Report of the thirteenth meeting of the

TASK FORCE

FOR THE PROTECTION OF CHILDREN IN TOURISM

(London, 10 November 2003)

1. The Task Force for the Protection of Children from Sexual Exploitation in Tourism held its thirteenth meeting in London on 10 November 2003, as part of parallel events held during the World Travel Market (WTM 2003). The meeting, which was attended by almost 50 delegates, had as main subject “Legislation and Law Enforcement” for the prevention of the sexual exploitation of children in tourism.

2. The Deputy Secretary-General of the World Tourism Organization (WTO), Dr. Dawid de Villiers opened the meeting by welcoming participants to the meeting to whom he recalled the role WTO was playing in the international campaign against sexual exploitation of children in tourism (SECT): to provide a forum at which the different tourism stakeholders (industry associations, governments, international organizations and NGOs) could meet to exchange ideas and share views on ways to prevent SECT, as well as to get the message through about the importance of tackling this problem worldwide. Only a few months ago, both President Bush and UN Deputy Secretary-General Louise Frechette had declared SECT as being a key issue which commands highest priority.

3. Dr. de Villiers continued by highlighting a few recent developments which took place since the last meeting in Berlin March 2003. He first informed about the transformation of the WTO into a fully-fledged specialized agency of the United Nations, which represents the recognition of the importance of tourism. This is significant for the understanding of the power of tourism which can be a better harness for dealing with major challenges, such as poverty, the role of women and children, the protection of the environment, etc.

4. He further announced the establishment of the World Committee on Tourism Ethics at the last WTO General Assembly in Beijing (October 2003), as a logical outcome after the adoption of the Global Code of Ethics in 1999, which has achieved international status with its recognition by the United Nations. The Code is a motivation to see that tourism is not only about profits, but also about people and society. To become a "living" instrument, the Code provides for a World Committee of experts in tourism and other disciplines, whose task will be monitoring the advancement and the implementation of the principles of the Code by governments and the private sector. The World Committee will hold its first meeting at the beginning of next year under its new Chairman, Mr. Diego Cordovez, a former UN Deputy Secretary-General and well-known international diplomat. Dr. de Villiers also informed that Ms. Marina Diotallevi, current coordinator of the Task Force, has also been entrusted with the Secretariat of the World Committee on Tourism Ethics.

5. As third last point on developments, Dr. de Villiers mentioned the ST-EP (Sustainable Tourism – Eliminating Poverty) initiative which received the full support of the WTO General Assembly. A foundation will soon be established which will also feature a strong academic component, tapping from research already existing in the field of poverty alleviation. A number of education institutions, including the WTO Education Council, have agreed to collaborate to bring about various proposals to make tourism more sensitive to the needs of rural and poor communities, and micro-projects viable.
6. To conclude, Dr de Villiers informed participants about the decisions taken by the Executive Committee of the Task Force at its meeting held the previous day, which are the following:

(a) to increase the number of the Executive Committee members by opening a seat for the hospitality industry to be held by Mr. Alain Philippe Feutré, Chief executive Officer of the International Hotel & Restaurant Association (IH&RA);

(b) to invite Ms. Lyndall De Marco, executive Director of the Youth Career Initiative at the International Business Leaders Forum (ITBL) to join the Executive Committee as Advisor on Corporate Social Responsibility;

(c) to replace the representative of the WTO Quality Support Committee to the Executive Committee of the Task Force by a representative of the World Committee on Tourism Ethics; and

(d) to explore ways to work closer with a number of international organizations, such as UNICEF, within the Task Force and in possible projects in this field.

7. Ms Marina Diotallevi, Task Force Coordinator, gave an update on the international campaign against the sexual exploitation of children in tourism and on the EU-funded projects in this field. She informed participants that the second phase (2002-2003) of this umbrella project carried out by WTO and its four NGO partners was finalizing at the beginning of January 2004, and that, at this stage, no new funding was expected from the European Commission due to the elimination of the budget line on which the current financial backing of the project was based. Alternative funding sources are being explored by WTO, which remains committed to pursue in any case its activities against SECT within the Task Force.

8. Among the various project activities carried out so far, the Task Force Coordinator mentioned the four WTO regional consultations (Costa Rica, Indonesia, Italy and Senegal) which took place in 2003, aimed at mobilising national tourism administrations and the industry sector to combat practices of SECT and to train their tourism professionals in this field. Special mention was made of the last, very successful African consultation which concluded with the adoption of the Dakar Declaration on the Protection of Children. She further informed participants about the pilot testing of the WTO training modules against SECT (for tourism professionals and for young people) which was taking place or was planned in France, Indonesia, Mexico, Morocco and Senegal, as well as of upgrade of the WTO website "Child prostitution in Tourism Watch".

9. As for the four NGO project partners, (a) the Family and Child Care Centre (FCCC) has distributed information brochures against SECT directly to tourists in international airports of Athens, Crete and Salonica in Greece and of Larnaka and Pafos in Cyprus; (b) Terre des hommes Germany has finalised the production of a thirty-second information spot called "Words" targeting young people and was screening it free of charge in eight TV channels in Germany and Italy; (c) the International federation of Journalists (IFJ) has developed a training module for journalists on how to report on child rights, in particular on child sex tourism, and has held workshops in Cambodia, India and Sri Lanka in Asia, and in Uruguay and Venezuela in the Americas; and the ECPAT/respect group (Austria, Germany, Italy, the Netherlands, Sweden and the UK) has been lobbying the tourism industry of their respective countries for the adoption of the Code of Conduct for the travel and tourism industry which has led to the signing of the Code by 43 tour operators and 3 hotel chains in 13 countries, both receiving and sending. The Code of Conduct has received the British Airways "Tourism for Tomorrow" 2003 Award as winner of the "Large Scale Tourism" category. The official launching of the Code of Conduct in the USA is planned to take place in April 2004 at the UNICEF Headquarters.
LEGISLATION AND LAW ENFORCEMENT FOR THE PREVENTION OF SECT

THE LEGAL FRAMEWORK

10. **Ms Muireann O’Briain**, Legal Advisor to ECPAT International, tried to guide participants through the legislative environment to combat SECT by starting to describe international instruments imposing legal obligations on states, such as the 1948 Universal Declaration of Human Rights, the 1966 International Covenant on Civil and Political Rights, and particularly the 1989 Convention on the Rights of the Child (CRC) and its Optional Protocol, the latter expressing concern at the spread of child sex tourism and requiring states to provide severe penalties to punish these offences, to establish extra-territorial jurisdiction for prosecuting offences committed abroad, and to allow for extradition of their nationals. Other important international instruments are the International Labour Office Convention 182 to eliminate worst forms of child labour, and the UN Convention against Transnational Organised Crime and Trafficking Protocol, which requires states to tackle trafficking of women and children for purposes of exploitation.

11. Ms O’Briain also mentioned the political commitments in relation to SECT made outside of the UN: in 1996, 122 governments got together in Stockholm with NGOs and international institutions and signed the Agenda for Action against the Commercial Sexual Exploitation of Children, in which child sex tourism was highlighted for the first time as a political issue. In 2001, 159 governments reaffirmed this global commitment in Yokohama, Japan, along with NGOs and international institutions, such as ILO-IPEC, UNAIDS, UNESCO, UNICEF, WHO and WTO/OMT, and, above all, the private sector whose “comprehensive, systematic and sustained involvement” has been recognized, through the workers’ and employers’ trade union organizations, members of the travel and tourism industry (airlines, hotels, tour operators and travel agencies, etc.) and the communications industry (e.g., internet service providers).

12. The Agenda for Action requires action at all levels, local, national, regional and international, and covers prevention, protection, recovery and reintegration. In the case of child sex tourism, the commitment specifically requires all the partners to develop, strengthen and implement laws to criminalize acts of nationals in countries of destination; to promote extradition to ensure prosecution in countries of origin or destination; and to strengthen law enforcement, including seizure of assets (in some countries, assets seized from businesses which have offended against children are being used to fund programmes for children).

13. According to Ms. O’Briain, with regard to sending countries, the following results have been achieved so far: the harmonisation of legislation and penalties in Europe, the prosecution without the complaint of the victim (the Netherlands), the prohibition on advertising of sex tourism especially if related to children, the requirement for tour operators to advertise on their travel literature that SECT is a crime (Italy), the holding of businesses responsible for offences involving sexual exploitation of children (by not keeping proper control over employees or by allowing the abuse to take place in the hotel premises), the criminalising the person attempting to buy sex with a child, the obligation for registered child sex offenders to notify police if they travel abroad (UK), etc. Both Australia and Italy were mentioned among sending countries, as good examples of national legislation against SECT.

14. As for receiving/destination countries, Ms O’Briain listed as important achievements: the improvement of legislation for child protection, including more severe penalties for exploiters and the protection of both girls and boys, the liability of tourist venues (resorts and hotels) for allowing local children in the rooms, the public identification of offenders, and the increased number of prosecutions of foreigners. However, Ms O’Briain also mentioned the weak points in
destination countries as being: the lack of adequate legislation and of police training and resources, the low level of law enforcement and the corruption among officials, low ages of protection (under 18 years of age) and failure to tackle local abusers (which represent the major percentage of child offenders). Among receiving countries, Brazil, the Gambia and Thailand were pointed out as best examples of legislation against SECT. Ms. O'Briain’s power point presentation is attached to this report.

ON-LINE LEGAL RESEARCH TOOL

15. Ms. Kathryn Devereux, a Business Lawyer and English barrister who collaborates with the Task Force, presented structure and content of the legal tool which will be hosted in January 2004 in the Task Force website "Child Prostitution in Tourism Watch". Ms Devereux explained the different categories of legal instruments related to human rights which will be featured on the site, grouped under international, European Union, European and national, for the latter also identifying extra-territoriality provisions. She further described the various jurisdictions before which states, institutions or individuals could bring claims related to the sexual exploitation of children.

15. With regard to national legislation, Ms. Devereux provided an example of laws existing in the United Kingdom, by mentioning the Sex Offenders Act of 1997, which had recently been amended by the Sexual Offences (Amendment) Act of 2000, and the Children Act of 1989. The United Kingdom had an unusual situation where the National Society of Prevention of Cruelty to Children, as a registered charity, had statutory authority to act. As EU Member State, the UK is obviously signatory of a number of EU treaties, such the Convention on Cybercrime, as well as of international treaties which can be found under the other relevant categories.

16. By end of January 2004, information sections on international, European Union and general European treaties should be available on the WTO website accessible through links into the sites which already host these instruments. National laws, at least from the European Union countries, will be posted no later than April 2004. Ms. Devereux’s power point presentation is attached to this report.

LAW ENFORCEMENT

17. Mr. Hamish McCulloch, Assistant Director for Trafficking in Human Beings at INTERPOL, is a UK police officer who has been seconded to the INTERPOL General Secretariat in Lyons. Mr McCulloch was Head of the Child Protection Unit in the UK police before joining INTERPOL, where he is now part of the Specialist Group on Crimes against Children, within Trafficking of Human Beings Department. This Group met for the first time in 1993, with initially 11 countries participating which, over the years, increased to over 40 countries and more than 100 participants. The Group works around four theme areas, which are: (a) missing and trafficking in children; (b) child prostitution and sex tourism; (c) child pornography; and (b) sex offender management. 18. Missing and trafficking in children, Mr McCulloch explained, mostly happen for labour and the sex industry. Developed countries tend to recognize recipients of children that are trafficked. However, in poor countries, e.g. in Western Africa, where children are trafficked from one country to another, legally the police has the competence to look for children on a national basis. Yet, policing on a national basis creates a number of problems, due to either the non-existence of laws or the different features and coverage of legislation. The main reasoning for INTERPOL to exist is to harmonize police investigations, to facilitate the exchange of information and to exchange best practices
19. Child pornography, means images of sexual abuse of children, which often is minimized by using the term of “kiddy porn”. It started to appear in the 1980s when the internet became available to the general public. Through the investigation of the Specialist Group of Interpol, several operations could be successfully carried out which led to prosecutions in various countries, including the USA, Canada and the UK.

20. Sex Offender Management, is an issue introduced in 1997 in accordance with the UK Sex Offenders Act, which imposes a registration requirement for convicted sex offenders. Similar legislation also exists Ireland and in several US states. Sex offender management aims to control and prevent abuse of children by measuring and assessing the risk of repeat offences.

21. Under Child prostitution and sex tourism, a new project was introduced which aimed at ensuring that children are protected from sexual abuse by collating information on abusers and making it available through the Interpol General Secretariat (IPSG) to police in specific regions. An Interpol Criminal Intelligence System (ICIS) database is held on persons convicted of crimes against children and its accessibility is being increased to reach more law enforcement officers, which can be accessed through an Internet communication system, the I-24/7, which provides a user friendly drop down menu for the dash board featuring complete information on known and suspected abusers. Concerning victim identification, Mr. McCulloch provided an interesting practical, step-by-step explanation on how young sex abuse victims appearing on images could be identified through victim identification workshops. A more detailed description of the project “children” is given in Mr. McCulloch’s power point presentation attached to this report.

22. During the questions and answers, Mr. Lucio d’Amore, National Expert at the Tourism Unit of the European Commission, took the floor to announce that, even if the budget line for child sex tourism had disappeared, the EC action on this issue is not finished since there were still 25 ongoing projects within the initiative for democracy and human rights. He also said that on 20 October this year, the European Council adopted a resolution on the initiative on trafficking in human rights and that it reached a political agreement on the proposal for a decision establishing a second phase of the DAPHNE programme, concerning the prevention and fighting of violence against children young people and women. EU Member States has agreed on the prolongation of this programme and for its funding with 50 million EUR in 5 years. Ms. Duni Jones, from the African Tourism Organization, took the floor to recall the role of the UN Special Representative for Children which was not mentioned by any of the speakers.

Next meeting

23. Ms. Marina Diotallevi concluded the meeting by thanking the three key-note speakers for their presentations and informed participants that the next Task Force meeting will be held in Berlin in the afternoon of 13 March 2004, in conjunction with the next year’s edition of ITB. This next meeting will be an open reporting session, which will provide the opportunity to governments, the tourism industry, international agencies and non-governmental organizations to report on progress made and on new innovations and initiatives. National tourism administration of WTO Member and non-member States and well as industry partners are invited to make presentations on their respective actions against SECT.