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**Human Rights Council**

**Twenty-second session**

Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

**Report of the Special Rapporteur on the sale of  
children, child prostitution and child  
pornography, Najat Maalla M'jid**

*Summary*

The Special Rapporteur on the sale of children, child prostitution and child pornography submits the present report to the Human Rights Council at its twenty-second session, pursuant to Council resolutions 7/13 and 19/37.

This report describes the activities carried out by the Special Rapporteur since her last report in March 2012 and provides a thematic study on the protection of children from sexual exploitation in travel and tourism presenting an overview of the current situation of the sexual exploitation of children in travel and tourism and making practical recommendations to ensure the effective protection of children from this phenomenon.

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\* Reissued for technical reasons on 23 January 2013.

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## **I. Introduction**

1. The present report is submitted pursuant to Human Rights Council resolutions 7/13 and 19/37. It describes the activities carried out by the Special Rapporteur since her last report in March 2012 and provides a thematic study on sexual tourism involving children.

## **II. Activities**

### **A. Country visits**

2. Since her previous reports to the Human Rights Council (A/HRC/19/63 and Corr.1 and its addenda) in March 2012, the Special Rapporteur undertook visits to Guatemala from 20 to 29 August 2012 and Honduras from 30 August to 7 September 2012. Her country visit to India, initially scheduled to take place from 16 to 27 April 2012, was postponed at the request of the Government. The reports on both visits are presented as addenda (A/HRC/22/54/Add.1 and 2, respectively) to this report.

3. Since her previous report to the Council, the Special Rapporteur received positive replies from Kyrgyzstan and Madagascar to her requests to conduct official visits. The Special Rapporteur is yet to receive replies to her requests for invitations from Cambodia, Canada, Gambia, Nepal, Nicaragua, Nigeria, Viet Nam and the Bolivarian Republic of Venezuela.

### **B. Other activities**

#### **1. Conferences, seminars and engagement with civil society**

4. The Special Rapporteur participated in numerous conferences and seminars during the period under review. In January 2012, she took part in a dialogue between the special procedures of the Human Rights Council and the African Commission on Human and Peoples' Rights in Addis Ababa, organized by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in cooperation with the African Commission on Human and Peoples' Rights and the African Union Commission. In March 2012, she opened the General Assembly of the NGO Group for the Convention on the Rights of the Child, held in Geneva. On 12 April, she participated in the International Day for Street Children, organized by the Consortium for Street Children and held in London. On 10 and 11 May, she attended a conference on strengthening family and alternative care for children in Africa, held in Dakar and organized by Save the Children. On 29 and 30 May, she participated in the fifth International Policy Conference on the African Child, on the theme of intercountry adoption, organized by the African Child Policy Forum and held in Addis Ababa. In June, she attended an expert workshop aimed at elaborating guiding principles on international solidarity, organized by OHCHR and held in Geneva. On 6 and 7 August, she attended a workshop on human rights and technology at Stanford University, United States of America. From 9 to 11 August, she participated as a lecturer in a summer course on child rights organized by the University of Moncton, Canada. On 28 September, she participated to the day of general discussion of the Committee on the Rights of the Child on migrant children in Geneva. She delivered a keynote speech at the World Congress for the Rights of Children and Adolescents on 16 October, in San Juan, Argentina. She participated in the General Assembly of Plan International held in Brighton, United Kingdom, from 23 to 25 October. She participated in the Fourth Regional Workshop on Police and Gendarmerie Training on Child Protection in Lomé, organized by the United Nations Children's Fund

(UNICEF), the International Bureau for Children's Rights (IBCR) and Save the Children from 5 to 9 November. She participated in a conference on child protection systems organized by UNICEF, the Office of the United Nations High Commissioner for Refugees (UNHCR), Save the Children and World Vision in New Delhi from 13 to 16 November. She delivered a keynote speech at the Virtual Global Taskforce Conference held in Abu Dhabi from 11 to 13 December 2012.

## **2. Communications**

5. A summary of communications sent and replies received appears in the joint communication report (A/HRC/20/30).

# **III. Protection of children from sexual exploitation in travel and tourism**

## **A. Methodology and objectives of the report**

### **1. Methodology**

6. The Special Rapporteur sent questionnaires to all Member States of the United Nations, United Nations agencies, international organizations and civil society organizations to solicit their views on the issue of protection of children from sexual exploitation in travel and tourism.

7. Thirty-five States responded to the questionnaire.<sup>1</sup>

8. End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT), IBCR, World Vision, Terre des Hommes, The Code, the Women's World Summit Foundation and Australia Intervida also provided valuable contributions.

9. The Special Rapporteur would like to thank all those who responded to the questionnaire. Only some of the wealth of information received could be outlined in this report; responses received after the established deadline could not be included.

10. The present report was prepared on the basis of responses received to the questionnaire and information collected through various studies, including the work carried out by the Special Rapporteur and her predecessors.

### **2. Objectives**

11. The present report was developed with the following objectives:

- (a) Provide a comprehensive overview of the current situation of the sexual exploitation of children in travel and tourism;
- (b) Highlight legal obligations, roles and responsibilities;
- (c) Share effective responses and lessons learned, while analysing the remaining challenges;

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<sup>1</sup> These are Argentina, Australia, Austria, Azerbaijan, Bahamas, Belarus, Burkina Faso, Colombia, Cyprus, Denmark, Estonia, Germany, Georgia, India, Jamaica, Kyrgyzstan, Latvia, Lebanon, Lithuania, Macedonia, Mauritius, Mongolia, Peru, Qatar, Romania, Russian Federation, Seychelles, South Africa, Slovenia, Slovakia, Spain, Switzerland, Syrian Arab Republic, Tajikistan and Thailand.

(d) Make practical recommendations to protect children from sexual exploitation in travel and tourism

## **B. Commercial sexual exploitation of children in travel and tourism: analysis of the situation**

12. The commercial sexual exploitation of children in travel and tourism (child sex tourism, CST) is the exploitation of children for sexual purposes by people who travel locally or internationally to engage in sexual activities with children. CST often involves the use of travel agencies, transport, accommodation and other tourism-related services that facilitate contact with children.

13. CST is considered a worldwide, growing phenomenon, which seriously harms countless children around the world, often with irreparable consequences, although its illegal nature, it being considered a persisting taboo and a lack of understanding of the issue amongst key stakeholders make it difficult to obtain accurate figures.

14. First brought to the world's attention in the early 1990s, CST has been an evolving and mobile issue. While it has been recorded as a persistent problem in several locations around the world since those days, it has also been identified as an emerging trend in numerous other destinations. As child protection laws, mechanisms and prevention efforts are strengthened by States, civil society and the tourism industry in some countries, neighbouring countries become obvious alternative destinations for travelling sex offenders.

15. Since the First World Congress against the Commercial and Sexual Exploitation of Children in Stockholm in 1996, where tourism was high on the agenda as a potential vehicle for the abuse of children worldwide, international commitments have been renewed through the Yokohama Global Commitment in 2001 and the Rio Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents in 2008.

16. In spite of some recent progress worldwide in enacting measures to counter CST, including several projects in cooperation with civil society and the tourism and travel industry to raise awareness and take practical measures, the problem persists and highlights the challenges of an increasingly connected world with an expanding tourism industry.

### **1. What is the current scope of child sex tourism?**

17. Child sex tourism is a specific form of commercial sexual exploitation of children (CSEC), which has many overlaps with and can foster other forms of CSEC, including child prostitution, child trafficking,<sup>2</sup> sale for the purpose of sexual exploitation and child pornography.<sup>3</sup>

18. Acknowledging the debates regarding the use of the term "child sex tourist", the term "tourism" is to include any form of travel, whether short or long term, for business or for leisure, including long-term residential stays.

<sup>2</sup> According to ECPAT International in its publication *Combating Child Sex Tourism: Questions and Answers* (Bangkok, Saladaeng Printing Co. Ltd., 2008), children are trafficked internally and across borders to respond to the demand from travellers.

<sup>3</sup> Many travelling child sex offenders have produced images of abuse at their destinations, either for their personal records, or to be exchanged with or sold to others through the Internet. Child abuse material can therefore have a direct impact, attracting other child sex offenders to a particular destination, but also maintaining a very profitable criminal activity.

19. The sexual exploitation of children affects an estimated 2 million children worldwide each year.<sup>4</sup> However the actual scale of CST is not known due to a lack of existing research and availability of data on the victims and perpetrators. For instance, out of the 35 State contributions received for this report, only four States were able to share some data on prosecutions. The information received was mainly on trafficking and violence. The lack of understanding and misperception of the issue by key actors also implies that CST cases are often not classified as such, which contributes to the shortage of information. The criminal nature of the activity and the fear of the negative repercussions that such disclosures may have on the tourism development also represent major challenges in accessing information.<sup>5</sup> The large majority of cases are undoubtedly never reported.

20. In addition, no thorough and comprehensive study on the scope and impact of child sex tourism has been undertaken at national levels. The sporadic information on victims and perpetrators obtained by the Special Rapporteur through NGOs or United Nations entities was outdated, concerned only some particular regions of a country or referred to some isolated cases. These data could not be used to illustrate the current scope of the phenomenon at the global level.

21. Some law enforcement agencies provide information on perpetrators. The Child Exploitation and Online Protection Centre (CEOP) reported, for example, that between 2008 and 2012 a total of 457 United Kingdom nationals were arrested overseas.<sup>6</sup> At the beginning of 2011, CEOP received 61 notifications regarding British nationals arrested abroad for offences related to child sexual abuse in 2011.<sup>7</sup> Interpol has overall noted an increase in travelling child sex offenders.<sup>8</sup>

#### *Origin and destination countries*

22. Although CST tends to occur more commonly in developing countries, this phenomenon can occur anywhere in the world and no country or tourism destination is exempt. Between the supply generated by low income countries and the demand from industrialized countries, the choice of the destination depends on languages and connections, but also preferences and tastes. While Western Europeans would tend to travel to Eastern Europe to exploit children, 18 out of 50 (36 per cent) American CST cases between 2003 and 2006 involved crimes committed in Mexico.<sup>9</sup> According to ECPAT, as a result of the closer contact with Western European countries and the increase in tourism, Estonia has had to contend with the major problem of human trafficking to the West and the growing issue of sexual exploitation of children in tourism. Child sex tourists are particularly attracted to places where their activities will go unnoticed and their motives unsuspected, like countries or communities in crisis, and where the risk is small.<sup>10</sup>

23. Countries of origin of international child sex tourists vary depending on the regions, but the demand is usually recognized as coming from the industrialized countries, including the richer countries of Europe, North America, the Russian Federation, Japan, Australia and

<sup>4</sup> UNICEF, "Factsheet on Commercial Sexual Exploitation and Trafficking of Children", p. 1.

<sup>5</sup> ECPAT International, *Combating Child Sex Tourism*.

<sup>6</sup> See CEOP, "ACRO and CEOP launch the International Child Protection Certificate", press release, October 2012. Available from [www.acro.police.uk/acro\\_std.aspx?id=467](http://www.acro.police.uk/acro_std.aspx?id=467).

<sup>7</sup> CEOP, "Threat Assessment of Child Sexual Exploitation and Abuse" (London, 2012).

<sup>8</sup> Information available from [www.interpol.int/Crime-areas/Crimes-against-children/Sex-offenders](http://www.interpol.int/Crime-areas/Crimes-against-children/Sex-offenders).

<sup>9</sup> Information from the Protection Project of the Paul H. Nitze School of Advanced International Studies of John Hopkins University, 2007.

<sup>10</sup> Muireann O'Briain, *Sexual exploitation of children and adolescents in tourism*, thematic paper submitted by ECPAT International as a contribution to the World Congress II against the Sexual Exploitation of Children and Adolescents, 2008, p. 9.

New Zealand.<sup>11</sup> Australians, for instance, have been identified as the largest group of sex tourists prosecuted in Thailand (31 per cent of the total).<sup>12</sup> Of the 146 cases investigated by Action Pour Les Enfants (APLE) in Cambodia between 2003 and April 2012, 32 were American, 24 French and 20 Vietnamese.<sup>13</sup> In the coastal regions of Kenya, for example, 30 per cent were residents and 70 per cent of the abusers were foreign: Italians (18 per cent), Germans (14 per cent), Swiss (12 per cent), with tourists coming from Uganda and the United Republic of Tanzania fifth and sixth on the list. In Costa Rica, according to available information, between the 1999 and 2005, the Child Exploitation Unit had arrested a total of 74 persons on suspicion of commercial sexual exploitation of children. Of those arrested, 56 were Costa Rican nationals and 18 foreign nationals.<sup>14</sup>

24. CST destinations evolve quickly and frequently, as a result of the development of new tourism destinations and economic, social and political developments. As soon as prevention and protection efforts are intensified in a particular country, sex tourists seeking children seem to move on to a neighbouring country. Cambodia and Viet Nam, for instance, seem to have suffered an influx of abusers as a result of increased efforts in Thailand to combat CST. Countries such as Mongolia have also witnessed a growth in the abuse of children by tourists.<sup>15</sup>

25. Different maps and lists of origin, transit and destination countries have been produced – by ECPAT and the Protection Project, for example.<sup>16</sup> It is important to note that these lists are not static or exhaustive. More research and information is needed for these maps to reflect reality more accurately – to the extent possible. Sex tourism involving children is not confined to a few exotic destinations but rampant around the world.

## 2. Who are the offenders?

26. Despite the common misconception that travelling child sex offenders are mostly middle-aged men, they can have many different profiles. The majority is male, with less than 5 per cent believed to be female.<sup>17</sup> Offenders may be married or single, wealthy or not, and of all ages.

27. Over the years, classifications of different profiles have been made to facilitate the development of appropriate interventions. A distinction was therefore made between “situational” and “preferential” child sex tourists. The situational sex tourist was described as not travelling with the intention of being a sex tourist, who is tempted by an opportunity to have sex with children in a country, not usually having a preference for children, abusing children who are pre-pubescent or not, driven by the search for new experiences and justifying their acts on the basis of cultural or economic grounds. The preferential sex tourist travels specifically with the aim of abusing children, can experience sexual attraction for adults, but tends to search for pubescent or adolescent children. In addition, the paedophile, usually considered as someone suffering from a clinical disorder, with an exclusive inclination for pre-pubescent children, who may not show any preference for the

<sup>11</sup> Ibid., p. 8.

<sup>12</sup> Information from the Protection Project.

<sup>13</sup> See [www.aplecambodia.org](http://www.aplecambodia.org).

<sup>14</sup> Information from the Protection Project.

<sup>15</sup> ECPAT International, *Sexual exploitation*, p. 8.

<sup>16</sup> ECPAT Netherlands, “Child sex tourism: protect children in tourism”, pp. 1620, and information from the Protection Project. *The Protection Project review of the Trafficking in Persons Report 2011* (Washington, D.C., 2012) includes a map of occurrence and routes of child sex tourism: 186 countries are included, of which 80 cases reported, with tourists originating from 27 countries and with 48 destination countries

<sup>17</sup> Information available from [www.ecpat.net/ei/Csec\\_cst.asp](http://www.ecpat.net/ei/Csec_cst.asp).

gender of the child and may not view sexual contact with children as harmful.<sup>18</sup> In contrast to the situational offender, they are notorious reoffenders, seeking out vulnerable children.

28. It has, however, been noted that individuals do not usually fit clearly into one category or another and there may be a real danger in trying to simplify their profiles given the complexity of the issue. Most importantly, one must bear in mind that the exploitation taking place may have different facets. CEOP, for example, has started using the following behavioural typologies, which were developed on the basis of first-hand research and practical work with travelling child sex offenders: “opportunity instigation” (taking advantage of holiday environments to abuse children), “self-contained abuse” (travelling abroad in the company of intended child victims), “speculative exploring” (travelling abroad to locations where children are reported to be available for sex), “informed networking” (arranging in advance to abuse children at a specific location), “resident foreigner abuse” (abuse by foreigner resident in developing countries), “pseudo-care work” (professionals and volunteers abusing the children with whom they work),<sup>19</sup> “Internet-facilitated offending overseas” (using the Internet to abuse children in foreign countries).<sup>20</sup>

*How do these offenders obtain access to children?*

29. The abusers can gain access to children in a variety of ways: directly approaching the child on the streets, the beach, in schools or centres for children, through the child’s family and relatives or through an intermediary on the beach, in hotels and guesthouses, karaoke clubs and brothels. A more recent phenomenon is accessing children via the Internet, either directly through online chat forums (“grooming”), or through intermediaries. These intermediaries facilitating the contact with children on the ground are often connected to tourism services, including transport and accommodation. Others may be holding a child in a situation of exploitation and make the child available to the tourist in exchange of payment or may themselves be offenders sharing their access or practical information.

30. The process will depend on the length of the stay, the type of accommodation that the abuser is using, the local context and the situation in which the child is at that time. When the abuser is a foreign resident or long-term visitor, he can engage directly in a long grooming process to befriend a child, thereby obtaining his or her trust before exploiting the child sexually. The grooming process can include the family, whereby the abuser either gains their trust or negotiates a mutually agreeable arrangement, whereby the parents may either sell or rent their child.

31. Significant progress has been made in combating CST and, in this regard, big hotel chains are no longer a concern in many locations compared to smaller hotels and guesthouses. In addition, an increasing number of tourists are renting or owning property, thereby having access to a private venue in which to exploit children, reducing the risk of being detected by hotel staff, other tourists or concerned locals.<sup>21</sup> Case studies also show that paedophiles seem to operate mostly from private homes. Abusers and facilitators will continue to find alternative solutions when hindered in their undertakings.

<sup>18</sup> ECPAT International, *Sexual exploitation*, p. 12.

<sup>19</sup> Teaching and employment in roles that provided access to children accounted for between 7–19 per cent of the cases between 2006-2011 (CEOP, “CEOP launch a new way to prevent UK child sex offenders from abusing children overseas”, press release, 18 October 2012)..

<sup>20</sup> See Mentor Forensic Services established by Joe Sullivan, 2011.

<sup>21</sup> ECPAT International, *Sexual exploitation*, p. 17.



32. In some cases this phenomenon may be veiled in a “culturally acceptable” practice through, for instance, child marriage. In countries where early marriage is still a common practice, money can be offered to families to marry young girls, despite the marriage only lasting for the length of the stay.<sup>22</sup> Visitors may also take the minor back to their country, where the child will be subjected to continual sexual exploitation.<sup>23</sup>

33. Illegal “adoptions” or temporary custody obtained by foreigners through bribery of both authorities and the child’s family has also provided child sex offenders with a locally acceptable arrangement giving them full access to the child.

### 3. What are the root causes and risk factors?

34. In spite of the lack of detailed data on cases of CST, globalization, increasing social inequalities, vulnerability of children, the lack of a global legal framework prohibiting CST and ensuring extraterritoriality allow the expansion of CST. If abusers relied on travel agents or tour operators to arrange the logistics of their travels in the past, today they can plan and book discretely online. The ever-expanding availability of cheap travel has certainly contributed to the continuous growth of international tourism, which, despite a recession, still grew by 4.6 per cent in 2011. With international tourist arrivals predicted to reach 1.8 billion by 2030 (982 million in 2011) and emerging economies like Africa, Asia and the Pacific tipped to see the strongest growth,<sup>24</sup> the number of tourists with easy access to vulnerable children will certainly increase, thus expanding the risk of children being sexually exploited.

35. In addition to easier travel, advances in technology and means of communication (including social networking, video-sharing and instant messaging) have opened up new doors increasing the risks of children falling victim to sexual exploitation. Children can end up chatting online with sexual predators, which may have disastrous consequences. Recent reports from professionals in the field have highlighted the disturbing trend of “self-produced” child pornography, i.e., explicit images produced by children themselves.<sup>25</sup>

36. Another contributing factor is the sheer profit made by these criminal activities. It is estimated that CSEC is worth 20 billion USD a year, according to ECPAT. Child abuse images were estimated being worth \$3 billion annually in 2006. In 2009, they were estimated to be worth around \$20 billion, showing thus a very worrying escalation.<sup>26</sup> Case studies have also illustrated how some travelling child sex offenders have funded themselves through the sales of their photos and videos.<sup>27</sup>

37. Numerous risk factors determine the occurrence of CST and can be in relation to the child, the families or the local and national environment. Children who are most at risk are the most vulnerable ones: they may already be victims of abuse, exploited in brothels, in street situations, out-of-school, orphans, victims of sale and trafficking, without papers, from a minority group or working children. Their age may be a determining factor for children exploited in the sex industry: the younger they are, the easier it is to control them

<sup>22</sup> Law enforcement authorities in Hyderabad, for example, estimate that there may be 35 marriages of this kind taking place every month (ECPAT International, *Combating Child Sex Tourism*, p. 23)

<sup>23</sup> This has been noted in South Asia and the Middle East, but also observed in countries in South America (ECPAT International, *ibid.*, p. 23).

<sup>24</sup> World Tourism Organization, *Annual Report 2011* (Madrid, 2012).

<sup>25</sup> Aiken, M. Moran, and M.J. Berry, “Child abuse material and the Internet: Cyberpsychology of online child related sex offending”, paper prepared for the 29th Meeting of the INTERPOL Specialist Group on Crimes against Children, Lyon, France, September 2011, p. 1.

<sup>26</sup> Aiken et al., “Child abuse”, p. 2.

<sup>27</sup> See ECPAT Netherlands, *Offenders Beware! Child Sex Tourism Case Studies* (Amsterdam, 2009).

and the cheaper it is to support their upkeep.<sup>28</sup> While a young child is also seen as less likely to carry an infectious disease, there are beliefs in some cultures that one may be cured of one's illness by having sexual relations with a virgin.

38. Families most at risk include those living in extreme poverty with no access to health care, education and the labour market, those dependent on seasonal economies or those from minority groups. Push factors within the family may include alcoholism and other addictions, unemployment, illnesses, domestic violence, single parent families, debts and migration from rural to city areas. Families may themselves promote the exploitation of the child, expecting him/her to help provide for the family, while both exploiters and paedophiles may easily deceive them by offering quick money and a supposedly better future for their children. In the worst cases, neighbours, friends and even close relatives consciously sell these children to be exploited.

39. Risk factors linked to the environment include the lack of understanding and respect for human rights (women and children in particular), dependency on international tourism as income source, the high number of vulnerable children and consumerism. These factors create a foundation for this type of abuse. More specific risk factors include the demand (including from locals), existing infrastructure providing sexual services, weakness or insufficiency of national legislation regarding the prohibition and prevention of and the protection of children from all forms of sexual exploitation (including CST). The fact that extraterritoriality is not established, the lack of prosecutions because of corruption and impunity and the low pay and lack of training of police also have a negative impact. The weakness or insufficient regulation and monitoring of travel and tourism, the lack of involvement of tourism and travel services, the fear of HIV/AIDS, weak legal frameworks, implicit social tolerance on the issue and the existence of criminal networks also considerably increase the risks of sexual exploitation of children.

## **C. Responses to combat child sex tourism**

40. Efforts have been made by Governments, international agencies, the travel and tourism industry, national and international non-governmental organizations (NGOs) and research centres to prevent and combat the issue. While few countries openly tackling the issue provided feedback for this report, it can be noted that most elements provided by States related to the fight against trafficking.

### **1. Legislative and regulatory framework**

41. While all but two States<sup>29</sup> have ratified the Convention on the Rights of the Child, an instrument which provides legal accountability for the protection of children from all forms of sexual exploitation, their commitment applies to all children, not just those within their jurisdiction. By ratifying the Convention, States commit to undertaking national, bilateral and multilateral measures to prevent the exploitative use of children in prostitution and other unlawful sexual practices.

42. By ratifying the Optional Protocol on the sale of children, child prostitution and child pornography, 161 States have strengthened this commitment. Sex tourism involving children is directly linked to the offences covered by the Optional Protocol, since it involves child prostitution and child pornography and may also involve the sale of children.

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<sup>28</sup> ECPAT International, *Sexual Exploitation*, p. 8.

<sup>29</sup> The United States of America and Somalia have not yet ratified the Convention.

Sex tourism involving children is specifically mentioned in the preamble and in article 10 of the Optional Protocol.

43. Other main international legal instruments providing a legal basis to combat child sexual exploitation include the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime and International Labour Organization Convention No. 105 (1957) concerning the Abolition of Forced Labour and Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

44. Relevant regional legislation in this regard includes the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, the Council of Europe Convention on Cybercrime, the African Charter on the Rights and Welfare of the Child, the American Convention on Human Rights, and the Inter-American Convention on International Traffic in Minors. The European Union has also taken a number of directives in order to reinforce the protection of children against sexual exploitation, including directive 2011/92/EU on combating the sexual abuse and sexual exploitation of children and child pornography.

45. Most countries that submitted a response to the questionnaire of the Special Rapporteur sent in the preparation of the present report have provisions in their legislation to protect children from commercial sexual exploitation. While in most countries there is no specific legislation against travelling child sex offences, most national laws contain a range of provisions which are relevant to address sexual exploitation of children in travel and tourism.<sup>30</sup> These laws provide a list of offences relating to sexual abuse of children, child prostitution, child abuse images and trafficking of children for sexual purposes. These elements can be used to tackle the issue and provide a base for further legislative developments to strengthen the fight against CST.

46. Extraterritorial legislation is one of the key tools in combating CST, as it allows legal authorities to hold nationals and citizens accountable for crimes committed abroad and undertake prosecution in their country of origin. It decreases the likelihood of offenders escaping legal punishment while sending a clear message to all potential offenders. In 2011, 44 countries had implemented extraterritorial legislation enabling them to prosecute their nationals for crimes against children committed abroad.<sup>31</sup> The use of extraterritorial legislation however can be challenging, labour-intensive and expensive, often requiring the police, the evidence and witnesses to travel in one direction or another. For these reasons, few countries that have adopted extraterritorial legislation have actually used it to stop citizens from exploiting children abroad.

47. For extraterritoriality to be of real value, however, it also requires the abolition of the double-criminality requirement, ensuring thus that a person is liable for the crime of CST regardless of whether that offence is punishable in the country where the act has been committed.<sup>32</sup>

48. The clear naming of this offence within the legislation is of primary importance. Bearing in mind that for linguistic or cultural reasons many languages may not have a

<sup>30</sup> Most countries that submitted a response to the questionnaire of the Special Rapporteur in preparation to this report have in their legislation provisions to protect children against commercial sexual exploitation.

<sup>31</sup> ECPAT Netherlands, "Child Sex Tourism", p. 21.

<sup>32</sup> Protection Project, *International Child Sex Tourism: Scope of the Problem and Comparative Case Studies* (2007), p 188.

specific term describing CST in the local context, clear descriptions of the offences offer a better chance of prosecution. Offences to be included in specific legislation should not only cover travelling and engaging in illicit sexual acts with a child, but also travelling with the intent to do so and attempts or conspiracy to commit such a crime. The United States Protect Act, for example, amended existing legislation and thereby made it significantly easier for United States prosecutors to bring convictions against United States citizens committing sexual crimes against children abroad.<sup>33</sup>

49. The Penal Codes of Peru, Honduras and Costa Rica have, for instance, clear provisions for the prohibition of child sex tourism. In Australia, for example, the Commonwealth sex tourism offences were incorporated into the Criminal Code in April 2010 as part of a package of reforms undertaken by the Government of Australia to strengthen its child sex tourism laws. Under the reforms, Australians who sexually abuse children overseas or benefit from or encourage child sex tourism offences can be jailed for up to 20 years. A new preparatory offence was also introduced, making it a crime, punishable by 10 years' imprisonment, for Australians to prepare for or plan to commit a child sex tourism offence.<sup>34</sup>

50. For their full protection, all victims of CST should be considered as victims up to the age of 18. The use of the age of consent to sexual activity or criminal responsibility, which may vary between 12 and 17, may, depending on the context, lead to criminalization of the victim. In some countries, the sexual exploitation of children who have reached the age of consent is not considered an offence and such children are therefore not identified as victims. On the other hand, children who have reached the age of criminal responsibility and who are not found to have been victims of pimps or traffickers are treated as offenders.

51. In Thailand, the Ministry of Justice has established practice guidelines for organizations related to the prosecution of foreign offenders who have allegedly committed acts of sexual harassment against children in Thailand are based on existing practices of each organization, and prescribe cooperation for effective law enforcement. Significant aspects of these guidelines are: (a) coordination with foreign Governments, in relation to the arrest and prosecution of foreigners, whereby a notice shall be sent to the embassy, consulate and the national central office of Interpol of the country in which the alleged offender is a national, for the purpose of exchanging information and the creation of a network; (b) prevention of absconding on bail, whereby the inquiry officer or the public prosecutor shall prepare complete and precise information for the opposition to the bail request, and may suggest an increase in the amount of bail; and (c) close coordination between the inquiry officer and the Department of Social Development and Welfare under the Ministry of Social Development and Human Security, for the care and protection of child victims, and for compliance with the law governing inquiries and the taking of evidence from child witnesses.

52. Most countries, however, have not taken such measures and the few existing laws to combat child sex tourism still contain inconsistencies and some difficulties have been encountered in their implementation. The differences between national legislation still represent a considerable challenge in combating of CST, i.e., a cross-border crime. The proper harmonization of national legislation with international standards will increase the effective protection of children from commercial sexual exploitation and the chances of prosecutions taking place in cases of CST.

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<sup>33</sup> Ibid., p. 11.

<sup>34</sup> Response from Australia to the questionnaire of the Special Rapporteur.

## 2. Prosecution and sanctions against sex tourists

53. It is a fact that only a low number of cases are reported and very few are prosecuted. The prosecuted offenders are often paedophiles and images often constitute part of the evidence. Lessons learned from case studies show how time-consuming it is to convict travelling child sex offenders, how convictions depend on effective collaboration and the role the media can play when authorities may be reluctant to open a case.<sup>35</sup>

54. As highlighted above, voluntary reporting is an essential first step towards increasing the numbers of prosecutions. In Switzerland, for example, the Federal Police, in collaboration with ECPAT Switzerland, launched a campaign and website including online reporting forms accessible in different languages. Since October 2008, 26 denunciations have been made, which include cases of CST. Similar work was done in Germany and Austria, while European Union funding was secured to implement the same in other countries.<sup>36</sup> Another campaign was launched by ECPAT Netherlands on the 24 October 2012, with a first flyer distributed at passport control of Dutch airports, aimed at encouraging reporting by travellers. Large posters have been displayed at the airport, while collaborators of travel companies have received guidelines on how to follow up when tourists approach them with information.<sup>37</sup>

55. One legislative measure that encourages voluntary reporting is the recognition of the confidentiality of the identity of persons who report violence.<sup>38</sup> It remains a challenge, however, that the law does not necessarily protect persons who make a report (A/HRC/16/56, para. 62).

56. In addition to reporting by individuals, law enforcement agencies can undertake targeted interventions. Europol's Project HAVEN (Halting Europeans Abusing Victims in Every Nation), for example, was launched in November 2010 to detect and disrupt travelling child sex offenders originating from the European Union and ultimately establish a permanent and proactive notification system on travelling European sex offenders. In January 2012, the second joint action day of Project HAVEN took place in cooperation with national police, customs and border authorities at key airports across Europe. The authorities targeted persons primarily arriving from destinations known for CST, checking and profiling returning passengers and conducting interviews.<sup>39</sup>

57. The importance of gathering the right evidence cannot be overstated. Pictures and videos, victim and witness testimonies, items of clothing, medical examinations and written and online communications or records all need to be considered. In most cases, however, collecting this kind of evidence requires specific expertise, particularly when it needs to meet the standards required by the countries of origin. Many countries do have, however, law enforcement agents in their embassies who can play a determining role in this process.

58. In addition, as the lack of human resources and technical expertise, possible lack of political will and sometimes corruption – in many destination countries – jeopardizes prosecution processes against travelling child sex offenders, NGOs are often critical partners of law enforcement officers. NGOs like APLE in Cambodia or the International

<sup>35</sup> ECPAT Netherlands, *Offenders Beware!*, p. 3.

<sup>36</sup> Information available from [www.stopchildsextourism.ch](http://www.stopchildsextourism.ch) and the Swiss Federal Police.

<sup>37</sup> For more information, see ECPAT Netherlands ([www.ecpat.nl/p/59/2524/mo45-mc52/campagne-tegen-kindersekstoerisme](http://www.ecpat.nl/p/59/2524/mo45-mc52/campagne-tegen-kindersekstoerisme)).

<sup>38</sup> See Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

<sup>39</sup> See Europol, "Child Sexual Exploitation Fact sheet 2012", p. 11.

Justice Mission in several countries,<sup>40</sup> for instance, continue to provide support in reporting, investigating and prosecuting cases where security forces do not currently have the necessary capacity.

59. Bribery and release on bail are two major risk factors that can lead to offenders escaping any form of prosecution, thereby putting more children at risk. Bribery can happen at every step and every level connected to the investigation and prosecution of offenders.

60. The wide spectrum of different sentences for CST crimes reflects the different approaches that States have taken in dealing with offenders, ranging from long-term imprisonment to risk management within the community through the provision of treatment, control and supervision. While it has been argued that long sentences are not enough to put people off, large numbers of offenders having served short sentences have also reoffended, often in nearby countries.

### **3. Protection and support of child victims**

61. All child victims of CST experience serious emotional, psychological and physical consequences, including physical injury, pain and fear, and psychological distress resulting in guilt, low self-esteem, depression and, in some cases, suicide and put children at risk of sexually transmitted infections, including HIV/AIDS.

62. Access to a child-sensitive complaint, reporting and counselling mechanism is essential to promptly detect child victims. In many countries, hotlines have been established to allow for easier reporting of child sexual exploitation or abuse and trafficking. Some countries provide a specific space to combating sex tourism. The Danish Police's webpage ([www.politi.dk](http://www.politi.dk)), for example, has a section dedicated to combating sex tourism, which contains relevant information on sex tourism and includes an electronic form for reporting possible sex tourism and a link to the Danish National Police's sex tourism hotline which is a 24/7 hotline. They also launched the campaign "Stop Sex Tourism" in 2008 to raise awareness of sex tourism involving children and encourage the public to report such cases to the police.

63. Access to safety and medical and psychosocial support is of primary importance. Children need individualized support that takes into consideration their particular circumstances. Children have been known to run away from shelters back to brothels, as they had not believed the "rescue mission" to really be a rescue or were scared to testify against the perpetrator. Currently, as the Special Rapporteur has noted throughout her various country missions, victim support services are mostly provided by NGOs. Very few care and rehabilitation centres are run by States.

64. In some countries, where detention is still being regarded as an appropriate way of protecting child victims of sexual abuse, children under 18 involved in prostitution or pornography cases are considered delinquent and put in detention centres. In some countries where homosexuality is an offence, a sexually exploited boy under 18 may also be punished by law for homosexual relations (A/65/221, para. 57). Providing child victims of CST with legal support is therefore crucial.

65. Many challenges, however, exist in obtaining child victim and witness testimonies, including not only fear and the risk of running away, but also bribing of the child or his/her family by the perpetrator, emotional trauma, mental or other infirmity, or even the difficulty in identifying the victims due to lack or inaccuracy of birth certificates. Video testimonies

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<sup>40</sup> Cambodia, Ecuador, Guatemala, Philippines, India, Kenya, Peru, the Plurinational State of Bolivia, Rwanda, Thailand, Uganda and Zambia.

can overcome some of these challenges, but skilled, efficient and immediate investigation of the case and support to the victim/witness are key. To this purpose, the Australian Federal Police is developing a child witness support programme, which will include a dedicated liaison officer focusing on the welfare of the witness. This process will ensure that child witnesses are adequately supported and that there is a degree of separation between the investigative and prosecution processes.<sup>41</sup>

66. The consequences of CST on children are not just severe on their health and well-being but also on their future prospects. They are often stigmatized by their communities, not given the support they need and often struggle to access education and job opportunities. Family and community mediation is therefore a critical element in the reintegration of child victims of CST. The follow-up of children until their full recovery and proper compensation is still generally very weak in all countries.

#### **4. Prevention, awareness-raising and training**

67. Throughout the world, preventive actions have been undertaken at local, national, regional and international level. Examples include World Vision's Child Sex Tourism Prevention Project and the ECPAT Offenders Beware project.

68. The Child Sex Tourism Prevention Project, launched in 2004, included an awareness-raising campaign in the United States and in some of the most significant countries of destination for United States citizens (Cambodia, Thailand, Costa Rica, Mexico and Brazil). High-visibility publicity materials were strategically placed. The broadcaster CNN aired anti-child sex messages in 39 of the most frequented airports in the United States and for over 20 months in-flight videos on this topic were shown on United Airlines flights to Asia and Latin America. World Vision also led a number of workshops to combat child sex tourism in Cambodia, Thailand and Costa Rica. Other efforts implemented included working with Yahoo and MSN to place banners and pop-up ads on the Internet, making it more difficult to access websites designed to promote children for sex.

69. In the framework of the 2011 Offenders Beware project five European ECPAT groups and six southern partners joined forces and implemented a three-year project aimed at increasing awareness and knowledge on sexual exploitation of children in tourism and building up the capacity for preventive actions among tourism professionals, students, security forces and governmental authorities. The project included the development of a free e-learning course on child sex tourism, the production of a comprehensive brochure and consultation and expert meeting reports. ECPAT also launched the campaign "Stop Sex Tourism" in 2008 to raise awareness regarding sex tourism involving children and encourage the public to report cases to the police.

70. The Child Wise Tourism programme is Child Wise's longest running overseas programme operating across South-East Asia. The goal of the project is to support regional Governments, tourism authorities and police to take the lead in establishing policy and practices which prevent child sex tourism and other forms of child sexual exploitation. It also aims to ensure a protective environment for children in tourism destinations, which assists in preventing child sex tourism. Over the last 12 years, Child Wise has implemented the programme in Thailand, the Lao People's Democratic Republic, Cambodia, Viet Nam, Myanmar, Malaysia, Philippines, Singapore, Brunei Darussalam and Indonesia. It has fostered action through a country-specific approach that is grounded in unified regional goals enabling regional level comparison, cooperation and collaboration. Stakeholders have

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<sup>41</sup> Contribution of Australia.

come together in regional education campaigns, forums, meetings and follow-ups to work to ensure the sustainability of programmes to prevent child sex tourism in the region.<sup>42</sup> In October 2010, ECPAT Netherlands, Plan Nederland, the travel agents TUI Netherlands, the Dutch Association of Travel Agents and Tour Operators (ANVR), Fly Brazil, the travel agents Travel Counsellors, Plan Brazil, RESPOSTA and the World Childhood Foundation Brazil embarked on a three-year project offering vocational training to girls, motivating the tourism sector, reminding the Dutch and Brazilian authorities of their duties, raising awareness amongst travellers and providing training for travel professionals. IBCR, in collaboration with Fundación Paniomor and with the support of World Vision Canada, is beginning a new project in Costa Rica, which will aim to improve collaboration and the prosecution of these kinds of crimes against children. Moreover, the project will focus on working directly with children, families and communities of the most affected areas in Costa Rica, providing information, tools and the creation of a support network for the victims of this exploitation. Adolescents will receive information about the mechanisms of self-protection and income-generating alternatives to commercial sexual exploitation.<sup>43</sup>

71. Recognizing that child participation must be an integral part of any prevention strategy, Movimiento Para el Autodesarrollo Internacional de la Solidaridad, an ECPAT affiliate group in the Dominican Republic, coordinated a series of youth mobilization and advocacy activities in Puerto Plata, to promote child participation in the Youth Network against CSEC. Activities included a street drawing and poster workshop, face-to-face mobilization and a municipal encounter coordinated and run by the youth network.<sup>44</sup>

72. Highlighting the role of communities in preventing and combating CST, ECPAT Philippines set up a community-based initiative against CST in Borocay, based on a comprehensive response strategy which included: efforts to prevent denial, preventive actions and early interventions, capacity-building of stakeholders and programme localization to guarantee the sustainability of the project. ECPAT Brazil, in an effort to prevent CSEC during the 2012 carnival in Rio De Janeiro, launched a campaign called “CSEC is not samba”, partnering the Bus Terminal of Rio de Janeiro, where 12,000 tourists were expected to arrive. The campaign logo was featured on bandanas, posters, banners and paper fans to encourage the public to report any suspicions by dialling 100 or contacting the local children’s protection unit. Alongside the campaign, ECPAT Brazil conducted a two-day course prior to the carnival.<sup>45</sup>

73. A new initiative aimed at preventing child sex offenders from abusing children abroad under the cover of their employment was launched by CEOP in October 2012. The International Child Protection Certificate was set up to respond to the fact that teaching and employment in roles that provide access to children accounted for 7–19 per cent of the cases of British child sex offenders who abused children overseas between 2006–2011. The Certificate, a police check for British nationals who are travelling and working overseas, allows international schools and other organizations who work directly with children abroad to access the criminal conviction history of British citizens and those who have resided in the United Kingdom for any period of time.<sup>46</sup>

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<sup>42</sup> Information available from [www.childwise.net/International-Programs/the-child-wise-tourism-program.html](http://www.childwise.net/International-Programs/the-child-wise-tourism-program.html).

<sup>43</sup> IBCR project raising awareness of child sex tourism in Canada and combating child sex tourism by involving the Canadian private sector of travel and tourism and the Canadian public, 2009–2012.

<sup>44</sup> Contribution of ECPAT International.

<sup>45</sup> Ibid.

<sup>46</sup> CEOP, “CEOP launch a new way”.



74. With regard to awareness-raising, tour operators, travel agencies, airlines and other travel and tourism companies have developed information materials to inform their customers that CST is a problem which not only does exist in multiple tourist destinations, but is also illegal and has dire consequences for children. Information materials include travel brochures, ticket-holders, luggage tags, video clips and public service announcements. Recognizing the importance of having informed and skilled human resources to implement prevention and protection initiatives, both travel/tourism companies and law enforcement agencies have also developed specific training programmes on the issue of CST.

75. Despite all the positive and promising actions undertaken, no comprehensive initiative which is sufficiently multidimensional and takes into account all risk factors has yet been developed that is working both at national and transnational level and most importantly aimed at being sustainable.

## 5. Corporate social responsibility

76. In addition to Governments, the private sector also has legal and moral responsibilities to ensure that child protection becomes fully incorporated into the tourism development agenda. The Global Code of Ethics for Tourism developed by the World Tourism Organization, although not legally binding, provides a comprehensive set of principles for ethical, sustainable and responsible tourism, including specific mention of combating the sexual exploitation of children in tourism, for Governments to adapt into a national regulatory framework for the tourism industry.<sup>47</sup> Bulgaria, for example, has developed a code of ethics for the prevention of trafficking and sexual exploitation of children in tourism.<sup>48</sup>

77. With the mainstreaming of responsible and sustainable tourism and corporate social responsibility, companies have realized the importance of their role in protecting children from CST.<sup>49</sup> Organizations such as the International Hotel and Restaurant Association or the International Association of Travel and Tourism Professionals have made public declarations condemning sexual exploitation of children in tourism and promoting action by NGOs and travel companies to ensure that tourists are not involved in such exploitation. Additional public declarations have been made by the International Air Transport Association, the Federation of International Youth Travel Organizations and the Group of National Tour Operators' Associations within the European Union.<sup>50</sup>

78. Most significant, however, in the area of CSR has been the development of the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism, an industry-driven, multi-stakeholder initiative which seeks to increase protection of children from sexual exploitation in travel and tourism. All members of the tourism industry can join the Code and commit themselves to implementing six practical criteria: to establish an ethical policy regarding commercial sexual exploitation of children; to train the personnel in the country of origin and travel destinations; to introduce clauses in contracts with suppliers, stating a common repudiating of sexual exploitation of children; to provide information to travellers by means of awareness materials (catalogues, brochures, in-flight films, ticket-slips, home pages, etc); to provide information to local "key persons" in tourism destinations; and to report annually. The implementation is flexible, depending on the profile, scale of operation, type of company and applicable national legislation.

<sup>47</sup> Available from <http://ethics.unwto.org/en/content/full-text-global-code-ethics-tourism>.

<sup>48</sup> Contribution of Bulgaria

<sup>49</sup> Contribution of The Code.

<sup>50</sup> Protection Project, *International Child Sex Tourism*.

79. The Code has become the leading tool for companies to integrate into their responsible tourism/corporate responsibility programmes for child protection. To date, the Code has a membership of over 1,000 companies in over 42 countries around the world. Its strength lies in it aims to institutionalize child protection within its member companies, making child protection sustainable.

80. NGOs have played a particularly important role in implementing The Code by providing training and expertise. In France, for example, ECPAT has delivered campaigns in partnership with professionals from the tourism sector including Air France, the guidebooks Petit Futé, the holiday company Club Méditerranée, the Fédération française des techniciens et scientifiques du tourisme, the Syndicat national des agences de voyages and the Accor hotel group (A/HRC/19/63/Add.2, para. 97). In June 2012, the Accor group, the police and ECPAT France also came to an agreement on signalling cases of CST more speedily. The agreement institutes the training of group's professionals on sex tourism destination countries so that they can help prevent the abuse of children by tourists and better collaborate with the authorities to report abuse.<sup>51</sup>

81. It is important to note that the Code has been assessed and evaluated on a periodic base throughout the initiative to ensure and strengthen its impact. A 2011 independent evaluation by UNICEF identified the Code's strengths, weaknesses, gaps and lessons learned. A key strength highlighted by the report was the positive impact on staff of the training provided on the Code. Challenges, on the other hand, included members' limited progress in implementing a clause with suppliers, providing information to key local persons at destinations and prioritizing reporting their activities.<sup>52</sup>

## **6. Coordinated transnational cooperation**

82. With a view to sharing information and providing legal support, memoranda of understanding and bilateral agreements have been drafted between different countries. In July 2012, for example, the Austrian Federal Minister of the Interior concluded a police cooperation agreement with Thailand, which facilitates the cooperation between the two countries inter alia in the fight against human trafficking, child pornography and sex tourism. Since 2011, a police attaché to the Austrian Embassy in Bangkok has been assisting in the investigation and prosecution of alleged perpetrators.<sup>53</sup>

83. An international alert system has also been established in order to report and communicate information on individuals who have committed infractions of the law and are capable of reoffending in other countries. Interpol's main tool for dealing with travelling sex offenders is the Green Notice, which is issued to provide warnings and criminal intelligence. It is an effective way to share key police intelligence on a global scale and prevent offenders from crossing borders. As well as working to prevent these crimes from taking place in the first place, Interpol also coordinates joint operations between multiple countries to track down offenders. Support given to these operations includes training, briefings, sharing of data, intelligence analysis and technical advice.<sup>54</sup> To enhance international collaboration, the United States Immigration and Customs Enforcement, the Federal Bureau of Investigation (FBI), CEOP and Europol have also provided training for law enforcement units around the world. However, this training is not sustainable for or fully integrated into police training academies.

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<sup>51</sup> Contribution of the Women's World Summit Foundation.

<sup>52</sup> Contribution of The Code.

<sup>53</sup> Contribution of Austria.

<sup>54</sup> See [www.interpol.int/Crime-areas/Crimes-against-children/Sex-offenders](http://www.interpol.int/Crime-areas/Crimes-against-children/Sex-offenders).

84. In addition, Interpol assists with the identification of victims, particularly through the use of the International Child Sexual Exploitation Image Database. The Interpol Specialists Group on Crimes against Children has a full sub-group dealing with the identification of victims. This brings together experts, drawn from all parts of the world, to share best practice and information on the many facets of the problem, such as the apprehension of sex offenders, their treatment and management within the community.

85. Many countries, including France, Switzerland and Australia, have police attachés posted to their embassies, who can play a key role not only in the collection of information but also in building the capacity of local law enforcement officers. Switzerland, for example, has attachés of the Federal Police in Thailand, Brazil, Italy, Kosovo, Serbia, the Czech Republic and the United States who help with investigations and collecting information. The deployment of Australian Federal Police officers as part of the International Liaison Network further enhances intelligence-gathering about the methodologies being used by foreign child sex offenders and helps explore effective ways to investigate child sex offences committed overseas. Officers do not have police powers in foreign countries, but assist in helping to guide foreign police investigations, including procedures for interviewing victims, crime scene examination and taking witness statements.<sup>55</sup>

86. As means of access have changed, the sharing of information gathered from online monitoring has become increasingly important. The Virtual Global Taskforce is an international alliance of dedicated law enforcement agencies and industry partners working together to make the Internet a safer place, identify, locate and help children at risk, and hold perpetrators appropriately to account.<sup>56</sup> The FBI “Innocent Images” initiative is another example of an international task force consisting of online child sexual exploitation investigators from around the world, including more than 100 task force officers from 44 different countries. In addition to member training sessions, the initiative also conducts annual case coordination meetings to share best practices and coordinate transnational investigations between members.

87. Given extreme complexity of crimes of child sex tourism, Interpol works closely with other agencies and NGOs in this area. Project Childhood for example brought together Interpol, the United Nations Office on Drugs and Crime and World Vision to address and combat the issue of sexual exploitation and trafficking in the Greater Mekong region. The Project takes a dual approach to fighting the sources of child exploitation in the travel and tourism sectors, working both on prevention and protection by: providing capacity-building of law enforcement agencies, technical assistance responding to key legislative, training and cooperation gaps and needs, raising awareness, promoting tourism alternatives that do not exploit children and supporting victims.<sup>57</sup>

88. Great attention has been given to the problem of child sex tourism by the United States Department of State’s Office to Monitor and Combat Trafficking in Persons, especially in its 2006 edition of the *Trafficking in Persons Report*. References to origin and destination countries in the report indicate that the Office is evaluating foreign Governments’ efforts against child sex tourism as part of its reporting mechanism, thereby sending a strong message to countries on the issue. The Office also works to combat the problem of child sex tourism via its grant-making initiatives.

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<sup>55</sup> Contribution of Australia.

<sup>56</sup> Information available from [www.virtualglobaltaskforce.com/what-we-do/](http://www.virtualglobaltaskforce.com/what-we-do/).

<sup>57</sup> See [www.interpol.int/Crime-areas/Crimes-against-children/Sex-offenders](http://www.interpol.int/Crime-areas/Crimes-against-children/Sex-offenders) and contribution from World Vision.

89. Despite these numerous cooperation actions, many challenges remain in communicating and providing assistance in the prosecution of CST cases owing to disparities in legislations, procedures and working methods and, in some cases, a lack of willingness to share information and provide legal support.

## **IV. Conclusions and recommendations**

### **A. Conclusions**

90. While many efforts have been made at global and national levels to set standards and develop policies and laws in view of preventing and combating child sexual exploitation in travel and tourism, challenges still remain due to: the lack of available data; the legal gaps persisting in many countries and legal disparities between countries; insufficient awareness-raising and training; the weakness of child-sensitive complaint mechanism, care and protection services owing partly to scarce resources and duly trained staff; the weak consideration of children's inputs and participation; the insufficiency of transnational cooperation facilitating the sharing of information and technical expertise; the lack of prosecution of offenders and of extraterritorial jurisdiction; and the lack of cooperation from some business operators.

### **B. Recommendations**

91. In order to ensure an effective protection of all the children from sexual exploitation in travel and tourism the Special Rapporteur recommends the following actions.

92. States should demonstrate a strong political commitment in preventing and combating child sex tourism, taking into account that such policies would not be detrimental to the tourism industry, while ensuring the fulfilment of their legal obligations

93. All States should ratify the relevant international legal instruments and efficiently implement domestic legislation to protect children against sex tourism and commercial sexual exploitation.

94. Comprehensive legal frameworks should be established or strengthened to address all forms of children sexual exploitation, including in travel and tourism, encompassing prevention, protection of victims and prosecution of offenders:

(a) National legislation must be harmonized with the ratified instruments and therefore comply with international legal standards. In this process, a standardized legislative framework should be developed to be adopted by all countries, containing common definitions (age of the child, offences and guaranteeing the best interest of the child);

(b) Extraterritorial laws must prohibit all forms of child sex tourism and be enforced with sentences reflecting the heinous nature of the crime;

(c) Legislation should include the abolition of double criminality, the clear naming of the specific offences and the protection of children up to the age of 18;

(d) Effective mechanisms should be established to fight corruption and impunity.

95. Ministries of Tourism or relevant State departments designated to develop tourism and national tourism associations should be encouraged to prioritize and implement child protection initiatives, such as:

(a) Adopting the Global Code of Ethics for Tourism which defines the principles of ethical, sustainable and responsible tourism, and adapting it into a national regulatory framework for the tourism industry, where the Government is responsible for granting licences and control of the tourism industry (transport, agencies and tour operators, hotels, guesthouses, clubs etc.);

(b) Make the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism a legal obligation. All concerned businesses in the travel and tourism sector should sign up to the Code and strengthen their efforts for its implementation. The travel and tourism industry must play a key role to prevent CST and reduce demand by informing and sensitizing the target groups, protecting children in tourist destinations and reporting to the competent authorities;

(c) Create incentives for tourism companies to actively prioritize child protection and take clear action to combat the sexual exploitation of children;

(d) Ensure regular monitoring of tourist areas by law enforcement authorities.

96. A standardized and centralized information-gathering system capable of disaggregating data (by gender, age) should be established and research undertaken on the occurrence of CST, the behaviour of offenders and effectiveness of both sentences and risk management, to facilitate the development of more evidence-based programmes and interventions.

97. It should be ensured that child-sensitive services are available and regulated by quality standards (implemented by knowledgeable, well-trained staff and with adequate resources) and easily accessible to all children, by strengthening:

(a) Child-sensitive complaints, reporting and counselling mechanisms;

(b) Child-friendly justice providing special and prompt protection and assistance to child victims that is appropriate to prevent further hardship and trauma;

(c) The provision of appropriate medical and psychosocial support for children;

(d) Compensation for damages from those legally responsible for a violation and reparations, taking into account the long-term reintegration, psychosocial and physical issues potentially faced by victims;

(e) Regular follow-up of the child until full recovery is achieved.

98. Sustainable and effective preventive measures should be established:

(a) Awareness-raising must be ongoing and tailored to the different target groups: children, families and communities in destination countries; travel and tourism professionals, and travellers, including potential offenders;

(b) Child participation aimed at empowering children to protect themselves and others from sexual exploitation at the hands of travelling offenders should be an integral part of any prevention initiative;

(c) Community-based initiatives must be tailored to the specific local reality;

(d) Both existing and emerging tourist destinations should be monitored and partners from the private sector developing tourist services worked with proactively, in order to elaborate measures to prevent the sexual exploitation of children;

(e) Reporting by informing people of the issue and empowering them to act should be encouraged;

(f) Efforts to address the root causes and the risk factors that perpetuate the phenomenon should be strengthened;

(g) Prevention strategies aimed at potential or registered offenders must be adapted to different behavioural typologies and based on reliable research. The International Child Protection Certificate model, launched by CEOP, should be reproduced throughout the world to prevent registered child sex offenders from accessing work with children abroad.

99. Sustainable and adapted training (intervention levels) and training of trainers for a common understanding and harmonization of practices should be established:

(a) Students and staff from the travel and tourism industry must be adequately trained and equipped with methodological guides;

(b) Law enforcement officers must be provided with the necessary technical equipment and have the required skills, including how to deal with child sex offenders, evidence collection, use of video testimonies. etc.;

(c) The quality of this training should be evaluated on an on-going basis.

100. Sustainable and coordinated transnational cooperation should be established, though:

(a) Sustainable police and judiciary cooperation, including the exchange of information, investigations, prosecution of every case where a person is suspected or accused of having sexually exploited a child in another country;

(b) Informing travellers of the legal sanctions linked to the sexual exploitation of children abroad;

(c) Developing and sharing reliable and standardized databases of cases at regional and international level;

(d) Strengthening and expanding the international alert system to inform and communicate information about individuals having committed criminal offenses and likely to reoffend in other countries;

(e) Establishing an international and regularly updated registration system of people convicted of sex crimes against children;

(f) Supporting multi-stakeholder events which disseminate good practices, strategies and practical actions for the tourism industry on child protection as part of responsible tourism;

(g) Providing sustainable technical and financial support to developing countries, both in existing and emerging tourist destinations in view to ensure a better prevention and protection of all the children from sexual exploitation in travel and tourism.