as well as her stories about her testimonial adventures in court on this very subject

Dr. Sharon Cooper is an amazing and gifted presenter who is both knowledgeable and approachable. Both of us were able to speak personally with Dr. Cooper about her work in assessing child abuse images and shared with her a little about the efforts of Beyond Borders. We know there is a lack of trained and skilled people like Dr. Cooper in Canada. Sadly, we also know we need more similarly skilled professionals, so that in the near future, not one child should ever become sexually exploited by the click of a mouse again.

^[2] Their letter states that chronologic age cannot be accurately determined via Tanner staging. Therefore, physicians should refrain from testifying in court as to chronologic age based on Tanner staging. See *Pediatrics*, Vol. 102, Number 6, December 1998, pp. 1498.

WHAT'S NEW

A Serbia immigrant, **Djordje Ninkov**, living in Kelowna B.C. was given a conditional sentence on March 10, 2004 after spending 16 months in jail awaiting trial on charges of attempting to live off the avails of prostitution. Ninkov with his co-accused, **Jo-anne Brazeau**, lured two girls to an apartment and told them they had entered a pimp house and must work off a \$5,000.00 debt by prostituting themselves. After working a Surrey highway, the 15 year old escaped after seeing pleas from her mother to return home in a newspaper. The other victim jumped out of third-story window after being beaten. Ninkov was ordered to serve his house arrest at his mother's house and Brazeau received 3 years in jail.

Toronto police rescued a young 12 year old girl recently who they reported was a child sex slave groomed by pimps since the age of 10. She was sold to a ring of pedophiles in Toronto, where she was moved from trick to trick by her pimps.

Statistics Canada reported in December 2003 that since the creation of the conditional sentence in 1996, the number of offenders serving time at home since 1997-8 has ballooned by 75%. More people are doing time at home than in jail. Of those doing time at home in 2001-2, 41% were for violent crimes including sexual assault.

Following a **2003 Supreme Court decision** which will make it more difficult to jail violent predators indefinitely, 5 B.C. men who had been classified as dangerous offenders will get new hearings. The Supreme Court ruled that judges cannot impose indeterminate sentences unless they explore the possibility that offenders can be treated and controlled within the community. The five men were: **Jerimah Johnson**, 57, convicted of a series of sexual assaults on adults and children; **Daniel Edgar**, 44, convicted of multiple sexual assaults including a most recent sexual assault of a 52 year old woman babysitting a group of children; **Stewart Smith**, 49, convicted of beating a man to death and violent assaults of women and children; **Steven Mitchell**, 33, convicted of multiple sexual assaults and child molestation; **Michael Kelly**, 40, convicted of multiple home invasions, robberies and a sexual assault against a 14 year old girl.

Toronto police arrested a man recently in his car in what may become an all too familiar scenario called "**war driving**"- using a laptop to hook into wireless computer networks to access child pornography. Wireless computers should be turned off immediately after usage advises the Toronto Police sex crimes unit.

A **Commissioner for Children** has been proposed in a new Children's Bill for the United Kingdom. Canada so far does not have a Commissioner for Children.

The **City of Tokyo** has embarked in Jan 2004 on new measures to combat widespread teen prostitution. Though sex with an underage girl is illegal, there is reported to be widespread obsession among males with schoolgirls, some men paying \$475 for sex with such a girl. The City has proposed banning men meeting girls under age 16 between 11 PM and 4AM without the approval of the child's parents. It will also amend bylaws to prohibit sex shops from selling used underwear from girls under 16. *This excerpt is taken from Beverly Smith's newsletter, "Recent Research on Caregiving".*

Hiding in Plain Sight: A Practical Guide to Identifying Victims of Trafficking in the United States, a publication with particular emphasis on victims of sexual trafficking as defined by the Trafficking Victims Protection Act 2000 by Donna Hughes, can be found at:

http://www.uri.edu/artsci/wms/hughes/hiding_in_plain_sight.pdf

Recommended Reading: ***Just Another Indian: A Serial Killer and Canada's Indifference*** published by Fifth House (2001), is a book written by journalist **Warren Goulding** about a case involving a serial killer in Saskatchewan who targeted female Aboriginal prostitutes. John Crawford murdered four poor Aboriginal women and was suspected of killing at least three others in Saskatoon in the early '90s.

European Union officials are proposing to spend more than £30m to try to make the Internet safer for children. If approved, the **Safer Internet plus** program would launch next year and run until 2008.

Kim Bradley of the Toronto Sun won **Beyond Borders'** first **Annual Excellence in Journalism Award** for her investigative series on child pornography. Beyond Borders thanks the Winnipeg law firm of **Booth Dennehy** for donating the funds to make this award possible. The award was presented on November 19, 2003, World Day for the Prevention of Child Abuse. Beyond Borders thanks the two experts on child sexual exploitation who were the judges- **Lianna McDonald**, Child Find MB, and **Margaret Koniuck** UNICEF Canada.