

The protection of children from sexual exploitation in tourism and the role of tourism professionals, NGOs and law enforcement

International expert meeting on combating child sex tourism
Berlin, 8, 9 and 10 March 2009



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The international meeting is part of the European project 'Offenders Beware' with ECPAT Germany, ECPAT the Netherlands, ECPAT Italy, ECPAT Austria and ECPAT Estonia. The aim of the project is to raise awareness, capacity and motivation for the protection of children from commercial sexual exploitation in tourism. The project is financed by the European Commission. In the Netherlands the project is financially supported by Plan the Netherlands.

Summary

In the expert meeting on 8, 9 and 10 March 2009 the role of tourism professionals as well as NGOs in tourism destinations and countries of origin were discussed in relation to law enforcement addressing the sexual exploitation of children. More than 40 participants attended the meeting from different tourism destination countries and countries of origin in Europe, from the tourism sector, from law enforcement and from NGOs.

In destination countries, the main triggering factors for sexual exploitation of children and the trafficking of children for sexual purposes are family and social violence, organized crime, migration and vulnerable borders. In most destination countries more local people than tourists abuse children. Sexual child abuse is seen as a minor crime. Many of the victims have a history of violence within their family, community or institutions. Some of them are from dysfunctional families, children of sex workers, orphans, child headed families, children living in hot spot areas, poor families, victims of trafficking, school drop outs and others are unable to resist peer pressure. The victims and families are often not supportive in rescue actions because they depend on the money that is earned with the prostitution of the minors.

International police enforcement, such as INTERPOL and EUROPOL are criminal intelligence agencies which collect, store and analyse intelligence. It has a coordinated role for law enforcement. Constraints that law enforcement experiences in the combat of sexual exploitation of children, is the lack of intelligence, the lack of cooperation with some Member States, the lack of feedback from the involved Member States, the lack of harmonization of age of consent and the slow flow of information at national level (from national to local police departments) and vice versa. The gathering of evidence in cases of child sex tourists is extremely complex. Cases are very time consuming and expensive with extraterritorial legislation. Sending countries should help build capacity at destination countries, train local police and help financing prison costs.

Defence lawyers seek mistakes in procedure. Therefore, interviews must be strongly documented, taken by the public prosecutor from the country of the offender and in no way leading. There is a great need of specialized prosecutors. It is important to look for other evidence than the statement of the victim(s). An interview should, if possible, be supported by a medical examination of the victim.

The Code International is currently changing its organisation and structure, and there is discussion about introducing fee-paying members and a system of remuneration for local partners. Now, there is no practical way of verifying the suppliers' or key-persons' loyalty to their pledge. However, there are signs of possible interesting developments in an all-round adoption of the Code. Local partners, such as ECPAT must fulfil a larger role in the future as national contact and information point. A big challenge is to increase the overall credibility of the Code. It should be looked into whether a merge with other systems is a possibility.

For the success of the Code, it is very important to have strong local partners. NGOs of South and West should exchange more information and experiences. It is important to create a multi agency environment and improve cooperation with law enforcement. More pressure should be put on governments, tour operators, key-persons and suppliers. The Code of Conduct should be included in National Action Plans. To persuade more travel and tourism organizations to sign the Code, the focus should be on a critical evaluation of the tourist system. It should be seen and used as a marketing advantage. There should be clear sanctions for Code members that don't report and are not actively involved.

There is a need of a practical training guide on how to deal with child sex tourists and child sex tourism as a whole. Tourist staff needs training on when, what and how to inform tourists about the issue, which tourists and how to report offenders.

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1. Introduction

In the expert meeting on 8, 9 and 10 March 2009 the role of tourism professionals as well as NGOs in tourism destinations and countries of origin were discussed in relation to law enforcement addressing the sexual exploitation of children. More than 40 participants attended the meeting. The responsibilities of and cooperation between the different stakeholders were discussed in preventing sexual exploitation of children and in reporting and investigating cases of child sex abuse and exploitation.

The following questions were addressed:

- How is the situation in the different countries concerning the sexual exploitation of children linked to tourism?
- What works well and what needs to be improved in tourism destination countries as well as countries of origin?
- What kind of laws do we have and how are they implemented? What is the role of the different stakeholders in combating child sex tourism?
- How is the cooperation between the stakeholders, what can and needs to be done to improve this?
- What is the role of the Code of Conduct for the protection of children from sexual exploitation in tourism? What can the signatories of the Code of Conduct do? How can we improve cooperation between the Code signatories and NGOs in countries of destination and countries of origin? How can we improve the cooperation with governmental organizations?

Participants with a law enforcement background, NGO background and tourism business background together discussed what is needed to make a multi stakeholder approach work with the aim to improve the protection of children and the prosecution of child sex exploiters. Several child sex tourism cases were presented. Here again the role of the different stakeholders in both tourism destinations and countries of origin were discussed.

The role that a tool like the Code of Conduct can play in enhancing the capacity of tourism professionals to help improving the protection of children and help law enforcement in apprehending and prosecuting child sex exploiters was one of the topics on the meeting.

The experts participating in this meeting came from tourism destination countries like Brazil, Costa Rica, Thailand, India, Kenya, South Africa, Philippines, Dominican Republic and countries of origin in Europe like Germany, Austria, Italy, the Netherlands, Estonia, UK, France, Sweden, Spain, Russia from the tourism sector, from law enforcement and from NGOs. There were plenary presentations, working groups, plenary discussions to come up with ideas for all the participants to take back to their respective organizations and help them to have more success in creating a protective environment for children.

The meeting was organized by ECPAT the Netherlands and ECPAT Germany. It is part of the European project 'Offenders Beware' with ECPAT Germany, ECPAT the Netherlands, ECPAT Italy, ECPAT Austria and ECPAT Estonia. The aim of the project is to raise awareness, capacity and motivation for the protection of children from commercial sexual exploitation in tourism. The project is financed by the European Commission.

2. Combating child sex tourism: the destinations point of view

2.1 Philippines (Shay Cullen, PREDA)

In the Philippines 30.000 girls are trafficked to work in the sex industry. The Philippines is a country with a high risk for children to be trafficked. Strangely enough in a country where many children are trafficked, there is no bureau to report missing children.

Only ten percent of the children who are working in the sex industry are boys. Especially young girls work as dancers for eight to twelve hours a day, receiving two dollars plus a small percentage of the bar fine. The customers in the bars where the girls work are mainly foreigners from Europe and North America. Many of these bars are also run by foreign people. That makes it hard for the local police to do surveillance because they are speaking in their own language. The young girls are held in houses away from the bar. Some girls sit behind webcams to invite foreigners. With cars the girls are brought to the hotels.

Girls are being recruited by means of depth bondage. The family gets money that must be paid back. Other girls are raped within their families or communities and run away. When living on the street, they are at great risk to be recruited to work in the sex industry.

The Philippines have implemented new laws to protect children. But to follow the legislation is very difficult because of corruption. For instance, PREDA wanted to rescue three girls with ages of thirteen and fourteen years from a bar. The police from the home town of these girls was very helpful, but had to inform the police department where the girls worked. When they got to the bar, it was closed. Luckily they were able to find the girls somewhere else.

The prosecution of offenders and pimps is very slow. PREDA supplied evidence for 35 cases against abusers and pimps. Six months later there was not even a preliminary research and after two years there was still discussion about the evidence and no decision was made whether or not to prosecute the cases. After such a long time many girls or witnesses are long gone. Not many organizations take care of the victims (witnesses) for years. There are only a few organizations working on legal cases, because of death threats they receive when interfering.

PREDA started in the 80s and has now 83 staff members. PREDA rescues children who are victim of commercial sexual exploitation and domestic abuse. PREDA takes care of the children. At PREDA 63 children live. The children are traumatized, but recover with the help of social workers and emotions release therapy. They are scarved, but become happy again. Many of the girls testify against their offenders and many of them graduate. PREDA gives preventive education, such as with poppet shows, to teach children how to protect themselves from being abducted. PREDA also tries to identify the big money makers behind the sexual exploitation of children, which are mostly politicians. Most of the times the head of the criminal organizations is never caught.

2.2 India (Rosemary Visnawath, Equations)

Tourism is rapidly increasing in India. In 1996 there were 2.29 million tourists going to India, in 2007 that number was more than doubled (5.08 million). In India there live 440 million children (19% of world population). Over fifty percent (53%) of these children is sexually abused. In India many boys work in the sex industry.

Reasons why so many children in India are sexually abused are because of child marriages (forbidden according to the law, but still happening because of tradition), children from low casts are given away for prostitution, Indian men have sex with young boys because wives approve to that as long as they have no sex with other women, and the request for young prostitutes increases because the chance that they are infected with HIV/Aids is smaller than

with older ones. Many of the children come from poor, low cast, illiterate families and nobody cares about what happens to them.

India has very weak laws for the protection of children and lack implementation. For instance, there is no legislation on child abuse, except for the Goa act (2005). Homosexuality is criminalized and there is no difference between adults and children. Therefore, many sex offenders are prosecuted for homosexuality in stead of the sexual abuse of children. But there is no choice, either the offender is punished under the homosexuality act or not at all.

Since 2005 there have been seven cases of child sex tourists and two convictions. Trials take very long and many tourists manage to leave the country. There was even one example where the tourist left the country on the basis of a fax stating that his mother was ill.

The Indian government gives no priority to change laws to protect children. Most people, also from the government, police and judiciary, see child abuse as a minor crime. There should be international pressure for awareness, international cooperation, coordination, education, research and implementation of Codes.

Equations is the only organization in India that fights against the sexual exploitation of children in tourism. Equations work closely together with other NGOs that work on children rights. It is very difficult for Equations to get information on for instance cases of child abuse.

2.3 Costa Rica (Milena Grillo, Paniamor)

Almost 1.500 million (1.400 million) tourists go to Costa Rica every year. The tourism industry is the major income of Costa Rica. The industry protects that. They don't want to offend tourists. There is much collaboration between development countries governments in Latin America, but the industry is not involved yet. The fact that Costa Rica has a status of a development country makes the country extra vulnerable. The main triggering factors for sexual exploitation of children and the trafficking of children for sexual purposes in Costa Rica are family and social violence, organized crime, migration and vulnerable borders. In Costa Rica, as in many other destination countries, sexual child abuse is seen as a minor crime and has no high priority. There are so many other more important crimes to solve.

A long time there was a denial that sexual exploitation of children in tourism happened in Costa Rica. Now it is accepted. After that acceptance, people in Costa Rica said all problems were the fault of foreigners. But most child sex abusers are Costa Rica citizens. Therefore, Costa Rica has separate campaigns for local and international sexual exploitation of children. The tourists who are sexually exploit children in Costa Rica are mainly from the USA, Canada, Spain, Italy and Germany. Most offenders are male situational offenders. Even though most perpetrators of sexual exploitation of children are local offenders, on images of child abuse, the perpetrators are always white. This is because of great international criminal networks, especially with sexual exploitation of children in tourism and travelling.

The victims of sexual exploitation in Costa Rica are mostly girls from the age of thirteen. The age difference with offenders is on average 25 to 40 years. Many of the victims have a history of violence within their family, community or institutions. The victims and families are not supportive in rescue actions because they depend on the money that is earned with the prostitution of the minors. There is a social tolerance for the sexual exploitation of children.

There are still gaps in the legislation in Costa Rica, but positive changes are already made. For instance, the legal protection of children until the age of eighteen, criminalization of all parties but the victim (client, various intermediaries and promoters, facilitators), higher jail penalties, prescription of criminal action until ten years after the victim becomes eighteen, possession of child pornography is penalized, internal trafficking in persons is criminalized and victims and witnesses are protected within the law.

Due to the economical crisis and the effect on development countries, more families become poor and more children are forced to work in the sex industry. Flight tickets and hotels become cheaper and funds to protect children from sexual exploitation decrease.

2.4 Brazil (Francesco Rosario, CTI-NE)

In 1997 there were 2.9 million tourists going to Brazil and in 2007 there were 5 million tourists. More than 60 percent (62%) of the tourists come from Europe. The income from tourism is increased from 1.1 billion dollars to 4.95 billion dollars in these ten years. During the 70's and 80's sex appeal was used to attract tourism. Now Brazil has a hard time to change that image because many tourists come for the sex industry. Nobody in Brazil takes responsibility for the problem of child sex tourism. The government says it is a problem for the police and the police says it is a problem for the NGOs to solve. Brazilians are reluctant to talk about the problem of sexual exploitation of children with other countries. Why tell outsiders about the problem?

Domestic abuse of children is a big problem in Brazil. Many victims of commercial sexual exploitation are already abused at home. In 2003 there were 4.380 reports of sexual child abuse, in 2008 that number was 32.485. Around five percent of these sexual child abuses is related to tourism. That means that in 2008 there were 1600 reports of sexual child abuse related to tourism. Of these reports, only one percent of the offenders (12) is actually convicted for the crime that they committed.

Trafficking of children for sexual purposes is also a problem in Brazil. Research of ECPAT Brazil revealed over 250 routes for the trafficking of children, mainly internal trafficking and with children from Paraguay, France Guyana and Suriname.

Children who suffer from sexual exploitation come from the poorest and most vulnerable social strata (Northeast). The children are both girls and boys. They live around big cities, capitals and beaches (tourists areas). Children working on seasonal tourism industry are extra vulnerable (handcrafts, guides and street market).

Brazil has good modern laws for the protection of children. The problem is the enforcement of the law due to corruption. There are specialized police teams for cases concerning minors. Each district in Brazil has its own Child Protection Council which is run by volunteers. It is easier for people to report domestic sexual abuse of children to these Child Protection Councils than to go to the police. The press is interested to report on sexual abuse of children, but it is difficult to have the right message.

The Integrated Tourism Commission of Northeast (CTI-NE) represents the Region's Institutional Tourism Sector of nine States. CTI-NE Foundation, the Brazilian Ministry of Tourism and EMBRATUR (Brazilian Tourist Board) have started a integrated regional approach. They organize regional seminars in the nine States and CTI-NE cooperates with EMBRATUR in international tourist fairs. The CTI-NE wants to improve hotlines (open 24 hours, link of local hotlines with national hotlines, language) and promotes the Code of Conduct for the protection of children against sexual exploitation in tourism.

2.5 Kenya (Elizabeth Wanguba, Solwodi)

Children as young as 13 years old and even younger are involved (girls and beach boys) in the sex industry. Some of them are from dysfunctional families, children of sex workers, orphans, child headed families, children living in hot spot areas, poor families, victims of trafficking, school drop outs and others are unable to resist peer pressure. There are middlemen who usually facilitate the process. They include pimps, bar workers, hotel waiters, parents, friends, etc. Children in child sex tourism offer sexual services to Kenyan beach boys, bar staff such as waiters and other men in order to have access to tourists. The

problem of child sex tourism is not seen as exploitation. Parents want their girls to be married to a white man, they think all their problems will then be taken away. Prostitution is a way to meet white men.

Sexual activities are not done in the open so identifying cases of child sex tourism is not easy. Perpetuators always escape easily. Many children are vulnerable and therefore being lured in commercial sexual exploitation, despite information given.

Italians, Germans and Swiss men are ranked as the top clients of under age girls at 18%, 14% and 12 % respectively. Ugandans, Tanzanians, British and Saudi Arabian men ranked 5th, 6th, 7th and 8th respectively. Almost 40 percent (39%) of the clients are Kenyan men.

In Kenya, sexual exploitation of children is a criminal offence under the Kenya's penal code. Kenya is an enactment of the Sexual Offences Act, the Children's Act and has a draft National Plan of Action for trafficking in persons. The Ministry of tourism is committed to promoting responsible tourism and creating awareness on responsible tourism in collaboration with other key stakeholders. The tourism industry is also involved in the combat to protect children from sexual exploitation. Already 40 hotels have signed the Code of Conduct and more are interested in signing. Hotels have contracts with their suppliers. Information materials are being displayed by the hotels and they train their staff. The tourism sector supports awareness events.

Solwodi is an NGO operating at the Kenyan coast. Solwodi targets female sex workers, sexually exploited youth and those at risk as well as victims of human trafficking. Solwodi creates awareness on social, economic, health and legal issues to the target population and the society at large. Solwodi lobbies for development policies which are gender sensitive and seeks cooperation with other organizations to increase program efficiency and effectiveness. Solwodi mobilizes resources from diversified sources to support an expanded programme.

3. Combating child sex tourism: the international law enforcement point of view

3.1 INTERPOL (Mick Moran)

INTERPOL is the world's largest international police organization, with 187 member countries. Created in 1923, it facilitates cross-border police co-operation, and supports and assists all organizations, authorities and services whose mission is to prevent or combat international crime. INTERPOL aims to facilitate international police co-operation even where diplomatic relations do not exist between particular countries. Action is taken within the limits of existing laws in different countries and in the spirit of the Universal Declaration of Human Rights.

Within the field of sexual exploitation of children, INTERPOL works on identifying victims and perpetrators on images of sexual abuse on the internet. There is a lack of centralization of these images. INTERPOL urges local police forces to send images of sexual abuse of children to the local INTERPOL office. When all images are concentrated in one database, victims and perpetrators can be identified more easily. Sometimes bed sheets are recognised of other pictures where the perpetrator is known. Especially in South-East Asia, the identification of children on images of sexual abuse of children is very difficult due to low police capacity and corruption.

INTERPOL has a Green Notice, which provides warnings or criminal intelligence about persons who have committed criminal offences and are likely to repeat these offences in other countries. INTERPOL works together with EUROPOL and the UK's Child Exploitation Online Protection (CEOP) Centre to identify, locate and arrest child sex abusers around the world.

Mick Moran asks everybody from the meeting to contact him when they have any information on victims or offenders of child sex crimes. Maybe he can not help, but he probably knows someone who does. That is the power of INTERPOL, sharing intelligence and cooperation.

3.2 EUROPOL (Torbjörn Ull)

EUROPOL is the European Union Law Enforcement Organisation that handles criminal intelligence. Its mission is to assist the law enforcement authorities of 27 Member States in their fight against serious forms of organised crime. EUROPOL has no executive powers. EUROPOL can only interfere in mandated crimes with two or more Member States. EUROPOL is a criminal intelligence agency which collects, stores and analyses intelligence. It has a coordinated role for law enforcement within the EU. EUROPOL can not initiate involvement. Member States must request its help.

NGO's can not initiate that EUROPOL starts a criminal investigation within Member States. And EUROPOL can not exchange information directly with a NGO. Therefore, NGO's can feel unappreciated because they hear nothing after a tip. However, NGO's fulfil an important role in the combat of sexual exploitation of children. They are the eyes and ears within a country. NGOs can use media to pressure politicians.

Constraints that EUROPOL experiences in the combat of sexual exploitation of children, is the lack of intelligence, the lack of cooperation with some Member States, the lack of feedback from the involved Member States. Also the lack of harmonization of Internet Service Providers on data retention, the lack of harmonization of age of consent, the lack of harmonization of classification of child abuse material and the slow flow of information at national level (from national to local police departments) and vice versa are problems that EUROPOL signals.

3.3 CEOP (Andy Wells)

The Child Exploitation and Online Protection (CEOP) Centre is dedicated to eradicating the sexual abuse of children. CEOP is part of UK policing and focuses on tracking and bringing offenders to account either directly or in partnership with local and international forces. CEOP also works abroad to track down UK civilians who sexually abuse children abroad.

CEOP has experts and provides trainings on the combat of sexual exploitation of children. It has special units, such as the Behavioural Analysis Unit, which focuses on improving and sharing understanding of how sex offenders operate and think. Working alongside law enforcement partners, the UK Human Trafficking Centre, the Serious Organised Crime Agency, the UK Border Agency, specialist charities and NGOs, the Child Trafficking Unit provides a focal point for the production and dissemination of knowledge, information and understanding on the nature and scale of the trafficking of children in the UK, along with policy, guidance and training on the best responses to the problems identified. CEOP also has a Most Wanted Initiative and raises public awareness.

The CEOP Centre concentrates on intelligence: how offenders operate and think, how children and young people behave and how technological advances are developing. CEOP stimulates cooperation between NGO's (which are in contact with victims), police forces and prosecutors and helps to build trust and capacity.

3.4 Police Schiphol Airport Netherlands (Henk van Ee)

On Schiphol there are more than 350 employees working on the crime department. There is also a department on Youth and Vice. The Youth and Vice department arrests couriers of images of sexual abuse of children and travelling sex offenders on Schiphol Airport. They search laptops, digital cameras and usb-sticks of travellers with a certain risk-profile. The department works closely together with the Dutch police, the Border Agency and EUROPOL to arrest child sex offenders.

3.5 CEO ForensikIT GmbH Germany (Thomas Hösel)

Technology that offenders use is extremely modern. CEO works to detect images of child sex abuse on laptops, digital cameras and usb-sticks.

4. Case studies: Multi stakeholder cooperation to combat child sex tourism

4.1 Cambodian child victims as witnesses in a German court procedure

A German sex tourist travelling to Cambodia (in summer 2006) was convicted in July 2008 to serve a sentence of six and a half years followed by a lifelong preventive detention. He was charged with sexual exploitation and bodily injury of at least five children because he knowingly took the risk of infecting the victims with HIV. The novelty of the case is the fact that several abused children from Cambodia came to Germany in order to testify against the offender. During the trial, German NGOs were very concerned about the well-being of the children/witnesses who came to Germany in order to testify.

4.2 Due to publicity reopening of case on German child sex offender

The case involves eleven elementary school children in the Philippines. All child victims benefitted from a scholarship offered by German national R.H. who has set up an un-registered foundation run from a rented vacation house in San Antonio, Philippines. The victims are girls from age seven to thirteen. The abuse took place from 2003 to 2004. A Philippine NGO provided legal assistance to the victims and their parents. Although only eleven children filed cases of rape, medical legal records of fourteen abused children were known to the Philippine NGO. In April 2004, after preliminary investigation, the Provincial Prosecutor's Office of Mindoro Oriental resolved to proceed with the trial. The court order allowed R.H. to post bail of PHP 200,000 and thereby avoid arrest and detention. R.H. slipped out of the country.

In May 2008, an Austrian citizen recognised R.H. on the site of a non-government children's rights organization in the Philippines. Allegedly R.H. was working at as a crossing guard at an Austrian school. Preliminary proceedings were opened in Germany. On April 22th, 2008, the Public Prosecutor's Department Aschaffenburg dismissed the action due to a lack of evidence. The decision was based on the testimonies of the eleven children. The prosecutor argued that some of the eleven children first had accused R.H. to have molested them but later had withdrawn their statements. The testimonies of the remaining four victims were found to be not precise enough. The prosecutor doubts the credibility of the victims due to their young age.

After the case was dismissed by the prosecution authorities of Aschaffenburg/ Germany, a German NGO cooperated with a well-known and serious print magazine. An article entitled "Daddy René's children" was published in October (Der Spiegel, 42/2008). The article put public pressure on the prosecution authorities. As a consequence, the case was re-opened. This was apparently also due to the children's lawyer actions, who was paid by a German NGO for children in need and who appealed against the dismissal of the action. This appeal was the last the lawyer could do, remedies having been exhausted.

A well-known and serious German TV channel is preparing a broadcast on R.H. in cooperation with a German NGO. Meanwhile, R.H. had to quit his job as a School crossing guard.

4.3 The Indian Calcutta case

On 18 December 2007 a 39-year-old unemployed man from Linz (living in Vienna) was sentenced to two years without probation. The court heard that the man, who had two similar previous convictions, travelled to India repeatedly for several months at a time. Witnesses said that he took small boys into this hotel room a few times per week. Two witnesses, an Australian living in Britain and a French citizen, who worked as volunteers for a charity in Calcutta, observed the Austrian in March 2006, when he went to his hotel with a boy, aged between six and nine. The two men followed the accused and watched him performing sexual acts on the boy via his hotel window. The referrer called upon ECPAT because after months of trying to get something done about this man he was at a loss to know what else to

do. He had been trying for months for action to be taken, and was not really getting any cooperation from any of the agencies.

The procedure was very slow because of the fact that Interpol Vienna was in contact with Interpol New Delhi about the case, but Interpol New Delhi was not really helpful. There were several stages of involvement of Indian authorities, but not very helpful. What really helped and made a difference was the fact that an Austrian police officer was, by chance, at the time of spring 2007 based at the Austrian Embassy in New Delhi on a different mission.

A difficult point in this case was that the victim and witnesses had to be heard by Austrian court. The accused paedophile denied the charges and said he travelled to India because he 'liked the culture' and appealed the verdict. After a lengthy spell of therapy he was staying away from children, the man said.

4.4 Comments of participants on cases

With taking interviews of child victims of sexual exploitation, it is very important that it is in no way leading. Defence lawyers seek mistakes in procedure. The interviews must be strongly documented, taken by the public prosecutor from the country of the offender and interviewers must be trained on how to interview children who are a victim of sexual exploitation. The case can be lost as a result of a bad interview. It is important that NGOs do not conduct the interview. Judges believe that NGOs influence the children. It is important to look for other evidence than the statement of the victim(s). An interview should, if possible, be supported by a medical examination of the victim.

The gathering of evidence in cases of child sex tourists is extremely complex. Cases are very time consuming and expensive with extraterritorial legislation. For that reason, the extraterritorial legislation should only be used as a last resort, only when suspects escape to their home land. States are responsible for their citizens. Therefore, sending countries should help build capacity at destination countries, train local police and help financing prison costs.

Public prosecutors evaluate the amount of work and the chance of success and sometimes choose not to proceed with the case. In these situations media attention can help to re-open the case. The problem with prosecutors involving cases of sexual exploitation of children is that there is no specialization. There is a new public prosecutor with every case. There is a great need of specialized prosecutors.

The opinion on bringing victims of child sex tourism to the country of the offender to make a statement is divided. Some participants say that children are best at home and that, when possible, digital images of the child abuse should be used as evidence. Other participants think that children have time to get rest because they are well taken care of in the rich sending countries.

Day, time, place, room number, what ever can be find out about suspects, must be written down in a notebook. Listen what the suspect says to the child or how the child calls the suspect. Male investigators can talk to the suspect and sympathise with him, he may tell more.

5. The Code of Conduct as a tool to combat child sex tourism

5.1 The Code International (Giorgio Berardi)

Through the Code of Conduct the tourism industry has been sensitized on a topic where no own responsibility was generally assumed. There has been a constant growth of Code members for the past ten years. But still, the full practical impact of the Code must be showed. Code members commit themselves to the following criteria:

1. To establish an ethical policy regarding commercial sexual exploitation of children.
2. To train the personnel in the country of origin and travel destinations.
3. To introduce a clause in contracts with suppliers, stating a common repudiation of commercial sexual exploitation of children.
4. To provide information to travellers by means of catalogues, brochures, in-flight films, ticket-slips, home pages, etc.
5. To provide information to local "key persons" at the destinations.
6. To report annually.

The Code International is currently changing its organisation and structure, introducing fee-paying members and a system of remuneration for local partners. These developments intend to create a recognised standard with consistent procedures and overall credibility. The fees must be implemented with extreme care.

Suppliers are third-party industrial/commercial actors of the Code. In theory, they are a second-degree replica of tourism signatories. In practice, a statement of intent on their part is the best involvement. The only leverage is that the tourism industry keeps strictly to its side of the deal and does not hesitate to cancel contracts if any malfeasance is proved. There is no practical way of verifying the suppliers' loyalty to their pledge.

Travellers (both foreign and domestic) also play an important role. Travellers can be potential offenders or part of the prevention network. They have no obligation to the Code per se, but – once duly sensitised – should feel the moral urge to take action where possible. Both signatories and local partners have an essential role in publicising relevant and up-to-date information and contacts.

Local 'key persons' have so far minimal engagement with few exceptions, although it is very important to have local connections and support. However, there are signs of possible interesting developments in an all-round adoption of the Code.

Local partners, which are ECPAT groups and others, are currently engaged with sharing of information, pre-signing assistance, training and the assistance with reporting. In the future these local partners should assist in monitoring and participate in regional events/campaigns. Engagement of local Code partners is not fully consistent. There is a need for partners to be remunerated in order to make the provision of services as consistent as possible.

A big challenge is to increase the overall credibility of the Code as opposed to other systems. Once the Code is sufficiently strong and recognised, it would be worth evaluating whether alternative code systems that may have been adopted can be absorbed into the Code.

5.2 The code in local destination Costa Rica (Milena Grillo, Paniamor)

The concept of sustainable tourism development in Costa Rica is applicable to all forms of tourism in all types of destinations, including mass tourism and the various niche tourism segments. Sustainability principles refer to the environmental, economic, and socio-cultural aspects of tourism development, and a suitable balance must be established between these three dimensions to guarantee its long-term sustainability.

The protection of children against sexual exploitation in tourism is based on the initiative launched globally by UN-WTO and ECPAT International in 2000 and inspired by the Rights of the Child. It developed as a project of the national tourism industry represented by the Association of Tour Operators and the Association of Professionals in Tourism, in partnership with the civil society represented by PANIAMOR also acting as the coordinating agency. The Code of Conduct was embraced by the local industry as a concrete and measurable expression of Sustainable and Responsible Tourism. All national industry chambers and associations subscribed the Code of Conduct.

In 2008 the expansion of the Code became a strategic action under the 2008-2010 National Plan of Action to eradicate commercial sexual exploitation of children. In 2009, a national public-private structure is formally created to give sustainability to the Code implementation as a national strategy sponsored by ICT. In 2010, the Code is to be introduced as an evaluation item for companies applying to the CR Tourism Sustainability Certification.

5.3 The code in local destination: Dominican Republic (Luiz Mendez, MAIS)

In most Latin-America countries more local people than tourists abuse children. But abuse by tourists is made more visible. That is why the Code of Conduct was introduced in the Dominican Republic. The response of the Ministry of Tourism and Travelling Associations to the Code of Conduct was not positive. With the help of ECPAT Italy, ECPAT Sweden and Unicef, MAIS convinced the government to actively combat child sex tourism. This started with a national campaign, which was also shown on television.

In the beginning of the Code in the Dominican Republic, there was no monitoring system and many organizations signed the Code without knowing what it meant. In 2006 there was a big conference on commercial sexual exploitation of children in tourism which had a great impact. Many local people who lived around tourist areas, taxi drivers, bus drivers, tourist guides and restaurant owners were present at the conference. The conference had raised much awareness, also among organizations that had always denied their responsibility.

The Dominican Republic is working on the combat of commercial sexual exploitation of children for over ten years. Unfortunately, there is no large change in the attitude or behaviour towards children. The problem is still increasing. The society is very tolerant towards sexual abuse of children. People say children want it and that they should be thankful that they can earn some money.

5.4 The code in sending countries: Germany (Mechtild Maurer, ECPAT Germany)

ECPAT Germany is the local partner for the Code in Germany. ECPAT Germany cooperates with the police, for instance to prevent that child sex offenders depart from Germany to destination countries. ECPAT Germany organizes two or three times per year workshops on the implementation of the Code. Other activities of ECPAT Germany are training of tourism personnel, develop Code material, give information on the Code on the ITB fair, lobby and evaluation. In the future ECPAT Germany will produce an in-flight spot, organize a national follow up on the third world congress on commercial exploitation of children in Rio de Janeiro and give input for the National Action Plan on commercial sexual exploitation of children in Germany.

For the success of the Code, it is very important to have strong local partners. NGOs of South and West should exchange more information and experiences. There should be an international hotline where offenders can be reported.

5.5 What experts think on the Code of Conduct (Celine Verheijen, ECPAT Netherlands)

The travel and tourism industry make efforts towards preventing and reducing the commercial sexual exploitation of children by implementing the Code of Conduct for the Protection of Children from Sexual Commercial Exploitation in Tourism. However, still many

tourism organizations are not actively involved in the combat against child sex tourism. Therefore, ECPAT interviewed 31 experts from tour operators, hotels, airline companies, NGO's, tourism schools and governmental organizations in five countries to gather opinions on how to improve signing, implementation, monitoring and communication of the Code of Conduct (the Code).

The main reason to sign the Code is out of economical interests. Tourism companies can distinguish themselves by acting socially and ethically acceptable and incorporate this in their marketing strategy. It also fits the trend of sustainable development. Child sex tourism is a real threat to the positioning of a country as a destination of sustainable tourism. It is also seen as a moral responsibility.

Organizations do not sign the Code because of fear of additional workload to train staff and report yearly. Some organizations don't sign because of economical reasons. Sending employees to trainings means an expensive non-productive working time to them. This argument is especially important for American companies and small enterprises. There is also the fear of losing costumers. They don't want to annoy clients with the subject, worry that clients believe they are taken for potential paedophiles. Additionally addressing this subject might tarnish the countries image as a tourism destination. Because of possible criminal structures in child sex tourism, tour operators don't encourage their clients and staff to get involved. And some organizations just don't recognize their responsibility or are not aware that a Code of Conduct exists. Therefore, ECPAT should make more tourism organizations aware of the problem of child sex tourism and the existence of the Code.

To persuade more travel and tourism organizations to sign the Code, the focus should be on a critical evaluation of the tourist system. It should be seen and used as a marketing advantage. Furthermore, ECPAT needs to actively support implementation.

To make reporting easier, the Code documents should be shorter and translated in the local language. Extensively reports can be done every three years and once a year through clear question lists. This will lift the workload of the reporting. A personal, detailed feedback on the reports for the Code is very important to create good will among the organizations. There should be clear sanctions for Code members that don't report and are not actively involved. This is important for the Code to be taken seriously.

There is a need of a practical training guide on how to deal with child sex tourists and child sex tourism as a whole. Tourist staff needs training on when, what and how to inform tourists about the issue, which tourists and how to report offenders. There should be guidelines, concrete examples, up-to-date information and local contact information. Tourist staff should have knowledge of things as risk areas, legal situation in both countries of origin and destination, roles and responsibilities of different actors and indicators of victims and child sex tourists.

The awareness raising activities should be done over a long-time period. There should be continuous trainings and awareness raising measures for tourism personnel. Seminars should be a habit for tourist industry personnel to enable discussion, sharing best practices, create a network and joint commitment in the combat against child sex tourism.

5.6 Extra comments of participants on the Code of Conduct

There is a lack of information exchange, everyone works very isolated. There is a lack of cooperation between the South and West. It is not clear who should be contacted in different countries if organizations want cooperation. Destinations can learn more from each other. It is important to create a multi agency environment. For instance, include civil society organizations in the Code, such as parents organizations and improve cooperation with law

enforcement. More pressure should be put on governments, tour operators, key-persons and suppliers. The Code of Conduct should be included in National Action Plans.

Organizations should not just sign and see what happens. Therefore, a proper monitoring system is needed. The annual reports of the Code should not only include positive actions, but also a critical analyse. The Code should be self-regulating. Companies should be the owners and include it in their company policy.

There should be a national contact point of the Code of Conduct such as the local ECPAT. For many organizations the role of ECPAT within the Code is not clear. Interventions of Code members to prevent commercial sexual exploitation of children should be documented. There should also be a systematic evaluation of the preventing effect.