



SEXUAL TOURISM IMPLICATING CHILDREN: PREVENTION, PROTECTION, INTERDICTION AND CARE FOR VICTIMS

Organized by

The International Institute for the Rights of the Child (IDE)

In collaboration with

The University Institute Kurt Bösch (IUKB)
Swiss Foundation for Child Protection/ECPAT Switzerland
Swiss Centre for Expertise in Human Rights (SCHER)
SECO (*contacted*)

PROGRAM

- Course director:** **Prof. Stéphane Nahrath**, In charge of the UER in tourism studies, University Institute Kurt Bösch
- Dates:** October 15 to 18 2013
- Place:** Institut international des Droits de l'Enfant
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- Languages:** French and English, simultaneous translation available during plenary sessions

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CONTEXT

Sadly, the sexual exploitation of children is not a new phenomenon and exists in developed and developing countries. Such exploitation always carries an economic connotation, which differentiates it from sexual abuse; the gains go to adults, often parents, assuredly the “recruiters” and traffickers, all of the intermediaries and often to criminal organizations which establish systems of exploitation. Children, of whatever age, are always the victims and their “consent” to these practices is legally irrelevant.

What is new is the awareness that the international community has developed within the past 15 years on this issue; the new forms that exploitation has taken on and its scope are also new, and have been long underestimated. The sexual exploitation of children has clearly become a global issue.

The first World Conference against the commercial sexual exploitation of children was held in Stockholm in 1996. It revealed that child prostitution and pornography are a universal reality, and that the effect of exploitation are devastating upon the development of the child, a fact which was not sufficiently taken into account by the legislators of the 1989 Convention due to lack of reliable data; the Conference brought together over 120 States and numerous UN agencies and NGOs, and adopted the slogan *“The commercial sexual exploitation of children is a grave violation of children’s rights”*.

Two other World Congresses took place in Yokohama in December of 2001, thus strengthening the message that all children should be protected against all forms of sexual exploitation, while also lamenting the slow progress of the undertaken measures. The World Congress of Rio (2008) adopted a Declaration and a Call to States “to take action in order to prevent and put an end to the sexual exploitation of children and to bring help and support to victim children, by mobilizing all the public, private and academic partners”.

It is certain that the Convention on the rights of the child remains the main instrument insuring the protection of children against all forms of exploitation, namely sexual exploitation. The quasi-universal ratification of the instrument gives it an unprecedented scope and allows all actors to speak the same language in regards to the under 18. Nevertheless, the Convention was not explicit on the issue of the sexual exploitation of children, and in 2000 it was supplemented by the Optional Protocol on the sale of children, child prostitution and child pornography (OPSC), which has been ratified to date by 161 States. The Protocol is built upon the premise that all forms of sexual exploitation of children is criminal by nature, and that the perpetrators must be identified, prosecuted and punished, and that the victims must be protected, helped and supported. The penal character of the Protocol is manifest.

International legislation is supplemented by the Palermo Protocol and the ILO Convention 182 on the elimination of the worst forms of child labor; the European Council promulgated the Convention on the Protection of children against sexual exploitation and sexual abuse (also known as the Lanzarote Convention, which entered into force in 2010¹. This Convention goes further than the OPSC to oblige State Parties to criminalize actions which are not explicitly mentioned in the OPSC, such as recourse to child prostitution and possession of pornographic material. It also institutes an obligation for States to hold corporations criminally responsible in the event of an offense under the Convention (art. 26).

It is in this general context that, among the different expressions of sexual exploitation, sexual tourism is singled out as a problematic case, since it concerns both Northern countries, which supply the tourists, and Southern countries, which offer sexual exploitation of many children who are often in situations of negligence and most of the time in dire financial straits. While the case of sexual tourism may not be explicitly described by the Convention and its Optional Protocol, the phenomenon has been addressed by the UN Committee on the rights of the child very often, and

¹ .coe.int/Treaty/Commun/ChercheSig.asp?NT=201&CM=8&DF=7/

has been the object of recommendations on behalf of the Committee for very many countries. This phenomenon is global in scope and is not limited to some exotic destinations. Sexual tourism possesses an evolving and ever-changing character: as soon as prevention and protection efforts intensify in a given country, sexual tourists tend to simply travel to another destination.

According to estimates, sexual exploitation of children affects 2 million children world-wide; in fact, there is very little available reliable data relative to the specificity of this phenomenon in a tourism context; according to a questionnaire sent to States by the Special Rapporteur on the sale of children, child prostitution and child pornography², only 4 States out of 35 were able to provide data on the number of victims and perpetrators.

The 2013 international seminar discusses the relation between the sexual exploitation of children and sexual tourism in order to attempt to define its contours and its legal, economic, psychological, sociological and political dimensions. This delimitation seems to be necessary in order to comprehend the issue in relation to other factors such as poverty, exclusion, inequalities, access to information or to decent work, social norms and the vulnerability of certain categories of children.

Sexual tourism implicating children (STIC) presents an obvious cross-border dimension, even if the phenomenon sometimes occurs under the jurisdiction of a single State. The international aspect of the phenomenon must be taken into account, namely by examining the possibilities for States to exercise their jurisdiction in an extraterritorial manner, whether it be in concern to judgment or extradition. Also, considering that the sexual exploitation of children in a tourism framework is often at the hands of more or less structured organizations, or even companies and businesses which are highly prosperous and respected, it follows that States must be able to intervene legally against such organizations and not only against their leaders.

State obligations are crucial, since the governments are bound by international treaties and must implement the framework within which economic activities (public and private) are to be exercised, namely in regards to legislation; the States are those who must lead in terms of preventive measures (even if they delegate such issues to NGOs). Only the States possess the power to prosecute and punish the perpetrators and have the duty to insure the protection of victims during the procedure, as well as facilitate their rehabilitation.

Much has been done to raise awareness and call to action, especially by ECPAT International, the World Tourism Organization (WTO) and its worldwide ethical code of tourism (soft law), as well as by some States and other NGOs which are active in the area at a regional and local level.

Nevertheless, despite the progress that has been made, especially concerning the adoption of frameworks, pertinent international instruments and the existence of UN and regional control mechanisms, challenges persist in particular due to the lack of harmonization of national legislations, control mechanisms and auto-control in the tourism sector.

The IDE-IUKB 2013 international seminar aims to allow the community of actors in children's rights to pursue a reflection on this theme which is of interest to all States, which causes considerable economic effects, and above all, which has devastating effects on the development of victimized children.

OBJECTIVES

This seminar aims to:

- *to create a space for discussion and exchange* for the benefit of the concerned actors, to start the discussion on the impact of sexual tourism implicating children, to apprehend the obligations and responsibilities of the States and of the private sector actors,

² A/HRC/22/54 (2012)

- *to identify instruments, best practices and models* by exchanging concrete experiences between international organizations, NGOs, UN agencies, government officials, private industry, with the aim to better protect children's rights in this context,
- *to identify eventual synergies* between the diverse concerned actors and target possible actions in the short, medium and long-terms.

TARGET AUDIENCE

Representatives of State parties, members of parliament, actors in the tourism sector, members of NGOs in the area, UN organs, economists, social workers, sociologists, jurists, psychologists, researchers and students. All other persons concerned by the theme and the members of the media are welcome!

PROGRAM

TUESDAY 15 OCTOBER 2013

- 17:30 Registration and distribution of documents at the IDE
- 18:00 Opening ceremony and welcoming speech
Mr Maurice Tornay, President of the Government of the State of Valais
Mr Jean Zermatten, Director, International Institute for the Rights of the Child (IDE)
Prof. Philip D. Jaffé, Director, University Institute Kurt Bösch (IUKB)
- 18:15 Film (English, French) and debate cf. ECPAT
- 20:00 Welcome cocktails

WEDNESDAY 16 OCTOBER 2013

Chairperson: Mr Jean Zermatten, Director, IDE

Part I: Overview / Current situation

- 09:00 Welcoming addresses:
 - Representative of Switzerland
 - **Mr Christophe Darbellay**, President of the IDE
 - **Prof. Stéphane Nahrath**, in charge of the UER in tourism studies, IUKB
- 09:45 Lessons Learned from 30 years of Advocacy and Research on Child Sexual Exploitation
Prof. David Finkelhor, Professor of sociology Crimes against Children Research Center, University of New Hampshire, Durham, USA
- 10:45 *Break*
- 11:00 Legal aspects of sexual tourism concerning children
Ms Renate Winter, Member of the UN Committee on the Rights of the Child, Vienna, Austria
- 11:30 Economic aspects
Mr Frédéric Thomas, Associate Professor, University of Paris 1, France

12:00	Sociological aspects	Prof. Julia O'Connell Davidson , Professor of Sociology, University of Nottingham, UK
12:30	<i>Lunch break</i>	
13:45	The history of Stockholm, Yokohama and Rio: current actions, challenges	Ms Dorothy Rozga , Executive Director, ECPAT international, Bangkok, Thailand
15:00	Workshops	
17:30	Closing	
19:30	<i>Soirée valaisanne</i>	

THURSDAY 17 OCTOBER 2013

Chairperson: Prof. Philip D. Jaffé, Director, IUKB

Part II: Good and bad practices

09:00	The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism	Mr Andreas Astrup , General Manager, The Code (Organization) Bangkok, Thailand
09:30	A Swiss example	Mr Hans-Peter Egler , Head of Trade Promotion, Economic Cooperation and Development, Swiss State Secretariat for Economic Affairs (SECO)
10:00	<i>Break</i>	
10:30	The transparency of the Justice and the criminality in Brazil: the case of sexual tourism implying children	Juge Pedro Valls Feu Rosa , President of the Supreme Court of the State of Espírito Santo, Brazil
11:00	Europol's Project HEAVEN (Halting Europeans Abusing Victims in Every Nation)	Ms Anette Paavilainen , Europol - European Cybercrime Centre, The Hague, The Netherlands
11:30	Sexual Exploitation of Children and Adolescents in Travel and Tourism in the Dominican Republic. An anthropological perspective	Ms Alice Binazzi Daniel , Lecturer in Social Pedagogy, Department of Education Sciences and Psychology, University of Florence, Italy
12:00	"Don't Look Away Campaign" against sexual tourism implicating children	Ms Talia Bongni , Head of the Swiss Foundation for Child Protection/ECPAT Switzerland, Bern
12:30	<i>Lunch break</i>	
13:45	Panel: Work in network and partnership with the concerned actors: Ms Talia Bongni , Head of the Swiss Foundation for Child Protection/ECPAT Switzerland, Bern Mr Hans-Peter Egler , Head of Trade Promotion, Economic Cooperation and Development, Swiss State Secretariat for Economic Affairs (SECO) Mr Andreas Astrup , General Manager, The Code (Organization) Bangkok, Thailand Mr Matthias Leisinger , Vice President Corporate Responsibility, Kuoni Travel, Zurich	

14:45 Workshops

17:00 Closing

FRIDAY 18 OCTOBER 2013

Part III: What to do? / Where are we going? / Possible solutions

Chairperson: Ms Renate Winter, Member of the UN Committee on the Rights of the Child

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| 09:00 | What makes Switzerland regarding prevention, legislation and intervention regarding sexual tourism involving children? | Mr Bernardo Stadelmann , Deputy Director
Federal Office of justice, Bern |
| 09:45 | STIC: Crime against humanity? | Mr Bernard Boëton , Child Rights Advisor,
Terre des hommes - aide à l'enfance, Lausanne |
| 10:15 | <i>Break</i> | |
| 10:45 | Example of the Aidétous Association | Ms Florence Pasnik , President, Aidétous
Association, Paris, France |
| 11:15 | How to train professionals?
A question of prevention | Mr Olivier Beiner , Senior lecturer of
Accommodation product management and
Marketing, Hospitality Management School of
Lausanne
Ms Ursula Bubel Oehy , Dozentin, Tourism
School Academia Engiadina, Samedan and
Ms Claudia Galliker , Tourism Manager HF,
Wohlen |
| 12:00 | Risks to Children Associated
with Major Sporting Events | Prof. Celia Brackenridge , Professorial
Research Fellow, School of Sport and
Education, Brunel University London, UK |
| 12:30 | <i>Lunch break</i> | |
| 13:45 | Resume workshops and drafting of recommendations | |
| 15:45 | <i>Break</i> | |
| 16:00 | Recommendations emitted by the four workshop groups | |
| 16:45 | Summary | Prof. Stéphane Nahrath , Course Director |
| 17:15 | Closing ceremony | Mr Jean Zermatten , Director of the IDE |
| 17:30 | Closing | |

WEDNESDAY 16 OCTOBER 2013 FROM 15:00 TO 17:30

THURSDAY 17 OCTOBER 2013 FROM 14:45 TO 17:00

FRIDAY 18 OCTOBER 2013 FROM 13:45 TO 15:45

WORKSHOPS

Workshop 1: Responsibility of the States. What actions? What concrete applications of textes (prevention, legislation, intervention, extraterritorial competency)?

Facilitators: **Ms Renate Winter**, Member of the UN Committee on the Rights of the Child, Vienna, Austria
Juge Pedro Valls Feu Rosa, President of the Supreme Court of the State of Espiritu Sanctu, Brazil

Workshop 2 : The responsibility of private actors in the tourism sector : businesses and NGOs

Facilitators: **Ms Talia Bongni**, Head of the Swiss Foundation for Child Protection/ECPAT Switzerland, Bern
Mr Tristan Loloum, Teaching fellow, UER Tourism, IUKB

Workshop 3: The victims: comprehension, needs and care

Facilitators: **Prof. Celia Brackenridge**, Professorial Research Fellow, School of Sport and Education, Brunel University London, UK
Ms Alice Binazzi Daniel, Lecturer in Social Pedagogy, Department of Education Sciences and Psychology, University of Florence, Italy

Workshop 4: Networks, places and relations between the « supply » and the « demand »

Facilitators: **Mr Bernard Boëton**, Child Rights Advisor, Terre des hommes - aide à l'enfance, Lausanne
Dr. Elizabeth Milovidov, Esq., Associate Professor, University of Cergy-Pontoise School of Law; Children's Rights Advocate, The Crossing Guard (website and blog), France