



SEXUAL EXPLOITATION OF CHILDREN AND ADOLESCENTS IN TOURISM



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List of Acronyms

ASEAN	Association of Southeast Asian Nations
CRC	United Nations Convention on the Rights of the Child
CSEC	Commercial Sexual Exploitation of Children
CSR	Corporate Social Responsibility
CST	Child-Sex Tourism
ECOWAS	Economic Commission of West African States
ECPAT	End Child Prostitution in Asian Tourism. Later: End Child Prostitution, Child Pornography and Trafficking in Children for Sexual Purposes
ECTWT	Ecumenical Coalition on Third World Tourism
ICMEC	International Center for Missing and Exploited Children
ILO	International Labour Organization
ILO-IPEC	ILO's International Programme on the Elimination of Child Labour
NGO	Non-Governmental Organisation
NTA	National Tourism Authority
RST	Responsible and Sustainable Tourism
SADC	Southern African Development Community
SARS	Severe Acute Respiratory Syndrome
UN	United Nations
UNESCAP	United Nations Economic and Social Programme for Asia Pacific
UNIAP	United Nations Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-Region
UNWTO	World Tourism Organization
WMO	World Meteorological Organization

Executive Summary

Efforts to combat the sexual exploitation of children in travel and tourism have been ongoing for almost 30 years. Since the early awareness-raising campaigns, work has developed into multi-stakeholder, multi-sectoral programmes including training, developing and implementing codes of conduct, and building an ethic of personal responsibility.

However, demand for children and young people as sexual partners remains, fed by poverty and social exclusion. The failure of communities in source and in destination countries to understand and respect the human rights of children is fundamental to the continuation of such abuse. Exploitation in the form of child pornography, child trafficking and child marriage add to the dimensions of the problem of exploitation in tourism.

Forms of travel have changed and the means to exploit have become more sophisticated through technological advances. The profile of abusers has also changed, with all social classes and all sexual preferences represented.

Two key stakeholders to address the problem are the tourism industry itself and the State.

Growth in the industry, from that affecting a few developing countries to a global economic force, has seen an accompanying growth in interest in the concept of responsible and sustainable tourism (RST). The convergence of the RST philosophy with that of corporate social responsibility has resulted in important parts of the tourist sector being motivated into taking responsibility for addressing the sexual exploitation of children in tourism, and to joining forces with governments and the non-governmental sector in combating it. The potential for the industry at national levels to combat child sex tourism (CST) on the basis of these philosophies is substantial.

The State, as the other chief stakeholder in combating CST, has an important role as well, both on the basis of its control on tourism development through national tourism authorities, and its control over government ministries that have relevance to child protection.

The State's international legal obligations also affect its responses to CST. Certain common features of State responses have emerged in recent years, providing models and standards for other States to follow. These are not universally adopted, however, and problems remain in terms of utilisation of available procedures, enhancement of procedures and reporting of offences.

Developments at national levels have been encouraged through the work of UN international agencies and regional bodies. In particular, the process for the implementation of the ILO *Convention on the Worst Forms of Child Labour*, the promotion of the UNWTO *Global Code of Ethics for Tourism* and UNICEF's support for the industry *Code of Conduct* have been influential.

A feature of combating CST has been the partnerships and collaborations across sectors, demonstrating versatility and adaptability, and providing models of good practice for continuing the work.

Sustaining the existing cross-sector efforts and expanding them into countries and regions that have not yet even begun to address CST is a major challenge for the future. Addressing demand remains another serious challenge: attitudes towards children and adolescents must change so that their human rights and right to protection from exploitation are further recognised. The tourism industry needs to move from volunteerism to the active undertaking of corporate responsibility, for which leadership is required from the private sector and the World Tourism Organisation.

1. Introduction

*'Child-sex tourism is the commercial sexual exploitation of children by people who travel from one location to another and there engage in sexual acts with minors. Often they travel from a richer country to one that is less developed, but child-sex tourists may also be travellers within their own countries or region.'*¹

It has been almost 30 years since concern for the exploitation of children in tourism began to be addressed. In the 1980s, the Ecumenical Coalition on Third World Tourism (ECTWT), a church-based organisation working out of Thailand, carried out research in several Asian countries. As a result of these investigations, the high level of demand by foreign tourists for children in prostitution was identified.

A number of Asian-based non-governmental organisations (NGOs) used the ECTWT findings to join together in a campaign to End Child Prostitution in Asian Tourism (ECPAT), a campaign that was intended to culminate in the First World Congress against the Commercial Sexual Exploitation of Children in Stockholm in 1996.

The Congress brought together governments and NGOs from all over the world, and recognised that the sexual exploitation of children was a common problem in tourist destinations. An *Agenda for Action* adopted by the Congress ('the *Agenda for Action*') set out a number of targets designed to combat commercial sexual exploitation of children, and specifically encouraged the mobilisation of the business sector, including the tourism industry, to use its networks and establishments in this struggle. In the context of child-sex tourism, the *Agenda for Action* also requested the development, strengthening and implementation of extraterritorial jurisdiction, increased use of extradition to prosecute child sex exploiters who had evaded the local jurisdiction, as well as seizure of assets and other sanctions against those committing crimes against children in destination countries.

By calling on governments to develop national plans to combat the commercial sexual exploitation of children (CSEC), the *Agenda for Action* has provided the means whereby combating sexual exploitation of children in tourism retains a continued focus in both sending and receiving countries. National plans, where they have been adopted, provide targets and monitoring mechanisms, and ensure that the issue remains part of a nation's child protection strategy, not only towards its own children, but towards the children of other countries who are at risk from sexual exploitation by visitors.

At a second World Congress in Yokohama in 2001, a Global Commitment by participants reaffirmed the targets of the *Agenda for Action*. It acknowledged the progress already made through the ‘comprehensive, systematic and sustained involvement of the private sector’, including the travel and tourism industry, and its role in enhancing child protection. The Global Commitment pledged to reinforce efforts against commercial sexual exploitation of children, in particular by addressing the root causes of the problem at both ends of the equation, and with special focus on the role played by the ‘demand’ factor.

Following the first World Congress in Stockholm, the ECPAT campaign had become an international NGO focused on combating all aspects of the commercial sexual exploitation of children, while recognising that sex tourism was a significant and global dimension of such exploitation. Indeed, ECPAT groups have been the originators of most of the important developments that have addressed the phenomenon of child-sex tourism. They could not have progressed, however, without the support of other NGOs, both national and international, that joined the efforts, including organisations close to the tourism industry², organisations with an international child rights and development mandate³ and professional organisations and institutions willing to include child protection in their campaigns and awareness-raising activities.⁴

During the intervening years to the approaching World Congress III against the Sexual Exploitation of Children in 2008, there have been numerous actions, activities, campaigns and legal developments to combat tourism that victimises and exploits children and young people. This work has been particularly strengthened by two important international legal instruments that have entered into force, namely the *Convention of the ILO (No. 182) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (2000)* and the *Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (2002)* (*the Optional Protocol*). The *UN Convention against Transnational Organized Crime* and in particular its supplementing *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000)* has also strengthened the work, by promoting international police and judicial cooperation, and by the anti-trafficking measures that have been taken around the world as a result of the Convention.

Combating child-sex tourism has also been significantly and positively affected by the involvement of the private sector on a scale that has not previously been seen in any human rights endeavour.

In this paper we seek to examine the phenomenon known as ‘child-sex tourism’.⁵ We aim to identify its modern context, including the progress, achievements and good practises that have been carried out in combating CST; the gaps and failures that allow for the continued vulnerability of children to sexual exploitation in tourism; and the challenges that remain. We have drawn extensively on our own professional experiences and knowledge in writing this paper, and have consulted the publications and personnel of organisations that have researched the issue and are working in related areas.

According to the ECPAT International definition, ‘child-sex tourism’ means the sexual exploitation of children and young people by persons who do not normally live in the location where the abuse takes place. It includes abuse by both domestic and business travellers. It also includes people who visit countries initially as tourists and extend their stay, or people who go abroad for work purposes, such as teachers, NGO workers, care workers, etc, and then use their positions in a local community to gain access to children. Such abusers are frequently categorised as ‘child-sex tourists’ by NGOs. However, anyone living in a foreign country for periods in excess of one year would not qualify as a ‘tourist’ according to the World Tourism Organization (UNWTO),⁶ so it is unclear whether this category of offender properly qualifies under the description. Abuse of children by foreigners also occurs when members of foreign armed forces are stationed in another country. This is another serious expression of child sexual exploitation that needs to be addressed through bilateral or multilateral governmental controls, but is not strictly ‘child-sex tourism’. Nevertheless, it is important to recognise that a foreign military presence in a country can lay the foundation for an environment in which sex tourism can flourish, as happened in the Philippines and in Thailand during the Vietnam War.

2. The Tourism Phenomenon and the Resulting Commercial Sexual Exploitation of Children and Adolescents in Tourism and Travel

Tourism is the biggest industry of many countries, thus a significant sector in terms of foreign exchange earnings and job creation. According to the UNWTO⁷, tourism is a crucial contributor to the economy of the world's poorest countries; emerging and developing tourism markets have grown at a rate of 6-8% in the past decade. Tourism represents around 35% of the world's export of services, and can be as high as 70% in the least developed countries. Tourist arrivals, estimated at 846 million international arrivals and some 4 billion domestic trips in 2006, are expected to expand to over 1.56 billion international travellers by the year 2020. Tourism is therefore a powerful economic and social force in the world, and it is the poorer countries that sustain the greatest impact due to weaknesses in their social and economic infrastructure.

As this global economic phenomenon is growing, a culture of individualism is undermining the pillars of justice and democracy on which the principles of our modern world were based. The self-determination of peoples and the protection of human rights are the casualties. Globalisation, as the new world order, is producing inequalities, while a diminution of traditional values of ethics and morality creates a climate of impunity. The Rule of Law has been subsumed into rule by regulation and economic priorities. Nowhere is the result seen more clearly than in child poverty. We are living in an era of extremes, in which commercial sexual exploitation of children in tourism is one expression of the negative side of the global market for tourism. Sex tourism is a type of sexual exploitation which relies on an ideological concept of the consumer market as one based on money and pleasure, without respect for values or ethics. Everything can be bought to satisfy desires and the pursuit of profit, including the fulfilment of fantasies, and the practice of sexual deviances. Everything is for sale, including young bodies. In this market, the human person has no value, and represents only a bargaining tool in terms of age and condition. The younger the age of the victim, the greater is the demand, and the greater the market value. In this consumer culture, understanding of the rights to which children and adolescents are entitled is lacking, and therefore the laws to protect them are weak and/or their enforcement is ineffective; economic priorities win out over child rights.

It is also the case that the sex 'industry' is highly profitable for those who organise themselves to satisfy demand. Prostitution in tourist destinations is therefore frequently tightly organised by criminal networks and linked to the drug trade and to human trafficking. Pimps who control the human bodies supplied on demand can make large profits. They exercise their control through violence, drugs and isolation of the sex object. In this context, the younger the age of the victim, the easier it is to control him or her, and the less money it takes to support the upkeep of the young person.

Tourists and travellers are motivated to travel by their wish to enjoy a better climate than at home, by the relative accessibility of foreign destinations, by the purchasing power of their savings in a poorer economy, by a desire to explore the unknown and by the chance to relax and be taken care of for the duration of their holiday. For many single travellers, or persons travelling in a same-sex group, their desires include having cheap access to a sexual partner, or partners, for the duration of their stay. Such motivation was satisfied on a mass scale in countries that already had an infrastructure in place to provide sexual services to large numbers of locals and foreign military personnel. These countries converted easily into holiday destinations where a given leisure activity sought after by the tourist was sex. In other countries, internal conflicts and prolonged poverty have destroyed the indigenous social fabrics, paving the way for a tolerance of tourist behaviour that otherwise would have been unacceptable. ECPAT International, in its publication *Combating Child Sex Tourism: Questions & Answers* (2008), cites South-East Asia, Central America and Brazil as destinations long affected by CST, with emerging destinations including South America, South Africa, North-West Africa, East Africa, India and Mongolia. The sending countries are all developed countries, including the richer countries of Europe and North America, and Russia, Japan, Taiwan, Australia and New Zealand.

A number of factors influence the demand for children and adolescents as sexual partners in tourist destinations. Opportunism is one factor: the person who is a normal family man or woman in his/her country of origin becomes a predator of young people in a holiday environment, behaviour that such a person would never indulge in at home. Opportunistic misbehaviour is 'excused' by the visitor on the basis of cultural differences. Child abusers persuade themselves that sexual relations with a young person is acceptable in the culture of the place they are visiting, or pretend to presume that a girl or boy is older than he/she appears because of differences between races. Abusers may seek to rationalise their behaviour on the grounds that they are 'helping' a child or family economically. Tourist destinations provide a perception or a real situation of impunity and anonymity to potential abusers, and an environment in which to seek out susceptible young people. Health concerns also provoke the opportunistic abuser to search for sexual partners in the younger age bracket; he/she will argue that a younger person is less likely to carry an infectious disease. Tourists

from some cultures even seek out young partners in the belief that they themselves will be cured of their illnesses by sexual relations with a virgin.

Tourists who are paedophiles are motivated by a search for pre-pubescent children. Tourism provides them with the anonymity that is conducive to seeking out susceptible children. While the tourist explicitly seeking sex as part of his/her holiday scene may feel secure in the company of fellow travellers seeking the same objective, paedophile abusers are attracted to places where their activities will go unnoticed and their motives in interacting with young people will go unsuspected. They are able to identify countries or communities in crisis, and knowing that the risk is small, will move to that destination and seek out their victims. Paedophile abusers are notoriously recidivist, so they tend to re-offend time and again, and whereas the opportunistic offender may think twice before putting himself at risk of sex with an underage youngster, the paedophile is constantly on the search for vulnerable children.

Power is another factor influencing demand for young people. The purchasing capacity of an ordinary middle-income European or North American in a developing or least developed country places him/her in a power relationship with locals providing services and competing for the tourist's money.

The market for child pornography is also a significant contributor to CST. Not only are huge amounts of pornography made by both paedophile and non-paedophile abusers in foreign destinations, but this material is then exchanged, sold and shared via the internet, feeding the market for the pornography itself, encouraging more tourism that exploits children and making large profits for its distributors.

The 'demand' side of CST is fed by young people in difficult situations. Poverty and social exclusion are generally the basis of vulnerability. Poverty, combined with other social factors, such as lack of family support, lack of education and opportunity, and lack of social protections push the young person into exploitative situations with a foreigner or visitor. The exchange may not even be for money; it may be for benefits in kind. Small children may be persuaded to go with a paedophile abuser in return for food and shelter; teenagers may be persuaded to accompany an opportunistic abuser in the hope of obtaining benefits enjoyed by their peers, such as clothes and accessories.

In communities where there is already sexual exploitation of the young by locals, young people simply extend the market to richer customers. A family itself may promote the exploitation of the young person, expecting him/her to help provide for the family, in an economic opportunism that coincides with the sexual opportunism of the visitor. In

some countries where the use of prostitutes is culturally unacceptable, that economic opportunism has manifested itself in the form of child marriage. Money changes hands between a family and a male visitor in exchange for 'marriage' to a young girl. The marriage lasts only for the duration of the visitor's stay, and the child is abandoned when the visitor returns to his country of origin.

'Demand' is often fed through the trafficking of young people from rural areas within their country to the tourist markets, and even across borders from countries without a tourist market to those that are tourist destinations. Children who are trafficked to supply demand in another place are in even more vulnerable situations than local children, lacking all support systems, perhaps even lacking the means of communication, and having no right to residence in the place of their exploitation.

Sexual exploitation of children and adolescents in tourism is the aspect of CSEC where the transformation of young people into commodities is most publicly visible. They become playthings for the foreigner or visitor and money-earners for themselves or for their families. In addressing the exploitation of children in travel and tourism, there are two interlinked and fundamental issues that confront all efforts to change tourist behaviour. The first is local demand. The second is the failure to recognise children as having rights, demonstrated through attitudes, behaviour and beliefs that result in young people being belittled and treated as objects. 'Prostitution' of children and young people to visiting tourists does not happen by accident. It arises in a cultural environment where there is a demand for adult sex services, and where there is a local tolerance of abuse of young girls by their own nationals, based on patriarchal assumptions about the 'normality' of using women for sex. In such environments, using young people as sexual partners, especially the socially vulnerable, is not commonly seen by the general public as a crime against children or a violation of their rights. CST arises in societies where child protection mechanisms are poor or selective, where communities suffer from poverty and social exclusion, and where sexual abuse and exploitation of young people is tolerated as if this were a matter of personal choice. It arises when visitors bring their own ingrained antagonism towards women into cultures where there is equal disregard for the dignity of the other sex. It is simply not possible to seriously address the exploitation of children in travel and tourism without taking account the 'macho' patriarchal, abusive culture that tolerates the treatment of young people as sexual objects without right to the dignity of physical integrity and the protection of their childhood and adolescence. This is the continuing dilemma in confronting CST. Unless communities that tolerate sexual exploitation and the denial of the rights of children and adolescents open their eyes to their own attitudes, those who combat the commercial sexual exploitation of children in travel and tourism will remain blocked in those efforts.

Origins and Development of Actions to Combat CST

The earliest campaigns against CST were in Asia, Europe and the Pacific, thanks to the activities of the ECPAT groups in those regions. Campaigns were focussed on raising awareness, to draw attention to the fact that the exploitation of children in travel and tourism was a problem. Both tourist-sending countries and destination countries were involved. Attention centred largely on the paedophile abuser; campaign materials demonstrated the classic understanding of child sex abusers as older men enticing small children. In tourist-sending countries (eg, Sweden, Australia, Germany and the UK), campaigns were also directed at governments, urging them to enact or use extraterritorial legislation to prosecute child sex offenders in their country of origin. In tourist destination countries (eg, the Philippines, Thailand and Taiwan), campaigns sought to warn tourists against using children for sex, and to warn the public about protecting local children. Brazil was the exception in that it was the National Tourism Authority of Brazil, Embratur, that ran an early eye-catching campaign to deter sex tourists from targeting children.

The First World Congress against the Sexual Exploitation of Children in 1996 allowed for an exchange of information, materials and ideas on CST. It was quickly realised that most sex tourists who were choosing young people as sexual partners were not paedophiles but could be described as ‘situational’ offenders. Materials used in the subsequent campaigns demonstrated this awareness, pointing to the fact that the abuser could be anyone at all. Other organisations, including NGOs, development organisations, professional bodies, academic institutions, police forces and inter-governmental agencies joined the work, bringing added value and credibility to the need to address the problem. Highly creative materials were developed in succeeding years and in many countries, including travel brochures, ticket covers, luggage tags, video spots, public service announcements and posters. An international logo originally developed by Embratur, Brazil, and later adapted by the Task Force for the Protection of Children in Tourism led by the UNWTO became a signature emblem for campaigns.⁸

There was a significant increase in the number of sending and destination countries that became involved in campaigns against CST after 1996, due to the new partnerships that emerged between NGOs and the private sector and to the awareness that had been raised during and after the first World Congress. Partnerships brought funding to combat CST, including support from the European Commission, governments and national tourism authorities. For example, a major campaign entitled ‘Protecting Children from Sexual Exploitation in Tourism’ was conducted over a four year period by a consortium of the UNWTO, the International Federation Terre des Hommes, the International Federation of Journalists, ECPAT/Respect in Europe, and the Family and Child Centre in Greece.

Prevention work moved from awareness-raising projects to training of tourism personnel. This was a response to the realisation that the people most likely to receive reports or to see abuse are those working in the tourism sector. In Europe, a group of NGOs, headed by Groupe Developpement/ECPAT France, developed a training module for use in tourism schools in European countries. The module has been integrated in the curriculum of both State-run and private training institutions in Europe and in destination countries where Groupe Developpement and other NGOs operate projects to combat CSEC. In South-East Asia, Child Wise Australia developed a training and network development programme⁹ to promote respect for children's rights in tourism. Child Wise continues to provide training throughout the region, adapting its programme to specific target audiences in the tourism sector. The UNWTO developed its own Tourism Training Module¹⁰ for tourism professionals, which was designed to integrate the subject of sexual exploitation of children into existing tourism-related courses. A second module was also designed by UNWTO to be used as a resource to help teachers introduce the subject of children's rights, responsible tourism and sexual exploitation in tourism to young students. Both modules are designed to be able to adapt to local needs. In Sweden, the Fritidsresor Group/TUI Nordic and ECPAT Sweden created a compulsory programme on responsible tourism development for overseas tourism representatives. Another initiative has seen over 6,000 ACCOR Hotel staff trained with the support of ECPAT International in countries in South East Asia, Central America, Eastern Europe and Africa. In Brazil, the Atlantica Hotels International group runs training programmes for management staff of its premises in 30 cities. In some countries, such as the Philippines and Cambodia, training materials have been created by the Government departments responsible for tourism.

Codes of Conduct are an industry response across the travel and tourism industry in the years since the first World Congress. As early as 1994, the Universal Federation of Travel Agents Associations adopted a Child and Travel Agents Charter. Others followed, including the *Code of Conduct against the Sexual Exploitation of Children* of the International Federation of Tour Operators, and the *Code of Conduct* agreed by the Association of German Travel Agents and Tour Operators in 2001. Intrepid Traveller, an Australian tour operator, also has a strong organisational policy that supports staff in reporting cases of child sex abuse. Policies against the sexual exploitation of children have been developed by the major tourism organisations, including the International Hotel and Restaurant Association, the International Federation of Tour Operators, the trade union representative body for hotel and catering workers, the Universal Federation of Travel Agents' Associations, the Pacific Asia Travel Association and others.

What has become the most generally recognised code of conduct is the *Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism* ('the Code of

Conduct'), originally developed by ECPAT Sweden with Nordic tour operators. Regarded as one of the world's major tools for combating CST, the *Code of Conduct* is a self-regulation instrument that progressed with the support of the UNWTO, ECPAT International, other NGOs and UNICEF, and has now been widely adopted by businesses in the tourism sector around the world. The *Code of Conduct*¹¹ has been signed by over 600 signatories, including tour operators, hotels, travel agents and their associations and tourism workers' unions from 38 countries in Europe, Asia, Africa, North America, and Central and Latin America. It works on the basis of six criteria that companies signing up to the *Code of Conduct* must adopt. These are

- To have an ethical policy regarding the commercial sexual exploitation of children
- To train their personnel in both countries of origin and destination
- To introduce a clause in contracts with suppliers repudiating CSEC
- To provide information to travellers
- To provide information to key persons at destinations
- To report annually

Numerous actions and the high visibility of anti-CST work raise the inevitable question: Has the incidence of child sexual exploitation decreased as a result? We can say that awareness of the issue has certainly increased. In 1999 the European Commission surveyed Europeans' views on the phenomenon of child sex tourism, and noted that 85% of those questioned were aware of the problem, and 92% condemned it.¹² On the other hand, the UNWTO commissioned research published in 2001¹³ with the aim of assessing the magnitude of the problem, but found that 'the changed nature of sex tourism, mobility of child sex workers and variations across countries and jurisdictions...impede efforts to quantify the issue'. Groupe Developpement Madagascar evaluated a project designed to combat CST in Madagascar, and the conclusions were positive. But it was clear to the managers of the project that it is a combination of actions that can make a difference, rather than a discrete action. They concluded that no one single action will be sufficient to effect changes; only sustained actions by partnerships across sectors will make a difference.¹⁴ Abuse of children in some tourist destinations may have decreased, but CST has not been eliminated, and in the meantime new destinations have arisen.

3. Tourism's Changing Face and the Role of the Tourism Industry

There are now a multitude of actors across the tourism sector employing many tools and strategies to combat the commercial sexual exploitation of children in travel and tourism. These developments have coincided with a number of other concerns which have encouraged a climate sympathetic to child protection. Countries that were seen primarily as sex tourist destinations became concerned about the health implications for their populations, with rising rates of HIV infections and other sexually transmitted diseases. The sustainability of tourism as an income generator has also led to concerns about over-development, negative cultural and social impacts, deterioration of habitat and destruction of the environment. Tourist destination countries have had to face the conflicting priorities of generating large amounts of foreign currency while protecting infrastructure and avoiding public social and health problems in the future.

For sending countries, the same concerns have raised questions about exploitation of other cultures and environments. 'Ethical', 'sustainable' and 'responsible' tourism concepts have gained interest among consumers and service providers. The UNWTO formulated these concerns with the adoption of its *Global Code of Ethics for Tourism* in 1999 ('the *Code of Ethics*'), a code which now permeates relationships within the big players in the industry and informs the work of the UNWTO in destination countries. Tourists are expected to respect the local environment, to know and respect the national legislation where relevant, to assist local development by spending on indigenous products, to use services that encourage local employment in destinations and to respect the rights of children.

Climate change and the volatility of national and international economies are impacting the tourism sector. Volatility in the markets was seen in the reaction to the SARS outbreak in Asia in 2003 and the tsunami disaster in December 2004 when tourists simply changed destination to avoid afflicted areas. Climate change is already influencing the decision-making of both travellers and service providers. The Earth Summit in Rio in 1992 and the World Summit on Sustainable Development in Johannesburg in 2002 bore witness to growing awareness of the world's interdependence and the need to protect the environment and cultures. The role of tourism as a catalyst to development but also as a danger to fragile environments was recognised, and the Johannesburg Summit strongly advocated a multi-stakeholder approach to create sustainable solutions for development. A major report from the Davos Conference in October 2007¹⁵ concluded that while the consequences of climate

change will vary on a regional basis, all nations and economic sectors, including tourism, must contend with the challenges through adaptation and mitigation measures. Indeed, tourism is a highly climate-sensitive economic sector, affecting both consumers and providers. Apart from direct and indirect environmental impacts, and the effect of mitigation policies on tourist mobility, there is also risk to global economic growth and political stability. The report called on the tourism community to collectively formulate a strategy to address 'what must be considered the greatest challenge to the sustainability of tourism in the 21st century'. In its press release prior to the Davos Conference, the UNWTO pointed out that the tourism sector needs to strategically focus on both adaptation measures in affected tourism destinations in order to safeguard economic returns and jobs, and on mitigation measures of specific forms of tourism to achieve substantial emission reductions.

While the sector is learning to adapt to environmental and economic changes, increasing ease of travel and lower costs are opening new destinations to tourism and to 'second-home' markets. There is more choice of airline routes and more flexibility in travel options. The fastest growing regions in 2008 are the Middle East, North-East and South Asia, and Central and South America.¹⁶ However, countries in Africa, Central Asia and the Pacific are also opening to tourism, and are recognising tourism as a means of economic development of regions marginalised in the global economy. Some existing markets continue to grow, such as Cambodia, which increases its tourist arrivals by 30% per year. Other existing markets, such as South Africa and the Caribbean are diversifying, extending their capacity to cater not just for short-term tourists, but also for long-term visitors acquiring second homes and a consequent private rental market.

Another change is the manner in which tourists manage their travel. In the 1970s and 1980s a large amount of sex tourism was organised within the formal tourism industry, through tour operators and hotel chains. Now, the organisation of a sex tourist's travel is much more discreet and individual. Use of the internet to make travel and accommodation arrangements allow the tourist to by-pass the traditional booking channels, and to choose his/her destination without an agent or intermediary. Services can be anonymously accessed by computer or mobile telephone, making it increasingly difficult to monitor travellers and their activities and increasingly easy for the traveller to access sex services, whether legal or illegal.

Understanding of the profile of the child sex abuser has also changed. Far from the 'older male paedophile' image of the 'child sex tourist', the modern sex tourist exploiting children is mostly young and not a paedophile. Women are also exploiting young people for sex in some destinations. Research carried out in Italy by ECPAT Italia in collaboration with academic and other institutions¹⁷ found that only 3% of the estimated 80,000 Italian

nationals travelling abroad for sex are paedophiles. The majority are ordinary men and women, with 90% male, and 25% homosexual. Their average age is 27, with the majority between 20 and 40 years of age. All social classes are represented in the category of child sex abuser.

This study also makes the point that abusers tend to use modern technology to make contact with others who have similar interests, such as in child pornography. Besides using the internet to discuss and compare travel destinations with peers, once at their destinations, sex exploiters may use their telephone cameras to take and disseminate instant images of their 'conquests' (victims). In the early days of combating CST, child pornography was in hard copy and could be discovered in searches by Customs authorities. Nowadays, pornography is stored in a camera or mobile phone, or has already been sent over the internet to the computer of the image-maker.

Many foreign child sex exploiters are not short-term holiday-makers, but long-term or frequent visitors to a country, and invite friends to visit them. Such long-term visitors form households and build relationships within local communities. Arthur Kanev, for example, the first American extradited to Costa Rica in 2004 had first started visiting the country in 1996. At least 30 children had been abused by Kanev and his friends before they were discovered in 1999. Kanev escaped the jurisdiction and 5 years later he was caught and returned to Costa Rica for trial, sentencing and imprisonment. Many of the foreign child abusers arrested in the Philippines and Sri Lanka were long-term visitors who also invited their friends to visit and abuse children - in some cases children were brought back to Europe where abuse was continued. With an increase in the number of countries in Africa, Asia, Eastern Europe and South America where foreigners are being encouraged to buy property and stay for several months, the opportunities for sex offenders to integrate into local communities are widening.

In this changing environment for tourism there are opportunities and challenges for child protection. Activities promoting sustainable and responsible tourism can benefit children within those communities. Service providers can benefit by promoting the 'added value' of child-friendly tourism. At the same time, the increasing potential for anonymity and the use of modern communication technologies present challenges and dangers, particularly where local economies struggle with extreme poverty and lack of infrastructure, or where they are only beginning to address the tourism phenomenon.

Those combating the sexual exploitation of children in tourism over the past 15 years have learned that the degree and forms of exploitation differ from continent to continent, country to country and even region to region within a country, but a common and singular

element always remains - exploitation. The structural and cultural factors underlying such exploitation are of such complexity and magnitude that societies will only be able to address them (with any reasonable expectation of success) when strategies for national policies and plans of action are context-sensitive and include multiple stakeholders. For the purpose of this paper, multi-stakeholder strategies qualify as such where there is a definite, central and irreplaceable role for the State institution in charge of child protection, but where other key political, social and economic actors are considered rightful participants and are entrusted with equally important responsibilities. These responsibilities will generally be associated with the specific activity performed by such parties and fall within their spheres of political, economic and social influence.

From this perspective, two key stakeholders deserve special attention in light of the central role they play in any national strategy designed to fight CST. One of these is the private tourism industry.¹⁸ These companies are in a unique position to protect young people faced with the threat or actual occurrence of CSEC within their sphere of operation. Lessons from the past, worldwide, show that little can be done to prevent this hideous crime, to protect its victims and punish the exploiters, if the tourism community, both as a sector, and also through its members in their personal capacity, are not committed to its eradication. In fact, the personal involvement of members of the tourism sector in the prevention and reporting of CSEC in travel and tourism represents a unique situation where the 'Power of One' becomes a meaningful power.

This can also apply to the shareholder of a travel company, who votes on where and how to promote certain destinations internationally, to the car rental representative when selecting information to highlight when asked by clients about where to go and what to do in the local town, to the manager of a hotel when setting the company's policy on the use of facilities and services by guests and accompanying persons and making that policy known to clients and providers and to other tourism development agents in many other ways.

The following section addresses the way in which the tourism industry has come to understand 'the right thing to do' in the fight against CSEC. This is in light of the legal framework and internationally accepted norms of behaviour dealt with later, and their coincidence with two rather new business development paradigms that are gaining public and private acceptance worldwide the concepts of Responsible and Sustainable Tourism and Corporate Social Responsibility.

Responsible and Sustainable Tourism (RST)

RST is a tourism development paradigm based on a philosophy and supported by a global movement. The philosophy underlying the concept is that of sustainable tourism which, according to the UNWTO, promotes the idea that tourism should respond to the needs of today's tourists and their host regions, while protecting and improving the future opportunities of those regions. It requires the management of resources in a manner that both allows for the satisfaction of all economic, social and aesthetic needs and guarantees respect for cultural integrity, essential ecological processes and biological diversity, as well as for local support systems.

Five principles are at the heart of sustainability as a philosophy of personal and corporate behaviour in so far as it relates to socio-economic interaction. These principles are:

- Natural and cultural resources are to be protected for continuous future use while producing present benefits;
- Tourism development is planned and managed so that it will not cause serious socio-cultural and environmental problems;
- The quality of the environmental is preserved and improved;
- A high level of visitor satisfaction is pursued while the destination maintains its prestige and economic potential; and
- Tourism benefits are fairly distributed among the community.

There is a general consensus on two relevant premises among the international community sharing this philosophy. First, there is not a single model of sustainable tourism that can be applied universally, since the impact tourism may have on a destination varies according to the context and characteristics of its host society. Second, there are certain models of tourism development which, regardless of the socio-economic and environmental characteristics of their destination, will always prove unsustainable. Sex tourism affecting children and adolescents falls into the second premise.

Responsible tourism is the global movement that supports the adoption and expansion of the philosophy outlined above. Responsible tourism is committed to the establishment of sustainable tourism development 'models' suitable to specific destinations, taking socio-economic and environmental variables into account. Responsible tourism means that

stakeholders are willing to denounce the negative impacts certain tourism activities produce or may produce on a host society,¹⁹ and to address the distorted perception visitors may develop towards the local reality.²⁰ At the same time, tourists themselves, tour operators and destination and related public institutions are called upon by stakeholders to nurture the good practices of sustainable tourism.

The responsible tourism movement is the promotion of global acceptance and coherent action based on the notion that tourism, as with any other economic activity, has the capacity to strengthen or to seriously harm the development of its host country or region. The ultimate effect of tourism will depend on the model adopted by stakeholders in the countries of origin and destination, as well as on the standards set and followed by Governments and societies at the receiving sites. The argument points out that the relationship between tourism and development is too complex to resolve only through corrective action by governing bodies on either side; the active involvement of all stakeholders is required, including the individual tourist, all playing different but synergetic roles in the balancing of this equation.

The UNWTO is a strong promoter and supporter of RST. It convened a consultative process that culminated in the adoption of the *Code of Ethics* by its General Assembly meeting in Santiago de Chile.²¹ The *Code of Ethics* has been officially recognised by the UN General Assembly through a resolution adopted in December 2001, in which the World Tourism Organization is further encouraged to promote and effectively follow-up on the expansion of the *Code of Ethics* amongst key stakeholders within the industry and related fields.²² It is through this process that the *Code of Ethics* became the principal frame of reference for the responsible and sustainable development of world tourism.

When referring to the *Code of Ethics*, Francesco Frangialli, Secretary-General of UNWTO, stated that 'It draws inspiration from many similar declarations and industry codes²³ that have come before and it adds new thinking that reflects our changing society at the beginning of the 21st century. With international tourism forecast to nearly triple in volume over the next 20 years, members of the World Tourism Organization believe that the *Global Code of Ethics for Tourism* is needed to help minimise the negative impacts of tourism on the environment and on cultural heritage while maximising the benefits for residents of tourism destinations. The *Global Code of Ethics for Tourism* is intended to be a living document. Read it. Circulate it widely. Participate in its implementation.²⁴ Only with your cooperation can we safeguard the future of the tourism industry and expand the sector's contribution to economic prosperity, peace and understanding among all the nations of the world.'

It is in light of the above considerations that RST, as a concept for action, paved the way for tourism organisations and businesses to understand and embrace support for social development and human rights protection issues as a concrete and measurable expression of Corporate Social Responsibility, fully in line with the interests of their stakeholders and with their own higher obligations toward society.

Corporate Social Responsibility (CSR)

CSR is a self-governance business development paradigm that has rapidly gained acceptance and relevance within political and economic spheres of influence worldwide. A business that promotes itself as being socially responsible demonstrates a corporate self-confidence in its own excellence, and a sense that it is a leader among its peers. Within this paradigm, any individual company that aspires to become socially responsible has to take responsibility for the impact of its actions and omissions on society. One of the greatest challenges of CSR is for businesses to adhere to this principle based on a clear understanding of ‘...the real meaning and appraisal of what this opportunity represents with regard to their contributing in a concrete and measurable way to sustained human development in the contexts in which they operate, and doing so from a humanitarian approach rather than a utilitarian one.’²⁵

A review of various conceptual approaches from a number of informed sources²⁶ shows that CSR will always represent conscious behaviour, directed towards contributing to economic development while improving the quality of life of the company’s collaborators and their families, as well as the community within their sphere of influence and society at large. It will be consistent with ethical values, and will reflect a culture that is shared by the organisation as a whole, rather than a line of action entrusted to one of its departments or divisions.

The European Commission has stated that ‘Corporate social responsibility is essentially a concept whereby companies decide voluntarily to contribute to a better society and a cleaner environment.’²⁷ According to the same source, CSR ‘... is mainly driven by large companies, even though socially responsible practices exist in all types of enterprises, public and private, including small and medium-sized enterprises (SMEs) and cooperatives.’²⁸

From this standpoint, a governing approach consistent with the CSR concept, whether by a large, medium-sized or small tourism business venture, will necessarily place equal value on the results anticipated from their actions: to be economically productive; to be in compliance with the rights and duties arising from their relationship with the community

in which they operate; and to participate actively in the construction of the type of society in which they aspire to live and develop.²⁹

Just as in the case of the RST paradigm, CSR is inspired by a set of principles that, taken as a whole, provide a direct framework of application for the involvement of tourism businesses and ventures in the fight against the commercial sexual exploitation of children in travel and tourism. An overview of such principles allows for the assertion that socially responsible corporations and business ventures:

- **Are accountable³⁰ for the impact of their activities on society and the environment.** Accountability also implies taking responsibility where personal or social wrong-doing has resulted from its actions or omissions, taking the appropriate measures to remedy such wrong-doing and taking action to prevent it from recurring.
- **Will behave in a manner consistent with universally recognised ethical principles or codes of conduct** concerning integrity, honesty, equity and stewardship. A company adhering to the CSR paradigm will adopt and apply standards of ethical behavior appropriate to its corporate objective and activities.
- **Will respect and take into consideration the interests of their stakeholders.³¹** Furthermore, they will also take into account the relationship between such interests and the broader interests of society and of sustainable development when addressing issues or resolving claims.
- **Will abide by and comply with all applicable laws and regulations, both national and international.** This implies avoiding becoming complicit in any illegal activity and assuring to the best of their ability that relationships are pursued and activities are undertaken within the relevant legal framework.
- **Will recognise both the implications and the universality of human rights protection** in accordance with the Rule of Law, and even in situations where there is no national legal provision applicable to the issue at stake or where the law governing same is either inadequate or not consistently applied.

Responsible and Sustainable Tourism (RST) and Corporate Social Responsibility (CSR) and the Involvement of the Tourism Industry in the Fight against CSEC in Travel and Tourism

The suitability of the paradigms reviewed above for summoning the active participation of the tourism community as a key stakeholder in the fight against CST is fully supported by the convergence of the principles and aims relevant to RST and CSR and the universal principles and values underlying the fight against CSEC in general, and against its occurrence in travel and tourism in particular.

As stated earlier, RST is a philosophy committed to the establishment of sustainable tourism development models, denouncing the negative impacts certain models of tourism produce or may produce on a host society, and calling upon and valuing the responsibility of tourists themselves, tour-operators and related public institutions, in relation to the nurturing of good practices for sustainable tourism. CST, on the other hand, is a form of tourism activity that has proved harmful to its victims and a threat to the sustainable development of their societies. The case can therefore be made that CSEC in travel and tourism attacks the core issues pursued under the RST paradigm, and that it is only natural that tourism corporations and ventures committed to RST should seek to eradicate such a distorted expression of their core activity in their political, economic and social agenda for action.

CSR, as explained above, is a business development paradigm which demands that any corporation or business intending to operate in a socially responsible manner has to take responsibility for the impact of its actions and omissions on society, and to adopt and apply universal standards of ethical behavior appropriate to its objectives and activities. For businesses adhering to CSR principles, being socially responsible implies not only that they must abide by and comply with all applicable laws and regulations, national and international, but that they must also recognise, and translate into action, both the implications and the universality of respect for human rights.

Commercial sexual exploitation of children in all its forms, including sexual exploitation in travel and tourism, has been universally recognised as a violation of the fundamental human rights of its victims: a form of sexual abuse that victimises each child twice, firstly in treating the child as a sex object and secondly in treating the child as a commodity. It is seen as a modern expression of slavery, forced on and harmful to its victims.

The case for CSR as a logical framework through which to call upon the tourist industry to put an end to CSEC within its sphere of activity and influence is a solid one. There has already been significant activity within the industry, demonstrated by the response to the *Code of Conduct* by its numerous adherents around the globe. Can this effort be sustained, increased and extended to regions of the world where there is still so much to be done? Given the size of the industry, and its exponential growth, the potential is enormous. The following suggestions should be explored by the tourist industry as viable, concrete and measurable expressions of RST and CSR that can be applied in the fight against CSEC in travel and tourism.³²

National and regional chambers, federations and similar tourism related bodies are in a unique position to exert political pressure:

- In support of legal reforms aimed at strengthening the structural capacity of the countries in which they operate to prevent, control and prosecute CSEC. This support could find expression in partnership with civil society through its local legislative/administrative systems.
- To demand from Central Governments the drafting, budgeting and sustained implementation of national plans of action aimed at eradicating CSEC in general, and CSEC in travel and tourism in particular; and to ensure that the final action proposals are consistent with the rights of the child and use culturally sensitive, multi-stakeholder, approaches. This activity could be undertaken in partnership with key actors within the mass media and related civil society organisations.
- To encourage constructive public debate around the subject, so that it gets moved up the decision-making agenda of public institutions whose mandates directly or indirectly relate to the modification of socio-economic risk factors underlying the occurrence of CSEC, within their sphere of influence.
- To raise awareness and improve knowledge amongst its affiliates with regard to the occurrence of CSEC within their sphere of action, and the implications in terms of sustained human development and community safety; and
- To promote informed coverage on the issue by politically and socially influential mass media.

Individual tourism businesses or ventures are in a particularly good position to:

- Foster protection factors in the communities in which they operate, for the benefit of future generations. This includes, for example, increasing income-generating opportunities such as formal employment for non-qualified workers, and improving access to health, education and high-quality daycare services.

- Put self-regulation policies and mechanisms designed to deter CSEC in place within its sphere of business activity. A good practice here would be to formally commit to the implementation of the *Code of Conduct*. Since the *Code of Conduct* currently promotes, follows-up, monitors and evaluates the implementation of context-tailored expressions of its innovative proposal for action, both at origin and destination countries in most continents of the world, it is a purpose-built vehicle to assist positive action by businesses.

An interesting expression of CSR in the context of tourism and CSEC is the model adopted by the Atlantica Hotels International (AHI) Group in Brazil.³³ A corporate decision was taken to prevent CSEC in tourism, while promoting sustainable tourism. In the two years since the project began in 2005, AHI has involved the support of 2500 of its business colleagues and associates and has raised awareness among some 3 million guests, as well as supporting hundreds of vulnerable children through local social projects. The strategy involved implementation of the *Code of Conduct* at the corporate level, raising awareness about child protection and raising funds. The end result is a successful business model in which the corporate objective of making a profit is realised in a context of concern for the children at risk in the community, and a willingness to undertake corporate responsibility to address those risks and to involve other stakeholders, including the community, in that effort.

4. The Role of the State

National Tourism Authorities

Apart from legally binding instruments that impose obligations on States to adopt integrated measures to prevent and eliminate gender violence and the exploitation of women and children, there are also political mechanisms³⁴ that address CSEC. These mechanisms encourage research on the causes and consequences of such violence and the effectiveness of preventive actions, and provide assistance to victims. The mechanisms support the notion that it is the right and duty of every State to act both as the central stakeholder and legitimate convening force to mobilise and commit its society towards the eradication of CSEC in general, including CSEC related to travel and tourism.

In this respect, a State's first responsibility will always be at the national level, making sure that confronting CSEC is undertaken as a matter of priority under the public agenda. This implies, but it is not restricted to, securing the resources necessary to give technical and financial support to every one of the components required to develop an integrated and coherent public policy on the issue.³⁵

States express their responsibilities and interests through the actions of their public bodies. But it is the role of the Central Government to call for the participation of those public bodies holding privileged positions to make their own unique contribution to the design and implementation of a multi-stakeholder policy and/or a plan of action aimed at the progressive eradication of CSEC in general, and in travel and tourism in particular. Amongst such bodies, the following institutions deserve special mention:

- **National child protection agencies** should be called upon to undertake the design and implementation of child-centered, gender-sensitive treatment services for victims as well as the provision of adequate shelter alternatives for child and youth protection, where required.
- **Ministries of health and education** should be assigned the task of designing and implementing sustained, culturally sensitive information and awareness programmes aimed at empowering children, adolescents and their families to protect themselves and those close to them against CSEC.
- **Ministries of culture** should be called upon to design and implement community-based, non-formal education programmes intended to generate a culture of zero tolerance towards CSEC.

- **Ministries of public security** should be entrusted with the design and implementation of prevention and control mechanisms directed towards preventing the unlawful behaviour of individual exploiters linked to the CSEC market, including clients and intermediaries, and to the dismantling of related criminal networks operating at national and international levels.
- **Ministries of tourism** should be called upon to ensure that national tourism strategies and policies take into account child and youth protection, and that such emphasis is reflected in the work of the National Tourism Authority.
- **National tourism authorities (NTAs)** should be assigned the important task of designing and implementing regulatory, educational and communication measures within their sphere of influence that will prevent and control the use of the local tourism structure by foreign and national tourists and travelers who sexually exploit children and adolescents. This task should be undertaken in the framework of their own mandate and in the framework of public-private ventures involving the participation of key representatives from the private sector and related civil society.³⁶

Here it is important to stress once more the advantage held by an NTA to develop national and international awareness-raising and educational strategies designed to overcome four of the six conditions³⁷ universally recognised as risk factors for a country to become a CST destination. These conditions are:

- The **marketing of the country** as a ‘Mecca’ for tourism, **with insufficient distinction being made of the type of tourist** that would be welcome.
- Lack of specific legislation or the **failure to apply existing legislation**.
- **Denial, lack of knowledge and stereotyping of the problem** by the resident population.
- An **erroneous impression** in the countries of origin of sex tourists that both age and sex are viewed differently in the destination and that different social rules apply.

Although there are many problems in implementation, an example of a national tourism authority taking a role as central stakeholder can be found in The Gambia, where, in 2003, a National Taskforce on Sexual Exploitation of Children in Tourism was set up under the Gambia Tourism Authority. The Taskforce comprised UNICEF, government departments, NGOs, tour operators and hotel and restaurant owners. One of its main achievements has been the development of a *Code of Conduct* for The Gambia, which is a modified version of the *Code of Conduct*.³⁸

A second responsibility of the State is to act internationally, in the national interest, to deter the exploitation of children, both within its borders and beyond, or wherever the rights and dignity of the younger generations are at risk. Such action takes place through their membership of and contribution to the work of international bodies, and through the

establishment of bilateral and multinational cooperation agreements intended to prevent, control and/or repress CSEC, as well as to protect the rights of victims.

In the context of tourism and the human rights of children, all States (except for the United States of America and Somalia) have accepted legal accountability for the protection of children from all forms of sexual exploitation and sexual abuse through their ratification of the CRC (Article 34). Their commitment applies not only to the children within their jurisdiction, but to **all** children, because ratifying states have undertaken to take national, bilateral and multilateral measures to prevent the exploitative use of children in prostitution and other unlawful sexual practices. The commitment is even more firmly expressed in the *Optional Protocol*³⁹ now ratified by 128 states, including the United States of America.

Actions by Governments of tourist-sending countries have included legislation at the national level as well as the allocation of development funding for anti-CST projects to countries where abuse of children by their nationals has been identified as a problem. In tourist-receiving countries, States have improved their national legislations and their child-protection systems; in some cases, specialist police units have been developed for child protection work. In countries where the UNWTO has been involved in assisting tourism development, the NTAs have been designated to act as a liaison between national tourism endeavors, the government and the UNWTO. Training programmes for tourism personnel and the police⁴⁰ have also been a feature of Government action in destination countries in response to their commitments.

Following this line of thought, the next section describes good practices adopted by different States. These include legal and administrative protection measures for children and national legal responses to sex tourism affecting the underage population worldwide.

Child Protection Legislation and Child Protection Procedures

The promotion and protection of human rights is the avenue through which the negative effects of tourism on children and adolescents must be addressed. States have undertaken legal commitments under the CRC to protect children from sexual exploitation. Those commitments are expanded with reference to CST under the *Optional Protocol*. That instrument in turn was informed by the *Agenda for Action*, which describes in concrete terms the standards to be met to combat CST.⁴¹ The climate in which states implement their obligations under the CRC is further informed by the ethical commitments developed through the work of international organisations, with particular reference to the *Code of Ethics* and the *Code of Conduct*, to which reference has been made already.

In *'Theories on Human Rights'*,⁴² it is pointed out that the best interests of children must be considered fundamental to all activities related to childhood. National and international programmes for the defense and protection of children need to be gender and context-sensitive, giving special attention to the diverse vulnerabilities of girls and boys to CSEC on account of their gender or life situations. Special protections need to be available to girl children, abandoned children, street children and children who have been economically and sexually exploited, including those who are victims of child pornography. In relation to tourism and development, States have the responsibility to protect children and adolescents from any activity that would harm them, and to take positive action to vindicate their rights in the face of infringements. The theory, argued by some States in the face of economic limitations, that social rights have to be limited by 'the possible',⁴³ is not acceptable to human rights theorists in relation to children. On the one hand, such a theory would validate the failure of the state to guarantee fundamental human rights; on the other hand, children are a uniquely dependant category of human beings who require the protection of society for their development.

The responsibilities of States to respond to the CST phenomenon have to be measured against the standards set in the instruments mentioned above. Concrete measures are required to comply with Article 34 of the CRC, supported by Article 36.⁴⁴ And since the CRC obliges States to treat persons under the age of 18 as the subjects of rights, all state provisions affecting them must put their interests paramount to all other considerations.

Internal judicial measures must be adequate if a State is to comply with its international obligations. For individual States, this may imply addressing gaps or adapting existing provisions to ensure that internal law harmonises with international standards. For the complete and effective implementation of an international treaty by a State, significant changes in the legislation and in procedural practices may be required. Even socio-cultural changes affecting the State, the family and the community as a whole may need to occur. Thus it can be extremely difficult to implement the new standards simply through legislation, and non-legislative measures may be needed to reinforce them.⁴⁵ In reality, it is ultimately, a participative and supportive citizenship that preserves the democratic judicial order. Rules will only be respected if they are founded on values inherent in the society.

The effectiveness of rules made under the criminal code of a country is limited by the fact that such code is addressing criminal behaviour, and in so far as CST is concerned, it is not positively addressing the situation of children. Penalising offenders is only vindicating rights that have already been infringed. Therefore, in addition to the strengthening of laws to penalise commercial sexual exploitation of children in tourism and travel, it is also necessary to change the social climate so as to reflect the moral and ethical values that

the international instruments seek to implant. This means that not only must child sex exploiters be penalised, but that children must also be protected in terms of prevention from harm, and from secondary abuse by the judicial system itself.

Unfortunately the laws and procedures in many countries are still inadequate in relation to the standards required by the CRC, and fail to protect children and adolescents from sexual exploitation in tourism. In many places, obsolete bureaucratic procedures are unable to respond to crimes against children, and judiciary systems are corrupt. Laws are not implemented properly; policing is in many cases poor and corrupt. Services for child victims are inadequate or non-existent, and too often the child or young person who has been sexually exploited in tourism is treated as a criminal and victimised a second time by the judicial system itself. Children affected by CST need fast, fair and humane justice systems in which investigating police are trained to deal with sexual crimes against young people, and where evidence can be taken in a secure, child-friendly environment where the child is treated as a victim and not as an offender.⁴⁶ They also need shelter and protection while a trial is progressing, and services to assist their recovery and reintegration following sexual exploitation.

At the same time there are important and positive developments around the world, from which some common elements can be abstracted. These include legal and administrative measures taken by various States as they attempt to comply with their international legal obligations and fulfil their commitments under the *Agenda for Action*. All States already have legislation in place to penalise the sexual abuse of children, with, in general, increased penalties for children under the age of 14. Measures to address the sexual exploitation of children in tourism are distinguished with **additional specific** areas of law and protection systems, so as to increase or extend the protection of children against exploitation by tourists. Certain common features that have emerged in recent years include:

Legal measures:

- Law provisions are explicit in naming the conduct being penalised;⁴⁷
- Legal protections against CSEC cover young people up to 18 years of age;⁴⁸
- Specific legislation is put into effect to address the particular forms of CSEC prevailing in the national context;⁴⁹
- The party paying for or agreeing to pay for sex ('the client'), whether to the child or to a third party, is criminalised;⁵⁰
- Extraterritorial laws allow for the prosecution at home of crimes committed abroad by nationals or residents;⁵¹
- The double-criminality requirement for offences tried under extraterritorial jurisdiction is abolished;⁵²
- Judicial procedures are age-sensitive;⁵³

- Witness and victim protection programmes are available;⁵⁴
- Special courts are assigned to hear and rule on CSEC cases;⁵⁵
- Special law-enforcement bodies are created and trained to address specific and challenging forms of CSEC;⁵⁶
- Civil society organisations are entitled to initiate a judicial process in support of a victim or represent a child victim during the trial process;⁵⁷
- Penalties are proportionate to the seriousness of the crime committed;⁵⁸
- Both criminal and economic sanctions are imposed on the offender.⁵⁹

With regard to administrative measures:

- Victim support mechanisms are put in place;⁶⁰
- Registries of CSEC cases and/or sex offenders are maintained and shared with police forces in other countries;⁶¹
- Controls are placed on child sex offenders, both within the country and on those who travel abroad;⁶²
- Controls are placed on professionals who work near children;⁶³
- Transnational investigation cooperation treaties are agreed between police authorities;⁶⁴
- Multinational criminal investigation operations are carried out on a collaborative basis among the authorities of multiple states.⁶⁵

Some Legislative Responses to CSEC in Tourism

As can be seen from the references above, a wide variety of legislative responses offer models and inspiration from all around the world. Some interesting examples are described below. Unfortunately, these models are not always used and applied even by the countries enacting them and enforcement remains a serious challenge. But by setting them out, readers can realise the possibilities that exist in legislation to combat CST.

Criminalising the Purchase of Sexual Services

Sweden has criminalised the purchase of sexual services since 1999 under the *Act Prohibiting the Purchase of Sexual Services*.⁶⁶ Thailand criminalises a customer who buys sex from a person under the age of 18.⁶⁷ In several more countries, the clients or customers of prostituted children can be prosecuted as criminals for sexual encounters with underage individuals.⁶⁸

Extraterritorial Jurisdiction Used for CST Offences

In relation to extraterritorial jurisdiction, at least 44 countries already have legislation that enables them to prosecute their nationals for crimes against children committed abroad. Countries are also beginning to abolish the traditional requirement of double criminality (the offence committed in the foreign country must also be an offence in the country of the offender's nationality) before prosecuting crimes connected to child-sex tourism.⁶⁹ In Europe, the new *Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse*⁷⁰ requires ratifying States to ensure that jurisdiction does not depend on double criminality.

Controls on Tour Operators

Colombia is using *Law No. 679/2001*, which seeks to articulate prevention mechanisms against CST, to ensure that tourist agencies apply the *Code of Conduct* so as to prevent sexual exploitation of children in tourism. The law enables the inspection of tour and travel agencies to ensure that they are not promoting CST.

Italy provides an interesting model of controls on travel enterprises with *Law No. 38 of 2006*.⁷¹ The law imposes penalties of 6 to 12 years or serious fines for organising or promoting travel that results in sexual exploitation of children. The penalties are increased where children under the age of 14 are affected. The law also requires travel agencies, tour operators and airline companies to provide information to potential travellers, through notices, catalogues, travel documentation and in-flight magazines, that Italian law punishes prostitution and the use in pornography involving minors, even when such acts are committed abroad. Failure to comply with the requirements to provide this information can result in a penalty of €1500-€6000.

In Africa, The Gambia has a *Tourism Offences Act* of 2003 that prohibits anyone, or a legal entity, in the tourism industry from offering any illegal service to a tourist.⁷² France also sanctions businesses organising sex tourism.⁷³ Some countries prohibit the procurement of or incitement to sexual intercourse with a minor, such as Canada⁷⁴ and the United Kingdom⁷⁵, and through this avenue a tour operator could be penalised for promoting child-sex tourism.

There are also situations where a law that was not designed to combat child-sex tourism can be used to do precisely that. Several countries, for example, gave information to the UNWTO on provisions in their laws to prevent the organisation and advertising of sex tours. In Peru, while there is no law that prohibits the organising of sex tours, *Law Decree No. 891* provides that public announcements must not contain anything that could promote or encourage illegal activity. Argentina could use its *Penal Code*, Article 128, to prosecute

tour operators who advertise sex with children. Information from the People's Republic of China indicated that a law relating to obscenity in advertising could be used to prosecute the advertising of sex tours, while the German response suggested that a Law on Unfair Competition could be used for that purpose. Other countries, like Mali and the Seychelles, pointed to provisions of their penal codes dealing with unacceptable behaviour as the route to address such advertising.⁷⁶

Controls on Places Providing Accommodation to Tourists

Many countries prohibit the use of certain venues for prostitution, and these laws can be used to prosecute the owners of hotels and guesthouses that are allowing their premises to be used to sexually exploit children and young people. In the Philippines, for example, the Department of Tourism prohibits hotels and other accommodation establishments from allowing any person who they have reason to believe is engaged in prostitution from occupying a room or even entering the establishment.⁷⁷ But the Philippine legislation also directly targets the sex tourist and makes the customer liable to prosecution under *Republic Act 7610*. In Brazil, *Embratur Regulation No. 367/1996* prohibits the use of hotels for the sexual exploitation of children.

Control of Child Sex Offenders

On the control of known sex offenders, legislation in the United Kingdom is very advanced. Since the *Sexual Offences Act* of 2003, sex offenders who have been registered after conviction for child sex abuse must give the police seven days notice if they intend to travel abroad for a period longer than three days. UK authorities can even prohibit the travel abroad of child sex offenders if there is a risk that they would abuse children overseas.

In Italy, the judicial police collect all relevant information on offences covered by law that criminalises child-sex tourism, and coordinates information they obtain from equivalent sections of the police in other European countries,⁷⁸ which enables the police to follow the movements of sex offenders.

A recent example of international collaboration on the supervision and control of convicted sex offenders was the case of 'Gary Glitter', the singer Paul Gadd, who served a sentence in Vietnam for abuse of children. On his release in August 2008, Gadd tried to avoid returning to the UK. However, he was not allowed to enter Hong Kong or Thailand, and ultimately had no choice but to return to the UK where he was then served with an order placing him on the UK sex offenders registry, and therefore subject to future controls on his overseas travel.

Compensation to Victims

Compensation to victims for assault or injury is a normal part of civil law claims, and in some jurisdictions compensation can even be claimed in a criminal case on behalf of the victim of the crime. In some child-sex tourism cases, however, the jurisprudence has progressed to allow the victims of CST to seek compensation through NGOs. Awards of damages are being made in new and exciting ways, and the amounts awarded can be significant. In the Netherlands in 2004, a civil law suit was initiated by a Dutch NGO to claim civil damages on behalf of a victim after a sex tourist was prosecuted for producing child pornography. The victim was identified from video footage by a Philippine NGO, and this identification gave the Dutch NGO the information necessary to make a civil claim. Despite a delay of nine years between the abuse and the claim, the victim was awarded €3000 by the Dutch court.⁷⁹

In Rome in 2002, three Italian NGOs were permitted to become *parte civile* (civil parties) on behalf of unrecognised victims of sexual abuse, recorded on video by the offender. Under Italian law, organisations seeking to be recognised by the court as *parte civile* have to establish that they have suffered damage from the offender's crime. In this groundbreaking case, and without any victim having been identified, the court held that every time a child was sexually exploited, the organisations suffered 'damage' in that they had to spend money on the management of help lines, and on awareness-raising and prevention work.⁸⁰

Under United States law, a victim has the right to file a civil action against a perpetrator, and the minimum damage that can be claimed is \$150,000. Thus, a foreign child victim could initiate a claim against an American tourist, as long as he/she can identify the abuser and find a lawyer to initiate the claim. There is no need for a criminal prosecution to have been successful; the civil action is independent of the criminal process.⁸¹

In Canada, in 2008, an NGO intervened in a prosecution in order to defend the constitutionality of Canada's federal legislation against child-sex tourism, after the accused, charged with 35 offences from Cambodia, Colombia and the Philippines, launched a constitutional challenge.⁸²

Sentencing to Reflect the Seriousness of the Offence

Heavy sentences have been imposed for crimes connected to CST that are prosecuted in the destination country. For example, a Belgian national tried in Cambodia in 2006 was sentenced to 18 years imprisonment. On the other hand, Christopher Neil received only a sentence of 3 years imprisonment in Thailand for abuse of a 13-year old boy. The United States, as a sending country, has given heavy sentences; for example in a case tried in 2005

a tourist who returned from Kenya and was found to have been abusing children while abroad was sentenced to 25 years imprisonment.⁸³

Model Provisions for Addressing CST

States wishing to bring coherence to their legislative and procedural regimes to address CST in a comprehensive way could look to the new Council of Europe *Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse* already mentioned.⁸⁴ The Convention is open for ratification not only by the 47 member states of the Council, but also by states that participated in its elaboration, by the European Union as an entity, and by third states under certain conditions. But it could very well be used as a ‘road map’ for any country seeking to legislate to prevent sexual exploitation and abuse of children, and to protect them from such harm. The Convention addresses child-sex tourism in a number of concrete ways as part of an overall strategy of prevention against sexual abuse, protection in the case of abuse, including within the legal system, and combating child-sex tourism. In the latter context, ratifying States must:

- **Establish jurisdiction over any offence** under the *Convention*, whether the offence was committed in its territory, on board a ship or aircraft recognised by the laws of the State, by a national, or even by a person with habitual residence in the State;
- **Abolish the requirement for double criminality**; this means that nationals can be punished for acts committed abroad, even if the act was not criminal in the State in which it was committed;
- **Not require a complaint by a victim** or a denunciation from the State where the offence took place in order to prosecute;
- **Prosecute in the State where the perpetrator resides if that State will not extradite**;
- Ensure that **legal persons can be held liable** for offences committed by their leaders or for their benefit;(clarify?)
- **Allow sufficient time to initiate proceedings** after the victim has reached the age of majority;
- Provide measures to **encourage the reporting of suspected sexual exploitation of children**;
- **Ensure child-friendly procedures** in the investigation of offences.

Child-friendly procedures are very relevant to CST offences and include measures such as holding interviews with children without delay and in appropriate circumstances, carrying out investigations with the best interests of the child as a primary concern and having multidisciplinary structures for support to victims and their caregivers.

Another model for legislating against child-sex tourism is available from the Protection Project at the Paul H. Nitze School of Advanced International Studies at Johns Hopkins

University in Washington, DC.⁸⁵ The model focuses on the implementation of the *Optional Protocol*, and seeks to serve as a guide for countries seeking to enact a comprehensive legal framework against child-sex tourism, as well as to provide a model for harmonising existing legislation. A strong feature of the model is the clear link it makes between CST and trafficking in persons,⁸⁶ and another is the duty imposed on embassies to cooperate in the prosecution of child-sex tourists.⁸⁷

Extraterritorial Jurisdiction as a Tool to Combat CST

As noted above, the CRC (in Article 34) requires States Parties to take not only national, but also bilateral and multilateral, measures to protect children from being exploited in prostitution or pornography. The *Agenda for Action* calls very specifically for extraterritorial laws to address child-sex tourism, and for the extradition of offenders and other arrangements to ensure the prosecution of offenders. The *Optional Protocol* requires States Parties to fully cover the offences connected to sexual exploitation of children, whether these are committed at home or abroad.

The recognition of territorial sovereignty is a fundamental principle of international law. States exercise jurisdiction in criminal and civil matters over persons and property within the territorial limits of the State. When offences are committed in the State or on board ships or planes of a State, those offences are tried in the courts of the State, that is, on the basis of ‘territorial jurisdiction’. If offences are committed abroad by nationals of a State, the State where the offence is committed can try the offender. However, if the offender has escaped the jurisdiction and returned home, a request may be made for their extradition. Then the national State has to decide whether to extradite to that country, or whether to try the offender at home. Some countries have an objection to the extradition of their nationals, and prefer to prosecute offenders themselves. Sometimes the State where the offence was committed is not interested in prosecuting, and the State of the nationality of the offender has to decide if it wishes to prosecute the offence anyway. Generally the principle of ‘double criminality’ will apply.

There are three types of extraterritorial jurisdiction. Some countries apply extraterritorial jurisdiction as a general principle to offences committed by their nationals abroad.⁸⁸ The jurisdiction can be applied to a large number of offences. These countries do not need to have special provisions for crimes against children; the jurisdiction to try offenders for crimes committed abroad is simply there. Other countries⁸⁹ already have the capacity to prosecute for offences committed abroad, but have legislated to facilitate the prosecution

of offences against children. And some countries⁹⁰ have introduced specific legislation allowing the use of extraterritorial jurisdiction for offences committed against children abroad.

The effect of the *Agenda for Action* and the *Optional Protocol* on States exercising their powers of extraterritorial jurisdiction to respond to CST has been profound. Many prosecutions have taken place, and many countries have developed their traditional jurisdictions in relation to extraterritorial jurisdiction on the understanding that commercial sexual exploitation of children in tourism is a serious matter, and that their international obligations require them to be ready to prosecute their nationals for offences committed abroad. On the other hand, although many countries have the capacity to prosecute, in the overall context of the numbers of offenders who escape the local jurisdiction, prosecutions in the home country of a person who has committed an offence abroad are rare. Prosecuting an offence in a country that is not the country where the offence took place raises a number of technical difficulties, since the victims, the evidence and the witnesses are all located where the offence was committed. Not only is close cooperation between the police and prosecution services in both countries needed, but cooperation is also needed between social services to protect the child victim. Cases can be very expensive and time-consuming; they are likely to need interpretation and translation facilities. The evidence can be contaminated because of delay and moving between jurisdictions. Such cases require significant personal commitment by the individuals involved.

Cases analysed by the ECPAT Europe Law Enforcement Group in a study of the subject⁹¹ noted that the use of official channels of communication tended to cause delays and hinder the prosecution, whereas when police used a combination of formal and informal channels, the investigation and the preparation work was effective. One example cited was the Japanese case of 'HN', which showed 'that a technical requirement for the filing of a complaint by the victim imposes an impossible burden on foreign child victims'. In that case, the investigation could not have started if it had not been for an NGO that filed the complaint on behalf of the Thai child victim. On the other hand, in cases investigated by Swiss police, the prosecutor and police went to considerable trouble to obtain evidence under difficult circumstances in the countries where the offences had been committed.

The Dilemma of Enforcement

Extraterritorial jurisdiction is a powerful tool in dealing with child sex offenders, both as a deterrent and as a failsafe mechanism when a prosecution does not take place where the crime was committed. However, there are significant problems in prosecuting an offence

in a location that is different from where the offence took place. One problem is producing the victim for the trial; many children sexually exploited by tourists are street children or children living without state or community protective structures. Even if they are identified as victims, there are no adequate services to keep them in a secure location while the trial is prepared. A lack of consistency between laws and procedures in different states means that the pursuit of an extraterritorial offence imposes serious burdens on the resources of a country's prosecution services. Beyond Borders, the ECPAT group in Canada, points out that although high profile sex tourists have been successfully prosecuted in US courts, criminal authorities lack the resources to pursue the vast majority of US paedophiles who travel abroad to abuse children.⁹² As a result, 'there are no legal consequences for most sex tourists under the criminal justice system, and no justice for the victim.'

Indeed, the identification of child sex offenders through their possession of child pornography is probably more effective in catching child-sex tourists and facilitating their prosecution. An offender can be arrested, tried and prosecuted as a child sex offender through laws against making, distributing and possessing child pornography, and all the pitfalls of a prosecution involving an actual victim from another country can be avoided. The down side of this observation is that the victim of the crime is not vindicated or compensated.

Prosecutions of offenders in the country where the offence took place is a much more effective strategy, both as a deterrent, and in terms of protecting the victim from further abuse within the criminal justice system. But the premise for this assertion is that the police and prosecution services must be properly trained and motivated. Tourists quickly learn from the experiences of their peers, and so will avoid committing offences in countries where they are likely to get caught, prosecuted and imprisoned far from home. Countries of origin could assist by being willing to extradite for such offences, and, in this respect, the *Optional Protocol* provides a clear basis for extradition. Countries of origin could also have rules for their embassies abroad against providing new travel documents or a *laissez-passer* (a travel document for one-way travel to the issuing country) to nationals arrested for crimes against children in a foreign destination. Unfortunately, there are many instances in which embassies are not taking a proactive role in the protection of children. Embassies, approached by their nationals, have been known to issue new travel documents when the original had been impounded by the local police, and thus allow a child sex offender to jump bail and escape the jurisdiction. As a report from ECPAT UK⁹³ points out, 'This is because of a perceived contradiction between monitoring cases of individuals for risk of flight during bail, and upholding consular obligations to protect them as British citizens.' ECPAT UK believes that there needs to be a wider strategy of managing information on sex offenders between the embassies abroad and the relevant home government department.

Lack of reporting of sexual abuse of children is another reason that laws are not enforced. In many countries the police are feared by locals as corrupt and ineffective; concerned individuals may also be in fear of revenge by pimps or organised criminal syndicates that control the child victims. The *Children's Act* in The Gambia is unusual in that it imposes a duty on society to report cases of child abuse,⁹⁴ but in most countries reporting is voluntary. Reporting should be done by fellow-travellers, who can see what their companions are doing, but many people prefer to avoid the practical difficulties that can arise if they disrupt their holidays to report and just close their eyes to sexual abuse of children or adolescents. This is a failure on the part of the individual non-offending tourist to take on social responsibility described above in relation to the corporate sector. Reporting on one's national fellow travellers should be encouraged by consular and embassy representatives in tourist destinations; this would empower their nationals to report and encourage extraterritorial prosecution investigations. Most direct reports that have led to prosecutions, whether in the country of the abuse or in the country of residence of the offender, have been by NGOs to the authorities or by concerned citizens to NGOs (rather than to the police), who have then acted to rescue or protect a child victim. But ordinary tourists and local service providers need to know how to identify a child sex offender, and then how to react to this identification. A pilot project currently being undertaken by ECPAT France in three destinations is seeking to address this problem area, linking with groups in the project countries, including with groups that are already assisting tourists affected by other crimes.

5. The Contribution and Role of International Bodies in Combating CST

International Organisations

Standards of behaviour for States and between States are set in international treaty instruments. States express their adherence to common goals, and their international accountability, through their membership in international organisations, and through their ratification of the international treaties of such organisations. The role of international organisations in addressing CST has developed in the context of the United Nations human rights and sustainable development agendas. The *International Covenants on Human Rights* and other international standard-setting agreements provide the norms, procedures and institutions by which to promote respect for human rights and the right to development, and enable the regulation not only of national behaviour, but also the way in which states interact with each other. Common aims for humanity are pursued through inter-State collaboration. The *Millennium Goals* adopted in the year 2000 provide the common position between the nations of the world for the new century, and place the protection and promotion of human rights for all at the heart of this common endeavour.

International human rights instruments are an essential tool to effectively realise the rights of children, because it is through their implementation mechanisms that States Parties actually realise their commitments. The CRC is the primary international tool to combat sexual exploitation of children in travel and tourism. Its *Optional Protocol*⁹⁵ clarified the mandate to combat CST in that its preamble refers specifically to the ‘widespread and continuing practice of sex tourism, to which children are especially vulnerable’, and the Protocol requires ratifying States to fully cover ‘the offering, delivering or accepting...a child for the purpose of sexual exploitation’ under their national laws, whether committed at home or abroad. The Committee on the Rights of the Child, as the implementation body for the CRC, has pursued the issue of CST with those countries where problems of exploitation of children within the tourist economy of a country has been a matter of NGO or governmental concern.⁹⁶ This means that every five years a country affected by CST has to report on the actions it has taken to combat it, and face questioning from the Committee on the effectiveness of those actions.

For UNICEF, the CRC provided a new dynamic to its long-standing work for the world’s children, and moved the organisation from one of humanitarian and health-related assistance to one that also championed the individual rights of children. UNICEF was a partner in the organisation of the 1996 World Congress against the Commercial Sexual

Exploitation of Children, but until then had little relevant programming on the subject of sexual exploitation. During and after the Congress, UNICEF became an active promoter of the rights of children to protection from commercial sexual exploitation, carrying out research and developing and assisting numerous projects around the world to combat CSEC. UNICEF played a leading role in the development of the *Optional Protocols* to the CRC, and thus identified sex tourism very clearly as a form of exploitation directly promoting the sale of children, child prostitution and child pornography. UNICEF therefore not only has its own programmes that target CST, but is currently the main financial supporter of the *Code of Conduct* project. UNICEF also allies itself with ILO-IPEC in combating the worst forms of child labour as an integral part of its advocacy and programming for children.

ICPO-Interpol, the International Criminal Police Organisation,⁹⁷ is another international agency that has helped the work against CST, in this case by helping to identify and locate the perpetrators of crimes against children with an international dimension. The overall aim of Interpol is to provide mutual assistance between criminal police authorities. The organisation played an important supportive role from the beginning of the ECPAT campaigns in Asia. In particular, Interpol officers have collaborated with ECPAT groups and other NGOs in destination countries that had identified child-sex tourists. Such officers facilitated national police forces with the arrest of offenders through the Interpol Green Notices alert system. The system was used as an internal communications system between Interpol and national police forces until, in October 2007, Interpol launched its first global public appeal to identify a child-sex tourist. Ten days later, Royal Thai police arrested a Canadian man. This was followed up in May 2008 by the arrest in the United States of an American offender who had abused children in South East Asia.

Interpol maintains a database of legislation applicable in its member countries, which includes information on extraterritorial jurisdiction. Interpol has also facilitated training in many countries for national police authorities on policing offences against children, including offences connected to child-sex tourism. Interpol Liaison Officers on secondment in different parts of the world have been a resource to national police forces in sending and in destination countries for the arrest and prosecution of child-sex tourists.

Within Interpol, a Specialist Group on Crimes against Children has been sustaining expertise within the organisation on CSEC-related crimes since March 1993, including on CST. The work of Interpol that links to sexual exploitation of children in travel and tourism includes Internet crime, child trafficking and illegal adoptions. Interpol's current work related to crimes against children is largely focussed on the identification of victims of

child pornography; inevitably many abusive images uncovered through police investigation are the products of exploitative sex tourism, and as a result, many child-sex tourists have been identified and prosecuted.

One of the key international organisations addressing child-sex tourism is the UNWTO, which, as far back as 1985⁹⁸, had called on States and individuals to avoid the possibility of using tourism to exploit others in prostitution. Ten years later, in 1995, the UNWTO denounced child-sex tourism⁹⁹ and called for the mobilisation of National Tourism Authorities to take measures to prevent it, and appealed to the travel trade to eliminate it through education and self-regulatory mechanisms. Following the first World Congress, the UNWTO established (in 1997) its Task Force to Protect Children from Sexual Exploitation in Tourism.¹⁰⁰ The Task Force has worked with NGOs and other bodies to encourage governments and national tourism authorities to improve administrative and legal measures that could protect children from exploitation, and has also directed its efforts towards the tourism industry, encouraging the adoption of good practices and self-regulatory measures. The *Code of Ethics*, adopted in 1999, now provides the context for all the strategies of the UNWTO including child protection from exploitation in tourism. While it does not have the force of an international treaty, and is really an informal agreement between member states of the UNWTO, the *Code of Ethics* has its own enforcement mechanism to resolve disagreements through conciliation.¹⁰¹ Its strength is in the moral duty it imposes on every member and agency linked to UNWTO in the travel and tourism sector. The UNWTO also promotes the appointment of National Tourism Administration Focal Points to actively engage at the level of national tourism stakeholders in protecting children from exploitation in tourism, particularly through networking at the national, regional and international levels.

A number of programmes to combat CST are managed under the auspices of the UNWTO. These include the Tourism Training Module education programme, as well as awareness-raising activities, research and the production of prevention materials. The UNWTO remains involved in the *Code of Conduct* project by representation on its Steering Committee, and also supports a number of other best practices, including the Youth Career Initiative, an education programme by the Prince of Wales International Business Leaders Forum. In every developing region of the world in which it is active, the UNWTO has brought the anti-CST agenda to its work, thus establishing the clear link between tourism development and the right of children to protection against the abusive potential of tourism.

The Impact of ILO Convention No. 182

Another important international organisation addressing the exploitation of children in tourism is the International Labour Organization (ILO). Its *Convention No. 182*¹⁰² (*ILO 182*) has made a unique contribution to combating child-sex tourism. Unlike the voluntary nature of the *Code of Ethics* or the *Code of Conduct*, ILO 182 is an international treaty, legally binding on ratifying States. Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, the *Convention* was adopted in 1999, and now has been ratified by over 90% of ILO member States. Its implementation is part of the ILO's International Programme on the Elimination of Child Labour (ILO-IPEC).

Apart from the fact that it is legally binding, the significance of *ILO 182* is that it does not just provide a human rights context for action by States; it is a dynamic programming tool presenting an economic rationale for action within each ratifying country, with opportunities for businesses and communities inherent in that action. Since the ILO is a tripartite multilateral organ of the United Nations, ILO-IPEC has the advantage that it is working in any country with three partners – the government, the business community and the representative bodies of workers. Furthermore, any country programme will automatically be carried out in the context of the internationally agreed standards of the other UN and ILO conventions and recommendations, such as the *Minimum Age for Admission to Employment Convention* of 1973. In fact, ILO-IPEC credits prioritising the elimination of the 'worst forms' of child labour with the creation of a groundswell of support internationally for the overall objective of eliminating child labour.

Any State ratifying *ILO 182* agrees to take 'immediate and effective measures' to eliminate (*inter alia*) the use of children in prostitution or for pornography, and in any other form of work that would harm the health, safety or morals of children. The process of taking action includes legislating, identifying the places where the worst forms of labour exist, setting up a monitoring mechanism for implementation of the *Convention*, and designing and implementing programmes to eliminate the 'worst forms' of child labour. All of the processes must be carried out in consultation with the relevant organisations of employers and workers. ILO-IPEC, therefore, as a matter of course, involves the relevant enterprises and unions in the design and implementation of the programmes.

Attention to the 'worst forms' of child labour brought the ILO to address the commercial sexual exploitation of children, and into partnerships with UNWTO, governments and NGOs in their efforts under the *Agenda for Action*. As a result of ILO involvement, support for the elimination of child labour in its worst forms then manifested itself in the trade

union movement, and among employers. In an industry that is labour-intensive, as is tourism, ILO-IPEC is in a unique position of authority to address workers' organisations and their responsibilities towards CSEC, which brings the issue back into the communities in which young people are vulnerable to exploitation.¹⁰³

Some governments that had ratified *ILO 182* requested ILO-IPEC assistance with its implementation, and other governments demonstrated a willingness to provide help in the form of financial and technical assistance to ILO-sponsored projects. ILO-IPEC was therefore able to support sending and destination countries in combating CST as part of their commitment to ending child labour.

ILO's Global Action Plan promotes the adoption by States, and regional groupings of states, of time-bound targets to eliminate the worst forms of child labour by 2016. Successful approaches to combating CSEC have involved including parents and adolescents in vocational training and income-generating activities, legislative assistance and training for law enforcement, and participation in the formulation of national action plans, or supporting their implementation.

ILO-IPEC is a member of the Executive Committee of the UNWTO Task Force for the Protection of Children in Tourism since 2004, when the mandate of the Task Force was broadened to include child labour and trafficking of children, and considers it an important platform for the design of global strategies to prevent the exploitation of children in tourism. As a logical extension of its collaboration with UNWTO, therefore, ILO-IPEC programmes also promote the *Code of Conduct* with stakeholders in national tourism sectors. In its guidelines on the design of strategies to combat CSEC, ILO-IPEC provides clear examples of how to work within the tourism industry. Its 'Good Examples' provide concrete workable suggestions for addressing the entertainment sector, including small hotels, and for promoting active roles for the tourism and hotel sectors.¹⁰⁴

The Contribution of Regional Organisations

Regional bodies supporting the work against CST have been most active in Europe and in Asia. The European Commission represents a powerful regional grouping of 27 States, which is the political and economic entity known as the European Union, and which has played a role since 1996 in combating CST. Encouraged by the European Parliament to tackle CST, the Commission identified three priority areas for attention: deterring and punishing child sex abusers, stemming the flow of sex tourists from member states and helping to combat CST in third (destination) countries. Funding to NGOs covered

activities directed towards awareness-raising, training, promotion of the *Code of Conduct* and improving media ethics on coverage of child sexual exploitation. From 2000 until 2004 the Commission has provided umbrella funding for activities, and channelled these through the UNWTO with the overall objective of fighting sexual exploitation of children in tourism, both in countries of origin and in tourism destinations.

The Commission of the European Union has also played an important role in influencing law reforms among the member states through the implementation of the Council Framework Decisions¹⁰⁵ on combating trafficking in human beings and on combating the sexual exploitation of children and child pornography. Member states have to achieve the results sought in the Framework Decisions through their national legislative and administrative structures, which essentially means that legislative measures relevant to CST are ultimately harmonised across the European Union.

The UN Economic and Social Commission for Asia Pacific (UNESCAP) has played a strong leadership role in its region in combating child-sex tourism, particularly through facilitating NGOs to provide training, in hosting regional meetings against CSEC, in developing training materials for the provision of psycho-social services to sexually exploited children and in supporting programmes throughout the region. UNESCAP works closely with ECPAT International and with UNICEF in developing indicators for CSEC and following up implementation of the *Agenda for Action* in the region,¹⁰⁶ thus necessarily monitoring the efforts of countries in the region to combat child-sex tourism. UNESCAP has an important role as an economic development agency for the region, but also as an agency for the promotion of social rights and the rights of women and children, addressing programmes and training to combat discrimination against women and human trafficking. In Asian countries with a tourism industry, these are relevant goals to combating child-sex tourism, since traditionally many young girls from poor regions went into the sex trade to support their family.

Another UN agency in Asia, the UN Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-region (UNIAP), has made the link between tourism, including child-sex tourism, and its work in coordinating national efforts to combat human trafficking. Its regional plan of action¹⁰⁷ identifies cooperation with the tourism sector as an agreed activity to combat human trafficking.

Leadership in combating CST has also come from the political statements of organisations such as the Council of Europe and ASEAN, which have condemned the sexual exploitation of children in tourism and called on their member states to address the problem. In 2002, the Heads of Government of ASEAN made a Tourism Agreement that set out a context

for tourism development and cooperation, in which quality tourism would be ensured by ‘taking stern measures to prevent tourism-related abuse and exploitation of people, particularly women and children.’¹⁰⁸

Ministers representing their governments at the Council of Europe adopted a Recommendation in 2001,¹⁰⁹ in which member governments are provided with guidelines for measures to be taken to address (inter alia) child-sex tourism, including improvements in the application of extraterritorial jurisdiction and criminalising legal entities for involvement in sexual exploitation of children. The resolution was followed up by the *Convention on the Protection of Children against Sexual Abuse and Exploitation* of 2007, already signed by 28 States, but not yet in force.

Another tourism agreement took place in Central America in 2004, when the Ministries of Tourism for the countries of the region and the Dominican Republic, as well as the Federation of Central American Chambers of Tourism, agreed to formulate a common strategy for tourism. In 2005 a *Central American Action Plan* was agreed, containing a series of national and regional actions. The Plan, which is supported by UNICEF, sets out to develop a sustainable tourism strategy for the region, with an emphasis on promoting respect for the rights of children and preventing CSEC. The actions include promotion of adherence to the *Code of Conduct*, training on CSEC prevention for the sector and public awareness-raising.

The importance of the attention paid by these international and regional bodies to the issue of CST is shown through the credibility that they bring to the campaigns and programmes to combat it. They have adopted the concerns expressed initially through NGO-led campaigns, and integrated these concerns into their own actions. They provide leadership for government actions, and financial and/or practical support to programmes. They have worked with NGOs and respected their expertise, treating them as real partners. They have created an enabling environment for the exchange of good practices and the pooling of resources. As a result, addressing the exploitation of children in tourism is taken as a serious issue by those governments where the international and regional organisations have been operational on the issue. It is through these organisations that NGOs have enjoyed a conduit to influence government policies in both sending and destination countries.

At the same time, there are regions of the world where CST is not being addressed at all, and where the leadership of international organisations is very limited. The Pacific Islands within the remit of UNESCAP still need attention in relation to CST; many of them are opening to tourism as part of their development strategies, and their young people are vulnerable to exploitation due to poverty and naivety. In Africa, ECPAT International

research noted major gaps in relevant mechanisms to protect children from exploitation in tourism, while the region at the same time is making a major push to promote tourism development as a means of alleviating Africa's economic problems.¹¹⁰ Africa even has its own *Charter on the Rights and Welfare of the Child*, adopted in 1990 by the Organisation of African Unity, which came into operation in 1999 and which provides (Article 27) that specific measures must be taken by States Parties to protect children from sexual exploitation and sexual abuse. But less than half the States in Africa have ratified the Charter. It is a concern that, given the vulnerability of African children to exploitation in tourism, the Charter even imposes responsibilities on children towards their families and societies. Under Article 31 of the Charter, every child has a duty (*inter alia*) to work 'for the cohesion of the family, to respect his parents, superiors and elders at all times and to assist them in case of need'. The cultural norm being expressed, similar to that in parts of Asia, is that children are expected to take on responsibility for the support of their families. Not surprisingly, therefore, the involvement of children and youngsters in sexual exploitation can be perceived as an income-generating alternative and tolerated as such in some impoverished societies, as was noted by a Senegalese contributor to a UNWTO Regional Consultation for Africa on the Protection of Children against Sexual Exploitation in Tourism,¹¹¹ who stated 'In hierarchical societies, such as African societies, the child is both at the heart of relationships and at the bottom of the ladder.' The presenter explained that in such context, it is difficult to speak of the child as the holder of individual rights, and entitled to be heard in relation to matters that concern him, without also seeing the child as inherently linked with the group of which he is a member.

Regional organisations involved in assisting tourism growth in Africa should follow the example of other regions of the world and make a concerted effort to influence African Governments in favour of child protection as they prepare their economies for the expected increase in tourism arrivals.¹¹² Given that 20 African countries have agreed to strategise the branding of Africa as a tourist destination,¹¹³ there is a real opportunity for promoting responsible sustainable tourism in the region. In the absence of strong leadership from the regional economic groupings on the African continent, including ECOWAS and SADC, the risk is that the already extremely difficult situation for children will be exacerbated through tourism development, when it could, in reality, be significantly improved.

6. Inter-Sectoral Collaboration

Significant partnerships have developed in combating CSEC and child-sex tourism. While there are many issues that attract partnership and collaboration in a globalised world, partnership in addressing CST has been extraordinary in its versatility. Although the *Agenda for Action* urges cooperation between government and non-governmental sectors, and between countries and regional organisations, cooperation actually started on the issue even prior to 1996, notably through ECPAT's collaboration with Interpol, UNICEF, travel and tourism bodies, and certain supportive governments. Starting points for collaborative work on combating CST have included academic institutions, single NGOs, international governmental and non-governmental organisations, regional organisations and bilateral governmental development aid. These partnerships have transcended the traditional divides of government/NGO and government/international organisation. It is not unusual now to find collaboration on a project between governments, regional offices of international agencies, private sector organisations and NGOs. The dynamics have worked both horizontally and laterally, so that an initial small project of an NGO with a limited regional group of tour operators, such as the *Code of Conduct*, is now a large international project that also enjoys regional and national inter-sector collaboration.

Training programmes have been designed by NGOs, by academics and by individual enterprises, and can be applied in vocational training programmes, within particular businesses such as hotels, and within organisations of workers. Tools for prevention of child-sex tourism have been designed by NGOs, governments and inter-governmental agencies, and shared across the world and across sectors. Legislative models for extraterritorial jurisdiction to apply to child-sex tourists have been shared across regions.

There are many examples of such collaborations, of which a few are mentioned below.

- The Youth Career Initiative (YCI) is a long-standing model based on a unique partnership with the international hotel industry. YCI is an education programme of the Prince of Wales International Business Leaders Forum, whereby top hotels provide the human, financial and operational resources to teach disadvantaged young people life and vocational skills, through a combination of classroom instruction and practical training in over 20 aspects of the hotel business. Following the lead of participating hotels, a number of local partners from the non-profit, private and public sectors are supporting different aspects of the programme, from the recruitment of suitable students to the provision of extra classroom sessions. The programme was originally launched in

Bangkok, Thailand in 1995 as the Youth Career Development Programme, thanks to a partnership between Pan Pacific Hotels and UNICEF, through which mainly young girls were given the opportunity to gain relevant work skills and avoid being forced into sexual slavery. The aim of YCI is to empower vulnerable young people to make informed career choices and realise the options available to them, enabling them to become employable and to change their lives. YCI now operates in 10 countries across the globe (ie, Australia, Brazil, Costa Rica, Ethiopia, Jordan, Mexico, the Philippines, Poland, Romania and Thailand) and expansion work into new markets is currently underway.

- Child Wise Tourism is a project of the ECPAT Group in Australia. It works with national tourism authorities in ASEAN countries and with training institutions in destination countries such as Cambodia, Indonesia, Lao PDR, Myanmar, Philippines, Thailand and Vietnam. Child Wise gets practical assistance and political support from regional tourism agencies such as the Pacific Asia Travel Association (PATA), the governmental economic development agency UNESCAP and funding under the development budget of Australia.
- ILO-IPEC launched a South-South Initiative to Combat Child Labour in Brasilia in 2007 as a cooperative programme in which a number of agencies and governments would agree strategies and pool expertise to combat exploitation of children, including in tourism.
- Another inter-sector project involving ILO-IPEC is the Weaving Networks against Exploitation project. The tripartite inter-governmental agency, together with ECPAT International and Save the Children, Sweden, has set up a Virtual Information Centre for Experts on the Exploitation of Children and Adolescents in Latin America. Intended to provide a basis for public policy development and the dissemination of key information, this project has emerged as a response to the need to develop a knowledge base and integrate national outcomes within the region.
- In West Africa, the Lutrena Project involves ILO-IPEC working in nine countries of the region, including two sub-regions, to provide information to tourists, and achieve legislative reforms to combat sex tourism. The project involves the private tourism sector and includes training of employees in the industry.
- In Costa Rica, the *Code of Conduct* was launched in 2003 with funding mainly from Save the Children Sweden and technical coordination by Fundacion PANIAMOR, the local ECPAT group. It has been implemented with national outreach and in

partnership with local industry, including hotels, tour operators, travel agencies, rent-a-car companies and taxi firms. All national and local chambers of tourism have adhered to the *Code of Conduct* and strongly support its continued implementation. To date the *Code of Conduct* encompasses 280 individual businesses and counts on the political support and active engagement of the Costa Rican NTA. Currently, an inter-sector, multi-stakeholder Steering Committee is being established by Executive Decree; it will be responsible for the on-going operation and expansion of the *Code of Conduct* in the framework of the country's policy on sustainability. The Costa Rican experience has been praised by UNWTO and UNICEF as a good practice of inter-sector, multi-stakeholder collaboration applied to the protection of children and adolescents from sexual exploitation in travel and tourism; it has been published as such by Save the Children Sweden/ECPAT International¹¹⁴ and the Protection Project at John Hopkins University.¹¹⁵

- In the State of Rio Grande do Norte in Brazil, a state-wide undertaking in inter-sector collaboration is a Code of Conduct for Tourism. It is an effort to promote sustainable tourism and avoid exploitation of young people. It involves an NGO, RESPOSTA, which administers the Code and provides training for the tourism business sector. There is also a Monitoring Body that consists of representatives of public bodies, an NGO and a University, and businesses connected to the tourist industry that sign up to the Code and commit themselves to comply with it, which includes acceptance of the monitoring mechanism. The project is considered highly successful in promoting a child-protective environment in a popular tourist destination.¹¹⁶
- Also in Brazil, the Atlantica Hotels International project, described earlier,¹¹⁷ is an example of inter-sector collaboration, involving hotel management, hotel personnel, hotel suppliers and other businesses, a credit-card company, child-rights trainers, NGOs and craftspeople. Key factors for the success of the project were identified as: corporate commitment, consolidation of alliances with child protection agencies, the formation of a Working Group to manage and sustain the corporate effort, participation of the personnel and clients of the businesses associated with the project, the design and implementation of appropriate documentation, development of an understanding of the risk factors among employees and direct support for projects that offered long-term possibilities for children at risk.
- In Europe, an example of inter-sector collaboration is the meeting of Consular Officials of the Dominican Republic accredited to European countries, which took place in Rome in November 2002. Coordinated by the Ambassador of the Dominican Republic to Italy, the first meeting of Consuls received information from ECPAT Italy on the

sexual exploitation of children by Europeans in the Dominican Republic. The Consuls agreed to form a communications network, which would include their Embassies in Europe. The idea is that the diplomatic and consular representatives will work with representatives of the tourism industry of the Dominican Republic, based in Europe, to identify ways to filter the flow of sex tourists to their country. The coincidence of interests between consular work and tourism promotion is the protection of the image of the country as a destination of responsible tourism that protects children.

- Also in Europe, NGOs have for several years worked collaboratively, both through the European ECPAT network and with other NGO groups and networks, to involve the private sector and to combat CST. The first major international collaborative project was the EU co-financed project with Terre des Hommes, ECPAT Sweden, the International Federation of Journalists and Groupe Developpement/ECPAT France. It was this cross-sector effort that led to the now international *Code of Conduct*, the training programmes that continue to provide training for enterprises throughout the tourism industry both in Europe and in destination countries, and the use of the internet as a tool to combat CST.
- Inter-sector collaboration between police forces and NGOs has been extremely important in combating CST. ICPO-Interpol was an important partner of ECPAT in the early years of the campaign to combat child-sex tourism in Asia. At that time, ECPAT was unusual among NGOs in wishing to collaborate closely with the police, but this wish came from the practical recognition that identifying and arresting child sex offenders was police work, not NGO work. Identifying offenders who remained in the jurisdiction where the offence was committed was a task for the national police, in which Interpol could help by providing training to national police forces. When offenders left the jurisdiction, Interpol could help by sharing their alert notices around the world, and with the country of residence of the offender. In the prosecution of cases on an extraterritorial basis, NGOs often worked closely with national police forces in destination countries and in the country of residence of the offender, facilitating investigations and protecting victims and other witnesses.
- The work of Interpol and national police forces with internet service providers in identifying the users of child pornography has been an avenue to find child-sex tourist abusers, and even occasionally the child victims themselves.

Inter-sector collaboration is inspired by the *Agenda for Action*, in that states have undertaken to design and implement national plans to target CSEC, including the exploitation of children in tourism, and to do so in a collaborative manner. The *Agenda for Action* itself

is the product of a unique collaboration between governments, NGOs and international organisations. In combating CST, collaboration across sectors has produced valuable tools and deterrent mechanisms. It is quite extraordinary that an issue which is one item among many concerns for child protection could have attracted such extensive, multi-sector and continued responses.

7. Conclusions/Achievements

It would be impossible to list every achievement in the efforts to put an end to the exploitative use of children and adolescents for sexual purposes in travel and tourism. This is a worldwide, versatile, collaborative task that is on-going. Its main achievements have been:

- The recognition by the general public that children and adolescents are exploited sexually in tourism, and that this is not just a problem of paedophile travellers, but is also a problem of consumerism and the absence of a recognition of children and young people's rights to physical integrity.
- The recognition by certain industries within the private sector, notably hotels and tour operators, that the commercial sexual exploitation of children and adolescents in travel and tourism contravenes the essential values underlying sustainable and responsible tourism, and their willingness to play a part in combating it.
- The engagement of the private sector in combating CST that has resulted in a multi-sector, multi-stakeholder approach in addressing CST in many destinations, and the leadership by the UNWTO, UNICEF, ILO-IPEC and NGOs, in particular the ECPAT network, in sustaining that engagement.
- The acceptance by some governments and international bodies that combating CST is a relevant part of development assistance, and the leadership that has resulted towards other governments.
- The standards that have been set in international agreements and in some national arrangements for child protection mechanisms that provide models for states beginning to address the issue.

The ultimate question is whether those achievements have been effective in combating the sexual exploitation of children and adolescents in travel and tourism. The answer appears to be: 'A lot done; a lot learnt; a lot still to do.' The task set by the early ECPAT campaign seemed a manageable one in the early 1990s. Nowadays, so much more is known about the issue and its manifestations, and there are more tourists and more destinations, so the task has become much larger. Therefore, even if matters have improved in some of the places where there was concern in 1996, and even if innovative tools and strategies have proven effective in engaging key political, economic and social forces as new partners in the child rights protection sector of this venture, there is no denying that very significant challenges still remain, at global and local levels.

8. Future Challenges

Sustaining Existing Efforts

For all the excellent actions and developments already undertaken in many countries, they will achieve nothing if they are not sustained in the long-term. The problem with sustainability is that it is dependant on national budgets, consistent national priorities and continuing cross-sector commitments. The governments of destination countries need to make the avoidance of CST a priority issue inherent in their economic development plans for tourism, and part of their National Action Plans to combat CSEC, with defined goals and allocated resources. National tourism policies need to be designed with the input of all relevant ministries, agencies and tourism authorities, and be explicit about child protection, with clear requirements on the private sector, including regulation and monitoring. Existing programmes and projects that seek to combat the sexual exploitation of children in travel and tourism must be mainstreamed, so that their overall objective is not an isolated effort, but is part of the national and community development framework. Sustained commitment to the implementation of the *Code of Conduct* and *ILO 182* will be important elements in such mainstreaming.

Addressing ‘Demand’

In terms of the ‘demand’ side of CST, the ambitions of the *Yokohama Global Commitment* to reinforce efforts against CSEC by addressing (*inter alia*) the demand factor have not yet been realised and remain a challenge. Governments in both sending and receiving countries need to work strategically in partnership, and be much more focussed on demonstrating to locals, to travellers and to tourism employees, that sexual exploitation of young people of any age under 18 is unacceptable, and will result in the criminal prosecution of offending exploiters, whether at home or abroad. The reporting of sexual exploitation of children and young people needs to be actively encouraged.¹¹⁸ Sending countries must demonstrate their willingness to develop and use extraterritorial jurisdiction, or to extradite offenders for offences committed in a destination country. Sending countries should also share information on the movements of child sex offenders or suspected offenders with their counterparts abroad and help destination countries to monitor tourists (and long-stay visitors) who pose a risk to local children.

Demand for children as sexual partners will not end, however, until attitudes toward children change, and there is a zero tolerance of sexual exploitation of children and adolescents in communities in both destination and sending countries. Preventing CSEC from happening and reporting cases to law-enforcement authorities should be the norm in societies and communities truly committed to the protection of children's rights. If there were such a commitment, it would be reflected in the protection of young people from sexual abuse and exploitation, whether by locals or by visitors, in destination countries, and by non-offending travellers reporting abuse on the basis that children in destination countries are entitled to the same protections as children in their own communities. Personal safety and behaviour programmes should be part of national educational systems, helping children to understand their own rights to physical integrity, and to speak out if harmed.

Addressing the New Avenues to Child Exploitation

Electronic booking for travel and accommodation, and the increasing use of electronic devices to access prostitution services and to make child pornography, point to the need to increase public awareness and vigilance for risks to children, both within the tourism business sector and among travellers. As well as a need for public awareness-raising, tourist publications, such as guide books, brochures and on-line advertisements should contain information warning against CSEC.¹¹⁹ Regulation of service providers and the monitoring of electronic communications and of credit card transactions would also help to overcome the anonymity of present-day tourism activity.

Moving from Voluntarism to Corporate Responsibility

The current voluntary nature of the tourism industry's contribution to combating CST poses both a great challenge and a unique opportunity to its leadership. On the one hand, the industry could extend its reach into those sectors where there are not yet effective efforts to prevent CST, particularly the informal tourism sector. On the other hand, the industry needs to move existing stakeholders from the position of volunteerism and philanthropy towards the realisation that child protection in the context of responsible tourism is a corporate and private duty, not a choice. A holistic approach, founded on a human rights vision, is needed, so that the concerns of the tourist industry encompass all relevant human rights, such as the non-exploitation of children for sex or labour, concern for workplace health and safety, non-exploitation of migrant workers and non-displacement of indigenous peoples.

The brand leaders in the tourism sector should exert their corporate power to ensure that the policies and practices of the *Code of Conduct* are imposed on small traders, and positively promote the concept and practice of corporate social responsibility among their peers, business partners, employees and competitors.¹²⁰ The private sector could also use its position to support governments in legal and procedural reforms, in raising awareness, encouraging support for the *Code of Conduct*, and fostering protection structures within the communities in which they do business.

As a sector leader for corporate social responsibility, the UNWTO needs to carry the anti-CST message into the new regions and countries where tourism is expanding or developing. It could increase the numbers and capacities of its Tourism Focal Points, and sustain and expand its commitment to training programmes and promotion of the *Code of Conduct*. The UNWTO has an important tool available in the *Code of Ethics*; its monitoring mechanism could be strengthened and it could be used in partnership with the industry brand leaders to promote adherence to ethical and human rights principles within the tourist industry.

Above all, multi-stakeholder, inter-sector, national and international partnerships must continue as a united front against the sexual exploitation of children in travel and tourism.

Endnotes

- ¹ ECPAT International. *Questions and Answers about the Commercial Sexual Exploitation of Children*. Bangkok, Thailand. 2006.
- ² Eg, Respect in Austria and the Retour Foundation in the Netherlands.
- ³ Eg, International Federation Terre des Hommes.
- ⁴ Eg, International Federation of Journalists, and the Tourist Industry Federation.
- ⁵ The term is used in the English version of the paper with the meaning of ‘child’ as a person under the age of 18 years. In that sense, the word ‘child’ does not suit all languages.
- ⁶ UNWTO defines tourism as a voluntary cultural practice that fosters the temporary displacement of people from their place of permanent residence to other countries of the world, or to other regions within their own country, where they remain for periods not exceeding twelve months at a time.
- ⁷ www.unwto.org/Market/Statistics
- ⁸ For a comprehensive range of campaign and other materials, see Protect Children from Sexual Exploitation in Tourism. (CD-ROM). ECPAT International. 2003. (available on www.ecpat.net)
- ⁹ Child Wise Tourism, a project funded by AusAID.
- ¹⁰ *Protection of Children from Sexual Exploitation in Tourism*. WTO 2001.
- ¹¹ For more information, see www.thecode.org
- ¹² http://europa.eu.int/comm/enterprise/services/tourism/index_en.htm
- ¹³ *The Incidence of Sexual Exploitation of Children in Tourism*. UNWTO, 2001.
- ¹⁴ One outcome of the GD project was a booklet containing the visa document and information for entry to Madagascar. The booklet is distributed to all air passengers on arrival in the country, and contains numerous advertisements for tourist services. The booklet also contains a warning against abuse of children, and gives contact details for reporting abuse.
- ¹⁵ UNWTO, UNEP and WMO. *Climate Change and Tourism: Responding to Global Challenges*.
- ¹⁶ www.unwto.org/Markets
- ¹⁷ Scarpati, Marco/ECPAT Italia. *The Client in CSEC: A First Analysis*. A paper presented at UNWTO Regional Consultation, Rome. April 2003.
- ¹⁸ The public institutions governing the tourism industry are the second major stakeholders. For parallel considerations on the evolution of its participation in the fight against CSEC during the years leading to World Congress III 2008 see Part IV below, The Role of the State.
- ¹⁹ Positions critical of tourism as a force for economic development tend to present it as a generator of increased crime at destinations. It is true that visitors with certain economic capacity, either purposely, or driven by a sense of anonymity and anticipated impunity, may generate a demand for illicit services or products provided by criminal organisations operating in the host country or region. But this is also true of many other international activities having an impact on the economic growth of the societies affected, such as banking and financial services and an increase in white-collar crime such as money laundering, the corruption of public and private officers, etc. It is therefore not the nature of the activity in itself, but the institutional capacity in which it occurs to supervise and regulate its development that needs to be examined, both globally and locally.
- ²⁰ The capacity of tourism to reflect or reaffirm cultural stereotypes has been addressed by the UNWTO in several of its publications.
- ²¹ A/RES/406(XIII), Sept/Oct 1999.
- ²² UN General Assembly Resolution A/RES/56/212, of December 21, 2001.
- ²³ Where relevant to the focus of this paper, the *Global Code of Ethics for Tourism* responds to the principles and provisions of the *Universal Declaration of Human Rights* of 10 December 1948; the *International Covenant on Economic, Social and Cultural Rights* of 16 December 1966; the *International Covenant on Civil and Political Rights* of 16 December 1966; the *Manila Declaration on the Social Impact of Tourism* of 22 May 1997; and the Conventions and recommendations adopted by the International Labour Organization in relation to the

- prohibition of forced labour and child labour, defence of the rights of indigenous peoples, and equal treatment and non-discrimination in the work place.
- ²⁴ A later UNWTO publication is of interest to this issue. This is the Responsible Tourist and Traveler, a leaflet containing practical advice to the traveling public. Its contents specifically address CSEC in travel and tourism, affirming that exploitation in any form conflicts with the fundamental aims of tourism, and that the sexual exploitation of children is a crime punishable at the destination or in the offender's home country. It urges tourists to familiarise themselves with the laws of the visited country so that they do not commit any act considered criminal under local legislation. See www.unwto.org/ethics/responsibl/en/pdf/brochure_e.pdf
- ²⁵ Grillo, Milena. *The Code of Conduct for the protection of children against CSEC in Costa Rica: a concrete expression of Sustainable and Responsible Tourism*. Presented at UNWTO Task Force on Sustainable Tourism Meeting, Costa Rica. June 2008.
- ²⁶ Among others, the Mexican Center for Philanthropy; the Ethos Institute in Brazil; the World Business Council for Sustainable Development; the Business for Social Responsibility; and the ISO Working Group on Social Responsibility.
- ²⁷ ECC. Green Book. Brussels. 2001. p.5.
- ²⁸ Ibid. p.4.
- ²⁹ Grillo, M. *The Responsible and Sustainable Tourism Paradigm as the Framework for Action*. Presented at the 2nd Gathering of National Chambers of Tourism, San José, Costa Rica. 21 July 21 2008.
- ³⁰ In general terms, accountability means being answerable to others.
- ³¹ Any individual or group being affected by or having an interest in any activities or decisions of an organisation can be considered a stakeholder in that organisation.
- ³² Some of the lines of action proposed here are taken from the contents of a Working Paper (pending publication) on CSR and the participation of the employer sector in the fight against CSEC, dated June 2008 and prepared by Milena Grillo, one of the contributing authors to this paper, under contract with ILO/IPEC.
- ³³ SCS/ECPAT. *Buenas Prácticas Empresariales. Casos Exitosos para la prevención de la explotación sexual de niñas, niños y adolescentes en America Latina. Caso 1: La Experiencia de Altantica Hotels International*. 2007. pp. 10-29.
- ³⁴ The key main political universal instruments being the *Universal Declaration on Human Rights* (1948); the *Declaration on the Rights of the Child* (1979); the *Beijing Declaration and Platform for Action* (1995); the *Stockholm Declaration and Agenda for Action* (1996); the *Dakar Framework for Action* (2000); the *Millennium Declaration and Development Goals* (2000); the *Yokohama Declaration* (2001); the *UNGASS Declaration and Plan of Action 'A World Fit for Children'* (2002); the *Monterrey Consensus* (2002); and the *Johannesburg Plan of Implementation* (2002).
- ³⁵ The Costa Rican 2008-2010 *National Plan of Action to Eradicate CSEC* is considered a good model in this respect.
- ³⁶ Here the interests of States converge with those of the private sector in that States seek to develop and improve their economies and the well-being of their inhabitants, and for the more developed States, that includes contributing to the economies and improvements in the social structures of the less well-off nations. Unlike the private sector, however, States are not only impelled by what their electorates believe is 'the right thing to do', but they are also bound by their international legal and political obligations.
- ³⁷ The other two conditions are: a) being a developing or less developed country with significant levels of inequality and exclusion; and b) being a destination with significant incidence of drug trafficking and consumption.
- ³⁸ ECPAT International. *Global Monitoring Report on the Status of Action against Commercial Sexual Exploitation of Children The Gambia*. Bangkok, Thailand. 2007.
- ³⁹ Resolution of the General Assembly A/RES/54/263 of 26 June 2000.
- ⁴⁰ One example is Cambodia, which implemented a project improving the capacity of police, prosecutors and judges. In the first seven months of the project (October 2000 to May 2001), 58 child victims were rescued, 200 calls were made to telephone hotlines and several offenders were arrested.
- ⁴¹ '...develop or strengthen and implement laws to criminalise the acts of nationals of the countries of origin when committed against children in the countries of destination..., promote extradition and other arrangements to ensure that a person who exploits a child for sexual purposes in another country...is prosecuted either in the country of origin or the destination country; strengthen laws and law enforcement, including confiscation and seizure of assets and profits...'

- ⁴² Piovesa, Flavia. *Temas de Derechos Humanos, 2nd Edition*. Max Limonada. 2003.
- ⁴³ ‘Reserva del posible.’ Vorbehalt des Möglichen, of German and Portuguese origin.
- ⁴⁴ Article 34. States must take measures to prevent ‘a) The inducement or coercion of a child to engage in any unlawful sexual activity; b) The exploitative use of children in prostitution or other unlawful sexual practices; c) The exploitative use of children in pornographic performances and materials.’
Article 36. States must protect the child ‘against all other forms of exploitation prejudicial to any aspects of the child’s welfare.’
- ⁴⁵ Eg, the Brazilian government has supported its legislative efforts by the creation of the Programme for Sustainable Tourism and Childhood under the Ministry of Tourism, in which the main objective is to combat CSEC.
- ⁴⁶ Special Rapporteur, Juan Petit, in his report (E/CN.4/2004/9/Add.2) following a mission to Brazil, supported the creation of specialised criminal courts for children and young people. He mentioned the courts in Salvador-Bahia and Fortaleza-Ceara as good practices, since the length of time for the investigation of sexual crimes against children in those courts is a maximum of two years. The courts are manned by specially trained public officers whose expertise limits the trauma for child witnesses who come before the court.
- ⁴⁷ Eg, Ireland penalises the promotion of tourism likely to encourage the commission of an offence of CSEC; Philippines law penalises ‘the use of children and adolescents in sex shows’; Portugal’s Criminal Code stipulates punishment for any person who, while abroad, makes a child under the age of 16 practice prostitution.
- ⁴⁸ Eg, legislation in Thailand, USA, Japan and Italy.
- ⁴⁹ Eg, the law against child pornography in Japan; the law against virtual child pornography in Austria; the law against trafficking in the Philippines.
- ⁵⁰ Eg, legislation in Costa Rica, France, Sweden and Thailand.
- ⁵¹ Eg, legislation in Australia and New Zealand.
- ⁵² Eg, legislation in Canada.
- ⁵³ Eg, legislation in Germany.
- ⁵⁴ Eg, legislation in Australia, France, New Zealand and Thailand.
- ⁵⁵ Eg, the South African judicial system.
- ⁵⁶ Eg, the Cyber Police created in Spain; and the National Center for Missing and Exploited Children created by the US government.
- ⁵⁷ Eg, the ‘Partie Civile’ opportunity that exists under the French legal system.
- ⁵⁸ Eg, attribution of penalties according to the type of crime under Costa Rican legislation.
- ⁵⁹ Comiso y Decomiso.
- ⁶⁰ See *Memorandum of Understanding on the Repatriation of Victims between Thailand and Cambodia*; and the UNICEF *Child Repatriation Protocol*.
- ⁶¹ A good practice here is the Follow-up System for CSEC and Trafficking Cases (SISCESCO), developed by the Paniamor Foundation in Costa Rica in partnership with the local law-enforcement agencies, with the support of ECPAT International, UNICRI and Italian Cooperation, currently in operation in all criminal prosecution offices in Costa Rica.
- ⁶² Eg, UK Sexual Offences Act 2003.
- ⁶³ See administrative provisions in France.
- ⁶⁴ See the ‘*Treaty on Mutual Legal Assistance in Criminal Matters*’ between Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama.
- ⁶⁵ Eg, the joint operation undertaken by the US, Germany and Norway on Child Pornography on the Internet; and several joint police investigations carried out by the US and Costa Rica, on cases of CSEC in travel and tourism involving US tourists and Costa Rican child victims.
- ⁶⁶ 1998:408 and included in *Sexual Act*, 2005 at Section 6:11.
- ⁶⁷ *Prostitution Prevention and Suppression Act* 1996.
- ⁶⁸ Including Finland, France, Ireland, Norway, Croatia and Hungary.
- ⁶⁹ The rule has been abolished or is not required in Finland, Germany, Canada, Switzerland, Croatia, Hungary, Italy and the U.K.
- ⁷⁰ Article 25. CETS No 201, 25 October 2007. <http://conventions.coe.int>
- ⁷¹ Amending and updating *Law No. 269/1998*.

- 72 ECPAT UK. *The end of the line for child exploitation, Country Reports, The Gambia*. 2006.
- 73 Loi du 17 juin 1998.
- 74 *Criminal Code*, Section 212.
- 75 *Conspiracy and Incitement Act* 1996.
- 76 www.unwto.org/protect_children. See legislation database.
- 77 *Administrative Order No. 95-17*.
- 78 Article 17.6, *Law 269/1998*.
- 79 ECPAT Netherlands. Press release. 24 September 2004.
- 80 Court of Rome, May 2002. Reported in the ECPAT International report on the Implementation of the *Agenda for Action*, 2001-2002.
- 81 Replogle, David. *Can Civil Action Stop Child Sex Tourism and Bring Justice to Victims*. *Beyond Borders newsletter* (issue 9). 2006.
- 82 Beyond Borders (ECPAT Canada). Issue 11. 2007.
- 83 ECPAT International. *Global Monitoring Report on the Status of Action against Commercial Sexual Exploitation of Children Kenya*. Bangkok, Thailand. 2007.
- 84 *CETS No. 201*, 25 October 2007. <http://conventions.coe.int>
- 85 www.protectionproject.org
- 86 'Article II(2): *Child Sex Tourism as a Form of Trafficking in Persons*. It shall be considered an act of trafficking in persons when a person undertakes tours and travel plans consisting of tourism packages or activities utilizing a child for prostitution or sexual exploitation.
- 87 'Article IV, C: Embassies shall cooperate in the prosecution of child sex tourists, including immediately informing the sending country upon arrest of a suspect. Embassies of sending countries shall also immediately notify the police of a destination country if a convicted child sex tourist or sex tourist suspect has requested a passport to travel to such destination country.
- 88 Such countries include Japan, the Netherlands, Norway, Sweden and Switzerland.
- 89 Such countries include Belgium, France and Germany.
- 90 Such countries include Australia, Ireland and the United Kingdom.
- 91 *Extraterritorial legislation as a tool to combat sexual exploitation of children*. April 1999.
- 92 Replogle, David. *Can Civil Action Stop Child Sex Tourism and Bring Justice to Victims*. *Beyond Borders newsletter* (issue 9). 2006.
- 93 ECPAT UK. *The end of the line for child exploitation*. 2006.
- 94 ECPAT International. *Confronting the Commercial Sexual Exploitation of Children in Africa*. Bangkok, Thailand. 2007.
- 95 *A/RES/54/263* of 26 June 2000.
- 96 See www.ohchr.org for State reports under the reporting mechanisms of the CRC and the Committee observations.
- 97 www.interpol.int
- 98 WTO *Tourism Bill of Rights and Tourist Code*.
- 99 *Statement on the Prevention of Organised Sex Tourism*, adopted by the General Assembly of the UNWTO, Cairo, October 1995.
- 100 Originally named The Child Prostitution and Tourism Task Force. The Task Force changed its name in March 2008 to reflect a broader mandate, and is now the Task Force for the Protection of Children in Tourism.
- 101 The World Committee on Tourism Ethics was established in 2003 as an independent and impartial body entrusted with the settlement of disputes among tourism stakeholders and with monitoring the application of the *Code of Ethics*. The Committee reports on a regular basis to the General Assemblies of both the UNWTO and the United Nations.
- 102 www.ilo.org/public/english/standards/ipec/ratification/convention/textpr.htm
- 103 Such leadership is demonstrated in the ILO publication entitled *Shared Responsibility: The role of workers' organisations in the fight against commercial sexual exploitation of children and adolescents*. The document includes suggestions for actions to be taken by workers' organisations to prevent CSEC.
- 104 *Guidelines on the design of direct action strategies to combat CSEC: Prevention in Demand Communities*. www.ilo.org/ipec/index

- ¹⁰⁵ 2002/629/JHA (OJ L 203/1) and 2004/68/JHA (OJ L13/44) both currently under review.
- ¹⁰⁶ Part of the Regional Commitment of the East Asia and Pacific Region against CSEC. October 2001.
- ¹⁰⁷ COMMIT SPA II, 2008-1010.
- ¹⁰⁸ Article 5 on Quality Tourism.
- ¹⁰⁹ Rec(2001)16 on the protection of children against sexual exploitation.
- ¹¹⁰ ECPAT International. *Confronting CSEC in Africa*. Bangkok, Thailand. September 2007.
- ¹¹¹ Dakar, Senegal, October 2003. www.unwto.org/protect_children/regional/en/pdf/final-report-africa.pdf
- ¹¹² Sub-saharan Africa expects 77 million tourist arrivals by 2020, according to the UNWTO Commission for Africa. www.unwto.org/regional/africa
- ¹¹³ ECPAT International. *Confronting CSEC in Africa*. Bangkok, Thailand. September 2007.
- ¹¹⁴ SCS/ECPAT (2007). *Buenas Prácticas Empresariales. Casos Exitosos para la prevención de la explotación sexual de niñas, niños y adolescentes en América Latina. Caso 4: La Experiencia de Costa Rica*. pp. 60-79
- ¹¹⁵ The Protection Project at The Johns Hopkins University (2007). *International Child Sex Tourism: Scope of the Problem and Comparative Case Studies*. Pp. 81-93.
- ¹¹⁶ SCS/ECPAT (2007). *Buenas Prácticas Empresariales. Casos Exitosos para la prevención de la explotación sexual de niñas, niños y adolescentes en América Latina. Caso 2: La Experiencia de Natal*. pp. 30-45.
- ¹¹⁷ See above under Corporate Social Responsibility. See also SCS/ECPAT (2007). *Buenas Prácticas Empresariales. Casos Exitosos para la prevención de la explotación sexual de niñas, niños y adolescentes en América Latina. Caso 1: La Experiencia de Altantica Hotels International*. pp. 10-29.
- ¹¹⁸ A common global 'hotline' centralised at Interpol is a solution proposed at one of the preparatory regional meetings for World Congress III, August 2008.
- ¹¹⁹ In this respect, the Italian legislative initiative requiring the industry to publish information (see page 31, above) is a helpful model.
- ¹²⁰ The creation of a private sector fund has been suggested by one of the preparatory regional meetings for World Congress III, August 2008, as a way in which understanding and the application of the concept could be supported.

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The World Congress III against Sexual Exploitation of Children and Adolescents aims to mobilise all countries to guarantee the rights of children and adolescents to be protected against sexual exploitation by taking action to:

- Build on current achievements, examine new challenges and dimensions of sexual exploitation and set more targeted strategies and measures to address them;
- Examine initiatives that have been effective in different regions and identify channels to facilitate better exchange of experience, skills and knowledge;
- Open new channels and secure greater international cooperation on key issues (including cross-border and inter-regional cooperation) to facilitate collaborations for counteraction;
- Catalyse a systemic and inter-sectoral approach to guarantee children and adolescents' right to be protected from sexual exploitation; and
- Establish time-bound goals to promote and monitor progress on action plans made by the Congress.

Commercial sexual exploitation of children occurs in many different ways and in a wide variety of settings. The underlying causes are numerous, complex and closely interrelated and must be analysed, understood and confronted accordingly. In order to facilitate the implementation of the objectives of the World Congress III, the Central Organizing Committee (Government of Brazil, UNICEF, ECPAT and the NGO Group for the Convention on the Rights of the Child) commissioned thematic papers on five major areas of this complex phenomenon and violation of child rights.

The World Congress III themes are on:

- Theme 1: Dimensions of Commercial Sexual Exploitation: prostitution of children, child trafficking for sexual purposes, child abuse images and sexual exploitation online, sexual exploitation of children in tourism
- Theme 2: Legal Frameworks and Law Enforcement
- Theme 3: Integrated Inter-Sectoral Policies
- Theme 4: Role of the Private Sector and Corporate Social Responsibility
- Theme 5: Strategies for International Cooperation

