



## **Introduction**

This submission by [ECPAT International](#)<sup>1</sup> (EI) is in response to the call for input issued by the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material regarding her upcoming final thematic report to the 43rd session of the Human Rights Council. This submission is based on previous research and activities conducted by EI and incorporates contributions made by members of the ECPAT Network for the purpose of this call.<sup>2</sup> This submission is complemented by a short annex including information with a particular national focus received by ECPAT members.

### **Context, awareness and attitudes underpinning the sale and sexual exploitation of children**

Establishing prevalence data for sexual exploitation of children (SEC) is highly complex, but the available evidence does show that children are increasingly vulnerable, and no region, country or child in the world is immune. There is no typical victim, offender or offence, but enabling factors like rapidly expanding access to the Internet and mobile technology and cheap travel are leading to more opportunities to offend – and to impact negatively on more victims.

Over the last 20 years, as the world rapidly became inter-connected through technology, children have been increasingly exposed to evolving risks online and some fell victims of harm through the misuse of technologies. The presence of millions of children active online, has made it easier for offenders to contact victims. Additionally, advances in technology enables perpetrators to use tools such as anonymous platforms, streaming services, encrypted communication systems and virtual currency, allowing them to easily share materials and communicate with each other through online communities.<sup>3</sup>

These developments have expanded the notion of online child sexual exploitation to include not only the production, possession and distribution of child sexual abuse/exploitation material (CSAM/CSEM) but also related harmful practices such as live streaming of child sexual abuse, sexual extortion and coercion online and grooming, among others.<sup>4</sup> Besides increasing children's vulnerability online, the rapid evolution of new technologies also poses a challenge for law enforcement, researchers and

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<sup>1</sup> ECPAT International is a global network of civil society organizations, working to eradicate all forms of sexual exploitation of children. Over the past 29 years, ECPAT has become the forefront international NGO network dedicated to end this severe form of violence against children, advocating for State accountability and more robust measures across sectors to enhance the protection of victims. ECPAT currently has 111 member organizations operating in 97 countries around the world.

<sup>2</sup> [Association Burkinabé pour la Survie de l'Enfance \(ABSE\)](#), [Association Meilleur Avenir Pour Nos Enfants \(AMANE\)](#), [Association Nigérienne pour le Traitement de la Délinquance et la prévention du crime \(ANTD\)](#), [CHS Alternativo](#), [Defence for Children - ECPAT Netherlands](#), [ECPAT Child Alert](#), [ECPAT France](#), [ECPAT Norway](#), [ECPAT/STOP Japan](#), [ECPAT Sweden](#), [ECPAT Taiwan](#), [ECPAT USA](#), [ONG Raíces](#), [STOP India](#), [Tacteen Naeil/ECPAT Korea](#), [Vietnam Association for Protection of Child's Rights \(VACR\)](#).

<sup>3</sup> ECPAT International (2017), [Briefing Paper: Emerging global threats related to the online sexual exploitation of children](#).

<sup>4</sup> *Ibid.*



advocates who often find themselves outpaced as they try to combat the ever-changing criminal threats.<sup>5</sup> It is also key to highlight that technology in general is used at any moment during the continuum of abuse and exploitation and not necessarily to only make contact with potential victims. This implies that the lines between online and offline are increasingly blurred and this should also perhaps invites relevant stakeholders to rethink the dichotomic view of abuse and exploitation being conducted either online or offline, that the community uses widely.

Similarly, despite huge strides forward in actions to protect children in this space, vulnerability of children continues to grow as the travel and tourism sector expands. Global travel and tourism has more than doubled in the last 20 years (and much more than that to some destinations), whilst new travel 'products' have been noted that put children at risk of exploitation such as 'voluntourism', orphanage tourism or mega events. Through research like the [Global Study on Sexual Exploitation of Children in Travel and Tourism](#) (SECTT), awareness has grown that travelling child sex offenders are not only international tourists, but in the majority of cases are regional and domestic travellers. No country is immune to this crime, and child protection regulations lag behind the unprecedented growth of travel and new forms of tourism and with technological advancements (like unregulated accommodation and ride-sharing). Globally, the number of convictions for travelling child sex offenders remains alarmingly low, and there is a chronic lack of reporting, weak legislation and under-resourced law enforcement.

Progress has been made in sensitisation on the issue of SECTT, which has been demonstrated through concrete [action](#) taken at national, regional and global levels as a part of the [Call for Action](#) from the first International Summit on Child Protection in Travel and Tourism that built strategic and synergistic alliances. It called upon all key stakeholders to adopt a comprehensive, child rights-centered and multi-stakeholder framework where all actors actively work together to end impunity of the travelling child sex offenders through: strong and sustainable evidence-based awareness; proactive, comprehensive, context-specific and sustainable prevention; strong and effective legal frameworks and access to child and gender-sensitive justice, protection, comprehensive care, and full recovery.

Noting the lack of evidence in the Pacific region on attitudes and perceptions towards the sexual exploitation and abuse of children, EI decided to develop a simple and cost-effective survey of 84 frontline workers about their [perceptions](#) of SEC in this region. This report was subsequently launched in Suva, Fiji in June 2018 unveiling interesting findings on the attitudes, perceptions not only of those workers surveyed but also of family and community members.

### **Risk factors, root causes and demand for the sexual exploitation of children**

As mentioned above, the growth of travel and tourism industry and the infrastructure that supports it has not been adequately matched by a growth in measures for child protection. In places like hotels, airports, tourist attractions, restaurants, bars, massage parlors and even on the street in plain view, children are at risk from travelling child sex offenders, who take advantage of poverty, social exclusion

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<sup>5</sup> ECPAT International (2018), [Trends in online sexual abuse material](#), 6.



and vulnerability to abuse and exploit. Travelling child sex offenders are increasingly using fast-developing technologies to commit their crimes, thus the nature of SECTT crime continues to evolve. The travel and tourism industry is in a unique position to identify the most vulnerable – and to prevent the sexual exploitation of children. Along with intergovernmental bodies, national governments and civil society organizations, it is an industry with both a legal obligation and moral imperative to take an active role in eradicating this crime. [The Code](#) (short for “The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism”) is one of the tools that supports the private sector in implementing child protection policies.

EI produced a paper, currently peer-reviewed, that summarizes existing literature on the typology of known offenders (demand side) involved in online child sexual exploitation. It explores some of the characteristics of known offenders as well as types of offending behaviour. While much is unknown, and it's important to understand that there is no one ‘typical offender’, analysis of crime data and other research is providing us with some insights that can inform our approaches to prevention and response.

#### **The overarching legal-normative framework, commitment and institutional capacity**

There have been clear signals of a growing awareness around SEC following intensive and strategic support provided to the African Committee of Experts on the Rights and Welfare of Children (ACERWC) and the Department of Social Affairs of the African Union. Key events resulted in the adoption –by AU Member States- of a [Declaration](#) containing relevant recommendations on strengthening regional and national strategies against OCSE during the first-ever organised [Day of General Discussion](#) on Online Sexual Exploitation of Children in Africa in the context of its 33rd session, where EI's technical role has been instrumental. This pro-active engagement with the ACERWC and the AU was conducted in close collaboration with EI network members.

With regard to the implementation of the recommendations of the Global Study to End the Sexual Exploitation of Children in Travel and Tourism, significant progress has been achieved in both Latin America and Southeast Asia. Parliamentarians from ASEAN countries unanimously adopted the [SECTT legal checklist](#), a tool designed to guide national legislation to further protect children from exploitation in travel and tourism. This happened during the 10<sup>th</sup> ASEAN Inter-parliamentary Assembly (AIPA) Caucus meeting hosted by the Parliament of Malaysia in June 2019. This is a milestone moment since this 24-point “check list” will help harmonize country level laws proposing some of the following concrete measures towards ending the sexual exploitation of children in travel and tourism in a region where the tourism industry is booming and SEC has long been a problem.

As for Latin America, the Regional Action Group of the Americas for the prevention of sexual exploitation of children in travel and tourism (GARA) which gathers the Ministries of Tourism from the region during its [annual meeting](#) (Guatemala, November 2018), took the decision to include in its [Plan of Action](#) 2018-2020 a reference to a global reporting mechanism upon EI inputs as an observer to the meeting and to the overall work of GARA.



## ECPAT INTERNATIONAL'S SUBMISSION FOR THE CALL FOR INPUT ISSUED BY THE SPECIAL RAPPORTEUR ON THE SALE AND SEXUAL EXPLOITATION OF CHILDREN

The international [Framework Convention on Tourism Ethics](#) that was adopted on 11 September 2019 by UNWTO constitutes a binding instrument of great significance at a time when children are more and more vulnerable to sexual exploitation in the context of growing travel and tourism as mentioned above. As a binding instrument, the UNWTO convention is expected to help to further engage key stakeholders to protect children in travel and tourism.

### **New and innovative strategies to effectively prevent and protect children from sale and sexual exploitation and Data and monitoring**

Informed by the 2018 WeProtect Global Alliance Global Threat Assessment and a desire to understand and deepen the impact of its existing investments, the [Fund to End Violence Against Children](#) decided to invest in research to strengthen the evidence base. As a result, late 2018 the Fund invited EI, Interpol and UNICEF Innocenti Center to partner and co-design and implement a project called Disrupting Harm. Together we generate new and unique evidence about the scope and nature of online child sexual exploitation and abuse in 14 countries in Southern and Eastern Africa and Southeast Asia through 14 comprehensive national reports and two regional reports that will present the evidence in three separate but interconnected areas: Context, Threats, and Children's Perspectives. The project was publicly launched on the [18 March 2019](#) with a duration of 25 months. This invitation is an acknowledgment by all the partners who are known expert key players in this field, that only work in close partnership across sectors can bring results and shed light on the true nature and scope of the problems and on the type of responses needed.

EI and its members continue to undertake and deliver on an ambitious programme of national, regional and global monitoring and advocacy, including activities to scrutinise governments' legislative and practical responses to sexual exploitation of children within their borders. One of our mechanisms is the development of country level overview reports on the sexual exploitation of children. The ECPAT Country Overviews provide an effective tool for monitoring progress, including on government commitments made in the SDGs to end violence against children in all its different forms by 2030 and are regularly used for national level advocacy by the ECPAT network and other partners as well as widely referenced.

In the Overviews, we gather and present all existing publicly available information on SEC into a comprehensive summary for a country (see recent examples for Mauritius and Iraq). They assess achievements and challenges in implementing counteractions to end SEC – including the participation of children themselves. The Overviews also suggest concrete priority actions urgently needed to proactively advance national strategies against SEC and enable the monitoring of the implementation of international instruments on child rights related to sexual exploitation that have been ratified by the State.

However, through this and other research activities, EI and its members noted that due to the nature of sexual exploitation, there is a lack of comprehensive systems for collecting disaggregated data on different manifestations of sexual exploitation. We consider that this seriously hinders the possibility to adapt effective strategies and the ability of our community to monitor them.



**Institutional accountability**

Human rights mechanisms have a special role to play in enhancing State Parties' accountability and the CSO sector, through the submission of alternative reports, can proactively support this role. This is why, EI has increased its engagement with human rights mechanisms advocating on the issue of SEC to first bring at the forefront of the legal and political agendas of these mechanisms and second at the center of the recommendations they make to State parties reporting to them under the Convention on the Rights of the Child, its Optional Protocol on the sale of children, child prostitution and child pornography and other human rights instruments.

Whereas the UNWTO Global Code of Ethics was a voluntary instrument, the above-mentioned recently adopted UNWTO Convention on Tourism Ethics as a binding instrument is expected to increase accountability in the travel and tourism sector to protect children in travel and tourism by providing a legal framework and enhance domestication of effective legal provisions. On the regional level, it is expected that AIPA resolution on Eliminating All Forms of Violence and Exploitation of Children that was adopted during the 40th AIPA General Assembly will lead to enforcement of legal interventions to harmonise legal frameworks in Southeast Asia to protect children from sexual exploitation in travel and tourism and to end impunity of offenders. The legal checklist could be adapted by other regions as an example of good practice to harmonise laws.

**The way forward:**

**1. Awareness- raising on the mandate**

A general lack of information around the existence, role and scope of the mandate has been observed at the national and regional levels. Increased media and political attention as well as a higher public profile, may strengthen the mandate, in that it will hopefully increase awareness on the role of the Special Rapporteur and in turn attract more attention to the topic of sexual exploitation of children and related issues both among national stakeholders but also the general public.

**2. Budget allocation**

It is our understanding that the Special Rapporteur does not have a specific budget allocated to perform the duties as per the established mandate. ECPAT reckons that this weakens the mandate of the Special Rapporteur and prevents her from having a stronger impact.

**3. Ratification of international instruments and follow-up on human rights mechanisms' recommendations**

The importance of ratification of international standards and implementation of SEC-related recommendations issued by Human Rights Mechanisms - such as the Committee on the Rights of the Child and the Human Rights Council - should be systematically brought forward by the Special Rapporteur. In particular, the mandate could increase its impact at the national level by advocating



with Governments for the ratification of the Convention on the Rights of the Child and its Optional Protocol on the Sale of Children Child Prostitution and Child Pornography; the timely submission of States' reports for reviews under the CRC, the OPSC and the Universal Periodic Review; and the implementation of those SEC-related recommendations which have not been addressed by the Governments.

#### **4. National legislation**

Although many countries have already ratified the major international instruments aimed at combating SEC, their correct domestication in national laws tends to be slower and challenging. The recent launch of the [Guidelines regarding the implementation of the OPSC](#), will provide a new momentum to enhance knowledge on SEC and request States to fulfill their obligations under the Protocol.

#### **5. Child, victim and survivor participation**

The Special Rapporteur should take every opportunity to strengthen children's participation and including them in meaningful ways. Children are experts of their everyday living environment and indispensable in analyzing and finding solutions for their problems. Therefore, participation should not be seen as a single activity but as a process and foundational principle.

In cooperation with civil society, the Special Rapporteur's booklet [Speak out against abuse](#) could be translated and disseminated to children and young people, and especially targeted towards child survivors and children at risk.

Building upon the experiences from the [Global Survivors' Forum](#) the Special Rapporteur could encourage and provide the leadership for the formation of survivors' groups and networks at national level. A continuous dialogue would provide the Special Rapporteur with crucial information and promote victims' right to be heard in decisions that affect them at national and international level.

#### **6. Tech trends affecting all forms of SEC**

An area of the mandate that needs strengthening or prioritising is around identifying new patterns of sexual exploitation of children, including online. Particularly, with changes around Internet-use norms it appears changes to the sexual exploitation of children is outpacing international and national child protection efforts and legislation.

An example being the use of Artificial Intelligence, whose rules, procedures and challenges are being increasingly discussed across sectors led by the International Telecommunications Union and other relevant actors. EI and like-minded organisations have a duty to advocate for potentially problematic areas to be looked at while celebrating progress made with intelligent and autonomous systems allowing among others, a faster detection of child sex predators and identification of child victims as disruptive technologies. See some key considerations to be taken into account when discussing AI, SEC and its impact on children [here](#) at the World Summit of the Information Society (WSIS), April 2019.