



EQUALITY NOW

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Sex Tourism: Addressing the Demand for Trafficking Testimony by Jessica Neuwirth, President of Equality Now

Thank you for this opportunity to testify before you, and thank you for your interest in and support for efforts to combat trafficking in persons. My name is Jessica Neuwirth and I am the founder and President of Equality Now, an international human rights organization based in New York working for the protection and promotion of the rights of women and girls worldwide. Equality Now's membership network is comprised of more than 25,000 individuals and organizations in 160 countries. Issues of concern to Equality Now include trafficking of women and girls, rape, domestic violence, reproductive rights, female genital mutilation, denial of equal access to economic opportunity and political participation, and all other forms of violence and discrimination against women and girls.

The Trafficking Victims Protection Act of 2000 recognized that sex tourism is one of the means through which the commercial sexual exploitation of women and girls has contributed to the growth of the international sex industry and feeds the demand for sex trafficking. The Trafficking Victims Protection Reauthorization Act of 2003 went a step further in requiring the dissemination of materials alerting U.S. citizen travelers that, "sex tourism is illegal, will be prosecuted, and presents dangers to those involved". In evaluating how other countries are addressing human trafficking, HR 972, the Trafficking Victims Protection Reauthorization Act of 2005, would require adding as a minimum standard for eliminating trafficking in the State Department's annual report, "measures to reduce the demand for commercial sex acts and for participation in international sex tourism". We should hold ourselves to the same minimum standard and play a leadership role for other countries in this regard.

My comments today will focus on Big Apple Oriental Tours of Bellerose and Poughkeepsie, New York and G&F Tours of New Orleans, Louisiana. I will speak about these sex tour companies because in their methods of operation they demonstrate the typical activities of sex tour companies. I will also speak about them because the lack of action against them by both federal and state prosecutors is also typical of our country's inadequate response to the demand side of the trafficking of women and children.

From its locations in New York, Big Apple Oriental Tours was advertising its services, communicating with potential sex tourists to persuade them to travel with Big Apple Oriental Tours, making airline and hotel reservations, and arranging for local tour guides in the destination countries to introduce men to women from whom they could buy sex. The local Big Apple representative who escorted the men to the clubs was also available to negotiate the sex acts to be purchased and their price with the "mamasan" who controlled the women in these bars and clubs. G&F Tours in New Orleans conducts its activities in precisely the same way, even using the same tour guide as Big Apple in Thailand.

It should be simple to prosecute a company that so blatantly accepts money to facilitate and arrange commercial sex acts. New York Penal Law Section 230.20 makes it a Class A misdemeanor when a person “knowingly advances or profits from prostitution”. Penal Law Section 230.25 makes it a Class D felony when a person “knowingly advances or profits from prostitution by managing, supervising, controlling or owning either alone or in association with others, a house of prostitution or a prostitution business or enterprise involving prostitution activity by two or more prostitutes”.

Despite the clear language of the New York Penal Law and the uncontroverted activities of Big Apple Oriental Tours, Equality Now campaigned unsuccessfully for seven years with the Queens County District Attorney to prosecute Big Apple Oriental Tours for promoting prostitution. Only when the case was brought to the attention of New York Attorney General Eliot Spitzer in 2003 was a civil proceeding to shut down the company undertaken and a criminal prosecution subsequently commenced. The criminal case was dismissed and then the dismissal was reversed on appeal. We are now waiting for another grand jury proceeding and hoping the case will go to trial. No other State level prosecution against sex tour operators for promoting prostitution has even been attempted despite most states having similar prohibitions of such activities as those of New York that I just described. I would like to note that from the beginning of our campaign seven years ago, Congresswoman Maloney has been tremendously supportive of our efforts to close down Big Apple Oriental Tours and prosecute its owner/operators. I would like to thank her for this support, which has been instrumental in leading finally to the case currently underway.

Federal prosecutors have been equally unwilling to address the demand for trafficked women and girls created by sex tour operators and their customers. Unless it can be proven that children are involved, they are not interested. Very often minors are involved, but it is usually impossible to prove. Moreover, as a matter of principle as well as practicality, law enforcement interest in sex tourism should not be confined to cases involving minors. Section 2421 of Title 18 of the United States Code, known as the Mann Act, provides a ten year sentence for anyone who “knowingly transports any individual in interstate or foreign commerce . . . with the intent that such individual engage in prostitution or in any sexual activity for which any person can be charged with a crime, or attempts to do so.” Section 2422(a) makes it a crime for anyone who “knowingly persuades, induces, entices, or coerces any individual to travel in interstate or foreign commerce . . . to engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense, or attempts to do so.” These provisions of the Mann Act could be effectively used against United States sex tour operators but the Department of Justice has so far failed to apply this statute against them. Neither of these sections requires that prostituted person or victim be a minor and neither of these sections requires that the individual being transported or induced or persuaded to travel in foreign commerce be the prostituted person or victim. In other words, transporting “johns” in foreign commerce, which is exactly what sex tour companies do, falls within the scope of the Mann Act.

In virtually every popular sex tour destination country, such as Thailand, patronizing a prostitute is illegal and “johns” can be charged with a crime for purchasing sex acts. Although both of the Mann Act sections just described could be applied to sex tour operators who every day induce, persuade and ultimately transport individuals in foreign commerce to engage in criminal sexual activity, Equality Now has not been successful in its efforts over

the past six years to get the Department of Justice and the United States Attorneys Offices in the Eastern District of Louisiana and Southern District New York to apply the Mann Act against G&F Tours. By its failure to use the Mann Act against sex tour operators like G&F Tours, the Department of Justice has created a *de facto* narrowing of that law's application.

Equality Now welcomes the End Demand for Sex Trafficking Act of 2005, HR 2012, and we thank Congresswoman Pryce and Congresswoman Maloney for their sponsorship of this bill. The bill includes a needed clarification that the Mann Act does apply to sex tour operators who transport purchasers as well as sellers of commercial sexual acts. We hope this clarification will facilitate law enforcement efforts to end sex tourism. More generally, we welcome the focus in HR 2012 on the demand for prostitution, which is the engine driving the commercial sex industry. For too long, efforts to combat trafficking and the commercial sex industry have focused exclusively on the supply side of the industry, which cannot be effective in isolation. As a committee with a particular interest in the financial workings of this industry, we hope you will work with us and support our efforts to ensure that trafficking is addressed comprehensively, as an industry in which consumer demand for sex tourism and prostitution play a central role in generating the demand for trafficking.

Thank you.