

## Extraterritorial Child Sexual Abuse

### Terminology

Extraterritorial child sexual abuse is often misleadingly referred to as “child sex tourism.” Characterizing the offense as tourism downplays both the offender’s criminal conduct and the harms caused by these serious crimes. Additionally, because the term focuses on tourism, offenders permanently residing abroad or travelling on business or other types of travel may be overlooked.<sup>1</sup>

“Illicit sexual conduct” is defined as certain federally proscribed sexual acts, commercial sex acts, and production of child sexual abuse material (CSAM).<sup>2</sup>

Extraterritorial child sexual abuse, often misleadingly referred to as “child sex tourism,” involves United States citizens or lawful permanent resident aliens<sup>3</sup> who either: 1) travel to a foreign country with *a motivating purpose* of engaging in any “illicit sexual conduct” with a minor<sup>4</sup>; or 2) travel to, or reside in, a foreign country *and engage in* “illicit sexual conduct” with a minor.<sup>5</sup> It is irrelevant if under the foreign country’s laws the minor is of legal age or the sex act is not considered a crime. Offenders often travel to impoverished countries where they seek to take advantage of inadequate laws, weak law enforcement responses, corruption, high levels of poverty, desperate families, and the anonymity that comes with being abroad.

There is no single profile of an extraterritorial child sex abuser. Offenders include teachers, clergy, humanitarian workers, doctors, businesspeople, and government employees who use their American status and financial assets to take advantage of at-risk children. Offenders may also be expatriates (“ex-pats,”) that is, Americans

who permanently relocate abroad. Offenders may have prior convictions for child sex offenses or have no criminal history. Offenders have been known to seek employment or volunteer opportunities that give them access to children.

Children in developing countries are seen as easy targets by American perpetrators because they are perceived as vulnerable due to unstable or unfavorable economic, social, or political conditions. Parents and caregivers may offer their children for commercial sex with foreigners or may look the other way when there is a financial benefit for allowing access to a child. Additionally, some countries lack effective law enforcement to investigate and prosecute the crime, aggravating the problem. Thus, offenders may believe they can abuse children without consequence, relying on their American status and the value of the American dollar and assuming local citizens are reluctant to report. Some

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<sup>1</sup> Terminology Guidelines for The Protection Of Children From Sexual Exploitation And Sexual Abuse, Interpol 2016, <https://www.interpol.int/en/Crimes/Crimes-against-children/Appropriate-terminology>

<sup>2</sup> 18 U.S.C. § 2423(e).

<sup>3</sup> In certain government communications, the preferred terms for individuals who are not a citizen or national of the United States are “noncitizen” or “migrant.” See <https://www.justice.gov/eoir/book/file/1415216/download>. In this context, the relevant statute (18 U.S.C. § 2423) uses the term “alien admitted for permanent residence” which has a specific legal meaning. See 8 CFR § 245a.10.

<sup>4</sup> 18 U.S.C. § 2423(b).

<sup>5</sup> 18 U.S.C. § 2423(c).

offenders rationalize their acts as acceptable, perceiving themselves as helping the children and their families financially.

Technological advances have revolutionized the ease of international travel and the exchange of information, including how and where to find child victims in foreign locations. While much of this predatory conduct occurs in less developed countries, such as areas in Southeast Asia, Central and South America, and Africa, extraterritorial sexual exploitation of children by American perpetrators occurs all over the world. The United States must play a significant role in deterring U.S. citizens and residents from committing these acts abroad.

### **Difficulty Identifying and Finding Victims in Foreign Jurisdictions**

Successful prosecution of extraterritorial child sexual abuse often requires victims' identification and cooperation. However, victims may be reluctant to report the abuse for many reasons including distrust of police generally or a lack of knowledge about how to contact United States law enforcement in lieu of contacting local authorities. Corruption and fear of being stigmatized as a victim of sexual abuse may also factor into victims' unwillingness to report. Offenders often provide money, food, school supplies, cell phones, or something else of value to victims and their families to build trust, loyalty, and dependency. Offenders build long-term relationships with the victims' families by paying school tuition, taking them on vacation, providing English lessons, or providing other services and financial assistance. This calculated grooming behavior is designed to add pressure not to report and may be combined with telling or implying to victims and their families that they might get in trouble and the financial assistance would end.

Even when victims come to the attention of their local law enforcement and U.S. law enforcement, they may be difficult to locate throughout the investigation and prosecution process. Due to poverty, many victims do not have stable housing, or even access to a telephone or other means of consistent communication. They may live in extremely rural areas without access to transportation. There may be cultural or language barriers, differing knowledge or expectations of legal systems, or continued loyalty to the offender. Often, travel by investigators, forensic interviewers, and prosecutors will be necessary to meet victims and families to understand the extent of abuse and pave the way for a successful prosecution. There is often a lack or shortage of culturally sensitive and trauma-informed therapeutic resources and support to assist the victims in their home country and keep them engaged through the investigation and prosecution process. Maintaining lines of communication with the victims throughout the process is one of the biggest challenges of successful prosecution of these cases.

### **Grooming Foreign Victims**

American offenders will use their status and money in a foreign country to buy food, clothes, toys, and electronics for their targeted victims. Offenders may also pay for a victim's education, provide English lessons, take the victim or the victim's family on vacation, or offer to work on or around the home, all to develop a relationship of trust, control, and dependence with the victims and their families.

## Family Member and Caregiver Offenders

When the perpetrator or the facilitator of the abuse is a family member or caregiver, there can be even greater pressures on the victims not to disclose the abuse. These trusted people in a child's life have been known to sell or rent children to an offender for subsistence money or other financial gain, thus acting as a sex trafficker. In other scenarios, they may be aware of the sexually illicit activities, but do not get involved or stop the activities because of the financial gain. A 2019 study of the nature and scale of the online sexual exploitation of children in the Philippines<sup>6</sup> found that biological parents facilitated the abuse in 41% of cases, while other relatives facilitated the abuse in 42% of cases.<sup>7</sup>

Foreign law enforcement may be unwilling to investigate what it considers intrafamilial abuse, making it particularly difficult to bring these offenders to justice. Even if child victims are recovered, children and parents or guardians who perpetrated the abuse will need separate housing to prevent further abuse, and there may be limited child protective services or guardian ad litem programs to facilitate the protection and care of the victims, including removal of the offending parents or guardians from the home.

### Case Study: *U.S. v. Dow*

In 2008, Gregory Dow and his family traveled from their home in Lancaster County, PA to the Republic of Kenya to start an orphanage. The orphanage, which came to be known as the Dow Family Children's Home, was established near Boito, Kenya, and remained in operation for nearly a decade with financial support from donors in the United States, including churches and other faith-based organizations.

In September 2017, Kenyan authorities learned that Dow had sexually abused children in his care. Dow fled Kenya when the allegations came to light, returning to Lancaster County. Acting on information provided by Kenyan women living in the United States, the FBI investigated the allegations and determined that Dow had sexually abused at least four teenage girls between October 2013 and September 2017. Two of the girls were as young as 11 years old when the abuse began. Dow's wife even transported the victims to a medical clinic to have birth control devices implanted into their arms, which allowed Dow to perpetrate his crimes without fear of impregnating his victims. Dow purported to be a Christian missionary who cared for these children and asked them to call him "Dad." But instead of being a father figure, he preyed on their youth and vulnerability.

In July 2019, Dow was charged in a four-count indictment; he pleaded guilty to all four counts in June 2020 and was sentenced to 15 years, eight months in prison, a lifetime of supervised release, and ordered to pay \$16,000 in restitution.

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<sup>6</sup> While online sexual exploitation is the subject matter of another national strategy segment, there is overlap in the subject matter of these topics.

<sup>7</sup> [https://ijmstoragelive.blob.core.windows.net/ijmna/documents/Final\\_OSEC-Public-Summary\\_05\\_20\\_2020.pdf](https://ijmstoragelive.blob.core.windows.net/ijmna/documents/Final_OSEC-Public-Summary_05_20_2020.pdf)

## Difficulty in Securing Evidence and Witnesses for Trial

Extraterritorial offenses are extremely difficult to investigate and prosecute because most of the evidence and witnesses are in foreign countries. The evidence-gathering process can be slow and uncertain. For example, the ability of U.S. law enforcement to gather information from and maintain access to foreign victims often relies heavily on coordination with foreign law enforcement and non-government organizations (NGO). This may involve submitting requests for evidence pursuant to a Mutual Legal Assistance Treaty or a discretionary letter rogatory, which can sometimes be cumbersome, with no guarantee that the evidence will be provided in a timely manner, or at all. Some countries have privacy laws that may result in refusal or reluctance to allow access to certain pieces of critical evidence identifying victims.

In many cases involving evidence on electronic devices, by the time U.S. law enforcement receives reports of abuse by an American offender, the ability to obtain forensic evidence from electronic devices from either the offender or the victim, may be gone. Foreign law enforcement may not have the tools, protocols, or training to preserve technological evidence, so evidence may be lost or inadmissible in a U.S. prosecution.

Additionally, before U.S. law enforcement involvement, victims may have already been through multiple rounds of interviews, sometimes conducted by untrained individuals who ask questions in a manner that might affect the victims' testimony or cause additional trauma. Even when trained U.S. law enforcement can conduct a trauma-focused forensic interview of a child victim, it may be difficult to coordinate how to conduct that interview in the child's first language without losing the integrity of the child's disclosure or appropriate interview techniques.

While the United States cannot compel a foreign victim or witness to testify at trial in the United States, they may agree to participate. In such a case, extensive preparation and logistical coordination is necessary. Victims and witnesses may need passports, assistance with travel, food, lodging, and weather-appropriate clothing, and if they are minors, they may need to be accompanied by a parent or guardian. Cultural and language issues are also often present when attending and participating in a trial in the United States, a foreign country for them.

The U.S. government has a mechanism in place called Significant Public Benefit Parole that can be utilized to allow a foreign victim without U.S. immigration status to enter the U.S. legally to assist with an investigation. Using this mechanism, in conjunction with Continued Presence which allows this type of victim to remain in the U.S., provides foreign victims access to U.S. based trauma-informed therapeutic resources and victim services. Other immigration options such as T and U nonimmigrant status may also be available.<sup>8</sup> Individuals are only eligible for T visas if they are physically present in the U.S. or territories, or at a port of entry on account of trafficking, while U visas are available regardless of the victim's location. These resources can also assist in building trust between law enforcement and the victim.

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<sup>8</sup> T immigrant status and U nonimmigrant status, commonly referred to as a T visa and the U visa, was created in October 2000 as part of the Victims of Trafficking and Violence Protection Act.

<https://www.uscis.gov/humanitarian/victims-of-human-trafficking-and-other-crimes>; *see also* <https://www.dol.gov/agencies/whd/immigration/u-t-visa>

## **Legal Limitations for U.S. Prosecutions**

### *Securing the Defendant from Overseas*

The ability to secure custody of offenders from overseas to face U.S. prosecution is often dependent on the relationship between the United States and the foreign country. When the offender is a U.S. citizen, the State Department may revoke the offender's U.S. passport based on an active felony arrest warrant, which can be sought after the United States files charges. Once the passport is revoked, the United States can ask the foreign country to deport the offender to the United States. Sometimes foreign authorities will remove the offender from their country but will not force the person to return to the United States, or they may not communicate with the United States about the timing of the offender's deportation. This is particularly likely when the offender is being released from prison in the foreign country. In such cases, foreign authorities may be reluctant to initiate deportation proceedings prior to the termination of the offender's local sentence, but the United States may not have any warning as to when the offender will be released and thus may not have sufficient time to file charges to compel deportation upon the offender's release. If, upon release, the offender is allowed to remain in the foreign country or removed to a third country, he may hide to avoid U.S. prosecution.

### *Venue*

Depending on the circumstances of the crime and the defendant's actions prior to going abroad, venue for an offender's extraterritorial child sexual abuse crime may be found in various locations, including the location of the defendant's last known U.S. residence, where he traveled from prior to departing the U.S., where he was first brought back into the U.S., or where he was arrested. Proper venue can differ depending on whether charges are brought via complaint or indictment and may differ for related but separate extraterritorial crimes. Basing venue on the defendant's last known residence brings certain challenges. For example, if the defendant has been abroad for a long time, his last known residence may be difficult to establish, or if the defendant returns to a different location in the United States before charges have been finalized, the district that has venue may change during the investigation. Further, the district of last known residence may not have the specialized experience and sufficient investigative resources for this type of complex investigation. Basing venue on the defendant's arrest or where he is first brought is also complicated because that location may not be known in advance and may be subject to a particular commercial flight itinerary.

### *Restitution*

While restitution may be awarded to victims of extraterritorial sexual abuse as part of a successful U.S. prosecution, calculation of a proper award and challenges with delivery to victims living in a foreign country can make the availability of the award challenging. First, it may not be common practice for foreign victims to have access to receipts or documentation for out-of-pocket expenses. It may also be difficult to determine the availability or cost of any future therapy given the lack of therapeutic resources available to a victim in his or her country. Even if an amount of restitution can be calculated, restitution payments are provided in the form of a U.S. Treasury check. Many foreign victims do not have bank accounts or the means or

knowledge to facilitate cashing or maintaining the restitution payment. Even if they do, some foreign banks will not accept a U.S. check. If the victim can receive the money, a sudden influx of cash can make the victim a target for other crimes. This is especially true if the victim is still a minor and needs a guardian to handle the money. Finally, if a defendant does not have the means to pay the restitution award up front, the money is typically paid in small amounts throughout the defendant's sentence or life. This requires sending small payments to the foreign victims over the course of many years, many of whom do not have stable addresses or means of contact. Local NGOs can assist with some of these issues, but at the time of sentencing (when the restitution order is typically finalized), it may be difficult to identify an NGO that can establish a trust for the victim and maintain contact with the victim for many years.

### Case Study: U.S. v. Johnson

Between November 2005 and his arrest in December 2013, Daniel Stephen Johnson, 40, of Coos Bay, Oregon, systematically and repeatedly molested children who lived at an unlicensed orphanage he started and ran in Phnom Penh, Cambodia. Johnson funded the orphanage by soliciting donations from church groups in Oregon, California, Texas, and elsewhere. Ten Cambodian victims—who ranged in age from seven to 18 years old at the time of abuse—disclosed Johnson's abuse or attempted abuse.

Victims described a range of sexual abuse, including waking to Johnson sexually abusing them. Following the abuse, Johnson would sometimes provide his impoverished victims with small amounts of money or food. On one occasion, Johnson gave a victim the equivalent of \$2.50 in Cambodian currency.

In 2013, a warrant was issued for Johnson's arrest on an unrelated case by officials in Lincoln County, Oregon. Local law enforcement officers worked with the FBI to locate Johnson overseas. The FBI in turn worked with the State Department to revoke Johnson's passport based on the Oregon warrant. Through the work of the FBI, Action Pour Les Enfants, a NGO dedicated to ending child sexual abuse and exploitation in Cambodia, and the Cambodian National Police (CNP), authorities were able to locate Johnson in Phnom Penh.

On December 9, 2013, CNP arrested Johnson. Based on disclosures made by children at the orphanage, Cambodian officials charged Johnson and detained him pending trial. In May 2014, Johnson was convicted by a Cambodian judge of performing indecent acts on one or more children at the orphanage and sentenced to a year in prison. Following his release from prison, Johnson was escorted back to the United States by the FBI.

Based on the sexual-abuse allegations against him, the FBI undertook a lengthy investigation of Johnson. During their investigation, agents interviewed more than a dozen children and adults who had resided at the orphanage, with help from child-forensic interviewers in Cambodia. Some victims were interviewed multiple times before disclosing Johnson's abuse.

While in custody awaiting trial, Johnson made multiple efforts to tamper with witnesses and obstruct justice. Johnson contacted his victims online, encouraging them to lie and offering money and gifts. One message, sent via his relative's Facebook account to an adult in

Cambodia, discussed visiting a victim's family and encouraging them to convince the victim to retract their statement, potentially in exchange for \$10,000. Another message explains the need for a victim to say they were under duress and "pushed by police" to thumbprint a document.

In 2018, Johnson's jury trial resulted in his conviction on six counts of engaging in illicit sexual conduct in a foreign place and one count each of travel with intent to engage in illicit sexual conduct and aggravated sexual assault with a child. He was sentenced to 30 years in prison on each count of illicit sexual conduct in a foreign place, 30 years for traveling with the intent to engage in illicit sexual conduct, and life in prison for aggravated sexual assault with children.

## **Emerging Trends in the Extraterritorial Sexual Abuse of Children**

Americans are increasingly traveling abroad to teach in foreign and international schools.<sup>9</sup> Because of the demand and the status of having an American on their staff, schools may not engage in thorough background or reference checks. Additionally, foreign schools interested in a native English speaker may not require additional teaching credentials, such as those required for a teaching position in the United States. As such, Americans with a sexual interest in children, including those with existing criminal histories for child sex offenses, may find access to children abroad through a teaching job that would otherwise be unavailable to them in the United States. While abroad, a teacher caught offending may be fired or asked to resign, but not reported to law enforcement. Offending teachers have been known to simply move to another school and exploit other children. Unfortunately, it often takes a long time (if ever) until reports of these offenses come to the attention of U.S. law enforcement, making it more difficult to investigate, identify victims, and prosecute.

Offenders also gain access to children by working in positions of trust, as missionaries, religious leaders, leaders or founders of orphanages, or foreign aid providers. Humanitarian workers are often given unsupervised access to children, who are desperate for food, shelter, and attention. Like international teachers, many of these workers are not vetted or checked for past offenses. The children under their care are often faced with enduring abuse or risk losing their care.

## **Significant Development**

Some convicted child sex offenders are traveling or moving to countries where they are not required to register and where they have easy access to vulnerable children.<sup>10</sup> Since 2007, U.S. Immigration and Customs Enforcement's (ICE) Homeland Security Investigations (HSI) has conducted Operation Angel Watch, which targets convicted child sex offenders who may pose a threat of committing extraterritorial child sexual abuse. Operation Angel Watch notifies foreign countries regarding the anticipated travel of registered child sex offenders. HSI partners with the U.S. Customs and Border Protection and the U.S. Marshals Service's (USMS) National Sex Offender Targeting Center to proactively identify traveling offenders. Each year, the Angel

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<sup>9</sup> See, e.g., <https://www.theatlantic.com/education/archive/2017/06/the-international-school-surge/528792/>

<sup>10</sup> See, e.g., <https://www.justice.gov/opa/pr/repeat-child-sex-offender-sentenced-108-months-prison-attempted-sex-abuse-vietnam>

Watch Center (AWC) has vetted thousands of leads, even when travel decreased due to the COVID-19 pandemic.<sup>11</sup> In 2021, AWC submitted over 2,000 notifications to foreign countries.

In 2016, Congress sought to address this growing problem by enacting International Megan’s Law (IML). IML requires certain sex offenders<sup>12</sup> to report intended international travel and requires that U.S. passports issued to registered child sex offenders to reflect this status. IML also provides statutory authorizations and procedures for U.S. officials to notify foreign countries about sex offenders, who have been confirmed by Operation Angel Watch as covered by the law, traveling to their jurisdiction. This legislation and its implementation are discussed in further detail in the chapter on Sex Offender Registration Violations.



The graphic above shows the share of notifications sent by Angel Watch Center as part of IML by country in Fiscal Year 2021. Source: Homeland Security Investigations, Angel Watch Center Fiscal Year 2021 Report

<sup>11</sup> Based on internal data provided by the Angel Watch Center.

<sup>12</sup> <https://www.govinfo.gov/content/pkg/PLAW-114publ119/pdf/PLAW-114publ119.pdf>



Despite these efforts, many sex offenders may still travel abroad either without providing the required advanced notice, or the advanced notice is inadequate to take action.<sup>13</sup> In addition, offenders have learned which countries are turning sex offenders away when they enter from the U.S. To circumvent this denial, offenders will travel to a country with a more relaxed border that can facilitate their entry into their country of choice. Once permitted to enter a foreign country, offenders can often avoid their registration requirements and move about freely without detection.

Under 22 U.S.C. § 212b, the passport of a confirmed registered sex offenders convicted of certain child sex offenses must have a unique identifier. However, U.S. passport applications do not currently include the necessary questions, such as those regarding sex offender registration status, to determine which applications should be assessed by Operation Angel Watch to identify those passports that qualify for this unique identifier. As a result, almost all passport applicants who would be covered by IML remain unidentified and the qualifying class of offenders are permitted to travel without notification of their status to the foreign destination.

With the expectation that covered offenders will have annotated passports, countries and individuals might get a false sense of security that an unmarked passport is an indication of a non-offender status, when in fact, only a small fraction of eligible offenders have the unique identifier specified in 22 U.S.C. § 212b. Further, that mark is only as good as a foreign country’s knowledge to look for it and desire to act on it. Additionally, a sex offender with an unmarked U.S. passport issued prior to a registration conviction can move to a foreign country, putting him outside the scope of any registration requirements, including the requirement to have a marked passport. Under 22 U.S.C. § 212a, the Secretary of State is authorized to revoke the passports of a U.S. citizen convicted of certain federal child sexual offenses where the individuals used a passport or passport card or otherwise crossed an international border in committing the offenses. While a defendant is on supervised release for a violation of 18 U.S.C. § 2423, the defendant typically cannot obtain a new passport. American offenders can be prosecuted by foreign countries for their crimes outside the United States, however Section 212a only applies to a federal prosecution in the United States. It is therefore vital for the United States to prosecute extraterritorial crimes against children.

### Strategic Response

Short-Term Goals	Long-Term Goals
<b>Partnership and Training:</b> U.S. agencies should continue to collaborate with foreign stakeholders to conduct trainings on how to	<b>Expand use of Partnerships:</b> With enhanced funding, additional partnerships, including Child Protection Compact Partnerships <sup>14</sup> , could

<sup>13</sup> More information about issues relating to registered sex offenders and international travel are included in the Sex Offender Registration Violations chapter.

<sup>14</sup> “A Child Protection Compact (CPC) Partnership is a multi-year plan developed jointly by the United States and a particular country that documents the commitment of the two governments to achieve shared objectives aimed at strengthening the country’s efforts to effectively prosecute and convict child traffickers, provide comprehensive trauma-informed care for child victims of these crimes, and prevent child trafficking in all its forms.”

improve the interdiction of American offenders in their respective countries, and should continue to provide training to U.S. law enforcement at home and abroad on identifying, prosecuting, and preventing extraterritorial child sexual abuse.	established with at-risk countries to address areas with the highest prevalence of extraterritorial child sex abuse crime. Existing partnerships could also expand their scope to include extraterritorial child sexual abuse and offer more trauma-informed services to victims.
<b>Collaborate with the tourism industry and foreign-based NGOs:</b> U.S. agencies should continue to provide training on the risk factors and enforcement of extraterritorial child sexual abuse and resources to the hospitality industry, NGOs, schools, and other organizations with an international footprint.	<b>Improve Measurement and Information-Sharing Processes:</b> U.S. agencies should fund research to enable greater understanding of the causes of, opportunities for, and effects of extraterritorial abuse. U.S. and foreign partners should use the expanded knowledge base to improve investigation and targeting of known areas of frequent extraterritorial child sexual abuse and offenders.
<b>Enforcement:</b> U.S. agencies should assess and strengthen International Megan’s Law enforcement capabilities, including updating U.S. passport applications.	
<b>Legislation:</b> Enact comprehensive legislative changes to enhance the prosecution of these offenders and strengthen proactive measures to prevent the offenses from occurring, including creating additional charging options for Americans committing sexual abuse abroad, improving access for foreign victims to receive and handle restitution awards, and strengthening registration and passport marking requirements for child sex offenders who are or plan to travel abroad.	

*Partnerships and Trainings*

Success in preventing extraterritorial child sexual abuse, as well as in investigating and prosecuting the offenders, requires robust investigations by U.S. law enforcement in targeted foreign countries, strong partnerships with victim organizations, and collaboration with foreign law enforcement to detect and identify these offenders.

The Justice Department, along with FBI and HSI agents, should expand coordination with the State Department, which has personnel throughout the world including Diplomatic Security Service agents. The State Department’s relationships with foreign entities assist with providing

[https://www.state.gov/child-protection-compact-partnerships/#:~:text=A%20Child%20Protection%20Compact%20\(CPC,and%20convict%20child%20traffickers%2C%20provide](https://www.state.gov/child-protection-compact-partnerships/#:~:text=A%20Child%20Protection%20Compact%20(CPC,and%20convict%20child%20traffickers%2C%20provide)

training on the prevention and interdiction of sex offenses committed by Americans in Southeast Asia, South America, and Africa. Additional training about the prevalence of these offenses, our ability to prosecute them, and how teamwork can overcome challenges related to foreign victims and evidence is necessary and should include U.S. law enforcement abroad and other global task force partners. Training must ensure that federal law enforcement understands we can prosecute extraterritorial offenders in the United States, regardless of the citizenship of the victim, so investigators do not erroneously believe that such offenses can only be prosecuted where the offenses occur.

We must also engage with the hospitality and tourism industries, and various NGOs who are critical partners in the field, to increase their level of involvement and assistance. Communication about the severity and consequences of child sexual exploitation, and about the ability and willingness of the United States to prosecute can be helpful.

The State Department has increased its efforts to educate international schools, school directors, and child protection officers about signs of abuse. Education efforts include how to build the necessary relationships with the U.S. embassy to know the correct law enforcement contact when an allegation is received or concerning behaviors are observed. Efforts to educate and partner with schools should continue and expand so that schools can better identify and respond to abuse and exclude offenders from their schools in the first instance.

### *Enforcement*

A U.S. prosecution may be viable even if an offender is first prosecuted in the country where an offense takes place. Accordingly, prosecutors should consider pursuing domestic charges even after a foreign conviction, if appropriate. Ancillary consequences resulting from a domestic prosecution that may not result from a foreign conviction can include sex offender registration, supervised release, mandatory sex offender treatment, and its impact on defendant's future travel. If offenders are convicted of certain extraterritorial sexual abuse statutes under U.S. law, their passports can be revoked for the duration of their supervised release, preventing them from traveling abroad where they could reoffend and evade law enforcement. Sex offender registration and supervised release which accompany a U.S. child sex offense conviction also add certain protections to avoid future offenses, which a foreign conviction cannot always achieve.

### *Funding*

The State Department has funded Child Protection Compact (CPC) Partnerships to combat child sex trafficking and forced labor in some at-risk countries. This includes funding to expand trauma-informed and child-friendly protection services. Additional funding could allow these partnerships to advance such services and combat these crimes, including potential efforts to combat extraterritorial child sexual abuse.

Victims in a foreign country who are exploited by United States citizens should receive victim services as if they were exploited in the United States. However, the level of care is not always sufficient or easily accessed abroad. The U.S. should provide and expand programs that enhance victim assistance in the victim's home country. These efforts would include working with NGOs

to ensure victims are receiving all the services and assistance to which they are entitled, including restitution. For example, in countries without established guardian ad litem programs or other organizations set to help victims, it will be necessary to find different resources that can provide services in the first instance.

## **Legislation**

Congress should enact legislation to provide additional charging options for American offenders who commit child sex offenses abroad. Congress should also enact legislation to facilitate the process of providing restitution to foreign children who are victims of federal child exploitation offenses. Congress should enact legislation to improve implementation of the passport revocation provision in 22 U.S.C. § 212a, and to have it apply to more child exploitation offenses. Congress should strengthen the registration and passport marking requirement to ensure it applies to American child sex offenders who live in foreign countries. Finally, Congress should enact legislation modernizing the venue statute established for the prosecution of offenses committed outside of the United States; specifically abolishing the requirement that defendants be prosecuted in the federal district where they are “arrested or first brought” and, instead, permit the prosecution of extraterritorial offenses in any federal judicial district. This legislation would allow venue in the district that is most appropriate and equipped to investigate and charge the case.