

Creating a United Front against the Sexual Exploitation of Children in Travel and Tourism



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The following papers in this journal were presented at the XVIIth ISPCAN International Congress on Child Abuse and Neglect, held from 7-10 September 2008, in Hong Kong:

Understanding the linkages between CST and other forms of CSEC in East Asia and the Pacific.

Extraterritorial laws: why they are not really working and how they can be strengthened.

Lessons learned and good practices on working with the private sector to combat CST and trafficking for sexual exploitation.

June 2009

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ECPAT International is a global network of organisations and individuals working together to eliminate child prostitution, child pornography and the trafficking of children for sexual purposes. It seeks to encourage the world community to ensure that children everywhere enjoy their fundamental rights free and secure from all forms of commercial sexual exploitation.

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Acronyms

AFP:	Australian Federal Police
ASEAN:	Association of Southeast Asian Nations
COMMIT:	The Coordinated Mekong Ministerial Initiative against Trafficking
CRC:	Convention on the Rights of the Child
CSEC:	Commercial Sexual Exploitation Of Children
CSR:	Corporate Social Responsibility
CST:	Child-Sex tourism
ECPAT:	End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes
EU:	European Union
ICT:	Information and communication technologies
MOU:	Memorandum of Understanding
NGOs:	Non-governmental organisations
OPSC:	Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography
RST:	Responsible and sustainable tourism
TIP:	Trafficking in Persons
UNICEF:	United Nations Children's Fund
UNWTO:	UN World Tourism Organization

Preface

Studies on tourism and child prostitution were first conducted in the late 1990s in selected tourist destination countries in South and Southeast Asia. The findings confirmed the negative impacts of tourism on children, and this led to a campaign against Child Prostitution in Asian Tourism in 1990, based in Bangkok. The campaign was very effective in raising the awareness of society about the situation of children being sexually exploited in tourism. This campaign has since developed into a global network to End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT). Since its establishment, ECPAT has worked collaboratively with government agencies, the private sector, civil society and community-based organisations in over 70 countries around the world to protect the rights of children to be free from commercial sexual exploitation, including in the tourism industry.

While much progress has been made in combating the sexual exploitation of children in travel and tourism (also known as child-sex tourism or CST) and other forms of sexual exploitation of children, there is a need to identify and develop measures to address new trends and further improve concerted, multi-stakeholder action to effectively combat this exploitation. It must also be noted that while CST involves child prostitution,

it is not limited to it. Technological progress and the rapid spread of digital cameras and camcorders now often make the production of child pornography (or child abuse imagery) an ancillary activity of the former. Trafficking in children for sexual exploitation, in turn, is known to play a significant role in the supply of victims to a market demand that has not shown any sign of abatement over the past few years.

The reports in this journal look at general trends in the development of child-sex tourism and identify the gaps in child protection against commercial sexual exploitation. They discuss key initiatives to address the issues and recommend specific actions by governments that are urgently needed to tackle the problem.

These issues include how weak legal frameworks are among the factors that increase children's vulnerability to sexual exploitation and encourage demand. In fact, child-sex offenders often choose destinations known for their lenient laws. In this context, the importance of strict laws coupled with severe penalties that reflect the gravity of child-sex tourism offences and act as efficient deterrents cannot be overemphasised. Extraterritorial law can also be used as a tool by sending countries to fight child-sex tourism. In this journal, suggestions for

how these laws could be improved and the importance of international assistance and cooperation as part of a broad framework to counter this phenomenon are discussed.

This journal also illustrates how the private sector has a critical role to play in the success of anti-child-sex-tourism and anti-child-trafficking programmes. A number of good practices and lessons learned since the 1990s with the tourism industry to combat commercial sexual exploitation of children (CSEC), especially child-sex tourism and child trafficking are described. Many of these good practices have been developed with the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism (the Code of Conduct), a corporate responsibility tool supported by ECPAT and implemented by signatory companies from the tourism industry. These lessons learned are being applied to other initiatives and innovative corporate sector partnerships.

Finally, the journal examines how socially responsible strategies that promote equitable development must be

fostered. The commercial sexual exploitation of children (CSEC) in tourism is facilitated by rapid changes in the socio-economic conditions of populations in East Asia and the Pacific, and through the development of communication and information technologies in the region. Key initiatives in East Asia and the Pacific that address the issues and identify the gaps in child protection are highlighted, and specific actions that are urgently needed to tackle the problem are put forward.

ECPAT International hopes that the learnings presented in this journal will help ensure that all stakeholders pay specific attention to unregulated tourism to prevent domestic and international travellers from sexually exploiting children and adolescents.¹ We also hope that the good practices in this journal encourage the tourism, travel and hotel sectors to adopt professional Codes of Conduct, and convince businesses to implement appropriate child-protection-focused corporate social responsibility strategies.²

¹ *The Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents*. World Congress III, Rio de Janeiro, Brazil, 2008.

² *Ibid.*

Extraterritorial laws: why they are not really working and how they can be strengthened

by Catherine Beaulieu, Programme Officer, Legal Programme, ECPAT International

INTRODUCTION

In the 1990s, the problem of child-sex tourism was first brought to the world's attention largely as a result of the work of ECPAT and other non-governmental organisations (NGOs). The international community's recognition and concern "at the widespread and continuing practice of sex tourism, to which children are especially vulnerable, as it directly promotes the sale of children, child prostitution and child pornography" was also clearly stated in the preamble to the *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OPSC)*.³ While a number of legally binding instruments currently impose obligations upon States to take measures to counter child-sex tourism, the problem persists and continues to devastate the lives of countless children around the world, with often irreparable consequences.

ECPAT International defines child-sex tourism as the sexual exploitation of children by a person or persons

who travel from their home district, geographical region or home country in order to have sexual contact with children.⁴ Child-sex tourists may be domestic travellers or international tourists. Offenders often travel from a richer country ('sending country') to one that is less developed ('destination country'), but they may also be travellers within their own countries or regions.

Child-sex tourism usually involves the use of accommodation, transportation and other tourism-related services, allowing perpetrators to remain fairly inconspicuous when making contact with children. Weak legal frameworks are among the factors that increase children's vulnerability to sexual exploitation and encourage demand. In fact, child-sex offenders tend to choose destinations known for their lenient laws. In this context, the importance of strict laws coupled with severe penalties that reflect the gravity of child-sex tourism offences and act as efficient deterrents cannot be overemphasised. This paper focuses on extraterritorial law as a tool that can be used by sending countries to fight child-sex tourism. It suggests how these laws

³ *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OPSC)*. G.A. Res. 54/263, Annex II, 54 U.N. GAOR Supp. (No. 49) at 6, U.N.Doc. A/54/49, Vol. III (2000). Entered into force 18 January 2002

⁴ ECPAT International. *Combating Child Sex Tourism: Questions and Answers*. Accessed on February 2008 from: http://www.ecpat.net/EI/PDF/CST/CST_FAQ_ENG.pdf.

could be improved and highlights the importance of international assistance and cooperation as part of a broad framework to counter this phenomenon.

EXTRATERRITORIAL LEGISLATION: A TOOL TO FIGHT CHILD-SEX TOURISM

Recognising the global nature of a growing problem and acknowledging that their own nationals engage in child-sex tourism, some sending countries have opted to strengthen their legal frameworks through the enactment of extraterritorial legislation. As at June 2008, over 40 countries have enacted or have agree to apply such laws and have had varying levels of success in implementing them.

Through extraterritorial jurisdiction, countries can deem an offence committed abroad to be an offence committed within their borders. In other words, it makes possible the prosecution of a country's nationals at home, under national laws, for offences committed abroad. Extraterritorial jurisdiction is particularly

useful because: (1) it provides a basis for arresting and prosecuting an offender who escapes from the destination country and returns to her/his country of origin in order to avoid prosecution; and (2) it sends a clear message that countries will not let their citizens take a 'holiday' from their own legal systems.

As a general rule, the primary and most widely accepted form of jurisdiction for prosecuting crimes is territorial jurisdiction, which implies that a State may prosecute crimes committed in its territory irrespective of the nationality of the offender and/or victim.⁵ Thus, the country in which a crime is committed is the primary 'jurisdiction holder', with the authority to prosecute the offender at the place where the crime was allegedly committed. The OPSC makes this form of jurisdiction mandatory.⁶

As the territorial State is the one in which victims, witnesses, written and material evidence and the suspect are usually located,⁷ in many instances it constitutes the most appropriate forum for investigation and prosecution. However, in some instances the State

⁵ Vander Beken, Tom. *The Best Place for Prosecution of International Corruption Cases. Avoiding and Solving Conflicts of Jurisdiction. The Third Global Forum on Fighting Corruption and Safeguarding Integrity. Seoul. 29 May 2003. Accessed from: <http://www.ircp.org/uploaded/1-1%20Tom%20Vander%20Beken.pdf>*

⁶ OPSC Article 4 reads:

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 3, paragraph 1, when the offences are committed in its territory or on board a ship or aircraft registered in that State.

⁷ Amnesty International. *Universal Jurisdiction: the duty of states to enact and enforce legislation – Chapter One*. AI Index: IOR 53/003/2001, 1 September 2001. Accessed from: <http://web.amnesty.org/library/index/engior530032001?OpenDocument>

in which the crime is committed may be unwilling or unable to prosecute for a variety of reasons. In such cases extraterritorial jurisdiction may provide a solution. Extraterritoriality thus allows for prosecution of a citizen for crimes committed outside her/his own country.⁸ Extraterritorial legislation may be based on various principles of extraterritorial jurisdiction. None of these are universally accepted, but most extraterritorial laws are based on one or more of the following principles:

The Passive Personality Principle prescribes that a State may assert jurisdiction on the basis of the nationality of the victim. It derives from the idea that a State must protect its own nationals, even when they are living or travelling abroad.⁹ In practice, this means that State A could prosecute a crime committed by a national of State B against a child who is a national of State A, even if the offence was committed outside the borders of State A. Both the OPSC and the recent Council of Europe's *Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse*¹⁰ encourage States to prescribe jurisdiction under this principle, but neither the OPSC nor the Convention actually makes it mandatory.

The Nationality Principle (Active Personality Principle) is particularly important and allows States to exercise jurisdiction on the basis of the nationality of the suspect, e.g. over offences committed abroad by their own nationals. The 'Aut Dedere Aut Judicare' ('extradite or prosecute') Principle serves to ensure that countries with laws that do not extradite their citizens take effective action to ensure that culprits do not go unpunished. The Nationality Principle is reflected in the extraterritorial laws of several countries and serves as a good basis for prosecuting child-sex tourists, allowing States to prosecute their own nationals under their own laws for crimes committed outside their borders. For example, the Government of Canada could prosecute a Canadian citizen under Canadian law for a crime committed against a child in any other country.

The Universality Principle is based on the concept that some crimes are by their very nature so heinous that all States are allowed to prosecute them regardless of the place where they are committed and/or the nationality of the perpetrator or victim. The application of this principle is understood to be reserved for crimes considered "[so] universally repugnant that every State has jurisdiction over them".¹¹ The Universality

⁸ Fraley, Amy. 'Child Sex Tourism Legislation under the Protect Act: does it really protect?' *St. John's Law Review*, 79 (2), 2005, p. 462.

⁹ Vander Beken, Tom. The Best Place for Prosecution of International Corruption Cases. Avoiding and Solving Conflicts of Jurisdiction. The *Third Global Forum on Fighting Corruption and Safeguarding Integrity*. Seoul, 29 May 2003. (p. 7). Accessed from: <http://www.ircp.org/uploaded/1-1%20Tom%20Vander%20Beken.pdf>

¹⁰ Council of Europe. *Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse*. CETS No. 201. Art. 25. Accessed from: <http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=201&CM=1&DF=7/21/2008&CL=ENG>

¹¹ Watson, Geoffrey R. *Offenders Abroad: The Case for Nationality-Based Criminal Jurisdiction*. 17 *Yale Journal of International Law*, 41, 1992, 45.

Principle is not based on the link or contact point between the crime and the State willing to prosecute (such as the *locus delicti* – i.e. the place where the crime was committed – or the status of the victim or the offender). The heinous nature of the crime is enough to render prosecution legitimate. In the realm of customary international law,¹² universal jurisdiction extends only to crimes of “piracy, slave trading, war crimes, hijacking and sabotage of aircraft, hostage-taking, crimes against internationally protected persons, apartheid, torture and genocide”.¹³ However, there is no consensus as to which crimes the Universality Principle can be applied.¹⁴ Although there has been no universal recognition that sexual crimes against children fall into this category, some indications have been given by the international community as to which crimes are considered universally condemnable.

The Stockholm Declaration and Agenda for Action refers to child-sexual exploitation as “forced labour

and a contemporary form of slavery”,¹⁵ in which case it would fall within the group of crimes considered subject to universal jurisdiction. Although the final OPSC did not retain this wording, an earlier draft version stated that “States Parties recognize that crimes of sexual exploitation of, or trafficking in, children represent crimes against humanity”¹⁶ and specifically invoked the principle of universal jurisdiction in the prosecution of commercial sexual exploitation of children (CSEC) crimes.¹⁷

Of the above principles, the Universality Principle provides the broadest ground for prosecuting crimes committed abroad because it does not require the offender or the victim to be of a specific nationality. However, the Universality Principle is far from having gained universal acceptance, and recent trends in international law are not indicative of such acceptance. In fact, the *Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse* does

¹² Customary international law refers to international law that has arisen from custom and usage, and that is recognised and accepted as binding even though not codified.

¹³ Watson, Geoffrey R. *Offenders Abroad: The Case for Nationality-Based Criminal Jurisdiction*. 17 *Yale Journal of International Law*, 41, 1992, 44, (quoting Randall, Kenneth C. *Universal Jurisdiction Under International Law*. 66 *Texas Law Review*, 785, 1988, 839.)

¹⁵ Vander Beken, Tom. *The Best Place for Prosecution of International Corruption Cases. Avoiding and Solving Conflicts of Jurisdiction. The Third Global Forum on Fighting Corruption and Safeguarding Integrity*. Seoul. 29 May 2003. (p. 8). Accessed from: <http://www.ircp.org/uploaded/1-1%20Tom%20Vander%20Beken.pdf>

¹⁵ Stockholm Declaration and Agenda for Action against Commercial Sexual Exploitation of Children. Article 5. First World Congress against CSEC. Stockholm, Sweden. 27-31 August 1996.

¹⁶ Draft Optional Protocol to the United Nations Convention on the Rights of the Child Concerning the Elimination of Sexual Exploitation and Trafficking of Children, Article 1.

¹⁷ *Ibid.* Article 2(a).

not mention universal jurisdiction.¹⁸ ECPAT, however, believes that States should ensure their jurisdiction over CSEC crimes to the maximum extent possible,

on the basis of all the above described territorial and extraterritorial jurisdiction principles.

Summary of the basic forms of jurisdiction in the context of CSEC crimes

Type of jurisdiction	OPSC requirements
<p>Territorial</p> <p>If a crime is committed in country A, this country is the primary 'jurisdiction holder', with the authority to arrest and prosecute.</p>	<p>States must exercise territorial jurisdiction. If States have consitutional difficulty in extraditing, they must prosecute.</p>
<p>Extraterritorial</p> <ul style="list-style-type: none">• If the victim is a national of country A• If the suspect is a national of country A• If the national interests of country A are threatened• If country A applies the principle of universal jurisdiction	<p>States may chose to exercise jurisdiction based on any of these principles.</p>

¹⁸ Council of Europe. *Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse*. CETS No. 201. Accessed from: <http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=201&CM=1&DF=7/21/2008&CL=ENG>

EXTRATERRITORIAL LEGISLATION REGARDING OFFENCES AGAINST CHILDREN AS IMPLEMENTED IN SELECTED EXAMPLES OF DOMESTIC JURISDICTION

Over the past few years, countries that apply extraterritorial jurisdiction as a matter of general principle (ie that apply their criminal laws to offences committed abroad) have amended their laws, specifically to address child-sex tourism and to facilitate the prosecution of offences committed against children. Other countries have enacted new, comprehensive laws to target child-sex tourism. In 1994, Australia enacted Part IIIA of the Crimes Act 1914, which deals with offences applying to Australian citizens and residents who engage in sexual activity with children under the age of 16 while overseas.¹⁹

A number of countries criminalise 'attempts' as distinct offences. In the context of child-sex tourism, some countries have also chosen specifically to criminalise 'attempts', a term that encompasses acts preceding the actual commission of sexual offences with children

(for example, making travel arrangements for that purpose). This broadens the scope of extraterritoriality and serves to strengthen preventative measures in order to stop child-sex tourists before they actually commit their crimes.

The 2003 US PROTECT Act²⁰ criminalises not only sexual acts committed with children abroad but also the intent to do so.²¹ The Act allows for prosecution based on evidence of intent to travel abroad with the purpose of having sexual intercourse with a child.²² Evidence that sexual intercourse with a child actually took place is not required. With such strong laws in place and efficient enforcement, in recent years the US has achieved impressive results in arresting child-sex offenders, with approximately 55 child-sex tourism indictments/complaints and approximately 36 convictions in 2006.

SOME OBSTACLES TO EXTRATERRITORIAL JURISDICTION

Extraterritorial jurisdiction is difficult to apply in practice for a number of reasons: complications in obtaining evidence from abroad, additional associated

¹⁹ Government of Australia. *Crimes (Child Sex Tourism) Amendment Act 1994*. No. 105, 1994. Accessed from: <http://www.comlaw.gov.au/ComLaw/Legislation/Act1.nsf/framelodgmentattachments/332EE746136CDDF6CA256F720018338C>

²⁰ Government of the United States. *Prosecutorial Remedies and Tools to End the Exploitation of Children Today (PROTECT) Act*, Pub. L. No. 108-21, 117 Stat. 650. 2003. 18 U.S.C. § 2423. Supp. 2004.

²¹ Before the PROTECT Act became law in 2003, the law required the government to prove that the defendant travelled to a foreign destination for the purpose of engaging in specified sexual conduct with a person under the age of eighteen. The PROTECT Act removed the intent requirement so that the government would only have to prove that the defendant engaged in illicit sexual conduct with a minor while in a foreign country.

²² Government of the United States. PROTECT Act § 105 (b). 2003.

costs, complications resulting from the use of different languages, additional strains on child victims and child witnesses, etc.²³ The data concerning arrests and convictions made possible due to extraterritorial laws is limited, but, as the table below illustrates, the information currently available is not very encouraging,

especially considering that data on the number of cases brought in front of national courts may differ greatly from the number of sexual offences actually committed in other countries. This table is in no way exhaustive but provides a snapshot of extraterritoriality experiences from around the world.

Country	Extraterritorial Law	Description	Number of Convictions ²⁴
Australia	Crimes Act 1914, as amended by the Crimes (Child Sex Tourism) Amendment Act 1994 ²⁵	The Crimes Act 1914 contains a chapter entitled 'Child Sex Tourism' which details offences applying to Australian citizens and residents who engage in sexual activity with children under the age of 16 while overseas.	20 ²⁶

²³ See Muntarhorn, V. *Extraterritorial Criminal Laws Against Child Sexual Exploitation*. UNICEF. Geneva. 1998.

²⁴ As of January 2008. This information is based on desktop research conducted by ECPAT International. While care has been taken to ensure the accuracy of the information, it may not be exact, especially due to limitations on available data.

²⁵ Government of Australia. *Crimes (Child Sex Tourism) Amendment Act 1994*. No. 105, 1994.

²⁶ Information provided to ECPAT International by the Australian Federal Police. October 2007.

²⁷ Government of Canada. R.S.C. 1985, c. C-46.

²⁸ *Including offences of Sexual Interference, Invitation to Sexual Touching, Sexual Exploitation, Incest, Child Pornography and Obtaining the Sexual Services of a Child under 18*. Government of Canada. Criminal Code, R.S.C. 1985, c. C-46, s. 7(4.1).

²⁹ As at February 2008 there had also been two arrests: Kenneth Robert Klassen was charged in 2007 for alleged sex crimes in Cambodia, Colombia and the Philippines; the case has not yet gone to trial. In February 2008, two humanitarian workers from Quebec were charged under Canadian extraterritorial law with multiple counts of sexual assaults on minors in a Haitian orphanage.

³⁰ Government of France. Code Pénal. Consolidated version as of 21 November 2007. Art. 113-6 to 113-9. Accessed from: <http://www.legifrance.gouv.fr>

³¹ Information provided by ECPAT France as of December 2007.

³² Gruppo di Lavoro per la Convenzione sui diritti dell'infanzia e dell'adolescenza, I diritti dell'infanzia e dell'adolescenza in Italia. Terzo rapporto di aggiornamento sul monitoraggio della convenzione sui diritti dell'infanzia e dell'adolescenza in Italia 2006-2007. Coordinated by Save the Children Italia. 2007. 103 pp.

Country	Extraterritorial Law	Description	Number of Convictions
Canada France	Criminal Code ²⁷	Since 1997, under section 7(4.1) of the Criminal Code, Canadian citizens and permanent residents can be prosecuted in Canada for certain sexual offences committed against children in other countries. ²⁸	1. ²⁹ Donald Bakker of Vancouver was the first to be prosecuted and convicted under s. 7 (4.1). In May 2005, he pleaded guilty to, among other domestic crimes, seven counts of sexual interference involving children aged under 14 years old in Cambodia. After he was arrested on sexual assault charges in Vancouver, videotapes were found in his possession depicting him sexually assaulting 7-to-12-year-old girls in Cambodia in February and March 2003.
France	Penal Code ³⁰	French penal law applies to crimes and misdemeanours committed by French citizens outside French territory. These include sexual offences against children.	6 ³¹
Italy	Penal Code	Under Article 604 of the Penal Code, crimes related to the commercial sexual exploitation of children committed abroad by an Italian citizen can be prosecuted in Italy.	2 ³²

Country	Extraterritorial Law	Description	Number of Convictions
5 Japan	Law for Punishing Acts Related to Child Prostitution and Child Pornography, and for Protecting Children (1999) ³³ as amended by the Law Amending a Part of the Law for Punishing Acts Related to Child Prostitution and Child Pornography, and for Protecting Children (Law No. 106 of 2004)	Under the 1999 law, crimes of child prostitution and child pornography committed by Japanese nationals outside Japan are subject to extraterritorial jurisdiction. ³⁴	4 arrests, 0 convictions ³⁵
New Zealand	Crimes Amendment Act 2005 and Films, Videos and Publications Classification Act 1993	The Crimes Amendment Act 2005 created a new extraterritorial offence that makes it illegal to engage in certain sexual conduct with children overseas, that would be an offence if it occurred in New Zealand. ³⁶	0 ³⁸
Spain	Ley Orgánica del Poder Judicial 11/1999	The 1993 Films, Videos and Publications Classification Act also provides for extraterritorial jurisdiction for offences related to child pornography. ³⁷	0

Country	Extraterritorial Law	Description	Number of Convictions
United States	PROTECT Act (Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act) 2003	This law extended the principle of universal justice so that Spanish jurisdiction could be exercised over offences of “prostitution and corruption of minors” committed by Spaniards or foreigners outside national territory.	Approximately 55 child sex tourism indictments/complaints and approximately 36 convictions ³⁹

Extraterritorial laws are usually subject to a number of conditions that further complicate their application. These conditions should be reviewed as part of legal reforms to enhance child protection.

1. Procedural prerequisites for prosecution: victim’s complaints and formal State requests.

Some countries make prosecution conditional upon the filing of a complaint by the victim or a formal request by the State of which the victim is a national. Such formalities can cause delays and, in some cases, lead to the failure of the prosecution if the officials in the destination country are unfamiliar with the requirements of the offender’s country. Children are also very seldom predisposed to

³³ Government of Japan. *Law for Punishing Acts Related to Child Prostitution and Child Pornography, and for Protecting Children* (1999). Unofficial English translation. Accessed from: http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_isn=53924

³⁴ Government of Japan. *Law for Punishing Acts Related to Child Prostitution and Child Pornography, and for Protecting Children* (1999). Art. 10. Unofficial English translation. Accessed from: http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_isn=53924

³⁵ Japan’s extraterritorial law is one of the most structurally complete. However it is not enforced, and as such fails to protect children. See Svensson, Naomi L. *Extraterritorial Accountability: An Assessment of the Effectiveness of Child Sex Tourism Laws*. Loyola Law School Los Angeles. *International and Comparative Law Review*. Vol. 28, 641-664. Accessed from: http://ilr.lls.edu/documents/Article6Svensson_000.pdf

³⁶ These offences include sexual intercourse and attempted sexual intercourse with children under 16 years of age. See Government of New Zealand. *Crimes Amendment Act 2005*, Section 144A.

³⁷ Government of New Zealand. *Films, Videos and Publications Classification Act 1993*, Sections 145A(1),(2).

³⁸ Statistics New Zealand. *National Annual Apprehensions for the Latest 10 Fiscal Years to 2004/05: Sexual Conduct with Child outside NZ*. Accessed from: <http://xtabs.stats.govt.nz/eng/TableViewer/wdsview/print.asp>. New Zealand Ministry of Justice, *Protecting Our Innocence: New Zealand’s National Plan of Action against the Commercial Sexual Exploitation of Children*. December 2001. Accessed from: <http://www.justice.govt.nz/pubs/reports/2002/protectinnocence/index.html> pp.11-12.

³⁹ United States Department of Justice. *Attorney General’s Annual Report to Congress on U.S. Government Activities to Combat Trafficking in Persons*, Fiscal Year 2006. United States Department of Justice. May 2007. (p.18).

filing complaints against offenders. The requirement to file a complaint also provides an opportunity for the offender to 'buy off' the victim or her/his family. Some countries, mainly in Europe, have eliminated this requirement in recent years. For example, in 2002, Dutch extraterritorial jurisdiction was made more effective in child-sex tourism cases by the abolition of the requirement for a complaint to be filed before the prosecution of offences of sexual abuse of children between 12 and 16 years of age. Before this change was implemented, the criminal justice authorities could not prosecute such offences without a complaint having first been made.⁴⁰

2. The discretionary character of the prosecutor's decision to press charges. In some countries prosecution is discretionary (as opposed to compulsory).⁴¹ ECPAT adopts the view that a prosecutor who refuses to prosecute a case involving a child victim should always be required to justify her/his decision. Furthermore, it should be possible in all jurisdictions for a foreign victim, or a person or organisation on her/his behalf, to initiate a prosecution, even where the State authorities

have decided not to do so, or to appeal against a decision not to prosecute.⁴²

3. Double jeopardy (ne bis in idem) finds different interpretations across legal systems, but in criminal matters it is generally understood to mean that a person, once acquitted, cannot be tried twice for the same offence. In other words, a child-sex offender having served a sentence in a foreign country cannot be tried again at home for the same crime. Double jeopardy should never enable offenders to escape prosecution in their home country by serving a short-term or partial sentence abroad.⁴³

4. Double criminality imposes a condition on prosecution in some legal systems by requiring that the allegations constitute an offence both under that country's extraterritorial jurisdiction and in the foreign country. This may constitute a significant obstacle to the prosecution of child-sex tourists. For instance, an offender of country A, where laws protect children up to the age of 18 and where the double criminality requirement is upheld, travels to country B, where

⁴⁰ Government of the Netherlands. Criminal Code, Art. 245, 247, 248 and Code of Criminal Proceedings, Art. 167a.

⁴¹ For example, the Japanese Code of Criminal Procedure prescribes standards to be used by prosecutors in deciding whether to institute prosecution in a given case.

⁴² ECPAT International. *Extraterritorial Legislation As a Tool to Combat Sexual Exploitation of Children: A Study of 15 Cases (Executive Summary)*. ECPAT International. Bangkok. Accessed from: http://www.ecpat.net/eng/Ecpat_inter/projects/promoting_law/promoting_law.asp

⁴³ Ibid.

children are protected up to the age of 15, and there abuses a child aged 16. Although the act amounts to a crime according to the legislation of country A, the courts of that country would be barred from criminally prosecuting the offender since the act does not amount to a crime in the legal system of country B. Double criminality may also encourage 'forum shopping' among child-sex tourists, as offenders often seek out countries with weaker laws where children are not adequately protected.⁴⁴ In recent years, a number of countries have eliminated the requirement of double criminality for the prosecution of certain sexual offences against children. For instance, Denmark reviewed its extraterritorial legislation in relation to crimes involving sexual abuse of children and since 2006, the principle of double criminality no longer applies. In 2005, Sweden eliminated double criminality for serious sexual crimes committed abroad against children below 18-years of age.⁴⁵

5. Statutes of limitation or periods of prescription establish the period of time during which proceedings must be initiated. Once that period has elapsed, litigation can no longer be pursued. The length of

the statutory limitation varies from country to country, however there has been a debate about the need to harmonise these periods so that they begin only from the time the alleged victim reaches the age of majority (18) under the Convention on the Rights of the Child (CRC), rather than from the date of the alleged offence.⁴⁶ In addition, once notice has been given of steps taken in a foreign jurisdiction by the competent authorities, time should stop running against the victim.⁴⁷ It is important to ensure that the prosecution of CSEC crimes is subject to adapted statutory limitations (that begin only after a child has reached the age of 18) as in many instances child victims are unable to speak about their experience until years after the event.

INTERNATIONAL COOPERATION AND ASSISTANCE

In addition to the constraints described above, there is insufficient international cooperation to facilitate the detection, investigation and prosecution of CSEC crimes. States should therefore consider the following measures:

⁴⁴ ECPAT Europe Law Enforcement Group. *Extraterritorial Legislation as a Tool to Combat Sexual Exploitation of Children, Executive Summary* (1999).

⁴⁵ Government of Sweden. *Fact Sheet, New Legislation on Sexual Crimes*. Accessed from: <http://www.sweden.gov.se/sb/d/5076/a/46797>

⁴⁶ Svensson, Naomi L. *Extraterritorial Accountability: An Assessment of the Effectiveness of Child Sex Tourism Laws*. Loyola Law School Los Angeles. *International and Comparative Law Review*. Vol. 28,641-664. Accessed from: http://ilr.lls.edu/documents/Article6Svensson_000.pdf

⁴⁷ ECPAT International. *Extraterritorial Legislation As a Tool to Combat Sexual Exploitation of Children: A Study of 15 Cases (Executive Summary)*. ECPAT International. Bangkok. Accessed from: http://www.ecpat.net/eng/Ecpat_inter/projects/promoting_law/promoting_law.asp

1. Extradition Agreements: As mentioned above, it is generally preferable that offenders be tried in the country where the offences were committed as this is where the victim is situated and where witnesses and other evidence are available. Therefore, where an offender has escaped the jurisdiction in the country where he/she committed the offence, extradition to that country is usually the best option provided that the country possesses the resources to ensure efficient prosecution. The UN Model Treaty on Extradition was designed to facilitate the development of extradition

treaties and can be used as guidance for States wishing to develop such agreements.⁴⁸

2. Mutual Legal Assistance is the formal mechanism by which countries request and provide assistance in obtaining evidence located in one country to assist in criminal investigations or proceedings in another country. The UN has developed a Model Treaty on Mutual Assistance in Criminal Matters to assist governments in this regard.⁴⁹

In its Concluding Observations to the initial State reports on the implementation of the OPSC, the Committee on the Rights of the Child noted in many instances that legislation regarding extradition was inadequate.⁵⁰

For example, the Committee welcomed the Government of Spain's affirmation that the offences covered by the OPSC were subject to universal jurisdiction, but nevertheless expressed concern that its extradition conditions required acts to be defined in the laws of both countries as offences. It has expressed similar concerns to the Governments of Guatemala, Bangladesh, Sudan, the Syrian Arab Republic, Qatar and Morocco (vast majority of reports examined).

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- ⁴⁸ United Nations. *Model Treaty on Extradition*. A/RES/45/116 (1990). Accessed from: <http://www.un.org/documents/ga/res/45/a45r116.htm>
- ⁴⁹ United Nations Office on Drugs and Crime (UNODC). *Model Treaty on Mutual Assistance in Criminal Matters*. Accessed from: http://www.unodc.org/pdf/model_treaty_mutual_assistance_criminal_matters.pdf
- ⁵⁰ Committee on the Rights of the Child: 46th session. Consideration of Reports submitted by States Parties under Article 12(1) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. Concluding Observations: Spain. CRC/C/Optional Protocol/ESP/CO/1. 2 October 2007. Paras. 31,32.
- ⁵¹ Government of Australia, Department of Foreign Affairs and Trade. *Cambodia Country Brief*. April 2008. Accessed from: http://www.dfat.gov.au/geo/cambodia/cambodia_brief.html
- ⁵² *International Child Sex Tourism: The Scope of the Problem and Comparative Case Studies*. The Protection Project. The Paul H. Nitze School of Advanced International Studies. Johns Hopkins University. Baltimore. January 2007. Accessed from: http://www.kmk-studio.com/JHU/JHU_Report.pdf

3. **Informal cooperation mechanisms** must also be developed. The facilitation of personal contacts between the law enforcers in the countries of origin and destination should be prioritised. Police Liaison Officers can and should play an important role in this regard. Examples include the establishment of the Australian Federal Police (AFP) liaison office in Phnom Penh and the Cambodian National Police, who together are

providing mechanisms to effectively investigate and prosecute suspected offenders in Cambodia.⁵¹ The Cambodian authorities also work with the British police to track down sex tourists travelling from the UK to Cambodia in order to abuse children. British officers advise their counterparts on how to investigate and prosecute child-sex offenders.⁵²

Thai Police arrest Christopher Neil, identified as man in child sexual abuse photos

INTERPOL website. Accessed from: <http://www.interpol.int/Public/THB/vico/Default.asp>

Christopher Paul Neil, a 32-year-old Canadian man identified as being the person in a series of child sex abuse photos posted on the Internet, was arrested by Royal Thai Police on 19 October 2007. Neil's arrest in northeast Thailand came just 10 days after INTERPOL launched an unprecedented global public appeal on 8 October to identify the man whose face appeared in more than 200 images of child sex abuse. INTERPOL received more than 300 statements from the public in response to the appeal, with five people naming Neil as a potential match. Police immediately followed up on the leads, and on 18 October, Thai police issued an arrest warrant for Neil and INTERPOL published a Red Notice (international wanted persons notice).

Neil had been working as an English-language teacher in South Korea, but flew to Bangkok, Thailand on 11 October. His arrest came as a result of extensive police work in several countries to firstly identify the man and then to find him.

Police codenamed the operation 'Vico' because the images were believed to have been taken in Vietnam and Cambodia in 2002 or 2003. The Thai arrest warrant was based on a statement from a Thai teenage boy who accused Neil of sexually molesting him.

Landmark extraterritorial case in the UK

Extract from ECPAT UK, The end of the line for child exploitation: safeguarding the most vulnerable children. ECPAT UK website. Accessed from: <http://www.ecpat.org.uk/publications.html>

British national Alexander Kilpatrick was sentenced in the UK for offences related to the sexual abuse of children in Ghana. The case was tried under the UK extraterritorial provisions in the Sexual Offences Act (2003) and was an excellent example of cooperation and collaboration between different police agencies in the UK and Ghana. Kilpatrick was charged on multiple accounts of rape, sexual assault and a range of other charges including the production of child abuse images which occurred between October 2004 and May 2005 when he travelled several times to Ghana. He was also charged for separate offences in the UK for the abuse of British children. Kilpatrick received a landmark sentence in extraterritorial cases within the UK. In January 2006, Judge Roger Chapple, upon sentencing Kilpatrick to an indefinite period with a minimum of 5 years said, "You took advantage of the abject poverty and the circumstances in which children in Africa and other countries find themselves. You plied them with meals, treats and alcohol and then you sexually abused them in the most appalling ways."

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4. The establishment of national databases on child-sexual exploitation should also be considered in order to facilitate the international exchange of information on victims and perpetrators. Indeed, "the end result of the work undertaken by INTERPOL should be that member states see the need to share information and issue Green Notices⁵³ on the offenders that travel to commit their crime."⁵⁴ Sex offenders' registries should

also be implemented to prevent high-risk convicted offenders from leaving their home countries.

5. Hotlines should be established to provide channels for the public to report child exploitation. Collaboration between law enforcement agencies and NGOs is particularly important in this regard.

⁵³ Green Notices serve to provide warnings or criminal intelligence about persons who have committed criminal offences and are likely to repeat these crimes in other countries.

⁵⁴ Interpol website: <http://www.interpol.int/Public/Children/Default.asp>

Cambodia: World Vision Hotline Helps Curb Child Sex Tourism

World Vision website. Accessed from: http://www.worldvision.org/news.nsf/news/200710_cstp_hotline_advoc?Open&lid=csth&lpos=day_txt_sex_tourism_hotline

Established in 2005, a World Vision-supported 24-hour hotline provides citizens and humanitarian workers with a safe channel for reporting child exploitation. Currently operating in five Cambodian provinces and the capital city of Phnom Penh, the hotline is a desperately needed avenue for enforcement of child protection laws. World Vision publicises the hotline in tourist hotspots through leaflets, posters, and key chains. In the past two years, 1217 cases of child sexual exploitation, human trafficking, and rape have been reported to Cambodia's Ministry of the Interior; of those, 645 were reported through World Vision's hotline. In the past eight months alone, 349 cases have been reported using this method. More than 1100 investigations have led to more than 665 prosecutions of both local and foreign sex offenders.

ANALYSIS AND RECOMMENDATIONS

In light of the very low number of prosecutions and convictions achieved under extraterritorial laws, ECPAT International recommends that States review their criminal law and institute legal reforms in order to better counter child-sex tourism. In particular, States should:

- Ensure that all forms of CSEC, including child-sex tourism, are defined and specifically criminalised/penalised in national legislation.
- Ensure that elements of child-sex tourism offences include: (1) engaging in sexual conduct with a child abroad, including non-commercial and commercial illicit sexual conduct with a child under 18; (2) travelling with the intent of engaging in sexual activities with a child abroad; (3) advertising or promoting child-sex tours; (4) making travel arrangements for a person for the purpose of engaging in sexual activity with a child at the destination; and (5) transporting a person for the above purpose – the liability of tour operators should extend to local partners on the ground in order to ensure that the former's liability does not end once the clients have reached their destination.
- Exercise jurisdiction over child-sex tourism crimes based on the active and passive personality principles (applying to both nationals and residents) and, whenever possible, the universality principle; the 'extradite or prosecute' obligation should form part of national law.
- Eliminate the requirement for a victim complaint or formal State request.

- Require that a prosecutor's refusal to proceed is justified.
- Limit the application of double jeopardy to instances where a person was acquitted, or if the sentence was served in full. The application of this principle should never enable offenders to escape prosecution in their home country by short-term detention or partial service of a sentence abroad.
- Eliminate the requirement of double criminality in relation to child-sex tourism offences.
- Ensure that the applicable statute of limitation/period of prescription runs only once the victim has reached 18 years of age and not from the date of the alleged commission of the offence.

In addition:

- Sexual crimes against children should always be considered as extraditable offences.
- All States should have clear processes for the execution of extradition and mutual assistance requests. Sexual crimes against children should be given special priority.
- All States should rapidly and effectively provide mutual legal assistance in relation to all sexual crimes committed against children and ensure that extradition requests are handled expeditiously. Unduly restrictive conditions on the provision of mutual legal assistance should be removed.
- Exchange of information among law enforcement agencies must be facilitated; national databases

on CSEC should be established. Sex offenders' registries should be put in place and the relevant authorities (home and abroad) should be notified of registered sex offenders' intent to travel.

- Hotlines should be established to provide channels for the public to report child exploitation.
- Dual criminality should never restrict the provision of mutual legal assistance in instances of sexual crimes committed against children, nor should it be a consideration in extradition procedures. At a very minimum, States should allow for extradition for conduct punishable in both States by deprivation of liberty in excess of an agreed minimum period.

Understanding the linkages between child sex tourism and other forms of commercial sexual exploitation of children in East Asia and the Pacific

by Kritsana Pimonsaengsuriya, Regional Officer, East Asia & the Pacific, ECPAT International

INTRODUCTION

The tourism sector has played an important role in the economic development and growth of many countries in East Asia and the Pacific. The economic growth of tourist destination areas, however, does not always contribute to improving the quality of life of all children in the region. It is undeniable that in some cases the tourism sector has become an area where sexual exploitation of children has become a tragic feature. Children found in tourism areas, for example, children employed in entertainment establishments and children living or working on the street – are being approached by ill-intentioned persons. Children are also trafficked to tourism areas for sexual purposes.

Studies on tourism and child prostitution were first conducted in the late 1990s in selected tourist destination countries in South and Southeast Asia. The findings confirmed the negative impacts of tourism on children, and this led to a campaign against child prostitution in Asian tourism in 1990, based in

Bangkok. The campaign was very effective in raising societies awareness about the situation of children being sexually exploited in tourism. The campaign also led to the establishment of a global network to End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT). Since its establishment, ECPAT has worked collaboratively with government agencies, the private sector, civil society and community-based organisations in over 70 countries around the world to protect the rights of children to be free from commercial sexual exploitation, including in the tourism industry.

This paper gives examples of commercial sexual exploitation of children (CSEC) in tourism and how it is facilitated by rapid changes in the socio-economic status of people in East Asia and the Pacific and in the development of communication and information technologies in the region. It also illustrates key initiatives in East Asia and the Pacific to address the issues and identify the gaps in child protection and recommends specific actions that are urgently needed to tackle the problem.

THE DEVELOPMENT OF TOURISM: THE GAINS AND LOSSES

Countries in East and Southeast Asia have long been among the most popular world tourist destinations. Despite the effects of terrorism, avian flu, oil prices and natural disasters, according to the UN World Tourism Organisation (UNWTO) the arrival of International tourists in ASEAN countries in 2006 showed a 9 percent increase since 2005. Furthermore, the increase in the regional growth rate of international tourist arrivals in Asia and the Pacific was ranked second (+10%) in global terms in 2007.⁵⁵ The development of infrastructure to support such tourism growth and the general economic development of tourist destinations has been coordinated both at national level and through regional agreements and projects. Networks of national and international roads and train lines and low-cost airlines enable people to travel more easily, cheaply and faster than ever before. Different types of accommodation, entertainment (e.g. restaurants, karaoke bars, shops, party events and package tours) and other facilities are also blossoming to serve a wide variety of visitors, as well as newly affluent residents. The tourism industry has also greatly benefited from the development of information and communication technologies (ICT). Online ticket bookings and payments

can be made at the click of a button, 24 hours a day, and contact can be made with like-minded people to arrange activities of common interest. In short, the successful performance of the regional tourism industry has greatly contributed to the rapid expansion of the economies of many countries in the East Asia and the Pacific region.

However, the economic growth arising from tourism has not always been translated into better opportunities for children. Indeed, there is strong evidence that the protection of children from commercial sexual exploitation has been inadequately addressed within the structure and development processes of the tourism industry. It is a fact that children have increasingly been sexually exploited by ill-intentioned local and foreign tourists, as well as migrants and temporary workers who make use of the facilities developed for tourism to obtain access to children.

For instance, according to a study conducted in 2001,⁵⁶ frontier towns in China's Yunnan and Guaxi Provinces have greatly benefited from the re-establishment of cross-border trade between China and Vietnam since 1989. However, such towns attract not only business people and migrant workers from the two countries but also large numbers of male domestic tourists and

⁵⁵ World Tourism Organization. *World Tourism Exceeds Expectations in 2007 – Arrivals Grow from 800 Million to 900 Million in Two Years*. Press release, 28 January 2008. Accessed on 10 July 2008 from : http://www.unwto.org/=media/news/en/press_det.php?id=1665

⁵⁶ Davidson, Julia O'C. *Children in the Sex Trade in China*. Save the Children Sweden. Stockholm. 2001.

tourists from neighbouring countries who visit in order to engage the services of prostitutes and/or gamble. The study suggested that Vietnamese women engaged in prostitution looking for customers at Trade Centres were aged between 15 and 40 years, with the majority being in their 20s. Furthermore, a *Regional Report on Child-sexual Abuse and Commercial Sexual Exploitation of Children in the Pacific* (Fiji, Kiribati, Papua New Guinea, Solomon Islands and Vanuatu) launched in 2006⁵⁷ indicated that prostitution of children (in exchange for money and/or in-kind compensation, e.g. taxi rides to school, clothes etc) occurs in locations that generally include hotels, nightclubs, bars and brothels and industrial sites as well as large resource and infrastructure projects and mining sites and ports where fishing and naval vessels are docked⁵⁸. Various news reports⁵⁹ also suggest that children are sexually exploited by local and foreign professionals employed in educational institutes and in the tourism industry (e.g. diving instructors). News reports⁶⁰ also show

that children are advertised on the Internet for sexual services, with the arrangements for this activity often made online between procurers and customers before the customers arrive at the tourist location.

It is thus clear that, while tourism brings prosperity to countries in East Asia and the Pacific and their people, a large number of local and foreign tourists have abused the facilities and services available in the tourism industry and related businesses to prey on vulnerable children and exploit them sexually.

It should also be noted that while the majority of tourists and visiting/migrant workers who engage in sexual activities with children fall into the category of 'situational abusers',⁶¹ (as they do not initially have a particular sexual preference for children but take the opportunity to sexually abuse children as it arises), a foreign resident in a destination country who engages in sexual exploitation of children can also be classified

⁵⁷ UNICEF Pacific. *Commercial Sexual Exploitation of Children (CSEC) and Child Sexual Abuse (CSA) in the Pacific: A Regional Report*. UNICEF, UNESCAP and ECPAT. p.14, 2006. (unpublished)

⁵⁸ UNICEF Pacific. *Commercial Sexual Exploitation of Children (CSEC) and Child Sexual Abuse (CSA) in the Pacific: A Regional Report*. UNICEF, UNESCAP and ECPAT. p.14, 2006. (unpublished)

⁵⁹ Bangkok Post (English newspaper), CRIME: BOY MOLESTED IN KRABI: Police to expel Aust Paedophile, Wednesday 16 August 2006, p.4, Section 1 'Home'

• Bangkok Post (English newspaper), PAEDOPHILE TEACHER NABBED: JAKARTA, Wednesday 9 August 2006, p.8, Section 1 'In Brief – International'

• The Nation Smartlife, Agency France-Press, Kuala Lumpur, MALAYSIA TO INVESTIGATE TEACHER WHO PUNISHES PUPILS WITH PORN, Monday 8 May 2006, p.4

⁶⁰ ECPAT International. *Global Monitoring Report on the Status of Action against Commercial Sexual Exploitation of Children: Philippines*. ECPAT International. Bangkok. 2006, p.11

⁶¹ ECPAT International. *Combating Child Sex Tourism: Questions & Answers*. ECPAT International. Bangkok. 2008. p. 12.

as a child-sex tourist because 'the intent of the travel involves a change of socio-economic, cultural and political environments, which reduces the individual's usual external inhibitors and in this way facilitates the sexual exploitation of children.'⁶²

HOW CHILD-SEX TOURISM IS LINKED WITH OTHER FORMS OF SEXUAL EXPLOITATION OF CHILDREN

Child-sex tourism and the prostitution of children

Large numbers of children and young people in many countries in the region are forced to leave school or are unable to continue their education to higher levels because they need to look for employment to provide economic support to their families and/or themselves. This situation is further exacerbated for children who find themselves living in an environment where factors push them into leaving their homes, e.g. because of domestic violence, abuse or negligence at home. A UNICEF report on violence against children published in 2006⁶³ indicates that children who experience domestic

violence are at great risk of being sexually exploited. Children who run away from home and live on the street in order to escape an abusive home environment have to fend for themselves for survival. They are also easily approached by ill-intentioned persons who take advantage of their vulnerable situation and use them for exploitative purposes. Some disadvantaged children are employed in low-skilled jobs at tourist-related businesses. Such employment includes work as waiters/waitresses and dancers in entertainment settings and restaurants, kitchen staff, or masseuses in massage parlours. Often, these children find themselves working long hours and without adequate supervision to ensure their safety and well being. Low wages, working environments that are not child friendly, and pressures to provide economic support to their families or themselves for survival put these young people at a very high risk of being approached by child-sex tourists or being lured by procurers into prostitution. A report by the National Commission on Youth, South Korea, presented at an international symposium in December 2005⁶⁴ suggests that many [runaway] children are employed in adult entertainment establishments and are subsequently sexually exploited.

⁶² ECPAT International. *Combating Child Sex Tourism: Questions & Answers*. ECPAT International. Bangkok. 2008. p. 17.

⁶³ UNICEF. *Regional Assessment on Violence against Children in East Asia and the Pacific Region*. UNICEF. Thailand. 2005.

⁶⁴ ECPAT International. *Global Monitoring Report on the Status of Action against Commercial Sexual Exploitation of Children: South Korea*. ECPAT International. Bangkok. 2006.

Today, peer pressure and consumerism can also play a key role in facilitating the process of engaging children in sexually exploitative activities. Anecdotal evidence suggests that, with the persuasion of their college peers, college girls in northern Thailand travel to southern tourist areas during college vacations to engage in sexual activities in exchange for money⁶⁵ – not only to pay for their college fees but also to buy expensive goods, clothes, mobile phones etc. They engage in such exploitative activities without having a full understanding of the serious consequences for their future.

It is clear that child-sex tourism fosters child prostitution in general. Once lured into prostitution in tourist areas, children also become a commodity for locals who seek children for sex. It is important to note that not only girls but also boys are vulnerable to commercial sexual exploitation while working in such environments. For example, according to *Salween News Magazine* (2005),⁶⁶ a large numbers of boys from Myanmar escape the political turmoil in their country to seek

employment and better lives in Thailand. Many boys enter employment initially in Thailand on farms and construction sites, but because of the low wages and poor treatment received from their employers, soon move into working as waiters in bars, and from there may end up engaging in prostitution.⁶⁷ Similar situations exist in a number of tourism destinations within the region.⁶⁸ Tourism and economic growth are also bringing into disarray traditional practices intended to provide children with some degree of protection. ‘Bride price’, a traditional practice in Pacific Island countries that takes the form of “an exchange between families and historically was central to building strong and binding relationships between families and ensuring the well-being of the bride”,⁶⁹ has in some cases been distorted and used to facilitate a form of CSEC. Some children are forced to marry foreign logging workers in exchange for money, gifts, houses and cars.⁷⁰ This constitutes child prostitution, which is defined as the purchase of sex from children in exchange for money or in-kind compensation.

⁶⁵ ECPAT International, *Global Monitoring Report on the Status of Action against Commercial Sexual Exploitation of Children: Thailand*. ECPAT International. Bangkok. 2006.

⁶⁶ Salween News Network. *Salweenpost*, 26, 1 October – 15 November 2005. Accessed from: www.salweennews.org,

⁶⁷ - Salween News Network. *Salweenpost*, 26, 1 October – 15 November 2005. Accessed from: www.salweennews.org,
- BBC News, *Thailand Thailand's child trafficking industry*, by Thembi Mutch, http://news.bbc.co.uk/1/hi/programmes/from_our_own_correspondent/6277176.stm. Last Updated: Saturday, 7 July 2007, 11:24 GMT 12:24 UK. Accessed on 10 October 2007

⁶⁸ UN Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-region (UNIAP) and World Vision, *Sex, Sun and Heritage: Tourism Threats and Opportunities in South East Asia*, A report on best “practices” on tourism and trafficking for UNIAP and World Vision by Heather A. Peters, Ph.D., 2007, p.22

⁶⁹ UNICEF Pacific. *Commercial Sexual Exploitation of Children (CSEC) and Child Sexual Abuse (CSA) in the Pacific: A Regional Report*. UNICEF, UNESCAP and ECPAT. p.16, 2006. (unpublished)

⁷⁰ UNICEF Pacific. *Commercial Sexual Exploitation of Children (CSEC) and Child Sexual Abuse (CSA) in the Pacific: A Regional Report*. UNICEF, UNESCAP and ECPAT. p.16, 2006. (unpublished)

Child-sex tourism and the trafficking of children for sexual purposes

The *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*⁷¹ defines trafficking as all acts involved in the recruitment, transportation, transfer, harbouring or receipt of children within or across borders for the purpose of exploitation. It does not need to involve the use of threat, force, other forms of coercion or abuse of power in the case of the trafficking of a child. Importantly, the Protocol states that the consent of the child is considered to be irrelevant. This is because a child requires special protection from actions that carry consequences not fully known or understood and to which she/he therefore cannot consent. Offenders will often use coercion, deception and violence to control and manipulate the child for exploitation, leading a child or young person into a situation of abuse while claiming that she/he has entered it with knowledge and consent.⁷²

While trying to escape from poverty, and in their search for a better life, many children become victims of human

trafficking. Many countries in Southeast Asia are the origin, transit and destination of human trafficking, including trafficking of children for sexual purposes. Numerous children are trafficked locally as well as across borders for prostitution to popular tourist areas, thus serving the demand from locals and foreigners. According to a recent study conducted by the Research Institute at Mahidol University, Thailand, children from ethnic minorities are trafficked from their highland homes to Bangkok and Pattaya to provide sex services to regular 'clients'.⁷³ In Indonesia, in recent years, the tourist islands of Bali and Batam have gained reputations as child-sex tourism locations, and have become major destinations for trafficked girls and women.⁷⁴ Children in the Philippines are trafficked internally upon false promises of jobs in restaurants, only to end up working in bars and video/karaoke bars that cater to tourists, being drugged and forced to provide sex services for foreign and local customers.⁷⁵ In Papua New Guinea, children and women are trafficked from rural areas to Port Moresby and forced to provide sex services for foreigners.⁷⁶

⁷¹ G.A. res.55/25, annex II, 55 U.N. GAOR Supp. (No.49) at 60, U.N.doc. A/45/49 (Vol.I), 2001, came into effect in December 2003

⁷² ECPAT International. *Upholding the Right of Children to Live Free from Commercial Sexual Exploitation: Interventions and Recommendations*. ECPAT International. Bangkok. 2007. p. 48.

⁷³ ECPAT International, *Global Monitoring Report on the Status of Action against Commercial Sexual Exploitation of Children: Thailand*. ECPAT International. Bangkok. 2007.

⁷⁴ ECPAT International, *Global Monitoring Report on the Status of Action against Commercial Sexual Exploitation of Children: Indonesia*. ECPAT International. Bangkok. 2006.

⁷⁵ ECPAT International, *Global Monitoring Report on the Status of Action against Commercial Sexual Exploitation of Children: Philippines*. ECPAT International. Bangkok. 2006.

⁷⁶ UNICEF Pacific. *Commercial Sexual Exploitation of Children (CSEC) and Child Sexual Abuse (CSA) in the Pacific: A Regional Report*. UNICEF, UNESCAP and ECPAT. p.15, 2006. (unpublished)

Child-sex tourism and child pornography

Unfortunately, the Internet has played a key role in facilitating the expansion of child-sex tourism networks and their activities as it enables child-sex tourists to make direct contact with their peers to exchange information on child-sex tourism locations and with vulnerable children across the globe. Some abusers make arrangements to have sexual contact with children even before they leave their home countries.⁷⁷ As is evident, the misuse of ICT has enabled the organisation of child-sex tours to become quicker and easier through the use of online facilities. As mentioned earlier, the development of ICT has not only facilitated the growth of the tourism industry but has also strengthened networks of child-sex abusers – mainly preferential child-sex abusers and paedophiles.

Internet facilities that have been used in the growth of the tourism industry have also been fully exploited by child pornography networks. There are an increasing number of examples showing the growing link between child-sex tourism and child pornography. One of the main reasons for this relationship is the fact that the law in the sex exploiters' countries is often strict in

relation to child-sexual abuse and child pornography, while legislation and its enforcement may be much looser in certain developing countries that are also tourist destinations. As an example, a news report⁷⁸ reported the arrest of a Japanese man who allegedly ran a website in Cambodia featuring pictures of naked minors and announcing child-sex tours available for Japanese tourists. Abusers are able to view and select the children of their choice and make the necessary arrangements with procurers before their arrival in the destination country. In Thailand, for example, a news report⁷⁹ showed that children and women were being recruited by a male foreigner and a local Thai woman in Pattaya (a popular sexual tourism area in the country) to perform sex services in front of a camera which was then broadcast in 'real time' online over the Internet upon instant payment by viewers across the globe. As observed in certain tourist destinations, in order to conduct such practices abusers try to avoid being found out by hotel housekeepers. It has been discovered that, as a result, child-sex tourists are increasingly opting to use long-term residential accommodation in which to conduct their activities (although hotels and guesthouses are still the main venues where sexual exploitation of children in areas of tourism occurs).⁸⁰

⁷⁷ ECPAT International. *Combating Child Sex Tourism: Questions & Answers*. ECPAT International. Bangkok. 2008. p. 6.

⁷⁸ <http://search.japantimes.co.jp/cgi-bin/nn20030906a8.html>, 6 September 2003, Man held over naked minor photos: YOKOHAMA (Kyodo) Police arrested a man earlier this week for allegedly posting naked photos of minors on a website in Cambodia that was linked to child prostitution tours he ran for Japanese, the police said Friday, accessed in July 2008

⁷⁹ Daily News (one of national Thai newspapers), Issue No.20,649, Wednesday 26 April 2006, p. 1 and p.13

⁸⁰ ECPAT International. *Combating Child Sex Tourism: Questions & Answers*. ECPAT International. Bangkok. 2008. p. 17.

GOOD PRACTICES IN PROTECTING CHILDREN FROM COMMERCIAL SEXUAL EXPLOITATION IN TOURISM

ECPAT International has been working for many years to engage the relevant actors from the private sector to protect children from commercial sexual exploitation in the tourism industry by means of a number of initiatives.

The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism

The *Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism* (the Code of Conduct) has been successfully implemented in many countries across the globe, including countries in East Asia and the Pacific region. ECPAT International, ECPAT groups in all regions and tourism companies have been the active key mobilisers in the development and implementation of the Code at the national level. The Code of Conduct was initiated by Scandinavian tour operators, ECPAT Sweden and the UNWTO in 1989. By adopting the Code of Conduct, over the past 10 years several tourism-related businesses have included child protection in their corporate social responsibility policies. Currently, over 600 tourism-related companies are signatories to the Code. In order to ensure greater protection of children from commercial sexual exploitation, Code signatories must agree to:

- Establish an **ethical policy** regarding CSEC;
- **Train their personnel** in the countries of origin

and travel destinations;

- **Introduce a clause in contracts** with suppliers, stating a common repudiation of CSEC;
- Provide **information to travellers** by means of catalogues, brochures, in-flight films, ticket slips, home pages, etc;
- Provide **information to local 'key persons'** at the [tourist] destination, and;
- **Report annually** on the implementation of the Code.

The Code initiative also seeks to engage small enterprises to join hands in protecting children from commercial sexual exploitation. Such small enterprises simply need to sign a Letter of Intent with the Code, stating which criteria/commitments they are willing and able to fulfil.

The Code places great emphasis on the engagement of employees of the signatory companies at all levels, from management to shop-floor. Staff at all levels must be trained to identify CSEC and gain an understanding of their key roles in protecting children from sexual exploitation on their premises. After the initial trainings, a follow-up session to increase the protection of children is carried out to ensure that the ethical policy has been established and is being implemented by the staff. Experience has shown that the training and commitment of staff of the signatory companies has been effective in increasing the protection of children from sexual exploitation. For instance, housekeeping staff of a signatory Accor hotel in Indonesia recognised

a situation of child-sexual exploitation and reported it to the management. The child was rescued and referred to the relevant child protection services, and the offender was arrested. A stewardess on Air France, another major Code signatory, noticed a young girl on a flight and suspected that she might be a victim of trafficking. She asked for the girl's passport and it was ultimately proved that the girl was indeed a trafficking victim, who fortunately escaped abuse thanks to the stewardess's intervention.

The Code promotes sustainable and responsible tourism; it allows signatory companies to project a good image and also to be proactive in relation to the type of customers they want to attract.

The Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT)

A Ministerial Initiative – COMMIT⁸¹ – against human trafficking in the six countries of the Greater Mekong Sub-Region has recognised the linkage between child-sex tourism and trafficking of children for sexual purposes. One of its sub-regional action plans focuses on engaging the tourism sector in addressing human trafficking.

In November 2007, as part of regional activities under COMMIT, the Government of Thailand (in a collaboration between the Ministry of Tourism and Sports and the Ministry of Social Welfare and Human Security) also hosted the 'Greater Mekong Sub-Region Seminar on Protecting Children from Trafficking and Sexual Exploitation in Tourism'. At the end of the seminar, a *Letter of Intent*⁸² was adopted by the participants to consolidate and reinforce collaboration among the six countries at the regional level by:

- working towards establishing a Regional Registry of Child-sex Offenders and ensuring appropriately managed data sharing;
- facilitating the development of regional mechanisms (such as tourism and hotel associations) that promote and monitor standards, guidelines and certification for the private sector (e.g. the Code of Conduct);
- creating one voice/brand/slogan for a regional child-safe campaign by airlines through media such as in-flight videos, magazines, information at airports and airline websites;
- collaborating with non-governmental organisations (NGOs) and the private sector to endeavour to set up a regional hotline (that harmonises national hotlines) with one short

⁸¹ The Memorandum of Understanding (MOU) of the *Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT)* to combat human trafficking was signed in October 2004 by the governments of the Kingdom of Cambodia, the People's Republic of China, the Lao People's Democratic Republic, the Union of Myanmar, the Kingdom of Thailand, and the Socialist Republic of Vietnam.

⁸² Ministry of Tourism and Sports of Thailand, Ministry of Social Welfare and Human Security, and Coordinated Mekong Ministerial Initiative against Trafficking. *Report on the Greater Mekong Sub-Regional Seminar on Protecting Children from Trafficking and Sexual Exploitation in Tourism*. Bangkok, Thailand. 5-6 November 2007.

number (e.g. 141) that is language and child sensitive, and;

- ensuring that in each country a focal point from the National Tourism Organisation/Ministry of Tourism forms part of the COMMIT Task Force in order to prevent and fight against child-sex tourism.

The commitment to the *Letter of Intent* will hopefully lead to speedy follow-up action at country and regional level among the governments, NGOs and the private sector to address the issues of child-sex tourism within their respective countries as well as through cross-border collaboration.

ASEAN countries combating child-sex tourism

A campaign entitled 'Combating Child-sex Tourism in Southeast Asia' initiated and implemented by Child Wise (ECPAT Australia) has contributed to strengthening the regional collaboration of ASEAN tourism destination and source countries⁸³ (destination countries: Cambodia, Indonesia, Lao PDR, Myanmar, Philippines, Thailand and Vietnam; source countries:

Brunei, Malaysia and Singapore) in combating child-sex tourism. The campaign was designed to mobilise responsible travellers and local citizens to report suspected child-sex tourism on dedicated hotline numbers, deter potential child-sex offenders and create a culture of intolerance toward the sexual exploitation of children.⁸⁴

The campaign has successfully raised community awareness and action through a broad distribution of awareness-raising material displayed across the ASEAN region. Tourists and locals in destination countries learn how to detect suspicious cases and report them to national dedicated hotline numbers. The campaign was endorsed as 'International Best Practice' by the Government of the United States in its 2006 *Trafficking in Persons (TIP) Report*.⁸⁵

RECOMMENDATIONS & CONCLUSION

Successful tourism cooperation among various countries has significantly contributed to the success of economic growth in the region. Recognising the role

⁸³ ECPAT International. *Global Monitoring Report on the Status of Action against Commercial Sexual Exploitation of Children: Australia*. ECPAT International. Bangkok. 2006. p.18.

⁸⁴ Child Wise Tourism (ed.). *2007 ASEAN Child-sex tourism review: An Outcome of the Annual Meeting of the ASEAN Regional Taskforce to Combat the Sexual Exploitation of Children in Tourism Destinations*. Child Wise Tourism. Melbourne. August 2007. p. 31.

⁸⁵ <http://www.state.gov/g/tip/rls/tiprpt/2006/65984.htm>, accessed July 2008

of tourism in contributing to reducing the development gaps in certain countries and the need to strengthen tourism cooperation in the region, the ASEAN Tourism Agreement was ratified and signed by the heads of government/state in 2002.⁸⁶ The preservation and promotion of natural, cultural and historical heritage as well as the prevention of tourism-related abuse and exploitation of women and children are identified in the Agreement to ensure Quality Tourism among its Member States in ASEAN.⁸⁷

Political commitment to prevent the sexual exploitation of children is needed not only from the State Members of ASEAN but also from all Governments in the East Asia and the Pacific Region. A State's commitment to the protection of children needs to be prioritised and translated to the operational level in the same way as its commitments to other areas of the *ASEAN Tourism Agreement*. In order to achieve the long-term vision of sustainable tourism, it is essential that, with strong collaboration between governments, the private sector and other stakeholders, those bearing the relevant responsibility play an active role in protecting children from all forms of sexual exploitation in the tourism sector.

Specific Recommendations:

- An Impact Assessment Study of initiatives that invest in infrastructure, services and facilities related to tourism needs to include an assessment of the risks and impacts of development in order to protect children from sexual exploitation. The results of such a study need to be made available to the public and communities that may be affected by these initiatives in order to invite solutions from wider stakeholders before implementing such initiatives.
- Governments and the private sector need to emphasise the Protection Of Children From Commercial Sexual Exploitation in their tourism strategies and policies. Furthermore, a Minimum Standard of Practices to protect children from sexual exploitation need to be established and implemented among all those involved in the tourism sector. Measures and monitoring mechanisms to ensure the effective implementation of the Standard to protect children at all operational levels of tourism-related businesses need to be adopted and enforced. For example, the *Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism*⁸⁸ a global tool that creates direct collaboration with the private sector, has

⁸⁶ ASEAN Secretariat. *ASEAN Tourism Agreement*. Accessed on 16 July 2008 from: <http://www.aseansec.org/13157.htm>

⁸⁷ ASEAN Secretariat. *ASEAN Tourism Agreement*. Accessed on 16 July 2008 from: <http://www.aseansec.org/13157.htm>

⁸⁸ www.thecode.org

been widely adopted and implemented by 600 signatory tour operator companies. In East Asia, for example, the Asia Accor hotel group has been a core partner in implementing the Code of Conduct both in Thailand (mainly hotels) and Japan (mainly tour operators). However, in the Pacific, tourism-related companies have not yet adopted the Code, despite indications that in many Pacific Island countries CSEC in tourism is growing.

- Stronger support and collaboration between tourist sending and receiving countries are needed in order to share information and monitor the movement of child-sex abusers as a preventative measure to protect children. One good example is the *Letter of Intent of the Greater Mekong Sub-Region Seminar on Protecting Children from Trafficking and Sexual Exploitation in Tourism* as part of the COMMIT initiative. However, there is still a need for political commitment to translate this in to adequate resources to carry the *Letter of Intent* to the implementation level, which has not yet materialised. A regional ministerial initiative such as that of the Greater Mekong Sub-Region countries could be replicated in the Pacific Islands.

- An expansion of well coordinated educational campaigns to raise awareness of child-sex tourism and encourage the involvement of the public to report suspicious cases to appropriate police units or agencies is urgently needed. The campaigns should also aim to tackle 'local demand' as well as 'demand from foreign visitors'. Such campaigns will require strong collaboration between government agencies, the private sector and local communities in the destination countries, in order to engage local and foreign tourists as well as commitment from the sending countries to participate in protecting children everywhere.

Lessons learned and good practices on working with the private sector to combat child-sex tourism and trafficking for sexual exploitation

by Patchareeboon Sakulpitakphon, Programme Associate for Combating Child Trafficking for Sexual Purposes, ECPAT International

INTRODUCTION

In general, initiatives to combat child sex tourism (CST) and child trafficking for sexual exploitation in the past rarely included the active engagement of the private sector in the process of planning and implementation. Collaborations between civil society organisations and the private sector were largely limited to the provision of financial support. Yet, there is much more that the private sector can and is willing to do. With Corporate Social Responsibility⁸⁹ (CSR) having gone mainstream—as documented in a recent survey conducted by the Economist, in which global executives set corporate responsibility as a high priority,⁹⁰ - it is a welcome sign that the private sector is proactively interested in being socially responsible and doing good. ECPAT International strongly believes that the private sector has a critical role to play in the success of anti-child sex tourism and anti-child trafficking programmes,

particularly when working in partnership with non-governmental organisations (NGOs).

ECPAT International has noted a number of good practices and lessons learned over the years in its work with the tourism industry to combat commercial sexual exploitation of children (CSEC), especially child-sex tourism and child trafficking since the early 1990s. Many of these good practices have been the result of the *Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism* (Code of Conduct), a corporate responsibility tool supported by ECPAT and implemented by signatory companies from the tourism industry. These lessons learned are being applied to other initiatives and innovative corporate sector partnerships. This paper will provide a brief background on the Code of Conduct as well as present four key lessons learned from good practices of the ECPAT network, working in collaboration with various private sector partners.

⁸⁹ Often referred to as corporate responsibility (CR) by the tourism industry.

⁹⁰ Franklin, Daniel. 'Special Report on CSR: CSR Goes Global.' *The Economist*, January 17, 2008. Accessed from: http://www.economist.com/specialreports/displaystory.cfm?story_id=10491077

CODE OF CONDUCT

Since the ECPAT network was formed nearly two decades



We protect children from sex tourism.

ago as a campaign to end child prostitution in tourism, it has actively sought to collaborate with the private sector within the tourism industry and has created successful partnerships. One such collaboration with the tourism private sector has been the *Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism* (the Code of Conduct),⁹¹ a corporate responsibility tool that comprises six criteria which companies must follow once they become members.⁹²

Although an instrument of self-regulation, the Code of Conduct is regarded as one of the world's major tools for combating child sex tourism led by the tourism private sector.⁹³ Since the Code of Conduct was implemented in 1998, the tourism private sector has responded positively, engaging in all levels of the Code of Conduct and its implementation. Currently, there are over 600 companies in 26 countries that have implemented the Code of Conduct. It is estimated that approximately 30 million tourists are reached through the member companies of the Code of Conduct each year.⁹⁴ The Code is currently supported by the United Nations Children's Fund (UNICEF), the United Nations World Tourism Organization (UNWTO) and the ECPAT network. The Code of Conduct as an initiative has

Ms. Nicole Stejskal, Manager of Corporate Sustainability at Hotelplan, a Swiss Tour Operator Company, explains why the company signed up to the *Code of Conduct*: "Hotelplan was the first Swiss Tour Operator to sign the *Code of Conduct* in November 2003. The company recognised the need to protect children at critical destinations. It's the responsibility of a tour operator to sensitise its clients who travel to a critical destination about this issue and inform them about how to react and whom to inform if they see suspicious things during their holidays."

⁹¹ For more information about the Code of Conduct, please visit www.thecode.org

⁹² The criteria of the Code of Conduct are: 1. To establish an ethical policy against commercial sexual exploitation of children (CSEC) 2. To train company personnel on the issue 3. Have a clause in contracts with partners stating a common repudiation of CSEC 4. To provide information to travellers via brochures etc. 5. To provide information to key local persons, agencies, law enforcement 6. To report annually.

⁹³ The Code of Conduct is led by the multi-stakeholder Steering Committee and the Executive Committee. Currently, the Steering Committee has thirteen representatives out of fourteen possible seats (the travel agency seat is currently vacant) representing six tourism companies/industry members (TOI, Kuoni Scandinavia, Accor Hotels, Sol Melia, DRV Germany and SKAL International), two governments (UNWTO and SECO Switzerland), one funding body agency (Japan Committee for UNICEF), three NGO seats (ECPAT International, Paniamor Costa Rica and FTSA South Africa) and one independent seat (Mr. Kaspar Hess). Additionally, the current five-seat Executive Committee is represented by TOI (Ms. Fausta Borsani of KUONI as Chair), Kuoni Scandinavia, Accor, ECPAT International and Paniamor Costa Rica.

⁹⁴ Data from the Code of Conduct Secretariat, 2007.

⁹⁵ Companies on the previous Code Executive Committee were: Hotelplan Switzerland, German Association of Tour Operators and Travel Agents (DRV), and Kuoni Scandinavia.

produced many lessons learned and good practices, especially in regard to private sector ownership and engagement in protecting children from sexual exploitation.

LESSON LEARNED: LEADERSHIP VISION RESULTS IN POLICY AND STRUCTURAL COMMITMENT AND INSTITUTIONAL MAINSTREAMING BY THE PRIVATE SECTOR

Perhaps one of the most significant lessons learned was the need for the private sector to have a solid sense of ownership and active engagement at key levels with the initiative. As noted earlier, companies in the past mainly participated in corporate philanthropy, which reflects only a small aspect of corporate social responsibility. In addition to corporate social responsibility, the tourism private sector must also consider responsible tourism. The experiences and impact of initiatives such as the Code have clearly illustrated that to date, it serves a company's best interest to protect its reputation and brand name, attract investors, increase profit and respond to public concerns and interests. The danger of being labelled "an irresponsible company, which endangers children" can potentially be a disaster for companies. Thus, companies are increasingly striving to make an effort to be more responsible, become more involved and take interest in partnerships with various organisations, especially NGOs. True ownership of an initiative entails commitment by companies at all levels. At a minimum, a sincere commitment should

entail the creation of a company policy, designation of staff to implement work, full support from management, training of all staff and provision of an adequate support budget.

The *Code of Conduct* initiative has succeeded particularly because of the dedicated sense of ownership and dynamic engagement by member tourism companies. A unique characteristic of the *Code of Conduct* is that it was designed to be an initiative led by the tourism companies and a tool for the industry to benefit from multi-stakeholder partnerships.

Since its development ten years ago, representatives from the tourism industry have actively led in its creation, development and growth. For instance, Scandinavian tour operators worked with ECPAT Sweden to create appropriate and meaningful criteria for the *Code of Conduct*, providing input from the viewpoint of the tourism private sector. The result was the six criteria, designed to ensure that companies can illustrate their commitment by implementing these practical requirements to ensure protection of children from commercial sexual exploitation.

In addition, companies on the previous Executive Committee of the *Code of Conduct*⁹⁵, addressed "growth" challenges and limitations of the Code Secretariat. For example, in recent years, membership had rapidly expanded to over 600 companies, while the Code Secretariat still consisted of only one full-time staff member. Other challenges included ensuring monitoring and evaluation, the need to expand within the tourism industry and for the Code to become financially

self-sufficient. The company representatives on the Executive Committee contributed greatly to the Code's new direction and future by providing crucial inputs for a new strategy: the restructuring and expansion of the Code Secretariat; tougher guidelines for monitoring and evaluation; adaptation of Code criteria to various

sectors of the tourism industry; and proposal for the collection of a membership fee.⁹⁶ The result has been a dynamic, new Code of Conduct Strategy which allows it to operate globally as a comprehensive prevention tool, achieving the most efficient, effective and sustainable implementation by various types of signatory companies.

Fausta Borsani, current Chair of the Code, Kuoni Holding, representing TOI, best summarised the key motivation of companies to engage with the Code: "If there is a case of child sex tourism in one of the hotels Kuoni offers to clients, the company must show that it has done its utmost to prevent it. Also, we as a company take seriously the negative impacts of tourism because in minimising them and enhancing the positive outcomes, we seek to a future continuous "licence to operate" in the various countries. We are a part of the *Code of Conduct* to show our commitment to the issue: protecting children from commercial sexual exploitation is part of the fight for human rights."

The Code experience has led to a similar initiative of industry-led corporate social responsibility aimed at encouraging companies towards institutional ownership and commitment by attaining internationally agreed standards, such as ISO, which is an internationally recognised standard of operation for businesses, government and society headed by the International Organisation for Standardization.⁹⁷ Millions of

companies around the world sign up to one of the many ISO standards covering a wide range of subjects. ECPAT Sweden has begun to work on ISO 26000 for social responsibility, highlighting human rights and child rights, with sexual exploitation of children under this umbrella. In section "6.3.6.2 Related actions and/or expectations", paragraph d, the ISO 26000 draft calls for abiding by the *UN Convention on the Rights of the Child* and the principle of the best interest of

⁹⁶ Thus far, companies that are members of the Code of Conduct are not obligated to contribute towards the Code Secretariat; only to cover basic expenses for implementing the six criteria, if there are any (training workshops and information material production etc.)

⁹⁷ More information on ISO can be found at: <http://www.iso.org/iso/home.htm>

⁹⁸ Working Draft of ISO 26000WD4.2. June 2008.

the child.⁹⁸ This ISO initiative is a channel that may successfully reach new potential companies in all business sectors, creating institutional ownership and commitments for ensuring children's rights and against the commercial sexual exploitation of children. As the issue of commercial sexual exploitation of children involves numerous stakeholders, the initiatives must also include the active participation of all relevant key actors.

LESSON LEARNED: BREAKING DOWN STEREOTYPES AND NEGATIVE PERCEPTIONS

While NGOs and the private sector have collaborated in the past, the relationship and history between the two groups has not always been clear-cut. A stereotypical image of NGOs from the private sector's point of view is, "an ever-expanding army of non-governmental organisations (NGOs) stands ready to do battle with multinational companies at the slightest sign of misbehaviour"⁹⁹, clearly depicting NGOs as overly aggressive watchdogs, ready to cause trouble. Meanwhile, a negative stereotype existing for some of the private sector is of irresponsible, profit-making entities, out to do business at whatever the cost, neglecting society and the environment. Fortunately,

these stereotypes have faded considerably as new and stronger partnerships between NGOs and the private sector have formed at various levels. In order to build a solid working relationship between NGOs and the private sector, experience shows the following key elements must be adhered to: define and agree on the partnership, responsibilities and goals; establish good communication flow; and most importantly, commit honestly to the partnership. Another essential component is to have a "win-win" relationship, where both parties are able to satisfy their interests and goals through the partnership. By working together, NGOs and the private sector can share experiences and learn from each other and, through the relationship, even improve their performance. However, in reality, not all of these elements are always applied or put into practice, especially when it often takes time and energy to overcome these challenges and build a working relationship. There are three good practices involved in this lesson learned from ECPAT/STOP Japan, ECPAT Foundation. Thailand and Six Senses (a spa and resort group based in southeast Asia).

Japan produces millions of outbound tourists each year, including child sex tourists, thus making it a sending country. When ECPAT/STOP Japan first addressed the issue of CSEC in travel and tourism, Japanese tourism companies were reluctant to get involved. They did not

⁹⁹ Franklin, Daniel. 'Special Report on CSR: CSR Goes Global.' *The Economist*, January 17, 2008. Accessed from: http://www.economist.com/specialreports/displaystory.cfm?story_id=10491077

understand the issue, their connection to the issue as industry professionals, or what they could do to help fight CSEC in travel and tourism. There was also a sense of “mistrust” on the part of the companies towards NGOs, fearing that they might be the next target as well as an over-riding fear that talk of the issue of child sex tourists would offend the sensitivities of potential clients. However, since 2005, the relationship between the Japanese tourism companies and ECPAT/STOP Japan has solidified immensely. During this period, ECPAT/STOP Japan and the Japan Committee for UNICEF raised awareness on the issue of CSEC among the Japanese tourism companies and actively worked towards building relationships with representatives from the companies. As a result, several companies have increased their understanding of commercial sexual exploitation (including the realisation that they are not the cause of the problem but are in a position to protect children) and reaffirmed their commitment to the Code of Conduct while continuing to work with ECPAT/STOP Japan. This is illustrated through the creation of the Promotion Committee for the Code of Conduct, comprising representatives from tourism companies, ECPAT/STOP Japan and the Japan Committee for UNICEF. Members regularly meet to establish responsibilities and set goals for the Committee: for example, the Committee recently supported a film showing that aimed at raising awareness on the issue

of child trafficking in the general public. In addition, the Committee decided to approach the Overseas Hotel Executive Association and the Association of National Tourist Office Representatives to conduct general awareness raising on CSEC in the upcoming year.¹⁰⁰

In the process of building understanding and trust, tourism associations have been used as an intermediary group between the tourism private sector and NGOs. A case study from the ECPAT Foundation in Thailand shows a similar experience. In Chiang Rai (a popular tourist destination in the north of the country), there is a clear reluctance by the local tourism industry to discuss the issue of CSEC due to the sensitivity of the subject and for fear of losing tourists. Thus, the ECPAT Foundation approached the Chiang Rai Tourism Association for assistance and proposed a workshop to raise awareness within the Chiang Rai tourism industry. By conducting a workshop with the Tourism Association, the tourism business members were more easily encouraged to attend and learn about the issue and about what they can do. At the start of the workshop, many participants questioned the relevance of the workshop and did not understand how it linked to the tourism private sector. The ECPAT Foundation explained the issue of commercial sexual exploitation of children and its context in Chiang Rai, the Code of Conduct and what the tourism private sector can do to protect children. By the

¹⁰⁰ ECPAT/STOP Japan. June 2008.

end of the workshop, participants' feedback indicated a change in behaviour and attitude towards the issue of commercial sexual exploitation. Moreover, the head of the Chiang Rai Tourism Association, expressed strong commitment to support additional workshops and to encourage the tourism business to protect children from sexual exploitation. The support and assistance from the Chiang Rai Tourism Association, acting as an intermediary group between the ECPAT Foundation and the local tourism companies, greatly contributed to the workshop's success and the number of companies committed to becoming *Code of Conduct* signatories.

As illustrated in the case studies described above, the tourism private sector often has an initial negative perception towards combating commercial sexual exploitation of children. However, there are some companies, such as Six Senses,¹⁰¹ a spa and resort group, that are addressing this misconception. Two Six Senses properties in Thailand, Evason Phuket and Hideaway Yao Noi, are recent signatories to the *Code of Conduct* and have begun implementing it at both the resorts with the support of ECPAT. Six Senses' position is that tourists will not be deterred or offended by the company's stance against CSEC. Since the protection of children is an important priority for Six Senses, the company believes that the guests are able to recognise the company's commitment to preventing CSEC¹⁰²

and also that their clients and guests are supportive of their stance. A study that supports Six Senses' viewpoint showed that European tourists indicated that 54 percent of the European Union (EU) population would not go on a holiday to a destination known for CST.¹⁰³ It is an encouraging trend that companies can be supported to confront negative perceptions, embrace responsible tourism and see the benefits of child protection policies. As responsible tourism, corporate social responsibility and public demand for accountability increases, it is hoped that this trend can become a tourism industry standard.

LESSON LEARNED: ISSUE-BASED EXPERTISE SUPPORT FOR THE PRIVATE SECTOR

The commercial sexual exploitation of children is a complex social issue that is often misconstrued due to its nature and multiple manifestations: prostitution of children, child sex tourism, child trafficking for sexual purposes and child pornography. Different from child sexual abuse, a child victim of CSEC is exploited sexually with the intention of commercial gain, either for money or an exchange of goods. CSEC is also a gross violation of children's rights and a crime, usually involving multiple actors and possibly organised crime.

¹⁰¹ More information on Six Senses' Company and their commitment to responsible tourism can be accessed at: <http://www.sixsenses.com/>

¹⁰² Interview with Mr. Arnfinn Oines of Six Senses' Evason Phuket, July 21, 2008.

¹⁰³ INRA Europe. "Europeans and Their Attitudes on Child Sex Tourism." July 1998.

As with sexual abuse, commercial sexual exploitation is often regarded as a “taboo” subject, often underreported and varying in characteristics according to geographical location.¹⁰⁴ Although CST is the main concern for the tourism industry, ECPAT research has shown that in tourist destinations, other manifestations of CSEC, such as child trafficking and pornography, are also linked. Commitment to combating CSEC also requires a commitment to learn about other issues.

As most private sector companies have limited knowledge, exposure or experience on this issue, NGOs and other partner organisations should step in to provide the required support to ensure a sufficient understanding of the issue, the consequences towards children and what action can be taken. The tourism private sector must be appropriately sensitised on their responsibilities as tourism professionals and on how they can combat CSEC. In ECPAT’s experience, this challenge can easily be overcome through the delivery of sensitisation presentations, workshops or trainings that are tailored to the specific needs of the private sector partner.

In Costa Rica, the trafficking of girls into tourist areas for commercial sexual exploitation is a serious problem, and though campaigns on trafficking have been conducted, they did not reach the at-risk and vulnerable girls. Thus,

Fundacion Paniamor (the ECPAT group in the country) planned to create a new campaign specifically targeted at these girls and identified an advertising company experienced in social communication for the production of the campaign. However, after initial meetings, it became clear that the staff of the advertising company had limited knowledge about children’s rights and child trafficking. Paniamor conducted training sessions for the advertising experts before the initial work on the campaign’s design, which resulted in a highly successful campaign that became popular among the targeted group of teenage girls. Instead of focusing on negative ideas associated with trafficking (portrayal of girls as victims, etc.), the campaign utilised the concept of peer role models by featuring teenage girls in the advertisements and portraying teenagers’ points of view on the issue.¹⁰⁵

It also emphasised a positive message to empower girls, encouraging them to take control and protect themselves. After the training conducted by Paniamor, the staff of the company became particularly interested in the issue of child trafficking for sexual exploitation and are now planning to produce documentaries for both television and radio on the issue. A similar good practice comes from the joint work of Accor Hotels and ECPAT. In 2001, ECPAT International approached Accor Asia for a joint initiative against CST. A big supporter of

¹⁰⁴ For instance, important details of how children are trafficked for sexual purposes are different, depending on where the crime takes place. A girl teenager in the Ukraine is often lured by modelling prospects while in India a girl can be a victim of trafficking due to a forced marriage.

¹⁰⁵ Altamura, Alessia. *Distilling Elements of Good Practice: The Action Programme against Trafficking in Minors for Sexual Purposes*. ECPAT International. Bangkok. 2007.

responsible tourism, Accor Asia accepted the invitation and has since partnered with ECPAT on various projects to combat CSEC in travel and tourism. Based on this shared interest of responsible tourism, this partnership is now in its seventh year and is considered a success by both parties after achieving its targeted objectives. Accor's interest in this partnership is to support its aim in being a responsible tourism company. On its website, Accor's policy is displayed: "In the framework of its sustainable development policy, Accor, as a responsible key actor of the tourism industry, commits to help fighting child sex tourism."¹⁰⁶ In addition, Accor has officially become a member of the Code of Conduct, signing on behalf of all their properties worldwide.¹⁰⁷

Since 2002, in the first nine countries¹⁰⁸ to implement the Code of Conduct, more than 6000 Accor employees have been trained on how to detect situations of CSEC, protect children and report cases to local authorities. The ECPAT network assisted Accor in these trainings by providing 'Training of Trainers' to Accor's corporate trainers. In addition, information materials have been produced, distributed or put on display for the hotel guests in all rooms. By strengthening the understanding

of the private sector on the issue and building awareness among the community, a change in behaviour in terms of more actively protecting children is steadily achieved. NGOs and organisations can greatly assist the private sector in this regard by sharing their particular expertise.

LESSON LEARNED: CREATIVE AWARENESS RAISING AND CAMPAIGNING TO INCREASE OUTREACH AND IMPACT

NGOs and the private sector must continue to collaborate in order to construct creative initiatives to combat CSEC. As an issue, CSEC is not static, it is greatly influenced by society, technology and organised criminal networks and thus is constantly changing. For example, in the case of CST, the vulnerability of children increases (ie their exposure to child sex tourists) with advances in mass transportation, tourism infrastructure and mobile communication, especially if there is a lack of protective mechanisms for children in tourism development. It must be acknowledged that child sex tourists and paedophiles are part of the tourist arrivals

¹⁰⁶ Accor's website page on their sustainable tourism policy; accessed in May 2008 from: http://www.accor.com/gb/groupe/dev_durable/tourisme.asp

¹⁰⁷ Accor is slowly rolling out its Code implementation, currently in the following countries: Brazil, Argentina, Chile, Colombia, Ecuador, Peru, Uruguay, Mexico, Cambodia, Indonesia, Laos, Thailand, Vietnam, the Philippines, Dominican Republic, Romania, Switzerland, and France. Countries in Africa will soon also be included.

¹⁰⁸ The nine countries are Cambodia, French Guyana, Indonesia, Laos, Mexico, Dominican Republic, Romania, Singapore, Thailand and Vietnam.

and are travelling to destinations where there are weak law enforcement and child protection mechanisms and where children are made even more vulnerable by factors such as poverty. In order to combat this complex issue, stakeholders must work together effectively to create new initiatives that have a wide impact to keep up with the challenges of fighting sexual exploitation of children, and to raise awareness and reach those at the frontline: the tourists and the general public. Two good practices from ECPAT Sweden and Child Wise, in collaboration with Grey Worldwide, highlight this lesson learned.

ECPAT Sweden proactively continues to seek new and creative ways to combat commercial sexual exploitation since it started the Code of Conduct with Scandinavian tour operators. One such initiative is the creation of an online game, Finding Sasja, for young people and the general public on the issue of child trafficking. By working with online game makers, ECPAT Sweden created an interactive and entertaining awareness raising tool to reach the public and vulnerable teenagers. The design of the game is enhanced by ECPAT Sweden's extensive expertise in combating sexual exploitation of children, thus giving the game a realistic feel. For example, it is known that many teenage girls are trafficked to Sweden from Russia, Lithuania, Poland, Estonia and Moldova to work in the entertainment sector.¹⁰⁹ This fact and other relevant information was incorporated into the game.

In the game, the player has to piece together clues to solve a case of child trafficking. By utilising an interactive platform, the game aims



to educate young people on the issue by reinforcing key messages against child trafficking. The game may also reach out to a large number of young people who would not have otherwise taken interest in other types of campaign materials, such as booklets and video clips.

Another case of good practice for creative collaboration with the potential to reach a wide audience is the work of Child Wise, the ECPAT group in Australia and Grey Worldwide, a leading social marketing agency. By utilising Child Wise's expertise on CST and CSEC and combining it with Grey's long experience in social marketing, the partnership produced a powerful campaign against CST in Southeast Asia. Aimed at tourism destinations in the region, Child Wise worked with the Association of Southeast Asian Nations (ASEAN) to implement the campaign among the ten countries in the region. In order to ensure that the campaign produced the most

¹⁰⁹ ECPAT International. *Global Monitoring report on the status of action against commercial sexual exploitation of children Sweden*. 2006.



effective impact, ASEAN countries were divided into two categories: sending and receiving countries. Cambodia, Indonesia, Laos, Myanmar, Philippines, Thailand and Vietnam are the receiving countries of child sex tourists, while Brunei, Malaysia and Singapore are sending countries, from where CST can originate. According

to Child Wise and Grey, the aim of the campaign was to promote responsible tourist behaviour and to inform potential child sex tourists that people will be watching them.

The campaign used eye-catching visuals and a simple but suggestive tagline, “Don’t Turn Away, Turn Them In.” The campaign aimed to empower tourists and the community to report possible cases to local authorities. It also had a wide scope of reach, covering

hotels, airports, taxis, tourist guides and other tourism businesses. One of Grey’s priorities in creating this campaign was to change passive behaviour and the “minds” of tourists who do not act when they see something that concerns them. Thus, key “social advocacy” strategies were utilised by emphasising reality and truth, with emotional impact.¹⁰⁹ As a result of this creative collaboration with Grey, Child Wise created a successful regional campaign against CST and took advantage of the opportunity for NGOs to work with marketing companies.

CONCLUSION

Lessons learned on creative collaboration inspire further partnerships between civil society organisations and the private sector. More initiatives, such as the good practices of the members of the ECPAT network, as illustrated in this paper, and the private sector partners are greatly needed throughout the world. In order to do so, NGOs must be more understanding of the private sector’s needs and interests, while companies must be committed and actively participate at all levels of their institutions. Partnerships between the private sector and NGOs can be strengthened when both parties are willing to learn from each other while uniting for a common

¹¹⁰ Information on campaign from Grey’s booklet/brochure: “Grey has written the Book on Social Marketing.”

interest. While corporate responsibility has contributed greatly to the private sector's interest in working on child protection and social issues, it must be emphasised that even without corporate responsibility, companies still have a responsibility towards the protection of children. Commercial sexual exploitation of children is a crime and if it is ignored by the tourism private sector, it will have a devastating impact on the tourism destination, a company's future and the tourism industry as a whole. While there is often an underlying concern by many tourism companies that by focusing on the sexual exploitation of children, it highlights a negative aspect of the tourism, and thus will result in "scaring tourists away" or worse, damaging the image of the company or the local tourism industry, the experience of many companies is that their clients are actually very supportive of their policies and procedures, which are seen to benefit child protection. All sectors of society have a duty to protect children from commercial sexual exploitation. By working together, initiatives to combat this issue can be more efficient, effective and successful. Lessons learned in engaging the private sector are showing that companies can be pre-emptive, rather than just reactive to the problem. The future direction of corporate sector responsibility must build on the good practice experiences to date and expand the collaboration and ownership to more industries within the private sector so that all vulnerable children can

Understanding the challenges and shaping new measures to address the sexual exploitation of children in tourism in Southeast Asia

by Giorgio Berardi, Programme Officer for Combating CST, ECPAT International

INTRODUCTION

Southeast Asia continues to harbour a reputation as a destination for sexual exploitation of children in travel and tourism. Alongside Thailand, emerging destinations such as Cambodia¹¹¹ and Vietnam have seen increasing inflows of child-sex exploiters, adding to the numbers of local child-sex perpetrators, while other countries, such as the Philippines¹¹² and Indonesia¹¹³, have made little progress despite declared commitment and efforts. The preparatory process for the World Congress III against the Sexual Exploitation of Children and Adolescents that took place in Rio de Janeiro (Brazil) from 25-28 November 2008, was a valuable opportunity to appraise the progress made in combating the sexual exploitation of children in travel and tourism (also known as child-sex tourism)

and other forms of sexual exploitation of children, including estimating the size of the phenomenon and its apparent growth while taking into account any new trends, and focusing on the task of identifying and fine-tuning promising tools for effectively combating this exploitation. Child-sex tourism (CST)¹¹⁴ involves child prostitution, but is not limited to it, as technological progress and the rapid spread of digital cameras and camcorders now often make the production of child pornography (or child-abuse imagery) an ancillary activity of the former. Trafficking in children for sexual exploitation, in turn, is known to play a significant role in the supply of victims to a market demand that has not shown any sign of abatement over the past few years. The distinctive feature of child-sex tourism – as opposed to child prostitution – is the movement of perpetrators from their place of origin to a different destination, to

¹¹¹ ECPAT International, *Global Monitoring Report on the Status of Action against Commercial Sexual Exploitation of Children – Cambodia*, Bangkok, 2006, p. 12.

¹¹² ECPAT International, *Global Monitoring Report on the Status of Action against Commercial Sexual Exploitation of Children – Philippines*, Bangkok, 2006, p. 11.

¹¹³ ECPAT International, *Global Monitoring Report on the Status of Action against Commercial Sexual Exploitation of Children – Indonesia*, Bangkok, 2006, p. 16.

¹¹⁴ Child-sex tourism is defined by ECPAT International as “the sexual exploitation of children by a person or persons who travel from their home district, home geographical region, or home country in order to have sexual contact with children” (ECPAT International, *Combating Child Sex Tourism: Questions & Answers*, Bangkok, 2008, p. 6).

purchase sex with a child more anonymously on trips that can include leisure, business or repeated travelling between different locations, as is the case with lorry-drivers and other staff of transport companies. This includes a substantial number of national citizens that spend time away from home and seek unlawful sex with children, somehow not feeling bound to observe ethical and social mores as they would closer to home. Nevertheless, when analysing (and trying to address) the child-sex tourism phenomenon, there appears to be a tendency for public opinion in general, but also, in particular, the media, legislators, law-enforcement agencies, NGOs and others to turn their attention to a large extent to foreign offenders. While the reason for this is because foreigners are more conspicuous due to physical traits and, invariably, to the relative economic power they can exert vis-à-vis the local population, this is not necessarily a negative aspect. The firm and honest engagement on the eradication of sexual exploitation of children in tourism that initially focused on foreign offenders, has now come across the more substantial trail of local perpetrators that have so far enjoyed

impunity, mainly due to their network of contacts and/or protection.¹¹⁵ Global campaigns at the beginning of the 1990s that pointed the finger mainly at Europeans, Americans and Australians travelling to Southeast Asia for child-sex tourism helped to unearth networks of exploitation by locals that may otherwise have continued unabated for years to come. The shift that has been observed over time in the flow of perpetrators from one country to another in the region,¹¹⁶ depending on the perception of stricter enforcement of the law and less blatant corruption of police and the judicial system points, in turn, to the supranational nature of the phenomenon and the inadequacy of solely national solutions.

The recognition that people travel to have access to sex with children also helped facilitate the involvement of the private sector as a player that could add significant weight to the anti-CST alliance by implementing a small number of key procedures. This is what occurred at the conception of the *Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and*

¹¹⁵ While the focus on foreign offenders can be a useful way for law enforcement and justice to uncover the local networks of perpetrators, the stereotype of the “outsider”, most often white Western men, and the attention it attracts sometimes also has the effect of blurring the boundaries of child-sex tourism, at least in media reports, in the case of expatriates who have become longtime residents in the countries where they perpetrate their child-sex offences. As a result, a label of child-sex tourism is often improperly used when the offender has stayed in a given country for over 12 months, i.e. the limit set by the UNWTO for the definition of “tourism” (see, Gee, C.Y. and Fayos-Solá, C. (eds.), *International Tourism: A Global Perspective*, UNWTO, Madrid, 1997, p. 5).

¹¹⁶ With the enactment of the Prevention and Suppression of Prostitution Act of 1996 in Thailand and initial follow-up by law-enforcement actions, the perception of the country as a child-sex tourism paradise temporarily changed and – around the turn of the millennium – perpetrators’ routes shifted to apparently easier targets, such as Cambodia and Vietnam, where extreme poverty and corruption (in the former’s case) or the gradual opening of a Communist economy to market forces (in the latter’s) were felt as elements feeding into the vulnerability of communities and their children.

Tourism, a tool of corporate social responsibility that Scandinavian tour operators developed in collaboration with ECPAT Sweden as a countermeasure to the flow of perpetrators from Scandinavia travelling to Southeast Asia for sexual contact with children.¹¹⁷

The need for coordinated collaboration at various levels that characterises the approach to combating child-sex tourism, is a precursor to the trend highlighted at World Congress III, where the outcome document supports multi-stakeholder cooperation and integrated action. This paper looks at general trends in the development of child-sex tourism in the Southeast Asian region, covering the years immediately preceding World Congress III, as reflected in the conclusions of the East Asia and Pacific Regional Preparatory Meeting, held on 18-19 August 2008 in Bangkok, Thailand, and the WCIII Outcome Document itself, in order to identify elements that could represent priorities for the Governments in this region.

WORLD CONGRESS III PREPARATIONS: THE EAST ASIA AND PACIFIC REGIONAL PREPARATORY MEETING

The Preparatory Meeting for World Congress III that was hosted in Bangkok on 18 and 19 August 2008 was attended by governmental and civil-society representatives from across the entire Pacific region, including Japan, China and Mongolia. This area extends well beyond Southeast Asia, which is the focus of this paper, and for which the Preparatory Meeting recommendations that more closely address issues visible in this sub-region – largely coinciding with the group of countries gathered within the Association of Southeast Asian Nations (ASEAN)¹¹⁸ – will be taken into account. Whereas, the ASEAN grouping is not entirely homogeneous in terms of the nature and manifestations of commercial sexual exploitation of children, some similarities are shared among a majority of its members:

¹¹⁷ From the initial project format given to the Code for funding purposes, subsequent developments have led to the establishment of an independent organisation managing an industry-led CSR tool that tourism companies can adopt voluntarily and which binds them to compliance with a range of criteria (including information, training, monitoring and reporting).

¹¹⁸ ASEAN is a geo-political and economic association that comprises ten member countries: Brunei Darussalam, Cambodia, Indonesia, Laos, Malaysia, Myanmar (Burma), the Philippines, Singapore, Thailand and Vietnam. The Association's objectives include economic growth and social progress for the region, along with the promotion of peace and stability (ASEAN web site accessed on 16th February, 2009, at <<http://www.aseansec.org/74.htm>> and <<http://www.aseansec.org/64.htm>>).

- Eight out of ten member countries are sources for the trafficking of children and adults either within or outside the region.¹¹⁹
- The region as a whole has enjoyed record rates of increase in tourist arrivals for the past decade, despite major setbacks and natural disasters that have halted this growth only temporarily. This highlights the resilience of the tourism sector in these countries and the undiminished appeal the region as a whole appears to have for visitors from other parts of the world.¹²⁰ The continuing expansion of tourism developed without adequate concern for its environmental and social impact has frequently exposed traditional communities to economic marginalisation while introducing materialistic consumption patterns and values. At the same time, no adequate countermeasures have been undertaken to mitigate or prevent the potential risks and vulnerabilities arising in the context of such inequitable circumstances.
- There appear to be limited proactive responses to child-sex tourism in the form of isolated policies and responses in legislation, national plans of action

or participation in regional programmes, but little action by way of implementation and enforcement. Also, what seemed to be a promising start for some countries, e.g. the new legislation passed in Thailand to prohibit prostitution and to protect children from sexual exploitation at the end of the 1990s, has often failed to show the results hoped for.¹²¹

As a result, part of the focus of the Preparatory Meeting was directed to the key problematic elements still clearly unaddressed (or ineffectively addressed) in the region. With reference to the manifestation of child-sex tourism, these included:

- The general persistence of poverty conditions and limited opportunities for education that are a potent root cause of child vulnerability, leading, among other things, to sexual exploitation in tourism settings;
- The failure to plan and develop tourism in a sustainable manner as a tool aimed at alleviating the marginalisation of local communities and the deepening of their poverty;
- Insufficient adoption of legal tools that would make

¹¹⁹ U.S. Department of State, Trafficking in Persons Report, Washington, 2008, accessible on-line at <<http://www.state.gov/documents/organization/105501.pdf>>.

¹²⁰ UNWTO, World Tourism Barometer, Vol. 7, Issue 1, Madrid, January 2009.

¹²¹ The mentioned case of Thailand, where the Prevention and Suppression of Prostitution Act of 1996 had been heralded as a watershed and had indeed, initially, contributed to making child prostitution and child-sex tourism less conspicuous by pushing the former further underground and by partially diverting the flows of foreign offenders to neighbouring countries, notably Cambodia and Vietnam, seems to have failed to accomplish its goal, as the sexual exploitation of children persists and is now growing again in Thailand in the absence of enforcement of the relevant laws. By contrast, judging from the numbers of arrests and prosecutions reported in the press in Cambodia over the past five years, at least the attitude of the government in providing visibility to the issue through counteraction can be defined as more encouraging.

domestic legislation more powerful and greatly enhance the possibility of international cooperation between law enforcement and judiciary agencies when it comes to the surveillance of convicted offenders and to the investigations of cases to be prepared under extra-territorial laws, for example; and

- Scanty engagement of the private sector, in this case the tourism industry, whose awareness of the issue is still largely limited or seen as an element of disturbance for the sector and its clientele.

As is evident from the above list, none of the gaps identified are likely to be taken care of with single, isolated measures, however effective those may turn out to be. The Preparatory Meeting was instrumental in pointing to the need for more concerted efforts that can guarantee a holistic approach to a problem whose ramifications no longer allow for partial responses. A few experiences were mentioned at the EAP Preparatory Meeting and hailed as success stories. These include initiatives at various levels, such as the COMMIT programme;¹²²

the ASEAN Regional Education Campaign to Combat CST;¹²³ initial diffusion and implementation of the *Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism*;¹²⁴ and a few more localised or isolated projects. However, in spite of these programmes and activities, institutionalised and more holistic interventions have not been implemented. The ad hoc character of actions undertaken against CST is a matter of concern, as it is indicative of the commitment of the governments involved. This is mirrored, in turn, by the difficulty in replicating promising models of collaboration with the private sector.

Alongside seemingly ‘permanent’ manifestations of sexual exploitation of children in tourism identified prior to and during the Preparatory Meeting in Bangkok, the discussions and workshops also recognised emerging aspects characterising child-sex tourism and other forms of sexual exploitation of children. A general trait of these emerging issues is the interrelated character of the responses that have to be provided to address them.

¹²² The Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT) links Cambodia, China, Laos, Myanmar (Burma), Thailand and Vietnam, which have jointly signed a Memorandum of Understanding for Cooperation against Trafficking in Persons in the Greater Mekong Sub-Region that also provides for measures aiming at combating child-sex tourism.

¹²³ Initiated and actively promoted by Child Wise, an Australian NGO affiliated to the ECPAT network, with support from the Australian Government, the ASEAN Campaign aims at facilitating collaboration – by providing a forum for debate and discussion, as well as practical tools and responses – between the Association’s member countries towards combating child-sex tourism.

¹²⁴ In the South-East Asian region, The Code is being implemented by Accor Hotels across their properties, as well as by a few other companies, based largely in Thailand. Attempts at promoting The Code further have so far generally met with a degree of reluctance on the part of other companies approached.

For example, the exploitation of children in travel and tourism appears to have been greatly affected by the ubiquitous use of the latest Internet and communications technologies. The Internet allows perpetrators not only to plan their trips much more anonymously, but also – by means of chatrooms and dedicated forums – to trace and exchange information on places where it is easier to approach children and on ways in which contacts can be initiated and facilitated depending on the location.

Similarly, the great diffusion of low-cost air travel has made mid- and longhaul fares comparatively more accessible and, as a result, more destinations are now within easy reach of a higher number of tourists, including potential perpetrators of child-sex crimes. When this is combined with the opening up to tourism of new destinations where economic return is the sole parameter of evaluation and little thought has been given to possible social concerns, it is not difficult to see how vulnerable elements of the social fabric may more easily succumb to improper demands, including sexual exploitation. Likewise, new forms of accommodation, such as homestays, where there is greater interaction between host families and tourists, may present risks for the children from the families involved in this type of tourism, as child-sex tourists may attempt to take advantage of casual and trusting supervision by guardians. Moreover, other types of accommodation,

such as privately rented houses or flats, where external control is minimal (no reception, no hotel staff) seem to be growing as a preferred venue for the child sexual exploitation of children and the production of child-abuse imagery. Digital equipment and the Internet are used by perpetrators to record, disseminate and exchange images of the sexual acts committed with children while away from home. While this, on the one hand, can be important evidence against a child-sex tourist and can, indeed, be the reason for their capture, this additional production of child-abuse imagery flows into the broader mass of materials, the exchange, fruition and possession of which only reiterates the victimisation of thousands of children. Further linkages are also seen to emerge when disadvantaged children look to tourism settings for employment opportunities which can be of an exploitative nature, and from which sexual exploitation can also ensue. CST demand for children in these circumstances is one possible cause of trafficking from other areas and countries.

WCIII PREPARATIONS: THE ECPAT-COMMISSIONED THEMATIC PAPER ON CHILD-SEX TOURISM¹²⁵

The thematic papers prepared for the World Congress III with the objective of providing an up-to-date picture of various forms of exploitation on a global level did

¹²⁵ O'Briain, M., with Grillo, M., and Barbosa, H., *Sexual Exploitation of Children and Adolescents in Tourism*, Bangkok, 2008 (accessible online at <http://www.ecpat.net/WorldCongressIII/PDF/Publications/CST/Thematic_Paper_CST_ENG.pdf>).

not identify issues of concern on a geographical basis, but it is possible to draw points for more regionally focused reflection from their analysis.

Among the papers commissioned by ECPAT on various forms of sexual exploitation of children in both their established and emerging manifestations,¹²⁶ the report dealing with the sexual exploitation of children in tourism offers a confirmation of trends and dynamics identified in past years. Emerging forms of child-sex tourism are aspects of behaviours and technologies that have grown for the last few years. The paper emphasises the connections that CST has with other forms of sexual exploitation of children, and that any solutions must tackle the issue in a holistic, multistakeholder and coordinated way. Whereas two major players – governments and the tourism industry – are identified by the paper as playing (or meant to play) the main roles to address the problem, an additional significant stakeholder is called upon in the form of communities. Local communities can support the fight against CST in tourism destinations when they are adequately integrated into tourism development planning and sensitised to the issue of children’s rights and the duties of child protection that communities should intrinsically bear. Ensuring that communities and their environment

benefit on a long term basis from responsible and sustainable tourism, as well as awarenessraising of this kind, can be instrumental in shifting the extent of demand for sexual contacts with children in particular tourism destinations.

The issue of demand is common to any form of sexual exploitation of children, and this – in turn – clearly points to the need for combined action and cross-cutting responses when looking for effective solutions. As with awareness-raising efforts on child protection among communities in destination countries, an aim of the campaigns in tourist-sending countries is a demand-curbing effect. Awareness-raising may function as a deterrent for situational child-sex tourists,¹²⁷ on the one hand, and, on the other, it may provide more ordinary travellers with the tools and motivation to report cases and situations where the suspicion of possible sexual exploitation of children is substantial.

In their analysis of forthcoming challenges and possible remedies, the authors of the paper on CST also focused on the issue of sustainability, underlying most of the measures undertaken so far. As the task of combating the sexual exploitation of children in tourism becomes a shared, coordinated effort, adequate thought will

¹²⁶ ECPAT International had been made responsible for organising the background materials, as well as the panels, to cover the first of five thematic issues on the Congress agenda, i.e. “Forms of sexual exploitation and its new scenarios”.

¹²⁷ As opposed to paedophiles and preferential child-sex tourists, “the situational offender is an indiscriminate sex tourist who is presented with the opportunity to interact sexually with a person under 18 and takes it. The majority of child sex tourists are situational offenders.” (ECPAT International, *Combating Child Sex Tourism: Questions & Answers*, Bangkok, 2008, p. 12).

have to be given to the need for continuity of effective solutions and to the possible damage done by any gaps in increasingly complex prevention and protection systems if certain components suddenly became inactive or unusable because of lacking resources. The call for governments to allocate adequate funds for the protection of children from sexual exploitation, including in tourism settings, is clear in the authors' elaboration, but also necessary is the parallel need for support and contributions from the private sector, which can provide both the framework – within its facilities – for more responsible and dependable protection of children's rights, and the means for its upkeep.

The tourism industry has spearheaded the adoption of CSR policies for a number of years, especially through an initial focus on environmental issues that was later broadened into the approach of responsible and sustainable tourism (RST), which has added social concerns to the sphere of engagement of tourism businesses. Children's rights have been slower in trickling into these social policies and, when they have, the emphasis has initially been on child labour issues. With the latest developments, and due to the introduction of valid tools such as the Code of Conduct, a broader understanding of child protection is no longer alien to the strategising and planning of tourism players. What

is needed at this stage is another quantum leap that finally brings the issue of child protection, including from sexual exploitation, into the mainstream of tourism corporate planning and thinking. Again, there is a need for a more harmonised effort with the achievement of critical mass to guarantee the very sustainability of corporate social tools and the attached monitoring schemes that are meant to attest to their credibility and effectiveness.

The element of credibility of corporate social policies is essential for tools such as the Code of Conduct to gain weight and trust not only among companies, but also with tourists, and not to remain ineffective as worthy statements of intent that are not followed up by adequate action. With an increasing number of clients recognising and favouring establishments that have adopted child-protection policies as part of their CSR, the critical mass of this movement would soon reach global dimensions. It is not by chance that the element of credibility for these instruments also features in the conclusions drawn by the author of another paper commissioned by ECPAT in view of World Congress III and looking more closely at the direct and indirect involvement of the private sector (across a number of industries) in the sexual exploitation of children and at the solutions applied so far to solve the problem.¹²⁸

¹²⁸ Hecht, M., *Private Sector Accountability in Combating the Commercial Sexual Exploitation of Children*, Bangkok, 2008 (accessible on-line at <http://www.ecpat.net/WorldCongressIII/PDF/Publications/CSR/Thematic_Paper_CSR_ENG.pdf>).

WORLD CONGRESS III AND THE RIO OUTCOME DOCUMENT¹²⁹

The purpose of the Rio Outcome Document is essentially to provide renewed impetus to the large and diverse grouping of forces from various sectors that have the protection of children from sexual exploitation as a primary goal. In its ideal distribution of roles and tasks, the Pact brings together actors that have traditionally been active in fighting CSEC, such as governmental and non-governmental agencies, as well as sectors like private industry and religious communities that have so far refrained, for various reasons, from confronting the issue head-on, and which are now invited to take on a much more proactive stance.

Several measures aimed at combating the sexual exploitation of children, noted both in the *Stockholm Agenda for Action* and/or in the *Yokohama Global Commitment*, are recommended to continue. This appears to point to their effectiveness even if their objectives have only been partially accomplished, and thus to the need for their further pursuance, while broadening the field for additional players as appropriate. Other measures appear for the first time

as a result of conditions and circumstances that have changed in the seven years that have elapsed after the 2nd World Congress. For most of the recommendations listed, the element of a concerted and coordinated effort by a number of different actors has been highlighted or strongly reiterated as the best chance for significant progress.

The *Rio Outcome Document* is the result of a variety of inputs, ranging from the preparatory meetings for World Congress III that took place around the globe for the best part of 2008, to the ideas expressed in the thematic papers, to the proposals devised through the fruitful discussions entertained during the Congress panels and workshops. The Outcome Document provides a more general section with broad recommendations to address the whole spectrum of sexual exploitation of children. Subsequent sections are then devoted to individual manifestations of CSEC and more specific responses.

Among the more general recommendations listed, and with a view to the conditions prevailing in the Southeast Asian region, the following are at least partially related to child-sex tourism:

¹²⁹ This section is based on the final version of the The Rio de Janeiro Pact to Prevent and Stop Sexual Exploitation of Children and Adolescents as accessible at <http://www.ecpat.net/WorldCongressIII/PDF/Outcome/WCIII_Outcome_Document_Final.pdf>. The document, as version “midnight plus two”, was summarised in its main points at the closing plenary of the World Congress on 28th November, when it was announced that it would be left open for another 30 days for further input and suggestions through electronic channels. The final deadline having passed and a few contributions having been received, the Drafting Committee then worked for the finalisation of the document as it is available today.

- The **criminalisation of all forms of sexual exploitation of children**, as defined according to international standards, with no gaps left on account of a locally enforced age of consent or age for marriage, which has often been a loophole exploited by child-sex tourists to avoid facing justice. The region shows an extremely wide variety of legal age limits, whether for simple majority, consent to sexual activity or marriage, and this is clearly not conducive to standardised management of cases of infringement, especially by travelling offenders who then move across borders.¹³⁰
- Adequate **addressing of all forms of corruption** within a variety of authorities, especially when directly related to the vulnerability of children and

the lack of protection from sexual exploitation. This is especially important when perpetrators come into contact with law enforcement and judicial systems in countries other than their own, where there should be absolutely no perception of impunity to be bought with money. This appeared to be the rule with comparatively poorer countries in the region, such as Cambodia, which had consequently seen an increase in the inflow of child-sex offenders at the turn of the millennium. However, countries like Thailand that had announced a tightening in the implementation of the law still offer the conditions for some perpetrators to get away relatively scot-free, as has been the case for a few foreign nationals in 2008 alone.¹³¹

¹³⁰ The Interpol website (<http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/Default.asp>) diligently lists the above-mentioned age limits for all the countries for which this information is available. In Southeast Asia, to restrict the analysis to the age of consent only, the situation ranges from no clear indication of such a limit (as in Laos, Myanmar and Thailand), to 16 years (Brunei, Cambodia, Malaysia and Singapore), to 18 years (in the Philippines), and finally to a situation with gender-differentiated age limits, like in Indonesia, where these are 16 years for women and 19 years for men.

¹³¹ A German citizen was arrested in Pattaya during the first half of 2008 after being caught in apparently unequivocal circumstances with two minors (<http://www1.bild.t-online.de/BILD/news/vermishtes/2008/05/14/paedophiler-deutscher/in-thailand-verhaftet,geo=4530116.html#>) and then, three months later, sighted back in Germany (<http://www.bild.de/BILD/news/bild-english/world-news/2008/08/25/german-paedophile/wolf-rudiger-e-walksfree.html>) with no clear explanation as to the modalities of his release and passage back to Europe. Similarly, an Italian national who had previously been arrested in Pattaya in 2002 for the production and selling of child pornography (<http://www.pattayamail.com/478/news.shtml#hd11>), was arrested again in December 2008 for engaging in sexual activities with a 14-year-old boy (http://www.pattayaone.net/news/2008/december/news_24_12_51.shtml) and – amazingly – re-arrested again in January 2009 (http://www.pattayaone.net/news/2009/january/news_21_01_52.shtml) when caught in the act with yet another young boy (12 years). It often appears that a bail system may be generously stretched to the point of providing a second chance and an easy way out for perpetrators who have been inadvertent enough to be caught in the first place.

- Adequate analysis of (and action to address) the factors determining and influencing the demand for sex with children.¹³²
- Closer **engagement of communities** at various levels and locations, so that social norms and values no longer contribute to making children vulnerable (or to their victimisation outright), also owing to a shift in perspective on the part of media through their adequate sensitisation. Some very interesting progress in this direction could be achieved with a two-pronged approach addressing, on the one hand, the strong degree of sexualisation of children that has been pervasive in such sectors as advertising and fashion, and, on the other, the ways in which victims of sexual exploitation are portrayed (in news, etc.) and, by reflection, perceived by public opinion.¹³³ In view of this target, the full participation of children in the planning and implementation of any programmes devised is strongly called for.
- The provision of **comprehensive support to child**

victims through multiagency referral mechanisms. In this respect, the prevailing situation in Southeast Asia appears to be that of a slow growth in the provision of support to victims of sexual exploitation, albeit with little co-ordination and exchange of information between the agencies involved.¹³⁴

- The establishment of focal points for children's issues at various levels of competence, e.g. at national level,¹³⁵ for the collection of information and coordination of actions, but also within the police and the judicial system, with adequately trained special units dealing with children's issues.
- Intensified **engagement of the private sector**, to be facilitated and supported by international organisations and NGOs with assistance in the implementation of corporate social responsibility tools and with the provision of independent monitoring. While this Congress recommendation clearly aims at engaging the private sector across a broad spectrum of industries that have a role to play

¹³² With particular reference to child-sex tourism, addressing demand calls for partially distinct activities if we consider (a) tourist-sending countries, where awareness-raising campaigns target both potential perpetrators, in an attempt to deter them from committing crimes, and mainstream, concerned travellers who – by reporting suspicious cases – might become instrumental in preventing instances of exploitation; and (b) destination countries, where sensitised communities could not only provide children with additional protection from exploitation by outsiders, but also – by extension – by local exploiters.

¹³³ A fairly emblematic case in point is that of MTV Exit (www.mtvexit.org), the campaign that the global music broadcaster has launched – with good visibility in Southeast Asia, too – primarily against trafficking. While the effort of the company to raise awareness on the issue and to partner with anti-trafficking organisations is commendable, less clear is how the element of sexualisation of very young people as promoted, among others, by the music industry is going to be dealt with in the corporate programming choices.

¹³⁴ See, for example, the country-specific publications on Cambodia, Indonesia, the Philippines, and Thailand of the ECPAT International *Global Monitoring Report on the Status of Action against Commercial Sexual Exploitation of Children*, available online at <http://www.ecpat.net/A4A_2005/eap.html>.

¹³⁵ In a departure from the outcome documents of the previous two World Congresses, for this specific point, along with a few other general and sector-specific recommendations, the Rio Pact provides a clear deadline (i.e. implementation by 2013). By establishing time-bound goals, the document provides at the same time a clear sense of urgency and a mechanism to determine any progress achieved.

to enhance child protection through their operations, the importance of the tourist industry should be highlighted both for the extensive work that needs to be done in order to curb child-sex tourism, and in light of the pioneering role played by the industry in particular, for the inclusion of child-protection considerations among CSR policies. Initiatives in Southeast Asia have been livelier than in other regions, with parallel efforts and partial overlapping being expended towards the engagement of the tourist industry as a whole and taking the form, for example, of the Child Wise Tourism programme, the promotion of the Code of Conduct by ECPAT International, and Friends International's Child Safe programme.¹³⁶ An ideal intensification of the engagement of the private sector would, however, need to tend to some unification of purpose, in order for the impact of the resulting measures to be as powerful as possible.

- Enactment and enforcement of **effective extraterritorial legislation** to be strengthened by cross-border cooperation on investigations, especially through the establishment of national agencies to take the lead with regard to cases of sexual exploitation of children. The importance of extraterritorial legislation

received a distinct boost as the CST phenomenon gained attention and prominence in international forums starting two decades ago, and it is still undoubtedly an indispensable element to assist in the prosecution of travelling child-sex offenders. In Southeast Asia, a situation still very diverse in terms of existence, applicability and limitations of extra-territorial legislation could well be complemented by bilateral extradition agreements, whose number is found to be constrained for the moment.¹³⁷

Furthermore, among its sector-specific recommendations, the Rio de Janeiro Pact has a full section listing specific proposals to help combat child-sex tourism, that appear to target the situation accurately not only on the global level, but for the Southeast Asian region as well. These specific proposals include:

- The need for **more institutional cooperation** (governments, law enforcement, civil society) is reiterated in order to lay the foundation for better responses to child-sex tourism. Processes such as COMMIT, mentioned above for its anti-CST component, need to be strengthened and the activities resulting from them intensified and extended to the broadest range of stakeholders.

¹³⁶ For more information, see http://www.childwise.net/downloads/Child_Wise_Tourism_Information_S.pdf, <http://www.thecode.org>, and <http://www.friends-international.org/projects.html#childsafes> respectively.

¹³⁷ On this, see footnote 24.

Ways to engage communities effectively – also in the decision making process, and not just as “beneficiaries” of interventions – should be sought to complement this course of action.

- Similar cooperation should be facilitated between the agencies involved, by way of preventive **exchange of information** regarding travelling convicted sex offenders, as well as in the field of cross-border investigations to prepare cases under extraterritorial legislation. It goes without saying that this type of collaboration would stretch well beyond the Southeast Asian region, owing to the multiplicity of tourists’ flows criss-crossing the area from all corners of the globe. Owing to the sensitive nature of the information to be exchanged, it is plausible that initial steps in this direction would take the shape of bilateral agreements between governments, with the underlying need for a good degree of trust from both parties, before the leap to an institutionalised multilateral system can be taken into account. In support of this gradual view, but still with a broader

view to substantially more interrelated systems, suffice it to mention the collaboration extended to foreign governments by the U.S. Department of Homeland Security for the implementation of the Protect Act (2003)¹³⁸ and the relations entertained by a few other governments, e.g. the U.K., in terms of investigation-targeted information.¹³⁹

- Tourism **development** should be tackled more holistically and include proactive collaboration with the private sector aiming at child protection. In addition to signifying a change of tact for well-established holiday spots and resorts in Southeast Asia, this should also definitely apply to emerging destinations in the region. For example, it would be appropriate for the development of new tourism destinations (seaside resorts, stopover villages along ecotourism trails, etc.) to be accompanied – ideally, preceded – by impact evaluation studies no longer limited to the analysis of consequences on the environment and to the economic returns of investments, but also encompassing an investigation

¹³⁸ More on the “Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today” Act at <http://www.usdoj.gov/opa/pr/2003/April/03_ag_266.htm>.

¹³⁹ A recent example of this type of collaboration was provided as recently as December 2008 by officers sent to Thailand from the London-based Child Exploitation and Online Protection Centre (www.ceop.gov.uk) in order to finalise investigations against alleged child-sex exploiters operating in the Thai resort of Pattaya. This co-operative effort produced the arrest of four foreign nationals charged with sexually abusing children under the age of 15 (<http://www.pattayadailynews.com/shownews.php?IDNEWS=0000008010>).

¹⁴⁰ The Christopher Neil case (<http://news.bbc.co.uk/1/hi/world/asia-pacific/7052065.stm>) is by no means isolated. Other professional or purported foreign teachers that have come into contact with justice in Southeast Asia over the past two years have included another Canadian (<http://www.thestar.com/News/article/272518>); an Australian (<http://news.theage.com.au/man-held-in-jakarta-on-sa-sex-charges/20080227-1v71.html#>); two Americans (<http://www.foxnews.com/story/0,2933,332552,00.html> and http://www.thaindian.com/newsportal/world-news/hare-krishna-leader-accused-of-paedophilia-in-cambodia_10024748.html); and three Britons (<http://www.thesun.co.uk/sol/homepage/news/justice/article563010.ece>, http://www.lancashireeveningtelegraph.co.uk/display.var.1913015.0.paedophile_teacher_prompts_call_for_law_change.php, and <http://www.pressandjournal.co.uk/Article.aspx/802420?UserKey=0>).

of potential social repercussions directly originating from the arrival of tourists' flows.

- Still related to a possibly stronger and more responsible engagement of the private sector is the provision – in tourism settings and with support from the industry – of adequate **training and employment opportunities** for adolescents above the minimum working age, so as to reduce the chances of vulnerability for this category.
- The **adoption of sectoral codes of conduct** should be further promoted in tourism and the businesses that have effective child protection corporate policies in place should be recognised by both clients (adding to their turnover by actively favouring socially responsible companies) and governments (through variously devised incentives). Both the tourism industry and civil society, with support from government agencies, should strive to focus their attention on the promotion of tools that on the one hand already enjoy a fair degree of recognition, and on the other may have the best chance of further developing into world standards.
- While the criminal nature of child-sex tourism should clearly be emphasised with campaigns through various media, the attention of all stakeholders should also be directed to **structures and channels** increasingly used by perpetrators in tourism settings that are not **strictly tourism-related**, e.g. privately rented accommodation, longer stays in a given country or region, the involvement of perpetrators in local activities, such as teaching, that are likely to help them blend with the surrounding community

and to build trust-based relations (while clearly representing a departure from tourism activities, the scandal of – sometimes improvised – teachers taking advantage of their positions in order to exploit children sexually has drawn much attention lately, not least through the well-known case of Christopher Neil, the Canadian teacher arrested in Thailand after Interpol resorted to announcements in media worldwide in order to trace him).¹⁴⁰

CONCLUSIONS

The World Congress III has breathed new life into a process – combating the sexual exploitation of children – that cannot afford to be seen as faltering or incapable of overcoming the myriad difficulties it has to confront. It has done so along two parallel paths: firstly, by reiterating the need for, and the quality of, measures that have been put into practice only in part and have thus not achieved their full potential in spite of the promising results shown where implementation has occurred. Secondly, the leitmotiv of the Congress in Rio, which was the need for concerted action at all levels and among as wide a group of stakeholders as possible, has been highlighted at every turn during the proceedings in Brazil and is clearly reflected in the Outcome Document. As illustrated in the preceding sections, the interrelated nature of various manifestations of CSEC has been conclusively asserted by the experts variously involved in the preparation process towards the latest World Congress, and it is with that in mind

that the event in Rio has drawn attention to the absolute need for complementary and coordinated responses to the issue of sexual exploitation of children.

With special reference to action against child-sex tourism in Southeast Asia, work has been going on unceasingly both within the region and beyond, and – with the active sensitisation and engagement of sections of the tourism industry – it has often proved groundbreaking. A lot of the actions initiated over the past seven years clearly point to gradual progress and to the need to intensify anti-CST initiatives without relenting at any stage. A great deal of good work done and the progress achieved, however, has frequently been the result of isolated and uncoordinated actions that have started to show signs of fatigue vis-à-vis the globalised and fast-adapting ways in which perpetrators of sexual exploitation of children in tourism operate. It is thus worth repeating that the sexual exploitation of children in tourism settings is by no means – and can no longer be considered – a closed and isolated criminal system and, as such, it must be combated with tools that are flexible enough to reflect and address the complexity of its global nature and any relations with other forms of child sexual exploitation. Child-sex tourism is still a scourge preying primarily on the economic vulnerability of children in holiday destinations, but it needs to be viewed through the lens of the manifold links connecting it to other forms of CSEC, with a view to identifying responses that can more adequately address CST while taking its ramifications into account.

For agencies and individuals combating CST in Southeast Asia, the whole gamut of targeted instruments is identified and – where the political will makes the necessary resources available – within reach. Some of the most immediate goals for the region include:

- (a) Tourism planning addressing environmental sustainability and social responsibility as core concerns to ensure long-term benefits for local communities;
- (b) Legislative action, including the ratification of fundamental conventions, to equip individual countries' legal systems with suitable tools and establish a communication link between these systems;
- (c) Active participation – by governments and other players – in regionwide initiatives against CST (campaigns, forums, etc.) and the development of mechanisms for such initiatives to be adequately followed up;
- (d) Establishment of effective multi-stakeholder coordination in the field of victim support and rehabilitation;
- (e) Intensified engagement of the private sector along increasingly standardised procedures, which would increase the value of such actions for the industry and, at the same time, allow travellers and tourists to identify socially-responsible establishments more easily; and
- (f) Comprehensive programmes of community awareness-raising, along with a broader thrust towards the achievement of positive shifts in the

way society as a whole views and values children and their protection.

World Congress III has made it clear that the lines traced in the past are still largely valid, but it has also powerfully conveyed that more players will need to be involved at a deeper level of commitment, as their actions are gradually combined and harmonised in response to the grim challenge unwaveringly posed by child-sex exploiters.

This publication was made possible due to the generous support of the Swedish International Development Cooperation Agency (SIDA), the Ministry of Foreign Affairs of the Grand Duchy of Luxembourg, the Ministry of Foreign Affairs of France, Groupe Développement, ECPAT Luxembourg, Irish Aid, Latin America Children Trust (LACT), Church of Sweden and Bread for the World.

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