



Doc. 13152

27 March 2013

Fighting “child sex tourism”

Report¹

Committee on Social Affairs, Health and Sustainable Development

Rapporteur: Mr Valeriu GHILETCHI, Republic of Moldova, Group of the European People's Party

Summary

Sexual exploitation of children in travel and tourism, also referred to as “child sex tourism”, affects tens of thousands of children in the world, violating their fundamental rights and dignity. Europe is concerned by this phenomenon both as a sending and receiving region of “travelling sex offenders”.

Council of Europe member states should protect children against all forms of sexual exploitation, both within their borders and beyond. With a view to fighting effectively against child sex tourism, States should sign up to regional and international standards in the field of protection of children against sexual exploitation and ensure that their laws comply with these standards (including by providing for extraterritorial jurisdiction).

They should also establish mechanisms that will prevent high-risk sex offenders from travelling abroad and increase international co-operation for the prosecution of travelling sex offenders with a view to fighting against impunity. Awareness-raising efforts should be continued and sustainable and ethical tourism encouraged. Finally, support should be increased to those involved in combating child sex tourism in the destination countries.

1. Reference to committee: [Doc. 12582](#), Reference 3770 of 27 May 2011.

Contents	Page
A. Draft resolution	3
B. Explanatory memorandum, by Mr Ghilechi, rapporteur	5
1. Introduction	5
2. Child sex tourism: an increasing phenomenon in a globalised world	5
3. European and international legal framework relating to child sex tourism.....	6
4. Effective policies to combat child sex tourism.....	7
4.1. The role of the private sector	8
4.2. Prevention.....	8
4.3. Prosecution and international co-operation	9
4.4. Protection.....	10
5. Conclusion	11

A. Draft resolution²

1. Sexual exploitation of children in travel and tourism, also referred to as “child sex tourism”, is a violation of children’s fundamental rights and dignity. Despite a growing awareness, child sex tourism has dramatically increased in recent years because of a booming travel and tourism industry, as well as abusive use of new technologies. Europe is concerned both as a sending and receiving region of “travelling sex offenders”.
2. Council of Europe member States should protect children against all forms of sexual exploitation, both within their borders and beyond, and should not turn a blind eye when their nationals commit crimes and violate the fundamental rights of children, who are amongst the most vulnerable in our societies.
3. The Parliamentary Assembly therefore calls for committed legal action and policies to fight effectively against child sex tourism. Action taken should focus on prevention measures, prosecution of perpetrators, protection of victims and development of appropriate policies and international co-operation (“4 Ps” approach), both in the country of origin of travelling sex offenders and destination countries. This action should be co-ordinated and involve public, private and associative partners.
4. Further signature and ratification of international and regional standards in the field of protection of children against sexual exploitation is needed, as well as the strengthening of relevant national legislation by ensuring compliance with these standards and their effective implementation. Considering the transborder nature of child sex tourism, the police and the judiciary must co-operate closely at international level.
5. With a view to successful co-operation with the private sector, the tourism industry should be encouraged to adhere to sustainable and ethical tourism practices.
6. The Assembly therefore calls on the Council of Europe member States:
 - 6.1. as concerns legal action to be taken, to:
 - 6.1.1. sign and ratify international and regional standards in the field of protection of children against sexual exploitation, and in particular the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention, CETS No. 201), if they have not yet done so;
 - 6.1.2. ensure that their domestic law complies with international and regional standards in the field of protection of children against sexual exploitation, in particular by:
 - 6.1.2.1. protecting children up to the age of 18 from sexual exploitation, irrespective of the legal age of sexual consent;
 - 6.1.2.2. providing for extraterritorial jurisdiction and abolishing the dual criminality rule for child sexual exploitation;
 - 6.1.3. develop, implement and monitor mechanisms that will prevent high-risk sex offenders from travelling abroad;
 - 6.1.4. encourage, at both national and international level, charities, schools, orphanages and other institutions where the personnel are required to work with children, to systematically carry out pre-employment checks, including by requiring applicants to present their national criminal records;
 - 6.2. as concerns policies to be applied, to:
 - 6.2.1. actively promote sustainable and ethical tourism, respectful of children’s rights, and encourage the tourism industry to adhere to sustainable and ethical tourism practices, by adopting self-regulation measures such as the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism and by systematic reporting of sexual exploitation of children;
 - 6.2.2. raise awareness about child sex tourism, in close co-operation with all stakeholders concerned, namely public authorities, private industry and non-governmental organisations, including through information campaigns to educate the public about the legal and social consequences of child sex tourism, and to encourage it to report travelling sex offenders, as well as to choose tourism professionals who are committed to combating child sex tourism;

2. Draft resolution adopted unanimously by the committee on 15 March 2013.

6.2.3. increase international co-operation for the prosecution of travelling sex offenders, including by bilateral and multilateral agreements and establishing joint investigation teams;

6.2.4. establish a reliable and centralised database system allowing the exchange of national records on sex offenders and the collection of data on child sex tourism cases;

6.2.5. take a holistic approach and fight in parallel against all forms of sexual exploitation of children, including by preventing child abuse images on the Internet, which particularly fosters child sex tourism;

6.2.6. increase financial, logistic and technical support to all actors involved in combating child sex tourism in the destination countries, including by assisting them in raising the awareness of children and local communities of the issue of sexual exploitation of children, as well as in developing:

6.2.6.1. education and alternative employment opportunities for vulnerable children and child victims of sex tourism;

6.2.6.2. training programmes for all professionals who are likely to come into contact with or care for child victims of sexual tourism, with a view to enabling them to identify potential abuse and to react to it in an appropriate manner.

7. The Assembly also invites national governments and parliaments and any other public or private organisation concerned to join, support and contribute to the Council of Europe ONE in FIVE Campaign to Stop Sexual Violence against Children.

B. Explanatory memorandum, by Mr Ghiletschi, rapporteur

1. Introduction

1. Millions of children in the world are forced into commercial sexual practices every year, according to UNICEF estimates. The phenomenon of “child sex tourism”, which refers to the exploitation of children by individuals who travel from one place to another and who have sexual relations with children under the age of 18,³ constitutes a grave violation of children’s fundamental rights and dignity. Child sex tourism fosters other forms of commercial sexual exploitation such as trafficking of children for sexual purposes, child prostitution and child pornography (better termed “child abuse images”).

2. Despite a growing awareness of the problem, child sex tourism has dramatically increased in recent years because of a booming travel and tourism industry, facilitated by cheaper and visa-free travel as well as new technologies used to promote it. Today, as a global and fast-moving phenomenon, child sex tourism spares no one; no country or tourism destination is immune to this “epidemic” which, “once law-enforcement capacity and legislation is strengthened in one part of the world, or in one particular country, shifts towards other areas where protection is weaker”.⁴ Europe is concerned both as a sending and receiving region of “travelling sex offenders”; this term is generally preferred by child protection agencies as it better reflects the criminal character of the phenomenon.

3. With this report, I intend to draw the Parliamentary Assembly’s attention to the measures that can and should be taken by Council of Europe member States to stop crimes committed by travelling sex offenders. Governments should not look the other way when their nationals commit crimes and violate the fundamental rights of children, who are amongst the most vulnerable in our societies, but should hold them responsible even for crimes committed abroad.

2. Child sex tourism: an increasing phenomenon in a globalised world⁵

4. Child sex tourism is the sexual exploitation of children by people who travel from one location to another and engage there in sexual acts with children under the age of 18. This includes exploitation of children by both international and domestic travellers, as well as by people who go abroad to work with children, such as volunteers, teachers and social workers. The former group often use tourism-related services that facilitate contact with children and which enable them to be anonymous to the surrounding population and environment, whereas the latter would use their position in a local community to get access to children.

5. Child sex tourism is a global phenomenon which occurs worldwide. As a regional bloc, eastern Europe has seen a high increase in commercial sexual exploitation of minors since the dissolution of the Soviet Union, particularly in the form of trafficking of children for sexual purposes. However, with the rapid increase in tourism, countries of the region have also been exposed to child sex tourism. According to the Child Exploitation and Online Protection Centre, the United Kingdom Home Office agency with responsibility for investigating offences against children overseas, 20% of activity by travelling British sex offenders took place in European countries in 2008-2009.⁶ Other regions where child sex tourism currently occurs are South-East Asia, Latin America and Africa. Travelling sex offenders originate mostly from western Europe, Russia, North America, Australia, New Zealand, Japan and Taiwan.

3. Definition given by Dr Najat Maala M’jid, United Nations Special Rapporteur on the sale of children, child prostitution and child pornography, in her presentation to the Network of contact parliamentarians to stop sexual violence against children in the context of the ONE in FIVE campaign, in Strasbourg on 5 October 2011.

4. <http://prod-euronews.euronews.net/2011/07/07/child-sex-tourism-debated-in-the-network>.

5. Information provided in this section can be found in the following ECPAT documents (ECPAT International is a network of organisations and individuals working together for the elimination of child prostitution, child pornography and the trafficking of children for sexual purposes): “Questions and Answers about the Commercial Sexual Exploitation of Children”, Bangkok, Thailand, 2008; “Combating Child Sex Tourism: Questions and Answers”, Bangkok, Thailand, 2008; A contribution of ECPAT International to the 3rd World Congress against sexual exploitation of children and adolescents, Rio de Janeiro, Brazil, 25-28 November 2008.

6. “Off the radar: Protecting Children from British sex offenders who travel”, ECPAT UK, February 2011.

6. Child sex tourism involves the exchange of cash, clothes, food or some other form of consideration to a child or to a third party (pimp, brothel owner, family member, landlord) for sexual contact. It occurs in multiple venues, from brothels in red-light districts to beaches or five-star hotels and in urban, rural or coastal settings. It can occur over a long period of time, for example where there is a long “grooming” process, during which a sex offender befriends a vulnerable child and obtains his or her trust before exploiting the child sexually.

7. There is no single profile of travelling sex offenders: they may be married or single, male or female (though the majority are male), wealthy or budget tourists and from a high socio-economic or a disadvantaged background. Very often, they try to rationalise their actions by claiming sex with a child is culturally acceptable in the place they are visiting or that money or goods exchanged benefit the child and its community or they are simply tempted to commit abusive behaviour due to anonymity, the easy availability of children or the absence of social constraints that would normally deter them.

8. The majority of travelling sex offenders are “circumstantial” offenders, who normally prefer adult sexual relations but abuse children by opportunity whilst being in a foreign country. “Preferential” child sex tourists, on the other hand, display an active sexual preference for children and will generally search for pubescent or adolescent children. As for paedophiles, they manifest an exclusive sexual inclination for pre-pubescent children. These classifications are important in so far as they can help identify appropriate prevention strategies to combat the phenomenon.

9. Children concerned are both boys and girls aged up to 18 years. Though girls seem to be the majority, the number of boys who are victims of child sex tourism is probably largely underestimated due to the fact that homosexuality is still a taboo (and prohibited) in a number of countries. A recent UNICEF study found evidence of a lucrative and growing market for child sex tourism in the Caribbean region, based on several specific examples, such as the existence of an organised paedophile network in which specifically boys were targeted.⁷

10. The victims are often from socio-economically disadvantaged backgrounds: children with low or no education, children who are homeless, orphaned, working in the streets or trafficked, children from ethnic minorities, children affected by drug or alcohol abuse, etc. Some turn to prostitution due to a strong influence of materialism and consumerism, sometimes linked to peer pressure.⁸

11. Regardless of their background, all child victims of sex tourism suffer severe emotional, psychological and physical trauma as a result of their exploitation.⁹ The physical violence involved in the sexual exploitation of a child results in injury, pain and fear, while the psychological distress of sexual exploitation results in feelings of guilt, low self-esteem, depression, and can, in some instances, lead to suicide. Children are also more vulnerable to sexually transmitted infections, including HIV/AIDS.

12. Victims are often stigmatised by their community and have difficulty obtaining education. As a result, they don't develop as members of the community in the same way as other children do and it is more difficult for them to support themselves financially or to live independently as adults later in life. They are often trapped in a vicious circle where economic difficulties resulting from marginalisation leave them with no choice but to continue prostituting themselves.

3. European and international legal framework relating to child sex tourism

13. At international level, there is a large framework of standards for the protection of children against sexual exploitation. As a specific form of commercial sexual exploitation of children, child sex tourism is also indirectly addressed in this context.

14. The United Nations Convention on the Rights of the Child of 1989 (hereafter “the CRC”), which is the main international instrument in the field of protection of children's rights, promotes a comprehensive system of child protection from violence and sexual and other exploitation in its many forms. In particular, its Article 34 requires States Parties to protect children against “all forms of sexual exploitation and sexual abuse”, including prostitution and pornography. Moreover, recognising that sexual exploitation of children can involve cross-border aspects, the CRC requires States to not only take national but also bilateral and multilateral measures to combat the phenomenon.

7. www.unicef.org/infobycountry/files/Child_Sexual_Abuse_in_the_Eastern_Caribbean_Final_9_Nov.pdf.

8. See footnote 3.

9. “Raising awareness against child sex tourism in Canada – Combating child sex tourism by involving the Canadian private sector of travel and tourism and the Canadian public, 2009-2012”, International Bureau for Children's Rights.

15. The optional Protocol to the CRC, on the Sale of Children, Child Prostitution and Child Pornography, which entered into force on 18 January 2002, is the only universal treaty specifically addressing the issue of sexual exploitation of children. The protocol, in its preamble, refers to the widespread and continuing practice of sex tourism to which children are especially vulnerable, criminalises certain acts in relation to the sale of children, child prostitution and child pornography and encourages the strengthening of international co-operation and assistance and the adoption of extraterritorial legislation to combat these crimes.

16. Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, adopted by the International Labour Organization (ILO), in its Article 3.b, especially prohibits “the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances”.

17. At European level, Article 17 of the revised European Social Charter (ETS No. 163) contains the right of children and young persons to appropriate social, legal and economic protection. Sub-paragraph 1.b of Article 17 states that governments shall take all appropriate and necessary measures designed to protect children and young persons against negligence, violence or exploitation. The European Committee of Social Rights has interpreted the provisions of the Charter as the right of children to protection against all forms of sexual exploitation, in particular from involvement in the “sex industry”.

18. The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention, CETS No. 201) provides the most complete and advanced instrument aimed at protecting children against sexual abuse and exploitation of any form. In addition to addressing sexual abuse, child prostitution and pornography and coercing children into participating in pornographic performances, the convention deals with grooming and sex tourism. With the aim of combating child sex tourism, the convention establishes that individuals can be prosecuted even when acts are committed abroad and eliminates also the usual dual criminality rule, which requires that acts must be criminal offences in the place where they are performed. The Lanzarote Convention also requires States Parties to “encourage the private sector, in particular the information and communication technology sector, the tourism and travel industry and the banking and finance sectors, as well as civil society, to participate in the elaboration and implementation of policies to prevent sexual exploitation and sexual abuse of children and to implement internal norms through self-regulation or co-regulation”.

19. Since 2011, the Assembly has actively participated in the fight against sexual abuse and exploitation of children by developing the parliamentary dimension of the Council of Europe ONE in FIVE Campaign to stop sexual violence against children, aimed at promoting the Lanzarote Convention. Governmental and parliamentary action in the framework of this campaign has already led to a number of new ratifications of this text, which has now been ratified by 24 of the 47 member States.¹⁰

20. In addition, the Council of Europe Convention on Mutual Assistance in Criminal Matters (ETS No. 30) provides for mutual assistance between signatory countries in the prosecution of sex tourists. This is particularly useful for collecting evidence or hearing witnesses abroad.

21. Finally, a directive of the European Parliament and European Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography aims to reduce disparities in legislation between member States. It also encourages member States to increase judicial and police co-operation with third countries and international organisations with a view to combating sex tourism.¹¹

4. Effective policies to combat child sex tourism

22. Since the early 90s, an important number of initiatives have been put in place to combat child sex tourism, including by governments in association with the private sector, international organisations and numerous non-governmental organisations (NGOs) working in the field of child protection. Although these efforts have without doubt raised awareness of the problem, child sex tourism has not been eradicated and new destinations continue to appear. Child sex tourism is a phenomenon which involves a series of offences and many different players and facilitators. In a global approach to the problem, it is therefore important to get

10. Moreover, in its [Resolution 1099 \(1996\)](#) on sexual exploitation of children, the Assembly called on member States to work in close co-operation with countries whose children and young people suffer sexual exploitation by nationals of the member States in order to combat sex tourism abroad.

11. OJ 2011 L 335 of 17 December 2011, pp. 1-17. In this connection, see also Assembly [Resolution 1834 \(2011\)](#) on combating “child abuse images” through committed, transversal and internationally co-ordinated action.

as many of these players and facilitators involved as possible in order to prevent crimes being committed by travelling sex offenders. Co-ordinated action involving public, private and associative partners is needed to effectively protect children against such crimes from the very start or from repeated offences, to effectively prosecute offenders across national borders and to promote positive policies offering alternative living conditions to children concerned or threatened by such crimes. Globally, it is essential to continue increasing the awareness of children, parents, educators, tourism professionals and potential offenders of the seriousness of the crimes involved.

4.1. The role of the private sector

23. The private sector is an important partner for public authorities when it comes to fighting against child sex tourism. Since they are in direct contact with tourists, professionals working within the tourism industry have a key role to play in the protection of children from sexual exploitation by taking the message to tourists that sexual abuse of children is unacceptable and illegal, receiving reports from other tourists, distributing information materials to customers and reporting incidents to local police and NGOs. The tourism industry can also create education and employment opportunities for young people and co-operate with social welfare, police and other agencies in the development of national action plans.

24. A good example of engagement by the tourism industry is the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism. Initiated in 1998 by ECPAT Sweden in co-operation with Scandinavian tour operators and the World Tourism Organization (WTO) and elaborated by UNICEF, the WTO and ECPAT International, the code of conduct is an instrument of self-regulation, providing increased protection to children from sexual exploitation in travel and tourism. Today, over 240 tour operators, hotels, travel agents and their associations, as well as tourism workers' unions from numerous countries in Europe, Asia, North America and Central and Latin America implement the code globally.¹² Signed by many tourism companies, like Thomas Cook Northern Europe, Accord Hotels or Kuoni, it is already possible to see some of the positive effects of this joint approach.

25. The tour operators and their umbrella organisations, travel agencies, hotels, airlines, etc. who endorse the Code of Conduct commit themselves to preventing sexual exploitation of children by establishing a corporate ethical policy against such exploitation, training their personnel in both the country of origin and travel destinations, providing information to travellers and to local key persons at the destinations, that child sex tourism is illegal and has dire consequences for children (by means of catalogues, brochures, posters, in-flight films, ticket slips, luggage tags, home pages, etc.), introducing a clause in contracts with suppliers, stating a common repudiation of commercial sexual exploitation of children, and reporting annually on the implementation of these criteria.

26. States should not only encourage and reinforce such self-regulatory measures whereby the tourism industry follows responsible and ethical tourism practices, but should also raise awareness amongst the public to incite them to choose tourism professionals who are committed to combating child sex tourism.

4.2. Prevention

27. With a view to prevention, specific action first needs to be taken in the countries of origin of travelling sex offenders. Travellers should be widely informed about legal and social consequences linked to any form of sexual exploitation of children in order to prevent them from becoming "circumstantial offenders". They should be encouraged to remain vigilant and report any activity related to sexual abuse of children that they may witness.¹³ In this connection, it is also important that travellers are made aware of the channels that exist for reporting offences. Fighting against prejudice will also be important, for example when it comes to the conviction that people are more tolerant with regard to sexual relations with children in certain foreign countries, or that HIV is less transmissible to/from very young children.

12. Official website of the network: www.thecode.org; text available at: ECPAT International: Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism Background and Implementation Examples, www.ecpat.net/ei/Publications/CST/Code_of_Conduct_ENG.pdf.

13. In this context, there seems to be a great reluctance on the part of private individuals to report suspected commercial sexual exploitation of children. See "Child sex tourism, the sexual exploitation of children committed by Swedes abroad", Research report on the initiative of ECPAT Sweden, 2008.

28. Mechanisms to prevent potential “preferential offenders” and paedophiles from travelling abroad should be put in place. Such mechanisms already exist in the United Kingdom where all sex offenders who are on the Sex Offenders Register are required to notify the police of their intention to travel outside the United Kingdom for over three days (Notification order). Furthermore, Section 114 of the Sexual Offences Act (2003) provides for a civil, preventative order called a Foreign Travel Order (FTO). An FTO enables the courts to prohibit persons who are “qualifying offenders” (those guilty of sexual offences against a child under 16, either in the United Kingdom or abroad) from travelling abroad. If issued, an FTO will place a prohibition on a sex offender from travelling abroad either to a named country or countries, or to anywhere in the world other than a named country.¹⁴

29. Pre-employment checks through national criminal records or international sources with a view to evaluating suitability to work with children should be encouraged and facilitated, especially for locally run charity organisations, schools and orphanages in the countries of destination of travelling sex offenders. In this context, ECPAT UK notes that many child sex tourism cases coming to its attention now involve orphanages, children’s homes and schools. In 2006, two British nationals were prosecuted for sexually abusing children at an orphanage founded by one of them in India, and more recently another two British men were jailed for abusing children while working as caretakers at an orphanage in Albania.¹⁵ In a comprehensive approach to the problem, treatment of sexual offenders needs to be tackled as well.

30. Very often, new technologies are used to promote and facilitate child sex tourism. Planning to travel for sexual purposes and locating children or accessing child pornography are very easy via the Internet and mobile phones. Measures should be taken to prevent this kind of abuse on the Internet, such as setting up a list of suspicious websites, or creating “cyber patrols”. By means of its [Resolution 1834 \(2011\)](#) on combating “child abuse images” through committed, transversal and internationally co-ordinated action, the Assembly has shown its strong concern about this issue.¹⁶

31. Just as action taken in the countries of origin of sexual offenders is necessary, specific action also needs to be taken in the countries where children may be at risk of becoming victims of child sex tourism, including measures aimed at child sex tourists directly and those who bring children into contact with them (taxi drivers, waiters, landlords, etc.). In this connection, awareness-raising campaigns targeting host communities are very important,¹⁷ but risk factors increasing children’s vulnerability should also be tackled, including poverty, exclusion, abuse, dysfunctional families, the fact of belonging to ethnic minorities, lack of schooling or the insufficiency of national legal and law-enforcement systems, for example due to a high level of corruption (which is one of the main reasons why tourism professionals and victims are reluctant to report sexual abuse cases) – to name just a few. Access to education and alternative employment opportunities should be developed for at-risk young people.

32. The establishment of a centralised and reliable database system is also very important in order to understand the scope of the problem and establish appropriate prevention strategies.

4.3. Prosecution and international co-operation

33. It is essential to strengthen national legislation regarding the sexual exploitation and abuse of children by ensuring compliance with international standards, and in particular the Lanzarote Convention. National laws should be harmonised, based on common definitions (age of children, offences, etc.).¹⁸ Often, national laws protect human dignity or ban different forms of crimes related to sexual abuse in general, but they do not explicitly repress sexual tourism involving children.

14. Christine Beddoe, ECPAT UK, in her presentation to the Committee on Social Affairs, Health and Sustainable Development, in Moscow on 19 November 2012. For a detailed and critical analysis of the United Kingdom legislation and policy against the sexual abuse of children by British nationals who travel abroad, see the report “The end of the line for child exploitation”, ECPAT UK, 2006.

15. See footnote 6.

16. Resolution 1834 (2011) on combating “child abuse images” through committed, transversal and internationally co-ordinated action: “Child abuse images are not only the result and visual depiction of abuse, but may also incite new crimes and thus become a “multiplier” of the sexual abuse and exploitation of children.”

17. In the Philippines, several communities have volunteer patrols that monitor bars and brothels for the presence of children.

18. See footnote 3.

34. The age of consent, which refers to the age at which a person is considered legally able to engage in sexual activity, varies from country to country. It may also differ between genders (typically higher for males than for females) and may even depend on sexual orientation. Low ages of sexual consent increase children's vulnerability to sexual exploitation, especially when there are no legal provisions that define and prohibit child sexual exploitation in prostitution or pornography. It is therefore important that laws on sexual exploitation of children protect all children up to the age of 18, irrespective of the age of sexual consent.¹⁹

35. A legislative framework that criminalises child sex tourism as an extraterritorial offence must be created and implemented in all member States. Extraterritorial laws allow people to be prosecuted in their home country for acts committed abroad. Germany was the first in Europe to adopt such a mechanism in 1993.²⁰ By a 1994 law, revised in 1998, France has inserted this possibility into its Penal Code.²¹ Data from 2008 indicates that there are 44 countries that have extraterritorial legislation to prosecute their nationals for sexual exploitation of a child in a foreign country. Among these 44 countries, 22 are Council of Europe member States.²² The development of this kind of legislation should be encouraged across Europe, and its effective application monitored. Indeed, most of the time, child sex tourists are found to expect impunity, given that prosecution can prove extremely complex in the case of transborder offences. In this connection, ECPAT UK notes that only five British offenders have been prosecuted under the extraterritorial laws in the United Kingdom since 1997 (date that the extraterritorial law was introduced), and none since 2005, for sexually abusing children abroad, compared with over 65 cases in the United States and 28 in Australia.²³ States must show their willingness to expand and use extraterritorial jurisdiction. To that end, international co-operation and joint investigations for the prosecution of child sex tourism and related crimes should be strengthened.²⁴ Co-operation from the embassy of the suspected national is also important.²⁵

36. The double criminality rule, which requires that for extraterritorial legislation to be implemented, the act involved must be illegal according to both the laws of the offender's country and the country where the offence takes place, should be abolished regarding sexual exploitation of children.

4.4. Protection

37. In order to provide better protection, child victims of various offences, such as child pornography, should be identified as rapidly as possible. In order to facilitate the identification of sexual offenders, it is important to improve the international exchange of records of convicted sex offenders. Regular contributions to databases or other forms of co-operation between law-enforcement and border control agencies are welcome too. The Interpol database in the field of child pornography may serve as an example: the so-called "International Child Sexual Exploitation image database" was established in 2009, following a former database version that had existed since 2001. An international network of specialised police officers track down such images on the Internet and try to identify child victims depicted in photographs and films by sharing data with colleagues across the world.²⁶

38. Accessible means of communication have to be made available to children, with a view to making it easier for them to report abuse. In many countries, NGOs and governments are setting up free and anonymous hotlines and websites (for example, hotlines and websites have been set up to report child sex tourism in Brazil, Cambodia, the Dominican Republic, Malaysia and many other countries) where children (but also the public) can report cases of sexual exploitation. These tools are very helpful.

19. "Questions and Answers about the Commercial Sexual Exploitation of Children", op. cit.

20. Article 5-8 of the German Penal Code (Strafgesetzbuch).

21. Article 227-27-1 of the French Penal Code (Code pénal).

22. "Protecting children from sexual exploitation in tourism", an ECPAT Training Resource Kit, 2008. The 22 member States concerned are Andorra, Austria, Belgium, Bulgaria, Cyprus, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Slovenia, Spain, Sweden, Switzerland, Ukraine and the United Kingdom.

23. "Return to Sender, British child sex offenders abroad – why more must be done?", ECPAT UK, 2008.

24. The Australian Federal Police is based in a number of countries under co-operation agreements with a specific mandate to work together with their law-enforcement colleagues from other countries on joint investigations.

25. See footnote 14.

26. Victim identification, presentation of relevant Interpol action, available at: www.interpol.int/Crime-areas/Crimes-against-children/Victim-identification.

39. In view of the severe psychological and physical consequences and the stigmatisation as a result of exploitation, full support to child victims of sexual exploitation is of utmost importance in order to avoid new trauma and assist them with a view to their full rehabilitation. Irrespective of the age of consent for sexual relations and the legal or illegal character of prostitution, sexually exploited children must be considered as victims and not as criminals having engaged in activities that may be considered illegal.²⁷ Victims, but also witnesses, must be protected against any form of retaliation. They must be guaranteed confidentiality and safety as well as access to health care.

40. Professional training of teachers, educators, social workers, police officers, members of the judiciary and other professionals likely to come into contact with or care for child victims of sexual exploitation is essential because of the key role they may play in identifying and dealing with such victims. They must be encouraged to report any case of suspected sexual exploitation.

41. Rehabilitation and reintegration of victims through education is of the utmost importance with a view to fighting against stigmatisation and providing child victims of sexual exploitation with positive alternatives for generating an income for themselves and their families.

5. Conclusion

42. It is obvious that we cannot fight against travelling sex offenders without following a global approach. Indeed, one country alone cannot take effective action against sex tourism involving children, as measures concerning only its own territory would not have a sustainable impact. Isolated national action, for example by reinforcing legislation, would simply move the problem to neighbouring States, because “sex tourists” would turn to destinations where laws in this area are more flexible. Thus, the number of sex tourists (or child victims thereof) worldwide would not be reduced.

43. Amongst the legal action to be taken, further signatures and ratification of international standards are needed, followed by rigorous implementation of these standards. It is furthermore essential to strengthen national legislation regarding the sexual exploitation and abuse of children by ensuring compliance with these standards and their effective implementation. Finally, national legislation must provide for the prosecution of extraterritorial crimes.

44. In addition to legal action, committed policies are required with a view to acting against travelling sex offenders in their country of origin, mainly by awareness raising and international co-operation. More ethical tourism concepts should be developed and promoted amongst new partners. Good practice should be exchanged internationally in order to build sound child protection systems in as many countries as possible and protect victims of child sex tourism in a comprehensive manner, both in their own countries if they are locations of offences and in countries where their nationals go as travelling sex offenders. Child victims should first be provided with psychological support to help them recover. Efficient policies against child sex tourism and all related crimes should be aimed at supporting and promoting alternative living conditions for children, families and their communities where child prostitution is sometimes undertaken out of perceived economic necessity and a lack of alternative perspectives.

45. Stakeholders from the private and public sphere as well as civil society should be involved in the broadest manner possible. In this respect, new technologies such as the Internet and mobile phones, today used abusively to organise crimes against children in the most anonymous and discreet manner possible, should be employed more efficiently to identify both victims and offenders.

27. ECPAT, “Exploitation of children in prostitution, Thematic paper”, 3rd World Congress Against the Sexual Exploitation of Children and Adolescents, Rio de Janeiro, Brazil, November 2008, p. 43: www.ecpat.net/WorldCongressIII/PDF/Publications/Prostitution_of_Children/Thematic_Paper_Prostitution_ENG.pdf.