

## **General Information on Overseas Legislation on Child Sex Tourism**

### **Summary**

At the Legislative Council Security Panel meeting held on 3 September 1998, a proposed legislation to prevent child pornography and child sex tourism was discussed. At the meeting, the Administration undertook to provide general information on the legislation adopted in countries such as Australia, the United States, the United Kingdom and Canada to prevent child sex tourism.

2 The Administration has looked into the relevant legislation of the above countries. The findings are summarised below.

### **Australia**

3. Of all the aforementioned countries, Australia seems to have the most modern and clear provisions against child sex tourism. The Crimes (Child Sex Tourism) Amendment Act 1994 amended the Crimes Act 1914 by the introduction of, inter alia, a new section which provides that an Australian citizen, or a resident of Australia, or a body corporate incorporated by or under a law of the Commonwealth of Australia or of a State or Territory, or any other body corporate that carries on its activities principally in Australia can be charged with an offence even if the offence is allegedly committed outside Australia.

4. There are also sections in the Amendment Act that provide for sexual offences against children overseas and for offences of benefiting from child sex tourism or encouraging offences related to child sex tourism.

### **Canada**

5. Canada amended its Criminal code in April 1997 to provide for offences against child sex tourism. This is by way of providing that everyone who, outside Canada, commits an act or omission that if committed in Canada would be a sexual offence against children shall be deemed to commit that act or omission in Canada if the person who commits the act or omission is a Canadian citizen or a permanent resident of Canada within the meaning of the Immigration Act.

6. The Criminal Code also provides that “[e]very person, who, in any place, obtains or attempts to obtain, for consideration, the sexual services of a person who is under the age of eighteen years or who that person believes is under the age of eighteen years is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years”.

### **United States**

7. The Amber Hagerman Child Protection Act of 1996 provides that whoever crosses a State line with intent to engage in a sexual act with a person who has not attained the age of 12 years shall have committed an offence.

8. Besides, the U.S. Federal Criminal Code and Rule 1997 provides for an offence where “any person employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, or who transports any minor in interstate or foreign commerce...with the intent that such minor engage in, any sexually explicit conduct.....”. It further prohibits travel interstate, or travel in foreign commerce for the purpose of engaging in any sexual act with a person under 18 years of age.

### **United Kingdom**

9. As far as we can ascertain, we are not aware of any legislation that directly pertains to child sex tourism in the statute books of the United Kingdom.

### **Observations**

10. Judging from the overseas legislation quoted above, it seems that there are basically two prongs to child-sex-tourism legislation. One is to make patronage an offence. The other is to make procurement an offence. Besides, the extra-territoriality of the child-sex-tourism legislation of a particular country is usually applicable to the citizens or residents of that country.

Security Bureau

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