

CHALLENGES AND SUCCESSES **IN ADDRESSING CHILD SEX TOURISM** **IN SOUTHEAST ASIA**

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O Lord, you love Your children
Protect us from evil and injustice
Redeem us from poverty
Save us from war
Oh Lord, you said you love your children
Help us reclaim our bodies
Restore our dignity ...

(Faith of a Child, theme song of the ECPAT International Conference on Young People's Participation Against Commercial Sexual Exploitation of Children, 2000)

Beginning in the last decade of the 20th century until recent time, Southeast Asia has been witnessing dramatic efforts, emanating from both non-government organizations (NGOs) as well as governments, to address child sex tourism in the region.

Efforts from the NGO sector were seen in the birth of a region-wide campaign against child sex tourism as well as the setting up of national non-government groups and, in the area of legislative reform, in its pro-active engagement of the tourism sector and governments, specifically through the ASEAN, and in providing more support to the exploited children.

With the advances in mass transportation, communication and other infrastructure around the world, more areas became more accessible to an increasing number of tourists. While tourism and travel has promoted greater understanding and tolerance, with the world seemingly growing "smaller," it has also contributed to the emergence of another phenomenon – that of child sex tourism (CST). This phenom-

enon was first widely observed to be a problem mainly associated with Southeast Asia, but later reports indicated that this affected children from other parts of Asia and the Pacific, Latin America, Africa and parts of Europe and North America as well.

Child sex tourism refers to the sexual abuse and exploitation of children by someone who has travelled from another location, usually another country. Offenders can be tourists, business travellers or expatriates.¹ It has been observed that the growth in the commercial sexual exploitation of children often follows growth in tourism in many areas of the world. Although tourism is not the cause of child sexual exploitation, it often paves the way for easier access to vulnerable children.² Child sex abusers also make use of the facilities offered by tour companies, hotels, resorts, restaurants, airlines and other transportation companies.³

It has been estimated that several hundred-thousands of girls and boys worldwide are subjected to inhuman conditions and violence from their pimps and buyers, are repeatedly enduring rape and various forms of sexual abuse, and are at high risk of getting afflicted with sexually transmitted diseases, including HIV/AIDS, drug and alcohol addiction. Children are being exploited for the profit and gain of brothel and club owners, pimps, and tour operators, and for the depraved satisfaction of those willing to pay the price for a sexual encounter with a child. While the main customers are mostly local men, tourists, and travellers, foreigners stationed or working abroad also comprise a very significant section of abusers and exploiters of children.

Child sex tourism is also very much linked to the prostitution of children, trafficking of children, and the production of child pornography.

The birth of ECPAT

The Ecumenical Coalition on Third World Tourism (ECTWT), a Bangkok based organization, first studied this negative impact of mass tourism in Asia. One of its researches studied the link between child prostitution and tourism. This research became the basis for setting up in 1990 of an international campaign in Asia, called "End Child Prostitution in Asian Tourism." This campaign eventually paved the way for the setting up of national groups, first in several Asian countries by 1991 (Thailand, Philippines, Taiwan and Sri Lanka), and soon expanded to the Pacific, North America and Europe.

One of the first challenges ECPAT faced was the widespread denial by governments of the gravity of the problem. However, the tireless efforts of ECPAT and other local NGOs, with the support of the media, resulted in various exposés and public pressure that eventually led to the development of new legislation to protect children from sexual exploitation. Laws were changed in several Asian countries, such as in the Philippines (1992), Taiwan (1995), Sri Lanka (1995) and Thailand (1996).

Aside from stricter laws protecting children in Asian countries, it also became necessary to develop laws that could protect children from travelling offenders by ensuring that these abusers could still be punished when they returned to their home countries or after they have left the countries where they abused the children. These laws provided extra-territorial jurisdiction to the country of the victim, thus facilitating the prosecution of more sex offences against children.

Owing to this campaign for new and improved legislation, it was also found that earlier legislation on extra-territoriality could cover sex offences against children. By 1996, countries

like Germany, France, Australia, USA, Belgium, Taiwan, New Zealand, Sri Lanka, Thailand had new laws, while Norway, Sweden and Finland had earlier passed provisions for extra-territoriality; Switzerland, Denmark, Japan, Spain and Iceland already had general laws on extra-territoriality that could be applied to child sexual abuse cases. Meanwhile amendments to the laws in Ireland and Canada were pending.⁴

ECPAT and other groups against CST further realized that to give these laws substance, more is needed in ensuring enforcement. Groups within the ECPAT network developed better relations with the INTERPOL, and national and local police; its network also assisted in lobbying for and organizing police training courses to enable the police to become more pro-active and sensitive in handling cases involving children exploited for commercial sexual purposes. ECPAT also helped create more opportunities for the police from different Asian countries to exchange information and develop more efficient communication and coordination in handling cases that involved two or more countries.

Providing service to the exploited child

Another important aspect of the work was ensuring better care for the children who experienced sexual abuse and exploitation. To achieve this often necessitated a long process, as many of the children had suffered horrendous trauma. Most of them had to recover and feel better about themselves before they were ready to cope with the justice system and provide testimony against those who had abused and exploited them. Many of the groups associated with ECPAT were already providing valuable services for the rescue, recovery and reintegration of these children. However, it was ne-

cessary to create more opportunities for skills development for both the NGO and the government social workers and other service providers, and this became the focus of the “Fund for Children” ECPAT initiated.

Another breakthrough was finding allies within the tourism industry itself. One of the first international groups to provide support for ECPAT was the Universal Federation of Travel Agents’ Associations (UFTAA), the largest travel agents’ associations with member organizations in 85 countries. Some of its members were very distressed about the escalation in the prostitution of children and recognized the travel industries’ impact on society. In November 1993, the UFTAA presented its Annual Peace Award to ECPAT during its UFTAA General Assembly in Malta. Soon, other members of the industry decided to work with ECPAT to combat child sex tourism as part of their corporate social responsibility.

Among the early insights of ECPAT was that the responsibility to effect changes to stop this blight on humanity was the joint responsibility of the countries of destination and origin of the sex tourists. The countries of destination needed to put more safeguards to protect their children while the countries of origin needed to stop the abusive behavior and mentality of their citizens when travelling abroad. This was also a shared responsibility of governments, the civil society and the private sector.

In 1994, ECPAT decided to initiate the organization of the first “World Congress against the Commercial Sexual Exploitation of Children” to gather the highest level of participation and commitment from as many governments and international organizations as possible to guarantee the rights of children to be free from commercial sexual exploitation. This was held

in August 1996, in Stockholm, Sweden in cooperation with the government of Sweden, which hosted the world conference, UNICEF and the international NGO groups based in Geneva, Switzerland; 122 states committed themselves to the global agenda against child sexual exploitation. Since then, the number of countries adopting the Stockholm Agenda for Action has risen to 161.⁵

Since this first world congress, and also after the second one held in 2001 in Yokohama, Japan, there have been several major successes in addressing child sex tourism in Southeast Asia.

More child sex offenders arrested

The first major success had been in the arrest of more foreign child sex tourist offenders, especially in Thailand, Cambodia and Indonesia. For example, in the year 2003 until March 2004, the Associated Press reported that the Cambodian police arrested at least 16 suspected foreign pedophiles – double the number arrested in 2002 (only eight). The men came from Australia, Canada, France, Germany, New Zealand and the United States, and were mostly charged with debauchery, a Cambodian legal term for the act of sexually abusing minors.⁶

Cambodia continues to cooperate with countries that have extra-territorial provisions in their laws by deporting offenders to their home countries and cooperating in investigations, aside from passing harsh sentences for its part on those found guilty. There were also local NGOs in Cambodia, which have set up “observation networks” that track offenders and prepare information to be submitted to the police.⁷

In Thailand, the various loopholes in the legal system are being addressed to improve the

protection of children against sexual exploitation. Thailand has entered into legal mutual assistance acts and extradition treaties, ten for each now, with various countries to facilitate the pursuit of justice against foreign sex offenders. Thailand also passed the Child Protection Act in 2003, which contains provisions for the use of videotaped interviews of child victims so that they will testify only once, and avoid meeting the offender in person. The law also makes available to them the support of NGOs during court procedures. Child and Women’s Protection Units have also been set up among police units, which it is hoped will result in improved attitudes and a higher level of knowledge in dealing with these cases.

However, several challenges to effective law enforcement still persist. Among these are the system of assigning police officers to other departments every few years, which has limited the use of skills acquired by police who have been specially trained to handle child sexual exploitation cases; the perceived hassle of going through the processes of securing warrants to search and arrest alleged offenders; and the need for police to exert extra efforts in these cases, for example, to provide the needs of the child victims for psychological support, protection, food and other forms of support.

Ms. Sudarat Sereewat, of the Foundation Against Child Exploitation (FACE) and the co-founder of ECPAT, recounts the problems that she has encountered while tracking down 120 cases of foreign sex offenders in Thailand. In the study that she presented to the Thai parliament, an in-depth documentation of 65 cases that happened in 2003, she found that only 25% of the offenders were actually imprisoned for the crimes that they committed, another 25% received suspended sentences, 18% jumped

bail, 12% were dismissed and 15% were excused on non-prosecution orders.

In this regard, the book *The End of the Line for Child Exploitation*⁸ raised a very important point about two legal international principles that warrant further study and investigation by Asian groups, as it hampers the full implementation of the 2002 Optional Protocol on the Sale of Children, Child Prostitution and the Trafficking of Children, which provides for extra-territorial legislation. Beddoe cited the principles of double criminality and double jeopardy.

Another challenge has been the lack of cooperation from and the apathy of some embassies, who in spite of being informed of the charges against their nationals, still provide or re-issue passports to their traveling citizens to replace the passports that are being held while these persons are being investigated, thus facilitating the escape of these suspected offenders. Oftentimes, the sex offenders have also taken advantage of the bureaucratic delays in transmitting the court orders to the immigration authorities, resulting in their escape through other exit points of the country.⁹

Section 97, on the role of embassies, of the United Kingdom's Sexual Offences Act of 2003 may be cited to gain support from other embassies. This provision gives the "police with power to apply to the magistrates' court for an order making a cautioned or convicted offender subject to the notification requirements for a relevant offence abroad. In other words, even if not convicted, as long as there was a caution or a relevant finding, a British national can be placed on the Sex Offenders Register for offences abroad ..."¹⁰

Engaging the tourism industry

Earlier efforts to engage the tourism industry include the production of an in-flight video to warn travellers against sexually exploiting children in destination countries produced by ECPAT Luxembourg. The video has been shown on a number of airlines (Air France, Corsair, Nouvelles Frontieres) since March 1999. In-flight videos have also been developed by Lufthansa and Austrian Air. The Air France video is available for reproduction by any airline wishing to join the campaign. ECPAT Belgium, ECPAT Netherlands, ECPAT France and ECPAT Germany developed luggage tags for distribution to European travellers to educate them about the dangers and illegality of child sex tourism. ECPAT Italy and ECPAT Sweden produced a ticket pouch for distribution by tour and travel operators to remind travellers to respect the rights of children to their sexual integrity in destination countries. ECPAT USA has designed and distributed an educational brochure to inform Americans about the extraterritorial provisions of US law against child sex tourism.¹¹

The Code of Conduct was first initiated and expounded by ECPAT Sweden and the UN World Tourism Organization for the use of tour operators but because it was an efficient instrument, the Code of Conduct was quickly adopted even by other kinds of businesses related to travel and tourism.

The Code of Conduct is an instrument for self-regulation and corporate social responsibility, which provides children increased protection from sexual exploitation in travel and tourism. To reach this objective, the Code demands a high commitment at all levels of decision-making and operation within the signatory company. The signatory companies of the Code of Conduct decided on how to monitor the

standard quality of its worldwide implementation during the Annual General Meeting (AGM) of the members of “The Code” organization.

An international, multi-stakeholder Steering Committee composed of prestigious tourism industry representatives, non-governmental organizations and UN agencies is responsible for promoting the international development of the Code.

The 2005–2007 members of the Code Steering Committee are: World Tourism Organization, ECPAT International, UNICEF (Japan Committee for UNICEF), International Hotel and Restaurant Association, Federation of International Youth Travel Organizations, Tour Operators’ Initiative for Sustainable Tourism Development, DRV, Brazil Ministry of Tourism, Carlson Wagonlit Travel, Kuoni Scandinavia, Accor Hotels, Fundacion Paniamor Costa Rica, and Resposta Brazil. The Code Secretariat is housed in ECPAT-USA in New York.

The Code of Conduct consists of six criteria. The minimum standards indicated for the implementation of each criterion have been approved by the Annual General Meeting (AGM) of “The Code” organization and are regarded as benchmarks for defining the objectives, which shall be achieved in a given time-frame. But as the situation and resources of each signatory company are different, the minimum standards vary in feasibility for each company. Because of this, the minimum standards are not regarded as implementation targets and not as compulsory objectives to be reached within the given time-frame. The minimum standards serve both as objectives and as indicators for the regular evaluation process.

The Code of Conduct consists of the following six criteria:

Criterion 1: Establishment of an ethical policy regarding commercial sexual exploitation of children

Criterion 2: Training of employees in the country of origin and the travel destination

Criterion 3: Introduction of a clause in contracts with service providers/suppliers stating a common repudiation of commercial sexual exploitation of children

Criterion 4: Provision of information to travelers by means of catalogues, brochures, in-flight films, ticket-slips, home pages, etc.

Criterion 5: Information provision on the Code of Conduct and the company’s policy in this regard to “local key persons” at the destinations

Criterion 6: Annual reporting on the level of implementation of the Code of Conduct for the protection of children from sexual exploitation in travel and tourism

The preparation phase and the process for implementing the Code of Conduct in the company are completed in collaboration with the local Code representative. The same happens in the evaluation phase: On the basis of the annual reporting process, the signatory company does an ongoing-monitoring of the implementation of the Code of Conduct in close cooperation with the local Code representative.

Each year, the signatory company is asked to complete an annual standard report form and to organize a meeting with the local Code representative for the ongoing monitoring.

For each of the six criteria, there is an assigned percentage of achievement of these criteria for the first year after signing and a progressive improvement for each succeeding year.

A standard procedure for the signing and implementation of the Code for new operators and hotels is now in operation, as well as a system for regularly monitoring and evaluating the progress in achieving the criteria.¹²

Among the best examples of the cooperation of ECPAT with the private sector is its partnership with Accor Hotels and Accor Services. This partnership was started in 2001. Accor Hotels has 4000 hotels in 92 countries, while Accor Services has 14 million users, 300,000 corporate clients in 34 countries. The Accor brands included in this initiative are: Sofitel, Novotel, Mercure, Ibis, Carlson Wagonlit Travel and Parthenon. As of September 2005, the joint project is being implemented in 13 countries: France, United States, United Kingdom, Thailand, Cambodia, Laos, Indonesia, Dominican Republic, French Guyana, Mexico, Senegal, Romania, Brazil. The joint projects of Accor and ECPAT include the signing of the ECPAT/WTO Code of Conduct, the awareness and information campaigns, training programs for staff, fundraising and in-kind contributions for ECPAT's work. In Thailand, around 6000 staff from Accor Hotels have been trained on how to deal with suspected and actual cases of child sex tourism.¹³ Among the concrete results of this partnership have been statements for child protection that have been featured in the 5 million ticket jackets worldwide, bar, restaurant and lobby displays, stickers in hotel rooms, and the featuring of the ECPAT in the hotel TV, and the inclusion of the issue on the internet and intranet of Accor. In addition, Accor in Bangkok sponsors a yearly event, "Walk for Children," and has donation envelopes and boxes in the Accor hotels in Thailand and in Laos to raise funds for local ECPAT projects.¹⁴

ASEAN Regional Education Campaign

Another arena that became very important to the campaign against CST was the engagement of the Association of Southeast Asian Nations or ASEAN. Child Wise, the national group of ECPAT in Australia (ECPAT Australia) has taken the lead in working closely with the ASEAN by initiating a series of activities with the ASEAN and the Ministries of Tourism in the region.

At the Regional Taskforce Meeting held in Bali in January 2004, all ASEAN-member countries were signatory to a Regional Action Plan, which included a proposal to conduct a Regional Education Campaign.

The proposal for the Regional Education Campaign directly relates to the Stockholm Agenda for Action endorsed by 140 countries at the World Congress Against Commercial Sexual Exploitation of Children held in Stockholm almost ten years ago. The Agenda lists twelve statements relating to the prevention of the commercial sexual exploitation of children. In particular, it calls upon states to:

___ Target those involved in the commercial sexual exploitation of children with information, education and outreach campaigns and programmes to promote behavioural changes to counter the practice; and

___ Mobilise the business sector, including the tourism industry, against the use of its networks and establishments for the commercial sexual exploitation of children.

It was subsequently agreed upon that the Australian-based Child Wise would manage the campaign in consultation with ASEAN member governments. Child Wise then conducted research to identify the most suitable social marketing agency to undertake the task. In particu-

lar, an agency with skills to design a campaign, which could change people's behaviour, was sought. This agency should understand the complexities of producing the campaign for ten ASEAN countries whilst still producing a unified message on the prevention of child-sex tourism.

Child Wise has secured pro-bono support from Australia's leading social marketing agency, Grey Worldwide, who agreed to donate their time and skills to produce the campaign. Grey is most known for its work on the international award winning Victorian Transport Accident Commission (TAC) commercials.

After an extensive consultation with ASEAN National Tourism Administrations (NTAs), Grey drafted sample designs that would promote child-safe ASEAN tourism destinations. Its market research showed that most previous advertising had targeted offenders. This meant that efforts were concentrated on the very small minority of travellers who sought to harm children. However, in destination countries, there was much greater potential to tackle the problem if the majority of responsible travellers could be the eyes and ears of law enforcers during their travels.

The campaign's message in receiving countries came in the form of alerting people to child sexual exploitation and encouragement to report suspicious behavior. The result was a campaign that is powerful, positive, meaningful, eye-catching, highly visible and focused on behavior-change, specifically directed towards:

___ The mobilization of responsible travellers and local citizens to report child sex tourism through dedicated hotline numbers;

___ The deterrence of child sex offenders; and

___ The creation of a culture of intolerance in relation to child sexual abuse.

In September 2005, the campaign was unveiled at the annual Child Wise Tourism Regional Taskforce Meeting held in Laos. The 2005 Regional Taskforce Meeting moved beyond a simple discussion platform to achieve significant practical outcomes in the implementation of the Regional Education Campaign across the ASEAN Region. The two-day Regional Taskforce Meeting, produced the following outcomes:

___ All delegates welcomed with positive and unanimous support the unveiling of the Regional Education Campaign. During the second day, an opportunity was provided for delegates to contribute additional ideas for campaign implementation, resulting in the creation of opportunities to expand the campaign beyond the ideas presented by Grey Worldwide and demonstrate the innovativeness and commitment of the ASEAN-member governments to successfully implement the campaign;

___ All ten ASEAN countries commenced preparations for a six-month strategy that started in November 2005.

Challenges and Successes in Addressing Child Sex Tourism in Southeast Asia

Amihan V. Abueva

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an international NGO working in more than 70 countries. She founded ECPAT Philippines in 1991. She is currently the Regional Coordinator of the Southeast Asian campaign against child trafficking called Asia ACTs since 2001. She was appointed as the Children's NGO Sector Representative to the Inter Agency Council against Trafficking by Philippine President Gloria Arroyo in March 2004. She has coordinated research on child trafficking, child prostitution, the use of girls as child soldiers and on violence on children. Her most recent publication is "Violence, Children and Society" for the Queen Sofia Center for the Study of Violence (Valencia, 2007). Amihan lives in Quezon City, Philippines, and was born in Manila on August 12, 1958.